
A BILL FOR AN ACT

RELATING TO DENTISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 448-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§448-4 Fraudulent advertising.** It shall be unlawful for
4 any person to publish or circulate, directly or indirectly, any
5 statements relating to the person's practice of dentistry that
6 are or tend to be false, fraudulent, or misleading. A violation
7 of this section shall subject the licensee to the penalties
8 provided in section 448-17."

9 SECTION 2. Section 448-17, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The board shall refuse to issue a license to any
12 applicant who fails to meet all of the requirements imposed by
13 this chapter and may refuse to issue a license to any applicant
14 who has previously committed any act [~~which~~] that would, if
15 committed by a licensee, result in the revocation or suspension
16 of the license.



1 In addition to any other actions authorized by law, the
2 board may suspend or revoke any license issued under this
3 chapter and may fine a licensee for any cause authorized by law,
4 including but not limited to the following:

- 5 (1) Fraud in procuring license;
- 6 (2) Habitual intoxication or addiction to the use of
7 drugs;
- 8 (3) Wilful or repeated violations of the rules of the
9 department of health;
- 10 (4) Acceptance of a fee for service as a witness, without
11 the knowledge of the court, in addition to the fee
12 allowed by the court;
- 13 (5) Division of fees or agreeing to split or divide the
14 fees received for dental services with any person for
15 bringing or referring a patient;
- 16 (6) Assisting in the care or treatment of a patient,
17 without the knowledge of the patient or the patient's
18 legal representative;
- 19 (7) Employing, procuring, inducing, aiding, or abetting a
20 person not licensed [~~or registered~~] as a dentist to
21 engage in the practice of dentistry;



- 1 (8) Making any misrepresentations or false promises,
2 directly or indirectly, to influence, persuade, or
3 induce dental patronage;
- 4 (9) Professional connection or association with, or
5 lending one's name to another for, the illegal
6 practice of dentistry by another, or professional
7 connection or association with any person, firm, or
8 corporation holding oneself, themselves, or itself out
9 in any manner contrary to this chapter;
- 10 (10) By false or fraudulent representations, obtaining or
11 seeking to obtain practice or money or any other thing
12 of value;
- 13 (11) Practicing, either in the State or elsewhere, under a
14 name other than one's own;
- 15 (12) Any other improper, unprofessional, or dishonorable
16 conduct in the practice of dentistry; ~~and~~
- 17 (13) Violation of section 447-4~~[+]~~; and
- 18 (14) False or misleading advertising not otherwise provided
19 for under this subsection, including:
 - 20 (A) Advertising to the public as practicing a dental
21 specialty in which the dentist has not
22 successfully completed the education specified



1 for the dental specialty as defined by the
2 American Dental Association; and
3 (B) Using the following words in advertising
4 "endodontist", "orthodontist", "oral and
5 maxillofacial surgeon", "specialist", "board
6 certified", "diplomat", "practice limited to",
7 "pediatric dentist", "periodontist", or "limited
8 to specialty of" when the dentist has not
9 successfully completed the education specified
10 for the dental specialty as defined by the
11 American Dental Association;
12 provided that this paragraph shall not apply to a
13 dentist who advertises as being qualified in a
14 recognized specialty area of dental practice so long
15 as each advertisement, regardless of form, contains a
16 prominent disclaimer that the dentist is a general
17 dentist or that the specialty services will be
18 provided by a general dentist."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: Kirk Caldwell

JAN 15 2008



Report Title:

Dentists; False Advertising

Description:

Authorizes the board of dental examiners to sanction licensees for false or misleading advertising.

