

JAN 23 2009

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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 to read as follows:

11 "**§448-17 Refusal, revocation, suspension, and**  
12 **administrative penalties.** (a) The board shall refuse to issue  
13 a license to any applicant who fails to meet all of the  
14 requirements imposed by this chapter and may refuse to issue a  
15 license to any applicant who has previously committed any act  
16 [~~which~~] that would, if committed by a licensee, result in the  
17 revocation or suspension of the license.



1        (b) In addition to any other actions authorized by law,  
2 the 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 or phrases in  
4           advertising when the dentist has not successfully  
5           completed the education specified for the dental  
6           specialty as defined by the American Dental  
7           Association:

8           (i) "Dental public health";

9           (ii) "Endodontics";

10          (iii) "Oral and maxillofacial pathology";

11          (iv) "Oral and maxillofacial radiology";

12          (v) "Oral and maxillofacial surgery";

13          (vi) "Orthodontics and dentofacial orthopedics";

14          (vii) "Pediatric dentistry";

15          (viii) "Periodontics"; or

16          (ix) "Prosthodontics";

17       provided that this paragraph shall not apply to a  
18       dentist who advertises as being qualified in a  
19       recognized specialty area of dental practice so long  
20       as each advertisement, regardless of form, contains a  
21       prominent disclaimer that the dentist is a general



1            dentist or that the specialty services will be  
2            provided by a general dentist.

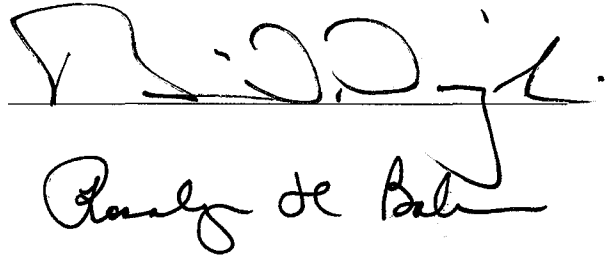
3            [~~(b)~~] (c) Any person who violates, or fails to comply  
4 with, any of the provisions of this chapter, the penalty for  
5 which is not otherwise provided, shall be fined not less than  
6 \$1,000 nor more than \$5,000."

7            SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

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

10

INTRODUCED BY:





**Report Title:**

Dentists; False Advertising

**Description:**

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

