

**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 10, 2020

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: 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  
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  
Sandra Matsushima, Executive Officer ("EO")  
Jennifer Fong, Secretary

Excused: Dennis Nagata, D.D.S., Dental Member  
Garrett Ota, D.D.S., Dental Member  
Bryan Yee, Esq., Deputy Attorney General ("DAG")

Guests: Jonathan Mah  
Sheila Kitamura, Kapiolani Community College ("KCC")  
Kim Nguyen, Hawaii Dental Association ("HDA")  
Jessica Chang, Hawaii Dental Hygienists Association ("HDHA")/HMSA

1. Call to Order: There being a quorum present, Chair Fujimoto called the meeting to order at 9:12 a.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.

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.

2. Old Business: a. Discussion on Proposed Rule Amendments to Hawaii Administrative Rules Chapter 16-79

EO Matsushima noted that the Board will specifically be discussing amendments to clarify language in the current rules including defining "hospitalization", the anesthesia permit requirements and fees, adding the inspection checklist and the education requirements with regards to foreign educated dentists.

By consensus, discussion on this matter was deferred to later in the meeting.

3. New Business: For Informational Purposes Only

a. Matters Related to the Dental Assisting National Board ("DANB")

1) DANB Certified Press – Winter 2020

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

4. Correspondence: a. Inquiry from Nancy L. Addy, D.D.S. requesting clarification on the scope of practice regarding the treatment of sleep apnea with oral appliance therapy

Dr. Addy submitted an inquiry to the Board asking the following questions:

1. Is it within a dentist's scope of practice to dispense portable monitors when ordered by physicians for patients at risk for sleep apnea? The test results are provided to a physician for interpretation and diagnosis.
2. Is it within a dentist's scope of practice to order portable monitors for patients identified by the dentist as being at risk for sleep apnea? The test results are provided to a physician for interpretation and diagnosis.
3. It is within a dentist's scope of practice to use a portable monitor to help determine the optimal effective position of a patient's oral appliance?

4. If a dentist does not use a portable monitor to determine the optimal effective position, is it within a dentist's scope of practice to order a portable monitor to verify the effectiveness of an oral appliance? The test results are provided to physicians for interpretation and therapeutic effectiveness is determined by physicians.

EO Matsushima reported that Dr. Ota provided comments on this inquiry, stating that the diagnosis should be done by a physician.

Dr. Chu asked if the "portable monitor" is a sleep apnea machine.

EO Matsushima noted that there is no description of the portable monitor.

Dr. Wessberg said he thinks that it is similar to how a patient would be referred to a sleep center. Now there are portable machines the patients can take home. He noted that now dentists can be certified in dental sleep medicine. He believes theoretically, it is a good idea, however, he is concerned that there is no medical professional to monitor the patient or to make modifications as needed. He feels the potential for abuse is high. He would like more information as he feels a dentist should not be able to dispense a machine to patients without the proper training.

Vice Chair Hasegawa agreed, stating that Dr. Addy's inquiry is very broad. He believes more information is needed before making any determinations.

After some discussion, upon a motion by Vice Chair Hasegawa, seconded by Dr. Chu, it was voted on and unanimously carried to direct the EO to defer discussion on Dr. Addy's inquiry pending additional information.

5. Legislative Matters:

a. H.B. 1806 – RELATING TO DENTISTRY

*Establishes the licensure and regulation of dental therapists.*

Chair Fujimoto asked if there were any comments from the public.

Ms. Chang reported that the American Dental Hygienists' Association's July 2019 "Expanding Access to Care through Dental Therapy" brochure states that there are currently over 185,000 licensed dental hygienists. They believe the workforce is readily available to expand. She noted that dental therapy is currently authorized in 11 states.

Chair Fujimoto asked if HDHA is in favor of this bill.

Ms. Chang said HDHA is in favor of the intent of the bill, however, they believe there needs to be more work done on the language.

Chair Fujimoto asked if there was any additional public comment.

Ms. Nguyen stated that HDA opposes this bill.

Dr. Chun asked Ms. Chang why HDHA supports this bill.

Ms. Chang said they have the workforce to do it. The school system also has an existing infrastructure.

Dr. Wessberg noted that there is a shortage of dental hygienists.

Ms. Chang stated that there may be more interest in dental hygiene if they are allowed to expand their scope of practice. There may also be more interest in coming to Hawaii to serve the population.

Dr. Wessberg asked Ms. Kitamura if KCC currently has the infrastructure in place to train.

Ms. Kitamura said not currently. Her understanding is that if the legislation is passed, then the education program may be developed.

Ms. Chang noted that there are two dental hygiene schools that are currently providing education for dental therapists.

Dr. Chun asked if the issue was access to care.

Dr. Tseu said that specific areas on the neighbor islands may have a shortage but it is not an issue on Oahu.

Dr. Wessberg asked if there is a reason for the shortage.

Dr. Tseu said mainly due to geographic location.

Chair Fujimoto noted that the bill which allowed dental therapy in Minnesota is similar to the language of the current bill. In Minnesota, there is no restriction to limit practice to needed areas so most dental therapists are working in the Twin Cities area.

Dr. Tseu stated at this point, he thinks the Board does not have enough information to tell whether dental therapy would be viable in Hawaii.

Chair Fujimoto questioned whether the two dental hygiene programs would be able to handle the demand for additional training.

Ms. Chang said she did not know. She noted that California has an advanced practice registered dental hygienist which is similar to a dental therapist.

Ms. Arrington said that there are currently two schools in Minnesota and one in Vermont that provides education for dental therapists.

Ms. Shimabuku asked what a dental therapist does.

Ms. Chang stated that dental therapists can perform expanded functions. She cited simple restorations and simple extractions as examples. She noted that the functions of a dental therapist vary from state to state.

Dr. Wessberg asked who decides whether the procedures are simple.

Ms. Chang said she does not know.

Ms. Arrington said she believes in the states where dental therapy is allowed, there is a collaborative agreement so the patient would see a dentist.

Dr. Wessberg said having a collaborative agreement does not mean that the patient will see a dentist.

Ms. Chang said if the main issue is access to care, there are numerous community health centers. She believes education in those population areas is key. They need to ensure that the patients come in.

Chair Fujimoto noted that it seems like there is agreement that there is opposition to the language of the bill.

Upon a motion by Vice Chair Hasegawa, seconded by Dr. Tseu, it was voted on and unanimously carried that while the Board supports the intent of the bill, they oppose the language of the bill.

Dr. Wessberg requested that the Board's testimony reflect their support of access to dental care.

Dr. Tseu asked Ms. Chang of the 11 states where dental therapy is currently allowed, how many limit their practice to community health centers or similar facilities.

Ms. Chang said she did not know.

EO Matsushima noted that some of the states have the law in place but there are no rules and no licensure yet. Some have jurisdictional restrictions limiting practice to rural areas and other areas where there is a need for dental services such as tribal lands.

b. H.B. 1606 – RELATING TO PROFESSIONAL AND VOCATIONAL LICENSURE

*Specifies the documentation needed for a military spouse to receive a temporary licensure by endorsement. Requires issuance of the license within 30 days of the application and supporting documents.*

Chair Fujimoto asked if there were any comments from the public.

There were none.

EO Matsushima reminded the Board that they discussed this bill at their last meeting and decided to take no position. She noted that the Board came up with a policy on military spouse licensure when the language was originally added.

Chair Fujimoto asked the Board if they had any comments on this bill.

There was none.

It was the consensus of the Board to take no position on this bill.

c. H.B. 2100, H.D. 1 – RELATING TO HEALTH

*Establishes the dental assistant task force within DCCA. Requires a report to the legislature.*

Chair Fujimoto asked if there was any public comment regarding this bill.

Ms. Nguyen stated that HDA supports the creation of the task force.

Chair Fujimoto asked if there were any additional public comments.

There was none.

Chair Fujimoto asked the Board if they had any comments on this bill.

EO Matsushima noted that this bill is the result of the meeting with the stakeholders that she reported on at the last meeting.

Dr. Wessberg said he feels the emphasis should be on the educational infrastructure needed to register or certify all dental assistants in Hawaii.

EO Matsushima noted that the bill just creates the task force. The purpose is for parties to come together and hash out their issues and come up with a bill together.

Dr. Wessberg asked if Hawaii has an American Dental Association accredited dental assistant program.

Ms. Kitamura stated that KCC is already doing a training program for incumbent workers. There are close to 30 students already and they are starting a third cohort in March. She noted that previous bills were proposed by laypeople, not stakeholders. She feels the task force will be able to come together to propose reasonable guidelines. She said that she has not received an appointment from the University of Hawaii system to serve as the school's representative on the task force.

EO Matsushima asked if the Board can do anything to support her interest in serving on the task force.

Ms. Kitamura said it might help if the Board issued a letter of support.

Dr. Tseu said he is in support of the bill and thinks maybe the task force should also include someone from the community health centers who can provide input.

Dr. Chu asked if one member of an association is proportionately representative of their entire membership.

EO Matsushima said yes because the representative would gather information from their membership to bring to the task force.

Dr. Wessberg noted that dental assistants do not have a representative on the task force.

EO Matsushima noted that the Board does not know of any dental assistant association or similar organization where they could get a dental assistant representative.

Dr. Wessberg said he does not think dentists are opposed to dental assistants getting educated but he feels the barrier is the educational infrastructure. He feels the input from an educational infrastructure stakeholder is important. He asked if the Board can designate a representative to speak on the educational infrastructure.

EO Matsushima stated that there will be one member of the task force from the Board to be the voice for all – dentists, dental hygienists and dental assistants.

Dr. Wessberg asked if the HDA could involve someone from the dental assistant educational certification system in the task force.

Ms. Kitamura noted that even if a bill such as the one proposed by Senator Baker passes, it specifies that only those employed for five years would need the certification. She stated that many dental assistants have no financial means to obtain the certification and some may not have the academic inclination. She reminded the Board that they do not know how many dental assistants are out there. She noted that there used to be a Hawaii Dental Assistants Association, however, the last person who handled it stopped about 15 years ago and no one else took over.

Dr. Tseu suggested that the Board could add language to allow the task force to add additional members, if needed.

Dr. Wessberg asked Ms. Chang why the HDHA is pushing this bill when there is no negative impact on access to care.

Ms. Chang said HDHA supports the creation of the task force.

EO Matsushima said she will work with DAG Yee on the testimony.

Upon a motion by Ms. Shimabuku, seconded by Ms. Arrington, it



was voted on and unanimously carried to support this bill.

d. S.B. 2038 – RELATING TO BOARD MEMBERS

*Permits two or more members of a board to attend state of the city, state of the county, state of the State, or state of the judiciary addresses; provided that the board members do not discuss board business and no commitment to vote is made or sought.*

Chair Fujimoto asked if there was any public comment regarding this bill.

There was none.

EO Matushima reminded the Board that they discussed this bill at their last meeting and decided to take no position.

Chair Fujimoto asked the Board if they had any comments on this bill.

There was none.

It was the consensus of the Board to take no position on this bill.

e. S.B. 2584, S.D. 1 – RELATING TO DENTAL ASSISTANTS

*Establishes minimum requirements for dental assistants. Clarifies the allowable and prohibited practices by dental assistants.*

Chair Fujimoto asked if there was any public comment regarding this bill.

Ms. Nguyen stated that HDA does not support this bill as they prefer H.B. 2100.

Ms. Kitamura stated that she submitted written testimony in opposition of this bill.

Ms. Shimabuku asked Ms. Chang if HDHA had any comments on this bill.

Ms. Chang said she had no comments.

Chair Fujimoto asked the Board if they had any comments on this bill.

There was none.

Upon a motion of Ms. Shimabuku, seconded by Vice Chair Hasegawa, it was voted on and unanimously carried to oppose this bill as written.

f. S.B. 2569 – RELATING TO THE UNIFORM INFORMATION PRACTICES ACT

*Allows any number of members of a board to attend an informational meeting or presentation on matters relating to official board business and conduct private meetings with legislators without meeting public meeting requirements.*

Chair Fujimoto asked if there was any public comment regarding this bill.

There was none.

EO Matsushima gave a brief summary of the bill.

Chair Fujimoto asked the Board if they had any comments on this bill.

There was none.

It was the consensus of the Board to take no position on this bill.

g. S.B. 2773 – RELATING TO OPIOIDS

*Requires providers authorized to prescribe opioids to discuss with patients certain risks associated with controlled substances that are opioids prior to issuing initial opioid prescriptions for the treatment of acute pain. Requires providers to include a note acknowledging the discussion of the risks associated with opioids in the patient's medical record.*

Chair Fujimoto asked if there was any public comment regarding this bill.

There was none.

EO Matsushima gave a brief summary of the bill.

Chair Fujimoto asked the Board if they had any comments on this bill.

There was none.

It was the consensus of the Board to take no position on this bill.

h. S.B. 2997 – RELATING TO HEALTH

*Requires certain water suppliers to adjust the levels of fluoride in public water systems. Requires the Department of Health to provide technical assistance. Requires reports to the Legislature on compliance, and on the procurement of dental care insurance by residents of this State. Becomes void when 100% of the residents of this State have either obtained or affirmatively rejected dental care insurance, pursuant to a proclamation issued by the Governor.*

Chair Fujimoto asked if there was any public comment regarding this bill.

There was none.

EO Matsushima gave a brief summary of the bill.

Chair Fujimoto asked the Board if they had any comments on this bill.

There was none.

It was the consensus of the Board to take no position on this bill.

6. Public Comment  
On Matters  
Related to the  
Board of  
Dentistry:

Chair Fujimoto asked if there were any public comments on matters related to the Board of Dentistry.

There was none.

7. Applications:

a. Ratifications

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

- Approved Dentist License

DT 2844 NATHAN M SMITH  
DT 2845 BRENT T HONDA  
DT 2846 SUNG R CHOI

Upon a motion by Vice Chair Hasegawa, seconded by Ms. Shimabuku, it was voted on and unanimously carried to take the agenda out of order to discuss the following agenda item:

- 7. Applications, d. Renewal Application for Dentist License, 1) Jonathan Mah (DT-1617).

7. Applications: d. Renewal Application for Dentist License

1) Jonathan Mah (DT-1617)

Chair Fujimoto asked Dr. Mah if he had anything to say to the Board.

Dr. Mah said no.

Executive Session:

At 10:06 a.m., upon a motion by Dr. Chu, seconded by Ms. Shimabuku, it was voted on and unanimously carried to move into executive session pursuant to HRS § 92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both".

Guests were excused from the meeting room.

At 10:11 a.m., it was moved by Ms. Arrington, seconded by Dr. Tseu, and unanimously carried to move out of executive session.

Upon a motion by Dr. Wessberg, seconded by Dr. Chu, it was voted on and unanimously carried to approve Dr. Mah's license restoration.

Chair Fujimoto informed Dr. Mah that the license restoration will be effective as of February 10, 2020. He stated that the continuing education ("CE") hours used to fulfill the CE requirement for the license restoration cannot be used again for the 2021 license renewal.

EO Matsushima noted that the Licensing Branch will have to process the license restoration. She stated if Dr. Mah wishes to check on the status of his restoration, he would need to follow up with the Licensing Branch. She suggested giving them at least a few days to process before checking.

The Board returned to its regular order of business.

Executive Session:

At 10:13 a.m., upon a motion by Dr. Chun, seconded by Dr. Tseu, it was voted on and unanimously carried to

move into executive session pursuant to HRS § 92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both".

Guests were excused from the meeting room.

At 10:41 a.m., it was moved by Ms. Shimabuku, seconded by Ms. Tanaka, and unanimously carried to move out of executive session.

b. Application for Permit to Administer Deep Sedation/General Anesthesia and Moderate Sedation

1) Nathan Smith (DT-2844)

Upon a motion by Dr. Chun, seconded by Ms. Arrington, it was voted on and unanimously carried to approve Dr. Smith's application.

c. Renewal Application for Dental Hygienist License

1) Crystal Weinstock (DH-1808)

Upon a motion by Vice Chair Hasegawa, seconded by Dr. Chu, it was voted on and unanimously carried to defer Ms. Weinstock's renewal application for dental hygienist license pending submission of additional documentation.

d. Renewal Application for Dentist License

2) Albert Yamamoto (DT-946)

Upon a motion by Dr. Wessberg, seconded by Dr. Chu, it was voted on and unanimously carried to direct the EO to inform Dr. Yamamoto that the Board will not grant a waiver of the CE requirement, therefore, he will need to comply with the CE renewal/restoration requirement for the biennial renewal period of January 1, 2018 to December 31, 2019.

Recess: At 10:43 a.m., Chair Fujimoto called for a recess.

Reconvene: At 10:54 a.m., the Board reconvened their meeting.

At this time, Chair Fujimoto announced he was taking the agenda out of order to discuss the following deferred agenda item:

- 2. Old Business, a. Discussion on Proposed Rule Amendments to Hawaii Administrative Rules Chapter 16-79.

2. Old Business: a. Discussion on Proposed Rule Amendments to Hawaii Administrative Rules Chapter 16-79

EO Matsushima stated that there is a proposed a definition of “hospitalization” as “formal admission into a hospital for in-patient care, provided that treatment in an emergency room by itself shall not constitute “hospitalization”. She informed the Board that this definition is the result of a RICO case in which the patient fell into a coma at the dentist’s office. The dentist called 911. The patient went to the ER where she regained consciousness and returned home. The patient later complained to RICO. RICO checked with the EO if what happened would be considered hospitalization as there is no definition. The DAG suggested adding a definition. She checked with the Medical Board and they do not have a definition. She did some research and after discussion with the DAG, they came up with the proposed definition.

Dr. Wessberg said he approves of the proposed definition.

EO Matsushima said if the Board is okay with the definition, it will be added to the rules packet with the language that was previously approved regarding recordkeeping, CE and the availability of dental records. She noted that the definition will be inserted into section §16-79-75.

Vice Chair Hasegawa noted that historically, in other states, similar definitions are in the anesthesia section, not with the general definitions.

Dr. Wessberg expressed concern that requiring dentists to report ER visits may make them reluctant to call 911 for fear of repercussions on their license.

EO Matsushima noted that many cases come to the Board because of incidents reported by insurance companies. Those reports are referred to RICO for further investigation.

By consensus, the Board approved the addition of the “hospitalization” definition to the Board’s proposed rules draft.

EO Matsushima stated the next proposed amendment is a new section to include a requirement to comply with the anesthesia checklist.

By consensus, the Board approved the addition of the new section.

EO Matsushima stated the next amendment for discussion is the anesthesia fees. Currently, the Board is charging a \$100 permit fee but no fee for inspection. There should be an \$80 inspection fee, therefore, applicants should be paying a total of \$180. In addition, if a licensee wants to renew the anesthesia privilege, they would be charged \$80 for a renewal inspection.

Dr. Wessberg noted that there are dental offices where multiple dentists perform anesthesia. He asked if each doctor would be required to get an inspection.

Vice Chair Hasegawa said yes.

Dr. Chun questioned how the Board would know if the facility is modified.

EO Matsushima said the Board would not know unless it is reported or during the renewal inspection.

Dr. Wessberg suggested that the facility permit be separate from the license.

EO Matsushima said there will still be a dentist application and a anesthesia permit application. The DAG is concerned that the Board will not know if the anesthesiologist or CRNA is no longer associated with the facility so he is suggesting a separate application if the dentist wants to use a CRNA or anesthesiologist to administer anesthesia.

Dr. Wessberg noted that the concept of the nomadic anesthesiologist or dental anesthesiologist is not the purpose of this.

EO Matsushima noted that the Board never dissolved their Anesthesia Permitted Interaction Group ("PIG") which currently consists of Dr. Hasegawa and Dr. Ota. They can look into issues concerning anesthesia.

Vice Chair Hasegawa suggested that Chair Fujimoto and Dr. Wessberg join the Anesthesia PIG.

EO Matsushima said she believes the PIG is limited to three board members.

Chair Fujimoto said he would be fine with adding Dr. Wessberg.

Dr. Wessberg agreed.

Upon a motion by Vice Chair Hasegawa, seconded by Ms. Shimabuku, it was voted on and unanimously carried to add Dr. Wessberg to the Board's Anesthesia Permitted Interaction Group ("PIG") and direct the PIG to work on revising the anesthesia language.

EO Matsushima noted the remaining revisions are concerning guidelines for anesthesia permit applications and renewal of those permits. Vice Chair Hasegawa wrote down things that the inspectors encountered during the renewal process. These documents should be reviewed for the next round of discussions.

Vice Chair Hasegawa noted the purpose of the revisions is to ensure consistency. Also, the Board needs to make sure all of the required equipment is in each facility.

EO Matsushima said she will provide the Board with a revised copy of the proposed rules that includes the changes approved today.

Vice Chair Hasegawa asked if the proposed changes include a content requirement for ethics courses.

Dr. Wessberg noted that HDA gave an ethics course on death and dying in which the dentist was basically an observer.

EO Matsushima said hopefully, the Board can move forward on the proposed rule amendments.

Dr. Wessberg asked if there is a permit for the facility.

EO Matsushima said the Board does not permit facilities. The Board issues a permit to the dentist to perform anesthesia in a specific facility.

Dr. Wessberg asked how a facility permit could be created.

EO Matsushima said it would have to be created by the Administration.

Dr. Wessberg noted that there is no way for the public to know where permitted facilities are located.



EO Matsushima stated that currently, the licensing database does not allow the address of the facility to be captured.

The Board returned to its regular order of business.

8. Next Board Meeting: Chair Fujimoto announced the next meeting as:

Monday, March 9, 2020  
9:00 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

10. Adjournment: It was moved by Ms. Shimabuku, seconded by Dr. Tseu, and unanimously carried to adjourn the meeting at 11:43 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima

/s/ Jennifer Fong

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Sandra Matsushima  
Executive Officer

\_\_\_\_\_  
Jennifer Fong  
Secretary

SM:jaf

2/24/2020

[  ] Minutes approved as is.

[  ] Minutes approved with changes; see minutes of \_\_\_\_\_.