

JAN 17 2008

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# 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



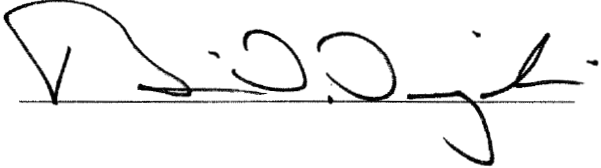
1 medical records relating to the care or treatment of a patient  
2 are kept."

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: 

**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.

