

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, March 21, 2016
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813
- Present: 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
Mark Chun, D.M.D., Dental Member
Dennis Nagata, 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: Paul Guevara, D.M.D., M.D.S., Chair, Dental Member
- Guests: Diane Brucato, RDH, EF, BS, FAADH, Hawaii Dental Hygienists'
Association ("HDHA")
Loren Leibling, Hawaii Dental Association ("HDA")
Gayle Chang, Hawaii Dental Hygienists' Association ("HDHA")
Sheila Kitamura, Kapiolani Community College
Tia Roberts, HPPA
Dr. Chris Lee, Hawaii Dental Association ("HDA")

Gerraine Hignite, Hawaii Dental Hygienists' Association ("HDHA")

1. Call to Order: There being a quorum present, Vice Chair Wada called the meeting to order at 9:00 a.m. and excused Chair Guevara from today's meeting.

2. Additions/Revisions to Agenda:
 6. New Business:
 - h. CE Course Approval
 - Intra-Oral Infiltration and Block Anesthesia - Full Certification Course (27 CE hours)
 - Intra-Oral Infiltration and Block Anesthesia - Refresher Course (8 CE hours)
 - Intra-Oral Infiltration and Block Anesthesia – Lecture Only (5 CE hours)
 - Infection Control/OSHA Update for Dental Professionals Full Day Course (7 CE hours)
 - Infection Control/OSHA Update for Dental Professionals Retraining Update Course (4 CE hours)

 8. Executive Officer's Report on Matters Related to the Board of Dental Examiners:
 - g. DCCA Disciplinary Actions

3. Approval of Board Meeting Minutes and Executive Session Minutes of January 25, 2016

Vice Chair Wada called for a motion in regards to the minutes of January 25, 2016.

Ms. Chang stated Ms. Miyashiro asked her to ask the Board to add on page nine, after the first paragraph, her response to Mr. Kobashigawa's question as follows:

"Ms. Miyashiro stated that HDHA has not initiated nor is aware of any legislation at this time".

It was moved by Ms. Primiano, seconded by Dr. Fujimoto and unanimously carried to approve the minutes of January 25, 2016 as amended.

Vice Chair Wada called for a motion in regards to the executive session minutes of January 25, 2016.

It was moved by Dr. Chun, seconded by Dr. Ota and unanimously carried to approve the executive session minutes of January 25, 2016 as circulated.

Vice Chair Wada called for a motion in regards to the minutes of February 17, 2016

Mr. Kobashigawa stated on page six, fourth paragraph that begins with "Ms. Nonaka stated she would like to work outside the supervision of a dentist"... Ms. Nonaka asked Mr. Kobashigawa to ask the Board to clarify her response by adding, "Texas allows a dental hygienist to continue seeing patients even after the dentist has left the office. In certain situations when the employer/dentist needs to come in late or leave early, she would like to be able to work within another level of supervision rather than direct supervision, such as general supervision that would specify provisions for seeing patients".

Dr. Ota asked if that is what she said at the meeting?

Dr. Chun stated he does not believe that was what she said, but that is what she intended to say.

Mr. Kobashigawa stated she is asking for a footnote to clarify what she meant. Besides her statement that is reflected in the minutes, she did also state that in Texas they allow dental hygienists to see patients after the dentist has left the office.

Ms. Primiano asked if it's okay to put in the minutes what she intended to say? Although she does recall her mentioning about the Texas provisions.

Dr. Chun asked if we could get verification of Texas rules regarding this?

Mr. Kobashigawa stated yes.

Vice Chair Wada asked if the Board would like to defer making a motion on the February 17, 2016 minutes?

The Board by consensus deferred approval of the February 17, 2016 minutes for clarification.

4. Applications: a. Ratifications

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

Approved Dentist

MCCAULEY, Jonathan
TAKASAKI, Sonia
DODSON, Theodore
KAKARLA, Veena
DUNKELBERGER, Erik

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

Approved Community Service Dentist

Koolauloa Community Health and Wellness Center Inc.

BASIR, Shiva

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

Approved Dental Hygienist

DRAKE, Brittany
GURREN, Meghan
KOLODZIEY, Ambica
COY, Amy

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

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

UTEMEI, Chelsey
SLUSS, Heather
HULL, Michelle
LEE, Jules

5. Old Business: a. Discussion on Administrative Rules

- Approval of the Rules Committee Minutes of January 25, 2016 Meeting

It was moved by Dr. Ota, seconded by Ms. Shimabuku, and unanimously carried to approve the January 25, 2016 Rules Committee Minutes as circulated.

Ms. Matsushima reported the rules are currently at the Governor's office awaiting his approval to hold a public hearing.

b. Anesthesia Checklist

Ms. Matsushima stated she received a phone call from a dentist inquiring about the checklist. The caller had stated that most of the drugs listed they do not use or would not normally use, and they also questioned the use of capnography. Ms. Matsushima's response to the caller was that the Board wanted to set high standards in the interest of public safety.

Dr. Ota stated that the Committee, specifically Dr. Hasegawa worked really hard on the checklist and he believes it is acceptable.

Vice Chair Wada asked the Board if they are okay with keeping the capnography requirement?

The Board by consensus determined that the current checklist is good as is and no changes will be made at this time.

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

- Assessment Services Program

The Board was provided with a handout from AADB stating "What's Been Going on With ASP?"

- Mid-Year Meeting April 10-11, 2016

Vice Chair Wada stated that Chair Guevara will be attending the Mid-Year Meeting on April 10-11, 2016 in Chicago, Illinois.

b. Matters Related to the Commission on Dental Competency Assessments ("CDCA")

None.

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

- Dental Hygiene Exam April 22-24, 2016

Vice Chair Wada reported the tentative dates for the Dental Hygiene Exam are April 22-24, 2016.

Mr. Jacob stated that the Navy facility has HIPAA regulations to uphold. Therefore, when a provider administers the examination at the Navy facilities clinic, the Navy requires the providers to comply with the Memorandum of Agreement. That agreement would cover instances where the examiner goes into the Navy facility and accidentally stumbles upon records of a patient at the clinic unrelated to the examination. Previously the State of Hawaii administered the exam and so at that time the agreement

was between the Navy and the Board. Now that the Board recognizes private examining entities, it is the private entities that need to comply with the HIPAA requirements in the Memorandum of Agreement.

- 2015 Dental Hygiene Schools' Report

The Annual Report of the Examination Review Committee was passed around to the members to review at their perusal.

- Representative for Dental Hygiene Exam Committee

Vice Chair Wada stated that Ms. Timmerman has been appointed to the Dental Hygiene Exam Committee.

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

- New Website www.adexexams.org

Vice Chair Wada reported they have a new website.

- Dental and Dental Hygiene Exam July 22-24, 2016

Vice Chair Wada reported the tentative dates for the Dental and Dental Hygiene Exam are July 22-24, 2016.

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

- HERB Meeting, Phoenix, AZ

Ms. Timmerman reported she attended the HERB Meeting held in Phoenix, AZ. At the meeting they discussed how the pass rates are staying the same and if anything was happening with their state legislation.

f. Teaching Credits for Continuing Education

The Board reviewed a letter from Mr. Liebling asking the Board to consider increasing the number of continuing education (“CE”) credits granted to Hawaii licensed dentists who teach a CE authorized course from two (2) credits per biennium to a maximum of eight (8) credits per biennium with each class hours taught earning two (2) credits. This would be applicable to live lectures, workshops and hands-on presentations as well as live webinars.

Mr. Liebling stated after inquiring with other dental associations and dental accrediting organizations, it turns out that there is a standard that for (1) teaching hour, two (2) credits are given. As stated in his letter, “The educational value in the teaching is probably exceeded by the educational value of the hours of research and preparation done by the dentist to get ready to present each class”. Although I don’t think it should be open ended, but a maximum of eight (8) credits per biennium is a fair proposal and is clearly tied to a credits for performance model.

The Board by consensus deferred discussion to the Rules Committee Meeting immediately following today’s Board Meeting.

g. Legislation

Ms. Matsushima reported on the following:

✓ SB 3085 SD1 Relating to Health.

This bill clarifies the requirements for an individual to become a licensed dental hygienist. Clarifies the allowable and prohibited practices and training requirements for dental assistants.

Ms. Matsushima reported there was a hearing on March 18th where it passed with some amendments. It will now become SB 3085 SD1 HD1.

✓ SB 2675 SD1 Relating to Licensing

This bill authorizes the Board to deny a license to an applicant who has been disciplined by another state or federal agency. Authorizes the Board to impose the same disciplinary action against a licensee as was taken by another state or federal agency. Establishes conditions for the disciplinary action. Prohibits a licensee from practicing until a final order of discipline is issued if the licensee has been prohibited from practicing in another state. Requires any final order of discipline taken to be public record.

Ms. Matsushima reported this bill is moving along. There is a hearing scheduled today at 3:00 p.m.

✓ SB 2395 SD1 Relating to Telehealth

This bill requires the State's medicaid managed care and fee-for-service programs to cover services provided through telehealth. Specifies that any telehealth services provided shall be consistent with all federal and state privacy, security, and confidentiality laws. Specifies medical professional liability insurance policy requirements with regard to telehealth coverage. Clarifies that reimbursement for services provided through telehealth shall be equivalent to reimbursement for the same services provided via face-to-face contact between a health care provider and a patient. Requires written disclosure of coverages and benefits associated with telehealth services. Requires that telehealth encompasses store and forward technologies, remote monitoring, live consultation, and mobile health. Ensures telehealth is covered when originating in a patient's home and other non-medical environments. Clarifies requirements for physicians and out-of-state physicians to establish a physician-patient relationship via telehealth. Requires that reimbursement requirements for telehealth services apply to all health benefits plans under chapter 87A, Hawaii Revised Statutes.

Ms. Matsushima reported they are following this bill because it would include dentists. There is a hearing scheduled today at 3:00 p.m.

h. CE Course Approval

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

- Intra-Oral Infiltration and Block Anesthesia - Full Certification Course (27 CE hours)
- Intra-Oral Infiltration and Block Anesthesia - Refresher Course (8 CE hours)
- Intra-Oral Infiltration and Block Anesthesia – Lecture Only (5 CE hours)

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

- Infection Control/OSHA Update for Dental Professionals Full Day Course (7 CE hours)
- Infection Control/OSHA Update for Dental Professionals Retraining Update Course (4 CE hours)
- Infection Control/OSHA Update for Dental Professionals Infection Control Hands-On Training Course (2 CE hours)

7. Correspondence: Letter from the American Dental Association (“ADA”) and the American Dental Education Association (“ADEA”)

The Board reviewed a letter from the ADA and the ADEA that is basically asking the Board to consider accepting all clinical test administration agency examinations for dental licensure in Hawaii.

Mr. Kobashigawa stated there are more than forty (40) states that accept all of the regionals exams. The Board’s current statute requires that we can only accept the ADEX exam.

This was because at the time, the ADEX exam was an effort to create one national exam and the Board and the other regional testing agencies at that time were involved in developing that exam. So in anticipation of this becoming a national exam, legislation was passed to only accept the ADEX exam. Unfortunately that did not happen. So ADA is

now pushing, not only Hawaii, but all boards, to accept all the different exams. All the exams should be substantially equivalent for licensure.

Dr. Chun stated he would like to leave it at status quo and only accept the ADEX exams.

Ms. Matsushima stated the goal is to promote licensure among all the states.

Dr. Ota asked if it is feasible to ask the different exams to do presentations for the Board?

Ms. Matsushima stated we can, but some have already done presentations.

Mr. Jacob stated he just wants to point out that this Board cannot decide what exam it accepts, it is required by statute right now. The only thing this Board could do is start lobbying the legislature to amend the statute.

Further discussion was deferred.

Statement on Teledentistry

The Board reviewed an email from Mr. Leibling stating that the HDA believes that all dentists who participate in any teledentistry treatment of any patient in Hawaii must be licensed in Hawaii. This would include the treating dentist and any consultants or other dentists who may be involved in the treatment of the patient by teledentistry.

Mr. Leibling stated he would like to amend his comment from the last meeting to say that any dentist who is involved in the treatment of the patient must hold a Hawaii license, not only the dentist of record of the patient. In the case of teledentistry, you have the dentist of record and then you may have a dentist consulting. We believe that all dentists treating the patient, whether face-to-face or in consultation, need to be licensed in Hawaii.

Dr. Hasegawa asked Mr. Leibling what is the definition of "consulting"?

Mr. Leibling stated anyone who is talking to you about the patient. Now if you were to have a conversation with a dentist about the “type of case” in general then that is different.

Dr. Hasegawa stated there are probably many instances that a dentist has called a colleague not licensed in Hawaii to consult on a case.

Dr. Chun asked Mr. Leibling how does he define teledentistry?

Mr. Leibling stated there are three definitions. One is the recording of the experience by the dentist, two is the live interaction, and the third is a combination of live and recorded.

Dr. Chun asked if he had a case and was running into problems and called a colleague not licensed in Hawaii for advice on what to do, that would not be allowed?

Mr. Leibling stated if it is within the teledentistry contact, and that patient is discussed by name, then we would want that colleague to be licensed in Hawaii.

Mr. Kobashigawa asked for clarification if the difference is whether the patients’ name is known or not?

Mr. Leibling stated if the patients’ name is known then the other person is involved in the case, and HIPAA laws come into effect.

Dr. Lee stated if the doctor’s name is entered into the patients’ chart as a doctor of record, where that doctor would be liable for the outcome of the diagnosis and treatment then that doctor would need to be licensed. If you are going to share HIPAA protected information such as the patients’ name, then we would want that doctor to be licensed in Hawaii.

Ms. Shimabuku stated this is going through legislation right now so we should just wait for the outcome of that.

It was moved by Ms. Shimabuku, seconded by Dr. Nagata and unanimously carried to defer further discussion and move to the next agenda item.

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

a. 2015 Renewal Stats and CE Audit

Ms. Matsushima reported two hundred and ten (210) audit letters were mailed in late February and are due at the end of March. She has processed over half so far.

The final stats of the December 31, 2015 renewal are as follows:

- 1,114 dental hygienist, 1,006 renewed online
- 1,540 dentist, 1,415 renewed online

Ms. Hignite asked if the Board was going to change the audit to occur before the renewal?

Ms. Matsushima stated yes, they are working on a pre-audit for future renewals.

b. Commission on Dental Accreditation ("CODA") - Actions

Ms. Matsushima reported a notice of intent to voluntarily withdraw accreditation was received from the University of Hawaii, Maui Community College Dental Assisting Program.

Ms. Kitamura stated that is heartbreaking to hear.

Mr. Kobashigawa asked if anyone knows the reason they are intending to voluntarily withdraw their accreditation?

Ms. Kitamura stated Joyce Yamada was previously the program director but has since been reassigned to doing

professional development for the campus. Rosie Vierra has assumed the directorship of that program and believe it is her intent to close the program.

If the dental assisting program closes, I don't know how the dental hygiene program will survive because their admission criteria to the dental hygiene program is they have to complete an accredited dental assisting program.

Dr. Hasegawa stated it used to be called a "ladder" program where the dental hygiene students would first complete the dental assisting program, and the dental hygiene students would be chosen from there. I think Ms. Vierra wants to stop that and just go straight into dental hygiene.

Ms. Matsushima says they will be taking action at their next meeting which is August 4-5, 2016 so there is still time to do something.

c. CODA Implements Accreditation Process for Dental Therapy Education

Ms. Matsushima reported that at its February meeting CODA directed implementation of the accreditation process for dental therapy education programs.

d. Teledentistry – The Virtual Dental Home

Ms. Matsushima reported the Department of Health is doing a presentation on March 31, 2016 called "The Virtual Dental Home". Ms. Matsushima and Mr. Kobashigawa will be attending.

e. American Association of Dental Consultants Annual Meeting & Workshop

Ms. Matsushima passed around the information to the Board members to review at their perusal.

f. RICO website – Information on Healthcare and Social Service Professions

Ms. Matsushima reported that RICO had put on their website a list of different healthcare providers and on it are dentists and dental hygienists. It's on their website: <http://cca.hawaii.gov/rico/> if anyone wants to take a look.

g. DCCA Disciplinary Actions

The DCCA Disciplinary Actions report was passed around to the members to read at their perusal. There were none for Dental.

9. Public Comment:

Ms. Hignite asked if the topic of adding more dental hygienists to the Board can be addressed today?

Vice Chair Wada asked Ms. Hignite to request this in writing, for this topic to be placed on the Board's next meeting agenda.

Ms. Matsushima noted that the Board's composition is by statutes.

10. Announcements:

Ms. Kitamura announced that Kapiolani Community College just found out that they are CODA accredited through 2021.

11. Next Board Meeting:

Monday, May 16, 2016
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

12. Adjournment:

Vice Chair Wada adjourned the meeting at 10:10 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima
Sandra Matsushima
Executive Officer

/s/ Lisa Kalani
Lisa Kalani, Secretary

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SM:lk

3/29/16

Minutes approved as is.

Minutes approved with changes; see minutes of _____.