

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

MINUTES OF MEETING¹

Date: July 19, 2021

Time: 10:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

Present: Earl Hasegawa, D.D.S., Chair, 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
George Wessberg, D.D.S., Dental Member
Sharon Tanaka, Public Member
Andrew Tseu, D.D.S., Dental Member
Joyce Yamada, Ed.D., R.D.H., Dental Hygiene Member
Katherine Fukushima, R.D.H., Dental Hygiene Member
Bryan Yee, Esq., Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer ("EO")
Erin Emerson, Secretary
Christine Dela Cruz, Tech Support
Kawehi Mau, Tech Support

Excused: Wallace Chong, III, D.D.S., Dental Member

Zoom Webinar
Guests: Arya Tiu Dadashzadeh
Chris Chow
CRDTS, Inc.
Danny Cup Choy
Debra Allen
Dr. Carlos Ruiz
Katie W
Kim Laudenslager
Kim Nguyen – HDA
SF
Stefanik Simard Lebel
Davidshirecliffe
Sarah Mindlin
Gayle Chang

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.

- 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 introduced the newest Board member, Katherine Fukushima, and thanked her for volunteering her time.

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 Dr. Chong who was 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. Election of Officers: The floor was opened for nomination for the office of Chairperson and Vice-Chairperson.

Ms. Tanaka nominated Dr. Hasegawa as Chairperson and Dr. Guevara as Vice-Chairperson.

There being no other nominations, it was moved by Ms. Tanaka, and seconded by Dr. Choy, to re-elect Dr. Hasegawa as Chairperson.

There being no other nominations, it was moved by Ms. Tanaka, and seconded by Dr. Chu, to elect Dr. Guevara as Vice-Chairperson.

The Board voted and it was unanimously carried to re-elect Dr. Hasegawa as Chairperson and elect Dr. Guevara as Vice-Chairperson.
 4. Approval of Board Meeting Minutes and Executive Session Chair Hasegawa asked the Board members if there were any comments or concerns regarding the open session minutes or executive session minutes of May 17, 2021. There were none.

Upon a motion by Dr. Tseu, seconded by Vice-Chair Guevara, it

Minutes of was voted and unanimously carried to approve the May 17, 2021
May 17, 2021: open session minutes and executive session minutes.

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

1. Self-Ligation Bracket Systems Introduction and Review
Sponsor: American Orthodontics (4 CE hours)
Course Date: August 27, 2021

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

There being none, it was moved by Vice-Chair Guevara, seconded by Dr. Tseu, and unanimously carried to approve the Application for Program Sponsor Agreement from American Orthodontics.

- b. Email inquiry from Dr. Carlos Ruiz regarding licensure by credentials.

Chair Hasegawa asked if there were any members from the public, including Dr. Carlos Ruiz, wishing to provide testimony on this matter.

Dr. Carlos Ruiz introduced himself and gave a brief personal background. He advised that upon inquiring with the Board previously about why they do not accept licensure by credentials, he was told that the Board could not override the wording of the HRS. Dr. Ruiz noted that the HRS specifically requires passage of the American Board of Dental Examiners ("ADEX") exam.

"448-9.4 American Board of Dental Examiners (ADEX) examination; regional examinations. An applicant shall take and pass the ADEX examination, and neither the state examination nor any regional examination shall be accepted."

Dr. Ruiz explained that he discussed HRS 448-9.4 with his local State Representative, Sean Quinlan. He was advised by Rep. Quinlan that if the Board were to support a change to HRS 448-9.4, he would introduce it to the State Legislature.

Dr. Ruiz stated that there are currently 46 states that allow for licensure by credentials. He advised that the American Dental Association ("ADA") published a paper titled

“Licensure by Credentials”, and he read the following excerpt:

“The ADA supports licensure by credentials. ADA policy states that requiring a candidate who is seeking licensure in several jurisdictions to demonstrate his or her theoretical knowledge and clinical skill on separate examinations for each jurisdiction seems unnecessary duplication. Further, the ADA believes that an evaluation of a practicing dentist’s theoretical knowledge and clinical skill based on his or her performance record can provide as much protection to the public as would an evaluation based on examination.”

Dr. Ruiz noted that in the State of Hawaii, a Community Service Dentist (“CSDT”) license does not require passage of the ADEX exam for licensure. He stated that if the Board believes passage of the ADEX is imperative to prove the competency of a dental applicant, then the State of Hawaii is functioning on a two (2) tiered system; one in which Native Hawaiian healthcare system participants receiving treatment from CSDTs are receiving sub-par care.

Dr. Ruiz opined that dental specialists (such as Endodontists, Periodontists, Orthodontists, etc.) should not be required to pass a general dentistry exam for licensure. He noted that they have already completed post-graduation specialized training in their specific field of practice and would not be providing generalized dental care to patients.

Dr. Ruiz pointed out that if experienced dentists are not willing to take the steps required in the HRS for licensure, then the State of Hawaii dental community would not have the opportunity to benefit from their knowledge and expertise. He surmised that in this age of technology, vetting an applicant based on credentials should be easier than in the past.

Dr. Ruiz concluded by requesting the Board to support himself and Rep. Quinlan as they work to introduce legislation regarding licensure by credentials for dental applicants in the State of Hawaii.

Chair Hasegawa asked if there were any questions or comments from the Board. There being none, Chair Hasegawa advised that the Board would not take a position regarding licensure by credentials at this time. He thanked Dr. Ruiz for the presentation and advised that it would be

noted in the meeting minutes for informational purposes.

6. Applications:

a. Ratifications

It was moved by Vice-Chair Guevara, seconded by Ms. Tanaka, and unanimously carried to ratify approval of the following dentist licenses, dental hygienist licenses, certification in the administration of intra-oral block anesthesia, temporary dentist licenses, and community service dentist license:

- Approved Dentists

DT-2896 IRENA TODOROVA
DT-2897 AZIN SAYAH
DT-2898 BENJAMIN I ROTWEIN
DT-2899 BAYAN FERDOWSI
DT-2900 EUGENE SALAZAR
DT-2901 HENRY C YIM
DT-2902 MADALYN A JOHNSON
DT-2903 CHLOEY L JONES
DT-2904 TIMOTHY J CHUANG
DT-2905 HA VAN T NGUYEN
DT-2906 CHRISTIE LAUREN DANG
DT-2907 CHRISTOPHER ROBERT CHUCK DDS
DT-2908 CRYSTAL C RAMDEO
DT-2909 JESSICA ROSE VO
DT-2910 ERIN BRIGHT WHITE
DT-2911 KRISTIN NICOLE WILSON
DT-2912 KAE O S EVERETT
DT-2913 PAUL CHUNG
DT-2914 BRILEY L MOATES
DT-2915 AARON H KIM
DT-2916 SUSAN K K SHIROMA
DT-2917 LAUREN S LEE

- Approved Dental Hygienists

DH-2292 ROB-ALVIN M GABRIEL
DH-2293 JESSICA JEAN DOMACASSE
DH-2294 CHELSEA LYNN AMREIN
DH-2295 ANDRIA MWD THORSON
DH-2296 DIANA SANTIAGO
DH-2297 JANE OH

DH-2298 TYLER J WETZEL-HAYNES

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

DH-2292 ROB-ALVIN M GABRIEL

DH-2296 DIANA SANTIAGO

DH-2297 JANE OH

- Approved Temporary Dentist License

DTT-349 JOANNA LEE

DTT-350 YELIZAVETA K HERON

DTT-351 JAIMIN DESAI

DTT-352 GRACE Y CHANG

DTT-353 MEGAN K YAMAGUCHI

DTT-354 JILLIAN N TYLER

DTT-355 STEPHEN S SALVADOR

DTT-356 VICTOR B VINH

DTT-357 NICOLE A KOOCHI

DTT-358 KELLY MIKA KATSURA

- Approved Community Service Dentist License

CSDT-106 REGINA P PHUONG NGUYEN

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.

Arya Dadashzadeh greeted the Board and advised that he was available for any questions or concerns the Board may have when reviewing his application.

Stefanik Simard Lebel provided information on her personal and professional background, noting that she had previously held a temporary dental license, and currently holds a CSMT in the State of Hawaii. She advised that there was concern regarding her foreign dental degree, from the University of Montreal ("UdeM"), not being accredited by the Commission on Dental Accreditation ("CODA"). She explained that there has been a reciprocal agreement between CODA and the Commission of Dental Accreditation of Canada ("CDAC") since 1956, and that UdeM has been accredited by the CDAC since 1951.

Dr. Lebel quoted CODA's Evaluation & Operational Policies & Procedures section I.F. Reciprocal Agreement with the Commission on Dental Accreditation of Canada:

"Under this arrangement, the Commissions agree that the educational programs accredited by the other agency are equivalent to their own and no further education is required for eligibility for licensure."

Chair Hasegawa thanked Dr. Lebel for her testimony and advised that the Board has received written testimony on her behalf from Dr. Koa Yamashita, Dr. Brian Higa, Dr. Khealynn Harris, and Dr. Madalyn Johnson.

Kathryn Wiggins addressed the Board and advised that she is available for any questions the Board has for her regarding her application for dental hygiene licensure.

Sarah Mindlin provided the Board with a brief personal and professional history. She advised that she is available for any questions and thanked the Board for their consideration.

At 10:39 a.m., it was moved by Vice-Chair Guevara, seconded by Ms. Tanaka, 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 11:09 a.m., it was moved by Vice-Chair Guevara, seconded by Dr. Chu, and unanimously carried to move out of executive session. Board members and staff returned to the Zoom Webinar meeting.

b. Application for License – Dentist*

1. Arya Dadashzadeh

It was moved by Vice-Chair Guevara, seconded by Dr. Chu, and unanimously carried to approve the above referenced application for dentist license.

2. Stefanik Simard Lebel

It was moved by Vice-Chair Guevara, seconded by Dr. Chu, and unanimously carried by the majority, with the exception of Katherine Fukushima who abstained from voting on the matter, to approve the above referenced application for dentist license.

**Administrative note: The topic of foreign diplomas not accredited by CODA, including those accredited by the CDAC, and those recognized by the CODA, will be on the agenda and discussed at the next Board of Dentistry meeting on Monday, September 20, 2021. Details of the meeting, including the Zoom virtual videoconference link, will be updated on our website closer to the meeting date:
http://cca.hawaii.gov/pvl/boards/dentist/meeting_schedule/*

c. Application for License – Dental Hygienist*

1. Sarah Mindlin

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

2. Kathryn Wiggins

It was moved by Vice-Chair Guevara, seconded by Dr. Chu, 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. Kathryn Wiggins

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

7. Chapter 91,
Adjudicatory
Matters:

Chair Hasegawa called for a recess from the Board's meeting at 11:19 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. Delegation of Approval for Reinstatement Pursuant to RICO Case Number DEN 2019-31-L, Christopher K. Chow, D.D.S.

After discussion, it was moved by Vice-Chair Guevara, seconded by Ms. Tanaka, and unanimously carried to delegate EO Matsushima to approve the processing of Dr. Chow's license reinstatement after completion of settlement terms.

- b. Approval of Continuing Education Courses Pursuant to RICO Case DEN 2020-10-L, Stewart Peter Ahn, D.D.S.

After discussion, it was moved by Vice-Chair Guevara, seconded by Ms. Tanaka and unanimously carried to approve the Continuing Education courses provided by Dr. Ahn.

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 11:27 a.m. Board members and staff returned to the Zoom meeting.

8. Ongoing Business:
 - a. Hawaii Administrative Rules, Title 16, Chapter 79, Proposed Rule Revisions

Chair Hasegawa advised that the Board had received a draft of the rule amendments that had been discussed by Board members, EO Matsushima and DAG Yee at previous Board meetings.

SUBCHAPTER 8 - ANESTHESIA

§16-79-75 Definitions.

The proposed draft included the addition of the definitions of "facility" and "hospitalization" to §16-79-75:

"Facility" means a properly equipped facility that meets all the requirements set forth in the checklist attached here to as Exhibit A."

"Hospitalization" means formal admission into a hospital for in-patient care, provided that treatment in an emergency room by itself shall not constitute "hospitalization."

§16-79-78 Administration of general anesthesia and sedation.

The proposed draft included the addition of the underlined wording to §16-79-78(c):

(c) Prior to the issuance of a written authorization or permit, the board may, at its discretion, require an on-site inspection of the facility, equipment, and personnel to determine whether the facilities and staff requirements have been met. This evaluation to determine whether the facility is adequate and properly equipped, may be carried out in a manner and generally following the guidelines, standards, requirements, and basic principles as described in the current American Association of Oral and Maxillofacial Surgeons Office Anesthesia Manual. The inspection and evaluation shall be carried out by a team of consultants appointed by the board. Compliance with the checklist which is attached to these rules as Exhibit A shall constitute a rebuttable presumption that the requirements of this subsection have been met.

Chair Hasegawa asked if there were any members from the public wishing to provide testimony on the above noted amendments.

Danny Cup Choy advised that he was attending the meeting on behalf of the Hawaii Dental Association (“HDA”) and would like to thank the Board for the updates to both the Dental Records and Continuing Education portions of the HAR. He noted that the HDA felt the revisions were important for clarity and ease of communication between dentists and patients, particularly the topic of virtual communications. He welcomed the Board to reach out to the HDA, if they require any assistance with the HAR revisions.

Upon a motion by Vice-Chair Guevara, seconded by Ms. Tanaka, it was unanimously voted to approve the amendments to HAR §16-79-75 and §16-79-78, as written.

SUBCHAPTER 14 – CONTINUING EDUCATION

§16-79-141 Continuing education categories.

Chair Hasegawa summarized the proposed draft changes, advising that they:

- Change the references from BLS – Basic Life Support – to Life Support;
- Clarify the CE hours credited for ACLA and/or PALS to 6 hours per biennium;

- Clarify the ethics requirement from 3 hours annually to 6 hours per biennium;
- Include amendments to CE hours for instructors;
- Amend/clarify the CE course hours acceptable via correspondence;
- Propose a new subsection (e) allowing for live/interactive classes;

The proposed draft included the addition of the underlined wording, and the removal of the [bracketed] wording to §16-79-141:

(a) All eligible CE categories shall be relevant to the care and treatment of patients and shall consist of the following required categories:

(1) Clinical courses:

- (A) Shall be directly related to the provision of oral health care and treatment of patients;
- (B) Shall be comprised of more than one half of the required CE hours per biennium for each dentist; and
- (C) Shall be comprised of more than one half of the required CE hours per biennium for each dental hygienist;

(2) ~~[BLS]~~ Life Support courses:

- (A) Shall be completed, continuously current, and include a hands-on component;
- (B) Shall be sponsored by the American Heart Association, the American Red Cross, or from a sponsoring organization approved pursuant to section 16-79-143;
- (C) Shall be a Basic Life Support for Healthcare Providers course;
- (D) ~~[A dentist administering general anesthesia or moderate sedation shall be required to complete the Advanced Cardiac Life Support course or if treating pediatric patients, the Pediatric Advanced Life Support course; provided that both courses shall be completed if the dentist is treating pediatric patients and minors thirteen years or older;]~~ Shall be limited to a maximum of four CE hours per biennium;
- (E) ~~[Shall be limited to a maximum of four CE hours per biennium; and]~~ A dentist administering general anesthesia or

moderate sedation shall be required to complete the Advanced Cardiac Life Support course or if treating pediatric patients, the Pediatric Advanced Life Support course; provided that both courses shall be completed if the dentist is treating pediatric patients and minors thirteen years or older; provided further that the courses shall be limited to a maximum of six CE hours per biennium; and

(F) All ~~[BLS]~~ life support courses shall not be credited toward fulfilling the clinical course requirements of subsection (a)(1)(B) or (C);

(3) Ethics courses:

(A) Ethics course of at least two hours per biennium for dental hygienists; and

(B) Ethics course of at least ~~[three]~~ six hours per ~~[year]~~ biennium for dentists;

(b) Other eligible categories include:

(1) Non-clinical courses which are related to the practice of dentistry or dental hygiene including, but not limited to, patient management, practice management, ethics and the law;

(2) Volunteer hours:

(A) Participation in the promotion of oral health;

(B) Participation in the licensure examination calibration; and

(C) Shall be limited to a maximum of four CE hours per biennium;

(3) Didactic, clinical or non-clinical oral health instructor's hours; ~~[shall be limited to a maximum of two CE hours per biennium; and]~~

(A) Instructors providing CE courses shall earn two CE hours per hour of instruction up to a maximum of eight CE hours per biennium; and

(B) Instructors providing training to students enrolled in a program that is accredited by the American Dental Association's Commission on Dental Accreditation (CODA) shall receive one CE hour per sixteen hours of instruction, not to exceed eight CE hours per biennium. The hours of participation shall be confirmed by the educational institution and submitted to the dentist in certificate form designating the CE hours earned.

(4) Attendance hours:

(A) During any convention of the ADA and its recognized component organizations or the ADHA and its recognized component organizations; and

(B) Shall be limited to a maximum of two CE hours per biennium.

(c) Courses in estate planning, membership, marketing, business, personal financial planning, and investments shall not be eligible CE categories.

(d) Licensees may satisfy the CE program requirements in the required categories listed in subsection (a)(1) or in the other eligible categories listed in subsection (b) through ~~computer,~~ correspondence courses, or courses presented via ~~other media, such as~~ audio and video tape recording; provided that those courses do not comprise more than eight CE hours.

(e) Courses that are available via electronic devices may be credited toward fulfilling the clinical course requirements if the course is conducted virtually and the attendee is allowed to participate and interact remotely with the instructor in real time.

Katherine Fukushima's camera went off at 11:40 a.m.

Upon a motion by Vice-Chair Guevara, seconded by Dr. Chu, it was unanimously voted to approve the amendments to HAR §16-79-141, as written.

The proposed draft included the addition of subsection §16-79-141.5 under SUBCHAPTER 14 – CONTINUING EDUCATION:

16-79-141.5 Ethics. (a) In addition to the continuing education requirements, dentists shall complete ethics courses of at least six hours per biennium.

(b) Dental hygienists shall complete ethics courses of at least two hours per biennium. These credit hours shall count towards the continue education requirements.

(c) All ethics courses shall be presented by board approved sponsoring organizations listed in section 16-79-142.

Upon a motion by Vice-Chair Guevara, seconded by Dr. Chu, it was unanimously voted to approve the amendments to the HAR by

adding subsection §16-79-141.5, as written.

**Administrative note: a full version of the proposed rules amendment, including the above approved sections, will be compiled in a Draft 1. The Draft 1 version may be available for the Board's approval at their September 2021 meeting or by the November 2021 meeting. Details of the meeting, including the Zoom virtual videoconference link, will be updated on our website closer to the meeting date: http://cca.hawaii.gov/pvl/boards/dentist/meeting_schedule/*

SUBCHAPTER 16 – DENTAL RECORDS

§16-79-149 Retention of Dental Records.

§16-79-150 Availability of Dental Records.

Chair Hasegawa advised that the above noted HAR sections had been previously reviewed by the 2017 Rules Committee. He suggested that since there has been a turnover of Board members, the Board should re-start the discussion from the beginning.

Chair Hasegawa asked if there were any members from the public wishing to provide testimony on the above noted amendments. There were no public comments.

Chair Hasegawa noted that Board members received two (2) versions of the proposed language for the Retention of Dental Records and the Availability of Dental Records. The long version was taken straight from the medical records language, with the substitution of “dentistry” for “medicine”. This draft is the same that was reviewed by the 2017 Rules Committee. Chair Hasegawa said that Hawaii has strict regulation on medical records; with the retention requirement of keeping basic information being twenty-four (24) years. When considering the availability of records, the long version appeared to address situations involving disabled or incapacitated patients.

The Board also received a short version, which had previously been approved by the Board. This draft requires record retention of seven (7) years. Chair Hasegawa noted that this version removes a lot of details regarding availability of records.

Chair Hasegawa explained that he had reached out to Dr. Tseu and asked him to research the topic. He opened the floor to Dr. Tseu. Dr. Tseu advised that while some states require specific dental record retention, others incorporate health care providers into their retention records. Hawaii is the only state that requires retaining basic information for an additional eighteen (18) years. Dr. Tseu

recommended the Board approve a Permitted Interaction Group ("P.I.G.") to research further before presenting the information to the Board.

Katherine Fukushima's camera came back on at 11:47 a.m.

Dr. Tseu voiced his concern that the short version was lacking information regarding minors and destruction of records.

Ms. Tanaka noted that there should be a specific definition as to what is included in a record retention.

Dr. Tseu advised that if the Board voted to form a P.I.G., the group could look into these specific concerns.

After discussion between Board members and DAG Yee to establish group size, Dr. Tseu, Vice-Chair Guevara and Ms. Tanaka volunteered to take part in the P.I.G.

There being no further concerns or comments, it was moved by Dr. Wessberg, seconded by Dr. Tseu, and unanimously voted to approve the implementation of a P.I.G. to discuss the retention and availability of dental records, consisting of Board members Dr. Tseu, Vice-Chair Guevara and Ms. Tanaka.

9. Next Meeting: Monday, September 20, 2021
10:00 a.m.
Location: Virtual Videoconference – Zoom Webinar

10. Adjournment: The meeting adjourned at 11:55 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

8/2/21

[x] Minutes approved as is.

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