

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 27, 2014

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
Rodney Ching, Public Member
Staphe Fujimoto, D.D.S., Dental Member
Paul Guevara, D.M.D., M.D.S., Dental Member
Garrett Ota, D.D.S., Dental Member
Mark Chun, D.M.D., Dental Member
Melanie Vallejos, D.D.S., Dental Member
Candace Wada, D.D.S., Dental Member
Dennis Nagata, D.D.S., Dental Member
Stephen Levins, Esq., Deputy Attorney General
Janet Primiano, R.D.H., Dental Hygiene Member
James Kobashigawa, Executive Officer ("EO")
Sandra Matsushima, Executive Officer ("EO")
Lisa Kalani, Secretary

Absent: Marilyn Nonaka, R.D.H., Dental Hygiene Member

Guests: Loren Liebling, Hawaii Dental Association ("HDA")
Diane Brucato-Thomas, RDH, EF, BS, FAADH, Hawaii Dental Hygienists' Association ("HDHA")
Gerraine Hignite, Hawaii Dental Hygienists' Association ("HDHA")
Jill Rethman, Hawaii Dental Hygienists' Association ("HDHA")
Gayle Chang, Hawaii Dental Hygienists' Association ("HDHA")
Noelani R.E.T.G. Greene, Hawaii Dental Hygienists' Association ("HDHA")
Cheryl Nakagawa, public
Dr. Lili Horton, Hawaii Dental Association ("HDA")
Joseph P. Mayer, Jr., D.D.S.
Dr. Dan Fujii, Waianae Coast Comprehensive Health Center

1. Call to Order: There being a quorum present, Chair Baird called the meeting to order at 9:05 a.m.
2. Additions/Revisions to Agenda: It was moved by Dr. Wada, and seconded by Dr. Vallejos, and unanimously carried to add the following to the agenda.

Additions

4. Applications
 - b. Renewal Application Waiver Requests
 - Kathleen Depalma
 - Dr. Charles Clarke
 - Maile Munyan
 - Bernadette D'Amore
 - Dr. Ren Sanford
 - Jennifer Winston
 - c. Dental Hygienist
 - Andrea Stouffer (Military Spouse)
 - d. Renewal
 - Dr. Christopher Yamada
6. New Business
 - f. Legislative Matters
 - SB 343
 - SB 2033
 - HB 2459
 - HB 2458 and SB 2501
 - SB 2927
 - HB 1698
 - HCR No. 16
10. Announcements
 - c. Resignation of Marilyn Nonaka
3. Approval of Regular & Executive Board Meeting Minutes of November 18, 2013: Mr. Kobashigawa stated on page 13, under Report on Rules Committee Matters, second paragraph, where it states: or a certified registered nurse anesthetist licensed pursuant to chapter 453, it should state **chapter 457**.
It was moved by Dr. Ota, and seconded by Mr. Vallejos, and unanimously carried to approve the November 18, 2013 Board

Meeting and Executive Session minutes as amended.

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

10. Announcements:

- a. Interim Appointment of Janet Primiano to the Board
Chair Baird announced the interim appointment of Janet Primiano to the Board as a Dental Hygiene member.
- b. Confirmation of Dr. Dennis Nagata
Chair Baird announced the confirmation of Dr. Dennis Nagata.

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

4. Applications:

a. Ratifications

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

Approved Dentist

LY, Suzan
DESTA, Alexander
ETESSAMI, Hirbod
FITZHARRIS, Benjamin
FU, Jonathan
GODLA, Christopher
HOSHINO, Hsiao-Ling
MIYASAKI, David
RAHTZ, Kaimana
UWAINE, Erin
YOSHIOKA, Bradd
SONNTAG, Lisa
KIM, Richard
TRAN, Vinh Quang

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

Approved Dental Hygienist

MACAPINLAC, Myra
CARROLL, Traca
UEHARA, Rachel
BERGINZ, Rebecca

GRAINGER, Ashley
KRISHTAL-VENETTE, Yana
MCCARTHY, Robyn
BOROFF, Samantha

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

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

LEUNG, Shelia
KURAHARA, Robyn
PEREZ-FRANCISCO, Patricia
MACAPINLAC, Myra
CARROLL, Traca

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

Approved Community Service License – Dentist

Waianae Coast Comprehensive Health Center

UCHIDA, Gavin

Hana Community Health Center

BRYAN, Benjamin

Waikiki Health Center

DIPASQUALE, Rachel

West Hawaii Community Health Center

RAHMATIAN, Amirali

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

b. Renewal Application Waiver Requests

Dr. Deron Ohtani
Patricia Ohtani

It was moved by Dr. Chun, seconded by Dr. Dr. Nagata, and unanimously carried to defer the following for more information:

Renewal Application Waiver Requests

Dr. James Nagao

It was moved by Vice Chair Guevara, seconded by Dr. Nagata, and unanimously carried to approve the following:

Renewal Application Waiver Requests

Dr. Todd Fukuda
Dr. Lawrence Tseu
Dr. Gwen Fujioka
Kathleen Depalma
Dr. Charles Clarke
Maile Munyan
Jennifer Winston

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

Renewal Application Waiver Requests

Dr. Ren Sanford

It was moved by Dr. Chun, seconded by Ms. Primiano, and unanimously carried to defer the following for more information:

Renewal Application Waiver Requests

Bernadette D'Amore

It was moved by Ms. Primiano, seconded by Dr. Chun, and unanimously carried to approve the following

c. Dental Hygienist

Andrea Stouffer (Military Spouse)

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

Executive Session:

At 9:32 a.m., it was moved by Dr. Ota, 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 9:37 a.m., it was moved by Vice Chair Guevara, seconded by Dr. Chun, and unanimously carried to move out of executive session.

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

It was moved by Dr. Chun, seconded by Dr. Wada, and unanimously carried to approve the following upon verification of having completed the continuing education renewal requirement:

4. Applications: d. Renewal

Dr. Christopher Yamada

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

- License Review Committee Meeting Minutes, December 8, 2013

The Board was provided a copy of the December 8, 2013 minutes for their review.

Mr. Levins stated he will review the questions that the Committee is requesting be added to the application and get back to them.

b. Discussion on Botox and Dermal Fillers – Dr. John Char

Chair Baird asked the Board if they had any comments on the presentation that Dr. Char gave at the last meeting.

Vice Chair Guevara stated the Board's position should remain the same.

Vice Chair Guevara addressed Guest Loren Liebling from the Hawaii Dental Association ("HDA") if he has any feedback on the Board's position regarding botox and dermal fillers.

Mr. Liebling stated he has not received any negative feedback on the Board's most current position regarding

botox and dermal fillers.

It was moved by Vice Chair Guevara, seconded by Dr. Wada, and unanimously carried to maintain the Board's current position on botox and dermal fillers.

c. Correspondence from Dr. Dan Fujii

Dr Fujii was present and addressed the Board.

Dr. Fujii stated he has been going out to schools on the Waianae coast and providing free screenings and fluoride and wanted to go over their protocols to make sure they are not doing anything that violates the current practice act.

Dr. Fujii stated they've been doing thorough exams, excluding x-rays. Recently there has been an interest in finding out what is going on with children throughout the State and because of that it has become imperative to Dr. Fujii to standardize how they're rating and examining the children.

Dr. Fujii stated the State is interested in a "BSS" survey. A BSS survey is a standard survey that was designed by an association of state and territorial dental directors. The survey talks about certain procedures being done by a dentist, hygienist or assistant dependant on state laws.

Dr. Fujii asked if they had a hygienist or assistant doing what they have been doing at the schools, is that ok?

Guest Cheryl Nakagawa clarified if this is regarding dental hygienist screening.

Chair Baird stated this is regarding dental hygienist and dental assistant screening.

Guest Diane Brucato-Thomas of the Hawaii Dental Hygienists' Association stated dental assistants are under direct supervision of the dentist but for dental hygienist there is a provision regarding in public health settings that they are under general supervision.

Dr. Fujii stated the dental assistant will always be under direct supervision, so wherever the dentist is, whether at the school or not they will still be allowed to do procedures under direct supervision.

Guest Loren Liebling stated direct supervision requires that the dentist be on site.

Dr. Fujii stated yes, at his site he will always be there, however when other sites come on-line and do different things, he will have an understanding of what the general guidelines are.

By consensus, the Board determined that dental hygienist under general supervision, and dental assistants under direct supervision may perform the BSS survey.

Dr. Fujii thanked the Board for their time.

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

No report.

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

- 2013 Dental Hygiene Examination Results

Mr. Kobashigawa offered the results to the Board for review.

Ms. Primiano stated CRDTS dental hygiene exam is now being accepted in California. Ms. Primiano also confirmed that April 26 and 27, 2014 is the dental hygiene exam dates at Pearl Harbor. Two Hawaii dentist will be supervising, Dr. Wada and Dr. Miyamoto.

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

Mr. Kobashigawa announced Mr. Rodney Ching has been elected District public member for ADEX.

Mr. Kobashigawa also announced that SRTA and CITA are now members of ADEX and are administering the ADEX examination.

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

- 2014 Annual Meeting Report

Chair Baird reported he attended the annual meeting. The District of Columbia and Puerto Rico are now members of NERB and administer the ADEX exam. NERB will be putting into effect a new system to evaluate examiners' performance on the examination. Dr. Wada has been elected as the delegate to the Steering Committee, replacing Dr. Sherman.

- Dental Hygiene Examiner

Mr. Kobashigawa asked the Board if there are any volunteers to be examiners for NERB.

Ms. Primiano volunteered for the dental hygiene exam.

Dr. Fujimoto requested to observe the exam.

Mr. Kobashigawa stated he has received a request to add another examiner for the dental hygiene exam. The person is not a Board member. The Board can recommend non Board members to be examiners also.

Dr. Chun asked for more information on the individual.

Mr. Kobashigawa stated the individual is dental hygienist Linda Austin.

Dr. Chun asked if this would be a permanent appointment.

Mr. Kobashigawa stated the Board can make a recommendation but it's ultimately NERB's decision.

Mr. Levins asked if the Board knows her qualifications or background.

Guest Gayle Chang of the Hawaii Dental Hygienists' Association stated Ms. Austin works for the Department of Health ("DOH") and DOH does not employ clinical hygienist.

Mr. Kobashigawa stated he has Ms. Austin's resume if anyone wants to see it.

Dr. Chun stated we should ask Ms. Austin to submit a formal letter requesting to be an examiner.

Upon a motion by Dr. Wada, seconded by Vice Chair Guevara and unanimously carried to ask Ms. Austin to appear before the Board to express her interest in being an examiner.

e. Discussion on Memorandum of Understanding with Naval Health Clinic, Pearl Harbor and Administration of Exams

Mr. Kobashigawa reported the Board and the State of Hawaii has a memorandum of understanding with Pearl Harbor to administer the dental and dental hygiene exams. At this time Pearl Harbor has been informed that we will continue to sign the Memorandum of Understanding (“MOU”) for 2014. For 2015 going forward, it is up for discussion if the Board wants to continue to sign the MOU, or the individual testing agencies should sign the MOU with Pearl Harbor.

Mr. Levins stated the Board and the State should remain on the MOU, otherwise the Board has no control over what testing entity administers the exams at Pearl Harbor. Mr. Levins does not believe liability on the Board is an issue.

Guest Loren Liebling asked if examining entities are able to set up an examination at Pearl Harbor without the Board’s invitation.

Chair Baird stated they can do their exam anywhere.

Mr. Kobashigawa stated as long as the Board and the State signs the MOU, then the Board maintains control over what entity administers the exam at Pearl Harbor.

Mr. Levins stated right now there are four separate exams that are accepted by the Board. Mr. Levins does not believe Pearl Harbor would enter into an MOU with all four entities.

Guest Joseph P. Mayer, Jr. stated his belief is under state rights, states grant licenses to practice dentistry. As such, for an organization to come in and test, the board provides them with a temporary license to conduct this examination much like when the American Dental Association comes in and sponsors a continuing education course. You maintain control by keeping the MOU strictly between the State and Pearl Harbor.

Upon a motion by Dr. Chun, seconded by Dr. Fujimoto and unanimously carried to maintain the status quo with the MOU between the Board the State and Pearl Harbor.

f. Legislative Matters

- SB 343

Mr. Kobashigawa reported 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.

Guest Dr. Lili Horton of the Hawaii Dental Association ("HDA") stated HDA supports the bill allowing the dental hygienists to apply sealants under the general supervision of a dentist and the law already provides for this. Therefore, this bill is unnecessary.

Upon a motion by Dr. Chun, seconded by Vice Chair Guevara and unanimously carried to not support SB 343 because it is already covered in current law.

- SB 2033

Mr. Kobashigawa reported this bill makes technical substantive amendments to the rulemaking authority of the Board of Dental Examiners.

Upon a motion by Dr. Vallejos, seconded by Dr. Chun and unanimously carried to support SB 2033.

- HB 2459

Mr. Kobashigawa reported this bill requires any dentist who prescribes or administers general anesthesia, intravenous-conscious sedation, or conscious sedation in providing dental services to obtain a written authorization and site certification issued by the Board of Dental Examiners.

Dr. Chun stated this bill, although not necessarily in this form, has already been approved by the governor when he approved the Board's rules.

Guest Dr. Lilli Horton stated this is already covered in the rules.

Mr. Kobashigawa stated the way the rules are written now; it states you need a permit from the Board for moderate or deep sedation and general anesthesia. The way this bill is written, it specifies conscious sedation, which could include minimal sedation.

Dr. Chun stated if the definition of conscious sedation is at the moderate to deep sedation level then the bill is unnecessary.

Guest Dr. Lilli Horton stated in the rules, “moderate” sedation is under conscious sedation in the definitions.

Mr. Levins stated the fact that the rules state that definition does not mean the bill does not include minimal sedation. Vice Chair Guevara stated he does not think a permit should be required for minimal sedation.

Dr. Fujimoto added that the Board’s rules address the issue, all dentists qualify to prescribe, there would be a burden for all by requiring a written authorization for minimal sedation.

Upon a motion by Vice Chair Guevara, seconded by Dr. Chun and unanimously carried to not support HB 2459 because it is already covered in the rules, other federal and state laws address prescription of sedation, and would cause undue burden on DCCA.

- HB 2458 and SB 2501

Chair Baird reported this bill renames the “Board of Dental Examiners” to the “Board of Dentistry and Dental Hygiene”. Effective July 1, 2015, changes the Board composition. Requires at least one of the practicing dentist members to be a practicing dentist with a background in public health dentistry or as a community service dentist. Prohibits members from being in any way connected with or having financial interest in specified areas.

Dr. Vallejos clarified this is based on the ratio of licensed dentist and licensed hygienist in the state.

Mr. Kobashigawa stated yes.

Guest Dr. Lilli Horton stated HDA is opposed to this bill.

Mr. Kobashigawa stated the proposed composition of the Board would be five dentists and four hygienists, with one of the dentist having a background in public health dentistry or a community service dentist.

Guest Cheryl Nakagawa stated the 1993 auditor's report imported self-interest needs over the needs of the public. This was apparent as the report stated that a better balanced board is recommended since the interests of dental hygienist may conflict with and be outweighed by (the interests) of the dentist. Ms. Nakgawa stated due to the significantly higher ratio of dentist on the board, the dental hygienists contributions and guidance are often not reflected in the board's actions. A total of four hygienists and five dentists better balances the unique perspectives of the dental hygienists, dentists and public health dentist members when representing the public and making decisions on behalf of the public.

Mr. Ching pointed out the bill states no member shall be in any way connected with a dental examining company. Are we not all members of NERB.

Mr. Kobashigawa stated the Board itself is a member of ADEX, NERB and CRDTS.

Upon a motion by Vice Chair Guevara, seconded by Dr. Chun and unanimously carried to not support HB 2458 and SB 2501 due to the Board itself is a member of examination companies and the current composition of the Board is effective.

- SB 2927

Mr. Kobashigawa reported this bill would require the continuing education program for dentists to include three hours of ethics training per year.

Guest Dr. Lilli Horton stated HDA is in support of this bill but would like to clarify some things. HDA believes the continuing education should be done every two years not every year. All licensed dentists in Hawaii are not ADA or HDA members and therefore they do not voluntarily agree to the code of ethics and the principal of conduct which HDA believes is very important, especially in light of recent events. HDA also thinks the three hours of proposed continuing education should be included in the required

thirty-two hours and not be an additional three hours on top of that.

Upon a motion by Vice Chair Guevara, seconded by Dr. Wada and unanimously carried to support HB 2927 with the requirement being to complete the three hours of ethics training every two years instead of every year and the three hours not be added to the current requirement of thirty-two hours.

- HB 1698

Mr. Kobashigawa reported this bill would provide that the scope of practice for advanced practice registered nurses includes certain oral health treatment.

Vice Chair Guevara stated the bill is very vague.

Ms. Primiano stated that dentists and dental hygienists have the training and education and are available to provide oral health treatment.

Upon a motion by Vice Chair Guevara, seconded by Dr. Ota and unanimously carried to not support HB 1698 because the bill is too vague and education and training for the APRN is unclear; and therefore poses a health safety concern.

- HCR No. 16

Mr. Kobashigawa reported this resolution is requesting the Department of Health establish a task force to study the potential benefits of teledentistry for under served populations, such as access to dental care, cost efficiencies and to identify the barriers to the practice of teledentistry in Hawaii.

Upon a motion by Dr. Vallejos, seconded by Dr. Nagata and unanimously carried to support HCR No. 16.

g. Discussion on Administrative Rules

Vice Chair Guevara stated the Rules Committee will be making some clarifications on terminology regarding sedation. The Committee will be using excerpts from the ADA and the AAPD guidelines and also looking at other

states rules. The Committee is also looking at changes to the continuing education requirements.

Ms. Primiano volunteered to be a member of the Rules Committee.

7. Correspondence:

a. Letter from Jen McGuire of Henry Scheim Dental

The Board discussed an inquiry asking for the Board's position on dental offices offering and marketing an in-house discount plan, where an in-house discount plan is defined as a set of preventative dental services provided for an annual fee with a discount on additional services needed.

Guest Loren Liebling stated discount plans are something that is happening around the country. Dentists are offering discount plans within their own practice, so they are not part of a network or networked together. For these plans only un-insured patients are eligible because contracts that they have with insurers would prevent them from discounting prices. There is no fee splitting and the dentists pay for the marketing itself and not per patient.

Mr. Levins stated although the information Mr. Liebling provided is very helpful, more information is needed from Ms. McGuire on this particular inquiry before the Board can provide a proper response.

It was the consensus of the Board to ask Ms. McGuire for more information.

b. E-mail from Dr. Bruno R. West – CE Extension

The Board discussed an e-mail inquiry from Dr. West asking for a time extension to acquire CE credits to maintain his Hawaii dental license.

Mr. Kobashigawa stated there are no provisions in the rules to grant an extension and Dr. West does not provide a circumstance to be able to grant a waiver or modification.

It was the consensus of the Board to not grant an extension and advise Dr. West to complete and submit his CE's as soon as possible, and until such time he cannot practice.

c. E-mail from Dr. William Bloch – CE Waiver Request

The Board discussed an e-mail inquiry from Dr. Bloch requesting for a CE modification allowing him to use all on-line CE's as there are no CE courses in Thailand.

Upon a motion by Vice Chair Guevara, seconded by Dr. Ota and unanimously carried to grant the CE modification.

d. E-mail from Dr. Greg Nagamura – CE Waiver Request

The Board discussed an e-mail inquiry from Dr. Nagamura requesting for a CE waiver request due to being retired and diagnosed with a condition that prevents him from traveling and sitting for long periods of time.

Upon a motion by Dr. Wada, seconded by Ms. Primiano and unanimously carried to grant the CE waiver request.

e. Letter from Dr. Ellsworth Takata – Request for Approval of CE Course

The Board discussed an inquiry from Dr. Takata requesting for approval of a CE course after the course has already been given.

Upon a motion by Dr. Chun, seconded by Dr. Nagata and unanimously carried to deny the request for approval of CE course.

Ms. Matsushima left the meeting at 1:05 p.m.

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

a. State Board Reports

Mr. Kobashigawa provided a copy of the State Board Reports to the Board for their information.

b. Renewal Statistics

Mr. Kobashigawa reported as of January 27, 2014 out of 1,041 eligible dental hygiene licenses, 923 renewed. Out of

1,527 eligible dentist licenses, 1,377 renewed, and out of 27 eligible community service dentist licenses, 19 renewed.

c. National Governors Association Report

Mr. Kobashigawa stated the National Governors Association reported the role dental hygienists in providing access to oral healthcare has been expanded to address barriers to access. A copy of the report was provided to the Board for their information.

d. NHSC Loan Repayment Program

Mr. Kobashigawa reported dental students may apply for an allowance or partial reimbursement of their loans. They must work in under-served areas to qualify.

e. Oregon Board of Dentistry Newsletter

Mr. Kobashigawa provided a copy of the Oregon Board of Dentistry Newsletter to the Board for their information.

f. Dale Foundation – PACE Approved

Mr. Kobashigawa reported the Dale Foundation has been approved as an AGD PACE program provider.

g. Professional Licensing Report

Mr. Kobashigawa reported the 4th Circuit Court of Appeals rejected North Carolina Board's appeal of an FDC decision that the board had engaged in uncompetitive practices when it sent cease and desist letters to unlicensed teeth whitening services.

9. Public Comment: None.

10. Announcements:

c. Resignation of Marilyn Nonaka

Mr. Kobashigawa announced Ms. Nonaka has resigned from the Board of Dental Examiners.

11: Next Board Meeting: Monday, March 17, 2014
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 1:12 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ James Kobashigawa
James Kobashigawa,
Executive Officer

/s/ Lisa Kalani
Lisa Kalani, Secretary

JK:lk

2/20/14

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 3/17/14.