

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, November 18, 2019

Time: 9:00 a.m.

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

Present: Staphe Fujimoto, D.D.S., Chair, Dental Member
Earl Hasegawa, D.D.S., Vice Chair, Dental Member
Pearl Arrington, R.D.H., Dental Hygiene Member
Joseph Chu, D.D.S., Dental Member
Mark Chun, D.M.D., Dental Member
Dennis Nagata, D.D.S., Dental Member
Garrett Ota, D.D.S., Dental Member
Joy Shimabuku, Public Member
Sharon Tanaka, Public Member
Andrew Tseu, D.D.S., Dental Member
George Wessberg, D.D.S., Dental Member
Joyce Yamada, R.D.H., Dental Hygiene Member
Bryan Yee, Esq., Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer ("EO")
Jennifer Fong, Secretary

Guests: Gerraine Hignite, Hawaii Dental Hygienists Association ("HDHA")
Lei Ana E. Green, Professional & Vocational Licensing Division
("PVL") – EO
Lei Fukumura, Special Deputy Attorney General – PVL
Charles D. Kamimura
Jessica Chang, HDHA/HMSA
Danny Cup Choy, Hawaii Public Policy Advocates ("HPPA")

1. Call to Order: There being a quorum present, Chair Fujimoto called the meeting to order at 9:00 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 Fujimoto announced the Board's procedural format for agenda matters and stated that the meeting will end no later than 1:00 p.m.

Upon a motion by Vice Chair Hasegawa, seconded by Dr. Chun, it was voted on and unanimously carried to amend the following agenda item (bracketed material to be deleted, underlined material to be added):

- 6. Executive Officer's Report on Matters Related to the Board of Dentistry, e. DCCA Disciplinary Actions through [September] October 2019

Chair Fujimoto welcomed new members Dr. Chu and Dr. Tseu.

Dr. Chu and Dr. Tseu each gave a brief self-introduction.

EO Matsushima introduced EO Green, noting that she recently joined the Professional & Vocational Licensing Division and is sitting in on various board and commission meetings.

2. Approval of Board Meeting Minutes and Executive Session Minutes of September 16, 2019:
- Chair Fujimoto asked the Board members if there were any comments or concerns regarding the Board meeting minutes of September 16, 2019.
- There being none, it was moved by Dr. Wessberg, seconded by Ms. Shimabuku, voted on and unanimously carried to approve the minutes of the September 16, 2019 meeting as circulated.

Chair Fujimoto asked the Board members if there were any comments or concerns regarding the Executive Session Minutes of September 16, 2019.

It was moved by Ms. Shimabuku, seconded by Dr. Nagata, voted on and unanimously carried to approve the September 16, 2019 Executive Session Minutes as circulated.

3. Chapter 91, HRS Adjudicatory Matters:
- Chair Fujimoto called for a recess from the Board's meeting at 9:04 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:
- a. In the Matter of the License to Practice Dentistry of TERRY R. ALLEN, D.D.S.; DEN 2019-24-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" – "2"

Upon a motion by Dr. Wessberg, seconded by Ms. Shimabuku, it was voted on to approve the above-referenced settlement agreement with Chair Fujimoto, Vice Chair Hasegawa, Ms Arrington, Dr. Chun, Dr. Nagata, Dr. Ota, Ms. Shimabuku, Ms. Tanaka, Dr. Tseu, Dr. Wessberg and Ms. Yamada voting "Yes" and Dr. Chu abstaining. The motion passed.

b. In the Matter of the License to Practice Dentistry of INDU SHARMA, D.D.S.; DEN 2019-7-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

After discussion, it was moved by Ms. Shimabuku, seconded by Dr. Wessberg, voted on and unanimously carried to approve the above-referenced Settlement Agreement.

At 9:21 a.m., the Board moved out of Chapter 91, HRS.

4. Old Business: a. Approval of Additional Anesthesia Inspection Volunteers

After some discussion, it was moved by Vice Chair Hasegawa, seconded by Dr. Wessberg, and unanimously carried to approve the following licensee as a volunteer inspector as long as his Hawaii permit to administer anesthesia is current, valid and in good standing:

- David Hiranaka (DT 2180).

5. New Business: a. Inquiry from Daniel L. Orr, D.D.S. regarding renewal inspection for permit to administer dental anesthesia

The Board reviewed an inquiry from Daniel L. Orr, D.D.S. which states in part "I do not have my own facility to be inspected for the administration of anesthesia on Oahu. However, I have now applied for hospital privileges that will include both OMS and the associated anesthesia. The facility is accredited by the Joint Commission. When my appointment is approved I will seek to retain my HI SBDE Anesthesia credential along with my dental license. I'm not sure what the HI SBDE would want to reinstate a lapsed anesthesia credential but perhaps the facility could be inspected whenever is convenient for the Board."

EO Matsushima noted that the law requires an inspection of all approved facilities to renew a dentist's license with an anesthesia special privilege.

Vice Chair Hasegawa said he does not think an oral surgeon requires the anesthesia special privilege on their dentist license in order to perform anesthesia at a hospital, noting that the hospital would have its own credentialing to perform anesthesia.

EO Matsushima stated that as Dr. Orr previously informed the Board that he no longer performs anesthesia at the facility he was originally issued the permit for and he does not currently have a facility to apply for an anesthesia permit and therefore, no facility to inspect, he will need to renew his dentist license without the anesthesia special privilege. She noted that Dr. Orr can always submit a new application for the anesthesia special privilege when he finds a facility.

Dr. Wessberg questioned whether Dr. Orr would be performing anesthesia in an actual operating room in the hospital or if he is obtaining office space within the hospital's physician's office building. He is inclined to agree with Vice Chair Hasegawa if Dr. Orr will be performing anesthesia in one of the hospital's operating rooms.

DAG Yee stated that if Dr. Orr would like the anesthesia special privilege on his dentist license to perform anesthesia and his facility is the hospital, he will need to follow the requirements and therefore, will need a facility inspection for his chosen facility.

Dr. Wessberg agreed, noting that he thinks it is odd that someone would be both the oral surgeon and also the anesthesiologist during a hospital procedure.

DAG Yee stated that the way the law is currently written, legally in order for a dentist to Dr. Orr to provide anesthesia, they would need to apply for a permit for each facility they would like to perform anesthesia in.

Upon a motion by Dr. Wessberg, seconded by Ms. Shimabuku, it was voted on and unanimously carried to direct the EO to inform Dr. Orr that based on the information he has provided to the Board, he will need to renew his dentist license without the anesthesia special privilege. When he finds a facility where he would like to perform anesthesia, he will need to submit a new application for the anesthesia special privilege, including having an inspection for that facility, and be approved before he can perform anesthesia at that facility.

For Informational Purposes Only

b. Matters Related to the American Dental Association (“ADA”) Commission on Dental Accreditation (“CODA”)

1) Call for Nominations to CODA Site Visitor Positions

A copy of information regarding nominations to CODA Site Visitor Positions was circulated to the Board members for their review.

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

1) AADB Board Action Reports for August and September 2019

A copy of the above-referenced information was circulated to the Board members for their review.

None of the AADB Board Action Reports included any sanctions from the Board.

2) AADB’s Executive Director’s Report – October 2019

A copy of the above-referenced report was circulated to the Board members for their review.

3) The Bulletin – Volume 129 – Summer 2019

A copy of the above-referenced newsletter was circulated to the Board members for their review.

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

1) CDCA 2020 Annual Meeting, January 9-11, 2020, Nashville, TN

After some discussion, it was moved by Ms. Shimabuku, seconded by Dr. Nagata, voted on and unanimously carried to approve Chair Fujimoto, Vice Chair Hasegawa, Ms. Arrington, Dr. Chu, Dr. Chun, Dr. Ota, Dr. Tseu, Ms. Yamada, EO Matsushima and DAG Yee to represent the Board at the CDCA 2020 Annual Meeting.

2) CDCA Advances Technology in Dental OSCE Testing

A copy of the announcement regarding the above-referenced matter was circulated to the Board members for their review.

e. Matters Related to the Dental Assisting National Board, Inc. ("DANB")

1) DANB Certified Press – Fall 2019

A copy of the above-referenced newsletter was circulated to the Board members for their review.

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

a. 2020 Board Meeting Dates

A copy of the above-referenced meeting dates was distributed to the Board members.

EO Matsushima noted that the Board has added special meetings in February and April for legislative review and discussion. The meeting schedule is posted on the Board's website.

b. National Take-Back Initiative ("NTBI"), Saturday, October 26, 2019

A copy of a flyer regarding the above-referenced matter was circulated to the Board members for their review.

DAG Yee reported that the Attorney General's Office is supportive of the NTBI because of their involvement with the opioid issue. The NTBI allows patients to safely dispose of their prescription medication.

c. Department of Human Resources Development ("DHRD") Discrimination/Harassment-Free Workplace Policy

The above-referenced policy was distributed to the Board members for review and inclusion with their Board member materials.

EO Matsushima reported that the purpose of the DHRD "Discrimination/Harassment-Free Workplace Policy" is to assure compliance with all federal and state laws and to prevent discrimination, harassment, and retaliation in the workplace. It is intended to protect all applicants, employees, and individuals providing services to the state on a non-paid basis (volunteers, etc.) from discriminatory or harassing conduct by employees or

non-employees and to prevent employees from engaging in discriminatory or harassing conduct directed to any individual – employees or non-employees.

EO Matsushima stated that an acknowledgement form regarding the above-referenced policy was distributed to the Board. Each Board member is being asked to sign the form which states that they understand the importance of this policy and that they agree to be in compliance with this policy while interacting with DCCA staff, other Board members and at Board meetings. She asked if there were any questions or concerns.

There were none.

d. Department of Commerce and Consumer Affairs (“DCCA”) Workplace Violence Action Plan

The above-referenced policy was distributed to the Board members for review and inclusion with their Board member materials.

EO Matsushima reported that the DCCA Workplace Violence Action Plan applies to all employees in the DCCA, including Board members. The DCCA is committed to partnering with its employees to encourage and maintain a safe work environment. Pursuant to DHRD Policy No. 800.002, any disruptive behavior, intimidation, any behavior that threatens another’s physical safety or mental well-being, or conduct that causes physical harm or property damage, including incidents involving coworkers, clients, customers, or other outside individuals who represent potential threats in the work environment is prohibited in the workplace. All reports of incidents involving acts or displays of violence, threats or violence, intimidation, damage to property and other disruptive behavior will be taken seriously and dealt with appropriately. There shall be no retaliation or discrimination against an employee who submits a report, calls for appropriate assistance, complains of an incident or who is called upon as a witness. She asked if there were any questions or concerns.

There were none.

e. DCCA Disciplinary Actions through October 2019

A listing of DCCA Disciplinary Actions through September 2019 was circulated to the members for their information.

There were no sanctions from the Board in the listing.

f. DCCA PVL Current Licensees as of October 17, 2019

EO Matsushima reported the following licensee statistics:

- For Community Service Dental Hygienists, there are a total of 2 (all on the Big Island).
- For Community Service Dentists, there is a total of 26 (Oahu – 8, Big Island – 6, Maui – 1, Kauai – 1, Molokai – 1, Lanai – 0, Mainland – 8, Foreign – 1).
- For Dental Hygienists, there is a total of 1,130 active status licensees (Oahu – 636, Big Island – 83, Maui – 125, Kauai – 43, Molokai – 4, Lanai – 0, Mainland – 239, Foreign – 0). There is a total of 82 inactive status licensees (Oahu – 21, Big Island – 2, Maui – 3, Kauai – 1, Molokai – 1, Lanai – 0, Mainland – 55, Foreign – 0).
- For Dentists, there is a total of 1,489 active status licensees (Oahu – 851, Big Island – 111, Maui – 101, Kauai – 52, Molokai – 3, Lanai – 1, Mainland – 359, Foreign – 11). There is a total of 105 inactive status licensees (Oahu – 21, Big Island – 5, Maui – 6, Kauai – 1, Molokai – 1, Lanai – 0, Mainland – 68, Foreign – 3).
- For Temporary Licenses, there is a total of 26 (Oahu – 6, Big Island – 2, Maui – 1, Kauai – 0, Molokai – 0, Lanai – 0, Mainland – 17, Foreign – 0).

7. Applications: a. Ratifications

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

- Approved Dentist License
DT 2833 MARI R HESLINGA
DT 2834 MATTHEW T ODA
DT 2835 BRETT A STERLING
DT 2836 STEPHANIE A BRANDLI
DT 2837 HELENA S MELLO

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

- Approved Dental Hygienist License

DH2222 YU NAKATA
DH2223 CHELSEA L RAMOS
DH2224 MELISSA A RENTERIA
DH2225 HILLARY L SPENCER
DH2226 DEBBIE TRANMER
DH2227 GERALDINE VADNAIS
DH2228 LILIAN BRAMLETT
DH2229 ASHLYN K R CHEE
DH2230 ALEXANDRA A MILLER
DH2231 KAELEE S BYINGTON

It was moved by Ms. Shimabuku, seconded by Vice Chair Hasegawa, and unanimously carried to ratify approval of the following applications for certification in the administration of intra-oral block anesthesia:

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

DH2175 ERIN K MALONE
DH2176 SHONTELL C SYKES
DH2220 KASMINE J WINSTON
DH2222 YU NAKATA
DH2223 CHELSEA L RAMOS
DH2231 KAELEE S BYINGTON

It was moved by Ms. Arrington, seconded by Dr. Chun, and unanimously carried to ratify approval of the following community service dentist license:

- Approved Community Service License – Dentist

CSDT 102 STEFANIK SIMARD-LEBEL (BAY CLINIC INC.)

Executive Session:

At 9:53 a.m., upon a motion by Ms. Shimabuku, seconded by Vice Chair Hasegawa, it was voted on and unanimously carried 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”.

Guests were excused from the meeting room.

At 10:39 a.m., it was moved by Dr. Ota, seconded by Ms. Shimabuku, and unanimously carried to move out of executive session.

Recess: At 10:40 a.m., Chair Fujimoto called for a recess.

Reconvene: At 10:48 a.m., the Board reconvened their meeting.

b. Application for License – Dentist

1) Jisu Kim

Upon a motion by Ms. Shimabuku, seconded by Dr. Wessberg, it was voted on and unanimously carried to direct the EO to issue a conditional approval letter to Dr. Kim informing him that he meets the Board’s current education and examination requirements for a Hawaii Dentist license.

2) Cheryl Lee

EO Matsushima reminded the Board that they previously deferred Dr. Lee’s application pending submission of additional information. She reported that to date, the additional information requested by the Board has not been received.

3) Caitlin Armstrong

Upon a motion by Ms. Tanaka, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve Dr. Armstrong’s application

c. Application for License – Dental Hygienist

1) Megan Troyer

Ms. Arrington said that after reviewing Ms. Troyer’s application, she is concerned that Ms. Troyer does not meet the requirements regarding injections.

Ms. Arrington moved to deny Ms. Troyer’s application. The motion was seconded by Dr. Ota.

Ms. Shimabuku stated she was opposed to the denial of Ms. Troyer's application.

Ms. Arrington withdrew her motion.

After some discussion, upon a motion by Ms. Arrington, seconded by Vice Chair Hasegawa, it was voted on and unanimously carried to defer Ms. Troyer's application for a dental hygienist license.

d. Application for Program Sponsor Agreement for Continuing Education ("CE")

1) Code of Ethics – Sponsor: Big Island Study Club (3 CE hours)

Chair Fujimoto asked if there were any comments or concerns regarding this application.

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

e. Review of CE Courses for Compliance of the CE Renewal Requirement

1) Lisa Wong, D.M.D.

EO Matsushima noted that Dr. Wong was audited after the 2017 renewal. She did not submit the required CE documentation and was subsequently referred to RICO. Dr. Wong has since submitted CE documents to RICO. The Board needs to review the documents to determine if they are acceptable.

Chair Fujimoto asked if there were any comments or questions regarding Dr. Wong's CE documentation.

There being none, upon a motion by Vice Chair Hasegawa, seconded by Dr. Tseu, it was voted on and unanimously carried to accept Dr. Wong's CE documents to fulfill the requirements of the 2017 renewal audit.

f. Request for Waiver of the CE Requirement for License Renewal

1) Ping Kang Cheng, D.M.D.

Chair Fujimoto asked if there were any questions or concerns regarding this application.

Upon a motion by Ms. Tanaka, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve Dr. Cheng's request for a waiver of the CE Requirement for License Renewal.

2) Caleb Noordmans, D.D.S.

Chair Fujimoto asked if there were any questions or concerns regarding this application.

Upon a motion by Ms. Shimabuku, seconded by Ms. Tanaka, it was voted on and unanimously carried to defer Dr. Noordmans' request for a waiver of the CE Requirement for License Renewal pending submission of additional documents.

8. Next Board Meeting:

Chair Fujimoto announced the next meeting as:

Monday, January 27, 2019
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

9. Adjournment: It was moved by Ms. Shimabuku, seconded by Dr. Tseu, and unanimously carried to adjourn the meeting at 10:56 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima

/s/ Jennifer Fong

Sandra Matsushima
Executive Officer

Jennifer Fong
Secretary

SM:jaf

12/3/19

[] Minutes approved as is.

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

