

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

**TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE**

AND

TO THE HOUSE COMMITTEE ON JUDICIARY

**TWENTY-FIFTH LEGISLATURE
Regular Session of 2009**

**Thursday, February 26, 2009
2:00 p.m.**

TESTIMONY ON HOUSE BILL NO. 1211, RELATING TO DENTISTS.

**TO THE HONORABLE ROBERT N. HERKES, CHAIR,
TO THE HONORABLE JON RIKI KARAMATSU, CHAIR,
AND MEMBERS OF THE COMMITTEES:**

My name is Jeffrey Miyazawa, D.D.S., Chair of the Board of Dental Examiners ("Board"). The Board appreciates the opportunity to testify in opposition to H.B. No. 1211, Relating to Dentists.

The purpose of H.B. No. 1211 is to authorize the Board to sanction licensees for false or misleading advertising.

The Board would like to inform your Committee as it has previously informed the Hawaii Dental Association ("HDA") that, pursuant to section 448-4, HRS, there currently exists language enabling the sanctioning of a licensee for false, fraudulent or misleading advertising. Further, we have been working with HDA on proposed rules that would further clarify this matter and have agreed on language very similar to the contents of this bill. At our Friday, February 27, 2009 board meeting, the Board plans to affirm rule

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amendments relating to false or misleading advertising, then move forward with the rules making process.

Therefore, the Board believes this bill is unnecessary as statutory provisions already exist to address this issue and it is redundant to the amendments being proposed to the Board's administrative rules. We therefore request the Committee to hold this measure.

Thank you for the opportunity to testify on H.B. No. 1211.

Hawaii State Legislature
State House of Representatives
Committee on Consumer Protection and Commerce
Committee on Judiciary

Representative Robert N. Herkes, Chair
Representative Glenn Wakai, Vice Chair
Committee on Consumer Protection and Commerce

Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Committee on Judiciary

Thursday, February 26, 2009, 2:00 p.m.
House Bill 1211 Relating to Dentists

Honorable Chair Robert N. Herkes, Honorable Chair Karamatsu, and members of the House
Committee on Health,

My name is Dr. Craig Mason. I am the President-Elect of the Hawaii Dental Association and I appreciate the opportunity to testify in support of HB 1211 Relating to Dentistry which authorizes the Board of Dental Examiners to sanction a licensed dentist for false or misleading advertising.

In every profession there are always a few individuals who stray beyond the boundary of the code of ethics. In Dentistry we have a few who advertise themselves to be specialists in areas that are not recognized as specialties, or in recognized specialties when they have not met the educational requirements for that specialty. This poses a threat to the public as they may seek specialty treatment from these individuals when they are not qualified to offer specialty care.

The Board of Dental Examiners is drafting changes to the Hawaii Administrative Rules which may or may not end up addressing this problem. It has been in process for three years and appears that it will take at least two more years to complete. There is no assurance that appropriate language will remain in the Rules by the time the process is completed. Meanwhile the public remains at risk.

Passage of this bill would provide immediate protection for the consuming public.

wakai1-Karen

From: Darrell [teruyadt@worldnet.att.net]
Sent: Tuesday, February 24, 2009 5:13 PM
To: CPCtestimony
Subject: testimony in support of HB 1211 allowing the Board of Dental Examiners to sanction licensees for false and misleading advertising Thursday, February 26, 2009; 2:00 p.m. Conference Room 325

COMMITTEE ON CONSUMER PROTECTION & COMMERCE Rep. Robert N. Herkes, Chair Rep. Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

Thursday, February 26, 2009; 2:00 p.m. Conference Room 325

HB 1211 (HSCR506) RELATING TO DENTISTS.

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

Thank you for the opportunity to testify in support of House Bill 1211 which allows the sanctioning of dental licensees for false and misleading advertising.

I'm a general dentist and have over 20 years of practice in the State of Hawaii. I do a lot of procedures in my office which can fall into the categories of periodontics, endodontics, pedodontics, prosthodontics and oral surgery. I strive to keep current of developments in dentistry and continue to take courses to improve my knowledge in these areas as well as others.

I cannot in good conscience call myself a specialist in any of these areas. A specialist is a has taken an additional year or more of course work in an institutional, usually academic, environment. A specialist has had exposure to a large number of challenging cases and is called upon to handle those situations deemed to be outside the expertise of a general dentist.

A specialist works hard to hold the respect and trust of the public and the referring dentist. The public is ill served by anyone who would misrepresent themselves as being a specialist. Guidelines would also help to ensure honest advertising in the dental profession.

The Hawaii Dental Association has, in the past, introduced this measure to the Hawaii Legislature. With the consent of the Board of Dental Examiners we agreed to have this concern addressed in Rules changes with the proviso that the process would take no longer than a year. This was my understanding since I presented oral and written testimony at the last hearing on this measure. Although the Board has made some headway in this matter it remains to be seen how this is being effected in an expeditious manner.

My wish is that our legislators see the value of this bill as valuable to the dental patients of Hawaii and not delay this issue any longer than is necessary.

Darrell Teruya, DDS
Immediate Past-President, Hawaii Dental Association