
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 on January 1, 2090.



Report Title:

Dentists; False Advertising

Description:

Authorizes the board of dental examiners to sanction licensees for false or misleading advertising. Effective 1/1/2090.
(SB113 HD1)

