

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 16, 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
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., M.P.H., Dental Hygiene Member
Joy B. Y. Shimabuku, Public Member
Marianne Timmerman, R.D.H., Dental Hygiene Member
Daniel Jacob, Esq., Deputy Attorney General
Sandra Matsushima, Executive Officer ("EO")
Lisa Kalani, Secretary
- Excused: Earl Hasegawa, D.D.S., Dental Member
- Guests: Ellie Miyashiro, Hawaii Dental Hygienists' Association, ("HDHA")
Gerraine Hignite, Hawaii Dental Hygienists' Association
("HDHA")
Loren Liebling, Hawaii Dental Association ("HDA")
Steve Wilhite, Hawaii Dental Association ("HDA")
1. Call to Order: There being a quorum present, Chair Baird called the meeting to order at 9:00 a.m. and excused Dr. Hasegawa from the meeting.

2. Additions/ Revisions to Agenda: Chair Baird announced the following as amendments and additional distribution to the agenda:
6. New Business:
- g. Legislation
- HB268 HD2/SB725 SD2
 - HCR 8
3. Approval of Board Meeting Minutes and Executive Session Minutes Of January 26, 2015: Ms. Primiano asked that her degree, M.P.H. be shown after her name. Also the adjournment time be corrected to p.m.
- It was moved by Dr. Fujimoto, seconded by Dr. Wada, and unanimously carried to approve the January 26, 2015 Board Meeting minutes as amended.
- Ms. Primiano asked that her degree, M.P.H. be shown after her name.
- It was moved by Ms. Primiano, seconded by Dr. Nagata, and unanimously carried to approve the January 26, 2015 Executive Session Minutes as amended.
4. Applications: a. Ratifications
- It was moved by Dr. Fujimoto, seconded by Dr. Chun, and unanimously carried to ratify the following:
- Approved Dentist
- DUMPERT, Kyle
SUEDA, Stephen
SWAN, Ashley
WOJCICKI, Kelly
UCHIDA, Gavin
SUEDA, Stacie
SULLIVAN, Barry

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

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

Community Service Dental License

MOLOKAI OHANA HEALTH CARE

LE, Vu T.

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

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

The Board was provided with copies of draft applications for Permit to Administer Deep Sedation/General Anesthesia and Moderate Sedation.

Dr. Wada stated the Committee had wanted moderate sedation to come before deep sedation in the "For Official Use Only" section on the application and in the body of the application, "Pediatric for Moderate Sedation" to be before "Pediatric for Deep Sedation/General Anesthesia".

Ms. Matsushima stated they can move the subjects around on the application, however the coding (A, B, etc.) may have to remain the same for administrative purposes.

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

6. New Business:

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

- Mid-year meeting

Vice Chair Guevara will be representing the Board at the Mid-year meeting being held April 25-27, 2015 in Chicago, Illinois.

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

Ms. Matsushima announced the CRDTS Dental Hygiene Examination dates as April 25-26, 2015.

- Annual Report

The annual report was passed out to the Board for their review.

- Newsletter

The newsletter was passed out to the Board for their information.

Chair Baird stated the Board needs to select someone to take his place on the CRDTS Steering Committee as his term on the Board expires this June 30, 2015.

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

- Dr. Guy Champagne named as the first Chief Executive Officer and Mr. Patrick D. Braatz as the first Chief Operating Officer.

The Board was provided with a letter from Dr. Stanwood Kanna, President of ADEX announcing that the ADEX Board of Directors has named Dr. Guy Champagne as the first Chief Executive Officer and Mr. Patrick D. Braatz as the first Chief Operating Officer

- Tentative exam dates: July 17-19, 2015

Chair Baird reported the tentative exam dates for the 2015 ADEX Dental exam are July 17-19, 2015. Chair Baird and Dr. Wada may not be able to participate as examiners since their children will be taking the exam.

- Southern Regional Testing Agency, Inc. ("SRTA") Dental Hygiene Exam 2015

A press release from SRTA was passed out to the Board to review at their perusal.

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

- NERB 2015 Annual meeting report

A written report from Executive Officer Sandra Matsushima and Dental Hygiene Member Janet Primiano was provided to the Board for their information.

e. Ratification of Approved Continuing Education Course(s)

It was moved by Dr. Ota, seconded by Dr. Wada, with Ms. Shimabuku voting in opposition, and carried to ratify the following:

- Comprehensive Invisalign Program for Hawaii Society of Orthodontists (6 CE hours).

f. Request for Continuing Education Course Approval

- Course Title: Hygenius

It was moved by Vice Chair Guevara, seconded by Dr. Fujimoto, and unanimously carried to deny the continuing education course titled “Hygenius” due to it being evaluated as a marketing course.

g. Legislative Matters

- HB268 HD2 / SB725 SD2

Ms. Matsushima stated both companion bills are still moving. The House version gives the Director the power to issue cease and desist orders for unlicensed activity upon a finding. Although the Director may not have investigative authority, the Regulated Industries Complaints Office (“RICO”) does. The Senate version authorizes the Board to summarily suspend a license for immediate threat or endangers the health and safety of patients.

The Board by consensus continues to support the intent with reservations as there are measures already in place.

- SB114 SD1

Ms. Matsushima stated this bill continues to move. This bill requires three hours of ethics training annually as part of the continuing education requirements.

Ms. Primiano asked if this bill includes dental hygienist as well.

Ms. Matsushima stated it only addresses dentist; however the Board’s proposed amendments to the rules include dental hygienist.

The Board by consensus continues to support the intent, however, the Board is already addressing this issue by proposed amendments to their administrative rules which is currently proceeding in the rule making process.

- HCR 8

Ms. Matsushima noted that this resolution calls for a sunrise analysis for regulation of dental therapists. The resolution is moving.

The Board by consensus agrees that a sunrise study be conducted.

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

7. Correspondence:

a. Email from Dr. Louis Malmacher

The Board reviewed an email from Dr. Malmacher continuing to ask the Board to look at its current policy regarding the use of botox and dermal fillers, reconsider adopting the March 2013 policy, and requesting that the Board members attend his presentation.

Ms. Primiano wanted to clarify that she did not attend Dr. Malmacher's presentation nor did she meet Dr. Malmacher, however she is mentioned in his email as attending.

Vice Chair Guevara noted that the Board will keep the same position as in their July 2013 policy statement. No reconsideration will be discussed.

b. Email from Dr. Dan Fujii

The Board reviewed an email from Dr. Fujii asking the following question:

If, in the medical world, the application of topical fluoride is approved to be applied by auxiliary medical personnel after attending a webinar, why is it that an auxiliary (ie: Dental Assistant) who would typically be working in a dental environment, be forbidden to perform the same task?

Dr. Chun stated Dr. Fujii has a valid question.

Ms. Primiano asked if it is within the scope of practice of a dental assistant to administer a prescribed product?

Chair Baird stated right now topical fluoride is not a prescribed product.

After a brief discussion, it was moved by Dr. Chun, seconded by Dr. Wada, and unanimously carried to refer this question to the Rules Committee for discussion and recommendation.

c. Email from Dr. Timothy Tanabe

The Board reviewed an email from Dr. Tanabe asking if currently Hawaii licensed dentists can order laboratory screening tests for their patients of record.

After a brief discussion and a review of the dental laws and rules, it was moved by Vice Chair Guevara, seconded by Ms. Shimabuku, and unanimously carried to suggest Dr. Tanabe consult with his own legal counsel to review §448-1 Dentistry defined, HRS, to determine whether laboratory screening tests can be ordered for your own patients of record.

d. Letter from Briani Komoda, RDH

The Board reviewed a letter from Ms. Komoda regarding the dental hygienist scope of practice in a public health setting.

Pursuant to the Dental statutes, public health setting includes dental services in a legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, non-profit health clinic, or the State or any county. If an employer falls under one of these categories, a licensed dental hygienist may operate under direct or general supervision of a licensed dentist.

After a brief discussion, the Board deferred this matter for more detailed information on whether the employer qualifies under a public health setting.

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

a. North Carolina State Board of Dental Examiners v. Federal Trade Commission Supreme Court Decision

The Board was provided with the latest information regarding the North Carolina State Board of Dental Examiners vs. Federal Trade Commission Supreme Court Decision for their information.

b. DCCA Office of Administrative Hearings Disciplinary Actions

Ms. Matsushima reported there were no dentists or dental hygienists but provided the report for the Board to review at their perusal.

c. Commission on Dental Accreditation ("CODA") report

The report was provided to the Board members to review at their perusal.

d. AGD Washington Briefings

The briefings were provided to the Board members to review at their perusal.

9. Public Comment: Mr. Liebling commented that the Board is doing a great job and welcomed the new DAG Mr. Daniel Jacob.

Chair Baird called for a recess at 10:00 a.m.

Chair Baird resumed the meeting at 10:07 a.m.

Executive Session:

At 10:07 a.m., it was moved by Vice Chair Guevara, seconded by Dr. Ota, 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 11:05 a.m., it was moved by Ms. Shimabuku, seconded by Dr. Ota, and unanimously carried to move out of executive session.

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

4. Applications: a. Ratifications:

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

Approved Dental Hygienist

GUENTHER, Kimberly
TAEOALII, Amanda
KEALA, Nahokuheleiakeahu'olu
FLOWERS, Kristina

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

KEALA, Nahokuheleiakeahu'olu
MCCARTHY, Robyn

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

5. Old Business: b. Discussion on Administrative Rules

- Report from March 4, 2015 Rules Committee Meeting

The Board was provided with a copy of the minutes from the March 4, 2015 Rules Committee Meeting.

It was moved by Vice Chair Guevara, seconded by Dr. Ota, and unanimously carried to approve the minutes of the March 4, 2015 Rules Committee Meeting.

Vice Chair Guevara stated that there will be no changes to the requirements for dental hygiene licensure and certification in the administration of intra-oral infiltration and block anesthesia at this time. Vice Chair Guevara added that proposed amendments to the dental hygiene license requirements may be addressed by the Rules Committee at a future meeting. The next Committee meeting may be scheduled sometime in June or July, after the May 2015 Board meeting.

Vice Chair Guevara stated that the Committee agreed with the notification regarding infection control practices. He added that the Committee suggests including a link or reference to OSHA and HIOSH as this would make for a more complete message to the dentists.

c. Email from Dr. Hosam Alrqiq

It was moved by Vice Chair Guevara, seconded by Dr. Ota, and unanimously carried to deny request for consideration of a Community Service Dental License based solely upon Dr. Alrqiq's curriculum vitae, pursuant to §448-9.6(a)(1)(B), HRS.

The Board, without a complete application, is unable to determine if all requirements have been met.

h. Invitation to Board members / DOCS Education Course

Discussion on this matter was deferred.

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

10. Announcements:

11: Next Board Meeting: Monday, May18, 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 11:08 a.m.

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Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima
Sandra Matsushima
Executive Officer

/s/ Lisa Kalani
Lisa Kalani, Secretary

SM:lk

3/30/15

Minutes approved as is.

Minutes approved with changes; see minutes of _____.