

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

MINUTES OF MEETING¹

Date: July 15, 2024

Time: 10:00 a.m.

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

Virtual Videoconference Meeting – Zoom Meeting
<https://dcca-hawaii-gov.zoom.us/j/81201603396?pwd=JNKlaaMBFNr8EMaFvPEmew7beuaagw.1>

Zoom Recording Link: https://youtu.be/FUDISWNmAQI?si=vGn_m-zkJpBnf9-P

Members Present: Paul Guevara, D.M.D, M.D.S., Chair, Dental Member
Andrew Tseu, D.D.S., Vice-Chair, Dental Member
Staphe Fujimoto, D.D.S., Dental Member
Katherine Fukushima, R.D.H., Dental Hygiene Member
Joy Shimabuku, Public Member
Joyce Yamada, Ed.D., R.D.H., Dental Hygiene Member
Craig Yamamoto, D.D.S., Dental Member

Members Excused: Jonathan Lau, D.D.S., Dental Member

Staff Present: Sheena Choy, Executive Officer (“EO Choy”)
James Paige, Esq., Deputy Attorney General (“DAG Paige”)
Marc Yoshimura, Secretary
Tammy Norton, Secretary

In-Person Guests: Charles Kamimura

Zoom Webinar Guests: Danny Cup Choy, HDA
Sharon Shishido
Abraham Miller (“Abe”)
Gerraine Hignite
Robert T
NF

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.

Mary Ellen Murphy

Virtual Meeting
Instructions:

A short video regarding virtual meetings was played for attendees.

The Vice 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").

Roll Call:

The Chair 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.

Call to Order:

There being a quorum present, the Chair called the meeting to order at 10:11 a.m.

Approval of
Minutes:

Approval of the Minutes of the May 13, 2024 Meeting

The Chair asked if there was any discussion of, corrections to, or public comments regarding the May 13, 2024 minutes.

Seeing no public comments or Board discussion, the Chair asked for a motion to approve the minutes of the May 13, 2024 meeting.

Upon a motion by Ms. Shimabuku, seconded by Ms. Fukushima, it was voted on and unanimously carried to approve the Open Session minutes of the May 13, 2024 meeting.

Approval of the May 13, 2024 meeting Executive Session minutes was deferred.

Applications:

Ratification Lists

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

Seeing none, the Chair asked for a motion to approve the ratification lists.

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

1) Approved Dentists

DT-3164 EGBUNE, ANNE E
DT-3165 BOGY, HEATHER KATE
DT-3166 BUI, NALENE

DT-3167 LUCERO THOPPIYIL, SHAYMA
DT-3168 LAD, MAYAN
DT-3169 SAIKI, RYNE TOSHIHIKO
DT-3170 NGUYEN, AMBER
DT-3171 OAK, SOPHIA J
DT-3172 HAUTAMAA, OLIVIA ANN
DT-3173 WILLIS, MATTHEW WEBB
DT-3174 BODNAR, HANNAH RAE
DT-3175 HUYNH, BRENDA THANH LAN
DT-3176 DUTTA, SUDEEP HIROSHI
DT-3177 NAWAZ, AHMAD M
DT-3178 TAKAHASHI, SARAH K.H.
DT-3179 YANG, MICHELLE H
DT-3180 MILTON, AMADEUS

2) Approved Dental Hygienists

DH-2470 PETTY, DANA ALISON
DH-2471 VAN ANTWERP, DARSHA MEGUMI
DH-2472 KULIBERT, SARAH ELIZABETH
DH-2473 LAFONTAINE, FARIN ASHLEY TAYLOR
DH-2474 FELKER, KHLOE ISABELLA
DH-2475 MAYEA, LIBBY JEAN
DH-2476 TOMAS, GABRIELLE KAPUALANI
DH-2477 GALLAMAY, VICTORIA L
DH-2478 WALLACE, ERICA M

3) Approved Temporary Dentists

DTT-374 CHOW, KENNEDY ANDREW
DTT-375 ABIES, MARIA KATRINA M
DTT-376 SUNAR, MAYA K
DTT-377 BERKENPAS, SOPHIA LYNN
DTT-378 CHOE-YEE YU, MELISSA
DTT-379 BURTON, BENJAIN ALSTON
DTT-380 NEGRONI, CARLO ALBERT

Applications

At 10:18 a.m., upon a motion by Ms. Fukushima, seconded by Dr. Yamamoto, it was voted on and unanimously carried to move into Executive Session in accordance with HRS §92-4 and §92-5(a)(1) and (4) “To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 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.”

At 11:15 a.m., upon a motion by the Vice Chair, seconded by Ms. Shimabuku, it was voted on and unanimously carried to move out of

Executive Session.

The Chair summarized that in Executive Session, the Board consulted with its attorney regarding confidential matters related to the applications for Dr. Arlyn Levy and Dr. Abraham Miller.

Dentist

Arlyn Levy

The Chair asked if there was public testimony. There was none.

Upon a motion by the Chair, seconded by Ms. Shimabuku, the Board took a roll call vote with the Chair, Vice Chair, Dr. Fujimoto, Ms. Fukushima, Ms. Shimabuku, Ms. Yamada, and Dr. Yamamoto, voting to deny Dr. Levy's application based on the following: HRS §436B-19(7); HRS §436B-19(9); HRS §436B-19(13); HRS §448-17(a); and the American Dental Association ("ADA") Code of Ethics, Section 2: Principle of Nonmaleficence.

Abraham Miller

The Chair asked if there was public testimony. There was none.

Upon a motion by the Chair, seconded by Dr. Yamamoto, the Board took a roll call vote with the Chair, Vice Chair, Dr. Fujimoto, Ms. Fukushima, Ms. Shimabuku, Ms. Yamada, and Dr. Yamamoto, voting to deny Dr. Miller's application based on the following: HRS §436B-19(7); HRS §436B-19(9); HRS §436B-19(13); HRS §448-17(a); and the American Dental Association ("ADA") Code of Ethics, Section 2: Principle of Nonmaleficence, Code of Professional Conduct Subsection 2.G. Personal Relationships with Patients.

Executive Officer's
Report:

2024 Legislation

EO Choy reported legislative updates from the 2024 session.

SB 1035, SD 2, HD 1, CD 1 – Relating to the General Excise Tax

Description: Exempts from the general excise tax those medical and dental services provided by health care providers to patients who receive Medicaid, Medicare, or TRICARE benefits. (CD1)

EO Choy reported that SB 1035 was passed in both the House and Senate Committees. It was signed by the Governor on June 3, 2024 as Act 047 and shall take effect on January 1, 2026.

HB 1597, HD 1, SD 1 – Relating to the Sunshine Law

Description: Clarifies that members of the public may sue a board or alleged board after receiving an adverse Office of Information Practices decision, and that the decision will be reviewed de novo. Establishes a two-year statute of limitations to bring the lawsuit and reaffirms a complainant's right to seek review by the Office of Information Practices first. Recognizes that only a member of the public may recover attorney's fees and costs if that person prevails in an open meetings lawsuit. Requires that persons suing for open meetings law violations notify the Office of Information Practices about the lawsuit so that it may decide whether to intervene. Requires open meetings lawsuits that seek to void a board's final action to be prioritized by the courts. (SD1)

EO Choy stated that the next three bills listed on the agenda are related to the Sunshine Law, which governs much of the procedures of State boards, including the Dental Board, for openness and transparency.

HB 1597 was passed in both House and Senate Committees and transmitted to the Governor on April 17, 2024. It is awaiting signature or veto.

Essentially, this bill clarified that the Board is the proper entity against which an applicant may file a lawsuit, not the Office of Information Practices ("OIP").

HB 1598, HD 1, SD 1 – Relating to the Sunshine Law

Description: Requires boards to make available for public inspection board packets, if created, at the time the board packet is distributed to board members but no later than two business days before the board meeting. Provides that public testimony may be distributed to board members before the board meeting. Requires boards to include in the notice to persons requesting notification of meetings, a list of the documents that were compiled by the board and distributed to board members before a board meeting for use at the meeting. Requires boards to post board packets on its website. (SD2)

EO Choy reported that HB 1598 was passed in both the House and Senate Committees. It was signed by the Governor on May 3, 2024 as Act 011 and is effective immediately.

EO Choy stated that no Board member action is needed, the new law will be addressed administratively by Board staff, including:

- Public packets are available for the public upon request (has already been an ongoing practice of the Board);
- Board will receive public testimony even on the day of the meeting;
- Any other lists to be included in public distribution; and
- Staff is working on the posting of board packets on the department website but is still awaiting advisement from the department and on other administrative logistics involved in this process.

HB 1599, HD 1, SD 1 – Relating to the Sunshine Law

Description: Requires public meeting notices to inform members of the public how to provide remote oral testimony in a manner that allows the testifier, upon request, to be visible to board members and other meeting participants. Recognizes a board's authority to remove and block individuals who disrupt meetings. Takes effect 1/1/2025. (SD2)

EO Choy reported that HB 1599 was passed in both the House and Senate Committees. It was signed by the Governor on May 3, 2024 as Act 012 and is effective immediately.

EO Choy stated that no Board member action is needed, the new law will be addressed administratively by Board staff, including updating information read in the beginning of the meeting to allow for visible oral testimony via Zoom.

Election of
Officers:

EO Choy stated that the Board will vote to elect a Chair and Vice-Chair, pursuant to HRS §436B-6(a).

§436B-6 Organization of boards. (a) Immediately upon the qualification and appointment of the original members, and annually thereafter, the board shall elect one member as chair and one member as vice-chair. In the absence of both the chair and the vice-chair to preside at a meeting, the members present shall select a chair pro tem.

Upon a motion by Dr. Guevara, seconded by Ms. Shimabuku, it was voted upon and unanimously carried to elect Dr. Tseu as the Chair.

Upon a motion by Ms. Shimabuku, seconded by Dr. Guevara, it was voted upon and unanimously carried to elect Dr. Lau as the Vice Chair.

EO Choy and the Board thanked Dr. Guevara and Dr. Tseu for their service this past year as Chair and Vice Chair, respectively.

Next Meeting:

Monday, September 16, 2024
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 Meeting

Adjournment:

The meeting adjourned at 11:32 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

09/06/24

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