

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

MINUTES OF MEETING¹

Date: January 23, 2023

Time: 10:00 a.m.

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

Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/99760115710>

Present: Paul Guevara, D.M.D, M.D.S., Chair, Dental Member
Andrew Tseu, D.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
Joyce Yamada, Ed.D., R.D.H., Dental Hygiene Member
Craig Yamamoto, D.D.S., Dental Member
Joseph Chu, D.D.S., Dental Member
Staphe Fujimoto, D.D.S., Dental Member
Jonathan Lau, D.D.S., Dental Member
Katherine Fukushima, R.D.H., Dental Hygiene Member
Joy Shimabuku, Public Member
Chelsea Fukunaga, Executive Officer (“EO Fukunaga”)
Sheena Choy, Executive Officer (“EO Choy”)
Bryan Yee, Esq., Deputy Attorney General (“DAG”)
Marc Yoshimura, Secretary

In-Person Guests: Joseph P. Mayer Jr., D.D.S.

Zoom Webinar
Guests: Danielle Curry
Patrick Donnelly, Hawaii Oral Health Coalition

Virtual Meeting
Instructions: A short video regarding virtual meetings was played for attendees.
The Chair provided information on internet and phone access for

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.

today's virtual meeting and announced that today's meeting was being recorded and that the recording will be posted on the Board's web page.

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").

Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 10:09 a.m.

Roll Call: Chair Guevara welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present; those on Zoom confirmed they were present and alone.

Chair's Report: **Announcements**

Chair Guevara announced that although the discussion of legislative bills was already on the agenda, he would just like to amend the agenda to clarify which bills will be discussed: S.B. 162, H.B. 617, S.B. 679, H.B. 519.

Chair Guevara asked for a motion to add these bills to the agenda.

Upon a motion by Vice-Chair Tseu, seconded by Ms. Shimabuku, it was voted on and unanimously carried to add the bills to the agenda.

Chair Guevara clarified that although the Board would be discussing legislative bills, the discussion would be for the purposes of establishing a Board position. While the public is welcome to comment on any agenda item, the appropriate place to testify on any bill is at the legislature. Vice-Chair Tseu mentioned that he will be recusing himself from discussion of S.B. 162 and H.B. 519 because of his involvement with those bills.

Approval of the Minutes of the November 21, 2022 Meeting

Chair Guevara asked if there were any corrections or discussion to the minutes for the November 21, 2022 meeting.

Chair Guevara mentioned a correction needed on page 3, last line of the page, "I would like to hear your insight regarding this topic." Chair Guevara asked if there were any other corrections or discussions.

Seeing none, Chair Guevara asked for a motion to approve the open session minutes of the November 21, 2022 meeting.

Upon a motion by Vice-Chair Tseu, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve the minutes of the November 21, 2022 meeting.

Applications:

Ratification Lists

After reading the license numbers on the ratification lists, Chair Guevara asked if there was any public testimony.

Ms. Tanaka briefly left and returned to her Zoom frame at 10:16 a.m.

Dr. Yamamoto left his Zoom frame at 10:17 a.m.

Attendee Danielle Curry raised her hand and was promoted to panelist.

The Chair welcomed Ms. Curry into the meeting.

Ms. Curry stated that she didn't know if this was the correct portion of the agenda to address her question, but she inquired after the status of her dental hygienist license. Ms. Curry was informed by EO Fukunaga that she would be contacted by the Board's staff after the meeting.

Ms. Curry was returned to an attendee.

Seeing no further public testimony, public testimony was closed. Chair Guevara asked for a motion to approve the ratification lists.

Upon a motion by Dr. Tseu, seconded by Dr. Lau, it was voted on and carried by the majority to approve the following ratification lists:

DTs, license numbers 3042-3056 (14);
DHs, license numbers 2404-2411 (7);
DHs with the Certification in the Administration of Intra-Oral Block Anesthesia, license numbers 2408-2410 (6);
CSDHs, license numbers CSDH-11 (1).

Dr. Yamamoto returned to his Zoom frame at 10:18 a.m.

Applications for License

Chair Guevara asked if there was public testimony.

There being none, he asked if the Board had any discussion.

There being none, the Chair called for a motion.

Upon a motion by Vice-Chair Tseu, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve the following applications:

Dentists

Tuazaon, Ranilo L.

Executive Officer's Report: **Discussion of 2023 Legislative Bills**

Chair Guevara reiterated that the bills they will discuss are: S.B. 162, H.B. 617, S.B. 679, and H.B. 519, with public testimony taken in that order.

S.B. 162

Chair Guevara asked if there were any public comments.

Attendee Joseph P. Mayer, Jr. D.D.S. stated that he would like to address the Board.

Joseph P. Mayer Jr., D.D.S. was invited to share his in-person public comments with regards to S.B. 162. He requested that the Board propose additional language to the bill that would grant the Board the authority to create an exception to the community service dental license (CSDT) to permit a further limited community service license, limited only to diagnosing the existence and extent of decay and the need and benefit for dental sealant as referenced in the November 21, 2022 meeting minutes.

Chair Guevara asked if there were any other public comments. Seeing none, public testimony was closed.

EO Fukunaga asked if anyone had any comments or concerns with regards to the first bill's amendments.

Vice Chair Tseu recused himself from the discussion because of his involvement with the bill and left the room.

Chair Guevara asked DAG Yee if he could help clarify if the wording of the bill regarding community service licenses that references the new Integrated National Board Dental Examination supersedes the previous requirement of part I and part II of the National Board Dental Examination. DAG Yee replied that one would not supersede the other; both are allowable depending on when the applicant applies.

EO Fukunaga asked DAG Yee if it is appropriate to ask for amendments to S.B. 162 to make the language regarding the Integrated National Board Dental Examination consistent. DAG Yee replied in the affirmative, adding that HRS §448-9 could be amended for consistency.

EO Fukunaga asked the Board if they were okay with the inclusion of “community health center” in S.B. 162. The Board indicated their support for this amendment as well as for the request to amend the bills to make the wording of the Integrated National Board Dental Examination consistent across the statute where relevant.

EO Fukunaga asked for the Board’s opinion about the proposed amendments to HRS §448-12(b) regarding acceptance of “Commission on Dental Accreditation (“CODA”) recognized” versus “CODA accredited.”

Chair Guevara reminded the Board that this issue regarding “CODA recognized” versus “CODA accredited” has come before the Board before. For example, some Canadian candidates for residency programs have held “CODA recognized” degrees and applied for licensure, but were denied by the Board because the current laws/rules only allow “CODA accredited” degrees to qualify for licensure.

Chair Guevara clarified that the bill only applies to community service and temporary dental licenses.

EO Fukunaga asked if anyone was opposed to this amendment.

Dr. Yamamoto said that he opposes the insertion of “CODA recognized” and feels the Board should continue to only accept CODA accredited. He said he understands that it would allow a small section of applicants qualify for GPR programs, etc. but for consistency, he feels applicants must have graduated from an American Dental Association (“ADA”) CODA accredited program.

Ms. Fukushima wondered why programs received a “recognized” versus “accredited” status, because there are some schools in other countries that are “accredited” by ADA CODA. She questioned whether programs received a “recognized” designation because they couldn’t pass the commission’s accreditation process.

The Chair replied that there is no way to know why a school received “recognized” versus “accredited” designation as that would be between the school and CODA’s accreditation commission.

DAG Yee clarified that based on his understanding, in Canada, for example, it is impossible to get CODA accreditation because Canada has its own accrediting body, the Commission on Dental Accreditation of Canada (“CDAC”). CODA itself is not in Canada, therefore it does not accredit Canadian schools; this is why CODA recognizes CDAC accredited dental colleges but does not accredit them.

EO Fukunaga agreed with DAG Yee and further clarified that CODA’s “recognized” designation is based on a reciprocal agreement between CODA and CDAC; it seems to be a semantics issue. There is only one international program in Saudi Arabia that is “CODA recognized” outside of Canada.

Dr. Choy asked if CODA has any statement that clarifies what the difference is between “accredited” and “recognized.” For example, if CODA is unable to accredit Canadian schools because their schooling and qualifications are different than what a “CODA accredited” school would be.

DAG Yee said he remembered the Board receiving a letter in the past from CODA regarding a previous applicant that contained a description of what “CODA accredited” versus “CODA recognized” were defined as, but he couldn’t remember the details.

Chair Guevara mentioned the Board could form a P.I.G. (“permitted interaction group”) to research the issue.

Dr. Choy noted that the community service licenses are temporary in nature. He questioned whether the programs that accept candidates under these conditions are aware of the issue with “CODA accredited” versus “CODA recognized.” He stated that he has an issue if candidates from “CODA recognized” colleges are not equally qualified as those from “CODA accredited” programs.

Chair Guevara said that they cannot speak for the directors of programs, but in the past, applicants have read the Board's laws and found they were not qualified for Hawaii licensure.

Chair Guevara mentioned one outlier instance when a Canadian applicant from a "CODA recognized" program was granted a license, but emphasized that this was issued in error. He wondered whether this was part of the reason other Canadian applicants mistakenly believed they would also qualify for licensure.

EO Fukunaga pointed out that community service and temporary dental licensees still need to be working under the supervision of a licensed dentist. She asked if the Board's opinions would be affected at all by the fact that these licensees would not be working independently.

Ms. Tanaka commented that she would like to clarify once and for all the difference between "accredited" and "recognized" so that the Board can be guided in future decision making.

Chair Guevara replied that a P.I.G. could be formed to do so.

DAG Yee asked Ms. Tanaka to clarify if she was asking for the exact policy or for the latest decision by the Board.

Ms. Tanaka clarified that because this issue has come up multiple times, she'd like official confirmation of what constitutes "CODA accredited" and "CODA recognized."

DAG Yee said that when the issue came before the Board in the past, the statute says "CODA accredited" only. Based on the statute, the Board has interpreted the statute to mean that "accreditation" is a specific term; CODA differentiates between "accredited" and "recognized," and therefore the Board can only approve applications from applicants who hold degrees from programs that are "accredited."

Chair Guevara asked if there were any further comments. Seeing none, he asked if there were any motions regarding the Board's position on S.B. 162.

Chair Guevara called on each board member to state their position.

Dr. Wong supported the intent of the bill and agreed with Dr. Choy that if the qualifications between candidates from "CODA accredited" and "CODA recognized" were the same and it's simply

a semantics issue, then he doesn't have an issue. However, if they are not equal, he opposes the acceptance of "CODA recognized" as he feels it jeopardizes the welfare of the public.

Dr. Choy noted his previous comments and said he supported the intent of the bill. However, he wanted to know once and for all what the difference is between "accredited" and "recognized." He also was concerned that if the bill passes, licensees who hold a community service or temporary dentist license under the "recognized" qualification would then argue for the "recognized" qualification to extend to full licensure.

Chair Guevara mentioned that such applicants would still have to apply for full licensure and meet all the requirements.

EO Fukunaga asked Dr. Choy to clarify that his concern was that the language of the bill would open up the practice act. Dr. Choy indicated that this was his concern.

Dr. Chu supported the intent and purpose of the bill and concurred with Dr. Choy and Dr. Chong.

Chair Guevara asked Dr. Chu, Dr. Choy, and Dr. Chong if their position could be summarized to mean that they supported the intent of the bill but can't support it fully in the way that it is written. The three board members indicated their agreement.

Dr. Fujimoto opposed the bill as written and agreed with Dr. Yamamoto about "being consistent." He also agreed with Dr. Choy's concern that the bill would open up the practice act.

Ms. Shimabuku opposed the bill for the sake of public safety and agreed with Dr. Yamamoto and Dr. Fujimoto. However, she questioned whether they were restricting entrance to Hawaii.

Ms. Tanaka opposed the bill and agreed with Dr. Yamamoto's reasoning.

Chair Guevara noted that Vice Chair Tseu is recused.

Ms. Yamada supported the intent of the bill, but not as written, and agreed with Dr. Chong and Dr. Choy on her support being contingent on whether or not "accredited" and "recognized" candidates shared equivalent qualifications.

Dr. Lau supported the intent of the bill, but not as written. He asked if the language of the bill could be amended to specify countries with approved credentialing processes.

EO Fukunaga clarified that the bill likely cannot make country-specific designations.

Chair Guevara said he supported the intent of the bill, but not as written.

Ms. Fukushima opposed the bill based on the wording and potential implications for future scenarios.

EO Fukunaga said that based on the split decision by the Board, they do not have a majority for vote, and therefore cannot take a position.

Dr. Yamamoto said that the Board does not have enough information to determine if “CODA accredited” and “CODA recognized” designations are equivalent. He agreed that the Board should investigate further but asked if it is a duty of the Board to provide that information to the legislature to guide law-making.

EO Fukunaga replied that if the Board puts forth a position, they have to be prepared to justify it. Thus, the onus would be on the Board to provide justification for opposing or supporting the bill.

Dr. Yamamoto said based on his current understanding he does not believe that “CODA accredited” and “CODA recognized” are equivalent. Therefore, he is opposed to the bill because it would not allow the Board to adequately protect the public. But he reiterated that the Board needs more information.

Dr. Yamamoto motioned to form a P.I.G.

DAG Yee mentioned that this issue has come up in past meetings and suggested that DCCA staff could put together past information to present to the Board. He said that if the question is factual, a P.I.G. is not needed, but if the question is a larger issue that requires further discussion and judgement, a P.I.G. is appropriate.

Dr. Yamamoto agreed to defer the matter to the next meeting.

H.B. 617

EO Fukunaga moved Board discussion to bill H.B. 617.

Chair Guevara asked if there were any public comments.

Seeing none, public testimony was closed and the Board commenced discussion.

Vice Chair Tseu was called back into the room at 11:09 a.m.

Seeing no discussion, EO Fukunaga asked if the Board was okay with just tracking H.B. 617 for now. There was no opposition to this suggestion.

Seeing no further comments, Chair Guevara moved discussion to the next bill.

S.B. 679

Chair Guevara asked if there are any public comments.

Seeing none, public testimony was closed and the Board commenced discussion.

Chair Guevara stated that this is the companion bill to H.B. 617 establishing an oral health task force.

Seeing no comments or opposition, the Board agreed to also track this measure.

H.B. 519

Chair Guevara asked if there are any public comments.

Vice Chair Tseu recused himself and left the room.

The Hawaii Oral Health Coalition was admitted via Zoom to provide comments.

Patrick Donnelly, statewide Oral Health Coalition manager for the Hawaii Public Health Institute introduced himself. He thanked the Board for considering the bills. He said that the distinction between "CODA accredited" and "CODA recognized" was also their main concern for this bill. They know that ADA CODA has a reciprocal agreement specifically with CDAC, and that Canada is the only country that they are aware of that has this "reciprocal agreement" with CODA. In that agreement, it's defined that each commission recognizes the accreditation of educational programs in specified

categories accredited by the other agency. So, based on his research, there is not necessarily a category for “CODA recognized.” However, the reason they are proposing this language is to match what is in the reciprocal agreement with CDAC. He said that perhaps a revision could be proposed to make the language more specific, such as “recognized by ADA CODA.” He added that they are cautious about opening anything up that would diminish the quality of service or safety. They are considering “CODA recognized” as equivalent to “CODA accredited”. He said he was available for any questions.

Dr. Lau asked if that meant they could propose a revision to the bill that specifies Canadian reciprocity.

EO Fukunaga replied that the Board could propose language revision to specify “CODA recognized based on the reciprocal agreement with CDAC.” She asked if that would change the Board’s position.

Dr. Choy commented that the question of “recognized” needs to be standardized with the ADA’s backing. For example, a statement by ADA CODA to the effect of, “we recognize this program because it is based on the equivalent requirements of an ADA accredited school” would be okay with him. But he states that you can’t say, “we’re going to accept the Canadian credentialing system,” because then it opens up consideration to other countries’ credentialing systems as well. There needs to be one standard, which for the Board is ADA CODA to protect the public.

Mr. Donnelly added that they tried to find out which other countries or foreign-trained applicants this might affect, but the only other foreign program was the “CODA accredited” program in Saudi Arabia. To his knowledge, CODA doesn’t have this reciprocal agreement of “recognized” with any other international accreditation body or country.

Chair Guevara asked if there were any other questions or comments.

Mr. Donnelly said that he could forward their research to the Board.

Seeing no other questions or comments, public testimony was closed and the Board commenced discussion.

EO Fukunaga said that, seeing no further discussion, she will present the Board's position as just offering comments unless the Board's position should change in the future.

Vice Chair Tseu was readmitted to the meeting room at 11:20 a.m.

Next Meeting: Monday, February 26, 2023 (TBD)
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

Chair Guevara noted that the February 26, 2023 meeting is "to be determined." It would be a purely legislative meeting; Board members were advised to stand by for confirmation.

Adjournment: The meeting adjourned at 11:22 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sheena Choy
Sheena Choy
Executive Officer

/s/ Marc Yoshimura
Marc Yoshimura
Secretary

SC:my

02/28/2023

- [X] Minutes approved as is.
[] Minutes approved with changes; see minutes of