

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, September 19, 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
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
Rodney Ching, Public 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: Earl Hasegawa, D.D.S., Dental Member

Guests: Gayle Chang, Hawaii Dental Hygienists' Association ("HDHA")
Diane Brucato, RDH, EF, BS, FAADH, Hawaii Dental Hygienists'
Association ("HDHA")
Chrystin Eads, Alston, Hunt, Floyd & Ing

1. Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:00 a.m. and excused Dr. Hasegawa from today's meeting.

2. Additions/ Revisions to Agenda: Ms. Matsushima stated that under 5. Old Business:
a. Discussion on Administrative Rules there are no Rules Committee Executive Session Minutes.
3. Approval of Board Meeting Minutes and Executive Session Minutes of July 18, 2016 Chair Guevara called for a motion in regards to the Board meeting minutes and Executive Session minutes of July 18, 2016
There being no discussion, it was moved by Dr. Ota, seconded by Vice Chair Wada and unanimously carried to approve the Board Meeting minutes and Executive Session minutes of July 18, 2016 as circulated.

4. Applications: a. Ratifications

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

Approved Dentist

LIN, Christopher
TAIRA, Lindsay
TAKAGI, Brennan
CRUZ, Kathleen
LICHTWARDT, Megan
SAGAWA, Kevin
HALL, Alexander
WONG, Berton
HOLLANDER, Jesse
RHEE, Christine
SANCHEZ PUCHE, Patricia
ROBERTS, Heidi
FERGUSON, Patrick
CHIEN, Natalie
TOKUMURA, Hennasea-Sue
SWEET, Mark

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

Approved Temporary License – Dentist

LANE, Kacey

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

Approved Community Service License – Dentist

Hana Community Health Center

WHITWELL, Bryan

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

Approved Dental Hygienist

SHERMAN, Micelle
BOGER, Carly
LINCOLN, Renee
NORTH, Soni
MALLOW, Ashley
FULLER, Kellyn
WINSLOW, Kristen
NICOTRE, Michelle
DRAKE, Miranda
GRANT, Bethany
DOMINGO, Christine

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

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

BOBIK, Lindsay
DOMINGO, Christine
GRANT, Bethany
NORTH, Soni
VANVLECK, Shelbie

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

Approved Modification of Continuing Education Requirement

Jonathan Mah, D.D.S.

5. Old Business: a. Discussion on Administrative Rules

- Approval of the Rules Committee Minutes of July 18, 2016 Meeting.

Chair Guevara called for a motion in regards to the Rules Committee minutes of July 18, 2016.

There being no discussion, it was moved by Dr. Chun, seconded by Vice Chair Wada and unanimously carried to approve the Rules Committee minutes of July 18, 2016 as circulated.

- Approved HAR Title 16-79 Dentists and Dental Hygienists

The signed, approved rules were provided to the Board and copies were made available to the audience in attendance. The rules can also be found on the Board's webpage at: http://cca.hawaii.gov/pvl/boards/dentist/statute_rules/

6. New Business: a. Matter Related to the American Association of Dental Boards ("AADB")

- AADB 133rd Annual Meeting, October 18-19, 2016, Denver, CO.

Chair Guevara reported that Ms. Matsushima, Ms. Primiano, Dr. Chun and himself will be attending.

- AADA 32nd Annual Meeting, October 16-17, 2016 Denver, CO.

Chair Guevara reported that Ms. Matsushima will be attending.

- Hawaii Report (September 2016)

The Board was provided with a copy of the September 2016 Hawaii Report that Chair Guevara will be giving at the AADB meeting.

- Executive Director's Monthly Report

The Board was provided with a copy of the Executive Director's Monthly Report. It announces the AADB Annual Meeting. It also offers other information about new membership and budget results.

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

Chair Guevara reported that Ms. Timmerman, Ms. Primiano, Mr. Ching, Dr. Fujimoto, Dr. Chun, Dr. Rebmann, Dr. Nagata and Vice Chair Wada plan on attending the Annual Meeting on January 13-14, 2017 in Orlando, Florida.

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

- 12th Annual ADEX House of Representatives Report

The Board was provided with a copy of the highlights of the 12th Annual ADEX House of Representatives Report. Some of the highlights were:

- 2016-2017 Officers were elected;
- Changes to the ADEX Dental Examination; and
- Changes to the ADEX Dental Hygiene Examination;

Vice Chair Wada noted that she attended the 12th Annual ADEX House of Representatives meeting in August and reported on the following:

- CIF – Buffalo model pilot exams are going very well. This model integrates the licensing process into the final year of dental school and allows the students to be eligible for licensure by graduation. Students are getting an earlier start by taking the exam and retakes on patients of record at the dental school. Unfortunately, Hawaii does not have a dental school so our students will wait to take the exam in Hawaii.
- ADA may want to come to a Board meeting to encourage Hawaii to eliminate the patient-based exam for greater licensure portability.
- Dr. Perkins, ADEX Board of Directors, Chair CDCA, believes that the dental exams are not the same and ADEX is the best exam.

Ms. Primiano also attended the meeting and reported on the following:

- Dental hygiene will see changes in 2017-2018 with a pilot program to be implemented sometime in December;
- The dental hygiene examination will be in line with the dental examination regarding the blood pressure guideline;
- The Buffalo model will not be for the dental hygiene exam – there is no discussion on CIF format for hygiene; and
- ADEX is seeing more candidates and the exam is more examiner friendly with tablets for grading.

d. Matters Relating to the Central Regional Dental Testing Service (“CRDTS”)

- 2016 CRDTS Annual Meeting and Workshop Travel Report

The Board was provided with a written report from Ms. Matsushima on her attendance at the 2016 CRDTS Annual Meeting and Workshop.

Dr. Fujimoto stated that he attended the CRDTS Steering Committee meeting in August and reported on the following:

- Utah is the newest associate member state to join CRDTS;
- CRDTS administers the dental therapist exam and will not add a restorative exam for auxiliaries;
- Appears to be no changes to the dental exam;
- South Carolina offers an online registration for dentists to administer anesthesia;
- New Mexico, Nebraska, and Georgia discussed sleep apnea issues;
- The next Steering Committee meeting will be held January 27-28, 2017; and
- California Dental Hygiene Association withdrew from ADHA and the California Dental Hygiene Committee does not accept all CODA accredited programs and conducts its own evaluation.

- Hygiene Exam Review Committee State Board Reports

The Board was provided with a copy of the Hygiene Exam Review Committee State Board Reports

- July 9, 2016 Draft Minutes Dental Hygiene Exam Review Committee

The Board was provided with a copy of the July 9, 2016 Draft Minutes Dental Hygiene Exam Review Committee

- CRDTS Report newsletter

The newsletter was passed around to the Board members to review at their perusal.

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

- Hygiene Exam Review Board Meeting

The Board was provided with a copy of the June 23, 2016 Hygiene Exam Review Board Meeting summary.

Ms. Timmerman reported that she attended the WREB meeting and stated that the exam retakes are now offered on the same day or the following day.

Ms. Primiano added that the candidates receive notification of a Pass or Fail (unofficial score) right after taking the examination (on their examination day). If the candidate did not pass, the candidate is offered the opportunity to retake the examination on the last day of that examination series or a later date.

- WREB newsletter

The Board was provided with a copy of the WREB newsletter. Some of the highlights from the newsletter were:

- Dental Hygiene Exam Results Delivered Onsite Successfully;
- A Psychometric Look at Dental Hygiene Onsite Retakes;
- Prometric to Partner in Delivery of Written Exams for Dental and Dental Hygiene Candidates;

- Direct Posterior Class II Composite Restoration Required in 2016;
- New Provisional Acceptance Process Available for 2016 Dental Exams;
- Hygiene Exam Review Board July 2015 Summary;
- Dental Exam Review Board July 2015 Summary; and
- Welcome New Examiners & Thank You Retiring Examiners.

f. Matters Relating to the Dental Assisting National Boards, Inc. ("DANB")

- DANB Newsletter

The newsletter was passed around to the Board members to read at their perusal.

g. Matters relating to the American Dental Association ("ADA")

- CODA Staff Changes

The Board was provided with a memo informing them of staff changes within CODA.

- Accreditation Notices

The Board was provided with a copy of the Accreditation Notices. Discontinued Programs (voluntarily discontinued) are as follows:

- ✓ Fortis College – Mobile, AL.
- ✓ Brightwood College – Nashville, TN.
- ✓ Sanford Brown College – Ft. Lauderdale, FL.
- ✓ Baker College of Auburn Hills – Auburn Hills, MI.
- ✓ St. Mary's Hospital – Waterbury, CT.
- ✓ Indiana University – Indianapolis, IN.
- ✓ New York Presbyterian Queens – Flushing, NY.
- ✓ Cumberland County Technical Education Center – Bridgeton, NJ.
- ✓ Lincoln Technical Institute – Fern Park, FL.
- ✓ IntelliTec Medical Institute DBA Institute of Business & Medical Careers – Colorado Springs, CO.
- ✓ University of Hawaii Maui College – Kahului, HI.

h. Ratification of Approved CE Courses:

It was moved by Dr. Ota, seconded by Ms. Primiano and unanimously carried to ratify the following CE course.

- BLS – Instructor-Led Training and/or BLS for Healthcare Providers Online Part 1 (4 CE hours): DCA-221

It was moved by Vice Chair Wada, seconded by Dr. Rebmann and unanimously carried to ratify the following CE courses.

- Morita Orthodontics – “RAP your way to faster treatment” (2 CE hours): DCA-225
- Morita Orthodontics – “Floss Boxx” (2 CE hours): DCE-225

i. Request for CE Approval

It was moved by Dr. Fujimoto, seconded by Ms. Timmerman and unanimously carried to approve the following CE course.

- 2016-2017 Medical – Dental – Legal Updates

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

Executive Session:

At 9:46 a.m., it was moved by Ms. Primiano, seconded by Ms. Shimabuku, 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 11:09 a.m., it was moved by Dr. Ota, seconded by Ms. Primiano, and unanimously carried to move out of executive session.

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

7. Correspondence: Letter from Alston Hunt Floyd & Ing regarding Proposed Amendments to Chapter 79 HAR

The Board received correspondence from Alston Hunt Floyd & Ing regarding proposed amendments to Chapter 79 HAR. The letter states that on behalf of the Hawaii Dental Hygienists' Association (“HDHA”) they disagree with the Attorney Generals' interpretation that the Board has the

discretion to determine what duties a dental assistant may perform. They believe that a dental assistant is limited to practice only allowable duties that are commensurate with his/her training and education, and as a matter of law, to perform activities that are not allowable duties of a duly trained and licensed dentist or dental hygienist.

The letter further states that the HDHA disagrees with allowing applicants to become dental hygienists to be awarded licenses without providing the statutorily required proof of certification in the administration of intra-oral block anesthesia.

Chair Guevara asked the members from HDHA in the audience if they had any comments.

Ms. Eads who represents HDHA stated she has no specific comments except what is in the letter.

Ms. Brucato stated HDHA was concerned that the proposed rules were voted on without considering the letter as the letter was substantial. In saying that the letter was late, when the minutes are not posted until one week before the meeting, you do the best you can to comment on those minutes or to prepare for the agenda.

Chair Guevara stated all the things the Board has done, they have had HDHA and HDA present at all the Board meetings and Rules Committee meetings and the Chair has reached out several times to the respective associations.

Ms. Brucato stated they have taken advantage of those opportunities, and we were also told that if we had a problem with the way this was going we should hire our own attorney. We have come at this in the timeliest way they could. We had asked that the decision making be postponed one more meeting so you had time to read the testimony from the attorney's point of view.

Chair Guevara called for motion to reconsider the Board's decision on the proposed rules pertaining to allowable duties of dental assistants.

It was moved by Dr. Chun, seconded by Ms. Primiano and unanimously carried to reconsider the Board's decision.

Ms. Brucato stated she would just like to reiterate what is in the letter. Allowing dental assistants to apply fluoride is in conflict with the statute.

It was moved by Dr. Chun, seconded by Ms. Shimabuku and unanimously carried to move forward with the proposed rules as previously decided.

Chair Guevara called for a motion to reconsider the Board's interpretation of the dental hygiene licensure requirements in that an applicant must be certified in the administration of intra-oral infiltration and block anesthesia but does not necessarily need to meet the requirements pursuant to section 447-3.5, HRS.

There was no motion.

Letter from Dr. M.K. Nair regarding licensure requirements

The Board reviewed a letter from Dr. Nair, who states he is a board certified oral and maxillofacial radiologist, asking if he could read cone beam CT scans for Hawaii dentists without holding an active dental license in Hawaii.

Dr. Chun stated Dr. Nair should seek his own legal counsel.

It was moved by Vice Chair Wada, seconded by Ms. Shimabuku and unanimously carried that Dr. Nair should seek his own legal counsel.

Letter from Dr. Dan Fujii regarding Application of Silver Diamine Fluoride

The Board reviewed a letter from Dr. Fujii regarding the application of silver diamine fluoride ("SDF"). He is inquiring if the use of SDF would fall under the allowable duties for a dental hygienist as defined in HAR §16-79-69.10 and HRS 447-3.

The Board by consensus deferred this letter to the Rules Committee for their discussion and recommendation.

8. Executive Officer's Report on Matters Related to the Board of Dental Examiners:
- a. 2017 Board Meeting and Rules Committee Meeting Schedule
- The Board was provided with a copy of the 2017 Board Meeting and Rules Committee Meeting schedule as follows:

2017 Board Meeting Schedule

(9:00 a.m. to 12:00 p.m. approximately)

2017 Rules Committee Meeting Schedule

(Immediately following Board Meeting)

Monday, January 23, 2017.....Queen Liliuokalani Conference Room

***Monday, February 13, 2017*.....Queen Liliuokalani Conference Room
(Board Meeting Only)**

Monday, March 20, 2017.....Queen Liliuokalani Conference Room

Monday, May 15, 2017.....Queen Liliuokalani Conference Room

Monday, July 17, 2017Queen Liliuokalani Conference Room

Monday, September 18, 2017.....Queen Liliuokalani Conference Room

Monday, November 20, 2017.....Queen Liliuokalani Conference Room

***special legislative review/discussion Board meeting only**

- b. Kailua Dentist Indicted for Manslaughter

The Board reviewed a News Release from the Department of the Attorney General announcing that an Oahu grand jury indicted Kailua resident Lilly Geyer on 37 counts, including medical assistance fraud, prohibited acts related to controlled substances, assault, and manslaughter. The indictment is based on events involving patients from October – December 2013 and April 2016, when Dr. Geyer was working as a dentist in Kailua.

c. DCCA Disciplinary Actions

The DCCA Disciplinary Actions were passed around to the Board members to read at their perusal. There were no Dental actions.

d. DOH Hawaii Oral health Environmental Scan Advisory Committee

The Board was provided with a copy of a PowerPoint presentation titled, "Hawai'i Oral Health Environmental Scan", a project of the Hawaii Department of Health. The presentation is about the DOH Hawaii Oral health Environmental Scan Advisory Committee.

e. Governor's Sign Compact to Fight Opioid Addiction

The Board reviewed a news release from the National Governors Association titled, "Governor's Sign Compact to Fight Opioid Addiction". It states that 46 governors, including Governor Ige, have signed the Compact to Opioid Addiction, developed by and released through the National Governors Association. By signing the compact, governors are agreeing to redouble their efforts to fight the opioid epidemic with new steps to reduce inappropriate prescribing, change the nation's understanding of opioids and addiction and ensure a pathway to recovery for individuals suffering from addiction.

10. Public Comment: Ms. Brucato thanked the Board for reading and considering HDHA's letter. She also announced that HDHA has a new President, Justin Stanton.

11. Announcements: None.

12. Next Meeting: Monday, November 21, 2016
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

13. Adjournment: Chair Guevara adjourned the meeting at 11:32 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

10/5/16

Minutes approved as is.

Minutes approved with changes; see minutes of _____.