

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, July 20, 2015
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st 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
Mark Chun, D.M.D., Dental Member
Dennis Nagata, 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
Daniel Jacob, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer ("EO")
Sandra Matsushima, Executive Officer ("EO")
Lisa Kalani, Secretary
- Excused: Rodney Ching, Public Member
Joy B. Y. Shimabuku, Public Member
- Guests: Noelani R.E.T.G. Greene, Hawaii Dental Hygienists' Association ("HDHA")
Sandy Kirkoski, Hawaii Dental Hygienists' Association ("HDHA")
Gayle Chang, Hawaii Dental Hygienists' Association ("HDHA")
Steve Wilhite, Hawaii Dental Association ("HDA")
Gerraine Hignite, Hawaii Dental Hygienists' Association ("HDHA")
1. Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:00 a.m. and excused Ms. Shimabuku and Mr. Ching from today's meeting.

2. Additions/
Revisions to
Agenda:

It was moved by Vice Chair Wada, seconded by Dr. Ota and unanimously carried to add the following to the agenda:

6. New Business:

- c. Matters Relating to the American Board of Dental Examiners ("ADEX")
 - 2015 11th Annual ADEX Meeting and Board Representative.
- h. Legislation
 - Act 028 Relating to Dentistry

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

- g. Dental Assisting National Board ("DANB").
- h. Exam Cheating Returns to Haunt an Accused Licensee Thirty Years Later.
- i. International Conference of Dental Regulators.

3. Approval of
Board Meeting
Minutes and
Executive
Session Minutes
Of May 18,
2015:

Dr. Hasegawa stated on page 7, in response to the question, "Should we require Capnography", carbon dioxide replaces the word oxygen throughout the paragraph.

It was moved by Dr. Ota, seconded by Vice Chair Wada, and unanimously carried to approve the May 18, 2015 Board Meeting minutes as amended.

It was moved by Ms. Primiano, seconded by Dr. Nagata, and unanimously carried to approve the May 18, 2015 Executive Session Minutes as circulated.

4. Applications:

a. Ratifications

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

Approved Dentist

Matthew MCCULLOUGH
Stephen BARBA
Taylor TOKUNAGA
Jason NISHIKUBO
Melanie WHALEN

Whitney SMITH
Michael LEWIS
Garrett GENTLING
Laura CHANG
Christopher NAKAMURA

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

Approved Dental Hygienist

Michelle LEFEVER
Chiarina ARGENZIANO
Angelica LOMONGO
Cassandra MIYASHIRO
Alisa LAU
Natasha FONG
Kiana MENDIOLA
Maria DUKE
Kathryn Pearl TEDIOS
Melissa SAMBO
Wendi GRAY
Brittany DANIELS
Janice KAAWALOA
Linda KANG
Amber MCNABNEY
Alyson MARTIN
Wendy MURASHIMA
Alana RARICK
Sandra REYNO
Karia RODRIGUES
Jeannette VENCES
Hillary VIDINHAR
Gwendolyn ROSARIO
Karen BOTEILHO
Justin RICAFORT
Kristina CHUNG
Tiana ESAKI
Janice XIAO
Ashley FURUTA
Kelsey JANZ KARLINSKY
Celestina ROYER
Nguyen NGO
Cassandra LAUBERT
Janet MONTGOMERY
Tammy BROWN

Audra DENNIS
Hoda SAADATI

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

Nahokuheleiakeahu'olu KEALA
Nguyen NGO
Celestina ROYER
Kelsey JANZ KARLINSKY
Ashley FURUTA
Janice XIAO
Tiana ESAKI
Kristina CHUNG
Melissa SAMBO
Hillary VIDINHAR
Jeanette VENCES
Karia RODRIGUES
Sandra REYNO
Alana RARICK
Alyson MARTIN
Amber MCNABNEY
Linda KANG
Janice KAAWALOA
Gwendolyn ROSARIO
Natasha FONG
Justin RICAFORT
Alisa LAU
Cassandra MIYASHIRO
Angelica LOMONGO
Kathryn Pearl TEDIOS
Maria DUKE
Kiana MENDIOLA
Thuy PHAM
Lawrence SALAZAR
Elisa NUNES

5. Old Business: a. Approval of the Board's Application Forms

The Board reviewed draft #3 of the Application for Permit to Administer Deep Sedation/General Anesthesia and Moderate Sedation, the Guidelines for On-Site Inspection and Evaluation of Offices for Dentists Utilizing Moderate

(Conscious) Sedation, Deep Sedation or General Anesthesia and the Anesthesia Site Evaluation Check List.

Vice Chair Wada stated that the Board reviewed all the changes at the Board's last meeting. She asked if everyone could take a last look to make sure everything is ok.

Chair Guevara asked if everyone could take a good look at this because we need to start moving on the applications as they are becoming back-logged. Once these changes are approved, the applications that are already in can be taken care of.

Vice Chair Wada stated she attended the CDCA Steering Committee in June 2015 in place of the Board's Chair, and learned that everything this Board is doing is in line with what other state boards are doing. Vice Chair Wada acknowledged Dr. Hasegawa and Dr. Ota for all their research and work on the revisions to the application.

Mr. Kobashigawa stated that some of the offices doing moderate sedation may not have all the items on the revised checklist. Will they be allowed time to obtain them? How long? What happens if they do not obtain the additional items on the checklist?

Ms. Matsushima stated if they do not meet the deadline provided, the preliminary permit approval will be taken away.

Chair Guevara stated yes they will be given ample time and addressed Dr. Hasegawa for his recommendation on a deadline.

Dr. Hasegawa recommended they be allowed 1 year to comply.

Dr. Nagata asked about how much money will they need to spend to purchase any equipment or supplies that they may need from the new checklist?

Dr. Hasegawa stated depending on what they need, approximately \$3,000.

Guest Steve Wilhite from HDA asked what is the definition of moderate sedation?

Mr. Kobashigawa read §16-79-75 Definitions, “Moderate (conscious) sedation” means a drug-induced, depression of consciousness that allows a patient to maintain protective reflexes, retain the ability to independently and continuously maintain a patent airway, and respond purposefully to light tactile stimulation or verbal command.

Mr. Wilhite clarified, right now the rule is, if one oral medication is used and nitrous oxide, that does not qualify as moderate sedation?

Mr. Kobashigawa stated yes.

Mr. Wilhite asked if the anesthesiologist has to be an active staff member of a hospital?

Mr. Jacob stated in the rule amendments going through now, it states that they must hold a license that is current, unencumbered and held by a person that is actively practicing.

It was moved by Dr. Fujimoto, seconded by Dr. Nagata, and unanimously carried to approve the Application for Permit to Administer Deep Sedation/General Anesthesia and Moderate Sedation, the Guidelines for On-Site Inspection and Evaluation of Offices for Dentists Utilizing Moderate (Conscious) Sedation, Deep Sedation or General Anesthesia and the Anesthesia Site Evaluation Check List as presented. The applicants currently waiting for inspections will be allowed 1 year to comply with requirements on the revised check-list.

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”)
- AADB Annual Meeting

Chair Guevara stated he will attend the 132th Annual Meeting, November 3-4, 2015 in Washington, DC. and report back to the Board.

- AADA Annual Meeting

Ms. Matsushima stated this is a dental administrators meeting and she will be attending it November 1-2, 2015 in Washington, DC. and report back to the Board.

- The Bulletin

The Bulletin was passed out to the members to review at their perusal.

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

- Notice of Annual Meeting August 22, 2015

Notice was given that the Annual Meeting of the Members of Central Regional Dental Testing Service Inc., will be held at the Hilton Kansas City Airport in Kansas City, Missouri, August 22, 2015.

- Report on Hygiene Exam Review Committee Meeting

Guest Gayle Chang from HDHA attended this meeting and provided an unofficial written and oral report to the Board. Some of the highlights of the report are as follows:

- ✓ There are currently 20 member states;
- ✓ As of June 30, 2015, 1733 dental hygienists have been tested at 49 sites;
- ✓ Technical Report for the year ending 2014 for the CRDTS National Dental Hygiene Exam was published March 15, 2015;
- ✓ Currently 41 states accept CRDTS dental hygiene results;
- ✓ Master grade sheets are sent out to all member State Boards every 2 weeks during the height of the exam season;
- ✓ CRDTS is available to do school presentations if schools request it;
- ✓ There is no change in the exam fee for 2016; and
- ✓ The next CRDTS Dental Hygiene ERC meeting is July 9, 2016.

- Requested Date for CRDTS Dental Hygiene Exam in 2016

Ms. Matsushima stated the proposed dates for the 2016 exam is April 23-24, 2016.

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

- 2015 ADEX Dental Hygiene Examiner Manual
- 2015 ADEX Dental Hygiene Candidate Manual

The Manuals were passed out to the members to review at their perusal.

- 2015 11th Annual ADEX Meeting and Board Representative.

It was moved by Dr. Ota, seconded by Dr. Nagata and unanimously approved to delegate Vice Chair Wada as the Board's representative to the 11th Annual ADEX Meeting.

Vice Chair Wada stated as some of you may or may not know, CDCA is the new name of NERB. The CDCA Steering Committee meeting was held this past June 2015 in Baltimore, Maryland and was attended by Vice Chair Wada and Ms. Primiano. Some statistics addressed at the meeting are as follows:

- ✓ Clinical year to date there were 3,324 dental candidates;
- ✓ Both the clinically integrated format and traditional exam, pass rate is about 97%

Jamaica is the first international member of ADEX, and they gave their first ADEX exam this past May 2015. Lastly, there is a new exam model call the buffalo model, named after the State University New York, Buffalo. It is a modification of the clinically integrated format and their first pilot exam was given in Buffalo, New York this past exam season. It was a joint effort of the CDCA, ADEX, the New York State Dental Association, and the New York State Dental Board. The purpose of it was to make the ADEX exam a more ethical exam.

Vice Chair Wada also stated that at the Steering Committee Meeting there is a State Board Chair Meeting where they each give a state report. The reports are mainly on legislation, changes, and big issues in their states. Some things of interest were in Vermont State they are having a rash of mail order orthodontics from a company called the Smile Care Club. In Pennsylvania, they require three hours of child abuse CE's for dental license renewal. Michigan has problems with human trafficking that affects their dental Board. In Maryland if you practice without a license it is a misdemeanor, but they are trying to get it raised to a felony. Lastly, for mid-levels providers, Gordon Christiansen did a study and found that they are not effective.

Ms. Primiano also attended the CDCA Steering Committee meeting. Ms. Primiano stated that there was a Communication Committee Meeting a few hours prior to the Steering Committee Meeting where they discussed clarification as to the function of the Communications Committee and that it is no longer a standing committee. The recommendation was to have it as an ADHOC Committee. In the past the newsletter was the primary responsibility of the Communications Committee but now that there is a marketing person, she is responsible for the newsletter. There was discussion about what the Communications Committee wants to see in the newsletter, and the following were some of the recommendations:

- Keep it short;
- Do weekly blurbs;
- Send out full newsletter monthly;
- Get information to all state boards; and
- Do marketing for and get information to candidates;

Dr. Chun arrived 9:30 a.m.

The Communications Committee would be meeting twice a year and it would be during the Steering Committee and Annual Meeting time. Ms. Primiano passed around to the members' for their review, statistics that were provided at the Steering Committee Meeting. Some changes coming to the 2016 ADEX Dental Hygiene exam are as follows:

- ✓ Utilizing electronic grading on tablets;
- ✓ Identification of three teeth with pockets of four millimeters plus and minus of one millimeter will be deleted;
- ✓ Blood pressure of 160/100 of patient on the day of the exam will mean disqualification of patient;

- ✓ Point value for each section of exam has changed; and
- ✓ Score release date has changed.

Vice Chair Wada passed around Dr. Stan Kanna's written report from the ADEX Steering Committee meeting to the members for their review.

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

No report.

e. Discussion on Delegating Authority to Staff to Issue Letter of Intent to Revoke a License when Respondents Fail to Comply with Terms of a Settlement Agreement

It was moved by Vice Chair Wada, seconded by Dr. Chun, and unanimously carried to delegate authority to staff to issue a letter of intent to revoke a license when respondent fails to comply with terms of a Settlement Agreement.

f. Request for Appointments to RICO's Advisory Committee

It was moved by Dr. Ota, seconded by Vice Chair Wada, and unanimously carried to add the three appointments to RICO's Advisory Committee.

g. Invitation to CODA Site Visit

Chair Guevara volunteered to accept invitation to CODA Site Visit. Ms. Timmerman and Ms. Primiano also volunteered to attend as long as there is no conflict of interest.

Ms. Matsushima stated she will have CODA contact the members directly to make sure there is no conflict and for more information on the site visit.

It was moved by Vice Chair Wada, seconded by Dr. Ota, and unanimously carried to approve Chair Guevara, Ms. Primiano and Ms. Timmerman to attend the CODA Site Visit.

h. Legislation

- Act 198, Relating to Dentistry

Ms. Matsushima stated the Governor signed this Act 198 on July 2, 2015 that allows the Board to summarily suspend a license upon a specific determination that the failure to take such an action may result in an immediate and unreasonable threat to personal safety or of fraud that jeopardizes or endangers the health or safety of patients. Since there is a tight timeline as to when the Board needs to hold a hearing and issue the suspension, Ms. Matsushima and Mr. Kobashigawa are attempting to get assistance from RICO, OAH and the DCCA.

Discussion was deferred for further information and research by Ms. Matsushima, Mr. Kobashigawa and Mr. Jacob.

i. Request for Continuing Education Course Approval

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

- Sean R.Holliday, DDS., MS (2 CE credits)

7. Correspondence: None.

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

a. AGD Trancripts

Ms. Matsushima reported in May, governors of Minnesota, Alabama and Nevada signed bills which entered their states into an inter-state medical license compact with Idaho, Montana, South Dakota, Utah, West Virginia and Wyoming. The compact makes it easier for physicians to earn medical licensure in multiple states and is seen by some as a cause to the boost of tele-medicine.

b. Article in Modern Healthcare Relating to FTC Guidelines for States on Supervising Regulatory Boards.

Ms. Matsushima reported that the FTC plans to offer guidance to states to try and help state regulators understand what kind of guidance needs to take place in order to meet that prong of the state action immunity.

c. Letter from Consumers Union to State Attorney Generals Regarding North Carolina Board of Dental Examiners vs. FTC.

Ms. Matsushima reported this is the same as above (8.c.).

d. Invitation to DOCS Education Course.

Ms. Matsushima reported the Board has again received an invitation to attend an upcoming seminar to audit DOCS course offerings. The tuition is waived for Board members because they believe it's critical that members see what they teach and how they teach it. The next course is in Memphis, TN., August 21-23, 2015 and following that in Seattle, WA. November 13-15, 2015.

Chair Guevara asked if the fee is waived for Board members is that an ethics issue?

Mr. Jacob stated he would have to check on that.

Mr. Kobashigawa stated at the very least you would have to report it as a gift.

e. Ethics Training for Board Members.

Ms. Matsushima reported the State Ethics Commission is offering free training for state board and commission members. It will be August 26, 2015, 8:30 a.m. – 11:00 a.m. at the State Capitol Auditorium. You can register on your own if interested in attending. This is not to be confused with the training that DCCA offers in November.

f. DCCA Disciplinary Actions.

Ms. Matsushima passed out the DCCA Disciplinary Actions for the Board to review at their perusal.

g. Dental Assisting National Board (“DANB”)

Ms. Matsushima reported the Dental Assisting National Board (“DANB”) has updated their state resources for dental assistants and they have a 2015 State Fact Booklet out. It is available on their website.

h. Exam Cheating Returns to Haunt an Accused Licensee Thirty Years Later.

Ms. Matsushima reported a dentist who was caught having a friend take the California dental licensing exam in his place in 1982, who obtained a California license ten years later, recently tried to argue that it was unfair to hold the thirty year old offense against him in a new disciplinary inquiry. However, the Court of Appeals Second District Division Two of California disagreed, and on April 1, 2015 the court found the board’s 2012 decision to revoke the dentists’ license over gross negligence and unprofessional conduct was authorized and fell within the board’s discretion.

i. International Conference of Dental Regulators

Ms. Matsushima reported there is an International Conference of Dental Regulators in Boston, MA on September 16, 2015.

9. Public Comment: None.

10. Announcements: Chair Guevara formally introduced Dr. Coy Rebmann as the Board’s newest Dental member from Kauai and asked him to say a few words.

Dr. Rebmann stated he has been practicing in the State of Hawaii for 20 years. For a few years he has some associate ships on Oahu and Kauai and then opened his own small family practice in 1999. He graduated class of 1993 USC with Dr. Ota. Dr. Rebmann stated he feels privileged to serve on the Board and will work hard and do the best he can.

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

Executive Session:

At 10:24 a.m., it was moved by Dr. Ota, seconded by Dr. Chun, 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 11:30 a.m., it was moved by Vice Chair Wada, 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:

5. Old Business: b. Discussion on Administrative Rules

Chair Guevara stated the Board by consensus will be deferring the issue of dental assistants being able to apply topical fluoride to patients is being referred to the Rules Committee for their recommendation.

It was moved by Dr. Ota, seconded by Dr. Fujimoto, and unanimously carried to add Dr. Mark Chun to the Rules Committee.

It was moved by Dr. Ota, seconded by Vice Chair Wada, and unanimously carried to approve the July 15, 2015 Rules and Applications Committee Meeting minutes and Rules and Applications Committee Executive Session minutes as circulated.

Chair Guevara stated the Board by consensus determined the licensure process of dental hygienist remains status quo. An "Important Notice" will be posted on the Board's webpage to educate and inform all licensees of the current licensure process pertaining to dental hygienist.

Chair Guevara stated the Board by consensus will refer to the Rules Committee for their recommendation a definition of minimal sedation to be added to the rules.

6. New Business: h. Legislation

- Act 028, Relating to Dentistry

It was moved by Vice Chair Wada, seconded by Dr. Ota, and unanimously carried to approve the following proposed rule amendment in response to Act 028, Relating to Dentistry:

§16-79-144 Biennial renewal.

- (1) (D) In addition to subsections (A), (B), or (C) above, after January 1, 2016, each licensee who is a dentist shall complete at least three hours of ethics training per year

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

11: Next Board Meeting: Monday, September 21, 2015
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

12. Adjournment: Chair Guevara adjourned the meeting at 11:40 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

8/10/15

[X] Minutes approved as is.

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