

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 18, 2017

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
Mark Chun, D.M.D., Dental Member
Earl Hasegawa, D.D.S., Dental Member
Garrett Ota, D.D.S., Dental Member
Janet Primiano, R.D.H., M.P.H., Dental Hygiene Member
Staphe Fujimoto, D.D.S., Dental Member
Dennis Nagata, D.D.S., Dental Member
Joy B. Y. Shimabuku, Public Member
Marianne Timmerman, R.D.H., Dental Hygiene Member
Sharon Tanaka, Public Member
Pearl Arrington, R.D.H., Dental Hygiene Member
Daniel K. Jacob, Esq., Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer ("EO")
James Kobashigawa, Executive Officer ("EO")
Lisa Kalani, Secretary

Excused: Coy Rebmann, D.D.S., Dental Member

Guests: Diane Brucato, RDH, EF, BS, FAADH, Hawaii Dental Hygienists' Association ("HDHA")
Gerraine Hignite, Hawaii Dental Hygienists' Association ("HDHA")
Kim Nguyen, Hawaii Dental Association ("HDA")
Kathleen Lee, HPPA
Melissa Pavlicek, HPPA

Janet Primiano, RDH, MPH, Public
Rodney Ching, Public

1. Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:00 a.m. and excused Dr. Rebmann from today's meeting.
2. Approval of Board Meeting Minutes and Executive Session Minutes of July 17, 2017 Chair Guevara called for a motion in regards to the Board meeting minutes of July 17, 2017.
EO Kobashigawa stated that the list provided by Ms. Brucato titled "Hygienists Licensed Prior to 7/17 HBODE Ratification" be added to the minutes as it is part of her testimony.

Ms. Brucato commented on page 6, 4. Adjudicatory Matters:, according to her notes, the Board motioned to go into Executive Session at 9:24 a.m., not recess.

EO Kobashigawa stated that discussion of Chapter 91 Adjudicatory Matters is not Executive Session.

Ms. Brucato asked then why was a vote taken to move in Executive Session?

Chair Guevara stated he does not recall doing that.

EO Matsushima commented that although she was not present at that meeting, to discuss Chapter 91, a recess is called and the Board may vote to go out.

Ms. Pavlicek stated her understanding is that minutes are not publicly available until after they have been approved. She is wondering why the public is being allowed to comment on minutes that aren't publicly available?

Ms. Kalani stated draft minutes are available by request after 30 days from the meeting. They are also available when the agenda is filed for the Boards next meeting to individuals who request to be on the distribution list.

Chair Guevara asked Ms. Pavlicek if she would like to be on the list to receive draft minutes?

Ms. Pavlicek responded yes, she will put in a request to be added to the list.

There being no further discussion, it was moved by Vice Chair Wada seconded by Ms. Shimabuku, voted on and unanimously carried to approve the Board Meeting minutes with the addition of the list provided by Ms. Brucato titled "Hygienists Licensed Prior to 7/17 HBODE Ratification"

Chair Guevara called for a motion in regards to the Executive Session Minutes of July 17, 2017.

Chair Guevara stated he has a correction on the Executive Session Minutes.

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

Executive
Session:

At 9:14 a.m., it was moved by Dr. Ota, seconded by Ms. Shimabuku, voted on and unanimously carried (by roll call with Chair Guevara, Vice Chair Wada, Ms. Tanaka, Ms. Arrington, Dr. Chun, Dr. Hasegawa, Dr. Ota, Dr. Fujimoto, Dr. Nagata, Ms. Shimabuku and Ms. Timmerman voting aye) to enter into executive session pursuant to HRS §§ 92-4 and 92-5(a)(4) to discuss corrections or amendments to the executive session minutes of July 17, 2017.

Guests were excused from the meeting room.

At 9:20 a.m., it was moved by Vice Chair Wada, seconded by Ms. Shimabuku, voted on and unanimously carried (by roll call with Chair Guevara, Vice Chair Wada, Ms. Tanaka, Ms. Arrington, Dr. Chun, Dr. Hasegawa, Dr. Ota, Dr. Fujimoto, Dr. Nagata, Ms. Shimabuku and Ms. Timmerman voting aye) to move out of executive session.

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

There being no discussion, it was moved by Vice Chair Wada, seconded by Dr. Fujimoto, voted on and unanimously carried to approve the Executive Session minutes of July 17, 2017 as amended.

3. Applications: a. Ratifications

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

Approved Dentist

BURRIS, Benjamin
CHANG, Bryson
DAVIES, Roderick
ENDO, Nicole
GAETA, Alexandre
INABA, Andrew
KANETANI, Brandon
KAMURA, Yasuhiko
KIEZIK, Eva
KUIOKA, Mark
LEE, Jacqueline
LEE, Zachary
LIU, Jessica
MALLORY, James
MATSUMOTO, Alex
MATSUMOTO, Brian
PARK, Yunah
RISTAU, Alexander
STRAWN, Morgan
TORRES, Kamille Angeli

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

Approved Dentist Permit to Administer Deep Sedation/General Anesthesia and Moderate Sedation
OISHI, Neil

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

Approved Temporary License – Dentist
JOHNSON, Andrew
KIM, Spencer
MONTPETIT, Frederique
OLIVER, Kathleen

Ms. Brucato stated under the list of Approved Dental Hygienist, when searching online, she could not find a license for MCENTIRE, Chelsie.

After a brief discussion, it was moved by Vice Chair Wada, seconded by Ms. Timmerman, voted on and unanimously carried to ratify the following without MCENTIRE, Chelsie:

Approved Dental Hygienist
ANDERSON, Signe
CHANG, Nicole
DAVIES, April
DEMPSEY, Natasha
DRESSEL, Heather
HANSON, Ashley
HOWARD, Taylor
KUAHIWINUI-MAINZ, Alma
~~MCENTIRE, Chelsie*~~
MINKIN, Neil
NOVOTNEY, Jitka

*It is noted that after the meeting, a check of Licensing Branch's records showed Chelsie Mcentire as being licensed. Accordingly, Ms. Mcentire will have to be ratified at the Board's next meeting.

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

Approved Certification in the Administration of Intra-Oral
Block Anesthesia
BALLESTEROS, Jinnelle
DAVIES, April
DRESSEL, Heather
HANSON, Ashley
NOVOTNEY, Jitka
WRIGHT, Brenda

Ms. Arrington asked the Chair to explain the ratification list.

The Chair deferred to EO Matsushima to explain.

EO Matsushima stated that the names listed under Ratifications are applications that have met all requirements approved for licensure. All applications go to the Licensing Branch and are processed

using a checklist. Licenses for all “clean” applications are then issued. The Board will ratify the list of licensees at a subsequent meeting.

Ms. Arrington asked if anyone from the Board checks the ratification list?

EO Kobashigawa stated the Board has delegated to staff to approve the applications subject to ratification at the next meeting. If the application is questionable, then it will come before the Board.

Ms. Hignite asked if it would be possible for Board members to check the applications prior to issuing the license?

EO Matsushima stated previously, Board members have come to check applications. The issue with that is the Board members would need to come into the office and the applicants will not be issued licenses until their applications are reviewed and approved by a Board member. Since the Board meets every other month, an applicant who meets all requirements would still need to wait up to two months for Board approval of their license. It is by statute that all Boards, not just this one, can delegate to staff.

Ms. Hignite asked if she should submit a letter requesting that the Board review applications?

Chair Guevara replied that she can submit a written request.

DAG Jacob stated that statute says this Board, which has previously done so, can delegate its authority to staff to approve licenses initially, subject to ratification for ministerial purposes only.

4. Old Business: a. Discussion on Administrative Rules

EO Matsushima stated after the Board approves these amendments to the rules, the changes will be sent to our office services to type a draft “1” of the proposed rules, and then we can begin the lengthy rule amendment process.

Chair Guevara stated the Board has received some public testimony regarding the amendments to the rules, however it is premature since the rule amendment process has not started yet and is not at the public hearing step. Therefore, the testimony will be taken in as public comments.

Ms. Pavlicek stated her comment is made on behalf of the Hawaii Dental Association and encompasses all the rule amendments listed on the agenda. They are in support of advancing all the rule amendments for discussion so they do go to public hearing, and they will make their comments on each substantive piece at that time.

- Discussion on *Proposed Administrative Rules Amendment referred from Committee/approved by Board; Amendments include, but is not limited to the following:
 - §16-79-3 Renewal of a dental or dental hygiene license;
To clarify that completion dates of the continuing education (“CE”) requirement is during the biennium renewal period.

There being no discussion, it was moved by Dr. Fujimoto, seconded by Vice Chair Wada, voted on and unanimously carried to approve the amendment to §16-79-3 Renewal of a dental or dental hygiene license.

- §16-79-3.1 Restoration of forfeited license; To require an additional three hours of ethics training each year in addition to any other CE requirement for a dental license.

There being no discussion, it was moved by Ms. Shimabuku, seconded by Dr. Ota, voted on and unanimously carried to approve the amendment to §16-79-3.1 Restoration of forfeited license.

- §16-79-69.1 Allowable duties and training for a dental assistant; To allow dental assistants to apply fluoride in a manner deemed appropriate by the ADA in a unit dose approved by the supervising licensed dentist.

Ms. Brucato submitted written comments and also presented oral comments on behalf of the Hawaii Dental Hygienists’ Association in strong opposition of the proposed amendments to §16-79-69.1.

Ms. Shimabuku asked Ms. Brucato to clarify whether or not the opposition is to dental assistants applying fluoride, or to this Board amending the rules to allow dental assistants to apply fluoride?

Ms. Brucato replied that the process is that the statute should be provided for first, and then the rule can be made. We are asking that if dental assistants be allowed to apply fluoride they be required to complete standardized education, testing, or certification.

Ms. Shimabuku asked if there is a dental assistant school in Hawaii?

Ms. Brucato replied yes.

Ms Shimabuku stated then it would appear that you are against this Board amending the rules and not against the dental assistant applying fluoride under the dentist supervision.

Ms. Brucato replied that is not correct. It should be a legislative issue to change the statute where it is defined as dental hygiene requires a license, but also to provide that dental assistants could apply fluoride with the appropriate standardized education, certification or licensure.

Chair Guevara stated a question came up about medical assistants applying fluoride in the public health setting and asked Ms. Brucato if with as much fervor as you are giving these comments to this Board, are you also commenting to the Medical Board?

Ms. Brucato stated that the attorney for the American Medical Assistants Association has stated that medical assistants are not to do any duty that requires a license of another profession.

Ms. Hignite showed the Board briefly the different forms and methods of applying fluoride. She stated that she is not against dental assistants applying fluoride, however she is not comfortable with dental assistants being allowed to apply fluoride without the proper education. She also commented that a law just passed to do a sunrise analysis on the dental

assistant program and so maybe the Board could postpone doing rule amendments pending the outcome of the analysis.

Chair Guevara stated he wants to quote what a legislator told him. This legislator said, "they can pass statutes faster than you can amend rules". So yes, there is the sunrise analysis coming out, so if this amendment passes in the rules, which will take a long time, it would be superseded if a law is passed. No rule can supersede a statute.

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

Executive
Session:

At 10:03 a.m., it was moved by Chair Guevara, seconded by Ms. Shimabuku, voted on and unanimously carried (by roll call with Chair Guevara, Vice Chair Wada, Ms. Tanaka, Ms. Arrington, Dr. Chun, Dr. Hasegawa, Dr. Ota, Dr. Fujimoto, Dr. Nagata, Ms. Shimabuku and Ms. Timmerman voting aye) 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 regarding practices, policies and procedural matters of the Board meeting. Guests were excused from the meeting room.

At 10:38 a.m., it was moved by Chair Guevara, seconded by Dr. Ota, voted on and unanimously carried (by roll call with Chair Guevara, Vice Chair Wada, Ms. Tanaka, Ms. Arrington, Dr. Chun, Dr. Hasegawa, Dr. Ota, Dr. Fujimoto, Dr. Nagata, Ms. Shimabuku and Ms. Timmerman voting aye) to move out of executive session.

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

There being no further discussion, it was moved by Ms. Shimabuku, seconded by Vice Chair Wada, with Chair Guevara, Vice Chair Wada, Ms. Tanaka, Dr. Chun, Dr. Hasegawa, Dr. Ota, Dr. Fujimoto, Dr. Nagata, Ms. Shimabuku and Ms. Timmerman voting aye to approve the amendment to §16-79-69.1, and Ms. Arrington voting nay. The motion carried.

- §16-79-69.5 Prohibited duties of dental assistants; To amend language to allow dental assistants to apply fluoride

Ms. Brucato submitted written comments and also presented oral comments on behalf of the Hawaii Dental Hygienists' Association in strong opposition of the proposed amendments to §16-79-69.5.

There being no further discussion, it was moved by Ms. Shimabuku, seconded by Vice Chair Wada, with Chair Guevara, Vice Chair Wada, Ms. Tanaka, Dr. Chun, Dr. Hasegawa, Dr. Ota, Dr. Fujimoto, Dr. Nagata, Ms. Shimabuku and Ms. Timmerman voting aye to approve the amendment to §16-79-69.5, and Ms. Arrington voting nay. The motion carried.

- §16-79-78 Administration of general anesthesia and sedation; To clarify language that defines a properly equipped facility for inspection and the requirements of an attached checklist as Exhibit A.

Dr. Hasegawa commented that after looking at the recently passed Act 106, it negates most of this rule amendment. The only thing that is not included is the checklist.

After a brief discussion, it was moved by Dr. Hasegawa, seconded by Ms. Shimabuku, voted on and unanimously carried to defer the proposed amendment to §16-79-78 Administration of general anesthesia and sedation back to the Rules Committee for discussion.

- §16-79-141 Continuing education categories; To allow a maximum of four CE hours per biennium for a Basic Life Support for Healthcare Providers course; to allow a maximum of six CE hours per biennium for Advance Cardiac Life Support course or the Pediatric Advanced Life support course; to allow instructors CE hours for instruction per biennium.

There being no discussion, it was moved by Vice Chair Wada, seconded by Ms. Shimabuku, voted on and unanimously carried to approve the amendment to §16-79-141 Continuing education categories

- §16-79-141.5 Ethics; To clarify the ethics training requirement for dentists and dental hygienists.

Also, outlines the approved sponsoring organizations and standards for course content.

There being no discussion, it was moved by Vice Chair Wada, seconded by Ms. Shimabuku, voted on and unanimously carried to approve the amendment to §16-79-141.5 Ethics.

- §16-79-142 Approved sponsoring organizations; To include the American College of Dentists, International College of Dentists, the U.S. armed forces, the US Veterans Affairs, and the University of Hawaii as approved sponsoring organizations offering CE courses.

There being no discussion, it was moved by Ms. Shimabuku, seconded by Dr. Ota, voted on and unanimously carried to approve the amendment to §16-79-142 Approved sponsoring organizations.

- §16-79-143 Requirements for approval by the board; To include CE courses approved by another states' dental licensure board

There being no discussion, it was moved by Dr. Fujimoto, seconded by Ms. Shimabuku, voted on and unanimously carried to approve the amendment to §16-79-143 Requirements for approval by the board.

- §16-79-144 Biennial renewal; To clarify the ethics training requirement hours for dentists and dental hygienists.

There being no discussion, it was moved by Ms. Shimabuku, seconded by Dr. Fujimoto, voted on and unanimously carried to approve the amendment to §16-79-144 Biennial renewal.

- §16-79-146 Certification of compliance and audit; To clarify that a licensee shall respond to an audit or request for additional evidence of compliance with the CE requirements within sixty days of the date of the request.

There being no discussion, it was moved by Dr. Fujimoto, seconded by Ms. Shimabuku, voted on and unanimously carried to approve the amendment to §16-79-146 Certification of compliance and audit.

- §16-79-149 Retention of dental records; To require the dentist to retain dental records for a minimum of seven years after the last data entry.

There being no discussion, it was moved by Vice Chair Wada, seconded by Dr. Ota, voted on and unanimously carried to approve the amendment to §16-79-149 Retention of dental records.

- §16-79-150 Availability of dental records; To require the dentist to make available, by request, copies of the patient's dental records.

There being no discussion, it was moved by Vice Chair Wada, seconded by Dr. Fujimoto, voted on and unanimously carried to approve the amendment to §16-79-150 Availability of dental records.

5. New Business: a. Discussion on Act 38, SLH 2016 Relating to Licensing. Authorizes the Board of Dental Examiners, Hawaii Medical Board, Board of Nursing, and Board of Pharmacy to deny a license to an applicant or impose disciplinary action against a licensee who has been disciplined by another state or a federal agency. Prohibits a licensee from practicing until a final order of discipline is issued if the licensee has been prohibited from practicing in another state.

EO Matsushima explained that this statute allows the Board to expedite the process of imposing discipline on a licensee whose license has been revoked, suspended, or otherwise disciplined by another state or federal agency. Since RICO is delegated the function of investigating complaints, the EO would refer a complaint to RICO and RICO would come out with a Board's Proposed Final Order that is signed by the EO. The Respondent would be served the Proposed Final Order and given an opportunity to contest the Proposed Final Order at a hearing. Then after due process, a Board's Final Order may come out that would be approved and signed by the Board.

There being no discussion, it was moved by Ms. Shimabuku, seconded by Dr. Fujimoto, voted on and unanimously carried to delegate authority to the Executive Officer to execute a Board's Proposed Final Order that imposes discipline on a licensee upon receipt of evidence of revocation, suspension, or other disciplinary action against a licensee by another state or federal agency.

- b. Discussion on Act 180, SLH 2016 Relating to Latex. Prohibits the use of latex gloves by personnel working in food establishments or by personnel providing ambulance services or emergency medical services beginning on 1/1/2017. Prohibits the use of latex gloves, with limited exceptions, by personnel working in dental health facilities or health care facilities beginning on 1/1/2017.

Chair Guevara stated that everyone needs to be familiar with this statute as it affects everyone here.

- c. Discussion on Act 83, SLH 2017 Relating to dental hygienists. Permits licensed dental hygienists in the State to operate under general, rather than direct, supervision of a licensed dentist in specified circumstances that protect patient health and safety.

EO Matsushima stated the Board will be discussing this Act as it pertains to Correspondence later on the agenda.

- d. Approval/Ratification of Continuing Education ("CE") courses

The Board by consensus ratified the following:

1. EMS Safety CPR, AED, and First Aid Training (6 CE hours) – Ratification

The Board by consensus approved the following pending receipt of the current material:

2. American Educational Institute 2017-2018 Medical-Dental-Legal Update (20 CE hours)

The Board by consensus approved the following:

3. Hawaii Family Dental – Removable partial Denture Challenge: Success or Headache? (1 CE hour)
4. Morita Orthodontics – RAP Your Way to Faster Treatment (2 CE hours)

The Board by consensus approved the following pending receipt of the appropriate application and fee:

5. American Health & Safety Institute /Anthony KY Sur, D.D.S. – BLS course (CE hours to be determined)
6. Dental Hygienists & Dentists of America – J. Steve McHale, D.M.D. – Dental Hygiene Seminar (CE hours to be determined)
7. Gayle C. Chang, R.D.H., B.Ed. – Ethics for Dental Hygienists (2 CE hours); Ethics for Dentists (3 CE hours); HIPAA for the Dental Professional (2 CE hours)

e. Matters Related to the American Association of Dental Boards (“AADB”) and the American Board of Dental Administrators (“AADA”)

- AADB 134th Annual Meeting October 17-18, 2017 Atlanta, GA; and the AADA 33rd Annual Meeting October 15-16, 2017;

Chair Guevara stated EO Matsushima will be attending the AADA 33rd Annual Meeting and the AADB 134th Annual Meeting. He will be attending the AADB 134th Annual Meeting.

Vice Chair Wada stated she too will be attending the AADB 134th Annual Meeting.

- AADB 2017-2018 Board of Directors Nomination Slate;

The Board stated the AADB is looking for nominees to fill some positions.

- AADB Executive Director’s Report July 2017;

The Board was provided with a copy of Director's Report to review at their perusal.

- AADB – The Bulletin Volume 124 Summer 2017;

The Board was provided with a copy of The Bulletin to review at their perusal.

f. Matters Relating to the Commission on Dental Competency Assessments ("CDCA")

- CDCA's 49TH Annual Meeting, January 11-13, 2018, Orlando, FL

Chair Guevara announced the CDCA's 49TH Annual Meeting will be held January 11-13, 2018 in Orlando, FL

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

- Highlights of the 13th Annual ADEX House of Representatives, August 13, 2017, Rosemont, IL

The Board was provided with a copy of the Highlights of the 13th Annual ADEX House of Representatives meeting. Some of the highlights are as follows:

- 2017-2018 Officers were elected;
- Changes to the ADEX Dental Examination;
- Changes to the ADEX Dental Hygiene Examination;
- Revisions to the ADEX Bylaws.

The 14th Annual ADEX House of Representatives Meeting is scheduled for Saturday, August 11, 2018 at the Doubletree Hotel in Rosemont, Illinois.

h. Matters Relating to the Central Regional Dental Testing Service, Inc. ("CRDTS")

- Report on CRDTS Annual Meeting, Kansas City, MO, August 25-26, 2017;

A written report on the CRDTS Annual Meeting was provided to the Board by Dr. Fujimoto, Ms. Timmerman and EO Kobashigawa.

- 2017 CRDTS Dental Hygiene Examination Results 7/26/17

The 2017 CRDTS Dental Hygiene Examination results was passed around to the Board members to review at their perusal.

i. Matters relating to the Dental Assisting National Boards, Inc. ("DANB")

- DANB Certified Press Newsletter Summer 2017

The Board was provided with a copy of the DANB Certified Press Newsletter Summer 2017 for their information

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

- ADA Council on Dental Practice Conference relating to Assessment of Dental Professionals' Health and Fitness to Practice, September 7-8, 2017;

The ADA Council on Dental Practice will be hosting a conference to discuss and provide key information on the assessment of dental professionals' health and fitness to practice.

- Letter from the Academy of General Dentistry ("AGD") Statement on Sedation;

The AGD submitted a letter stating that they believe that dentists should comply with the use and training requirements within their states regarding sedation and anesthesia.

- ADA Response to Letter from the Academy of General Dentistry ("AGD") Statement on Sedation;

The ADA submitted a letter in response to the letter from AGD. They are concerned that the letter contains a number of misstatements and improperly suggests a relationship between the recent tragedies and the recent revisions to the adult Guidelines for the Use of Sedation and General Anesthesia by Dentists and Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students.

- Letter from the American Association of Oral and Maxillofacial Surgeons (“AAOMS”) Response to Letter from the Academy of General Dentistry (“AGD”) Statement on Sedation;

AAOMS also submitted a letter in response to the letter from AGD.

- ADA News – ADA Board of Trustees Votes to Create a National Dental Licensure Exam; Testing Agencies Respond to ADA OSCE Initiative;

The ADA took a step forward in February to create a national exam to assess a licensure candidate’s entry-level clinical knowledge, skills and competency. A pilot of the exam will be available in 2019; and an exam deployment in 2020.

Chair Guevara pointed out that this exam would not require the involvement of patients.

- Commission on Dental Accreditation (“CODA”) CODA Communicator: Summer/Fall 2017;

CODA submitted a response to the ADA’s creation of a National Dental Licensure Exam.

k. Matters relating to the Western Regional Examining Board (“WREB”)

- WREB Hygiene Exam Review Board Meeting June 22, 2017, Phoenix, AZ.

The Board was provided with a written report of the WREB Hygiene Exam Review Board Meeting held June 22, 2017 in Phoenix, AZ. For their information.

I. Election of Officer

Chair Guevara called for nominations for the position of Chair and Vice Chair for the Board of Dental Examiners.

There being no nominations, upon a motion by Ms. Shimabuku, seconded by Dr. Fujimoto, it was voted on and unanimously carried to reappoint Chair Guevara and Vice Chair Wada to the position of Chair and Vice Chair.

6. Correspondence:
- a. Email from Kathy Oide, RDH, Dental Network Manager regarding Dental Hygienists working under General Supervision.

The Board received an email inquiry from Ms. Oide asking for clarification on Act 83 which pertains to dental hygienists working under general supervision.

Chair Guevara recommended referring Ms. Oide' inquiry to the Rules Committee for discussion.

After a brief discussion, the Board by consensus refers Ms. Oide's inquiry to the Rules Committee for their recommendation.

- b. Email from Dr. Mary Ann Sabino regarding specialty license examination.

The Board reviewed an email from Dr. Sabino inquiring whether the Board would accept the ADEX Specialty examination in lieu of the ADEX General Dentistry examination for a dental license.

After a brief discussion and a review of the laws and rules, it was moved by Vice Chair Wada, seconded by Ms. Shimabuku, voted on and unanimously carried to respond to Ms. Sabino that the Board is unable to make exceptions to allow the ADEX Specialty exam in lieu of the ADEX General Dentistry exam for a dentist license in Hawaii.

- c. Written testimony by Ms. Brucato per HDHA provided at the Board's July 17, 2017 meeting inquiring whether the granting of a license requires "the exercise of the Board's expertise and discretion", or if it is simply a clerical duty.

Chair Guevara asked the Board if they want to discuss the way license applications are processed and licenses issued?

EO Kobashigawa stated since there appears to be a lot of questions regarding this process, if the Board wants, it can delegate its authority again to the EO and staff the ministerial duties of reviewing applications and issuing licenses.

DAG stated delegating it again is not necessary.

Ms. Arrington stated her understanding is that the dental hygienists are still reviewing the applications.

EO Matsushima stated that the board members no longer review the applications. Previously, a dental hygienist board member would come to review the applications. Applications are reviewed through a checklist and the "clean" applications are processed for licensure and ratified. The applications with questionable documents or derogatory information are referred to the EO and brought before the Board.

Ms. Timmerman commented that she has reviewed applications previously, and the checklist that the staff uses is very thorough. Everything that is required for license is on their checklist.

After a brief discussion, it was moved by Dr. Chun, seconded by Dr. Fujimoto, it was voted on an unanimously carried to reaffirm the delegation of the Board's authority of reviewing applications and issuing licenses to the EO and staff pursuant to §436B-8, HRS.

- d. Letter from Joseph P. Mayer, Jr., DDS regarding clarification of HRS Chapter 448-12 Temporary License.

EO Kobashigawa clarified that there are two types of temporary licenses. One is under the residency program which requires direct supervision, the other is working in a public health setting, which does not require direct supervision.

After a brief discussion, it was moved by Vice Chair Wada, seconded by Dr. Ota, it was voted on and unanimously carried to respond to Dr. Mayer that regarding direct supervision of a temporary license holder in a post-doctoral residency program, the Board believes that direct supervision is required for a temporary licensee assigned to a post-doctoral residency program. In addition, the Board believes that a temporary licensee who is not assigned to a post-doctoral residency program may practice without supervision. Also, regarding prescription privileges, the Board believes that a temporary licensee with a current DEA license and State narcotics license is allowed to prescribe antibiotics.

- e. Letter from Kathleen Soye-Suplee regarding passage of the WREB examination for dental hygienist license.

The Board reviewed a letter from Ms. Soye-Suplee requesting a variance to allow her to practice dental hygiene in private practice and to acquire a license to practice without taking a third state board exam due to passing the WREB exam in 2002.

After a brief discussion and a review of the laws and rules, it was moved by Ms. Shimabuku, seconded by Ms. Timmerman, it was voted on and unanimously carried to respond to Ms. Soye-Suplee that passage of the WREB examination given after February 1, 2005, is acceptable for a dental hygienist license. Therefore, the WREB examination passed in 2002 does not meet the examination requirement pursuant to §447-1(b), HRS. The Board is unable to make any exceptions to their licensure requirements.

- f. Letter from Frank R. Recker, D.D.S., Frank R. Recker & Associates Co., L.P.A. regarding Dental Specialty Advertising.

There being no discussion, the Board will take the letter from Frank R. Recker, D.D.S., Frank R. Recker & Associates Co., L.P.A. regarding Dental Specialty Advertising under advisement.

- g. Email from Kim Nguyen, HDA, regarding Administration of Sedation and Anesthesia.

Ms. Nguyen was present and addressed the Board her question in reference to §16-79-77, HAR, regarding the administration of sedation and analgesia and the timeline of the dosage.

Chair Guevara stated if you are giving an oral sedative the night before a procedure and then a second dose the next morning, that's at least a 12-hour difference.

Dr. Hasegawa stated it is up to the practitioner to responsibly have sufficient knowledge of the effect of the drug on a patient to know what level of sedation they are giving to the patient. Some drugs have longer side effects than others. If the patient comes in the next morning and they are still sedated, the dentist would need to use their knowledge and judgement if a second dose should be given.

- h. Letter from Leeward Pediatric Dentistry regarding Dental Hygienists Working Under General Supervision.

The Board by consensus refers the inquiry from Leeward Pediatric Dentistry relating to Act 83 to the Rules Committee for their recommendation.

- i. Letter from Jonathan Anderson, Holland & Hart, regarding SmileDirectClub Response to Complaint.

The Board received a letter Jonathan Anderson, Holland & Hart, regarding SmileDirectClub Response to Complaint.

EO Matsushima stated this is something that RICO would be handling and the letter was sent to them also.

- j. Letter to Ms. Justin Stanton from the Office of Information Practices (OIP”) regarding CORR 2017-0717-02.

The Board was provided with a copy of OIP’s response to Ms. Stanton regarding her request that OIP inquire and address the Board’s disregard of the Sunshine Law at its July 17, 2017 meeting. The issue has since been rectified.

7. Executive Officer’s Report on Matters Related to the Board of Dental Examiners:

- a. DCCA Disciplinary Actions

The DCCA disciplinary actions were provided to the members for their information. There were three licensees sanctioned from the Board of Dental Examiners.

- b. Important Information Concerning the 2017 Renewal and Continuing Education Requirements for Dentists and Dental Hygienists.

EO Matsushima stated that pursuant to a previous request, the Important Information Concerning the 2017 Renewal and Continuing Education Requirements for Dentists and Dental Hygienists that is posted on the Board’s webpage was updated to include new item number 7, the number of CE courses that can be computer, correspondence courses, or courses presented via media, pursuant to §16-79-141(d), HAR.

- c. Hawaii Report – August 2017

The Board was provided with the August 2017 copy of the Hawaii Report given to CDCA, ADEX, CRDTS, and WREB when attending meetings. The Hawaii report contains information regarding the 2017 legislative session, licensee statistics and information on proposed rule amendments

- d. Current Licensees as of July 2017

Chair Guevara reported the following license statistics:

- Dentists 1553

- Dental Hygienists 1147
- Community Service Dentists and Dental Hygienist 34
- Temporary Dentist 33

e. Scope of Practice Policy

The Board was provided with a copy of the Scope of Practice Policy that provides information on state laws governing the practice of various health care professionals across the country, including nurse practitioners, physician assistants and midlevel oral health providers.

f. Professional Licensing Report – Panel Led by Mississippi Governor to Control all Licensing Regulations

The Board reviewed an article by Professional Licensing Report titled, “Panel led by Mississippi governor to control all licensing regulations. It talks about Mississippi legislators joining in a growing national trend to “regulate the regulators” in charge of professional licensing by establishing a powerful panel, to be led by the governor, that will vet any regulation proposed by a licensing board.

8. Public Comment: Ms. Brucato thanked the Board for their patience and understands the Board is doing the best they can.

9. Announcements: EO Matsushima announced the appointments of new Board Members

- Appointment of New Board Members
 - Sharon Tanaka, Public Member
 - Pearl Arrington, R.D.H., Dental Hygiene Member

Chair Guevara presented Mr. Ching and Ms Primiano with certificates of appreciation on behalf of the Board and the Department.

- Certificate of Appreciation

- Rodney Ching, Esq.
- Janet Primiano, R.D.H., M.P.H.

Mr. Ching thanked the Board and staff for their support, adding that as a public member on the Board, it was an enjoyable experience.

Ms. Primiano also thanked the Board and staff. Ms. Primiano requested an opportunity to address the Board to explain what transpired prior to her reappointment and eventually not being reappointed to the Board. She distributed letters to the Board, copies of the emails and letters to and from the HDHA and to Senator Baker, in regards to their opposition to Ms. Primiano's reappointment.

10. Next Meeting: Chair Guevara announced the next meeting as Monday, November 20, 2017.

Monday, November 20, 2017
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

11. Adjournment: Chair Guevara adjourned the meeting at 12:48 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

10/9/17

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 11/20/17.