

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

MINUTES OF MEETING¹

Date: May 17, 2021

Time: 10:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

Present: Earl Hasegawa, D.D.S., Chair, Dental Member
Dennis Nagata, D.D.S., Vice Chair, Dental Member
Wallace Chong, III, D.D.S., Dental Member
Wesley Choy, D.D.S., Dental Member
Joseph Chu, D.D.S., Dental Member
Paul Guevara, D.M.D, M.D.S., Dental Member
Joy Shimabuku, Public Member
Sharon Tanaka, Public Member
Andrew Tseu, D.D.S., Dental Member
Joyce Yamada, Ed.D., R.D.H., Dental Hygiene Member
Bryan Yee, Esq., Deputy Attorney General (“DAG”)
Sandra Matsushima, Executive Officer ("EO")
Erin Emerson, Secretary
Stephanie Karger, Tech Support
Christine Dela Cruz, Tech Support
Jenny Yam, EO
Rochelle Araki, EO

Excused: Pearl Arrington, R.D.H., Dental Hygiene Member
George Wessberg, D.D.S., Dental Member

Zoom Webinar
Guests: Bayan Ferdowsi
drjaws
Andria Thorson
DFujii
Ellie Kelley-Miyashiro
Melissa Pavlicek
Dr. Jason Parli
Danielle C
SF
Debra Allen
Matthew Glans
Carlos Ruiz

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.

Ricardo E. Fernandez
Paul Chung
Regina Nguyen
Hawaii Public Policy Advocates
Alayna M DeBina
Gerraine
Kiyo Noguchi
Kaeo Everett
Kim Nguyen - HDA

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by §92-7(b), Hawaii Revised Statutes ("HRS").

A short video was played to explain the meeting procedure and how members of the public could participate in the virtual meeting.

1. Call to Order: There being a quorum present, Chair Hasegawa called the meeting to order at 10:07 a.m.

2. Roll Call: Chair Hasegawa welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present, with the exception of Ms. Arrington and Dr. Wessberg who were excused from the meeting.

At this time, Chair Hasegawa announced the Board's procedural format for agenda matters and stated that the meeting will end no later than 12:00 p.m.

3. Approval of Board Meeting Minutes and Executive Session Minutes of March 8, 2021: Chair Hasegawa asked the Board members if there were any comments or concerns regarding the open session minutes or executive session minutes of March 8, 2021.

Ms. Tanaka requested the following amendment to the open session minutes:

On page 1, Zoom Webinar Guest Kim Nguyen – HAD should read “Kim Nguyen – HDA”.

Upon a motion by Dr. Guevara, seconded by Vice Chair Nagata, it was voted and unanimously carried to approve the March 8, 2021 open session minutes, with amendment, and executive session minutes, as is.

4. New Business: a. Application for Program Sponsor Agreement for CE

1. Sensory Informed Pediatric Practice – Dental Professionals Course
Sponsor: Sensory Informed Pediatric Practice CEUs, LLC (2 CE hours)
Course Date: On-Demand Webinar

Chair Hasegawa asked if the Board had any comments or questions regarding the application.

There being none, it was moved by Vice Chair Nagata, seconded by Dr. Chu, and unanimously carried to approve the Application for Program Sponsor Agreement from Sensory Informed Pediatric Practice CEUs, LLC.

2. Complex Care Mastery for Clinicians: A Multi-Specialty Seminar
Sponsor: Fortune Management (7 CE hours)
Course Date: June 25, 2021

Chair Hasegawa asked if the Board had any comments or questions regarding the application.

There being none, it was moved by Vice Chair Nagata, seconded by Dr. Chu, and unanimously carried to approve the Application for Program Sponsor Agreement from Fortune Management.

- b. Letter from Kannan Ramar, MD, AASM President, The American Academy of Sleep Medicine, American Thoracic Society, American Academy of Neurology, and American Academy of Otolaryngology – Head and Neck Surgery expressing concerns regarding a recently published position statement issued by the American Academy of Dental Sleep Medicine on the use of home sleep apnea tests (HSATs) by dentists for the diagnosis of obstructive sleep apnea.

Chair Hasegawa asked if there were any questions or comments from the Board.

Vice Chair Nagata commented that an obstructive sleep apnea (“OSA”) diagnosis must come from the physician and that dentists cannot make a diagnosis.

EO Matsushima advised that she researched past Board

discussions involving sleep apnea and the Board's position has always been in line with Vice Chair Nagata's comments; Dentists can use the HSAT for treatment, however they must refer to the physician for diagnosis of OSA.

There being no other comments from the Board, it was concurred that the discussion today would be for informational purposes to re-affirm the Board's position.

- c. Email from Dr. Fujii, Department of Human Services, inquiring whether parents are allowed to apply fluoride varnish as MedQUEST is looking at alternative methods of service delivery.

Chair Hasegawa asked if there were any members from the public wishing to provide testimony on this matter.

Dr. Dan Fujii from MedQUEST advised the Board that MedQUEST does not have a position on the issue. This question has been raised during the ongoing COVID-19 pandemic and MedQUEST would like to know the Board's stance.

Dr. Tseu commented that it would be low risk to have parents provide the application, provided it is prescribed by their dentist with detailed instructions. He cited the ongoing COVID-19 pandemic as a reason for some parents feeling hesitant to bring their children into a dentist office.

Dr. Nagata questioned the delivery method of the fluoride varnish.

Ms. Shimabuku asked if the fluoride varnish was pre-packaged.

EO Matsushima asked if the fluoride varnish was being filled as a prescription.

Dr. Nagata pondered the concentration of the fluoride varnish. He asked Dr. Fujii if he could provide more information on the delivery method and dosage of the fluoride varnish being prescribed.

Dr. Fujii replied that he was not sure if fluoride varnish was on a formulary, so rather than prescribing, dentists would be distributing the product they had on hand. Method of delivery would be up to the private practitioners. Dr. Fujii questioned whether a parent/guardian could apply fluoride considering dental assistants are restricted from the practice. He also noted

that parents/guardians are not Medicaid providers.

Ms. Tanaka questioned whether reimbursement from insurance for the treatment is linked to administration and/or prescribing of the fluoride varnish.

Dr. Fujii explained that MedQUEST would look into reimbursement if the Board makes a decision in support.

Dr. Guevara recommended that the Board wait for more information on the particulars of the situation since the request is for parents to use a varnish on their children, which is not allowed by dental assistants.

Chair Hasegawa stated that the Board will defer the discussion until they receive more details or a more specific situation.

5. Ongoing Business:

Board of Dentistry, Licensee Renewal for January 1, 2022 to December 31, 2023

- a. Administration of General Anesthesia, Deep Sedation, or Moderate (Conscious) Sedation – Facility Inspections for Renewal
 - 1) 5A Applicants Packet
 - 5A – Guidelines for Sedation Permit – Applicants
 - Anesthesia Site Inspection – Evaluation Sheet (SAMPLE)
 - EXHIBIT A – Evaluation Checklist (SAMPLE)
 - Hawaii Revised Statutes – Chapter 448 Sections 28, 29, 30
 - Hawaii Administrative Rules – Chapter 16-79 Subsection 8
 - 2) 5B Evaluators Packet
 - 5B – Guidelines for Volunteer Evaluators
 - Introduction
 - Anesthesia Site Inspection – Evaluation Sheet
 - EXHIBIT A – Evaluation Checklist
 - Hawaii Revised Statutes – Chapter 448 Sections 28, 29, 30
 - Hawaii Administrative Rules – Chapter 16-79 Subsection 8
 - 3) Web Update – Important Notice – May 2021
 - 4) Postcard – Mail out Fall 2021
 - 5) Current List of Volunteer Evaluators

Chair Hasegawa requested that the agenda be amended to include the "Introduction" listed in "5B Evaluators Packet" in the "5A Applicants Packet":

1. 5A Applicants Packet
 - 5A – Guidelines for Sedation Permit – Applicants
 - Introduction
 - Anesthesia Site Inspection – Evaluation Sheet (SAMPLE)
 - EXHIBIT A – Evaluation Checklist (SAMPLE)
 - Hawaii Revised Statutes – Chapter 448 Sections 28, 29, 30
 - Hawaii Administrative Rules – Chapter 16-79 Subsection 8

Upon a motion by Dr. Guevara, seconded by Ms. Shimabuku, it was voted and unanimously carried to approve the amendment to the agenda.

Upon a motion by Dr. Tseu, seconded by Ms. Shimabuku, it was voted and unanimously carried to approve the 5A Applicants Packet (with amendment), 5B Evaluators Packet, Web Update – Important Notice – May 2021, Postcard – Mail out Fall 2021, and Current List of Volunteer Evaluators.

- b. Discussion and approval of a waiver allowing for completion of all continuing education courses through virtual means due to undue hardship from the pandemic, pursuant to Hawaii Administrative Rules §16-79-147 Waiver or modification of requirements, for the biennial renewal period of January 1, 2020 to December 31, 2021.

EO Matsushima explained that this item was placed on the agenda so the Board could more efficiently authorize a blanket approval for CE courses taken via computer during the COVID-19 pandemic. Pursuant to Hawaii Administrative Rules ("HAR") §16-79-141(d), a maximum of 8 CE hours are allowed to be completed "via computer". Further, the HAR allows the Board to grant a modification or waiver of the CE requirements due to undue hardship, pursuant to §16-79-147(a)(5).

Dr. Chu's camera became obstructed at 10:33 a.m.

EO Matsushima explained that with this blanket waiver, licensees would not be required to submit individual waivers upon being audited. If the Board granted this approval, it would be in effect for CE courses taken during the January 1, 2020 to December 31, 2021 renewal biennium only.

Chair Hasegawa explained that the assumption is that most licensees have endured a hardship due to the COVID-19 pandemic and, if audited, will ask for a waiver. Approval of the waiver does not change the Board's position that licensees are required to take the appropriate number and types of CE courses. If approved, the Board would not make a distinction between live webinar and other courses including, correspondence courses.

Chair Hasegawa asked if there were any members from the public wishing to provide testimony on this matter.

Melissa Pavlicek of the Hawaii Dental Association ("HDA") advised that although they had already sent a letter to the Board in support of this agenda item, she wanted to verbally show support for either individual or group waivers. She further commented that the HDA would be open to working with the Board to update the HAR wording regarding online courses.

Ellie Kelley-Miyashiro with the Hawaii Dental Hygienist Association ("HDHA") commented that they are in support of approving this agenda item. She questioned whether the live component of CPR courses would be included in this waiver.

After some discussion amongst the Board members, EO Matsushima and DAG Yee, it was concluded that since the current wording of the waiver does not limit the type of CE, this wording would be interpreted to include Basic Life Support ("BLS"), Advance Cardiac Life Support ("ACLS") and Pediatric Advanced Life Support ("PALS") courses.

Dr. Chu's camera became unobstructed at 10:46 a.m.

Upon a motion by Ms. Shimabuku, seconded by Vice Chair Nagata it was voted and unanimously carried to approve a waiver allowing for completion of all

continuing education courses through virtual means due to undue hardship from the pandemic, pursuant to Hawaii Administrative Rules §16-79-147 Waiver or modification of requirements, for the biennial renewal period of January 1, 2020 to December 31, 2021.

6. Chapter 91, Adjudicatory Matters:

Chair Hasegawa called for a recess from the Board's meeting at 10:52 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS (note: Board members and staff entered into Microsoft Teams):

- a. In the Matter of the License to Practice Dentistry of MICHAEL R. FURGESON; DEN-2018-45-L; Board's Final Order

After discussion, it was moved by Ms. Shimabuku, seconded by Dr. Nagata and unanimously carried to approve the above referenced Board Final Order.

- b. In the Matter of the License to Practice Dentistry of CHRISTOPHER K. CHOW, D.D.S.; DEN-2019-31-L; Request to approve settlement agreement

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

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair Hasegawa announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 11:02 a.m. Board members and staff returned to the Zoom meeting.

7. Applications:

a. Ratifications

It was moved by Ms. Shimabuku, seconded by Dr. Nagata, and unanimously carried to ratify approval of the following dentist licenses, dental hygienist licenses, and certification in the administration of intra-oral block anesthesia:

• Approved Dentists

DT-2877 MICHELLE U WILD
DT-2878 DANA A T ADACHI
DT-2879 LAUREN R OPSAHL
DT-2880 BRADLEY T HAWKINS
DT-2881 ERICA P LEONE

DT-2882 JISU KIM
DT-2883 RODNEY N NISHIMOTO
DT-2884 ANGELYN A DE GUZMAN
DT-2885 KHEALYNN F HARRIS
DT-2886 MAX M UYEDA
DT-2887 MICHAEL T HIRONAKA
DT-2888 HEATHER LYNN HAYS
DT-2889 ROHIT SAHDEV
DT-2890 ANITA TRIEU
DT-2891 VIACHESLAV LITVINENKO
DT-2892 STEVEN W MCDANIEL
DT-2893 JAYDENE T MCDANIEL
DT-2894 BRIAN J ROSS
DT-2895 PHIANH L WALDON

- Approved Dental Hygienists

DH-2289 REBECCA N KINDLE
DH-2290 MANDY J MCCDUDDIN
DH-2291 KAYLEE A BEAVER

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

DH-2290 MANDY J MCCDUDDIN

Chair Hasegawa asked if there were any members from the public wishing to provide testimony on the applications listed on the agenda for Board review.

Bayan Ferdowsi advised the Board that he had inadvertently checked the incorrect box on his application. He apologized and expressed that he had no ill intentions in doing so.

Jason Parli greeted the Board.

Chair Hasegawa told Dr. Parli that although he is listed on the agenda for review, it had come to the Board's attention that his application was incomplete. He advised Dr. Parli to reach out to the EO Matsushima after the meeting to discuss.

Dr. Parli provided his work and personal history, and advised that he would connect with EO Matsushima after the meeting to address any issues with his application.

Andria Thorson addressed the Board and provided information on her personal background. She went on to advise that since the last

meeting she had submitted the document requested from EO Matsushima.

Benjamin Rotwein (drjaws) provided the Board with personal history pertaining to his application.

Danielle Curry explained to the Board that she had submitted all documents requested, but if they required more, she will be able to provide them.

At 11:23 a.m., it was moved by Ms. Shimabuku, seconded by Dr. Guevara, and unanimously carried for the Board to enter executive session in 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 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". Board members and staff entered into Microsoft Teams.

EXECUTIVE SESSION

At 11:53 a.m., it was moved by Ms. Shimabuku, seconded by Dr. Guevara, and unanimously carried to move out of executive session. Board members and staff returned to the Zoom Webinar meeting.

Ms. Shimabuku asked DAG Yee why the votes were taken during the executive session, rather than in open session.

DAG Yee stated that the vote took place in executive session because there was private information included in some of the votes.

Chair Hasegawa provided the decisions on the following applications:

b. Application for License – Dentist*

1. Benjamin Rotwein

It was moved by Dr. Guevara, seconded by Ms. Shimabuku and unanimously carried to approve the above referenced application for dentist license.

2. Bayan Ferdowsi

It was moved by Ms. Shimabuku, seconded by Vice Chair Nagata and unanimously carried to refer the application for dentist license to EO Matsushima for clarification.

3. Jason Parli

It was moved by Dr. Guevara, seconded by Dr. Tseu and unanimously carried to defer the above referenced application for dentist license.

c. Application for License – Dental Hygienist*

1. Andria Thorson

It was moved by Dr. Guevara, seconded by Dr. Tseu and unanimously carried to approve the above referenced application for dental hygienist license.

2. Chelsea Amrein

It was moved by Vice Chair Nagata, seconded by Ms. Shimabuku and unanimously carried to approve the above referenced application for dental hygienist license.

d. Application for Certification in the Administration of Intra-Oral Block Anesthesia*

1. Danielle Curry

It was moved by Dr. Guevara, seconded by Ms. Shimabuku and unanimously carried to approve the above referenced application for certification in the administration of intra-oral block anesthesia.

e. Application for Community Service License – Dentist*

1. Regina Nguyen

It was moved by Dr. Guevara, seconded by Ms. Shimabuku and unanimously carried to approve the above referenced application for community service license – dentist.

8. Executive Officer's Report:

a. Appreciation to Outgoing Board Members

EO Matsushima, as well as the other Board members, expressed her gratitude to Vice Chair Nagata, Ms. Shimabuku and Ms. Arrington for their work on the Board.

9. Next Meeting:

Monday, July 19, 2021

10:00 a.m.

Location: Virtual Videoconference – Zoom Webinar

10. Adjournment: The meeting adjourned at 11:59 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima

/s/ Erin Emerson

Sandra Matsushima
Executive Officer

Erin Emerson
Secretary

SM:ee

5/28/21

[x] Minutes approved as is.

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