

Honolulu, Hawaii

MAR 01 2018

RE: S.B. No. 738

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 738 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE PRACTITIONERS,"

begs leave to report as follows:

The purpose and intent of this measure is to require  
specified health care practitioners to disclose to patients the  
practitioner's name, license, highest level of academic degree,  
and board certification, where applicable.

Prior to a hearing on this measure, your Committee posted and  
made available for public review a proposed S.D. 1, which deletes  
the contents of this measure and inserts language to expand the  
pool of orthodontists who are eligible to perform medically  
necessary orthodontic services for treatment of certain orofacial  
anomalies for which health insurance coverage is mandatory.

Your Committee received testimony in support of the proposed  
S.D. 1 from Lifetime of Smiles Hawaii and eleven individuals.  
Your Committee received comments on the proposed S.D. 1 from the  
Department of Health, Hawai'i Pacific Health, Hawaii Medical  
Service Association, and Hawaii Dental Association.

Your Committee finds that existing law requires health  
insurance coverage of medically necessary orthodontic services for  
the treatment of certain orofacial anomalies, but requires these



orthodontic services to be provided by a licensed dentist with a certification in orthodontics by the American Board of Orthodontics. Your Committee notes that a certification by the American Board of Orthodontics is voluntary and not required to practice orthodontics in the State.

Your Committee further finds that the American Board of Orthodontics certification requirement has limited the number of orthodontists in Hawaii who can perform medically necessary orthodontic treatments for individuals with orofacial anomalies. According to testimony received by your Committee, of the approximately forty orthodontists in Hawaii, only eleven are certified by the American Board of Orthodontics; of these, only a few have performed medically necessary orthodontic services for treatment of orofacial anomalies. Accordingly, the proposed S.D. 1 removes this barrier to access care and expands the pool of orthodontists who are eligible to perform orthodontic services for treatment of orofacial anomalies covered by health insurance.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Clarifying that the term "orthodontic services" means direct or consultative services provided by a licensed dentist who has completed an orthodontic residency program accredited by the Commission on Dental Accreditation; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 738, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 738, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,

*Rosalyn H. Baker*


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ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 738	CPH	2/26/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TOKUDA, Jill N. (VC)				✓
CHANG, Stanley	✓			
ESPERO, Will	✓			
IHARA, Jr., Les				✓
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.				✓
<b>TOTAL</b>	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
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\*Only one measure per Record of Votes