

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2015

Monday, March 23, 2015
2:45 p.m.

TESTIMONY ON SENATE BILL NO. 725, S.D. 2, RELATING TO DENTISTRY.

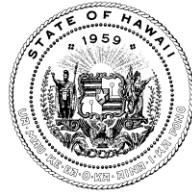
TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Mark Baird, D.D.S., Chair of the Board of Dental Examiners ("Board"). The Board appreciates the opportunity to offer comments on Senate Bill No. 725, S.D. 2, Relating to Dentistry.

The purpose of Senate Bill No. 725, S.D. 2, is to authorize the Board of Dental Examiners ("Board") to summarily suspend a license, establish procedures for the summary suspension, and establish a penalty for continuing to practice while the summary suspension of a license is in effect.

The Board supports the intent of this bill but notes that provisions are already in place in Chapter 436B, Hawaii Revised Statutes, Professional and Vocational Licensing Act, which may adequately fulfill the purpose of this measure.

Thank you for the opportunity to submit comments on Senate Bill No. 725, S.D. 2.



DAVID Y. IGE
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**PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE**

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

**TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2015**

**MONDAY, MARCH 23, 2015
2:45 P.M.**

**TESTIMONY ON SENATE BILL NO. 725 S.D.2
RELATING TO DENTISTRY**

**TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND TO THE HONORABLE JUSTIN H. WOODSON, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 725 S.D.2, Relating to Dentistry. My name is Daria Loy-Goto, Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following comments on the bill.

Senate Bill No. 725 S.D.2 authorizes the Board of Dental Examiners ("Board") to summarily suspend a license upon a specific determination that failure

to take action may result in an immediate and unreasonable threat to personal safety or fraud or misrepresentation upon consumers. The bill specifies the contents for an order of summary suspension, the means of service of an order for summary suspension, and the length of time a summary suspension order remains in effect.

Senate Bill No. 725 S.D.2 also affords the licensee an opportunity for a hearing if a summary suspension order is issued. In addition, the bill mandates that any attempt to practice or continuation of the practice of dentistry while the license is summarily suspended shall constitute grounds for revocation of the license. The bill's language is substantially similar to §453-8.4, Hawaii Revised Statutes ("HRS"), which allows the Hawaii Medical Board to summarily suspend a physician's license.

This Committee heard the companion measure, House Bill No. 268, and passed that bill out with amendments substantially similar to this bill. The House Committee on Judiciary, however, amended the bill to replace the Board's authority to summarily suspend a licensee with provisions that authorize the Director to issue cease and desist orders against unlicensed individuals and dentist licensees.

RICO prefers this bill over House Bill No. 268 H.D.2 because House Draft 2 inappropriately applies summary suspension proceedings for cases involving allegations of unlicensed activity.

Current law also allows for the summary suspension of a professional or vocational license when a licensee is determined to have engaged in conduct that is serious and harmful to the safety and welfare of the consuming public. See §436B-

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23, HRS. While RICO believes this language is adequate, it prefers the language in Senate Bill No. 725 S.D.2.

Thank you for the opportunity to testify on Senate Bill No. 725 S.D.2. I will be happy to answer any questions the members of the Committee may have.

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

State Representative Angus L. K. McKelvey, Chair
State Representative Justin H. Woodson, Vice Chair
Committee on Consumer Protection and Commerce

Monday, March 23, 2015, 2:45 p.m. Room 325
Senate Bill 725 SD 2 Relating to Dentistry

Honorable Chair Angus L. K. McKelvey, Vice Chair Justin H. Woodson and
members of the House Committee on Consumer Protection and Commerce,

My name is Russel Yamashita and I am the legislative representative for the Hawaii Dental Association (HDA) and its 960 member dentists. The Hawaii Dental Association is a statewide professional membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii Board of Dental Examiners. Hawaii Dental Association members are committed to protecting the oral health and well being of people of all ages. I appreciate the opportunity to testify in support of Senate Bill 725 SD 2 Relating to Dentistry.

This bill is similar to legislation that the HDA sought to have enacted in 2009, which would have empowered the Hawaii Board of Dental Examiners (BODE) to issue cease and desist orders to stop those persons who were practicing without proper licensure in Hawaii or whose conduct was in violation of the Hawaii statutes and rules governing the practice of dentistry. This bill addresses a problem that has arisen in which the BODE is unable to quickly address those situations where there is a clear violation of the Hawaii dental laws. Currently, the BODE cannot take immediate action necessary to stop those whose continued violation of the law constitutes a clear and present danger to the health and welfare of the public.

In this Senate Draft 2, this bill only remedies violations of the dental laws by licensed individuals. This draft overlooks those who are unlicensed and violate these statutes, which the original legislation covered. The HDA would like to have the BODE granted the authority over unlicensed activity, so that the public can be given the same level of protection against unlicensed individuals as with licensed ones.

Therefore, the HDA would appreciate amending this measure to extend the protections of this legislation for the public's benefit by authorizing the Board of Dental Examiners to have the authority to take similar action against unlicensed individuals in addition to licensees as the House Judiciary committee amended the companion measure to this bill, House Bill 268 House Draft 2. We commend the legislature for addressing this gap in our current law and look forward to working with you for the benefit of the public.