
A BILL FOR AN ACT

RELATING TO DOCUMENTARY EVIDENCE.

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

1 SECTION 1. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§448- Retention of dental records. (a) Dental records
5 may be computerized or minified by the use of microfilm or any
6 other similar photographic process; provided that the method
7 used creates an unalterable record. The dentist shall retain
8 dental records in the original or reproduced form for a minimum
9 of seven years after the last data entry except in the case of
10 minors whose records shall be retained during the period of
11 minority plus seven years after the minor reaches the age of
12 majority.

13 (b) Records exempt from the retention requirement are:
14 public health mass screening records; pupils' health records and
15 related school health room records; preschool screening program
16 records; communicable disease reports; and mass testing
17 epidemiological projects and studies records, including



1 consents; topical fluoride application consents; psychological
2 test booklets; laboratory copies of reports, pharmacy copies of
3 prescriptions, patient medication profiles, hospital
4 nutritionists' special diet orders, and similar records retained
5 separately from the dental record but duplicated within it;
6 public health nurses' case records that do not contain any
7 dentist's direct notations; social workers' case records; and
8 diagnostic or evaluative studies for the department of education
9 or other state agencies.

10 (c) X-ray films, electro-encephalogram tracings, and
11 similar imaging records shall be retained for at least seven
12 years, after which they may be presented to the patient or
13 destroyed; provided that interpretations or separate reports of
14 x-ray films, electro-encephalogram tracings, and similar imaging
15 records shall be subject to subsection (e).

16 (d) Dental records may be destroyed after the seven-year
17 retention period or after minification, in a manner that will
18 preserve the confidentiality of the information in the record;
19 provided that the dentist retains basic information from each
20 record destroyed. Basic information from the records of a
21 dentist shall include the patient's name and birthdate, a list



1 of dated diagnoses and intrusive treatments, and a record of all
2 drugs prescribed or given.

3 (e) The dentist, or the dentist's successor, shall be
4 liable for the preservation of basic information from the dental
5 record for twenty-five years after the last entry, except in the
6 case of minors, whose records shall be retained during the
7 period of minority plus twenty-five years after the minor
8 reaches the age of majority. If the dentist is succeeded by
9 another entity, the burden of compliance with this section shall
10 rest with the successor. Before a provider ceases operations,
11 the provider shall make immediate arrangements, subject to the
12 approval of the department of health, for the retention and
13 preservation of the dental records in keeping with the intent of
14 this section."

15 SECTION 2. Section 622-51, Hawaii Revised Statutes, is
16 amended by amending the definition of "medical facility" to read
17 as follows:

18 ""Medical facility" means a hospital operated by a public
19 entity, a hospital licensed under chapter 321, the office of a
20 medical group practice, a licensed physician's office, a
21 licensed dentist's office, or any other type of facility where



1 medical records relating to the care or treatment of a patient
2 are kept."

3 SECTION 3. Section 622-58, Hawaii Revised Statutes, is
4 amended by amending subsection (f) to read as follows:

5 "(f) For the purposes of this section, the term "health
6 care provider" means as defined in section 671-1[-] but also
7 includes a licensed dentist."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2008.

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INTRODUCED BY: Kirk Caldwell

John M. [Signature]
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Report Title:

Medical Records; Dentists

Description:

Includes records kept by a licensed dentist's office as medical records subject to the requirements relating to documentary evidence. Requires the dentists to retain dental records.

