

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

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes ("HRS").

Date: Monday, January 23, 2017

Time: 9:00 a.m.

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

Present: Paul Guevara, D.M.D., M.D.S., Chair, Dental Member
Candace Wada, D.D.S., Vice Chair, Dental Member
Staphe Fujimoto, D.D.S., Dental Member
Garrett Ota, D.D.S., Dental Member
Coy Rebmann, D.D.S., Dental Member
Mark Chun, D.M.D., Dental Member
Dennis Nagata, D.D.S., Dental Member
Earl Hasegawa, D.D.S., Dental Member
Janet Primiano, R.D.H., M.P.H., Dental Hygiene Member
Marianne Timmerman, R.D.H., Dental Hygiene Member
Rodney Ching, Public Member
Daniel Jacob, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer ("EO")
Sandra Matsushima, Executive Officer ("EO")
Lisa Kalani, Secretary

Excused: Joy B. Y. Shimabuku, Public Member

Guests: Diane Brucato, RDH, EF, BS, FAADH, Hawaii Dental Hygienists' Association ("HDHA")
Kathleen Lee, HPPA for Hawaii Dental Association ("HDA")
Steve Wilhite, Hawaii Dental Association ("HDA")
Joseph P. Mayer, Sr., Public
Gayle Chang, Hawaii Dental Hygienists' Association ("HDHA")
Ellie Miyashiro, Hawaii Dental Hygienists' Association ("HDHA")
Lei Fukumura, SDAG, Professional & Vocational Licensing Division ("PVL")

1. Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:04 a.m. and excused Ms. Shimabuku from today's meeting.

The following agenda item was moved as the next order of business:

Executive Session: At 9:05 a.m., it was moved by Vice Chair Wada, seconded by Dr. Ota, and unanimously carried to enter into executive session pursuant to HRS §§ 92-4 and 92-5(a)(4) to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Guests were excused from the meeting room.

At 9:38 a.m., it was moved by Dr. Ota, seconded by Vice Chair Wada, and unanimously carried to move out of executive session.

The following agenda item was moved as the next order of business:

2. Additions/Revisions to Agenda: None.
3. Approval of Board Meeting Minutes and Executive Session Minutes of November 21, 2016 Chair Guevara called for a motion in regards to the Board meeting minutes of November 21, 2016.
Ms. Primiano stated on page 11 of the regular minutes, the last sentence, the correct spelling of Dr. Rober Pattalochi's name.
There being no further discussion, it was moved by Dr. Hasegawa seconded by Dr. Fujimoto and unanimously carried to approve the Board Meeting minutes as amended.
Chair Guevara called for a motion in regards to the Executive Session minutes of November 21, 2016.
There being no discussion, it was moved by Ms. Primiano seconded by Vice Chair Wada and unanimously carried to approve the Executive Session minutes as of November 21, 2016 as circulated.

4. Applications: a. Ratifications

It was moved by Dr. Ota, seconded by Vice Chair Wada, and unanimously carried to ratify the following:

Approved Dentist

NIP, Kris

Approved Community Service License – Dentist

West Hawaii Community

BOSWELL, Ryan

Approved Dental Hygienist

NAUAHI, Courtney
HYATT, Heidi
HRAMSOVA, Svetlana
STEDER, Sonya
THARP-VAN NOOD, Terri

Approved Certification in the Administration of Intra-Oral
Infiltration and Block Anesthesia

BENLIRO, Karla
HYATT, Heidi
ABBENE, Margaret
NICOTRE, Michelle
TINDALL, Elizabeth

Approved Community Service License – Dental Hygienist

West Hawaii Community

GELDERT-CHEEK, Robin
NANCE, Kelly

5. Adjudicatory Matters: The Chair called for a recess from the meeting at 9:45 a.m., to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS:

- a. In the Matter of the License to Practice Dentistry of **Narjis F. Safvi D.D.S.**, DEN 2016-17-L, Settlement Agreement Prior To Filing Of Petition For Disciplinary Action And Board's Final Order; Exhibits "1":-"2".

It was moved by Vice Chair Wada, seconded by Ms. Primiano and unanimously carried to approve the Board's Final Order.

- b. In the Matter of the License to Practice Dentistry of **Thomas H. Simon, D.D.S.**, DEN 2016-5-L, Request to end probation in Hawaii.

It was moved by Vice Chair Wada, seconded by Dr. Chun and unanimously carried to remove Dr. Simon's probation.

Following the Board's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Board was reconvening its scheduled meeting at 9:55 a.m.

6. Old Business: a. Discussion on Administrative Rules

- Approval of the Rules Committee Minutes of November 21, 2016 Meeting.

Chair Guevara called for a motion in regards to the Rules Committee minutes of November 21, 2016.

There being no discussion, it was moved by Ms. Primiano, seconded by Dr. Ota and unanimously carried to approve the Rules Committee minutes of November 21, 2016 as circulated.

- §16-79-141 Continuing education categories.

Chair Guevara stated this was the proposed amendment that the Rules Committee recommended approval on at its last meeting.

There being no discussion, it was moved by Dr. Nagata, seconded by Dr. Fujimoto and unanimously carried to approve the recommended proposed amendments to §16-79-141.

- Pre-renewal audit of continuing education courses completed.

Discussion on this agenda item was deferred to the Rules Committee.

Dr. Dan Fujii email re: application of silver diamine fluoride by auxiliary personnel

Chair Guevara stated the Rules Committee by consensus at its last meeting recommended to the Board that SDF is a preventative chemical agent that can be applied by a dental hygienist.

Dr. Chun stated that with the proper education and training, dental assistants can also apply SDF.

Chair Guevara stated in response to Dr. Fujii's question, which is, "I would like to inquire whether the use of SDF would fall under the allowable scope of service for a hygienist as defined in HAR §16-79-69.10 and HRS 447.3.", the Rules Committee recommended to the Board that SDF is a preventative chemical agent that can be applied by a dental hygienist.

Dr. Fujimoto asked if it matters whether we say it is preventative versus therapeutic? It is not used to prevent decay it is used to stop further spread of the decay.

Mr. Jacob stated in HRS 447.3 specifically states, "...the application of *preventative* chemical agents to the coronal surfaces of the teeth, which chemical agents have been approved by the board of dental examiners,..." so this would be your approval of SDF as a preventative chemical agent.

Mr. Kobashigawa stated the inquiry does also question whether auxiliary personnel can administer this, so I believe Dr. Fujimoto's point is that this is more of a therapeutic agent if the Board is going to say that only dental hygienist can administer SDF.

Ms. Primiano stated in 16-79-69.10 it states that dental hygienist can administer prescriptive treatments and chemotherapeutic agents.

Chair Guevara stated if we have to look at both the rules and statutes, the statutes will prevail.

Ms. Timmerman stated by using SDF you are preventing placing a restoration, so it is preventive, just not in the sense of caries.

Vice Chair Wada stated when she was at the CDCA meeting, this topic came up and several states do allow hygienists to do it.

After brief discussion, it was moved by Dr. Ota, seconded by Ms. Timmerman with Dr. Hasegawa, Dr. Fujimoto and Dr. Chun opposed, and carried by a majority to approve the Rules Committee recommendation that SDF is a preventative chemical agent that can be applied by a dental hygienist.

Mr. Jacob stated one thing this Board may want to consider at some point is putting a list in the rules. Because right now the only record of this being approved is in these minutes.

7. New Business: a. Matter Related to the American Association of Dental Boards ("AADB")

The Board was provided with the following for their information:

- Executive Director's November and December 2016 Monthly Report
- Executive Director's Announcement - New AADB Tele-Seminar and Webinar program
- AADB Appointments to other Departments

b. Matters Related to the Commission on Dental Competency Assessments ("CDCA")

Ms. Matsushima will provide a written report of the following at the Board's next meeting.

- Annual Meeting January 12-14, 2017

The Board was provided with the following for their information:

- CDCA Quarterly Newsletter

c. Matters Relating to the American Board of Dental Examiners ("ADEX")

Ms. Matsushima reported the next dental hygiene exam will be April 13, 2017 on Maui.

d. Matters Relating to the Central Regional Dental Testing Service ("CRDTS")

The Board was provided with the following for their information:

- The CRDTS Report

e. Matters Relating to the Western Regional Examining Board ("WREB")

The Board was provided with the following for their information:

- WREB Board Newsletter Fall 2016

f. Matters Relating to the Dental Assisting National Boards, Inc. ("DANB")

None.

g. Matters relating to the American Dental Association ("ADA")

The following was passed around to the Board members to review at their perusal.

- Revised ADA Sedation Guidelines

Chair Guevara stated one of the main changes is that capnography is now mandatory, however we have already incorporated that into our inspection checklist.

h. Request for CE Approval

It was moved by Dr. Chun, seconded by Dr. Ota and unanimously carried to approve the following course:

- National Provider Compliance Corporation (“NPCC”) Title: Local Dental Insurance Coverage, Changes, and Updates – 4 CE hours

It was moved by Dr. Nagata, seconded by Dr. Chun, and opposed by Ms. Primiano, it was voted on and the motion carried to approve the following course:

- Holliday Orthodontics – Brianna Fuentes Understanding orthodontics from the Chair Side, January 31, 2017 = 2 CE hours

i. Legislative Matters – Discussion of Possible Legislation Regarding the Board of Dental Examiners statutes

Chair Guevara stated there are eleven bills that he was made aware of just this morning. The bills are not included on today’s agenda and the Board has not had an opportunity to review them. Therefore there will be no discussion on the bills at today’s meeting.

Discussion on this agenda item was deferred.

8. Correspondence: Letter from Board of Pharmacy – Guidance Statement – Pharmacist’s Corresponding Responsibility

The Board received correspondence from the Hawaii Board of Pharmacy sharing with the Board a Guidance Statement that was created in conjunction with the Hawaii Board of Pharmacy and the Hawaii State Department of Public Safety, Narcotics Enforcement Division (NED) to assist pharmacies filling prescriptions for controlled substances. Their hope is that this guidance statement will help to ensure that patients who are prescribed controlled substances for a legitimate medical purpose may receive their medications in a timely manner.

Vice Chair Wada stated at the CDCA Annual Meeting she learned that a lot of states have an official Prescription Monitoring Program or PDMP that dentists are required to register with.

The Guidance Statement will be posted on the Board's webpage for information.

Email from Sarah Thiel re: Continuing Education Audit Process

The Board reviewed an email from Ms. Thiel sharing information about a CE tracker service provided by a company called CE Zoom LLC.

Continuing Education/Restoration

Dr. Ota recused himself from the following discussion.

The Board reviewed request's to approve CE's for the following:

- Dr. Jonathan Mah
- Dr. Grace Chen

The Board by a majority, with Dr. Ota recusing himself, determined that Dr. Mah and Dr. Chen do not meet the continuing education requirements for license restoration at this time.

9. Executive Officer's Report on Matters Related to the Board of Dental Examiners:

a. DCCA Disciplinary Actions

The DCCA Disciplinary Actions were passed around for the Board members to review at their perusal. There was one dental action.

b. Important Information Concerning the 2017 Renewal and Continuing Education ("CE") Requirements for Dentists and Dental Hygienists

Ms. Matsushima reported that an Important Information Concerning the 2017 Renewal and Continuing Education ("CE") Requirements for Dentists and Dental Hygienists was posted to the Board's webpage. It clarifies the CPR requirement and includes information on the required ethics courses for both dentists and dental hygienists.

c. 2017 AADA Meeting Dates

Mr. Kobashigawa reported that the Mid-Year Meeting will be April 23, 2017 and the Annual Meeting will be October 15-16, 2017.

d. Hawaii Public Policy Advocates News Release

A copy of the news release was provided to the members for their information. The headline announces the new President of the Hawaii Dental Association is pediatric dentist Dr. Chris Lee.

e. DCCA Announcement Regarding Heald College Closure

Mr. Kobashigawa reported in the announcement it states that if anyone needs a transcript, it can be requested from the Hawaii Post-Secondary Education Authorization Program (HPEAP) at their online ordering system:

<https:hpeap.ehawaii.gov/hpeap/home.html>

f. Professional Licensing Report ("PLR") News regarding:

- i) Texas sunset panel calls for "sweep" of dental board over non-public-safety agenda;
- ii) FTC warns boards: Don't require initial in-person consultations for telehealth.

Mr. Kobashigawa reported that the Texas Sunset Commission recommended reducing the Texas Board of Dental Examiners from a membership of 15 to 11 and reducing the number of dentists on the board from 8 to 4.

10. Public Comment: None.

11. Announcements: None.

12. Next Meeting: Chair Guevara announced the next meeting as Monday, February 13, 2017. The main topic of this February meeting is to discuss and make recommendations on legislative matters.

Monday, February 13, 2017
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

The following agenda item was moved as the next order of business:

Executive
Session:

At 11:10 a.m., it was moved by Dr. Ota, seconded by Vice Chair Wada, and unanimously carried to enter into executive session pursuant to HRS §§ 92-4 and 92-5(a)(4) to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Guests were excused from the meeting room.

At 12:08 p.m., it was moved by Vice Chair Wada, seconded by Mr. Ching, and unanimously carried to move out of executive session.

The following agenda item was moved as the next order of business:

13. Adjournment: Chair Guevara adjourned the meeting at 12:12 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sandra Matsushima
Sandra Matsushima
Executive Officer

/s/ Lisa Kalani
Lisa Kalani, Secretary

SM:lk

2/10/17

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.