

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 15, 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
Paul Guevara, D.M.D., M.D.S., Vice Chair, 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
Garrett Ota, D.D.S., Dental Member
Janet Primiano, R.D.H., Dental Hygiene Member
Joy B. Y. Shimabuku, Public Member
Marianne Timmerman, Dental Hygiene Member
Stephen Levins, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer ("EO")
Sandra Matsushima, Executive Officer ("EO")
Lisa Kalani, Secretary

Excused: Dennis Nagata, D.D.S., Dental Member

Guests: Dr. Lynn K. Fujimoto, Hawaii Dental Association ("HDA")
Ellie Miyashiro, Hawaii Dental Hygienists' Association ("HDHA")
Gerraine Hignite, Hawaii Dental Hygienists' Association ("HDHA")
Loren Liebling, Hawaii Dental Association ("HDA")
Lei Fukumura, SDAG, PVL

1. Call to Order: There being a quorum present, Chair Baird called the meeting to order at 9:02 a.m.

2. Additions/ Revisions to Agenda: It was moved by Vice Chair Guevara, seconded by Dr. Wada, and unanimously carried to add the following to the agenda:
- 6. Old Business:
 - d. DOCS Course on Sedation
 - 7. New Business:
 - g. Request for Approval of Continuing Education Courses
 - Dr. Scott Morita – 1) “To Extract or Not to Extract”
2) “Comprehensive Guide to Orthodontics for Hygienist”
 - i. Legislative Matters
 - j. Discussion on Proposed Ethics Exam
 - 9. Executive Officer’s Report on Matters Related to the Board of Dental Examiners:
 - g. AGD Transcript
3. Approval of Board Meeting Minutes of July 14, 2014: Ms. Primiano stated at the top of page 10, second sentence should be corrected to read, “At this time the law does not allow the WREB *dental* exam to be accepted”.
- It was moved by Dr. Wada, and seconded by Dr. Ota, and unanimously carried to approve the July 14, 2014 Board Meeting minutes as amended.
4. Applications: a. Ratifications
- It was moved by Dr. Ota, seconded by Dr. Wada, and unanimously carried to ratify the following:
- Approved Dentist
- BRUNMEIER, Rachel
NG-A-FOOK, Patrick
VARGAS, Catherine
- It was moved by Ms. Primiano, seconded by Vice Chair Guevara, and unanimously carried to ratify the following:
- Approved Dental Hygienist
- BISHOP, Kristina (Military Spouse)
FELKEL, Allison
POBLACION, Susana

KNEWTSON, Carly
TREADAWAY, Jessica
MILSOM, Susan
SEELEY, Rachel
LYNE, Jennifer
HOUSTON, Kari
MCVEY, Dayna
KAILI-FRANK, Marrissa

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

MATSUMURA, Misty
RAMEY, Mandy
FELKEL, Allison
PROBLACION, Susan
HOUSTON, Kari
MAGPAYO, Rubilhyn
KAILI-FRANK, Marrissa

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

Approved Temporary License – Dentist

BABAK, Salahbin

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

Approved Community Service Dental License

Bay Clinic Inc.

HEFFNER, Marcus
CASEY, Paul

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

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

Mr. Kobashigawa stated he and Mr. Levins are still working on amendments to the application forms. Regarding the checklist for the anesthesia requirements, the Applications

Committee is still working on amendments. Discussion on this matter was deferred.

b. Review of Proposed Amendments to Administrative Rules and Approval of July 14, 2014 Committee Meeting Minutes

It was moved by Dr. Wada, seconded by Dr. Chun, and unanimously carried to approve the July 14, 2014 Committee Meeting minutes as circulated.

Mr. Kobashigawa provided the members and the audience in attendance with a copy of additional recommended changes to §16-79-69.10 Allowable duties of licensed dental hygienists for their review.

Dr. Hasegawa stated regarding the changes to the anesthesia section where it says “member of anesthesiology staff at an accredited hospital”. There are different levels of staffing at a hospital, are we assuming that it means “active” staff.

Vice Chair Guevara stated the Rules Committee did not research the terms, they just looked at it as being on staff at a hospital.

Mr. Kobashigawa stated we could say “who is an active member of the anesthesiology staff”.

Mr. Levins asked if the term “active” recognized by all hospitals.

Guest Dr. Lynn Fujimoto stated she agrees with Dr. Hasegawa. Most hospitals have courtesy, provisional or active members, and you would want someone who is an active member.

Mr. Levins stated you need to be certain that all hospitals use the same term because that is the term that’s going to be controlling. You could define “active” in your definitions.

Dr. Hasegawa stated when you say active staff, that is what most hospitals use.

Vice Chair Guevara stated maybe we should put what an active member is in our definitions if we’re going to limit it to someone who is an active staff member.

Mr. Kobashigawa asked if a CRNA can be an active member of a hospital anesthesiology staff as the Board allows CRNAs to administer sedation and general anesthesia.

Dr. Hasegawa stated he believes they can.

Mr. Levins stated even though you think every hospital uses the term active, it should be verified.

Dr. Ota stated we should ask HANA to come to a meeting so we can confirm if a CRNA can be an active member of a hospital before we make a decision.

Further discussion was deferred until clarification can be made.

Mr. Levins suggested that the Rules Committee meet prior to the next Board meeting to discuss this as well.

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

The Chair called for a recess from the meeting at 9:36 a.m. to discuss and deliberate on the following adjudicatory matter(s) pursuant to Chapter 91, HRS:

5. Chapter 91, HRS – Adjudicatory Matters

- a. In the Matter of the Dentist License of KAI K. KAWASUGI, D.D.S., DEN 2014-10-L, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1".

It was moved by Vice Chair Guevara, seconded by Dr. Chun, and unanimously carried to accept the Board's Final Order.

- b. In the Matter of the Dentist License of NICHOLAS R. PRUETT, D.D.S., DEN 2014-7-L, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1".

It was moved by Vice Chair Guevara, seconded by Dr. Ota, and unanimously carried to accept the Board's Final Order.

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

6. Old Business: c. DCCA LEAP Initiative

Chair Baird stated a meeting was held on August 29, 2014 with the DCCA Administration, Mr. Kobashigawa, himself

and Ms. Matsushima. Chair Baird stated that one of the things that those in attendance were not aware of is how dental students become licensed. The licensing occurs in their education area and so they can be reconstituted should they fail a test. Other things discussed were a level of fines, and proposed legislation.

Mr. Kobashigawa stated at the Board's previous meeting the DCCA's Deputy Director was in attendance and went over the LEAP Initiative. Some of the things they are looking at from the Department's point of view are communication, the working relationship between the Department, RICO and the Board. Right now they are only concentrating on the health related boards and looking at coming up with a chapter strictly related to the health related boards. Should that happen, they would need to look at related standards for all the health related boards, for example the duty to report, which is reporting any knowledge of a violation by a licensee. They are also looking at doing outreach programs and education of licensees, criminal background checks, licensure for specialists, standardized fines and evaluation of your current laws and rules and they would like feedback from the Board on these areas.

d. DOCS Course on Sedation

The Board reviewed an email received from Mr. Bitting regarding the Board's decision to not accept the DOCS course on sedation.

Vice Chair Guevara asked if we should audit the course.

Mr. Kobashigawa stated you would have to change your rules if you want to accept the course.

This matter was referred to the Rules Committee for their research and recommendation.

7. New Business:

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

- AADB/AADA Annual Meeting

The AADB and AADA Annual Meetings will be held October 5-8, 2014 in San Antonio, Texas. Ms. Matsushima will be

attending both meetings and Vice Chair Guevara will be attending the AADB meeting as the Board's representative.

- AADB Bulletin

The AADB Bulletin was distributed to the members for their information.

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

- CRDTS Annual Meeting

Chair Baird, Dr. Fujimoto, Ms. Primiano, Ms. Timmerman and Ms. Matsushima attended the 2014 CRDTS Annual Meeting. Ms. Matsushima provided a written report to the members for their information.

Chair Baird stated there was a very good ethics presentation that was put on by Dr. Ron Tankersly. This presentation would be a great way to educate people entering the profession.

Ms. Primiano stated it is a good idea for dental hygiene examiners to go to this meeting because you can see where you stand compared to other dental hygiene examiners. They look at each area and how you grade, and put you on a spectrum to see if you are too easy or too hard. That way you know where you need to improve.

- Dental Hygiene Examination Results

Mr. Kobashigawa offered the dental hygiene examination results to the members for their review.

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

- 10th ADEX House of Representatives (ADEXHR) Meeting

Chair Baird will be attending the 10th ADEX House of Representatives (ADEXHR) Meeting held November 9, 2014 at the Doubletree Hotel in Rosemont, Illinois.

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

None.

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

- Invitation to become active member state of WREB for hygiene only

After discussion, it was moved by Ms. Primiano, seconded by Ms. Timmerman and unanimously carried to accept WREB's invitation to become an active member state for hygiene only.

Ms. Primiano volunteered to be a hygiene examiner and representative to the Hygiene Exam Review Board (HERB).

f. Matters Related to the American Dental Association ("ADA")

- CODA Summer 2014 Accreditation Actions

Mr. Kobashigawa reported that at the CODA meeting that was held July 31-August 1, 2014, the Commissions intent to withdraw accreditation for General Practice Residency at Loyola University Medical Center, Dental Hygiene at Hagerstown Community College, and Pediatric Dentistry at Oregon Health and Science University. The following schools voluntarily discontinued their participation: General Practice Residency at 81st Medical Group Keesler Air Force Base, Dental Hygiene at Southern West Virginia Community and Technical College, and Oral & Maxillofacial Surgery Clinical Fellowship Oncology at University of Minnesota. There was also initial accreditation granted for Oral Medicine at Tufts University of Boston, Dental Public Health at Lutheran Medical Center Temple University, Oral & Maxillofacial Radiology at Texas A&M University Baylor College of Dentistry, Advanced Education in General Dentistry at Veteran's Affairs Medical Center in West Virginia, Dental Hygiene at Howard Community College, and Periodontics at West Virginia University.

- Operative Dentistry's Recognition Application

Mr. Kobashigawa reported the Council on Dental Education and Licensure has received a request from the Academy of

Operative Dentistry to recognize operative dentistry as an interest area in general dentistry. There will a hearing at the ADA Annual Meeting on October 11, 2014

g. Request for Approval of Continuing Education Course

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

- Dr. Sheri Lyn Chong – “Partnering to Improve Your Patient Smile” – 1 hour
- Dr. Scott Morita – 1) “To Extract or Not to Extract” – 2 hours and 2) “Comprehensive Guide to Orthodontics for Hygienist” – 2 hours
- American Educational Institute – 2014-2015 Medical-Legal Update – 20 hours of courses at 1 hour each

h. Ratification of Approved Continuing Education Course

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

- Making Invisalign a Success (2 CE hours)

i. Legislative Matters

A draft of proposed legislation to §448-1(4) was distributed to the members and audience in attendance for their review. The proposed legislation is as follows:

448-1 (4) The practice of dentistry or dental hygiene by an intern or student enrolled in a program that is accredited and recognized by the American Dental Association Commission on Dental Accreditation operating in affiliated training sites that are restricted to eleemosynary health care organizations, training sites, hospitals, or university-affiliated training programs. The intern or student shall function under the direct supervision of the dental residency faculty licensed in Hawaii.

Chair Baird stated that by specifying an exemption to the practice of dentistry and dental hygiene, this will clarify and allow dental and dental hygiene students to go out into the community in an educational situation and not have to be licensed. This would allow for increased training for the dental hygiene students in Hawaii as well as dental students

on the mainland or potentially Hawaii should there be a dental program in the future.

Guest Loren Liebling asked if there a category for “intern” in dentistry?

Chair Baird stated it’s the students.

Mr. Liebling stated intern means post-graduate, so if this is the dental or dental hygiene students, than the term intern would not be appropriate.

Mr. Kobashigawa stated we can delete the word intern.

Chair Baird stated we are removing “an intern” in the first line and “intern or” from the last line.

Ms. Shimabuku asked if the term intern is used in dentistry?

Chair Baird stated no, for dental and dental hygiene students.

Mr. Liebling stated that terminology is used for post medical training for physicians.

Mr. Kobashigawa stated Chair Baird would like to have this as part of a legislative package sponsored by the Board. We may not be able to have this as part of an administrative legislative package, so we’d like to reach out to HDA if they’re okay with this and if they would be willing to include this in their legislative package.

Mr. Liebling stated it sounds good and he will take it to HDA’s program and get back to the Board.

Chair Baird thanked Mr. Liebling.

j. Discussion on Proposed Ethics Exam

Chair Baird stated at the July 14, 2014 Rules Committee meeting the Committee discussed the possibility of requiring a 2 hours ethics course to be included in the CE requirement under section §16-79-141 Continuing education categories.

Mr. Kobashigawa stated the rules would have to be amended.

Ms. Primiano asked if the ethics course that would be put together will be something that the dentist as well as the dental hygienist would have to do.

Chair Baird stated yes.

Dr. Wada stated it would be important to have jurisprudence as part of the ethics because that would force dentist and hygienist to look at the rules every 2 years.

Mr. Kobashigawa stated there is also the consideration of logistical matters, such as who would administer the exam, whether fees would be charged, etc.

Vice Chair Guevara stated when you join organizations like ACD or ICD, there is a large ethical section there; we could mandate that part of the CE hours required for renewal be in ethics.

Mr. Liebling stated as the Board knows, last legislative session the HDA put in a bill to require an ethics course for the CE requirement. The most efficient way to do this is to have it made a part of the CE requirements, and then the onus is put on the provider. A jurisprudence piece would also be a good thing to include as well. As the rules change HDA encourages the dentists to read the rules but they cannot force them. Mr. Liebling stated they would gladly work with the Board to build this out.

Mr. Kobashigawa stated in terms of a national sponsor, ethics courses would be available but not necessarily jurisprudence courses. If you are willing to work on getting a provider to have both, that would be great.

Mr. Liebling stated he will take this to their Board and he knows they will definitely be interested in this.

Chair Baird again thanked Mr. Liebling and HDA and offered his assistance.

8. Correspondence:

a. Email from Dr. Natsuko Nakatani, DDS

The Board reviewed an email from Dr. Nakatani asking if the requirement for the community service dental license of clinical practice of dentistry of not less than 1,000 hours per

year for the three years immediately prior to applying has to have been done in the United States.

Dr. Chun stated if the clinical practice was done in a foreign country the standard of practice may be higher or lower than in the U.S.

Dr. Wada stated it should be done in the U.S.

Mr. Kobashigawa stated this individual is also licensed in California, obtained a CODA accredited dental degree and the provision does not specify the clinical practice of dentistry has to be in the U.S.

Chair Baird stated the main thing is that they are licensed and educated in the U.S.

Mr. Levins stated what you need to look at is there are three separate prerequisites, one is you have to have graduated from an ADA school, the second one is having the three years with 1,000 per year and the third is having a valid license in another state. Each prerequisite needs to be looked at separately.

Vice Chair Guevara stated our requirement does not specify where the 1,000 has to have been done, we are assuming since they are licensed in another state that the 1,000 would have been done in the U.S.

Dr. Ota stated if we decide that the 1,000 hours has to have been done in the U.S., would the Board open themselves up to legal action.

Mr. Kobashigawa stated you could open yourselves up to legal action regardless of what you decide.

Mr. Levins stated you could say out of an abundance of caution, since the Board cannot determine the level of practice performed in another country, the hours have to have been done in the U.S.

Guest Loren Liebling stated that one of the requirements of the community service license is that they have a contract with a federally qualified health center, etc., if you allow this to go through, that may open the minds of those administrators of those various places to recruit for those positions outside of the U.S.

It was moved by Ms. Shimabuku, seconded by Vice Chair Guevara, and unanimously carried to defer discussion until the next meeting so the DAG, Mr. Levins can do a legal review.

b. Email from Dr. Joseph Schafermeyer

The Board reviewed an email from Dr. Schafermeyer requesting the Board accept his passage of the CITA examination and the Canadian National Boards in lieu of the ADEX examination.

It was moved by Vice Chair Guevara, seconded by Dr. Wada, and unanimously carried to deny Dr. Schafermeyer's request.

c. Email from Dr. Gavin Uchida

The Board reviewed an email from Dr. Uchida requesting to expand his participation as a community service dentist to additional sites.

It was moved by Vice Chair Guevara, seconded by Ms. Shimabuku, and unanimously carried to allow Dr. Uchida to expand his participation as a community service dentist to additional sites.

d. Email from Dr. Trevor Webster

The Board reviewed an email from Dr. Webster requesting for an exception to the education requirement for a dental license that an applicant need have graduated from an ADA school.

It was moved by Vice Chair Guevara, seconded by Dr. Wada, and unanimously carried to deny Dr. Webster's request for an exception to the education requirement.

e. Letter from Ms. Marilyn Nonaka

The Board reviewed a letter from Ms. Nonaka thanking the Board for allowing her the opportunity to continue her participation as a dental hygiene examiner.

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

a. Tentative 2015 Board Meeting Schedule

It was moved by Ms. Shimabuku, seconded by Dr. Wada, and unanimously carried to approve the tentative 2015 Board meeting schedule as follows to be held in the Queen Liliuokalani Conference room:

Monday, January 26, 2015
Monday, March 16, 2015
Monday, May 18, 2015
Monday, July 20, 2015
Monday, September 21, 2015
Monday, November 16, 2015

b. Hawaii Primary Care Association Conference – October 3, 2014

Mr. Kobashigawa reported the State Department of Health, Family Health Services Division, Oral Health Program is inviting selected people to the Hawaii Primary Care Association Conference held on October 3, 2014. They will be discussing various issues on the practice of dentistry like health and community development; living well program; behavioral health integration; oral health and primary care integration; place based community development; centering pregnancy, centering parenting; policies, priorities and opportunities in oral health; people based community development; and social determinance in Hawaii.

Mr. Kobashigawa stated the deadline to register has passed but he will try to attend.

c. Articles on Dental Embezzlement

Mr. Kobashigawa stated he has received several emails from Prosperident covering the topic of embezzlement. According to their articles, there is a probability of 60% that a dental practice will be subject to embezzlement.

Guest Loren Liebling stated the dental profession for some reason is the highest profession for exposure to embezzlement.

d. License Statistics

Mr. Kobashigawa reported the following Hawaii license statistics:

Dental Hygienist	-	1,110
Dentist	-	1,473
Community Service Dentist	-	27
Community Service Dental Hygiene	-	1
Dental Temporary	-	<u>20</u>
Total:		2,531

e. Dental Assisting National Board ("DANB")

Mr. Kobashigawa reported that DANB has created an entry level designation for dental assistant designation. They have a program where the dental assistant would have to pass exams on Radiation Health and Safety, Infection Control and Anatomy, Morphology and Physiology.

f. Supreme Court Case Relating to Federal Trade Commission and the North Carolina Board of Dental Examiners

Mr. Kobashigawa reported that the North Carolina Board of Dental Examiners case is in the Supreme Court now and will be heard.

g. AGD Transcript

Mr. Kobashigawa reported that dental school curriculums are changing; they are exposing students to clinical work earlier than before. They are allowing them to do clinical work in the first and second year, rather than after the second year.

10. Public Comment: None.

11. Announcements: Vice Chair Guevara stated he will be in contact with Mr. Kobashigawa to schedule a Rules and Applications Committee meeting. Dr. Hasegawa was welcomed as the newest member of the Rules Committee.

12: Next Board Meeting: Monday, November 17, 2014
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

13. Adjournment: Chair Baird adjourned the meeting at 11:31 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ James Kobashigawa
James Kobashigawa,
Executive Officer

/s/ Lisa Kalani
Lisa Kalani, Secretary

JK:lk

9/19/14

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.