

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 16, 2013

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Mark Baird, D.D.S., Chair, Dental Member
Rodney Ching, Public Member
Staphe Fujimoto, D.D.S., Dental Member
Paul Guevara, D.M.D., M.D.S., Dental Member
Garrett Ota, D.D.S., Dental Member
Marilyn Nonaka, R.D.H., Dental Hygiene Member
Mark Chun, D.M.D., Dental Member
Melanie Vallejos, D.D.S., Dental Member
Candace Wada, D.D.S., Dental Member
Dennis Nagata, D.D.S., Dental Member
Stephen Levins, Esq., Deputy Attorney General
Sandra Matsushima, Executive Officer ("EO")
Lisa Kalani, Secretary

Guests: Loren Liebling, Hawaii Dental Association ("HDA")
Dr. Lilli Horton, Hawaii Dental Association ("HDA")
Diane Brucato-Thomas, RDH, EF, BS, FAADH, Hawaii Dental Hygienists' Association ("HDHA")
Gerraine Hignite, Hawaii Dental Hygienists' Association ("HDHA")
Jill Rethman, Hawaii Dental Hygienists' Association ("HDHA")
Ellie Kelley-Miyashiro, Hawaii Dental Hygienists' Association ("HDHA")
Gayle Chang, Hawaii Dental Hygienists' Association ("HDHA")
Samuel Dixon, Hawaii Association of Nurse Anesthetist ("HANA")
Lei Fukumura, SDAG, PVL

1. Call to Order: There being a quorum present, Chair Baird called the meeting to order at 9:00 a.m.

2. Additions/ Revisions to Agenda: It was moved by Dr. Vallejos, seconded by Dr. Chun, it was voted on and unanimously carried to add and revise the following to the agenda:
- Under Chapter 91, HRS, Adjudicatory Matters
5.a. In the Matter of the Application for a Dental License of CHRISTENSEN SICAT HSU, Hearings Officer's Findings of Fact, Conclusion of Law and Recommended Order. - **remove from the agenda.**
- Under Old Business
6.b. Discussion on Board's Policies. - **deferred.**
- Under Correspondence:
8.f. Letter from Dr. Bernard Hofmann
- Under Executive Officer's Report on Matters Related to the Board of Dental Examiners
9.e. OSHA Webinar
3. Approval of Regular, Executive & Public Hearing Board Meeting Minutes of July 15, 2013: It was moved by Dr. Wada, and seconded by Dr. Nagata, and unanimously carried to approve the July 15, 2013 Board meeting Public Hearing and Executive Session minutes as circulated
4. Applications: a. Ratifications
- It was moved by Dr. Ota seconded by Dr. Vallejos, and unanimously carried to ratify the following:
- Approved Dentist
- OMURA, Aaron
CASEBIER, Jeffrey S.
JANG, Young Ah
CHON, Sophia
UPERESA, Brooke M. B.
- Approved Dental Hygienist
- AULT, David F.
MCVEY, Michelle L.

KALOI-MCCOY, Heidi A.
LERUM, Kirstie J.
FLORES, Chelsey P.
GARRETT, Ashley M.
HINCHCLIFF, Colette L.
VANDE VANTER, Lisa R.
BAKER, Amanda L.
KURTZ, Annie – **Temporary License pursuant to Act 247,
SLH 2013**

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

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

EDGBERT, Minda L.
KALOI-MCCOY, Heidi A.

Approved Temporary License – Dentist

Kokua Kalihi Valley Comprehensive Family Services

LI, Sheena S. Y

Approved Permit to Administer General Anesthesia and
Intravenous-Conscious Sedation

BAE, Jin Soo
PAMPALON, Michael

6. Old Business:
- a. Discussion on Amending Board's Application Forms
Discussion on this agenda item was deferred until after the committee meets and has recommendations for the Board to consider.
 - b. Discussion on Board's Policies
This agenda item was deferred.
 - c. Correspondence from Dr. Leesa Miyasato Relating to Monitoring of Nitrous Oxide Units
The Board discussed an email inquiry from Dr. Miyasato asking the Board to define "monitoring" of Nitrous Oxide Units by a dental hygienist.

Chair Baird stated this was discussed at the last meeting; however Dr. Miyasato wants more clarification.

Chair Baird stated right now dental hygienists are allowed to monitor the same as a dental assistant would. This comes under direct supervision; the dentist has to be at the side of the patient when the nitrous is started. Once it's started and the dentist leaves the room that's when the monitoring takes place. Should there be an emergency with the patient, that takes precedence and they would be allowed to turn the nitrous off.

Guest Loren Liebling stated at the last meeting he asked specifically if they can touch the machine or not and it was the Board's decision that they cannot touch the machine. That is what he communicated to the dentist and that is what they understood. The understanding was no auxiliary could touch the nitrous machine. The dentist must set it up and make any changes. Mr. Leibling stated they are okay with it in the case of a dental emergency the auxiliary can turn it off, but they would need to see that as a decision of the Board. Right now any dental emergency as understood by Mr. Liebling, the dentist has to intervene.

Dr. Vallejos stated at the last meeting the Board agreed that they could not touch the knobs/settings. It is under direct supervision, so that means a hygienist or assistant would have to get the dentist.

Dr. Wada stated, to answer Dr. Miyasato's questions specifically:

1. Are they just looking at the nitrous oxide unit? *yes*
2. Can they turn on the oxygen? *no*
3. Can they turn things off? *no*
4. Can they adjust the percentage if a patient says it feels like it's too high or too low? *no*

Ms. Nonaka stated "monitoring" as we see it is nothing more than observing.

Chair Baird stated yes.

7. New Business:

a. Matters Related to the American Association of Dental Boards ("AADB")

- Chair Baird and Ms. Matsushima will be attending the AADB Annual Meeting in New Orleans, October 30-31, 2013.

- Ms. Matsushima will be attending the AADA 29th Annual Meeting in New Orleans, October 28-29, 2013.

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

- The CRDTS Annual Meeting was held in August 2013.
- The 2014 CRDTS tentative exam dates are April 26-27, 2014.
- Guest Gayle Chang, HDHA reported on the CRDTS dental hygiene results. Ms. Chang stated the exam was very successful. There was some normal difficulty with getting on base. It was a 2 day exam. Dr. Wada and Dr. Vallejos were the supervising dentist. Only 2 candidates did not pass.

Ms. Nonaka distributed a "Comparison of Two National Dental Hygiene Exams" for the Boards information. Ms. Nonaka stated she is bringing the comparison to the Board because the Board has been considering exams during the rules revision process. The assumption was that all exams were about the same and no Board member had experience as an examiner with exams other than CRDTS. After Hawaii became a NERB state Ms. Nonaka offered to become involved with the ADEX/NERB exam to provide first hand information to the Board. It was also Ms. Nonaka's intent to become involved with the WREB exam as well. The Board had been attempting to specify that one exam be used that is most familiar to the Board and that was CRDTS at the time, however that was not successful. The Board decided at its May 2013 meeting to change its formerly held position that had consistently been supported by the DAG in specifying CRDTS as the acceptable exam in the rules, and then took action to codifying the rules that all regional exams be accepted. Ms. Nonaka's recommendation regarding the comparison of the CRDTS exam and the ADEX exam administered by NERB is that at this time the CRDTS exam is superior and the Board should promote and specify its use as the preferred licensing exam as much as possible.

Dr. Vallejos asked if maybe faculty members prefer the NERB because they could do a re-take or because of the content of the exam.

Ms. Nonaka stated it was probably a helpful thing for the candidates; they were able to have that opportunity to do a re-test so soon after their graduation and not incur the expense of going to the mainland. Ms. Nonaka stated we have the opportunity as a Board to invite the CRDTS director to come make a presentation. Ms. Nonaka has checked and if it is agreeable, CRDTS is available to do a brief presentation on the dental hygiene exam only, at the Boards November meeting.

Chair Baird stated that is a good idea.

It was moved by Ms. Nonaka, and seconded by Dr. Guevara, that the Board extend the invitation to the director of CRDTS to come as a guest and if she wants to bring any resource people with her to do a brief presentation on the CRDTS dental hygiene exam at the next meeting in November. Dr. Chun moved to amend the previous motion; it was seconded by Dr. Wada that CRDTS, ADEX and NERB be represented at the same time so the Board can hear what the good and bad points of each exam are. It was voted on with Ms. Nonaka opposed and the amended motion carried to invite CRDTS, ADEX and NERB to do a brief presentation at the Boards January meeting.

- c. Matters Relating to the American Board of Dental Examiners ("ADEX")
- Chair Baird will be attending the ADEX Annual Meeting November 10, 2013 in Chicago.
 - There is no report at this time on the July 2013 ADEX Dental Exam.
- d. Matters Relating to the North East Regional Board of Dental Examiners, Inc. ("NERB")
- Ms. Matsushima reported that NERB will change their reporting scores to pass or fail. "Pass is 75 or greater" or "Fail is less than 75".

- e. Ratification of Approved CE Course
It was moved by Dr. Guevara, seconded by Dr. Wada and unanimously carried to ratify the following CE course:
- OSHA Update Training
- f. Request for Approval of RICO's Dental Advisory Committee List
It was moved by Dr. Vallejos, seconded by Dr. Wada and unanimously carried to approve the RICO Dental Advisory Committee List and its addendum.

8. Correspondence:

- a. E-mail regarding new dermal filler policy
The Board discussed an email inquiry from Dr. Malcmacher regarding the July policy statement concerning dermal filler use by general dentist.

Chair Baird stated the only reason this was discussed again in July is because a question came up regarding what associated structures are.

Dr. Guevara stated the Board had already come to an agreement. If the Committee has to re-visit this again they will, however it seems whenever a question is addressed, something else comes up. It appears whenever we receive correspondence from this specific individual, the request is to allow the general dentist to have an unrestricted use of dermal fillers and botox in their practice.

Dr. Vallejos stated the burden falls on the patient to do their research if they are going to allow a dentist to inject botox or dermal fillers, and the burden then falls on the dentist to obtain the proper training. Dr. Vallejos addressed guest Loren Liebling of the HDA, if he has had any calls regarding this matter.

Guest Mr. Liebling stated he has had zero calls regarding this.

Dr. Chun stated when associated structures was added, that was to allow the dentist, if they wanted to take the risk, to perform something out of the oral cavity.

Dr. Guevara stated in the law itself it states the oral cavity, so saying associated structures or putting dermal fillers outside of the face might leave an issue where you are not covered by the law and practicing outside the dental practice act and therefore not covered by the insurance company.

Dr. Wada stated the Committee spent a lot of time discussing this and thinks that the Board should stick with their last decision.

Dr. Guevara stated we are trying to accommodate what people want, and it is on the burden of the dentist to make sure they are covered for these procedures.

Guest Mr. Liebling stated the HDA is supportive of the Board's last decision.

Dr. Wada stated their mission is to protect the public so we have to make decisions that we think are going to protect the public and support the scope of practice.

It was moved by Dr. Vallejos, seconded by Dr. Wada and unanimously carried to respond to Dr. Malcmacher that the Board will be staying with their last decision.

b. Letter from Dr. Steven Kacel

The Board discussed a letter from Dr. Kacel asking the Board to review their previous decision regarding his application for a dental license.

After a brief discussion, it was moved by Dr. Vallejos, seconded by Dr. Guevara and unanimously carried to write a letter to Dr. Kacel informing him that the Board is staying with their previous decision.

c. Letter from Dr. Pono Keoniana Kelly

The Board discussed a letter from Dr. Kelly asking the Board to consider issuing him a Community Service Dental license even though he has not passed the Diagnostic Skills portion of the ADEX exam.

After a brief discussion, it was moved by Dr. Guevara, seconded by Dr. Ota and unanimously carried to deny Dr. Kelly's request for a Community Service Dental license based on failing the ADEX dental exam.

d. Letter from CODA

The Board was given a copy of a letter from CODA addressed to The Queens Medical Center stating the general practice residency program sponsored by The Queens Medical Center, Honolulu, HI., was granted the accreditation status of “approval with reporting requirements” by the Commission on Dental Accreditation at its August 9, 2012 meeting. At its August 8, 2013 meeting, the Commission considered the progress report on the general practice residency program and determined that **Recommendation #1** contained in the site visit report adopted August 9, 2012 remains unmet. Accordingly, at this time, the Commission is notifying your institution of its intent to withdraw the program’s accreditation at the Commission’s January 29, 2014 meeting unless **Recommendation #1** is met and the program achieves full compliance by that time.

e. Letter from Diana Smith

The Board discussed a letter from Ms. Smith regarding developing a program for elders on oral healthcare.

Mr. Levins stated this is not home care; it is in a public health facility.

Dr. Guevara stated if it’s done under general supervision and in a public health environment, it is covered under the dental law.

f. Letter from Dr. Bernard Hofmann

The Board discussed a letter from Dr. Hofmann inquiring about active and veteran military obtaining licensure via credentials.

After a brief discussion, it was moved by Dr. Guevara, seconded by Dr. Vallejos and unanimously carried to advise Dr. Hofmann in writing what the actual law is and state that the ADEX exam must be passed.

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

- a. CODA Summer 2013 Accreditation Action Notification
Ms. Matsushima reported this is regarding the letter CODA sent to The Queens Medical Center, discussed under agenda item Correspondence 8.d. Letter from CODA.
- b. CODA Public Member Nominations Requested
Ms. Matsushima reported the deadline to submit requests for public member nominations was September 6, 2013. It is now closed.
- c. Partnership for Healthy Mouths, Healthy Lives
Ms. Matsushima reported on a campaign to improve children's oral health. They want to stress the importance of brushing for two minutes twice a day.
- d. HIOHTF Meeting
Ms. Matsushima reported that unfortunately neither she nor Mr. Kobashigawa could participate this year.
- e. OSHA Webinar
Ms. Matsushima reported there will be an OSHA Webinar "What's new with OSHA and HIPA" on Monday, September 23, 2013 at 7:00 P.M. Central Time, 2:00 P.M. Hawaii Time. The cost is \$75 for members, \$90 for non-members.

10. Public Comment: Guest Loren Liebling complemented the Board on the good job they are doing.

Guest Samuel Dixon asked the Board how he can track the process of the rule changes that were approved at the July 15, 2013 meeting.

Ms. Matsushima stated they are moving along. There is a meeting scheduled with another state agency.

Guest Mr. Dixon asked if there is an opportunity for the Hawaii Association of Nurse Anesthetist ("HANA") to present a request for changes to the present ruling.

Mr. Levins stated the public hearing process has already come and gone. If there is another public hearing relating to this or if there are changes then there will be a request for public input. If the process continues on the current path, the rules will go to the Attorney Generals office for final approval and then to the Lieutenant governors office. Right now the Board is not asking for public input.

Chair Baird asked after the rules are approved can they be brought up again.

Mr. Levins stated rule-making is a dynamic process. Just because rules are adopted doesn't prevent the Board from re-visiting rules. Some boards come up with rules every year. There is nothing to prevent this Board from re-visiting the rules.

11. Announcements: None.

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

It was moved by Dr. Guevara, seconded by Dr. Wada and unanimously carried to approve the following:

b. Application for Dental Hygiene Temporary License

LEUNG, Shelia

The following agenda items were moved as the next order of business:

Executive Session:

At 10:35 a.m., it was moved by Dr. Guevara, 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.

Guests were excused from the meeting room

At 10:43 a.m., it was moved by Dr. Guevara, seconded by Dr. Vallejos, and unanimously carried to move out of executive session.

The following agenda items were moved as the next order of business:

At 10:43 a.m., Chair Baird recessed the Board's meeting to discuss the following adjudicatory matter pursuant to Chapter 91, HRS.

Guests were excused from the meeting room.

5. Chapter 91, HRS, Adjudicatory Matters: a. In the Matter of the Application for a Dental License of CHRISTENSEN SICAT HSU, Hearings Officer's Findings of Fact, Conclusion of Law and Recommended Order – was removed from the

agenda

- b. In the Matter of the License to Practice Dentistry of RANDALL P. JAUREQUI, D.D.S.; DEN 2010-20-L, Settlement Agreement After Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Dr. Chun, seconded by Dr. Vallejos and unanimously carried to approve the Board's Final Order.

- c. In the Matter of the Dentist's License of CRAIG S. MOY, DEN 2011-26-L, Settlement Agreement after Filing of Petition for Disciplinary Action and Board's Final Order

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

At 11:04 a.m., the Board came out of Chapter 91, HRS.

The following agenda items were moved as the next order of business:

12: Next Board Meeting: Monday, November 18, 2013
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

13. Adjournment: Chair Baird adjourned the meeting at 11:04 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

9/30/13

Minutes approved as is.

Minutes approved with changes; see minutes of _____.