

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

**MINUTES OF MEETING<sup>1</sup>**

Date: May 15, 2023

Time: 10:00 a.m.

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

Virtual Videoconference Meeting – Zoom Webinar  
<https://dcca-hawaii-gov.zoom.us/j/95095840478>

Members 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  
Joy Shimabuku, Public Member

Members Excused: Katherine Fukushima, R.D.H., Dental Hygiene Member

Staff Present: Sheena Choy, Executive Officer (“EO Choy”)  
Chelsea Fukunaga, Executive Officer (“EO Fukunaga”)  
Lee Ann Teshima, Executive Officer (“EO Teshima”)  
Bryan Yee, Esq., Deputy Attorney General (“DAG”)  
Marc Yoshimura, Secretary

In-Person Guests: Charles Kamimura

Zoom Webinar Mark N.  
Guests: Ellie Kelley-Miyashiro  
Danny Cup Choy

---

<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.

Gerraine Hignite  
Kim Nguyen – HDA  
Sharon Shishido  
Sheila

Virtual Meeting  
Instructions:

A short video regarding virtual meetings was played for attendees.

The Chair provided information on internet and phone access for 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 10:07 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 asked if there were any announcements. Seeing none, the Chair moved to the next agenda item.

**Approval of the Minutes of the March 13, 2023 Meeting**

Chair Guevara asked if there were any corrections to or discussion of the open session minutes for the March 13, 2023 meeting, or any public comments.

Seeing none, Chair Guevara asked for a motion to approve the open session minutes of the March 13, 2023 meeting.

Upon a motion by Ms. Shimabuku, seconded by Dr. Yamamoto, it was voted on and unanimously carried to approve the open session minutes of the March 13, 2023 meeting.

Chair Guevara asked if there were any corrections to or discussion of the executive session minutes for the March 13, 2023 meeting, or any public comments.

Seeing none, Chair Guevara asked for a motion to approve the executive session minutes of the March 13, 2023 meeting.

Upon a motion by Vice Chair Tseu, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve the executive session minutes of the March 13, 2023 meeting

### **Certificate of Appreciation for Outgoing Board Members**

Chair Guevara announced that this is the last meeting for Board members Sharon Tanaka and Dr. Joseph Chu as Ms. Tanaka is terming out on June 30, 2023 and Dr. Chu will not be renewing to a second term.

On behalf of the Board, Chair Guevara expressed appreciation for Ms. Tanaka and Dr. Chu's service on the Board and dedication to the health, safety, and wellness of the public during their tenures. Both outgoing board members shared words of appreciation for their time on the Board. They will be presented with Certificates of Appreciation in the mail.

#### Applications:

#### **Ratification Lists**

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

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

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

- 1) Approved Dentists  
DT-3058 TIFFANY D T NGO  
DT-3059 KYEONG M PARK  
DT-3060 THERESA MANRIQUE  
DT-3061 PONO K KELLY  
DT-3062 DAVID C JENSEN  
DT-3063 JOSHUA HYUNG DONG HONG  
DT-3064 DEXTER J LEE  
DT-3065 LAUREN N LAU  
DT-3066 CHARITY K B HALLER  
DT-3067 TRENT G JOHNSON  
DT-3068 JACK CHIA-HSIANG LIU  
DT-3069 KENYON T BANFIELD

DT-3070 LISA S LE  
DT-3071 TRAVIS K TANAKA  
DT-3072 MELISSA ANNE FERGUSON  
DT-3073 TODD A NAPIERALSKI  
DT-3074 JONATHAN MICHAEL DANG  
DT-3075 ALLEN R RAPOLLA  
DT-3076 ROBERT P CARDALES-STEARNES

- 2) Approved Dental Hygienists  
DH-2412 DAYRON VALLE REYES  
DH-2413 GARY L CONLEY III
- 3) Approved DH Certification in the Administration of Intra-Oral Block Anesthesia  
DH-1965 JENNA L CHACON
- 4) Approved DT Permit to Administer Anesthesia  
DT-2898 BENJAMIN I ROTWEIN

### **Applications for License**

#### **Bahu, Leena**

Chair Guevara asked if there was public testimony.

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

Chair Guevara stated that this issue has come before the Board in the past and his review of the applicant's materials, he personally did not have any issues with her application, noting that the matter was verified by documentation she provided as being resolved.

There being no further discussion, the Chair called for a motion.

Upon a motion by Dr. Lau, seconded by Dr. Chu, it was voted on and unanimously carried to approve the following application:

#### Dentist

#### **Bahu, Leena**

Scope of Practice: **Email from Dr. Dan Fujii requesting clarification of the term "making impressions" as it applies to intraoral scanning and allowable duties of dental assistants.**

Chair Guevara read the email from Dr. Fujii:

“Our office is assuming that the use of the term ‘making impressions’ applies to intraoral scanning. Consequently, are we correct to assume that scanning a patient for an ‘impression’ using the intraoral scanner may only be performed by a dentist if it is for a final restoration, but for applications referred to in 16-79-69.1(a)(7), a dental assistant may operate the intraoral scanner? If we are incorrect and a dental assistant may scan the oral cavity of the patient for both situations, please let me know. Then we will not equate scanning with ‘making impressions.’”

Chair Guevara asked if there was any public testimony.

Seeing none, public testimony was closed.

Chair Guevara asked if the Board had any discussion.

Chair Guevara stated that he believes this question came before the Board before, maybe six to seven years ago. He suggested that the Board staff go back into the minutes to find what the Board’s determination was at that time to stay consistent.

Dr. Lau stated that he uses a scanner in his office and he believes that dental assistants can use the scanners accurately.

Dr. Chong stated that he also uses a scanner in his office, and while he also believes that the dental assistants are more than capable of using the scanner, he does all his own scanning. He stated that it is ultimately up to the dentist to check the final restoration and make sure everything looks good.

Chair Guevara stated that the scan is used to make the final prosthesis, but it’s not an impression per se in terms of sticking a tray into someone’s mouth.

Dr. Lau asked what the process would be for updating the rules to speak to “scanning.” Chair Guevara clarified that proposed changes would have to go through the standard rules revision process. He stated that technology has changed since the current rules were put into place.

DAG Yee stated that dental assistants are allowed to “make impressions for study casts” under Hawaii Administrative Rules (HAR) 16-79-69.1. He stated that if the Board interprets “scanning” to fall under “make impressions for study casts,” then it would be an

allowable duty of dental assistants under existing rules. If not, then scanning is prohibited under existing rules and would require a rules change for it to be allowable.

EO Choy clarified that the Board is discussing HAR 16-79-69.1(a)(7), which lists “Making impressions for study casts, opposing models, occlusal appliances (e.g., splints, bite guards), mouth guards, orthodontic retainers, and medicament trays” as allowable duties of dental assistants. The question is whether “scanning” falls under that scope of work.

Vice Chair Tseu stated that his opinion is that scanning would fall under the scope of work of HAR 16-79-69.1(a)(7). The general guidance would be that dentists should follow the allowable and prohibited duties of dental assistants as listed in the Board’s laws/rules.

The DAG asked if there is a difference between making “final impressions,” which is a prohibited duty for dental assistants, and “making impressions for study casts, opposing models, occlusal appliances (e.g., splints, bite guards), mouth guards, orthodontic retainers, and medicament trays,” which are allowable duties for dental assistants.

Chair Guevara replied that there is a difference because final impressions are permanently seated in the mouth, whereas a study cast isn’t and is used more as a study model.

EO Fukunaga asked the Board to clarify whether or not a scan is different from making an impression.

Chair Guevara stated that they are separate and distinct actions, but the end result is the same. He explained how the processes are different.

EO Fukunaga stated that the issue is not the end result, but rather what actions are allowable for dental assistants. Since “scanning” is not listed as either an allowable nor prohibited duty of dental assistants, it seems that the rules are silent on “scanning.”

The DAG stated that it is perhaps more accurate to say that the Board’s laws/rules are “unclear” if scanning is an allowable duty of dental assistants.

Dr. Yamamoto stated that many offices that do have scanners are using them to do all the functions listed under HAR 16-79-69.1(a)(7), so it is a grey area because they are using the technology to perform those functions, but the technique of scanning itself is very different than making an impression, though the end results are the same.

EO Fukunaga stated that taking into consideration the Board's discussion and the DAG's input, the Board staff will reply to Dr. Fujii stating 1) that it is unclear whether under current rules "scanning" is an allowable duty of dental assistants, though HAR 16-79-69.1, which describes the dental assistants scope of practice, does not specifically list "scanning" in regard to making impressions; 2) the Board differentiates between "scanning" and "making impressions" as separate and distinct actions; and 3) the Board will try to address "intra oral scanning" upon its next rules revisions to account for technological updates that have outpaced rules revisions.

**Email from Ms. Tia Barrier asking if experience administering 8 Gow Gates injections during her dental hygiene education could be credited towards the 10 inferior alveolar/lingual nerve block injections required for certification in the administration of intra-oral block anesthesia. If not, what her options are for meeting the requirement.**

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

Chair Guevara asked if the Board had any discussion.

Chair Guevara stated that similar questions have come before the Board before regarding injections requirements. However, the Board's laws are very explicit as to what is required under Hawaii Revised Statutes (HRS) 447-3.5(a)&(b).

Chair Guevara stated that even though Gow Gates injections get the same result as inferior alveolar/lingual nerve block injections, the injections are separate and distinct.

Dr. Lau stated that he teaches at the dental hygiene school on Maui and they are required to give many different types of injections, including both the Gow Gates and inferior alveolar/lingual nerve block. Regardless of Ms. Barrier's experience administering Gow Gates injections, she is still short the explicit requirement for 10 inferior alveolar/lingual nerve block injections.

Vice Chair Tseu agreed that the Board's laws specifically call for specific procedures for injections.

It was agreed that Board staff would inform Ms. Barrier that the Gow Gates may not be substituted for the 10 inferior alveolar/lingual nerve block injections. She should therefore contact her local dental society to see how she might fulfill the requirement.

### **Dental Assistant's Scope of Practice – Provision or Administration of Medications**

EO Choy stated that the Board recently received several inquiries regarding scope of practice questions for dental assistants. Board staff has already replied to those inquiries, with a reminder to inquirers, the industry, and the general public that while the Board does not license/regulate dental assistants, HAR 16-79-69.1 and HAR 16-79-69.5 cover allowable and prohibited duties of dental assistants.

In accordance with Hawaii Administrative Rules section 16-201-90, the above interpretations are for informational and explanatory purposes only. They are not official opinions or decisions, and therefore are not to be viewed as binding upon the Board or the Department of Commerce and Consumer Affairs.

### **Executive Officer's Report: 2023 Anesthesia Permit Facility Renewal Inspections**

EO Choy reminded the Board that 2023 is the renewal year for all dental and dental hygienist licenses; this includes renewal of DT special permits to administer general/deep sedation and/or moderate (conscious) sedation.

Facility inspections started in 2019 and there is a 6-month window during the renewal period from June to December of the renewal year for dentists with the special permit to request and complete a renewal inspection with the Board.

EO Choy stated that Board staff will be putting out online FAQs for special permit renewals and mailing a postcard reminder.

Dr. Yamamoto stated that there is a difference between regular dental renewals and renewal of the DT special privilege to administer anesthesia.



EO Choy clarified that for those licenses without the DT special privilege, renewals will be accepted starting in November 2023. The 6-month window for DT special privilege to administer anesthesia is because those renewals require a facility inspection, which takes time to coordinate.

Chair Guevara added that all licensees should be reminded that while the Board provides website notices and postcard reminders, it is ultimately the responsibility of the licensees, not the Board or Board staff, to ensure timely renewal of licenses.

### **Discussion of 2023 Legislative Bills**

Chair Guevara asked if there was any public testimony.

Seeing none, public testimony was closed.

Chair Guevara asked EO Choy to provide legislative updates.

EO Choy stated that the 2023 Legislative session has come to a close. She provided an update on the bills that made it to crossover.

- 1) Dentistry and Dental Hygiene Community Service License and Temporary License
  - i. **SB 162, SD2, HD2, CD1 Relating to Dentistry Licenses**  
Adds community health centers, rural health clinics, and mobile dental outreach programs to the list of eligible organizations at which persons with community service licenses may practice. Allows dental hygiene and dental college graduates who have graduated from educational programs that have a reciprocal agreement with the American Dental Association Commission on Dental Accreditation to apply for temporary or community service licenses. Expands eligibility for a community service license to practice dentistry to those candidates who have passed the Integrated National Board Dental Examination within five years of the date of request. (CD1)

EO Choy stated that this bill was approved and is awaiting the Governor's signature. Board staff is working on amending the applications and online information accordingly to update applicants, licensees, and the public.

- 2) Oral Health Task Force
  - i. **HB 617, HD1, SD2 Relating Oral Health**

Establishes an oral health task force to review the status of oral health in the State and make recommendations to improve the State's oral health infrastructure. Requires reports to the Legislature. Appropriates funds. Effective 7/1/2050 and 7/1/2051. (SD2)

EO Choy stated that this bill died in conference.

ii. **HCR 32 Oral Health Task Force**

Requesting the Department of Health to Convene an oral health task force to review information on the status of oral health in the state and make recommendations to improve oral health infrastructure in Hawaii. (HD1)

EO Choy stated that HD1 was not heard by FIN, and therefore died.

3) General

i. **SB 438 Relating to Professional and Vocational Licensing (Act 21)**

Reduces the period for which an application shall be considered abandoned from two years to one year. Specifies the conditions under which applications for licenses and examinations will be deemed abandoned. Provides that the one-year period after which an application is considered abandoned cannot be extended. Provides that a licensing authority shall not be required to act on any abandoned application and that the licensing authority may destroy abandoned applications. Clarifies that an application submitted after an abandoned application shall be treated as a new application and that the applicant shall comply with any new licensing requirements in effect at the time of the new application.

EO Choy stated that this bill passed. This gives applicants one year instead of two years to complete the licensure process. Board staff is waiting for Departmental update on how this will go into effect.

Next Meeting: Monday, July 17, 2023

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

Adjournment: The meeting adjourned at 10:50 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

05/17/23

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