



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2017

GOV. MSG. NO. 1207

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2017, the following bill was signed into law:

HB561 HD2 SD1 CD1

RELATING TO DENTISTRY
ACT 106 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO DENTISTRY.

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

1 SECTION 1. The legislature finds that Hawaii has a culture
2 of respecting medical professionals, including dentists, and
3 many consumers are reluctant to challenge the qualifications of
4 health care practitioners who hold themselves out to be licensed
5 and duly qualified. Furthermore, concerns about a health care
6 practitioner may arise once a consumer has begun receiving
7 treatment and the consumer may not know where to seek
8 information regarding the practitioner's licensing status or how
9 to access prior complaint history.

10 The legislature further finds that the administration of
11 general anesthesia, deep sedation, or moderate (conscious)
12 sedation during routine dental procedures is a matter that
13 requires greater oversight than is currently required. While
14 the administration of such drugs can be done safely as part of a
15 routine dental procedure, it is important that the facilities,
16 equipment, and staffing of a dental practice that administers
17 these drugs are adequately equipped to respond to a patient who
18 may experience medical complications during a procedure. Safety



1 of patients is always of paramount concern, but is especially
2 important when the patients involved are small children, whose
3 age and size render them especially vulnerable to large doses of
4 anesthesia or sedatives.

5 The legislature additionally finds that if better standards
6 had been in place, the tragic death of three-year old dental
7 patient Finley Boyle could have been prevented. In December of
8 2013, Finley went to a dentist in Kailua and received the
9 maximum dose of five different sedative drugs. Subsequently,
10 she stopped breathing and suffered a heart attack and brain
11 damage. She died in hospice a few weeks later. The dentist in
12 question lacked any formal training in administering oral
13 sedatives to a child, but advertised her dental practice as
14 being one "for children".

15 The legislature notes that the current administrative rules
16 of the board of dental examiners authorize the board to conduct
17 an inspection and evaluation of the facilities, equipment, and
18 personnel of those applying for a written authorization or
19 permit to administer general anesthesia, deep sedation, or
20 moderate (conscious) sedation, but the rules do not make such
21 inspections mandatory.



- 1 The purpose of this Act is to:
- 2 (1) Require that every dental office in which general
3 anesthesia, deep sedation, or moderate (conscious)
4 sedation is administered display and keep in a
5 conspicuous place a notice containing contact
6 information for the consumer resource center of the
7 department of commerce and consumer affairs' regulated
8 industries complaints office, so that consumers can
9 verify that the dentist is licensed and holds a
10 current and valid written authorization or permit to
11 administer anesthesia or perform sedation, request
12 prior complaint history on a dentist or dental
13 licensee, or file a complaint against a dentist or
14 dental licensee, and that information on the special
15 privilege accorded to a dentist to administer
16 anesthesia or sedation is reported by the consumer
17 resource center upon request;
- 18 (2) Specify the requirements a licensed dentist must meet
19 to administer general anesthesia, deep sedation, or
20 moderate (conscious) sedation, including the
21 requirements that must be met prior to receiving a



1 written authorization or permit for the administration
 2 of anesthesia or sedation; and
 3 (3) Require the board of dental examiners to perform an
 4 on-site inspection of the facility, equipment, and
 5 personnel of a licensed dentist prior to the issuance
 6 or renewal of a written authorization or permit to
 7 administer general anesthesia, deep sedation, or
 8 moderate (conscious) sedation, including a requirement
 9 that a licensed dentist show proof of the dentist's
 10 written authorization or permit and resuscitation
 11 plan.

12 SECTION 2. Chapter 448, Hawaii Revised Statutes, is
 13 amended by adding three new sections to be appropriately
 14 designated and to read as follows:

15 "§448-A Notice to consumers. Every dentist who:
 16 (1) Is engaged in the practice of dentistry; and
 17 (2) Administers general anesthesia, deep sedation, or
 18 moderate (conscious) sedation,
 19 shall display and keep in a conspicuous place at the dentist's
 20 place of business a notice no smaller than eight and one-half
 21 inches by eleven inches. The notice shall explain that any



1 person may contact the consumer resource center of the
2 department of commerce and consumer affairs' regulated
3 industries complaints office to verify that the dentist is
4 licensed and holds a current and valid written authorization or
5 permit to administer anesthesia or perform sedation, request
6 prior complaint history on a dentist, or file a complaint
7 against a dentist, and that information on the special privilege
8 accorded to a dentist to administer general anesthesia, deep
9 sedation, or moderate (conscious) sedation is reported by the
10 consumer resource center upon request. The notice shall include
11 all available contact information for the consumer resource
12 center, including a telephone number. The text of all
13 information contained in the notice shall be in a font size no
14 smaller than one-half inch. A dentist who fails to ensure the
15 continuous display of such a notice shall be subject to the
16 penalties provided in this chapter.

17 §448-B Administration of general anesthesia and sedation;
18 requirements. (a) A licensed dentist shall administer general
19 anesthesia and sedation consistent with the current guidelines
20 and recommendations of the American Dental Association
21 Guidelines for the Use Of Sedation and General Anesthesia by



1 Dentists; provided that for pediatric patients, a licensed
2 dentist shall follow the American Academy of Pediatrics and
3 American Academy of Pediatric Dentistry Guidelines for
4 Monitoring and Management of Pediatric Patients During and After
5 Sedation for Diagnostic and Therapeutic Procedures.

6 (b) No licensed dentist shall administer or employ another
7 person, such as a physician or nurse anesthetist, who is
8 otherwise qualified in this State to administer general
9 anesthesia, deep sedation, or moderate (conscious) sedation for
10 dental patients, unless the licensed dentist possesses a written
11 authorization or permit from the board.

12 (c) A licensed dentist intending to produce a given level
13 of sedation shall have the capability to rescue patients whose
14 level of sedation becomes deeper than initially intended.

15 (d) Prior to receiving a written authorization or permit
16 from the board to administer general anesthesia, deep sedation,
17 or moderate (conscious) sedation, a licensed dentist shall apply
18 to the board, pay an application fee, and submit the following:

19 (1) Proof of completion of the following educational
20 training requirements:

21 (A) For general anesthesia and deep sedation:



- 1 (i) The applicant has completed an advanced
2 dental education program, accredited by the
3 Commission on Dental Accreditation and
4 approved by the board, that provides
5 comprehensive training necessary to
6 administer deep sedation or general
7 anesthesia and includes documented
8 proficiency in Basic Life Support for
9 Healthcare Providers and Advanced Cardiac
10 Life Support or Pediatric Advanced Life
11 Support as required pursuant to rules
12 adopted by the board; and
- 13 (ii) Evidence of the comprehensive training
14 required under clause (i) includes but is
15 not limited to: being a diplomate of the
16 American Board of Oral and Maxillofacial
17 Surgery; a fellow or member of the American
18 Association of Oral and Maxillofacial
19 Surgeons; or completion of an American
20 Dental Association-accredited residency in
21 Oral and Maxillofacial Surgery or Dental



1 Anesthesiology, and practicing in compliance
2 with that training;

3 (B) For moderate (conscious) sedation:

4 (i) The applicant has completed a comprehensive
5 training program at the postgraduate level
6 that meets the moderate (conscious) sedation
7 program objectives and content as outlined
8 in the current American Dental Association
9 Guidelines for Teaching Pain Control and
10 Sedation to Dentists and Dental Students;
11 and

12 (ii) The training program required under clause
13 (i) shall be a minimum of sixty hours of
14 instruction, include supervised management
15 of at least twenty moderate (conscious)
16 sedation patients with clinical experience
17 in managing the compromised airway and
18 establishment of intravenous access, and
19 provide current documented proficiency in
20 Basic Life Support for Healthcare Providers
21 and Advanced Cardiac Life Support or



1 Pediatric Advanced Life Support as required
2 pursuant to rules adopted by the board; and

3 (C) A dentist administering general anesthesia or
4 moderate sedation shall be required to complete
5 the Advanced Cardiac Life Support course or, if
6 treating pediatric patients, the Pediatric
7 Advanced Life Support course; provided that both
8 courses shall be completed if the dentist is
9 treating pediatric patients and minors thirteen
10 years or older;

11 (2) In lieu of the requirements of paragraph (1) (A) and
12 (B), proof that the licensed dentist employs or works
13 in conjunction with a physician who specializes in
14 anesthesiology and is licensed pursuant to chapter
15 453, or a certified registered nurse anesthetist, who
16 holds a license in good standing pursuant to chapter
17 457; provided that the physician who specializes in
18 anesthesiology or certified registered nurse
19 anesthetist shall remain on the premises of the dental
20 facility until the patient is fully recovered and
21 discharged from the facility; and



1 (3) Proof of the following facility and staff
2 requirements: The applicant has a properly equipped
3 facility for the administration of general anesthesia,
4 deep sedation, or moderate (conscious) sedation
5 staffed with a supervised team of auxiliary personnel
6 capable of reasonably handling anesthesia procedures,
7 problems, and emergencies incident to the
8 administration of general anesthesia, deep sedation,
9 or moderate (conscious) sedation; provided that the
10 current version of the American Dental Association's
11 Guidelines for the Use of Sedation and General
12 Anesthesia by Dentists and the most current edition of
13 the American Association of Oral and Maxillofacial
14 Surgeons' Office Anesthesia Evaluation Manual are
15 referenced as minimum standards of care; provided
16 further that adequacy of the facility and competence
17 of the anesthesia team may be determined by the
18 consultants appointed by the board pursuant to section
19 448-C(a), and as provided in rules adopted by the
20 board.



1 (e) A licensed dentist who has received a written
2 authorization or permit pursuant to this section to administer
3 or employ a qualified person to administer general anesthesia,
4 deep sedation, or moderate (conscious) sedation shall renew the
5 authorization or permit biennially and pay a biennial fee. As a
6 condition of renewal, the licensed dentist shall show proof of
7 the dentist's written authorization or permit issued pursuant to
8 this section and resuscitation plan.

9 (f) The board may, at any time, reevaluate the
10 credentials, facilities, equipment, personnel, and procedures of
11 a licensed dentist who has previously received a written
12 authorization or permit from the board to determine if the
13 dentist is still qualified to have a written authorization or
14 permit. If the board determines that the licensed dentist is no
15 longer qualified to have a written authorization or permit, it
16 may revoke or refuse to renew the authorization or permit, after
17 an opportunity for a hearing is given to the licensed dentist.

18 §448-C Inspection of facilities, equipment, and personnel.

19 (a) Prior to the issuance or renewal of a written authorization
20 or permit pursuant to section 448-B, the board shall, in
21 addition to other requirements established by statute or



1 administrative rule, require an on-site inspection of the
2 facility, equipment, and personnel to determine whether the
3 facility and staff requirements pursuant to section 448-B(d)
4 have been met. The inspection to determine whether the facility
5 is adequate and properly equipped may be carried out in a manner
6 that generally follows the guidelines, standards, requirements,
7 and basic principles as described in the most current edition of
8 the American Association of Oral and Maxillofacial Surgeons'
9 Office Anesthesia Evaluation Manual. The inspection and
10 evaluation shall be carried out by a team of consultants
11 appointed by the board.

12 (b) Written authorizations and permits subject to section
13 448-B shall be issued only to those applicants whose facilities,
14 equipment, and personnel have been deemed adequate pursuant to
15 this section."

16 SECTION 3. No later than July 1, 2018, the board of dental
17 examiners shall adopt rules, pursuant to chapter 91, Hawaii
18 Revised Statutes, to effectuate the purposes of this Act.

19 SECTION 4. In codifying the new sections added by section
20 2 of this Act, the revisor of statutes shall substitute

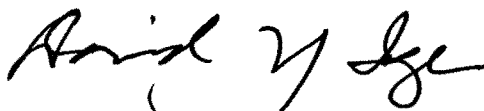


1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 5. New statutory material is underscored.

4 SECTION 6. This Act shall take effect on July 1, 2017.

APPROVED this 10 day of JUL , 2017



GOVERNOR OF THE STATE OF HAWAII

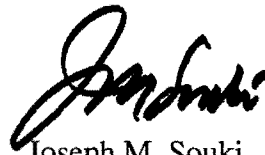


HB No. 561, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives





Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate