

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

MINUTES OF MEETING¹

Date: November 18, 2024

Time: 10:00 a.m.

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

Virtual Videoconference Meeting – Zoom Webinar

<https://dcca-hawaii->

[gov.zoom.us/j/89733295220?pwd=6v3dhlyogCfWAZhRhYxngc3OaWuokS.1](https://dcca-hawaii-gov.zoom.us/j/89733295220?pwd=6v3dhlyogCfWAZhRhYxngc3OaWuokS.1)

Members Present: Andrew Tseu, D.D.S., J.D., Chair, Dental Member
Jonathan Lau, D.D.S., Vice-Chair, Dental Member
Staphe Fujimoto, D.D.S., Dental Member
Katherine Fukushima, R.D.H., Dental Hygiene Member
Paul Guevara, D.M.D, M.D.S., Dental Member
Steven Pine, D.D.S., Dental Member
Joy Shimabuku, Public Member
Craig Yamamoto, D.D.S., Dental Member

Members Excused: Joyce Yamada, Ed.D., R.D.H., Dental Hygiene Member

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

In-Person Guests: Gayle Chung
Charles Kamimura

Zoom Webinar

Guests: Stephen Teres
Leanne
Noelani Greene
Clinton Timmerman
Gerraine Hignite
Melissa Pavlicek
Richmond Luzar
Kim Nguyen

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.

Laura Chang
Dr. Norman

Virtual Meeting
Instructions:

A short video regarding virtual meetings was played for attendees.

Dr. Pine 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 10:09 a.m.

Approval of
Minutes:

**Approval of the Open and Executive Session Minutes of the
September 16, 2024 Meeting**

The Chair asked if there was any discussion of, corrections to, or public comments regarding the September 16, 2024 minutes.

Seeing no public comments or Board discussion, the Chair asked for a motion to approve the Open and Executive Session minutes of the September 16, 2024 meeting.

Upon a motion by the Vice Chair, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve the Open and Executive Session minutes of the September 16, 2024 meeting.

New Business:

Dental Testing and Regulatory Summit 2024 Annual Meeting Report

The Chair stated that he, Ms. Yamada, and Ms. Fukushima attended the Dental Testing and Regulatory Summit 2024 Annual Meeting ("Annual Meeting") on behalf of the Board from September 28-29, 2024. The Annual Meeting was jointly hosted by the American Association of Administrators ("AADA"), American Association of Dental Boards ("AADB"), American Board of Dental Examiners ("ADEX"), and CDCA-WREB-CITA ("CWC").

The Chair invited Ms. Fukushima to share a report to the Board.

Ms. Fukushima stated that the information sent to EO Choy from CWC provides a complete summary of the Annual Meeting. She stated that the State Board President, Vice President, and Directors forum provided great insight about developments in the profession and with regards to

testing.

EO Choy stated that the CWC letter Ms. Fukushima referred to is in the Board member and Public packets.

The Chair stated that the focus of the Summit was on interstate compacts. He reminded the Board that there are two compacts in circulation – the compact from the Council of State Governments (“CSG Compact”) and the compact proposed by the American Association of Dental Boards (“AADB Compact”).

The CSG Compact became active this year and has been enacted by ten (10) states, it is in the process of addressing administrative and other activities before compact privileges can be issued. The remaining implementation timeline is between one to two years.

The AADB Compact is not yet in effect; a minimum of five (5) states must enact legislation in order for the compact to be active. AADB anticipates that that minimum threshold for participating states will be met by the upcoming legislative session.

The Annual Meeting focused on the differences between the competing compacts. The major significant differences are:

1. Compact privilege: The CSG Compact is a “privilege” and does not address licensure of an applicant, which has legal ramifications regarding state board authority, etc.;
2. Credentialing: The AADB Compact requires credentialing through a Commission on Dental Accreditation (“CODA”), while the CSG Compact is very open-ended regarding acceptance of crediting agencies other than CODA;
3. Examination: It is unclear whether a hands-skill assessment would be required under the CSG Compact.

The Chair emphasized that it is important the Board remain up-to-date on both compacts’ developments. He reminded the Board that in 2023, the Federation of State Medical Boards (“FSMB”) Compact was approved by the Hawaii State Legislature. A nursing compact was proposed, but did not pass, in both the 2023 and 2024 legislative sessions.

The Chair stated that his personal opinion is that it is only a matter of time before the dental compact issue is proposed in Hawaii. It is important for all Board members to be prepared to opine on this important public protection issue when it does arise in Hawaii.

There were no public comments.

Ms. Shimabuku asked for clarification regarding the FSMB Compact.

EO Choy stated that the FSMB Compact was specifically for physicians and impacted the Hawaii Medical Board. The CSG and AADB Compacts

are specific to the dental field and would impact dentist and dental hygienists. However, CSG as an organization has also advocated for compacts in different professions such as physical therapy and social work.

Dr. Tseu stated based on the information he has received at various conferences, when the CSG Compact was being developed for dental, a lot of organizations tried to reach out to make comments regarding their concerns. Unfortunately, no changes were made based on those comments. Therefore, AADB decided to propose a competing compact.

EO Choy reminded the Board and the public that any compact proposals would require legislative action as it would require revisions to the Board's Hawaii Revised Statutes ("HRS") §447 and §448.

Report from the Rules Permitted Interaction Group ("PIG")

EO Choy stated that a "Permitted Interaction Group" or "PIG" is authorized by Hawaii Revised Statutes ("HRS") §92-2.5(b). PIGs may be formed by State boards to investigate specified issues outside of regularly scheduled board meetings under certain conditions.

A PIG matter will appear on the agenda of three Board meetings. At the first meeting on January 22, 2024, the Rules PIG was formed and tasked with evaluating the existing Hawaii Administrative Rules ("HAR") §16-79 and providing recommendations to the Board for rules revisions. At a second meeting on September 16, 2024, the PIG shared its report with the Board; public comment was received, but Board discussion and decision-making were not allowed.

At this third and final meeting the Board will again receive public comments and can now discuss and conduct decision-making. Even after the Board votes to take action on the Rules PIG's proposed amendments, there will continue to be several opportunities for the public to provide input on the rules revisions. This is the first part of a lengthy administrative rules revision process.

Finally, EO Choy stated that she believes it is the intent of the Board to defer this agenda item to its January 13, 2025 meeting. If the matter is deferred, the Board will still receive public comments on this agenda item today, but will not be able to respond at this time.

The Chair stated that he also serves as chair of the Rules PIG. He reported that since the Board's September 16, 2024 meeting the PIG has continued to meet with relevant stakeholders on the proposed rules revisions, including the Hawaii Dental Association ("HDA"), the Hawaii Dental Hygienists' Association ("HDHA"), and the Kapiolani Community College Dental Assisting ("KCC DA") Program. Given the feedback received, he would like to defer this agenda item to the Board's next meeting. In the meantime, the draft proposed rules revisions shared at

the September 16, 2024 meeting are available to the public via the public packet accessible on the Board's website:

https://cca.hawaii.gov/pvl/boards/dentist/meeting_schedule/.

The Chair asked if there was any public testimony.

Melissa Pavlicek raised her hand on Zoom and was promoted to panelist.

The Chair welcomed Ms. Pavlicek to the meeting and asked her to introduce herself and share her testimony.

Dr. Yamamoto joined the meeting virtually at 10:25 a.m.

Ms. Pavlicek stated that she is a consultant with HDA. She wanted to thank and acknowledge the Board for its transparency and for allowing HDA to participate in the rules revision process.

Ms. Pavlicek was changed back to attendee on Zoom.

There were no further public comments or Board discussion.

This agenda item was deferred.

Applications:

Ratification Lists

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

Ms. Fukushima as for clarification regarding the ratification list for the "Approved Additional Dentist Permit to Administer Deep Sedation/General Anesthesia and Moderate Sedation."

EO Choy stated that current Hawaii dentist ("DT") licensees may apply for an additional permit to administer deep sedation/general anesthesia and moderate sedation. Qualified licensees must be approved for a separate permit at each office location in which they plan to administer.

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

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

- 1) Approved Dentists
DT-3198 JACKSON, ALICIA RENEE
DT-3199 ALDACA, KRYSTAL MAE D
DT-3200 MITSOS, JANNA LEE
DT-3201 BLANCO, CHRISTIAN M
DT-3202 FETTERS, NICOLAS G
DT-3203 PFUNDHELLER, DUSTIN M

- 2) Approved Dental Hygienists
DH-2500 COLSON, HANNAH JANE
DH-2501 SWOPE, KENDALL ELIZABETH
DH-2502 NGUYEN, KATHY A.T.
DH-2503 MACDONALD, NATALIE NICOLE
DH-2504 TILITILE, KIANA MARIE P
- 3) Approved Dental Hygienist Certification in the Administration of Intra-Oral Block Anesthesia
DH-2500 COLSON, HANNAH JANE
DH-2501 SWOPE, KENDALL ELIZABETH
DH-2502 NUGYEN, KATHY A.T.
DH-2504 TILITILE, KIANA MARIE P
- 4) Approved Additional Dentist Permit to Administer Deep Sedation/
General Anesthesia and Moderate Sedation
DT-2897 SAYAH, AZIN

Applications

At 10:31 a.m., upon a motion by Dr. Pine, seconded by the Vice Chair, 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 10:44 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. Joseph Ostheller and Dr. Clinton Timmerman.

Dentist

Joseph Ostheller

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

Upon a motion to approve the application by Dr. Pine, seconded by the Vice Chair, a roll call vote was taken with the Chair, Vice Chair, Dr. Fujimoto, Ms. Fukushima, Dr. Guevara, Dr. Pine, and Dr. Yamamoto voting to approve the application for Dr. Ostheller, and Ms. Shimabuku abstaining.

Clinton Timmerman

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

Upon a motion by the Vice Chair, seconded by Ms. Shimabuku, it was voted upon and unanimously carried to approve the application for Dr. Timmerman.

Executive Officer's
Report:

A Bill for an Act Relating to Medical Records

Dr. Yamamoto turned his camera off at 10:48 a.m.

Dr. Yamamoto turned his camera back on at 10:49 a.m.

EO Choy stated that the purpose of this bill is to amend subsection 622-58(e), Hawaii Revised Statutes by repealing the requirement for healthcare providers leaving their practices to receive approval from the Department of Health for the disposition of their medical records.

EO Choy stated that the Rules PIG's draft proposed rules revisions include sections regarding records retention. However, the Board's current laws and rules are silent as to medical records. Therefore, this bill would not affect any of the Board's current laws/rules. Licensees are advised to track the bill's development, and, should it pass in the 2025 Legislative Session, should check with their insurance and practice regarding any necessary changes.

American Association of Dental Boards ("AADB") Regional Townhalls

EO Choy stated that AADB has been hosting several regional townhalls to provide dental boards across the US with more information about the AADB Dental and Dental Hygiene Licensure Compact and Council of State Governments ("CSG") Dentist and Dental Hygienist Compact.

EO Choy stated that AADB raised similar concerns about the CSG compact that were mentioned in their previous presentation to the Board. The Chair gave a through summary of some of the differences in his earlier report from the Annual Meeting. In addition to what was already reported, EO Choy added that one significant difference between the two compacts is that the CSG Compact allows for one representative from the Board on their compact commission while the AADB Compact allows for two representatives. For state boards who choose to have their executive officer or other board staff serve as the representative, the AADB Compact would at least allow for one board staff and one professional or representation from both a dentist and dental hygienist member.

Although the Board will not adopt a formal position on compacts until legislation is introduced in Hawaii, EO Choy affirmed the Chair's earlier advisement that the Board remain abreast of the two compacts' development via the AADB and CSG websites respectively.

Hawaii State Ethics Commission

EO Choy stated that the Board packet includes a memo from Wesley Fong, Chair of the Hawaii State Ethics Commission, recognizing state agencies and boards that achieved 100% completion of the mandatory ethics training, including the Board of Dentistry. She thanked the Board for their compliance.

Next Meeting: Monday, January 13, 2025
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 10:53 a.m.

Taken, recorded, and approved by:

/s/ Sheena Choy

Sheena Choy
Executive Officer

SC:my

12/13/24

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