

A Bill for an Act Relating to Dentistry.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 448-1, Hawaii Revised Statutes, is amended to read as follows:

“§448-1 Dentistry defined; exempted practices. A person practices dentistry, within the meaning of this chapter, who represents [himself] oneself as being able to diagnose, treat, [remove stains and concretions from teeth,] operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw, [and] or who offers or undertakes by any means or methods to diagnose, treat, [remove stains or concretions from teeth,] operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, or to take impressions of the teeth or jaws; or who owns, maintains, or operates an office for the practice of dentistry; or who engages in any of the practices included in the curricula of recognized and approved dental schools or colleges. Dentistry includes that part of health care concerned with the diagnosis, prevention, and treatment of diseases of the teeth, oral cavity, and associated structures including the restoration of defective or missing teeth. The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign, or other media whereby [he] one represents [himself] oneself to be a dentist, shall be prima facie evidence that the person is engaged in the practice of dentistry.

The following practices, acts, and operations, however, are exempt from the operation of this chapter:

- (1) The rendering of dental relief in emergency cases in the practice of [his] one's profession by a physician or surgeon, licensed as such and registered under the laws of this State, unless [he] one undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace in the human mouth lost or missing teeth;
- (2) The practice of dentistry in the discharge of their official duties by dentists in the United States Army, the United States Navy, the United States Air Force, the United States Public Health Service, or the United States Veterans Administration;
- (3) The practice of dentistry by licensed dentists of other states or countries at meetings of the [dental society of] Hawaii Dental Association or component parts thereof, alumni meetings of dental colleges, or any other like dental organizations, while appearing as clinicians;
- (4) The use of roentgen and other rays for making radiograms or similar records of dental or oral tissues; and
- (5) The making of artificial restorations, substitutes, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues, or parts, upon orders, prescription, casts, models, or from impressions furnished by a Hawaii licensed [and registered] dentist.”

SECTION 2. Section 448-4, Hawaii Revised Statutes, is amended to read as follows:

“§448-4 Fraudulent advertising; penalty. It shall be unlawful for any person to publish[,] or circulate, directly or indirectly, [or circulate,] any [fraudulent, false, or misleading] statements [as to the skill or method of practice of any person or operator; or in any way to advertise to practice dentistry without causing

pain; or to advertise in any manner with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over neighboring dental practitioners; or to publish reports of cases or certificates of same in any public advertising media; or to advertise as using any anesthetic, drug, formula, material, medicine, method, or system which is either falsely advertised or misnamed; or to advertise free dental services or examinations as an inducement to secure dental patronage; or to advertise any amount as a price or fee for the service or services of any person engaged as principal or agent in the practice of dentistry, or for any material or materials whatsoever used or to be used; or to employ "cappers" or "steerers" to obtain patronage or to exhibit or use specimens of dental work, posters, or any other media calling attention of the public to any person engaged in the practice of dentistry; or to give a public demonstration of skill or methods or practicing dentistry upon or along the streets or highways, or any place other than his office where he is known to be regularly engaged in the practice of his profession. Any person committing an offense against this section shall, upon conviction, be subjected to such penalties as are provided in this chapter; provided, that any person licensed under this chapter may announce, by way of a professional card, only his name, title, degree, office location, office hours, phone number, and residence address and phone number, and if he limits his practice to a specialty he may announce it, but such card shall not be greater in size than three and one-half inches by two inches, and such information may be inserted in public print when not more than two columns in width and two inches in depth; or announce his change of place of business, absence from, or return to business in the same manner; or issue appointment cards to his patients, when the information thereon is limited to matter pertaining to the time and place of appointment and that permitted on the professional card; or display the name of the licensee, on the premises where engaged in the profession, upon the windows thereof and by a door plate, or name, or office directory when the information is limited to that of the professional card; provided further, that such signs shall contain no letters higher than five inches or wider than three inches.] relating to the person's practice of dentistry that are or tend to be false, fraudulent, or misleading."

SECTION 3. Section 448-6, Hawaii Revised Statutes, is amended to read as follows:

"§448-6 Officers; meetings. (a) The board of dental examiners shall elect on of its members president[, another secretary,] and another [treasurer thereof.] as vice president."

(b) The board shall meet for the purpose of examining applicants and for other purposes at such times as it designates. Adequate notice of the times and places of examinations shall be given by publication in a newspaper of general circulation in the State. The board may prescribe which members shall participate in the examination and licensing procedures.

(c) The board shall adopt such rules as it deems proper and necessary for the performance of its work."

SECTION 4. Section 448-9, Hawaii Revised Statutes, is amended to read as follows:

“§448-9 Application for examination[; fee.] for graduates of dental colleges accredited by the American Dental Association. Any person of eighteen years or more, shall be eligible to take an examination before the board of dental examiners upon complying with the following requirements:

- (1) Submit an application in writing to the executive secretary of the board no later than sixty days prior to the date of the scheduled examination.
- (2) Remit an examination fee set by the board with each application, the fee to be deposited by the director of [regulatory agencies] commerce and consumer affairs with the director of finance to the credit of the general fund.
- (3) Submit with each application documentation and credentials which include but are not limited to the following:
 - (A) A recent unmounted photograph of the applicant; [and
 - (B) A certificate that the applicant is of good moral character; and
 - (C) (B) A diploma or certificate of graduation from a dental college accredited by the Council of Dental Education of the American Dental Association, recognized and approved by the board; and
 - [(D)] (C)¹ A certificate or other evidence satisfactory to the board of having passed [the theory] Parts I and II of the examination of the National Board of Dental Examiners.”

SECTION 5. Section 448-9.5, Hawaii Revised Statutes, is amended to read as follows:

“[~~§~~448-9.5] Application for examination; graduates of foreign dental schools[.] not accredited by the American Dental Association. (a) Any person of eighteen years or more, who is a graduate of a foreign dental school not accredited by the American Dental Association and a permanent resident of the United States shall be eligible to take an examination before the board of dental examiners upon complying with the following requirements:

- (1) Submit an application in writing to the executive secretary of the board no later than sixty days prior to the date of scheduled examination.
- (2) Remit an examination fee set by the board with each application, said fee to be deposited by the director of [regulatory agencies] commerce and consumer affairs with the director of finance to the credit of the general fund.
- (3) Submit with each application documentation and credentials which include but are not limited to the following:
 - (A) A recent unmounted photograph of the applicant[.];
 - [(B)] A certificate that the applicant is of good moral character.
 - (C) (B) A complete transcript of the academic and clinical dental school record of the applicant, authenticated by either the president, secretary, dean, or registrar of the educational institution. The transcript shall be accompanied by an affidavit showing to the satisfaction of the board that the applicant is the person named in each transcript submitted, that the transcript is a true recital of the full number of academic years of undergraduate courses

required for graduation, that such courses of professional instruction in dentistry were accomplished in a resident course of instruction[.];

[(D)] (C) A legible, true copy of the dental diploma or dental degree conferred upon the applicant as evidence of the completion of the courses of dental instruction required for graduation, authenticated by either the president, secretary, dean, or registrar of the educational institution. The diploma or degree shall be accompanied by an affidavit showing to the satisfaction of the board that the applicant is the person named in the document, that the applicant is the lawful holder, and that it was procured in the regular resident course of instruction and examination without fraud or misrepresentation[.];

[(E)] (D) Certification by the licensing authority of the governmental jurisdiction, wherein is located the foreign institution from which the applicant was graduated that the applicant has been admitted or licensed to practice dentistry in such foreign state, country, or political subdivision[.];

[(F)] (E) [Other documentation and credentials as may be required by the board.] A certificate or other evidence satisfactory to the board of having passed Parts I and II of the examination of the National Board of Dental Examiners; and

(F) Other documentation and credentials as may be required by the board.

(b) Credentials and documentation required by this section which are submitted in a foreign language shall be accompanied by a certified original translation by a qualified translator.

(c) When, because of circumstances beyond the applicant's control, an applicant is unable to furnish any of the documents, authentication, or certification required by this section, the board may in its discretion accept other documents which it deems satisfactory to establish the applicant's eligibility.

[(d) After the applicant's credentials have been accepted by the board, the applicant shall take and pass Parts I and II of the examination of the National Board of Dental Examiners prior to taking the restorative technique examination, provided for under section 448-10(b). The applicant shall not be permitted to take the practical examination provided for under section 448-10(a) until satisfactorily passing Parts I and II of the examination of the National Board of Dental Examiners and the restorative technique examination.]”

SECTION 6. Section 448-10, Hawaii Revised Statutes, is amended to read as follows:

“§448-10 Examination; time. (a) The [state] board of dental examiners shall require all applicants to take the state written and practical examination on dentistry. In administering the examination the [state] State shall consider current trends in dental education. The requirements for the examination in operative and laboratory dentistry shall be decided by the board and mailed to each applicant. All instruments, materials, and patients shall be supplied by the applicant. [An engine

and chair shall be furnished by the board.] Two examinations shall be held each year.

(b) The board of dental examiners shall establish and administer a restorative technique examination to all qualified applicants under section 448-9.5. The examination shall consist of preparation and restorative procedures in gold foil[,] and amalgam [and crown and bridge] on a special typodont model. No applicant shall be permitted to take the practical examination under subsection (a) unless [they have] the applicant has passed the restorative technique examination.”

SECTION 7. Section 448-8, Hawaii Revised Statutes, is repealed.

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored.²

SECTION 9. This Act shall take effect upon its approval.
(Approved June 8, 1983.)

Notes

1. Underscoring missing.
2. Edited pursuant to HRS §23G-16.5.