

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO DENTISTRY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 448-1, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§448-1 Dentistry defined; exempted practices.** (a) A  
4 person practices dentistry, within the meaning of this chapter,  
5 who represents oneself as being able to diagnose, treat, operate  
6 or prescribe for any disease, pain, injury, deficiency,  
7 deformity, or physical condition of the human teeth, alveolar  
8 process, gums, or jaw, or who offers or undertakes by any means  
9 or methods to diagnose, treat, operate or prescribe for any  
10 disease, pain, injury, deficiency, deformity, or physical  
11 condition of the same, or to take impressions of the teeth or  
12 jaws; or who owns, maintains, or operates an office for the  
13 practice of dentistry; or who engages in any of the practices  
14 included in the curricula of recognized and approved dental  
15 schools or colleges. Dentistry includes that part of health  
16 care concerned with the diagnosis, prevention, and treatment of  
17 diseases of the teeth, oral cavity, and associated structures



1 including the restoration of defective or missing teeth.  
2 Dentistry also includes tooth whitening services. The fact that  
3 a person uses any dental degree, or designation, or any card,  
4 device, directory, poster, sign, or other media whereby one  
5 represents oneself to be a dentist, shall be prima facie  
6 evidence that the person is engaged in the practice of  
7 dentistry.

8 (b) The following practices, acts, and operations,  
9 however, are exempt from the operation of this chapter:

10 (1) The rendering of dental relief in emergency cases in  
11 the practice of one's profession by a physician or  
12 surgeon, licensed as such and registered under the  
13 laws of this State, unless one undertakes to reproduce  
14 or reproduces lost parts of the human teeth in the  
15 mouth or to restore or replace in the human mouth lost  
16 or missing teeth;

17 (2) The practice of dentistry in the discharge of their  
18 official duties by dentists in the United States Army,  
19 the United States Navy, the United States Air Force,  
20 the United States Public Health Service, or the United  
21 States Veterans Administration;



- 1           (3) The practice of dentistry by licensed dentists of  
2           other states or countries at meetings of the Hawaii  
3           Dental Association or component parts thereof, alumni  
4           meetings of dental colleges, or any other like dental  
5           organizations, while appearing as clinicians;
- 6           (4) The use of roentgen and other rays for making  
7           radiograms or similar records of dental or oral  
8           tissues;
- 9           (5) The making of artificial restorations, substitutes,  
10          appliances, or materials for the correction of  
11          disease, loss, deformity, malposition, dislocation,  
12          fracture, injury to the jaws, teeth, lips, gums,  
13          cheeks, palate, or associated tissues, or parts, upon  
14          orders, prescription, casts, models, or from  
15          impressions furnished by a Hawaii licensed dentist;  
16          and
- 17          (6) The ownership and management of a dental practice by  
18          the executor or administrator of a dentist's estate or  
19          the legal guardian or authorized representative of a  
20          dentist, where the licensed dentist has died or is  
21          incapacitated, for the purpose of winding down,  
22          transferring, or selling the practice, for a period



1 not to exceed one year from the time of death or from  
 2 the date the dentist is declared incapacitated;  
 3 provided that all other aspects of the practice of  
 4 dentistry are performed by one or more licensed  
 5 dentists."

6 SECTION 2. This Act does not affect rights and duties that  
 7 matured, penalties that were incurred, and proceedings that were  
 8 begun, before its effective date.

9 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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**Report Title:**

Dentistry

**Description:**

Redefines the practice of dentistry to include tooth whitening.

