

BOARD OF DENTAL EXAMINERS
Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes ("HRS").

Date: Monday, January 26, 2015

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Mark Baird, D.D.S., Chair, Dental Member
Paul Guevara, D.M.D., M.D.S., Dental Member
Rodney Ching, Public Member
Staphe Fujimoto, D.D.S., Dental Member
Mark Chun, D.M.D., Dental Member
Earl Hasegawa, D.D.S., Dental Member
Candace Wada, D.D.S., Dental Member
Dennis Nagata, D.D.S., Dental Member
Garrett Ota, D.D.S., Dental Member
Janet Primiano, R.D.H., Dental Hygiene Member
Joy B. Y. Shimabuku, Public Member
Marianne Timmerman, R.D.H., Dental Hygiene Member
Stephen Levins, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer ("EO")
Sandra Matsushima, Executive Officer ("EO")
Lisa Kalani, Secretary

Guests: Noelani R.E.T.G. Greene, Hawaii Dental Hygienists' Association
("HDHA")
Diane Brucato-Thomas, Hawaii Dental Hygienists' Association
("HDHA")
Dr. Lynn K. Fujimoto, Hawaii Dental Association ("HDA")
Loren Liebling, Hawaii Dental Association ("HDA")
Steve Wilhite, Hawaii Dental Association ("HDA")
Lee Ann Teshima, Executive Officer, Board of Nursing and Board
of Pharmacy
Gayle Chang, Hawaii Dental Hygienists' Association ("HDHA")
Daria Loy-Goto, Regulated Industries Complaints Office ("RICO")

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1. Call to Order: There being a quorum present, Chair Baird called the meeting to order at 9:03 a.m.

2. Additions/
Revisions to
Agenda:
 6. New Business:
 - h. Legislative Matters

 7. Correspondence:
 - e. Email from Sandra Kirkoski

 8. Executive Officer's Report on Matters Related to the Board of Dental Examiners:
 - f. New Email Address for Kimber Cobb, Executive Director, CRDTS
 - g. DOCS Education
 - h. Wisconsin Board of Dental Examiners electronic license verification

3. Approval of
Board Meeting
Minutes of
November 17,
2014: It was moved by Dr. Chun, and seconded by Dr. Fujimoto, and unanimously carried to approve the November 17, 2014 Board Meeting minutes as amended by appropriately designating R.D.H. Marianne Timmerman.

4. Applications:
 - a. Ratifications

It was moved by Dr. Fujimoto, seconded by Dr. Ota, and unanimously carried to ratify the following:

Approved Dentist

HANHILA, Christopher
BUI, Nghia
SLEMENT, Gaby
BOTROS, Chantal
PAVENTY, Joseph
NGUYEN, Sheila
GUINTO, Emilie
PLUMLEY, John
HOPKE, Corwyn
BROE, Eric
BULLOCK, Jason
HYLAND, Bobee
SCHAFERMEYER, Joseph

It was moved by Ms. Primiano, seconded by Ms. Shimabuku, and unanimously carried to ratify the following:

Approved Dental Hygienist

COREY, Jennifer
WOURMS, Marie
UPFOLD, Ashley
RAGASA, Adrienne
WHIGHAM, Ammon
DORMAN, Naomi
AITKEN, Lori
VIEL, Haley

It was moved by Ms. Shimabuku, seconded by Vice Chair Guevara, and unanimously carried to ratify the following:

Approved Certification in the Administration of Intra-Oral Infiltration and Block Anesthesia

DELUSA, Anne
KNEWTSON, Carly
WHIGHAM, Ammon
DORMAN, Naomi

The following agenda items were moved as the next order of business:

5. Old Business: a. Discussion on Amending Board's Application Forms

Dr. Wada stated the Committee is okay with the drafts for the dentist application. However, the Applications Committee would like to meet again to discuss concerns on the drafts for general anesthesia and IV sedation, and the permit to administer deep sedation, general anesthesia/moderate sedation.

Discussion was deferred until after the Application Committee can meet to discuss concerns.

b. Discussion on Proposed Administrative Rules

Mr. Levins stated at the Board's last meeting the Rules Committee reported their recommendations to the Board. There have been no changes to the Committees recommendations and a draft of the proposed rules has been provided for the Board to review.

It was moved by Ms. Shimabuku, seconded by Dr. Wada, and unanimously carried to approve the proposed administrative rules with the Rules Committee's recommendations.

The rule-making process flowchart was provided to the Board for their information.

6. New Business:

a. Matter Related to the American Association of Dental Boards ("AADB")

- The Bulletin

Chair Baird stated the next AADB meeting will be April 2015 and Vice Chair Guevara will be the Board's delegate representative.

- Call for CV's

Chair Baird stated the AADB is looking for appointments for ADA Councils and Commissions.

b. Matters Relating to the Central Regional Dental Testing Service ("CRDTS")

- 2014 Dental Hygiene Results

The results were passed out to the Board for their review.

For the CRDTS dental hygiene exam, a supervising dentist is needed for Sunday, April 27, 2015. Dr. Wada will be supervising dentist on Saturday, April 26, 2015.

c. Matters Relating to the American Board of Dental Examiners ("ADEX")

- Highlights of the 10th ADEX House of Representatives

A copy of the Highlights of the 10th ADEX House of Representatives was provided to the Board for their information.

Chair Baird provided a copy of their annual report for the Board's review.

- Board Representatives on the ADEX Dental Examination Committee

Chair Baird stated that Dr. Stanwood Kanna from Hawaii is now the President and therefore will no longer be on the ADEX Dental Exam Committee.

It was moved by Vice Chair Guevara, seconded by Dr. Fujimoto, and unanimously carried to appoint Chair Baird to the ADEX Dental Exam Committee representing Hawaii.

- CITA

Chair Baird stated one of the highlights of the meeting was that the Coalition of Independent Testing Agencies was named a new member to ADEX.

d. Matters Relating to the North East Regional Board of Dental Examiners, Inc. ("NERB")

- Report on 2015 NERB Annual Meeting

Chair Baird reported NERB changed their name to "Commission on Dental Competency Assessments" ("CDCA"). A big reason for the name change was the fact that they represent states all across the U.S. and also has been approached to start testing in foreign countries. At the meeting, it was voted to allow the test to be used in Jamaica for licensure of their dentist.

Ms Primiano reported she attended the new member orientation a day before the meeting. At the new member orientation they went over the history and overview of the structure and examination process. Dr. Guy Shampaine was a speaker at the orientation and said that NERB was established in 1969 and it remains the largest regional board. They are currently identifying deficiencies in dental education and their main goal is to protect the public. Going over the legal perspective of NERB, Dr. David Hankley talked about the fiduciary duty as being members and that they are considered 501-C6 tax exempt status with the Internal Revenue Service. Dr. Stanwood Kanna also spoke, representing ADEX, about the difference between the NERB and ADEX exams. ADEX develops the exam and NERB

administers the exam. There is a specialty exam that NERB has developed for nitrous oxide and local anesthesia. Moreover, Dr. Mark Armstrong presented on the financial considerations and travel expense policies, and what to do to become an examiner or attendee to the meetings.

There was a break out session specifically for dental hygiene. Sue Pritzel, RDH and Mary Davidson, RDH presented on the functions of the dental hygiene examiners. They went over the structure and what is involved in the examination. There are three examination series; Spring, April – May, Summer, June – August and Winter, September – December. There is a fifty question pass fail calibration part of the exam online. The Chief Examiner and the Clinical Floor Examiner is always a dentist. The Evaluation Area Examiners can be dental hygienist and there needs to be a minimum of three people.

Mr. Ching stated he is a member of the Public Advocacy Committee for NERB and one of the recommendations of the Committee is that the public members observe an examination. The Committee is also responsible for putting together a curriculum for next year's meeting. One interesting issue that came up was that the Board of Directors wanted to amend the rules such that public members who are no longer active on the Board, are no longer members of NERB unless they are on one of the committee's or invited by them. The Public Advocacy Committee took a position that the amendment was discriminatory because dentists and dental hygienists who are members of the state boards, no longer can still be members of NERB. That issue was referred to Committee and will be addressed again next year.

The following agenda item was moved as the next order of business:

7. Correspondence:

- a. Letter from the Board of Nursing regarding proposed rules
Lee Ann Teshima, Executive Officer of the Board of Nursing was present and addressed the Board.

Ms. Teshima thanked the Board for their consideration in amending their rules to include APRNs without any restrictions.

The following agenda item was moved as the next order of business:

e. Ratification of Approved Continuing Education Course(s)

It was moved by Dr. Nagata, seconded by Dr. Chun, and unanimously carried to ratify the following:

- Elijah Desmond, RDH – “Say Yes to Straight Teeth” (2 CE hours)
- Sean R. Holliday, D.D.S., MS – “Invisalign Case Presentation and Enrollment” (3 CE hours)
- Sean R. Holliday, D.D.S., MS – “Incorporating Invisalign into the Clinic” (4 CE hours)
- Sean R. Holliday, D.D.S., MS – “Monitoring, finishing, and retaining Invisalign treatment” (2 CE hours)

The following agenda items were moved as the next order of business:

h. Legislative Matters

Chair Baird reported on the following bills:

- SB 114 Relating to Dentistry/HB 267 Relating to Dentistry

This bill requires the continuing education program for dentist to include three hours of ethics training per year.

After discussion, the Board, by consensus, supports the intent of SB 114 and HB 267 but believes it is redundant as the Board has already approved draft amendments to its existing continuing education rules to provide for ethics training.

- HB 109 Relating to Taxation

This bill requires a tax clearance before a professional or vocational license may be issued or renewed. Applies to taxable years beginning after 12/31/2016.

The Board will not be testifying on HB 109.

- HB 257 Relating to Dental Therapists/HCR No. 8 Requesting a Sunrise Analysis of Dental Therapist

HB 257 requires the licensure of dental therapists and the certification of advanced practice dental therapists. HCR No. 8 requests a sunrise analysis of dental therapists.

After discussion, the Board, by consensus, prefers and supports HCR No. 8 which request a sunrise analysis of dental therapists. The Board noted that typically when new professions want to be regulated; it goes through a sunrise review. Also, there are few studies or research conducted on the impacts of mid-level providers in oral healthcare at this time.

- HB 268 Relating to Dentistry/SB 804 Relating to Dentistry

HB 268 grants the board of dental examiners the power to issue cease and desist orders for the unlicensed practice of dentistry and for any other act or practice in violation of the dental licensing laws. SB 804 permits the board of dental examiners to issue cease and desist orders for the unlicensed practice of dentistry. Makes the continued unlicensed practice of dentistry after receipt of a cease and desist order a class c felony.

After discussion, the Board, by consensus, supports the intent of HB 268 and SB 804, but believes provisions already in place in Chapter 436B, Hawaii Revised Statutes (“HRS”) adequately fulfill the purpose of HB 268 and SB 804.

- HB 579 Relating to Dental Health/SB 753 Relating to Dental Health

This bill permits dental hygienists to apply preventative sealants, in consultation with a licensed dentist, in a school-based dental sealant program or federally qualified health center. Requires the Department of Health to establish and administer a school-based dental sealant program in a high-need school. Appropriates funds.

The Chair announced the Board will form a Legislative Committee to provide recommendations to the Board on bills and to testify at hearings. Ms. Timmerman, Dr. Wada, Dr. Chun, Dr. Fujimoto and Dr. Nagata volunteered to be the Legislative Committee members.

The Board noted that the issue is being addressed in the proposed rules to allow for general supervision of all allowable duties of dental hygienists in a public health setting but did not take a position on HB 579 and SB 753 at this time. Discussion was deferred to the Legislative Committee.

- HB 237 Relating to Ethics Training

This bill requires the state ethics commission to offer a more comprehensive ethics training course that is to be completed by persons subject to section 84-41, HRS, within thirty days of taking office or starting employment and once every four years thereafter. Requires all persons required to file a financial disclosure statement pursuant to section 84-17(d), HRS, to attend an in-person ethics course and all members of a board, as defined in section 92-2 and not included in section 84-17(d); state employees responsible for procurement; state employees who administer state contracts; and state employees who regulate or inspect private organizations to complete an online ethics course. Takes effect on July 1, 2016.

The Board did not take a position on HB 237 at this time.

- SB 3 Relating to Public Boards

This bill requires the board chair to provide notice to the board member who accumulates four unexcused absences of the board member's termination. Requires a board chair to notify in writing the applicable nominating authority of any vacancy resulting from termination, resignation, expiration of the term, or any other reason, within fifteen days after the vacancy occurs.

The Board did not take a position on SB 3 at this time.

7. Correspondence:

The following agenda items were moved as the next order of business:

c. Letter from Dr. Yavuz Yildirim

The Board reviewed a letter from Dr. Yildirim requesting the Board accept his passage of the WREB exam for licensure.

After discussion and a review of the laws and rules, the Board, by consensus, cannot accept passage of the WREB exam for licensure. Pursuant to section 448-9.4, Hawaii Revised Statutes, an applicant shall pass the ADEX examination, and neither the state examination nor any regional examination shall be accepted.

d. Letter from Dr. Jerald S. Takesono

The Board reviewed a letter from Dr. Takesono asking the following questions. The Board's responses follow the questions:

1. Does the practice of dentistry require that the practitioner of general dentistry carry a liability insurance policy? *The Laws and Rules do not address. Not required for licensure.*
2. Does the pharmacist have a right to refuse to fill a prescription by a dentist because it is "out of the realm" of his practice? *The Laws and Rules do not address. The question should be addressed to the Board of Pharmacy.*

e. Letter from Sandra Kirkoski

The Board reviewed a letter from Ms. Kirkoski offering her assistance to the Board as a dental hygienist if there were not enough dentists to volunteer as dental board examiner.

After a brief discussion, by consensus, the Board appreciates the offer but there are sufficient dental board examiners at this time.

8. Executive Officer's Report on Matters Related to the Board of Dental Examiners:

a. Vacancies on Test Construction Committees for 2015 and 2016

Ms. Matsushima reported that volunteers are currently being sought for the following:

Joint Commission on National Dental Examinations

- National Board Dental Examination (NBDE) Part I (2016)
- National Board Dental Examination (NBDE) Part II (2016)
- National Board Dental Hygiene Examination (NBDHE) (2016)
- Integrated National Board Dental Examination (NBDE) (2016)

American Dental Association

- Advanced Dental Admission Test (ADAT) (2015 and 2016)

Completed personal data forms must be submitted by February 15, 2015.

- b. Council on Dental Education and Licensure call for General Comments on ADA Guidelines for the Use of Sedation and General Anesthesia by Dentists and ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students

Ms. Matsushima reported the Council on Dental Education and Licensure call for general comments by January 7, 2015.

- c. DCCA Fee Increases

Ms. Matsushima reported the DCCA announced its first increase on licensing fees and Compliance Resolution Fund since 1982. The increase is needed to modernize the functions of the licensing and enforcement divisions of DCCA's Professional and Vocational Licensing Division and Regulated Industries Complaints Office. DCCA is aware that the cost of business rises each year and has tried for decades to keep costs down and worked to keep licensee fees to a minimum. However between 1984 and 2013 the number of licensees and areas regulated has increased by approximately 52,000 or a 60% increase. Therefore, in order to provide the proper levels of service DCCA must look to right size the staffing levels and upgrade systems moving forward.

d. DCCA Disciplinary Actions November 2014

Ms. Matsushima reported there were no actions for dental, but passed around the memorandum for the Boards information.

e. Call for Nominations for CODA Committees

Ms. Matsushima reported nominations are needed to fill upcoming vacancies to be on review committees and for public members on review committees. If anyone is interested, they should visit the CODA website.

f. New Email Address for Kimber Cobb, Executive Director, CRDTS

Ms. Matsushima reported Kimber Cobb, Executive Director, CRDTS has a new email address.

g. DOCS Education

Ms. Matsushima reported there is an invitation to board members to audit courses.

h. Wisconsin Board of Dental Examiners electronic license verification

Ms. Matsushima reported the State of Wisconsin Dental Examiners Board is going to implement a new secure electronic verification of license process.

9. Public Comment: Mr. Liebling stated he is looking forward to working with the Board in 2015 and the Board is doing a great job.

Chair Baird recessed the meeting at 10:52 a.m.

Chair Baird resumed the meeting at 11:07a.m.

The following agenda item was moved as the next order of business:

Executive Session:

At 11:09 a.m., it was moved by Chair Baird, seconded by Vice Chair Guevara, and unanimously carried to enter into executive session pursuant to HRS §§ 92-4 and 92-5(a)(4) to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

Guests were excused from the meeting room

At 12:45 a.m., it was moved by Ms. Shimabuku, seconded by Vice Chair Guevara, and unanimously carried to move out of executive session.

The following agenda items were moved as the next order of business:

4. Applications: Application for Dental License

It was moved by Dr. Fujimoto, seconded by Dr. Wada, and unanimously carried to approve the following:

SUEDA, Stephen

7. Correspondence: b. Email from Dr. Hosam Alrqi

The Board reviewed a letter from Dr. Alrqi asking if a Community Service Dental License can be offered to those who completed a “Dental Public Health Residency Program” that is CODA accredited.

After a brief discussion, by consensus, the Board deferred making a determination and is asking Dr. Alrqi to provide more information on the “Dental Public Health Residency Program” he completed.

6. New Business: f. Discussion with RICO – Daria Loy-Goto

Ms. Goto addressed the Board regarding enforcement issues in executive session.

g. Discussion on Dental Hygiene Licensure and Certification in the Administration of Intra-Oral Infiltration and Block Anesthesia

The Board discussed the requirements for the administration of intra-oral infiltration and block anesthesia by licensed dental hygienist. Further discussion was deferred.

The following agenda items were moved as the next order of business:

10. Announcements: None.

11: Next Board Meeting: Monday, March 16, 2015
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

12. Adjournment: Chair Baird adjourned the meeting at 12:50 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima
Sandra Matsushima
Executive Officer

/s/ Lisa Kalani
Lisa Kalani, Secretary

SM:lk

2/19/15

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 3/16/15.