

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

MINUTES OF MEETING¹

- Date: March 7, 2022
- Time: 10:00 a.m.
- Place: Virtual Videoconference Meeting – Zoom Webinar
- Present: Earl Hasegawa, D.D.S., Chair, Dental Member
Paul Guevara, D.M.D, M.D.S., Vice-Chair, Dental Member
Wallace Chong, III, D.D.S., Dental Member
Wesley Choy, 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
George Wessberg, D.D.S., Dental Member
Bryan Yee, Esq., Deputy Attorney General (“DAG”)
Sandra Matsushima, Executive Officer (“EO”)
Wilma Balon, Secretary
Rise Doi, Tech Support
- Excused: Joseph Chu, D.D.S., Dental Member
- Zoom Webinar
Guests: Danny Cup-Choy, Hawaii Dental Association
- 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 10:04 a.m.
 2. Roll Call: Chair Hasegawa welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board

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.

members confirmed that they were present, with the exception of Dr. Choy who was experiencing technical difficulties. While he was able to connect through video, he was unable to hear due to audio difficulties. There being a quorum present, the meeting proceeded.

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.

Pursuant to §92-7(d) Hawaii Revised Statutes. Executive Officer propose an amendment to the agenda to add under item number 4. Applications, 4.c. Restoration of license DT-1578, Shawn T Murphy, Requesting a Waiver of the Continuing Education ("CE") Requirements.

It was moved by Dr. Wessberg, seconded by Vice-Chair Guevara, and unanimously carried to approve the amendment to the agenda to add under item number 4. Applications, 4.c. Restoration of dentist license DT-1578, Shawn T Murphy, Requesting a Waiver of the Continuing Education ("CE") Requirements.

Chair Hasegawa Stated the following:

"Because we are conducting this meeting virtually, public testimony is being held a little differently. After each agenda item is presented, I will call for public comment. Testimony will be taken before each agenda item. If you wish to testify, you can then left-click the raised hand icon on your computer or phone found on your Zoom screen. You can find it on most computers at the bottom center of the screen. We will then know you want to provide public testimony."

"We will identify who wants to testify based on who has raised their hand. You will be called in order by the user name you selected, enabled to unmute, and asked to identify yourself. You will then need to unmute your microphone before speaking and mute your microphone after you finish speaking in order to prevent audio feedback. When testifying, you will be asked to identify yourself and the organization, if any, that you represent, then provide your public testimony. Please note that you will NOT be automatically unmuted. You will need to unmute yourself. You will have a maximum of five minutes for your testimony. At the end of five minutes, you will be asked to summarize and conclude. If you have submitted written testimony, we kindly ask that you summarize your

points.”

“PHONE ACCESS:”

“When the Chairperson asks for public testimony, you may indicate you want to testify by entering “*” and then “9” on your phone’s keypad. After entering “*” and then “9”, a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chairperson, you may unmute yourself by pressing “*” and then “6” on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter “*” and then “6” again to mute yourself”

“The public will be able to make comments and give testimony. After that, the Board will be given the opportunity to ask questions, make comments and do decision making if necessary”

3. Legislative Matters:

a. H.B. 1498 Relating to Occupational Licensing

This bill requires the board of dentistry to issue a license by credentials to a practicing dentist who is licensed in another state and meets other specific professional qualification requirements. Expands the required qualifications for dental licensure to include passage of any other nationally recognized clinical examination recommended by the American Dental Association and dental licensure in another state; provided certain requirements are met.”

Chair Hasegawa asked if there were any members from the public wishing to provide testimony on this matter. There were none.

Chair Hasegawa stated that after he close public testimony no further public testimony will be allowed.

Chair Hasegawa asked if there were any questions or comments from the Board. There being none, Chair Hasegawa asked EO Matsushima to update the Board on this bill.

The Board noted that Dr. Choy continue to experience audio difficulty.

EO Matsushima advised that the Board opposed the measure as is which has not change. She further explained that the Board will keep the same position. Thus, this is for informational purposes only.

b. H.B. 1977 H.D. 2 / S.B. 2280 S.D. 2 Relating to Dental Assistants

This bill allows dental assistants to perform limited duties under general supervision of a dentist in public health settings.

Chair Hasegawa asked if there were any members from the public wishing to provide testimony on this matter. There were none.

Chair Hasegawa stated that after he close public testimony no further public testimony will be allowed.

Chair Hasegawa asked if there were any questions or comments from the Board. There being none, Chair Hasegawa asked EO Matsushima to provide a summary of the status of both bills.

EO Matsushima advised that H.B. 1977 H.D. 2 and S.B. 2280 S.D. 2 are companion bills. However, EO Matsushima explained that she compared both version and found that the words are not exactly the same and noted the following:

- H.B. 1977 H.D. 2 on page 1 line 15, section 448-b2, it reads “the dental assistant is working directly with a license dental hygienist”.
- S.B. 2280 S.D. 2 on page 4 line 5, section 448-b2, it reads, “the dental assistant is working under the direction of a dental hygienist license under chapter 447”.
- H.B. 1977 H.D. 2 on page 2 line 5, under proposed section c, it reads, “license dental hygienist who is under the supervision of a”.
- S.B. 2280 S.D. 2 on page 2 line 11, under proposed section c, it reads, “license dental hygienist who is under the general supervision”.

EO Matsushima informed the Board that both bills are moving along and noted the effective dates as follows:

- H.B. 1977 H.D. 2 would take effect as of July 1, 2060
- S.B. 2280 S.D. 2 would take effect as of January 1, 2023

EO Matsushima explained that from the previous meetings, the Board had supported the measure as passage of the bill will allow for increased access to dental care to the most vulnerable and underserved populations in the community.

EO Matsushima further explained that the Department of Health and the Hawaii Oral Health Coalition are also in support of both versions and are happy with either one.

Discussion followed. The Board will continue to support these measures.

4. Applications: a. Ratification

It was moved by Vice-Chair Guevara, seconded by Dr. Tsue, and unanimously carried, with the exception of Dr. Choy who is experiencing audio difficulty to ratify approval of the following dentist licenses, dental hygienist licenses, and certification in the administration of intra-oral block anesthesia:

- Approved Dentist

DT-2956-0	NADIENE O WU
DT-2957-0	KI HONG PARK
DT-2958-0	ESTHER CHOO

- Approved Dental Hygienist

DH-2355-0	NINA K. JOSUE
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- Approved Certification in the Administration of Intra-Oral Block Anesthesia

DH-2355-0	NINA K. JOSUE
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b. Restoration of License DT-2221, Andrew C. Schwartz, Requesting a Waiver of the Continuing Education ("CE") Requirements.

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

No members of the public nor Dr. Schwartz raised their hand to provide testimony.

- c. Restoration of License DT-1578, Shawn T Murphy, Requesting a Waiver of the Continuing Education ("CE") Requirements.

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

No members of the public nor Dr. Murphy raised their hand to provide testimony.

At 10:20 a.m., it was moved by Vice Chair Guevara, seconded by Dr. Chong and unanimously carried, with the exception of Dr. Choy who is experiencing audio difficulty, 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

Applications:

- b. Restoration of License DT-2221, Andrew C. Schwartz, Requesting a Waiver of the Continuing Education ("CE") Requirements.
- c. Restoration of License DT-1578, Shawn T Murphy, Requesting a Waiver of the Continuing Education ("CE") Requirements.

At 10:37 a.m., it was moved by Vice Chair Guevara, seconded by Dr. Wessberg, and unanimously carried, with the exception of Dr. Choy who is experiencing audio difficulty, to move out of executive session. Board members and staff returned to the Zoom Webinar meeting.

Upon returning from executive session, Chair Hasegawa asked EO Matsushima to provide an overview of how the Board has addressed similar issue in the past and what possible options the Board may have regarding request for a waiver of the CE requirement for restoration.

EO Matsushima explained that for restorations, pursuant to Hawaii Administrative Rules, section 16-79-144 (1)(C), a dentist shall complete thirty-two (32) hours of CE credits during the renewal biennium period. As part of the CE requirements, all

licensees shall complete at least once every two years a course in basic life support (“BLS”) for Healthcare Providers, sponsored by the American Red Cross (“ARC”), American Heart Association (“AHA”), or a Board approved sponsor. In addition, EO Matsushima further explained that the Board also requires an additional six hours (6) of ethics training completed during the previous two years, for a total of thirty-eight (38) CE hours per biennium to renew a license.

EO Matsushima noted that on May 17, 2021, the Board voted to grant a blanket waiver allowing for acceptance of all CE course hours completed through virtual means only for the period of January 1, 2020 to December 31, 2021 for the license renewal due to undue hardship from the pandemic, pursuant to HAR section 16-79-147.

EO Matsushima advised that the Board had some cases in the past, where the licensees had requested for CE waiver. She went on to say that the Board considered and had granted modifications, not a complete waiver. She explained that the modification was to allow licensee to take all online CEs.

EO Matsushima explained that if licensee was granted for restoration and does not fulfill the modification, then the Board would refer that licensee to Regulated Industries Complaint Office (“RICO”) for investigation and action taken against their license.

- b. Restoration of License DT-2221, Andrew C. Schwartz, Requesting a Waiver of the Continuing Education (“CE”) Requirements.

After due consideration of the information received, it was moved by Dr. Wessberg, seconded by Dr. Choy, and unanimously carried to deny Dr. Schwartz’s request for a complete waiver of the CE requirement for the restoration of his license DT-2221 and request to complete 38 course hours of CE’s. Additionally, the Board will make an exception and allow for all CE hours taken via virtual means to cure deficiency for the renewal period of January 1, 2020 to December 31, 2021.

- c. Restoration of License DT-1578, Shawn T. Murphy, Requesting a Waiver of the Continuing Education (“CE”) Requirements.

After due consideration of the information received, it was moved by Dr. Wessberg, seconded by Vice Chair Guevara, and unanimously carried to deny Dr. Murphy's request for a complete waiver of the CE requirement for the restoration of his license DT-1578 and request to complete 38 course hours of CE's. Additionally, the Board will make an exception and allow for all CE hours taken via virtual means to cure deficiency for the renewal period of January 1, 2020 to December 31, 2021.

The Board affirmed its decision for both Drs. Schwartz and Murphy pursuant to Hawaii Administrative Rules ("HAR"), Chapter 16-79, Subchapter 14, licensees shall comply with the CE requirements for renewal by completing CE credits from approved sponsors.

A total of 38 course hours shall be completed from Board approved sponsors which include:

- 28 hours of clinical live attended courses. All clinical course hours have a maximum of 8 CE hours taken electronically;
- 6 hours of ethics courses (all ethics course hours may be taken electronically)
- Passage of a CPR/BLS healthcare providers course from an approved sponsor (American Red Cross or the American Heart Association). = 4 hours CE.

Additionally, the Board noted that all courses taken electronically during this previous biennial renewal period will be accepted for the restoration of their license. Presently, all courses taken after the biennial renewal period, from January 1, 2022 to present, will need to be "live" attended course hours to meet the CE requirement. A maximum of 8 hours taken via computer is acceptable for this renewal period.

5. Next Meeting: Monday, April 11, 2022
10:00 a.m.
In-Person: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Virtual
Participation: Virtual Videoconference Meeting – Zoom Webinar

6. Adjournment: The meeting adjourned at 10:48 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima

/s/ Wilma Balon

Sandra Matsushima
Executive Officer

Wilma Balon
Secretary

SM:wb

4/6/2022

[] Minutes approved as is.

[x] Minutes approved with changes; see minutes of 5/16/22