

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, January 25, 2016
- 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  
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
- 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")  
Ellie Miyashiro, Hawaii Dental Hygienists' Association ("HDHA")  
Sheila Kitamura, Kapiolani Community College
- Call to Order: Chair Guevara called the meeting to order at 12:37 p.m.

**Discussion on Possible Amendments to Chapter 79, Hawaii Administrative Rules (“HAR”)**

Mr. Jacob stated regarding 16-79-69.1, HAR, Allowable duties and training for a dental assistant, based on the decision made by the Board, it would be appropriate to add “(17) Applying fluoride in any manner appropriate by the ADA in a unit dose or in an amount pre-measured by the supervising dentist”. The other thing the Board needs to look at is 16-79-69.5, HAR, Prohibited duties of dental assistants, and make sure that the new language proposed in 16-79-69.1, HAR, does not conflict with anything in that section.

After a review of section 16-79-69.5, HAR, the Committee by consensus determined there is no conflict.

Mr. Jacob asked the Committee if there is anything in section 16-79-69.1, HAR, that would otherwise require a license as a dental hygienist.

Mr. Kobashigawa stated dental hygienist can do everything in 16-79-69.1, HAR.

Mr. Jacob stated that section 16-79-69.5, HAR, says a dental assistant shall not perform an activity which represents the practice of dentistry and dental hygiene or requires the knowledge, skill, and training of a licensed dentist or licensed dental hygienist. So if applying fluoride would otherwise require a dental hygienist license, this language may need to be amended as well.

Ms. Primiano stated section 16-79-69.1(2), HAR, states, “Assist the licensed dental hygienist in the performance of their duties, provided the assistance does not include procedures included in section 16-79-69.5”. So the dental assistant is going to be assisting the dental hygienist in applying fluoride?

Mr. Jacob stated the proposed rule allows the dental assistant to apply the fluoride themselves. Mr. Jacob stated the language in 16-79-69.5, HAR, needs to be amended because it conflicts with the language in 16-79-69.1, HAR. The dental assistant is absolutely going to be doing things that represent the practice of dentistry or dental hygiene, but your own rule says you can’t allow an assistant to perform an activity which represents the practice of dentistry or dental hygiene.

Chair Guevara asked Mr. Jacob to help the Board come up with the new language.

Mr. Jacob stated regarding the new language for a dental assistant applying fluoride that says, "Applying fluoride in any manner appropriate by the ADA in a unit dose or in an amount pre-measured by the supervising dentist", that is sufficient to him.

Chair Guevara stated can we make a recommendation to strike everything after the semi-colon in 16-79-69.5, HAR?

Mr. Jacob stated yes, so it would read, "A dental assistant shall not perform the following intra-oral functions or any other activity deemed to be irreversible as to cause change in the affected hard or soft tissues and is permanent or may require reconstructive or corrective procedures". Then you would be adding to 16-79-69.1, HAR, "(17) Applying fluoride in any manner appropriate by the ADA in a unit dose or in an amount pre-measured by the supervising dentist".

Mr. Leibling stated the proposed language is a definite improvement.

It was moved by Dr. Chun, seconded by Dr. Hasegawa and unanimously carried to recommend the proposed amendments as read by Mr. Jacob to the Board.

Mr. Leibling asked if the Committee could discuss the rule that grants two continuing education credits to someone who teaches a class, if the number of hours could be increased? Right now the rules say, "shall be limited to a maximum of two CE hours per biennium" but if someone teaches ten two hour courses, etc., they are only limited to two hours.

Chair Guevara stated that is something we would have to discuss.

Ms. Kitamura stated she has dentists in the community who take a student and they participate in their training for approximately one hundred fifty hours per term. She is not suggesting any near that number but if they could receive something more reasonable, perhaps eight hours.

Chair Guevara stated this would be an addition to the agenda, so he is suggesting Ms. Kitamura speak with Ms. Matsushima or Mr. Kobashigawa about having this discussion placed on the Board's next meeting agenda.

**Discussion on Mental and Incisive Nerve Block Injections**

This was already discussed at the Board meeting immediately preceding the Rules Committee Meeting.

Chair Guevara adjourned the meeting at 1:10 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

- Minutes approved as is.  
 Minutes approved with changes; see minutes of \_\_\_\_\_.