

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, March 20, 2017
- Time: Immediately Following Board 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., Rules Committee Chair
Rodney Ching, Public Member
Janet Primiano, R.D.H., Dental Hygiene Member
Earl Hasegawa, D.M.D., Dental Member
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Daniel Jacob, Deputy Attorney General
Lisa Kalani, Secretary
- Excused: Garrett Ota, D.D.S., Dental Member
Mark Chun, D.M.D., Dental Member
- Guests: Diane Brucato, RDH, EF, BS, FAADH, Hawaii Dental Hygienists' Association ("HDHA")
Gerraine, Hignite, Hawaii Dental Hygienist' Association ("HDHA")
- Call to Order: Rules Committee Chair Guevara called the meeting to order at 12:09 p.m.

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

- §16-79-150 Availability of dental records (new section)

Ms. Matsushima asked the Committee if the addition of this new section is necessary? She noted that she mirrored the medical records requirement section regarding availability of records and replaced physician with dentist and medical with dental.

Committee Chair Guevara stated dentist are already maintaining their records. It also may be a good idea to utilize the same language as in the medical records. He stated he was recently asked if dentists need to maintain the diagnostic cast. Is the cast considered part of the patients’ record?

Mr. Ching asked if the models could be digitally preserved?

Committee Chair Guevara stated that technology is available, but it is very expensive.

Mr. Kobashigawa asked what the cost is?

Committee Chair Guevara stated at least \$100,000.

Dr. Hasegawa stated he keeps everything. Especially with orthodontics you have minor patients, and everything including the cast, is part of the record.

Committee Chair Guevara stated right now only the written records are kept, does that translate to the models too?

Dr. Hasegawa asked what is The Dentists Insurance Company (“TDIC”) requirements?

Committee Chair Guevara stated he believes they require you keep 7 years, but is that something you would want in the rules? We could just say you have to follow what your insurance company requires.

Mr. Ching stated he believes patients have a right to their own records.

After further discussion it was moved by Ms. Primiano, seconded by Mr. Ching and unanimously carried to recommend the addition of section §16-79-150 Availability of dental records.

Committee Chair Guevara stated section §16-79-149 Retention of dental records will be placed on the Committees next agenda again to discuss if cast models are considered part of the dental records.

License Renewal/Continuing Education (“CE”) Pre-Audit

Ms. Matsushima stated this was already recommended for approval however the reason it was placed back on the agenda was to discuss if we could legally do a pre-audit.

Mr. Jacobs stated the laws and rules allow the Board to deny renewal if the licensee has not completed their CE's. The AG's office has historically taken the position that before any discipline is imposed or denial of renewal, you have to have your due process. However, due process is based on the expectation to continue your property interest and if you have not done your CE's then there is no expectation to continue your licensure, therefore it would be appropriate to deny renewal and then have your due process to determine if something went wrong. The AG's office will be meeting with PVL and he will bring this up for discussion.

Committee Chair Guevara stated this agenda item will be deferred to the Board for discussion.

Discussion of proposed list of preventative chemical agents

Ms. Matsushima stated when the Board made the decision about the application of silver diamine the DAG had suggested that maybe the Board should come up with a list.

Committee Chair Guevara stated with the proposed rule amendments and legislative bills going through right now, he is suggesting that this topic be deferred.

Adjournment: With no further business to discuss, Rules Committee Chair Guevara adjourned the meeting at 12:50 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

3/31/17

[] Minutes approved as is.

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