

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 25, 2016

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
Garrett Ota, D.D.S., Dental Member
Earl Hasegawa, D.D.S., Dental Member
Coy Rebmann, D.D.S., Dental Member
Mark Chun, D.M.D., Dental Member
Dennis Nagata, D.D.S., Dental Member
Janet Primiano, R.D.H., M.P.H., Dental Hygiene Member
Marianne Timmerman, R.D.H., Dental Hygiene Member
Joy B. Y. Shimabuku, Public 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

Guests: Noelani R.E.T.G. Greene, Hawaii Dental Hygienists' Association
("HDHA")
Diane Brucato, RDH, EF, BS, FAADH, Hawaii Dental Hygienists'
Association ("HDHA")
Loren Leibling, Hawaii Dental Association ("HDA")
Gayle Chang, Hawaii Dental Hygienists' Association ("HDHA")
Ellie Miyashiro, Hawaii Dental Hygienists' Association ("HDHA")

Sheila Kitamura, Kapiolani Community College
Marilyn Nonaka, RDH

1. Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:10 a.m.

2. Additions/
Revisions to
Agenda: It was moved by Chair Guevara, seconded by Dr. Ota and unanimously carried to add/revise the following to the agenda:

Revisions are as follows:

5. Old Business: second bullet is **revised** to read as follows:

- Testimony **from HDHA** regarding proposed rules

6. New Business: correct to read as follows:

h. Discussion on Military **Spouse** Licensure

Additions are as follows:

6. New Business:

g. Ratification of Approved CE Courses:

- Dr. James Sagawa, DMD.

i. Request to accept AGD State Licensure Transcript

j. Discussion on Board's composition

k. Anesthesia Checklist

7. Correspondence:

g. Letter from Marilyn Nonaka

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

e. Renewal Statistics

- f. DCCA Disciplinary Actions
- g. Dental Software Provider

3. Approval of Board Meeting Minutes and Executive Session Minutes of November 16, 2015: It was moved by Vice Chair Wada, seconded by Dr. Ota, and unanimously carried to approve the November 16, 2015 Board Meeting minutes and Executive Session minutes as circulated.

4. Applications: a. Ratifications

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

Approved Dentist

HO, Deborah
ANDERSON, Erik
CHO, Christina
OISHI, Matthew
STARK, Roxana
TARASOV, Aleksandr
YIM, Christopher
SEBOURN, Sean

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

Approved Temporary License – Dentist

TRINH, Kim
SALAZAR, Andrea
GRAY, Hans
CHAMBERLAIN, Caitlin
MANGASI, Maricris
TRAN, Anne

PAULSON, Ryne
CRUZ, Kathleen
RICHTER, Alexandra
TRAN, Tru Tri
TOKUMURA, Hennasea-Sue
TRIEU, Alice
VAN, Laura
WARNOCK, Mattew
JABLONSKI, Rachel
MORIGUCHI, Kristin

CHA, Joseph
CHUA, Romi
CHIEN, Natalie
DOMAGALSKI, Jennifer

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

Approved Dental Hygienist

LARSON, Justin
REILLY, Jr. Christian
CHANG, Jessica
NORRIS, Megan
POWERS, Marissa
BOMBITA, Maria Anna
COOK, Melissa
LEE, Julie
STANDNES, Stephanie
VAREL, Arimxay
NIKO, Deborah

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

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

LANNAN, Leanne
LARSON, Justin

VAREL, Arimxay
COOK, Melissa
NIKO, Deborah
REILLY, Christian
POWERS, Marissa
RICO, Joseline
NORRIS, Megan
WINGO, Christa
MOORHEAD, Kimiko

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

5. Old Business: a. Discussion on Administrative Rules

- Approval of the Rules Committee Minutes of November 16, 2015 Meeting

It was moved by Chair Guevara, seconded by Dr. Ota, and unanimously carried to approve the November 16, 2015 Rules Committee Minutes as circulated.

- Testimony from HDHA regarding proposed rule change

Ms. Greene stated the testimony says that HDHA stands in opposition regarding the application of topical fluoride by dental assistants.

Chair Guevara stated in the Rules Committee Minutes of November 16, 2015 that the Board just approved, on page 5 under **Discussion on Allowable Duties for Dental Assistants**, the Committee moved 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.

It was moved by Vice Chair Wada, seconded by Dr. Chun, with Ms. Timmerman opposed, the motion was carried and approved to draft a proposed rule amendment to allow a dental assistant to apply fluoride in any manner appropriate by the ADA in a unit dose or an amount pre-measured by the dentist.

- b. Letter from Noelani Green requesting evaluation of the issue on "Who may become a dental hygienists" as per HRS 447-1

Chair Guevara stated this was discussed at the previous meeting.

It was moved by Dr. Fujimoto, seconded by Dr. Chun and unanimously carried to continue licensing dental hygienist as is, per Mr. Jacob's recommendations. Therefore, an applicant for a dental hygiene license can be licensed based on being certified in the administration of intra-oral infiltration local anesthesia and block anesthesia by an ADA accredited dental hygiene program. To be able to administer block anesthesia, an applicant will need to meet the requirements pursuant to section 447-3.5, Hawaii Revised Statutes.

- c. Discussion on Block Anesthesia Injections – Difference Between Mental Nerve Block and Incisive Nerve Block

Ms. Timmerman stated the mental and incisive injections are not the same. Dr. Chun concurred.

Ms. Nonaka stated she apologizes if her question has already been addressed, but why has this issue come up?

Mr. Kobashigawa stated several block anesthesia applicants were sent deficiency notices because either the mental nerve block and/or incisive nerve block were not checked off by the school as completed. The response from some of the schools is that they are basically the same injection. After further discussion, the Board by consensus determined that the mental nerve block and incisive nerve block are two separate injections. Applications for block anesthesia will continue to be processed as is.

6. New Business: a. Matter Related to the American Association of Dental Boards

("AADB")

Chair Guevara reported the mid-year meeting will be held April 10-11, 2016 in Chicago, Illinois.

Chair Guevara also reported that the Executive Director has resigned and they are currently looking for a new Executive Director.

b. Matters Related to the Commission on Dental Competency Assessments ("CDCA")

- Report of CDCA Annual Meeting

Ms. Matsushima provided a written report to the Board.

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

- Dental Hygiene Examination Results

The dental hygiene examination results were passed around to the Board members to review at their perusal.

Dr. Fujimoto stated he just returned from a CRDTS Steering Committee Meeting and reported on some of the highlights as follows:

- There were 250 attendees at the Annual Meeting in August 2015. 16 dental schools and 67 dental hygiene schools were represented;
- CRDTS and WREB are exchanging examiners for the dental exams;
- CRDTS will soon begin marketing it's organization more;
- Currently, there are 50 licensed dental therapists in Minnesota. Many dentists in Minnesota are hiring dental therapists in lieu of a dental hygienist;
- University of Iowa is trying to get legislation passed to

eliminate all patient based exams for licensure for the State of Iowa; and

- Colorado as of June will not be a member of CRDTS.

Ms. Primiano stated because of a conflict of interest with ADEX, she must step down as the CRDTS dental hygiene representative.

Chair Guevara asked Ms. Timmerman if she would fill the position vacated by Ms. Primiano.

Ms. Timmerman stated she will let the Board know her decision at the next meeting.

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

Ms. Primiano submitted a written report to the Board on her attendance at the ADEX meeting held November 13-15, 2015 at the Doubletree Rosemont Hotel in Chicago, IL.

- Bylaws Change Relating to Conflict of Interest

Chair Guevara reported that to avoid any possible conflict of interest the new bylaw does not allow an officer, director, member, representative, or member of a policy making committee of WREB, CRDTS and SRTA cannot serve in a similar capacity with ADEX. This does not mean you cannot serve as an examiner with the testing administration agencies CDCA, CITA, WREB, CRDTS and SRTA, as this is not a conflict of interest.

- Board Delegates to ADEX Committees

It was moved by Ms. Shimabuku, seconded by Dr. Ota, and unanimously carried to appoint Vice Chair Wada as the ADEX Board Delegate to the House of Representatives, replacing Dr. Mark Baird, former Board Chair.

- New Dental Exam Score Portal

Chair Guevara reported use of the new dental exam score portal allows your team immediate access to relevant dental testing scoring candidates.

- ADEX 2016 Meeting on August 5-7, 2016 at Doubletree Rosemont O'Hare

Chair Guevara reported the next ADEX meeting in 2016 will be August 5-7, 2016 at the Doubletree Rosemont O'Hare in Chicago.

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

Ms. Primiano stated she must step down as the dental hygiene exam representative due to conflict of interest with ADEX.

Ms. Timmerman volunteered to fill the position vacated by Ms. Primiano.

It was moved by Dr. Chun, seconded by Ms. Shimabuku and unanimously carried to appoint Ms. Timmerman as the Board's dental hygiene exam representative for WREB.

f. Legislation

Ms. Matsushima stated she would like to get a list of Board members on Oahu that are able to testify at hearings.

Chair Guevara stated it can be anyone on the Board, dentist, hygienist, or public member. Keep in mind the notices are very last minute, usually only a day or two notice. Also, please remember if you do testify, you are testifying as a member of the Board and not on your own personal testimony.

Mr. Kobashigawa stated the problem is the legislative session has already started and we have not received any bills yet. So it will be very difficult for the Board to respond once bills are scheduled for hearings. Mr. Kobashigawa asked members of the audience from HDA and HDHA if they are aware of any bills?

Mr. Leibling from HDA stated they are re-introducing two bills from last year and the legislature is considering reviving bills from last session. One bill HDA is re-introducing is the non-covered services bill, which states that insurers should not be able to cap reimbursements on procedures they do not insure for. The other bill is about posting complaints to the DCCA website before any adjudication takes place.

Mr. Kobashigawa stated there may be a bill introduced regarding the articles about the medical board that ran in the Star Advertiser. Currently if someone is sanctioned in another state, we take it to RICO and they do a full investigation before anything can be done. The bill may have provisions that if the licensee is disciplined, revoked, or suspended in another state, there may be a fast track way to impose sanction on their Hawaii license. The understanding is that it will be similar to a summary suspension.

g. Ratification of Approved CE Courses:

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

- The Patient with Intellectual & Developmental Disabilities: General Dental Treatment Considerations for the Oral Health Professional (2 CE hours)
- Oral Health Awareness & Oral Hygiene Practices for Caregivers/Families of Persons with Intellectual & Developmental Disabilities (2 CE hours)
- Dr. James Sagawa (21 CE hours)

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

i. Request to accept AGD State Licensure Transcript

Ms. Matsushima asked if the Board would accept the AGD State Licensure Transcript as documentation of continuing education courses completed.

It was moved by Dr. Chun, seconded by Vice Chair Wada and unanimously carried to accept the AGD State Licensure Transcript.

j. Discussion on Board Composition

Ms. Matsushima asked the members if anyone feels there should be more public members on this Board?

Mr. Kobashigawa asked if the Board was satisfied with the composition of the Board? Would they want more public members, dental hygiene members, or keep the composition as is.

Ms. Timmerman stated she is interested in increasing the number of dental hygiene members.

Ms. Primiano stated she would support one more dental hygiene member.

Dr. Chun stated he would consider an increase in the number of members on the Board, including dentists, dental hygienist, and public members.

Ms. Matsushima stated she will report the comments back to the Licensing Administrator.

k. Anesthesia Checklist

Dr. Hasegawa provided an updated Anesthesia Site Evaluation Check List for the Board to review. Dr. Hasegawa stated specifically he is recommending on page 4, under the **DRUGS** list to indicate the following:

- ✓ Coronary artery vasodilator drug available? (Exempt if treating patients 12yrs or younger);
- ✓ Antihypertensive drug available? (Exempt if treating patients 12yrs or younger).

The reason for the exemption is because it is highly unlikely you would need these drugs available if your patients are under 12 years of age. Also, on page 2, under **OFFICE FACILITY AND EQUIPMENT – OXYGEN AND SUPPLEMENTAL GAS DELIVERY SYSTEMS** the following changes are recommended:

- ✓ In addition to delivering positive pressure oxygen, the system should be installed and maintained according to the manufacturer's instructions;
- ✓ Remove # 1; and
- ✓ Under "If Remote Gas Storage is Used": change to read, 3. An audible or visible low oxygen pressure warning device is mandatory.

Vice Chair Wada stated as the Chair of the Applications Committee, she supports the recommendations.

Dr. Hasegawa also presented an "Attestation on Equivalence of Satellite Office" form. This is basically stating that the dentist attest that all satellite offices in which they administer anesthesia meet the same facility, equipment, and personnel standards as that of the primary office.

Chair Guevara stated if you have two or more separate offices, they are not looked at as satellite offices. Each location has to be permitted and inspected.

Dr. Hasegawa stated he will redo the Anesthesia Checklist and remove the satellite office form and provide a final copy for the Board's approval at the next meeting.

7. Correspondence:

Email from Ms. Chrissie Thornton, RDH, Regarding Licensing Credentials

The Board reviewed an email from Ms. Thornton stating the following:

"I currently hold Dental Hygiene licensure in two states. I graduated from Hygiene school and took the "SRTA" in 2013. I have actively practiced for twelve years. I noticed you accept any regional testing after 2015.

What is the procedure for highly experienced Dental Hygienist like myself? I would not think I would be required to re-take a board after twelve years of practical experience”.

Chair Guevara stated this goes back to the law change in 2005 for dental hygienist. Unfortunately, if you took the exam before 2005 it does not count now and that is the way the law is to be read.

The Board by consensus would inform Ms. Thornton that she would be required to take and pass one of the four regional dental hygiene exams after February 1, 2005 to qualify for dental hygiene licensure in Hawaii.

Email from Dental Connection LLC, A New Business To Your State

The Board reviewed an email from Dental Connection LLC stating that through their attorneys, formally presented to the Oklahoma State Dental Board a narrative outlining their operations, they would like to work with dentists in Hawaii and are now asking the Board to look over their narrative to make sure they are in compliance with all applicable rules and laws in this state.

Ms. Matsushima stated the Oklahoma State Dental Board sent out notices to other state boards informing them that they were never presented anything from this company. Also, the Board does not provide legal interpretations.

Email from Dr. Steve Wilhite and HDA, regarding dental hygienist doing sealants

The Board reviewed an email inquiry stating the following: “We just heard yesterday about a pilot sealant project that will be starting in Kona where hygienists are going into the schools to do sealants under the supervision of a dentist at the community health center by teledentistry. Is this legal”?

Chair Guevara stated that the information received from the Chief of the Hospital and Community Dental Services Branch indicated that the program does not involve

teledentistry and the project appears to comply with our laws and rules.

Letter from the National Transportation Safety Board
("NTSB")

Ms. Matsushima reported the NTSB sent recommendations to the Dental, Nursing, Pharmacy and Medical Boards regarding over-prescribing to pilots.

It was moved by Vice Chair Wada, seconded by Ms. Primiano that the Board will be placing on their respective webpage a collaborative general policy statement regarding the NTSB's recommendations.

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

Letter from Dr. Dan Fujii, DDS, MPH regarding Tele-dentistry

The Board reviewed a letter from Dr. Fujii asking the following questions:

With regards to the Practice Act:

1. The use of teledentistry by individuals practicing out of state who do not possess active HI dental license, but "treating/servicing" patients in the State.
2. The use of teledentistry by individuals practicing out of state who possess an active HI dental license, but "treating/servicing" patients in the State.
3. For Items #1 and #2... are there any difference between using teledentistry to supervise, diagnose, teach, or offer consultative services when out of State?
4. Does the use of teledentistry meet supervisory requirements as it relates to a public health setting?
5. I am assuming that in the direct supervision context, "remains in the dentist's office" means physically present, so teledentistry issues are not applicable for individuals with multiple offices. Please correct me if my assumptions are incorrect.

Ms. Matsushima stated the Board does not provide legal interpretations and will inform Dr. Fujii that he may file for declaratory relief.

Letter from Marilyn Nonaka, RDH

The Board reviewed a letter from Ms. Nonaka stating she hopes to continue as a Hawaii-affiliated examiner to both CRDTS and CDCA for the 2016 exam season. She is also willing to serve in additional committee capacities with either examining group if the need arises.

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

a. AGD Transcript

No report.

b. 2016 FARB Forum

Ms. Matsushima reported the FARB forum will be held January 28-31, 2016.

c. FARB Focus – Article on Guidance on Active Supervision

The Article on Guidance on Active Supervision was passed around to the members to read at their perusal.

d. Oregon Board of Dentistry Newsletter

The Oregon Board of Dentistry Newsletter was passed around to the members to read at their perusal.

e. Renewal Stats

Chair Guevara reported the following stats:

Out of 1,114 licensed Dental Hygienists, 1,006 have renewed and out of 1,540 licensed Dentist, 1,415 have

renewed.

f. DCCA Disciplinary Actions

The DCCA Disciplinary Actions report was passed around to the members to read at their perusal. There were none for Dental.

g. Dental Software Provider

Chair Guevara reported regarding a Dental Software Provider which the FTC charged with it misleading customers about inscription of patient data. The information was passed around for the members to read at their perusal.

9. Public Comment: Ms. Brucato inquired about being provided with a copy of the proposed rules.

Ms. Matsushima stated the proposed rules that are currently moving through the rule revision process now are the ones the Board approved last year, primarily regarding anesthesia and the ethics courses. The proposed rules that the Board discussed today is not in draft form yet.

Mr. Kobashigawa stated the proposed rules that are currently moving through the rule revision process now, are posted on the Board's webpage.

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

Executive Session:

At 11:30 a.m., it was moved by Vice Chair Wada, 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 12:25 p.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:

4. Applications: b. Community Service Dental License

- Application of Shiva Basir, D.D. S.

7. Correspondence: Letter from Dr. Shiva Basir, D.D.S.

The Board reviewed the Application of Shiva Basir, D.D.S. and the letter provided regarding acceptance of her residency program meeting the requirement of active practice of clinical dentistry.

After further discussion, it was moved by Chair Guevara, seconded by Vice Chair Wada and unanimously carried to approve the Application of Shiva Basir, D.D.S., for Community Service Dental License.

6. New Business: Discussion on Military Spouse Licensure

The Board reviewed a letter from a Military Spouse asking if her dental degree from a non-accredited school would be accepted and qualify them for licensure under the Military Spouse act.

After further discussion, it was moved by Vice Chair Wada, seconded by Dr. Ota and unanimously carried to not accept the degree from a non-accredited school as not being equivalent pursuant to section 436B-14.7, HRS and also noted that she did not pass the National Board Dental Examinations Parts I and II.

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

10. Announcements: None

11. Next Board Meeting: Monday, March 21, 2016
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 12:34 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

2/11/16

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 3/21/16.