

BOARD OF DENTISTRY
Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING¹

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, January 28, 2019
- Time: 9:00 a.m.
- Place: King Kalakaua 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
Staphe Fujimoto, D.D.S., Vice Chair, Dental Member
Pearl Arrington, R.D.H., Dental Hygiene Member
Mark Chun, D.M.D., Dental Member
Earl Hasegawa, D.D.S., Dental Member
Dennis Nagata, D.D.S., Dental Member
Garrett Ota, D.D.S., Dental Member
Coy Rebmann, D.D.S., Dental Member
Sharon Tanaka, Public Member
Marianne Timmerman, R.D.H., Dental Hygiene Member
Bryan Yee, Esq., Supervising Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer ("EO")
Jennifer Fong, Secretary
- Excused: Joy B. Y. Shimabuku, Public Member
- Guests: Kim Nguyen, Hawaii Dental Association ("HDA")
Lisa Forbes, Hawaii Dental Hygienists' Association ("HDHA")
Dawn Hillary Pascual, HDHA
Sheila Kitamura
Ellie Kelley-Miyashiro, HDHA
Melissa Pavlicek, HDA
1. Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:11 a.m.

¹ Comments from the public were solicited on each agenda item. If no public comments were given, the solicitation for and lack of public comment are not explicitly stated in these minutes.

At this time, Chair Guevara announced the Board's procedural format for agenda matters and stated that the meeting will end no later than 1:00 p.m.

2. Approval of Board Meeting Minutes and Executive Session Minutes of November 19, 2018:

Chair Guevara asked the Board members if there were any comments or concerns regarding the Board meeting minutes of November 19, 2018.

There were none.

Chair Guevara called for a motion to approve the Board meeting minutes of November 19, 2018.

It was moved by Dr. Hasegawa, seconded by Ms. Timmerman, and unanimously carried to approve the November 19, 2018 Board meeting minutes as circulated.

Chair Guevara asked the Board members if there were any comments or concerns regarding the Executive Session minutes of November 19, 2018.

There were none.

Chair Guevara called for a motion to approve the Executive Session minutes of November 19, 2018.

It was moved by Dr. Hasegawa, seconded by Dr. Ota, and unanimously carried to approve the November 19, 2018 Executive Session minutes as circulated.

3. Applications:

a. Application for License – Dentist

1) Joseph Kalani Ahlo

Chair Guevara announced that this matter would be deferred to later in the meeting in order to allow members to review the application.

2) Kevin Kar Fai Cheng

Chair Guevara announced that this matter would be deferred to later in the meeting in order to allow members to review the application.

b. Application for License – Dental Hygienist

1) Christy D. Burkley

Chair Guevara announced that this matter would be deferred to later in the meeting in order to allow members to review the application.

c. Application for License – Dental Hygienist
Application for Certification in the Administration of Intra-Oral Block Anesthesia

1) Marguerite Kaye Baldwin

Chair Guevara announced that this matter would be deferred to later in the meeting in order to allow members to review the application.

2) Yuko Lee

Chair Guevara announced that this matter would be deferred to later in the meeting in order to allow members to review the application.

d. Ratifications

It was moved by Dr. Ota, seconded by Vice Chair Fujimoto, and unanimously carried to ratify approval of the following dentist licenses:

• Approved Dentist

DT 2786 AMANDA K KERNS
DT 2787 THOMAS A YAMAMOTO
DT 2788 BRAD M CHUN
DT 2789 LILLEY N GHARAVI
DT 2790 SHIH-CHUNG LIAO
DT 2791 MARK S WINSLOW II
DT 2792 THOMAS SHANNON
DT 2793 AMANDA G HUGHART
DT 2794 JAMES A BOGGESS

It was moved by Dr. Hasegawa, seconded by Ms. Timmerman, and unanimously carried to ratify approval of the following dental hygienist licenses:

• Approved Dental Hygienist

DH 2150 CAITLYN A OWAN
DH 2151 ASHLEY D WAITE
DH 2152 VANESSA C YANEZ

DH 2153 RACHEL P ESTEVEZ
DH 2154 OLENA ROGOVA
DH 2155 KELLY L DAVID
DH 2156 ERIC B OLTMAN
DH 2157 ALICIA L CARTER
DH 2158 KHANH H LIEU
DH 2159 TABITHA L NACUA

It was moved by Ms. Timmerman, seconded by Vice Chair Fujimoto, and unanimously carried to ratify approval of the following certifications in the administration of intra-oral block anesthesia:

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

DH 2154 OLENA ROGOVA
DH 2148 LINDSEY G SERAPION-PERALTA
DH 2149 KRISTIN A GASTINEAU
DH 2155 KELLY L DAVID
DH 2143 KRISTEN L NEVILLE
DH 2152 VANESSA C YANEZ
DH 2157 ALICIA L CARTER

It was moved by Vice Chair Fujimoto, seconded by Dr. Rebmann, and unanimously carried to ratify approval of the following community service dentist license:

- Approved Community Service License – Dentist

CSDT 98 DIANA T DO (WEST HAWAII COMMUNITY HEALTH CENTER)

4. Old Business: a. Inquiry from Sonia Sarabano regarding tooth gem services for Renewal Period January 1, 2016 to December 31, 2017

Chair Guevara reminded the Board at their last meeting, they reviewed an email inquiry from Ms. Sarabano, a licensed esthetician, asking if a license is required to provide tooth gem services for her clients. She states that the crystal gem will be placed on the tooth using a plastic tool with an adhesive glue. The Board deferred this item and directed DAG Yee to draft a proposed response to Ms. Sarabano's inquiry for Board review.

DAG Yee stated that he drafted a proposed response to Ms. Sarabano's inquiry that has been provided to the Board. The letter stated in part:

“First, the Board of Dentistry does not opine as to the scope of authorization for other licenses. Accordingly, Board expresses no opinion as to the scope of practice for licensed cosmetologists or tattoo artists. You should consult with the Board of Barbers and Cosmetologists and the Department of Health as to the scope of those respective licenses.

Second, as a general matter, the Board of Dentistry does not advocate or encourage people to affix objects to teeth, tongue or any other location of the mouth for purely aesthetic purposes. There are various risks, including infection, bacterial growth, interference in chewing, and possible chipping of teeth, etc. about which the consumer should be fully informed. Different people may also experience different reactions to the foreign objects placed in the mouth.

Finally, for purposes of your question, section 448-1, Hawaii Revised Statutes, states that a person practices dentistry if that person represents oneself as being able to “diagnose, treat, operate or prescribe for any . . . physical condition of the human teeth.” Based upon the facts stated in your email, the affixing of a gem to a tooth for a purely aesthetic purpose which does not change the structures of the mouth (such as drilling or piercing of the teeth, jaw, gums, or lips) does not necessarily constitute the practice of dentistry because one is not diagnosing, treating, operating or prescribing for any physical condition of the human tooth. This conclusion, however, may change if the gem is placed to cover dental decay or affects the chewing surface of the tooth.

The Board of Dentistry offers these informal interpretations of the law in order to assist people in the understanding of the law and rules relating to dentistry. They are not, however, official interpretations and cannot be relied upon in any civil, criminal, or administrative proceeding. The Board also reserves the right to issue a different interpretation if additional or different facts are presented, if different parties present different arguments, or if a different Board wishes to reconsider this interpretation. Accordingly, you should only place such reliance upon this informal interpretation as you believe appropriate and take any risk that this interpretation might change.”

Chair Guevara asked the guests if there were any comments or concerns regarding this matter.

Ms. Pavlicek stated that the HDA legislative committee is currently reviewing the issue and would like to be part of the ongoing discussion.

There were no other comments from the guests.

Chair Guevara asked the Board if there were any comments or concerns regarding this matter.

Dr. Chun expressed concern that any decision would set a precedent across the country.

Ms. Arrington said that she knows of other parts of the country, Denver, in particular, where tooth gems are already in use.

Chair Guevara stated that there are other cosmetic procedures, for example, grills, which involve stripping the teeth a bit to get on, that are more detrimental than the tooth gems.

After some discussion, upon a motion by Vice Chair Fujimoto, seconded by Dr. Nagata, it was voted on and unanimously carried to accept the letter drafted by the Board with no changes and direct the EO to send the letter to Ms. Sarabano.

b. Anesthesia for Permit to Administer Deep Sedation/General Anesthesia and Moderate Sedation and Guidelines for On-Site Inspection – Application and renewal fees

DAG Yee reported at the last meeting, the Board amended the membership of its anesthesia permitted interaction group (“PIG”), adding Vice Chair Fujimoto in place of Dr. Wada, whose term on the Board expired. Subsequently, Vice Chair Fujimoto noted that it did not seem necessary for him to participate in the anesthesia PIG.

Vice Chair Fujimoto agreed, stating that Dr. Hasegawa and Dr. Ota seemed to be working well together and did not think his input was needed.

DAG Yee stated that the Board has the option to amend the anesthesia PIG. If the Board would like to remove Vice Chair Fujimoto, the membership of the PIG needs to be clarified. He reported that based on previous discussion with the anesthesia PIG, he met with EO Matsushima to develop the “Issues for Discussion” handout that was distributed to the Board. The handout includes a proposed timeline as well as issues for discussion regarding monitoring and supervision, orientation and training, fees/costs and logistics. He noted that the timeline in the handout is dependent on the applicants submitting their requests in a timely manner.

Chair Guevara asked the guests if there were any comments or concerns regarding this matter.

Ms. Pavlicek expressed her thanks for making the process transparent. She said she is hoping if a checklist is adopted, it would be on the agenda for public comment. She requested that any process for volunteer recruitment also be open and transparent.

Chair Guevara noted that the "Anesthesia Site Evaluation Check List" has been posted on the Board's website since last year.

There were no other comments from the guests.

Chair Guevara asked the Board if there were any comments or concerns regarding this matter.

Dr. Chun asked how the Board would provide notification to dentists that are not a member of HDA?

Chair Guevara stated that similar to all important announcements, a notice would be posted on the Board's website. It is the responsibility of each licensee to visit the Board's website regularly to ensure that they keep up with important changes related to their profession in Hawaii. He noted that the Board's statutes and rules may also be viewed in their entirety on the Board's website.

DAG Yee reminded the Board that as the "Issues for Discussion" handout is considered a report from the anesthesia PIG, no decision can be made at today's meeting. Discussion can take place regarding the report, but no decision can be made until a subsequent meeting. He stated hopefully, the Board can make a decision by their March meeting or May meeting at the latest in order for the proposed timeline to be followed.

EO Matsushima noted that according to the Board's records, there are currently about 41 permits. Those facilities will need to have an inspection prior to renewal.

5. New Business: a. Approval/Ratification of Continuing Education ("CE") Courses

Chair Guevara asked the Board members if they had all had a chance to review the applications for the CE courses on the agenda.

The Board confirmed that the reviews were completed.

- 1) The 2018-19 Medical-Dental-Legal-Update – Sponsor: American Educational Institute (20 CE hours)

EO Matsushima noted that the Board previously approved this course at their September 17, 2018 meeting, however, after

approval, the Board received a notification that one of the courses was changed.

Chair Guevara asked if the Board members had any comments or concerns regarding this application.

There being none, upon a motion by Dr. Nagata, seconded by Dr. Rebmann, it was voted on and unanimously carried to reaffirm their approval of the above-referenced CE course.

2) OSHA Updates & Training – Sponsor: Dental Educational Solutions & Training (4 CE hours)

Chair Guevara asked if the Board members had any comments or concerns regarding this application.

There being none, upon a motion by Dr. Rebmann, seconded by Dr. Nagata, it was voted on and unanimously carried to approve the above-referenced CE course.

Recess: At 10:17 a.m., Chair Guevara called for a recess.

Reconvene: At 10:22 a.m., the Board reconvened their meeting.

For Informational Purposes Only

b. Matters Related to the American Dental Association ("ADA")

➤ Hawaii Dental Association Journal – Fall 2018

A copy of the HDA's Fall 2018 Journal was circulated to the members for their information.

EO Matsushima noted the issue includes a government relations article about Hawaii's new controlled substance prescribing/dispensing 2018 laws. The laws passed have been in effect since July and August of 2018.

c. Matters Related to the American Association of Dental Boards ("AADB") and the American Board of Dental Administrators ("AADA")

➤ AADB Mid-Year Meeting, March 9-10, 2019, Chicago, IL

EO Matsushima reported that the Department is still not funding any out of state travel. She noted that board members may attend if they are willing to cover their own expenses.

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

- The 50 Anniversary/Annual Meeting, January 17-19, 2019, Orlando, FL

EO Matsushima reported that the Board was represented by Ms. Arrington, Dr. Chun, Dr. Rebmann, Ms. Shimabuku and herself at the meeting.

- Passing of Stanwood H. Kanna, D.D.S, immediate Past President of the American Board of Dental Examiners ("ADEX")

Chair Guevara reported on the sudden passing of Dr. Kanna and wanted to publicly express the Board's appreciation for everything Dr. Kanna has done throughout his career for the profession in Hawaii, including serving as a board member.

EO Matsushima noted that Dr. Rebmann sent a large bouquet of flowers to Dr. Kanna's memorial service on behalf of the Board. The Board also requested and received a Senate Resolution which they were planning to take to the CDCA Annual Meeting to present to Dr. Kanna's family, however, shortly before the conference, the Board was informed that the family was unable to attend. Dr. Rebmann has volunteered to take the Senate Resolution and present it to Dr. Kanna's family.

- ADEX Annual Meeting, August 9-10, 2019 Rosemont, IL

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

- Steering Committee Meeting, January 19, 2019, Kansas City, MO

Vice Chair Fujimoto reported that he attended the meeting, however, there are no substantive updates to report to the Board.

- CRDTS Report – Winter 2018

A copy of the CRDTS Report – Winter 2018 newsletter was circulated to the members for their information.

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

- Certified Press Newsletter Vol. 38, Issue 1, Winter 2019

A copy of the Certified Press Newsletter Vol. 38, Issue 1, Winter 2019 was circulated to the members for their information.

6. Legislation: a. Legislative Session opens January 16, 2019

EO Matsushima reported that the current legislative session opened on January 16, 2019. Bills have already begun to be introduced.

b. H.B. 221 – RELATING TO DENTAL ASSISTANTS

Establishes minimum qualification and certification requirements for all dental assistants. Provides criteria for dental assistants hired on or after 7/1/2019, those with 4 or more years of experience, and those with 10 or more years of experience.

Chair Guevara gave a brief synopsis of the bill. He asked the audience if they had any comments.

Ms. Pavlicek noted she is speaking on behalf of HDA. In the past, HDA approved the tiered approach for dental assistant licensing, however, the bill is still being reviewed. She stated that she has other bills she would like to bring to the Board's attention.

Chair Guevara noted that the Board may only discuss items which are on the meeting agenda, and asked that she restrict her comments to the listed agenda items.

DAG Yee suggested that she submit a list of those bills to EO Matsushima to ensure that those bills are on the agenda for the Board's next meeting.

Ms. Kitamura stated that she is speaking as a private citizen as Kapiolani Community College ("KCC") has opted not to take an official position. She believes the bill is better than what was submitted last year but she still has concerns especially with the age requirement and the requirements for the person who has been employed as a dental assistant for four years or more. She expressed concern that those dental assistants would be required to take the Certified Dental Assistant ("CDA") exam. She said she is not confident they would be adequately prepared to complete the exam successfully. Even the National Entry Level Dental Assistant ("NELDA") exam which is pared down from the CDA exam would require a lot of preparation. She thinks her testimony will be to recommend that the authority for prescriptive language be given to the Board.

Dr. Nagata inquired how much the exams cost.

Ms. Kitamura said she did not know but could find out.

Dr. Hasegawa said he looked it up. The NELDA exam is \$375 and the CDA exam is \$425.

Vice Chair Fujimoto said he recalls from the discussion during the last meeting that it sounded like the legislature asked KCC for their input on the bill. He asked Ms. Kitamura how much input KCC had.

Ms. Kitamura stated that it was the state auditors that asked for KCC's input while they were doing the Sunrise Analysis. She said she spent four hours with them. She believes there is a misconception about the bill. The purpose is to ensure public safety, not to punish dentists or dental assistants. She said some members of the legislature made comments during the last session that they did not even read the bill because they just thought it was a turf war between the dental hygienists and the dental assistants which is not true. She has also heard complaints from dentists because they believed that they would be required to pay certified dental assistants more. She said this is also untrue.

EO Matsushima noted that KCC previously informed the Board that their dental assisting program has a maximum of 12 students per year. She asked if that is still accurate.

Ms. Kitamura said that right now, it is still accurate, however, KCC is looking to double that amount to 24. Also, she reported that KCC has 16 dental assistants in their incumbent non-credit apprenticeship program. She noted that is where she got her information about the passing of the exam. She said based on the students' records, approximately 25% won't be able to pass the CDA exam. She said they may be able to pass the NELDA exam, however, she's not sure.

EO Matsushima noted that last year, there was a similar bill which went to conference but died in committee.

Ms. Kitamura reported that Representative Mizuno said the bill had to be brand new. She noted that the previous bill which died in committee was drafted by Representative Ohno.

Vice Chair Fujimoto asked who gives the DANB exams.

Ms. Kitamura said the exams are administered by Pearson, a private testing organization.

Vice Chair Fujimoto expressed concern that Pearson may have a problem trying to accommodate more than 4,000 dental assistants

within the period of time allotted for them to pass the requisite exam.

Dr. Ota asked if the exams were only administered on Oahu.

Ms. Kitamura said right now, the exams are only available on Oahu, however she has heard there is interest for the exams to be given on Maui. She noted that interested testing centers must apply to DANB for approval to administer the exams.

Dr. Ota expressed concern about the time and expense involved if all neighbor island dental assistants must fly to Oahu to take the required exam.

Ms. Kitamura said she believes a two-year implementation period is fair. She noted that all of the neighbor island community colleges as well as the University of Hawaii at Hilo have testing centers, however, they would need to apply with DANB for approval if they are interested in administering any of the exams.

Dr. Hasegawa speculated that it would be difficult for a college testing center to duplicate the standards of the Pearson testing center.

Dr. Chun noted that many dentists utilize high school students as dental assistants in their practice. Most of these students are under 18 years old.

Ms. Kelley-Miyashiro stated on behalf of HDHA, they are in support of the concept of the bill, however, they are concerned that the bill does not include any references to the Hawaii Administrative Rules ("HAR").

Vice Chair Fujimoto asked if HDA is being proactive about providing facilities for test taking or anything like that.

Ms. Pavlicek said yes, HDA is being proactive. They will share more about it through HDA communications.

Chair Guevara said he has concerns about implementation and noted that the cost and manpower will strain board staff to the limit. He said he does not know if the bill was thought through very well.

Dr. Nagata recommended that the Board suggest a certification training class on important components for the basic dental assistant. He feels that would be enough.

Dr. Ota said he thinks the onus should be on the Board to set reasonable guidelines which still reflect the intent of the bill. He said

he does not see any way certification can be implemented within two years, much less by July 1, 2019.

Chair Guevara said in his personal opinion, this may cause a lot of dental assistants to lose their jobs due to not being able to meet the requirements. In addition, he feels that it would take a minimum of five years to implement certification.

EO Matsushima reported that in the Office of the Auditors' Sunrise Analysis, one of the recommendations is that the Legislature should consider a tiered regulatory scheme for the profession of dental assisting under which dental assistants must comply with regulatory requirements before performing duties that may reasonably affect patient health, safety, or welfare; however, dental assistants whose practices are limited to the more basic duties that do not reasonably endanger patient health, safety, or welfare do not require any credential to perform those duties. She noted that the bill's language does not use a true tiered regulatory scheme as recommended.

Vice Chair Fujimoto noted that in many practices, the front office staff are used as backup if dental assistants are not available. He said requiring certification would limit these practices as the front office staff would not be able to assist in the clinical area, if needed.

DAG Yee confirmed that if the certification is required, only certified dental assistants will be able to perform the duties of a dental assistant.

Dr. Ota noted that every year, he usually takes on a few high school students interested in dentistry to give them the opportunity to learn more about what the profession involves.

DAG Yee stated that the bill's current language does say "A person hired as a dental assistant...", therefore, a student may be exempted.

Dr. Nagata suggested that the Board's testimony state that they support the intent of the bill, however, they do not support the contents of the bill.

Vice Chair Fujimoto said the testimony should also include specific reasons why the Board is opposing the bill.

Dr. Chun stated that the current language of the bill will negatively impact both those currently working as dental assistants as well as dentists as some current dental assistants, such as those high school students who may be under 18 years of age, cannot meet the requirements as written.

EO Matsushima noted that during last year's legislative session for a similar bill, the Board's testimony stated that the bill "...does not recognize "grandfathering" nor does it recognize the high school students who are currently attending health related workforce training from their participating high schools." The testimony also stated that the Sunrise Analysis indicated that the KCC Dental Assisting Program does not have the sufficient capacity to serve as the sole pathway for certification of dental assistants. It also acknowledged that the bill does not establish a tiered approach as recommended by the Sunrise Analysis. She reminded the Board that the bill that they preferred last session had a tiered approach which included a basic level, certified level and an advanced level. The Board would have only been required to register the certified and advanced level dental assistants.

Dr. Ota said he went to DANB's website. The levels and requirements vary by state. For example, California's levels include unlicensed dental assistant, registered dental assistant and registered dental assistant in extended functions. For the unlicensed dental assistant level, the assistant must complete a course on the state's dental practice act, an infection control course, and a Basic Life Support ("BLS") course. He thinks the Board should consider something similar for a basic level dental assistant. The basic level wouldn't require dental assistants to go through the stress and expense of taking the DANB exam. He stated he is in favor of the tiered approach and believes many dental assistants would not want to go for the mid or high tier levels. He said in many offices, the front office staff is used as back up dental assistants. Because of this, he thinks the estimate of 4,000 dental assistants is low.

EO Matsushima noted that in last year's testimony stated while the Board supports the concept of the bill, it had serious concerns about the measure as written and is therefore testifying in opposition. She asked if the Board wanted to use something similar for this testimony.

Dr. Chun said he feels the Board should not state that they support the intent of the bill as they do not know what the intent of the bill is.

EO Matsushima reminded the Board if they are opposing the bill, she needs specific reasons why.

Dr. Chun stated that the language of the bill will affect the workforce. People may lose jobs because of their inability to pass the required exams.

Ms. Arrington said at minimum, the Board should require all dental assistants to complete courses in state laws and rules, infection control, radiation safety and cardiopulmonary resuscitation ("CPR").

Chair Guevara stated he is concerned about the age restriction. He reiterated that many offices hire high school students to help. The Board wants to ensure public safety, but he feels the current language of the bill is too restrictive on the practice of dentistry.

Ms. Timmerman said she feels the timeframe allowed to implement the certification is highly unrealistic.

Dr. Nagata said that the economic impact is potentially devastating.

Dr. Ota said he would like the testimony to state that the Board would like to take the lead in developing the guidelines for the tiers.

Chair Guevara noted that the dental practice is constantly evolving and stated that the Board does not want to limit or hinder anyone's ability to practice.

Dr. Ota suggested proposing a random audit of dental offices to check if their dental assistants have proof of meeting the certification requirements instead of requiring all dentists to report the names and certifications of their dental assistants to the Board.

Dr. Rebmann stated he respects the fact that the legislature wants to increase public safety through the bill, however, he does not feel the current system is endangering the public.

Chair Guevara noted that it is very rare that the Board receives complaints pertaining to dentists and dental hygienists. He believes the same would be true with regards to dental assistants.

Dr. Rebmann said regardless of the cost of the exams or availability of testing sites, it should be stated that the Board does not think there are currently public safety issues with regards to dental assistants.

Chair Guevara stated that the bill does not include minimum qualifications for a dental assistant and noted that HAR §16-79-69.1(b) requires all dental assistants to have appropriate training which includes: 1) proper sterilization and disinfection procedures which meet the guidelines of the U.S. Department of Labor Occupational Safety and Health Administration ("OSHA") bloodborne pathogen standards, the State of Hawaii Department of Labor and Industrial Relations Occupational Health and Safety bloodborne pathogen standards, the CDC prevention guidelines, and the ADA Clinical Practice Guidelines; 2) ethics; 3) proper record keeping and patient confidentiality; and 4) CPR.

Ms. Timmerman reiterated that the Board's rules already require dental assistants to be trained in infection control and questioned why the bill's language is asking for something which is already required. DAG Yee noted that there is no grandfathering clause in the bill, per se. The requirements for those who have been employed for ten or more years is less but there are still requirements.

Upon a motion by Dr. Hasegawa, seconded by Dr. Nagata, it was voted on and unanimously carried to oppose H.B. 221 for the reasons stated in this discussion, including because the language in the bill is too restrictive, does not offer practical options to become a dental assistant and would severely impact the current workforce of dental assistants, dental hygienists, dentists, and the consumers, thereby, impacting the health, safety, and well-being of the public.

7. Correspondence: a. Inquiry from Meera Maveli regarding state dental licensure for foreign trained dentists

The Board reviewed and discussed Ms. Maveli's email in which she is seeking clarification on Hawaii's regulations for foreign dentists. She explained that she runs a blog to give information to foreign dentists about U.S. dental licensure.

Chair Guevara noted that HRS § 448-9(3)(A) requires that applicants provide a diploma or certificate of graduation from a dental college accredited by the American Dental Association Commission on Dental Accreditation ("CODA")."

Dr. Hasegawa stated that he believes the intent of the language is pertaining to the basic four-year dental degree and not advanced degrees or specialties.

Chair Guevara reported that some CODA accredited schools have a program for foreign dentists which allows them to get additional education and upon completion, the foreign dentists receive a diploma from the CODA accredited school.

Dr. Nagata stated that he has an associate from Japan that went through a special two-year program for foreign dentists and received a doctor of dental surgery ("DDS") or doctor of medicine in dentistry ("DMD") degree from the CODA accredited school which allowed them to take the exam.

After some discussion, upon a motion by Vice Chair Fujimoto, seconded by Dr. Ota, it was voted on and unanimously carried to direct EO Matsushima to respond to Ms. Maveli's questions as follows:

1. Are foreign dentists without US DDS but with advanced clinical education degree such as an AEGD/GPR from a US dental university allowed to apply for state licensure?

Board's Response: No.

2. Are foreign dentists without US DDS but with CODA approved Specialty (Masters) from a US dental university allowed to apply for state licensure?

Board's Response: No

3. If not, are they allowed to apply for licensure by reciprocity if they have an active dental license in another state for 5 yrs?

Board's Response: No.

This is an informal interpretation for informational and explanatory purposes only and is not an official opinion or decision and therefore is not to be viewed as binding on the Board.

8. Executive Officer's Report on Matters Related to the Board of Dentistry:

a. Department of Commerce and Consumer Affairs ("DCCA") Disciplinary Actions – October 2018 through December 2018

A listing of DCCA Disciplinary Actions for October, November and December 2018 was circulated to the members for their information. There were no sanctions from the Board in the listing.

b. Oregon Board of Dentistry News – Vol. 33, No. 1 – December 2018

A copy of the Oregon Board of Dentistry News – Vol. 33, No.1 was circulated to the members for their information.

c. Dental mannequins and chair mounts for donation

EO Matsushima reported that she was informed by the Examination Branch that there were dental mannequins and chair mounts in their storage from the period when the Board administered examinations. After doing research, it was determined that they were the property of the Board. She asked what the Board wanted to do with the items.

After some discussion, upon a motion by Dr. Chun, seconded by Vice Chair Fujimoto, it was voted on and unanimously carried to donate the items.

EO Matsushima stated anyone interested in the items may contact the Board's office.

At this time, Chair Guevara announced he was taking the agenda out of order to return to the deferred matters.

Executive Session:

At 12:01 p.m., it was moved by Dr. Ota, seconded by Dr. Hasegawa, it was voted on and unanimously carried (by roll call with Chair Guevara, Vice Chair Fujimoto, Ms. Arrington, Dr. Chun, Dr. Hasegawa, Dr. Nagata, Dr. Ota, Dr. Rebmann, Ms. Tanaka, and Ms. Timmerman voting aye) to move into executive session pursuant to HRS § 92-5(a)(1) and (4), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities" for the following agenda items:

- 4. Applications, a. Application for License – Dentist, 1) Joseph Kalani Ahlo;
- 4. Applications, a. Application for License – Dentist, 2) Kevin Kar Fai Cheng;
- 4. Applications, b. Application for License – Dental Hygienist, 1) Christy D. Burkley;
- 4. Applications, b. Application for License – Dental Hygienist, Application for Certification in the Administration of Intra-Oral Block Anesthesia, 1) Marguerite Kaye Baldwin;
- 4. Applications, b. Application for License – Dental Hygienist, Application for Certification in the Administration of Intra-Oral Block Anesthesia, 2) Yuko Lee.

Guests were excused from the meeting room.

At 12:07 p.m., it was moved by Dr. Chun, seconded by Dr. Hasegawa, and unanimously carried to move out of executive session.

Guests re-entered the meeting room.

3. Applications: a. Application for License – Dentist

- 1) Joseph Kalani Ahlo

Upon a motion by Dr. Hasegawa, seconded by Ms. Tanaka, it was voted on and unanimously carried to approve Dr. Ahlo's Application for License – Dentist.

2) Kevin Kar Fai Cheng

Upon a motion by Dr. Hasegawa, seconded by Dr. Nagata, it was voted on and unanimously carried to approve Dr. Cheng's Application for License – Dentist.

b. Application for License – Dental Hygienist

1) Christy D. Burkley

Upon a motion by Ms. Arrington, seconded by Dr. Chun, it was voted on and unanimously carried to defer Ms. Burkley's Application for License – Dental Hygienist and directed EO Matsushima to inform Ms. Burkley that additional documents are needed.

d. Application for License – Dental Hygienist
Application for Certification in the Administration of Intra-Oral Block Anesthesia

3) Marguerite Kaye Baldwin

Upon a motion by Dr. Hasegawa, seconded by Ms. Timmerman, it was voted on and unanimously carried to approve Ms. Baldwin's Application for License – Dental Hygienist.

Upon a motion by Ms. Arrington, seconded by Dr. Chun, it was voted on and unanimously carried to approve Ms. Baldwin's Application for Certification in the Administration of Intra-Oral Block Anesthesia.

4) Yuko Lee

Upon a motion by Dr. Chun, seconded by Dr. Nagata, it was voted on and unanimously carried to approve Ms. Lee's Application for License – Dental Hygienist.

Upon a motion by Dr. Chun, seconded by Ms. Arrington, it was voted on and unanimously carried to approve Ms. Lee's Application for Certification in the Administration of Intra-Oral Block Anesthesia.

The Board returned to its regular order of business.

9. Next Meeting: Chair Guevara announced the next meeting as:

Monday, February 11, 2019
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

10. Adjournment: It was moved by Dr. Hasegawa, seconded by Dr. Nagata, and unanimously carried to adjourn the meeting at 12:12 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima

/s/ Jennifer Fong

Sandra Matsushima
Executive Officer

Jennifer Fong
Secretary

SM:jaf

2/6/19

[] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.