

BOARD OF DENTAL EXAMINERS  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES OF COMMITTEE MEETINGS  
Rules Committee

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, November 16 2015
- Time: Immediately Following Board of Dental Examiners Meeting
- 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., Committee Chair, Dental Member  
Garrett Ota, D.D.S., Dental Member  
Earl Hasegawa, D.M.D., Dental Member  
Rodney Ching, Public Member  
Mark Chun, D.M.D., Dental Member  
Janet Primiano, R.D.H., Dental Hygiene Member  
James Kobashigawa, Executive Officer  
Sandra Matsushima, Executive Officer  
Daniel Jacob, Deputy Attorney General  
Lisa Kalani, Secretary
- Guests: Noelani R.E.T.G. Greene, Hawaii Dental Hygienists' Association  
("HDHA")  
Diane Brucato Thomas, RDH, EF, BS, FAADH, Hawaii Dental  
Hygienists' Association ("HDHA")  
Diana Smith, Hawaii Dental Hygienists' Association ("HDHA")  
Marianne Timmerman, R.D.H.  
Joy B. Y. Shimabuku
- Call to Order: Chair Guevara called the meeting to order at 11:35 a.m.

### **Discussion on Allowable Duties for Dental Assistants**

Chair Guevara stated this relates to the e-mail received by Dr. Fujii about placing varnish on teeth. He had asked the question, if in the medical profession, one can watch a seminar or get an online CE course and then start applying topical fluoride, why can't a dental assistant do the same thing?

Mr. Kobashigawa stated that this issue was briefly discussed at the Board's meeting in September and referred to the Rules Committee for further discussion.

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

#### Executive Session:

At 11:37 a.m., it was moved by Dr. Ota, seconded by Dr. Hasegawa, 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.

At 11:55 a.m., it was moved by Dr. Ota, 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:*

### **Discussion on Allowable Duties for Dental Assistants**

Mr. Jacob stated regarding the application of fluoride by dental assistants, §448-3(b) states.. "A duly licensed and registered dentist may employ auxiliary personnel, other than registered dental hygienists, to assist the dentist in the practice of dentistry. These employees shall be known as dental assistants and shall perform all duties assigned to them under the supervision, direction and responsibility of the dentist. Duties of the dental assistant and regulatory directives shall be delineated under rules which the board of dental examiners may from time to time adopt." Based on that provision, the Board can permit a dental assistant to act in a manner that may fall under the scope of practice of a dental hygienist, as permitted and set forth in the rules provided by this Board.

In the rules you have an exhaustive list of every procedure that an assistant can do under supervision regardless of whether or not they are a dental hygienist. Currently, fluoride is not included in that list. If the Board decides to amend that rule to include fluoride services, and that gets put into the rules under their permitted activities, then they will be able to perform that duty whether or not they are licensed as a dental hygienist because they would be operating under the dentist license.

Ms. Brucato Thomas stated that sounds like if a dentist wants an assistant to scale teeth they could put that in the rules? What is the point of having a licensed dental hygienist? Is this safe for the public?

Mr. Jacob stated the statutes provide that dentist and the dental board can provide that assistants can perform these specific procedures. This Board has followed up with their duty to create rules that addresses what assistants can do regardless of a license as a dental hygienist. If you would like to amend the statute that would be something to petition the legislature.

Ms. Brucato Thomas asked if the dentist wants to, he can have his dental assistant permanently place a crown?

Mr. Jacob stated yes, if that was added to the rules as a permitted activity for a dental assistant. It is not in there today, so you would need to be a licensed dentist.

Mr. Kobashigawa stated if the Board decides to allow assistants to do fluoride, it does not mean they will allow them to do every dental hygiene procedure.

Ms. Brucato Thomas asked if she could submit signed written testimony to the Board regarding this?

Chair Guevara replied yes.

Ms. Timmerman stated that if dental assistants are permitted to apply fluoride varnish, it should be limited to a fluoride varnish that is in an individual one time use applicator.

Dr. Ota stated some offices use trays and will put a foam or gel in them.

It was moved by Dr. Chun, and seconded by Dr. Hasegawa that the Committee recommend a dental assistant be allowed to apply fluoride in the form of topical, varnish, gel, foam, rinse, spray or any other delivery vehicle deemed appropriate by the dentist.

Dr. Ota stated we should also say as approved by the American Dental Association.

Chair Guevara stated in the initial inquiry Dr. Fujii asked, if in the medical profession, one can watch a seminar or get an online CE course and then start applying topical fluoride, why can't a dental assistant do the same thing? So he is only referencing topical fluoride. He also makes mention of a metered measured dose.

Ms. Timmerman stated the problem with the tray that Dr. Ota mentioned is someone could overload it and then the patient swallows it, you could get ill.

Dr. Chun stated that has to do with proper training. If you're going to talk about unit doses, not everything comes in a unit dose.

Chair Guevara stated you have to remember this will still be done under the supervision of the dentist.

Ms. Smith stated that fluoride does come in many forms. Varnishes come pre-measured and there is no chance of over-dosing. The problem that you have when you're talking about foam and gel is that if the dentist is not in that room and the assistant is looking at something else, a child could easily swallow it, especially in an over-loaded tray and get very ill. Also, her other concern is that she works in an office that has a children's dentist, and he runs 5 rooms at once, if you're allowing an assistant to do this, there is no way that dentist could be in 5 rooms at one time.

Mr. Jacob asked the Committee to also look at §16-79-69.5 Prohibited duties of dental assistants to make sure that section does not need to be amended as well.

Dr. Chun rescinded his previous motion.

It was moved by Dr. Ota, seconded by Mr. Ching to recommend a dental assistant be allowed to apply ADA approved fluoride varnish in a pre-measured unit dose.

Dr. Chun stated that is too restrictive and too specific. There will be offices that do not use that, and you will be forcing them into using it.

Dr. Ota stated if the office chooses to use gel or foam, then the dentist or dental hygienist will have to apply it. If they want to delegate the responsibility to someone who does not have a dental degree, he believes this is the safest way.

Dr. Hasegawa asked if this could this be addressed again later if we wanted to add to it?

Chair Guevara replied yes.

Ms. Primiano stated she would like it to be all types of fluoride. She thinks it should be all types of fluoride or none at all.

Dr. Ota rescinded his previous motion.

It was moved by Dr. Chun, seconded by Mr. Ching and unanimously carried to recommend a dental assistant be allowed to apply fluoride in any manner appropriate by the ADA in a unit dose or an amount pre-measured by the dentist.

Chair Guevara adjourned the meeting at 12:53 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima  
Sandra Matsushima  
Executive Officer

/s/ Lisa Kalani  
Lisa Kalani, Secretary

SM:lk

[ X ] Minutes approved as is.

[ ] Minutes approved with changes; see minutes of \_\_\_\_\_.