

JAN 17 2008

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# 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.

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INTRODUCED BY:

*R. O. Ojil*



**Report Title:**

Dentists; False Advertising

**Description:**

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

