

SB 113

From: [Darrell](#)
To: [HTHTestimony](#)
Cc: [Darrell T Teruya](#)
Subject: testimony in support of SB 113 allowing the Board of Dental Examiners to sanction licensees for false and misleading advertising
Date: Saturday, January 31, 2009 2:17:31 PM

COMMITTEE ON HEALTH
Senator David Y. Ige, Chair
Senator Josh Green, M.D., Vice Chair

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn H. Baker, Chair
Senator David Y. Ige, Vice Chair

NOTICE OF HEARING

DATE:Monday February 2, 2009
TIME:2:45 PM
PLACE:Conference Room 016

Thank you for the opportunity to testify in support of Senate Bill 113 which allows the sanctioning of dental licensees for false and misleading advertising.

I'm a general dentist and have 20 years 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

From: [Russel Yamashita](#)
To: [HTHTestimony](#)
Subject: HDA Testimony on SB 113
Date: Sunday, February 01, 2009 4:13:43 PM
Attachments: [Test.False.Adv.1.31.09.doc](#)

Hawaii State Legislature
State Senate
Committee on Health
Committee on Commerce and Consumer Protection

Senator David Y. Ige, Chair
Senator Josh Green, M.D., Vice Chair
Committee on Health

Senator Rosalyn H. Baker, Chair
Senator David Y. Ige, Vice Chair
Committee on Commerce and Consumer Protection

Monday, February 2, 2009, 2:45 p.m. Room 016

Senate Bill 113 Relating to Dentists

Honorable Chair David Y. Ige, Vice Chair Josh Green and members of the Senate Committee on Health; and
Honorable Chair Rosalyn H. Baker, Vice Chair David Y. Ige and the members of the Senate Committee on Commerce and Consumer Protection

My name is Dr. Gary Umeda and I am the President of the Hawaii Dental Association and I appreciate the opportunity to testify in support of SB 113 Relating to Dentistry which authorizes the Board of Dental Examiners to sanction a licensed dentist for false or misleading advertising. I'm a general dentist and have over 33 years of practice experience in the State of Hawaii.

I perform numerous 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.

However, I can not in good conscience call myself a specialist in any of these areas. A specialist has taken at least an additional year or more of course work in an accredited University, or other 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 strives 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.

As an example, several years ago dentist on a neighbor island placed advertisements in the Yellow Pages and listed himself under a number of specialties. Though a general dentist can perform rudimentary and simple procedures in certain areas, it does not in any way imply that a general dentist can perform detailed, specialized and complex procedures in those areas of expertise.

In the last three legislative sessions, the HDA has introduced this bill for the sole purpose of protecting the public from deceptive advertising. The Board of Dental has stated that it intended to put these provision in SB 113 in the rule of the Board, but has not finished this process and the language it proposes does not in the view of the HDA provide the clarity necessary as provided in this bill. The HDA has in the last two legislative sessions agreed to the deferral of this bill based on the representations of the Board, but cannot in good conscious continue to wait for the rules to be passed while the public remains at risk.

Therefore, the HDA desires that in this legislative session the Hawaii State Legislature agree to the implementation of this proposed amendment in the hopes that the public will benefit from the passage of this bill.

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

TO THE SENATE COMMITTEE ON HEALTH

AND

TO THE SENATE COMMITTEE ON COMMERCE
AND CONSUMER PROTECTION

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Monday, February 2, 2009
2:45 p.m.

TESTIMONY ON SENATE BILL NO. 113, RELATING TO DENTISTS.

TO THE HONORABLE DAVID Y. IGE, CHAIR, AND
TO THE HONORABLE ROSALYN H. BAKER, 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 S.B. No. 113, Relating to Dentists.

The purpose of S.B. No. 113 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 agreed on language very similar to the contents of this bill.

Therefore, the Board believes this bill is unnecessary as 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 S.B. No. 113.