

**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, March 20, 2017
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> 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  
Coy Rebmann, D.D.S., Dental Member  
Mark Chun, D.M.D., Dental Member  
Dennis Nagata, D.D.S., Dental Member  
Earl Hasegawa, 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  
Daniel Jacob, Esq., Deputy Attorney General  
James Kobashigawa, Executive Officer ("EO")  
Sandra Matsushima, Executive Officer ("EO")  
Lisa Kalani, Secretary
- Excused: Garrett Ota, D.D.S., Dental Member  
Joy B. Y. Shimabuku, Public Member
- Guests: Robert Baysa, Hawaii Dental Association ("HDA")  
Diane Brucato, RDH, EF, BS, FAADH, Hawaii Dental Hygienists' Association ("HDHA")  
Kathleen Lee, HPPA for Hawaii Dental Association ("HDA")  
Gerraine, Hignite, Hawaii Dental Hygienist' Association ("HDHA")  
Joseph P. Mayer, Sr., Public  
Lei Fukumura, SDAG, Professional & Vocational Licensing Division ("PVL")  
John Hassler, Regulated Industries Complaints Office ("RICO")

1. Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:04 a.m. and excused Dr. Ota and Ms. Shimabuku from today's meeting.
  
2. Approval of Board Meeting Minutes and Executive Session Minutes of February 13, 2017 Chair Guevara called for a motion in regards to the Board meeting minutes of February 13, 2017.  
There being no discussion, it was moved by Ms. Primiano seconded by Vice Chair Wada and unanimously carried to approve the Board Meeting minutes as circulated.

Ms. Timmerman had a question regarding the Executive Session minutes of February 13, 2017.

Chair Guevara noted that Ms. Timmerman could discuss her concerns in executive session. However, the Board will go into recess to discuss the Adjudicatory Matters first.

Chair Guevara then called for a recess from the meeting at 9:07 a.m., to discuss and deliberate on the adjudicatory matters pursuant to Chapter 91, HRS:

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

4. Adjudicatory Matters:

- a. In the Matter of the Dental Hygienist's License of **Winnie B. Rose; DEN 2014-70-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

It was moved by Vice Chair Wada, seconded by Dr. Fujimoto and unanimously carried to approve the Board's Final Order.

- b. In the Matter of the License to Practice Dentistry of **Kenneth G. Whelan, Jr., D.D.S.; DEN 2016-9-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

It was moved by Vice Chair Wada, seconded by Dr. Fujimoto and unanimously carried to approve the Board's Final Order.

Following the Board's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Board was reconvening its scheduled meeting at 9:14 a.m.

Chair Guevara stated that the Board will now discuss the Executive Session minutes of February 13, 2017 with their counsel. Chair Guevara called for a motion to enter into executive session.

Executive Session:

At 9:15 a.m., it was moved by Vice Chair Wada, 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, in regards to Ms. Timmerman's inquiry regarding a clarification in the Executive Session minutes of February 13, 2017.

Guests were excused from the meeting room.

At 9:17 a.m., it was moved by Vice Chair Wada, seconded by Dr. Chun, and unanimously carried to move out of executive session.

Chair Guevara stated that the Board had a discussion regarding the executive session minutes of February 13, 2017.

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

2. Approval of Board Meeting Minutes and Executive Session Minutes of February 13, 2017

Chair Guevara called for a motion in regards to the Board Executive Session minutes of February 13, 2017.

It was moved by Dr. Fujimoto seconded by Ms. Primiano and unanimously carried to approve the Executive Session minutes as circulated.

3. Applications:
  - a. Ratifications

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

Approved Dentist

YOO, Paul  
LEE, Andy  
MASUNAGA, Evan Yutaka  
NAKAO, Sy

Approved Community Service License – Dentist

**West Hawaii Community**

EDGERTON, John

Approved Dental Hygienist

SEBASTIAN, Kristen  
SCHOFIELD, Channing  
VO, Kim

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

SCHOFIELD, Channing  
THARP-VAN NOOD, Terri  
VO, Kim

*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”)

- Assessment Services Program (“ASP”) Presentation

At this time Richard Hetke and Donna Adler did an ASP presentation via tele-conference call. Copies of the slides of the presentation were provided to the members and are attached to these minutes.

Chair Guevara asked how many dentist has ASP helped with this program?

Mr. Hetke responded between 30 to 40.

Mr. Ching asked if participation in this program is pre or post disciplinary action?

Ms. Adler stated once the consent order or board order has been finalized that is when the process starts.

Ms. Loy-Goto asked if a licensee can voluntarily enter into the program?

Mr. Hetke responded yes, although I do not believe we have ever had one enter voluntarily.

Mr. Jacobs stated the procedures for discipline are set forth by statute. Has any of the states that utilize this program had to amend their statutes to permit utilization of this program?

Mr. Hetke responded he does not know.

Chair Guevara thanked Mr. Hetke and Ms. Adler for their presentation and signed-off.

Ms. Loy-Goto stated there are couple of ways the Board could utilize this program. One would be for licensee's who are restoring or reactivating that have been out of practice for a while or who have had issues with other states, and this might be relevant to the Board's consideration for reactivation or restoration. The other would be by settlement agreement, where the licensee agrees to enter into the program and cover all costs.

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

5. Old Business: a. Legislative Matters

- SB343 SD1 Relating to Dental Licensure

Ms. Matsushima asked if the Board's position on this bill is the same?

Dr. Chun asked if we opposed this bill?

Chair Guevara stated at the February meeting we stated that we supported the "intent" of the bill but did not support the bill as written.

Mr. Kobashigawa stated on page 3, under (B), starting on line 8, it states "...or another nationally recognized, substantially equivalent examination recommended by the American Dental Association;"... As you are aware, the American Dental Association ("ADA") just came out with an announcement that they intend to develop a dental licensure examination without live patients.

In the past, AADB as well as state boards had indicated that they wanted a clinical dental examination with patients.

Dr. Chun stated that is critical. Most of us are members of the ADA. However, we need to understand it is an “association” it is not a rule-making organization. Just because it is an ADA approved exam does not mean we need to follow it.

Vice Chair Wada asked if we could change our position on this bill?

Mr. Kobashigawa stated that testimony was already submitted for tomorrow’s hearing based on the Board’s position from the February meeting.

Chair Guevara read the testimony that was submitted for tomorrow’s hearing as follows:

*“The Board supports the intent of this measure, however, it cannot support the bill as written. The Board recommends additional safeguards for qualification and believes there may be a public safety issue by not focusing on the quality of the practitioner rather than the quantity of practitioners.*

*For the Committees’ information, the current standard for licensure in the United States is to pass one of the four “regional” dental examinations. In addition, a few states allow licensure based on completion of a graduate residency program or an examination without live patients. Moreover, the American Dental Association just announced that it will be developing a national dental licensure examination without the use of live patients. All of the “regional” examinations require a clinical examination with live patients and believe it is absolutely necessary to measure competency in order to protect the health, safety, and welfare of the public.*

*Therefore, the Board recommends the following changes to the bill.*

*On Page 2, Line 20, to Page 3, Line 2:*

*be accepted.] or any other [nationally recognized] regional clinical dental examination recommended by the American Dental Association; or*

*On Page 3, Lines 5 to 10:*

*(B) Holds [a] an active license to practice dentistry in another state whose licensing requirements include*

passage of the ADEX examination, its predecessor examination, or another [nationally recognized, substantially equivalent examination recommended by the American Dental Association] regional clinical dental examination;

On Page 3, Line 13:

(D) Has [a] at least five years of experience in the...

Chair Guevara asked if what he just read is acceptable to the Board?

Dr. Chun stated he would like to change the position on this bill.

Ms. Matsushima stated that the Board's testimony is not in support or opposition for this bill, as these are only the Board's comments.

Mr. Ching stated a clinical dental exam is with live patients, so what ADA is talking about now, appears to be in conflict with what the board wants.

Chair Guevara stated he will be attending the AADB meeting next month and will get more information on this. What has been coming up more frequently at these meetings is portability of dental licenses.

Vice Chair Wada stated she really feels we should oppose this bill, because the heart of it is what we're opposed to. How can we say we support the intent, if the heart of it is what we are against?

Mr. Kobashigawa stated the original bill included accepting equivalent exams, which meant the regional exams, so that is what was meant by supporting the "intent".

Ms. Matsushima stated if the Board's position has changed, someone needs to testify tomorrow to say that the Board met today and its position has changed.

Dr. Chun stated he opposes this bill.

Vice Chair Wada stated she does not have an issue with accepting the regional exams, but she does have issue with a lot of the other things in this bill.

Dr. Rebmann stated he agrees with most of the discussion. However, the purpose of this act is to increase access to high-quality dental care in the State and I agree with that, just not with the substance of the bill.

Chair Guevara stated that historically, dentists do not go to the underserved areas.

Dr. Hasegawa stated that passage of this bill would kill the community service license.

Mr. Kobashigawa stated if you oppose this bill, you are saying you will continue to only accept ADEX.

Vice Chair Wada stated she is seriously concerned if this does go through it will kill the community service license. Because now who is going to serve the people at those facilities?

Dr. Hasegawa stated if you look at this from a patient protection point of view, you're looking at more individuals coming in with a private practice through credentialing, and I do believe there is more oversight at the community service clinics.

Dr. Fujimoto stated whatever we decide, it needs to be a live patient based exam.

Dr. Chun stated there are things in this bill that are egregious to us as dentist. It does not protect our patients, it does not prevent someone from coming in with a license they obtained 30 years ago.

Chair Guevara stated he agrees. On one of the regional exams that he sat on, there was an individual who took the exam 3 times and could not pass. The clinical exams may not catch everyone, but it does catch some. Regional clinical exams test for minimal competency, they do work.

Dr. Nagata stated clinical competency is important from a patient protection point of view. However you state it, we are not trying to prevent dentist from coming in, but we need to control the *quality* of dentist that come to Hawaii to practice.



Dr. Chun stated I would like it to say in the testimony up front that we oppose these things in the bill, and not say we support up front, because that is the only thing they are going to hear is that we support.

Mr. Jacob stated you could say the purpose of this act is to increase access to high-quality dental care in the State by allowing the Board to accept other nationally recognized clinical exams recommended by ADA, however has the following concerns:

- Oppose language, as it does not achieve intent;
- Does not provide for patient safety;
- Need passage of clinical live patient exam;
- Currently no national exam;
- Focus should be on quality not quantity; and
- Reciprocity does not assure clinical exam.

Ms. Matsushima asked who will be going to the hearing?

Dr. Chun and Mr. Ching will attend the hearing.

Ms. Matsushima stated that the Board amends their testimony to say that although the Board believes in increased access to quality care, the Board opposes in part the current bill as written. The Board recommends additional safeguards for qualification and believes there may be a public safety issue by not focusing on the quality of the practitioner rather than the quantity of practitioners. The Board opposes in part this bill because we believe it does not provide patient safety. Presently there is no nationally recognized exam. Should a national exam be developed, we feel it should include a live patient based portion to evaluate clinical competency.

Mr. Kobashigawa asked if you would accept a regional exam? Looking at this testimony it appears you only want to accept ADEX.

Dr. Chun stated ADEX works.

Mr. Kobashigawa stated he agrees, but that does not mean the other regional exams do not work.

Chair Guevara stated that Dr. Chun and Mr. Ching need to be prepared to answer this question at the hearing.

Dr. Chun stated if we accept the other regional exams, I think it should have been taken within the last 10 years. How can we assure someone who took a regional exam 30 years ago is still competent.

Mr. Kobashigawa stated you are going to tell someone who has been licensed for 30 years with no sanctions on their license with any state board that they may not be competent?

Dr. Chun stated there is a difference between the way you operated 20 years ago and now.

Ms. Matsushima stated we can add to the testimony that the Board will accept any other regional clinical exam.

Vice Chair Wada stated her concern with that is say someone did get licensed based on another regional clinical exam but has not been practicing in the last 10 years, now they want to come to Hawaii to practice.

Chair Guevara stated the bill says, "has at least five year of experience in the practice of dentistry."

Ms. Matsushima stated in the bill it also says, "Be a practicing dentist who:"

Ms. Primiano stated maybe it should say "be an actively practicing dentist who:"

Ms. Matsushima stated you could amend page 3, starting on line 13 to say "(D) Has at least five years of active practice in the practice of clinical dentistry of not less than 5 years immediately prior to the date of application"

Dr. Chun stated he does not know why we can't just oppose this bill and propose a bill next year.

Ms. Matsushima stated you could oppose it and not make any comments, but if this passes you will not have had your say as to what you wanted in the act.

Chair Guevara stated if we do not comment they will go with what they have. We have to at least make a statement, whether they accept it or not, at least we had a say.

Dr. Baysa stated he likes the idea of requiring a live patient clinical exam.

Ms. Brucato stated there is good and bad, any age, any number of years practicing, and to be a stickler about new people coming in when there could be people already here who may not be able to pass the exam. The goals in all the exams is to assess competency.

Mr. Ching stated the way he reads the language in the bill, he believes the legislators are mistakenly taking the ADEX as a national examination.

Mr. Kobashigawa stated ADEX represents to be a national exam. All the regional exams are nationally recognized.

Ms. Matsushima summarized that the Board's position is to recommend additional safeguards for qualification and believes there may be a public safety issue by not focusing on the quality of the practitioner rather than the quantity of practitioners. The current standard for licensure in the US is to pass one of the four "regional" dental examinations. A few states allow licensure based on completion of a graduate residency program or an examination without live patients. The ADA just announced that it will be developing a national dental licensure examination without the use of live patients. All of the "regional" examinations require a clinical examination with live patients and believe it is absolutely necessary to measure competency in order to protect the health, safety, and welfare of the public.

After further discussion, it was moved by Chair Guevara, seconded by Dr. Nagata, with Dr. Chun and Dr. Hasegawa opposed, to amend the testimony based on today's discussion. Motion was voted on and carried.

- SB344 SD1 / HB374 HD1, HD2 Relating to Dental Assistants
  - HCR 175 Requesting a Sunrise Analysis of the Regulation of Dental Assistants

Ms. Matsushima noted that for SB344 SD1 / HB374 HD1 the previous testimony was that the Board strongly opposed this bill as it would prohibit dental assistants from performing a simple procedure that is within the scope of practice of dental hygiene as provided in Chapter 447, HRS.

The HD2 version requests for a sunrise analysis of the regulation of dental assistants.

Ms. Matsushima asked if the Board's position on these bills are the same?

The Board by consensus takes the same position on these bills and has no comment on the request for a sunrise analysis of the regulation of dental assistants.

- SB371 SD1 Relating to the Board of Dentistry and Dental Hygiene

Ms. Matsushima asked if the Board's position on this bill is the same?

The previous testimony is that the Board is opposed to changing the name of the Board to the Board of Dentistry and Dental Hygiene. This is because the Board notes that the practice of dentistry is composed of a team consisting of a dentist, dental hygienist, and auxiliary staff all working together, representing ALL of dentistry to include all 8 specialties of dentistry and dental hygiene. Not all specialties are represented on the Board.

The Board by consensus takes the same position on this bill.

- SB380 / HB563 HD1 Relating to Dental Hygienists

Ms. Matsushima asked if the Board's position on these bills is the same?

The previous testimony is that the Board supports the intent of the bill, however, the Board recommends that the dental hygienist remain under direct supervision when administering intra-oral block anesthesia and any irreversible procedures to be performed. In addition, the Board recommends that the dental hygienist may work under general supervision only for patients of record and only for patients with an existing treatment plan.

The Board by consensus takes the same position on these bills.

- SB381 Relating to Dental Assistants

Ms. Matsushima stated this bill has been deferred.

- HB561 HD1, HD2 Relating to Dentistry

Ms. Matsushima asked if the Board's position on this bill is the same?

The previous testimony is that the Board supports the intent of this measure, however, the Board has made significant rule amendments, under section 16-79-78, HAR, as the rules are being implemented to a higher standard and degree in comparison to the provisions of this measure. Therefore, Legislation may not be necessary. Also, with regard to the display of contact information and verification of a dentist's license status, the Board defers to the Regulated Industries Complaints Office ("RICO").

The Board by consensus takes the same position on this bill.

- HB 1484 HD2 Relating to Assault

Ms. Matsushima stated this bill establishes the offense of assault in the second degree if a person intentionally or knowingly causes bodily injury to a health care professional, as defined in section 451D-2, HRS, who is engaged in the performance of duty at the time of the assault.

Ms. Matsushima stated she is tracking this bill only and the Board's position is not needed.

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

- Composite Report – Twenty-eight Edition

The report was passed around for the members to review at their perusal.

- Preliminary Agenda for Mid-Year Meeting April 23-24, 2017

Chair Guevara stated he will be attending and will give a report at the Board's May meeting.

- February 2017 Monthly Report from AADB Executive Director Richard Hetke

The Board was provided with a copy of the monthly report for their information.

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

Ms. Primiano stated the dental hygiene exam will be held at Maui Community College, April 13, 2017.

- Public Advocacy Committee Appointment

Chair Guevara congratulated Mr. Rodney Ching for being appointed to serve as a member of the Public Advocacy Committee.

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

- Access to ADEX Website Members Only Section

The Board was provided with information on accessing the members only section of the ADEX website.

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

Ms. Timmerman stated the dental hygiene exam will be held at the University of Hawaii, April 22-23, 2017.

- Annual Report to Program Directors on 2016 Dental Hygiene Examination Results

The annual report was passed around to the members to review at their perusal.

- CRDTS National Dental Hygiene Examination Technical Report

The technical report was passed around to the members to review at their perusal.

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

- Anesthesia Group Performance Report

The performance report was passed around to the members to review at their perusal.

f. Matters relating to the American Dental Association (“ADA”)

The Board was provided with copies of the following for their information:

- Clarification: ADA Sedation and Anesthesia Guidelines
- Commission on Dental Accreditation: CODA Communicator Winter/Spring 2017
- Commission on Dental Accreditation: Winder 2017 Accreditation Actions Notice

g. Approval of Continuing Education (“CE”) courses

It was moved by Vice Chair Wada, seconded by Dr. Rebmann and unanimously carried to approve the following course:

- Jeff Clark, Porter Nitrous Oxide Presentation, (2 CE hours)

It was moved by Ms. Primiano, seconded by Dr. Rebmann and unanimously carried to approve the following course:

- Andrew W.L. Tseu, D.D.S., J.D., “Patient with Intellectual & Developmental Disabilities: General Dental Treatment Considerations for the Oral Health Professional” (2 CE hours); and “Oral Health Awareness & Oral Hygiene Practices for Caregivers/Families of persons with Intellectual and Developmental Disabilities” (2 CE hours).

h. Ratification of Approved Continuing Education (“CE”) courses

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

- Gayle C. Chang, R.D.H., B.Ed., Infection Control/OSHA Update for Dental Professionals, full day course (7 CE hours), re-training update course (4 CE hours), and hands-on training (2 CE hours).
- Andrew W.L. Tseu, D.D.S., J.D., Improving Oral Health Using Telehealth Connected Teams: The Virtual Dental Home (1.5 CE hours).

7. Correspondence: a. Letter from Dr. Peter C. Snyder, D.D.S.

The Board reviewed correspondence from Dr. Snyder asking if the Board would consider allowing him to reinstate his forfeited Hawaii dental license since 2006. At the time Dr. Snyder received his initial Hawaii license, passage of the ADEX was not required.

Chair Guevara stated that the current statute requires passage of the ADEX, and the Board cannot “waive” that requirement.

It was moved by Dr. Nagata, seconded by Ms. Timmerman to inform Dr. Snyder that he must meet the current requirements for licensure which include passage of the ADEX.

b. Continuing Education Review for Restoration of License for Dr. Alan Spano

Ms. Matsushima asked if the Board could review Dr. Spano’s CE’s to determine if they are acceptable for restoration of his dental license.

The Board by consensus approves Dr. Spano’s CE’s for restoration of his dental license.

c. Email from Richard M. Berry, American Association of Oral and Maxillofacial Surgeons (“AAOMS”)

The Board reviewed and commented on the following questions from Mr. Berry:

- Whether an oral and maxillofacial surgeon licensed in California can obtain a dental license in Hawaii by credentials or reciprocity? **No.**
- Whether a physician (medical doctor) can practice oral and maxillofacial surgery in Hawaii? **The Board defers this question to the Hawaii Medical Board.**
- Whether Hawaii has specialty licensure in dentistry? **No.**



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

- a. Annual Disclosure of Financial Interests with the Hawaii State Ethics Commission due – Wednesday, May 31, 2017

Ms. Matsushima reminded the Board members to complete their annual disclosure of financial interests by the due date of May 31, 2017 to avoid penalty.

- b. HDA Journal – Winter 2017

The journal was passed around for the members to review at their perusal.

- c. Disciplinary Actions (February 2017)

The DCCA disciplinary actions were provided to the members for their information. There were no dental actions.

10. Public Comment:

Ms. Brucato asked what happened to the Legislative Committee?

Ms. Matsushima stated what happened in the last 2 years is we added an additional Board meeting in February specifically to address legislative matters and take a position on bills. So a meeting of the Legislative Committee is no longer necessary.

11. Announcements:

None.

12. Next Meeting:

Chair Guevara announced the next meeting as Monday, May 8, 2017.

Monday, May 8, 2017  
9:00 a.m.  
King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

13. Adjournment:

Chair Guevara adjourned the meeting at 11:59 a.m.

Reviewed and approved by:

/s/ Sandra Matsushima  
Sandra Matsushima  
Executive Officer

Taken and recorded by:

/s/ Lisa Kalani  
Lisa Kalani, Secretary

SM:lk

3/31/17

[  ] Minutes approved as is.

[  ] Minutes approved with changes; see minutes of 5/8/17.