

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

**MINUTES OF MEETING<sup>1</sup>**

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, February 11, 2019

Time: 9:00 a.m.

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

Present: Paul Guevara, D.M.D., M.D.S., Chair, Dental Member  
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  
Joy B. Y. Shimabuku, Public 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

Guests: Sheila Kitamura  
Kim Nguyen, Hawaii Dental Association ("HDA")  
Alex Santiago, Hawaii Dental Hygienists' Association ("HDHA")  
Melissa Pavlicek, HDA

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

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.

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<sup>1</sup> 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.

2. Legislative Matters:

a. 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.*

EO Matsushima stated that at their last meeting, the Board decided to oppose H.B. 221 for multiple reasons 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. She reported after the agenda was filed, a proposed H.D. 1 was posted. She noted a copy of the proposed H.D. 1 and the testimony submitted on behalf of the Board was distributed to the Board for review. A hearing on the proposed H.D. 1 has been scheduled for tomorrow morning.

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

Ms. Kitamura stated that she intends to submit written testimony regarding the proposed H.D. 1 as a private citizen and KCC also intends to provide written testimony. She provided a copy of her own testimony as well as KCC's testimony to the Board for review. She said as a private citizen, she has serious concerns about the bill, including the cost of the exams and that there are currently no provisions for re-certification. She is hoping that the legislature will allow for training rather than certification.

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

There were none.

Chair Guevara asked the Board members for their comments or concerns regarding this matter.

Ms. Tanaka noted in the first paragraph on page 3 of the Board's testimony, it states "However, dental assistants whose practices are limited to more entry-level duties that do not reasonably endanger patient health, safety, or welfare do not require any credential to perform those duties." She suggested eliminating the word "practices" in favor of "dental responsibilities" or "dental duties" for clarification purposes.

EO Matsushima noted that as the hearing is scheduled for tomorrow, the testimony has already been submitted, however, the Board member who testifies can further clarify the Board's position at the hearing.

Dr. Ota said that he feels language for the basic-level dental assistants is a big improvement from the prior version, however, he still believes the requirement for high school graduation or a general equivalency diploma ("GED") will prevent many from interning or working.

Chair Guevara said he is also concerned about this requirement as it will also prohibit foreign-trained individuals without a high school diploma or GED from working.

Ms. Arrington noted that the Board can address that issue when they write the rules.

Chair Guevara reminded the Board that the rules cannot supersede the statutes. Therefore, if the statute requires a high school diploma or GED, the rules cannot change that requirement.

Dr. Ota asked if there are going to be specific duties for each level.

Vice Chair Fujimoto said yes, but that will be in the rules.

Upon a motion by Dr. Ota, seconded by Vice Chair Fujimoto, it was voted on and unanimously carried to recommend removal of the requirement for graduation from high school or a general equivalency diploma from the basic-level dental assistants.

Chair Guevara noted that the next level would be certified dental assistants. The proposed bill requires graduation from high school or a GED and successful passage of the certification exam administered by the Dental Assisting National Board ("DANB").

Dr. Ota asked Ms. Kitamura what additional duties a certified dental assistant could perform that a basic-level dental assistant could not.

Ms. Kitamura noted that there would be no difference until the Board expands their rules to allow additional duties.

Dr. Ota stated that as an employer, there would be no immediate advantage to having certified dental assistants.

Ms. Kitamura agreed.

Dr. Ota questioned the need for certified dental assistant level as the advanced-qualified dental assistant level requires passage of the same exam in addition to training in the application of pit and fissure sealants or advanced remediable intra-oral dental tasks.

Ms. Kitamura said it appears the intent is to have certified dental assistants obtain the DANB Certified Dental Assistant (“CDA”) certification and the advanced-qualified dental assistants obtain the DANB Certified Preventive Functions Dental Assistant (“CPFDA”) certification. They are separate certifications; however, the CPFDA certification does include components of the CDA certification. She noted that the CPFDA may not be so heavily scientific. Also, the exams are only online and there is no practical hands-on portion.

Chair Guevara reiterated that if multiple categories of dental assistants are required, the Board will need to amend their rules to define the scope of practice for each category.

Dr. Chun questioned the advantage of a certified dental education program vs. on the job training.

Ms. Kitamura noted that KCC’s program is 900 hours with 300 clinical hours. Certain topics are taught in-depth. She stated that it would be hard for anyone to confidently say that a dental assistant would get the same complete education if they have strictly on the job training. She believes there is a huge difference.

Dr. Chun noted that with on the job training, each dentist would teach differently. He believes a core curriculum should be added to the rules to ensure that basic fundamentals are taught.

Dr. Hasegawa noted that DANB has a basic NELDA level certification. He expressed concern that skipping that level may open the Board up to restricting trade issues. Also, he believes once the Board puts DANB in their statute, licensees would be required to only use DANB.

Chair Guevara agreed and suggested that the Board should consider listing a specific provider such as DANB in the statute. He is concerned that there may be other organizations that can provide what is required.

DAG Yee suggested instead of specifying the organization, the Board could include language that says “nationally accredited organization approved by the Board of Dentistry”.

Ms. Kitamura stated at this time, there is no other organization besides DANB that provides certification.

Chair Guevara noted that there may be other organizations in the future that do. If the statute pigeonholes the Board into requiring DANB certification, any change would require legislation. He would prefer not to specify any one organization in the statute.

Upon a motion by Ms. Shimabuku, seconded by Ms. Timmerman, it was voted on and unanimously carried to recommend amending the language for the certified dental assistants to: 1) remove the requirement for graduation from high school or a general equivalency diploma; and 2) replace the requirement for successful passage of the certification examination administered by the Dental Assisting National Board, Inc. with a requirement for successful passage of a certification examination from a nationally accredited organization approved by the Board of Dentistry.

Dr. Nagata stated that he feels the Board should just have two categories of dental assistants: the basic-level dental assistant and certified dental assistant. The advanced-qualified dental assistant category should be eliminated. He noted that if a certified dental assistant wants to improve their skills, including receiving training in the application of pit and fissure sealants or advanced remedial intra-oral dental tasks, they can do so of their own volition.

Upon a motion by Dr. Nagata, seconded by Ms. Timmerman, it was voted on and unanimously carried to eliminate the advanced-qualified dental assistant category.

DAG Yee noted that amendments have already been requested regarding Section 2 to change “2019” to “2020”; however, it requires the Board to submit to the legislature a report detailing rules adopted within one year. He asked if the Board feels that is enough time for them to adopt rules.

After some discussion, upon a motion by Vice Chair Fujimoto, seconded by Dr. Hasegawa, it was voted on and unanimously carried to amend the language for Section 2 to require the Board to submit a report detailing the progress of amendments to their rules pursuant to section 1 of the Act.

Chair Guevara noted that the Board has a limited budget and limited manpower. Implementation of the proposed bill will require additional funding.

Upon a motion by Ms. Shimabuku, seconded by Dr. Nagata, it was voted on and unanimously carried to request necessary funding to implement the regulation of dental assistants.

EO Matsushima reminded the Board that a hearing on the bill is scheduled for tomorrow morning. She asked who is available to attend the hearing to represent the Board.

Chair Guevara noted that he is unable to testify due to prior patient commitments.

EO Matsushima asked the members to check their schedules and let her know as soon as possible if they are available to testify. She reminded the Board of the importance of having a board member present to testify at the hearing.

b. H.B. 73 – RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING (Companion Bill – S.B. 774)

*Prohibits a licensing authority from using rules to supersede requirements set forth in licensing laws and adopting rules that authorize an unlicensed individual to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional.*

After discussion, upon a motion by Vice Chair Fujimoto, seconded by Ms. Shimabuku, it was voted on and unanimously carried that the Board take no position on this bill.

c. H.B. 88 – RELATING TO WORKERS' COMPENSATION

*Amends requirements for medical examinations in workers' compensation claims by requiring that the examining physician be mutually selected by the employer and employee or appointed by the Director of Labor. Provides for document distribution, cost allocation, and physician qualifications.*

After discussion, upon a motion by Ms. Shimabuku, seconded by Dr. Ota, it was voted on and unanimously carried that the Board take no position on this bill.

d. H.B. 677 – RELATING TO HEALTH CARE PRACTITIONERS  
(Companion Bill – S.B. 528)

*Expands the pool of orthodontists who are eligible to perform medically necessary orthodontic services for treatment of certain orofacial anomalies covered by health insurance.*

After discussion, upon a motion by Vice Chair Fujimoto, seconded by Ms. Shimabuku, it was voted on to take no position on this bill with Chair Guevara, Vice Chair Fujimoto, Ms. Arrington, Dr. Hasegawa, Dr. Nagata, Dr. Ota, Dr. Rebmann, Ms. Shimabuku, Ms. Tanaka and Ms. Timmerman voting in favor of the motion and Dr. Chun voting in opposition to the motion. The motion passed.

e. H.B. 906 – RELATING TO DENTAL HEALTH

*Restores basic adult dental health benefits to Medicaid enrollees. Appropriates funds for this purpose.*

After discussion, upon a motion by Ms. Shimabuku, seconded by Vice Chair Fujimoto, it was voted on and unanimously carried that the Board take no position on this bill.

f. S.B. 202 – RELATING TO PROFESSIONAL AND VOCATIONAL REGULATORY PROGRAMS

*Establishes repeal dates for all professional and vocational regulatory programs under the professional and vocational licensing division of the department of commerce and consumer affairs. Requires the auditor to perform an evaluation of each program prior to repeal.*

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

Ms. Pavlicek stated that HDA opposes this bill.

Dr. Chun asked what the intent of the bill is.

EO Matsushima said the intent of the bill is unknown; however, years ago, the auditor was required to do an evaluation of each board or program every few years. The administration is not opposed to the audits; however, the language of the bill requires an automatic repeal if the evaluation is not completed by the deadline.

Dr. Chun asked if the repeal is done, would another bill be required to reinstate the statute.

DAG Yee said yes, noting that if the statute is repealed, the field will be unlicensed.

After discussion, upon a motion by Dr. Nagata, seconded by Ms. Shimabuku, it was voted on and unanimously carried to oppose this bill as the Board believes the regulation of dentistry and dental hygiene is needed to ensure public safety.

3. Old Business: a. Discussion on membership of the Board's Anesthesia Permitted Interaction Group

After some discussion, upon a motion by Ms. Shimabuku, seconded by Dr. Rebmann, it was voted on and unanimously carried to amend the membership of the Anesthesia Permitted Interaction Group to Dr. Hasegawa and Dr. Ota.

4. 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 application for the CE course on the agenda.

The Board confirmed that the review was completed.

1) Innovations in Clear Aligner Therapy – Sponsor: Sean R. Holliday (2 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 Ms. Shimabuku, it was voted on and unanimously carried to approve the above-referenced CE course.

5. Applications: a. Application for License – Dental Hygienist

1) Christy D. Burkley

EO Matsushima stated at their last meeting, the Board reviewed Ms. Burkley's application and determined that she must submit a certificate in the administration of intra-oral infiltration local anesthesia and intra-oral block anesthesia from



an accredited dental hygiene school. Ms. Burkley has since submitted additional documents for the Board to review.

After some discussion, upon a motion by Ms. Timmerman, seconded by Ms. Arrington, it was voted on and unanimously carried to approve Ms. Burkley's Application for License – Dental Hygienist.

b. Ratifications

It was moved by Dr. Hasegawa, seconded by Ms. Shimabuku, and unanimously carried to ratify approval of the following dentist license:

- Approved Dentist

DT 2795 CARALYN TAKATA

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

- Approved Dental Hygienist

DH 2160 ELIZABETH GUIDI

6. Correspondence: a. Inquiry from Daniel Montero, DDS regarding requirement for applicants to be a graduate from a dental school accredited by the American Dental Association Commission on Dental Accreditation

The Board reviewed and discussed Dr. Montero's request in which he inquired if his three-year Prosthodontic residency from a Commission on Dental Accreditation ("CODA") accredited university would be acceptable to meet the Board's education requirements.

Chair Guevara noted that the Board touched on this issue at their last meeting. The way he reads the statute, the CODA accreditation would be for the applicant's general dentistry degree as the state does not recognize specialties. The school may be CODA accredited but the applicant's general dentistry degree was not obtained through a CODA accredited school.

EO Matsushima noted that there are two documented cases where the Board did discuss accepting foreign trained dentists who later obtained a specialty degree from a CODA accredited school. In

one case, the Board approved the applicant to take the exam. In the other case, the fellowship was accepted and a dentist license was issued.

Dr. Ota noted that there are varying lengths of time devoted to obtaining a specialty.

Chair Guevara agreed, noting that some certification programs may be as short as one year.

Dr. Ota noted that a prosthodontic program is three years.

Dr. Rebmann noted that the language as written is pretty broad. It allows the Board to evaluate an applicant's education on a case-by-case basis.

Dr. Chun expressed concern about setting a precedent. He thinks each application should be reviewed on a case-by-case basis.

DAG Yee noted that each letter should include the language which states that the Board's decision is not binding, however, it does create an issue if a determination is made on a case-by-case basis based on an applicant's circumstances. He suggested that if the Board would like to consider making decisions on a case-by-case basis, the Board defer to allow him to conduct research as to whether they are allowed to do so.

Board members agreed by consensus to defer this matter to allow for additional research.

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

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

Dr. Chun asked if the Board could add "Miscellaneous Comments" as an agenda item to the Board's agendas.

DAG Yee said no, as it is not specific enough to comply with the Sunshine Law. All agenda items must be specific enough for the public to readily understand what will be discussed.

10. Adjournment: It was moved by Chair Guevara, seconded by Vice Chair Fujimoto, and unanimously carried to adjourn the meeting at 10:46 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima

/s/ Jennifer Fong

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Sandra Matsushima  
Executive Officer

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Jennifer Fong  
Secretary

SM:jaf

2/27/19

[ ] Minutes approved as is.

[ ✓ ] Minutes approved with changes; see minutes of March 11, 2019.