

**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, September 21, 2015

Time: 9:00 a.m.

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

Present: Paul Guevara, D.M.D., M.D.S., Chair, Dental Member  
Candace Wada, D.D.S., Vice Chair, Dental Member  
Staphe Fujimoto, D.D.S., Dental Member  
Garrett Ota, D.D.S., Dental Member  
Earl Hasegawa, D.D.S., Dental Member  
Coy Rebmann, D.D.S., Dental Member  
Janet Primiano, R.D.H., M.P.H., Dental Hygiene Member  
Marianne Timmerman, R.D.H., Dental Hygiene Member  
Rodney Ching, Public Member  
Joy B. Y. Shimabuku, Public Member  
Daniel Jacob, Esq., Deputy Attorney General  
James Kobashigawa, Executive Officer ("EO")  
Sandra Matsushima, Executive Officer ("EO")  
Lisa Kalani, Secretary

Excused: Mark Chun, D.M.D., Dental Member  
Dennis Nagata, D.D.S., Dental Member

Guests: Noelani R.E.T.G. Greene, Hawaii Dental Hygienists' Association  
("HDHA")  
Diane Brucato Thomas, RDH, EF, BS, FAADH, Hawaii Dental  
Hygienists' Association ("HDHA")  
Loren Leibling, Hawaii Dental Association ("HDA")  
Steve Wilhite, Hawaii Dental Association ("HDA")  
Gerraine Hignite, Hawaii Dental Hygienists' Association ("HDHA")  
Lei Fukumura, SDAG, PVL

1. Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:00 a.m. and excused Dr. Chun and Dr. Nagata from today's meeting.
  
2. Additions/Revisions to Agenda: It was moved by Ms. Shimabuku, seconded by Dr. Ota and unanimously carried to add the following to the agenda:
  7. New Business:
    - g. Ratification of Continuing Education Course Approvals
      - Fighting Decalcification! – Dr. Scott Morita, D.D.S., MS. and Dr. Randal Morita, D.D.S. – (1 CE hour)
      - Agent “Bond” saving our teeth! – Dr. Scott Morita, D.D.S., MS. and Dr. Randal Morita, D.D.S. – (1 CE hour)
  
3. Approval of Board Meeting Minutes and Executive Session Minutes Of July 20, 2015: It was moved by Dr. Fujimoto, seconded by Vice Chair Wada, and unanimously carried to approve the July 20, 2015 Board Meeting minutes as circulated.  
It was moved by Dr. Ota, seconded by Dr. Fujimoto, and unanimously carried to approve the July 20, 2015 Executive Session minutes as circulated.

Chair Guevara called for a recess from the meeting at 9:08 a.m. to discuss and deliberate on the following adjudicatory matter(s) pursuant to Chapter 91, HRS:

Guest were excused from the room.

4. Adjudicatory Matters:
  - a. In the Matter of the Dentist License of BRADEN C. SEAMONS, D.D.S.; DEN 2013-10-L

It was moved by Dr. Fujimoto, seconded by Dr. Ota, and unanimously carried to approve the Board's Final Order.

Following the Board's review, deliberation, and decisions in this matter, pursuant to Chapter 91, HRS, Chair Guevara announced that the Board was reconvening its scheduled meeting at 9:12 a.m.

5. Applications:      a.      Ratifications

Vice Chair Wada recused herself from the following motion.

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

Approved Dentist

RAMSAY, Patricia  
BARRY, Joseph  
SARGENT, Laurie  
KUMAR, Jonni  
OZAKI, Jon  
WADA, Robert  
YAMASHITA, Koa  
HIRAMOTO, Scott  
PHAM, Chau  
MATSUMOTO, Kentaro  
DIPASQUALE, Rachel  
PHAM, Tuan  
DELONG, Shepard

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

Community Service Dental License

ASTIASARAN, Codi

Mr. Leibling asked that the name of the facility that the dentists will be working be provided on future agendas

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

Approved Dental Hygienist

DENNIS, Audra  
SAADATI, Hoda  
MORSE, Amanda  
MOREHEAD, Jaymean  
HANSON, Angel  
PEYRONEL, Danielle  
HIGH, Elizabeth  
ANDREWS, Launi  
CHACON, Jenna

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

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

LEFEVER, Michelle  
MOREHEAD, Jaymean  
SAADATI, Hoda  
THOMPSON, Rebecca  
AULT, David

6. Old Business: a. Discussion on Check List for On-Site Inspections and Evaluation of Offices for Dentists Utilizing Moderate Sedation, Deep Sedation or General Anesthesia

Chair Guevara stated the new checklist will be sent to the applicants on the list. They will have until July 2016 to comply with the new checklist. Once they are ready for inspection they will be asked to contact the Board's office.

Mr. Liebling asked if the new checklist is based on the current rules and will it be posted on the Board's webpage?

Chair Guevara stated it is based on the current rules.

Mr. Liebling asked if when the revised rules are approved, will that affect this checklist?

Chair Guevara stated no, it should not affect it.

Ms. Matsushima stated it will be posted on the Board's webpage and she can also provide a copy to Mr. Liebling.

Vice Chair Wada asked how many offices are currently waiting to be inspected?

Chair Guevara stated there's twenty-three.

- b. Discussion on Administrative Rules

Discussion on this topic was deferred to the Rules Committee meeting immediately following the Board meeting.

7. New Business: a. Matter Related to the American Association of Dental Boards ("AADB")

- American Association of Dental Boards ("AADB")  
132nd Annual Meeting November 3-4, 2015,  
Washington, D.C.

Chair Guevara reported that he, Ms. Matsushima, Dr. Hasegawa and Ms. Primiano will be attending.

- The American Association of Dental Administrators ("AADA") 31st Annual Meeting November 1-2, 2015,  
Washington, D.C.

Chair Guevara reported that only Ms. Matsushima will be attending the AADA Annual Meeting since it is an Administrators Meeting.

- Assessment Services Program

Chair Guevara reported this is an assessment program for dentists that might be having some trouble. This will be discussed at the AADB Annual Meeting.

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

- Report on CRDTS Annual Meeting and Workshop

Ms. Matsushima and Ms. Primiano each provided a written report of their attendance at the CRDTS Annual Meeting and Workshop to the Board members.

Mr. Jacob reported one of the keynote speakers at the meeting was an attorney that had represented the North Carolina Board in the FTC vs. North Carolina Dental Board Supreme Course case. He gave about an hour long presentation on the history of the "Sherman Act" and some thought on were the FTC may be going in the future. To give you some background on the Sherman Act, it was passed in 1890 to prevent anti-competitive economic practices such as restraints on monopolies, or restraints on trade. Historically the Sherman Act has not been applicable to government because government has the ability to regulate.

There was a California Attorney General opinion that Mr. Kobashigawa sent to the Board that goes into this more in depth. Essentially there are three tiers that are subject to the Sherman Act. The top tier being your state government, your legislature, your governor, and your supreme court which has immunity from violations of the Sherman Act. The second tier classifications go to government agencies such as DCCA. Agencies can act through promulgation of rules and as long as the legislature has given a clearly articulated principal and it's explicit, any regulatory functions an agency may do will have immunity in the Sherman Act. Generally licensing Boards such as ours fall into the second tier, however in the North Carolina decision it was the first time that the Supreme Court has found a government agency to have violated the Sherman Act. The third tier was created as private parties on behalf of the state, and that's where the licensing boards are now thought to exist. The new thing was the act of supervision that's required. Essentially as a licensing board you cannot just go and do whatever you want unless there is some sort of active supervision from the government.

- The CRDTS Report

The CRDTS Report was passed around to the Board members to review at their perusal.

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

- ADEX House of Representatives Meeting

Chair Guevara reported that ADEX House of Representatives Meeting will be held November 15, 2015 in Rosemont, Illinois.

Vice Chair Wada stated she will be attending.

Ms. Primiano stated she is on the Dental Hygiene Exam Committee and therefore she will also be attending.

- Press Release

Chair Guevara reported that ADEX and SRTA announced that as of August 10, 2015 SRTA will no longer be administering the ADEX licensure examination.

The Press Release was passed around to the Board members for their information.

d. Matters Relating to the Western Regional Examining Board ("WREB")

- WREB Hygiene Exam Review Board ("HERB") Meeting Report

Ms. Primiano reported that WREB compiles their own report so everyone receives the same information. The report was passed around to the Board members to review at their perusal.

- WREB Dental Exam Review Board ("DERB") Meeting Report

Chair Guevara reported WREB will be switching from PearsonVue to Prometric for written examinations starting with the 2016 examination sessions. Dental hygiene onsite retakes were implemented in 2015 and have been a huge success.

- Proposed 2016 Meeting Dates for DERB and HERB

Chair Guevara reported the proposed meeting date for DERB is February 12, 2016 and proposed date for HERB March 11, 2016. They are also planning to move their series of summer meetings which include, DERB, HERB and the Board of Directors to June 23-25, 2016.

e. Matters Related to the American Dental Association

- ADA Annual Meeting

Chair Guevara reported the ADA Annual Meeting is immediately following the AADB Annual Meeting November 5-10, 2015 in Washington, D.C..

- CODA Site Visit

Ms. Timmerman reported she attended the breakfast meeting and met with the two CODA site visitors. They wanted to make the meeting open for any questions the advisors had for them.

- CODA Summer 2015 Accreditation Actions

Chair Guevara reported the following have withdrew accreditation:

- ✓ Oxnard College, Oxnard, California
- ✓ Rio Solado, Tempe, Arizona

The following programs have voluntarily discontinued their participation in the commissions' accreditation program:

- ✓ Heald College, Honolulu, Hawaii

f. Important Notices on Board's Webpage

The following Important Notices have been posted on the Board's Webpage and were provided to the members for their information.

- Regarding Licensure for Dental Hygienists
- Regarding Continuing Education for Dentists

Dr. Hasegawa asked if we could add in the Important Notice Regarding Licensure for Dental Hygienists about their license card indicating on it if they have certification in the administration of intra-oral infiltration and block anesthesia.

Ms. Matsushima stated she will work on adding that to the notice.

g. Ratification of Continuing Education Course Approvals

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

- Dental Educational Solutions & Training – OSHA Update Training -(4 CE hours)



- Sherri Lyn Chong, DMD, MS – Improving Oral Health Through Orthodontics – (1 CE hour)
- Fighting Decalcification! – Dr. Scott Morita, D.D.S., MS. and Dr. Randal Morita, D.D.S. – (1 CE hour)
- Agent “Bond” saving our teeth! – Dr. Scott Morita, D.D.S., MS. and Dr. Randal Morita, D.D.S. – (1 CE hour)

h. RICO Dental Advisory Committee

The Board was provided with the current list of RICO Dental Advisory Committee members for their review and approval.

It was moved by Vice Chair Wada, seconded by Ms. Primiano, and unanimously carried to approve the list of Dental Advisory Committee members as distributed.

i. DCCA Disciplinary Actions

Chair Guevara stated there are no dental actions listed.

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

a. Tentative 2016 Meeting Schedule

The Board was provided with the tentative 2016 meeting schedule as follows:

All meetings are tentatively scheduled to be held in the Queen Liliuokalani Conference Room.

- Monday, January 25, 2016
- Monday, March 21, 2016
- Monday, May 16, 2016
- Monday, July 18, 2016
- Monday, September 19, 2016

- Monday, November 21, 2016

b. FARB Top Regulatory Cases Newsletter

Ms. Matsushima reported that the Alabama Supreme Court held that the provision in Alabama's dental practice act that defined teeth whitening as within the practice of dentistry did not violate plaintiffs' teeth whiteners' due process rights under the Alabama constitution. Because teeth whitening was in their practice act, the lower court granted summary judgement in favor of the board.

c. Dental Assisting National Board Publications

Ms. Matsushima stated she can provide the publications if anyone wants to review them.

9. Public Comment:

Mr. Liebling stated he was recently in attendance at various meetings on the mainland and it turns out that several states that no longer do direct examinations have gone about changing their names from the Board of "Dental Examiners" to the Board of Dentistry.

Chair Guevara stated he has heard about that but it would require a statutory change.

Mr. Liebling stated he just wanted to share that information. Otherwise he thinks the Board is doing a great job and to feel free to let him help the Board with any communication.

Vice Chair Wada asked Mr. Liebling how the Ethics continuing education course is coming along.

Mr. Liebling stated they are going to be putting together the course and putting it online so it is no hassle and try to add it in as a member benefit for HDA members and at a moderate cost for non HDA members. So it will be available to everyone. Another thing that is somewhat related to this is they would also like to see a jurisprudence piece to this, it is very important for dentists to review jurisprudence every two years because of changes and additions.

Vice Chair Wada stated that is a great idea.

Dr. Rebmann asked Mr. Liebling if there will be an in classroom ethics course or only online.

Mr. Liebling stated it will be only online.

Mr. Wilhite stated the American College of Dentistry will have a course that you can attend in person.

Dr. Rebmann stated he is a member of the California Dental Association and one of their requirements every two years is infection control and California dental law. Those classes by far are the most popular classes that people attend.

Mr. Liebling stated they could put on a jurisprudence class and include infection control, they want this to be as good as possible.

10. Announcements: None

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

Vice Chair Wada stated she will not be able to attend the November meeting because she will be traveling back from the ADEX House of Representatives Meeting.

12. Adjournment: Chair Guevara adjourned the meeting at 10:00 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

9/30/15

[ X ] Minutes approved as is.

[ ] Minutes approved with changes; see minutes of \_\_\_\_\_.