

Honolulu, Hawaii

MAR 20 2008

RE: H.B. No. 2301  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Health, to which was referred H.B.  
No. 2301, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DENTISTRY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit the interference in the practice of dentistry by an unlicensed person or entity; and
- (2) Prohibit the practice of dentistry in a commercial or mercantile establishment that is a business enterprise engaged in the selling of commodities or services unrelated to the practice of dentistry or other healing arts.

Your Committee received testimony in support of this measure from the Board of Dental Examiners, the Hawaii Dental Association, and sixty-eight individuals.

Your Committee finds that to protect the health and welfare of dental patients, licensed dentists should be held accountable for their actions and professional judgment. In addition, licensed dentists should have the ability to treat patients outside of regular business hours, particularly in emergency situations.



Accordingly, your Committee has amended this measure by:

- (1) Deleting language that states, "No person or entity without a license issued pursuant to this chapter shall direct or interfere with a licensed dentist's judgment and competent practice of dentistry";
- (2) Inserting language that clarifies that the licensed dentist shall not permit a non-dentist to direct or interfere with the licensee's professional judgment or patient care;
- (3) Exempting the State or any county, any legally incorporated eleemosynary dispensary or infirmary, private school, or welfare center from the prohibition of ownership and interference with the licensee's practice of dentistry;
- (4) Authorizing licensed dentists to have access to the dental office, facilities, and equipment necessary to provide service to the licensee's patients;
- (5) Deleting language that prohibits the practice of dentistry in a commercial or mercantile establishment;
- (6) Changing the effective date to "upon approval"; and
- (7) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2301, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2301, H.D. 1, S.D. 1, and be referred to the Committee on Commerce, Consumer Protection, and Affordable Housing.



Respectfully submitted on  
behalf of the members of the  
Committee on Health,

*David Y. Ige*  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>HB2301 HD1</b>	Committee Referral: <b>HTH, CPH</b>	Date: <b>3/14/08</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron				✓
WHALEN, Paul				✓
<b>TOTAL</b>	<b>3</b>			<b>2</b>

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:  


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