

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, November 21, 2011

Time: 9:00 a.m.

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

Present: Mark Baird, D.D.S., Chairperson, Dental Member
Armand Chong, D.D.S., Vice Chairperson, Dental Member
Wayne Atebara, D.D.S., Dental Member
Dan Fujii, D.D.S., MPH, Dental Member
Marian Grey, Public Member
Paul Guevara, D.M.D., M.D.S., Dental Member
Cheryl Nakagawa, R.D.H., Dental Hygiene Member
Marilyn Nonaka, R.D.H., Dental Hygiene Member
Robert Sherman, D.M.D., Dental Member
Melanie Vallejos, D.D.S., Dental Member
Candace Wada, D.D.S., Dental Member
Stephen Levins, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Terry Akasaka-Toyama, Secretary
Christine Hironaka, Secretary

Excused: Paul Condry, Public Member

Guests: Diane Brucato-Thomas, RDH, EF, BS, FAADH, Hawaii Dental Hygienists'
Association ("HDHA") Past President
Jill Rethman, RDH, BA, HDHA President Elect
Gerraine Hignite, RDH, HDHA Member
JoAnn Uchida, Complaints & Enforcement Officer, Regulated
Industries Complaints Office
Dr. Louis Malcmacher, American Academy of Facial Esthetics
President (Webinar)

1. Call to Order: There being a quorum present, Chair Baird called the meeting to order at 9:04 a.m.

2. Additions/
Revisions
to Agenda:

It was moved by Dr. Vallejos, seconded by Dr. Chong, and unanimously carried to add the following to the agenda:

- Under 6. New Business, add i. *Request for Waiver/Modification of Continuing Education Requirement – Dr. William Bloch & Dr. Ronald Dellork*
- Under 7. Correspondence, add:
 - b. *Letter from The PEW Charitable Trusts*
 - c. *Letter from the Professional Protector Plan for Dentists*
 - d. *Letter from Oregon Board of Dentistry*
- Under 10. Announcements, add c. *New Secretary – Christine Hironaka*

3. Approval of
Board Meeting
And Executive
Session
Minutes of
September 19,
2011 Meeting:

It was moved by Ms. Nonaka, seconded by Dr. Chong, and unanimously carried to approve the September 19, 2011 board meeting minutes with the following amendment:

- On page 5, the last bullet under b. Matters Relating to the Central Regional Dental Testing Service ("CRDTS") should read as:

"Regarding national licensure examination, the Curriculum Integrated Format ("CIF") will be more the norm. In the opinion of Dr. Marv Dvorak, D.D.S., who hosted the New State Board Members, Executive Directors and New Examiner breakfast meeting, [says that the] regions should get together and create [one] that national examination [that] then each regional agency [can use and] test in their own region."

(underlined material is to be added while bracketed material is to be deleted)

It was moved by Dr. Vallejos, seconded by Dr. Wada, and unanimously carried to approve the executive session minutes of the September 19, 2011 board meeting.

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

5. Old Business: c. Discussion on Role of RICO

Ms. Uchida appeared before the Board to answer any questions they may have regarding RICO's (Regulated Industries Complaints Office) process/procedures of handling complaints and settlements.

A question was raised as to how RICO determines the sanction to impose for a particular violation. Ms. Uchida responded that they look at prior Board orders for any precedence given for a particular conduct and also incorporate various factors such as the type of violation, different complainants, strong evidence/witness, etc. If RICO determines that the violation is egregious, they will fully investigate the matter and pursue action against the licensee. In regards to Settlement Agreements, they will negotiate appropriate sanctions that RICO believes the Board will accept.

Ms. Uchida also reported that during FY 2009, there were a total of 18 complaints regarding dentists/dental hygienists. FY 2010, there were 21 complaints and FY 2011, there were 16 complaints.

Ms. Grey indicated that her beauty salon will be having a side room for teeth whitening and questioned how as a board member she should handle this. Ms. Uchida replied that she should relay the information to Mr. Kobashigawa so as not to taint herself should the matter come before the Board at a later time.

Another inquiry was raised regarding settlement agreements that were rejected by the Board and has not heard what the status whether RICO is continuing to proceed further with the matter or has decided to drop it. Ms. Uchida suggested through Mr. Kobashigawa, the Board can request for status updates.

Ms. Uchida informed the Board that at www.businesscheck.hawaii.gov, you can check on the following information:

- Professional and Vocational Licensing information;
- Business name search;
- Complaint history search; and
- General excise tax license search.

4. Applications: a. Ratifications

It was moved by Dr. Vallejos, seconded by Dr. Sherman, and unanimously carried to ratify the following:

Approved Dentist

- CHUAH, Ivan
- CHUN, Bren
- GREENWOOD, William
- KAU, Ammon
- KOMENAKA, Gary
- LUM, Brendt-Alexander
- MORITA, Scott
- PANNES, Dianne
- RITA, Kelliann

It was moved by Ms. Nakagawa, seconded by Dr. Chong, and unanimously carried to ratify the following:

Approved Dental Hygienist

- FAUXBEL, Crystal
- FEHER, Maria
- FISHER, Samantha
- FORSYTHE, Sherry
- GORNICK, Lori
- KO, Irene
- LYLES, Katie
- MATSUMOTO, Sara
- ROBERTS, Asya
- SCRUGGS, Jessica
- THOMAS, Jeffrey

It was moved by Dr. Sherman, seconded by Dr. Chong, and unanimously carried to ratify the following:

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

- KO, Irene
- LYLES, Katie
- SARROCA-ALVAREZ, Shanna

After discussion, it was moved by Dr. Chong, seconded by Ms. Nakagawa, and unanimously carried to ratify the following and to inform the licensee that the licensee is able to work anywhere with the regular dental license which was also just ratified and that the licensee does not need the following license anymore:

Approved Community Service License – Dentist

- CHUN, Bren (Kalihi-Palama Health Center)

5. Old Business:
(continued)

a. Discussion on 2012 Legislation

Mr. Kobashigawa reported that he and Ms. Celia Suzuki, the Professional and Vocational Licensing Division's Administrator, met with Senator Rozalyn Baker and discussed issues related to Community Service Dental License, dental licensure examination and licensure by credential for dental specialists. Senator Baker indicated she may be introducing legislative bills for the 2012 session, especially in regard to licensure by credential for dental specialists.

After a brief discussion, Mr. Levins suggested the Board table this matter for further discussion at the next Board meeting.

b. Discussion of Proposed Amendments to Chapter 16-79, Hawaii Administrative Rules, Sections 16-79-1 to 16-79-148 and Revisions or Changes Thereto

Mr. Kobashigawa reported that after a review by the Legislative Reference Bureau and Mr. Levins, technical changes will need to be made and which will be presented at the January Board meeting.

d. Discussion on Amending the Board's Application

This matter was deferred to the next Board meeting as the Committee is still conducting research.

e. E-mail from Dr. Craig Fujioka

- Webinar Presentation – Dr. Louis Malcmacher

Dr. Malcmacher, via webinar, gave a brief overview on the use of Botox and dermal fillers in dentistry today.

Dr. Malcmacher, President and Diplomate of the American Academy of Facial Esthetics, conducts numerous continuing education courses on Botox and dermal fillers.

Use of Botox and dermal fillers has become common dental use in the last seven (7) years. Most state practice acts allow the use of Botox and dermal fillers for all uses in the oral and maxillofacial areas.

Use of Botox and dermal fillers are considered temporary procedures. Botox is used for TMJ cases, bruxism, facial pain/headache/trigger point injections, angular cheilitis, maxillary gingival excess (gummy smile), orthodontic relapse and depressed orthodontic appearance, reducing muscle hyperactivity for retention of removable prosthodontics, as well as providing maxillofacial esthetic results.

Dermal filler is used for maxillary gingival excess (gummy smile), establishing esthetic dental lip lines and smile lines in esthetic dentistry cases as an alternative to gingivectomy, crown lengthening, lip reduction surgery and veneers, angular cheilitis, eliminating "black triangles" between teeth after periodontal and implant treatment that did not preserve the papilla, reestablishing lip volume for proper phonetics in addition or as opposed to teeth lengthening with fixed or removable prosthodontics, and adding lip and perioral volume around the mouth for retention of removable prosthodontics.

It was questioned whether Dr. Malcmacher knew of any adverse action to the patient from using Botox or dermal fillers. Dr. Malcmacher indicated that if Botox were to get injected into the wrong muscle the patient could possibly get a droopy eyelid or lip which would last for about a week or so. There is no adverse action from the use of dermal fillers, aside from some bruising. He also indicated that he hasn't heard of anyone being allergic to Botox.

Another inquiry questioned if there was a reversal agent for either Botox or dermal fillers to which Dr. Malcmacher replied that there are none for Botox, but there is a reversal agent for dermal fillers.

Training on the use of Botox and dermal fillers is about eight (8) hours for each treatment which includes diagnosis and treatment planning. Their courses are AGD Pace accredited and also available for CME credit.

One of the members asked Dr. Malcmacher to give an argument why general dentists should be allowed to do Botox and dermal fillers vs. only specialists.

Dr. Malcmacher replied that dentists have the skill set since they deal with millimeters and they work with the face more than a nurse, doctor or dermatologist would.

It was also inquired whether there have been any conflict between boards before, such as with the Medical Board, which Dr. Malcmacher affirmed there have been. So long as the dentist works within their scope of practice, there are no problems.

There was a question whether a dentist trained in a dental school would need additional training. Most training in school is for dental pain so they would most likely need to take additional training.

Dr. Sherman would like to have the investigative committee review this matter and present a report at the next Board meeting.

6. New Business: a. Matters Relating to the American Board of Dental Examiners ("ADEX")

Dr. Baird reported that ADEX will be redesigning their exam based upon an occupational task analysis that was recently completed. The perio part of the dental exam does not relate to testing for root plaining and scaling. There may be changes to the perio portion of the dental exam as it is really not related to current practice. Florida includes the perio portion in their exam. Other states are thinking of making the perio portion optional. The exams are set as pass/fail and the candidate would need a critical error to actually fail.

Moreover, changes have been made to the dental hygiene exam and are posted on the ADEX website.

Also, the Southern Regional Testing Agency, Inc.'s ("SRTA") states will be joining ADEX.

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

- Dr. Baird reported that CRDTS is changing their application by questioning candidates whether they have taken another dental licensure exam to try and weed out those who've failed multiple exams.
- A relationship between the Council of Interstate Testing Agencies, Inc. ("CITA") and CRDTS is slowing starting.

c. Matters Related to the American Association of Dental Boards ("AADB")

- Report on October 9-10, 2011 AADB Annual Meeting
- AADB Assessment Services Program ("ASP")

Dr. Sherman and Ms. Matsushima attended the 128th AADB Annual Meeting in Las Vegas, NV. Ms. Matsushima also attended the American Association of Dental Administrators Annual Meeting which followed the AADB Annual Meeting. Both submitted written reports for the Board's information and Dr. Sherman orally presented highlights from his report:

- AADB unveiled the new ASP which is a comprehensive program of review services designed to assist dental board throughout the discipline process and includes two major components: Dentist-Professional Review and Evaluation Program ("D-PREP") and the Expert Review Assessment Program ("ERA").

The intent of D-PREP is to detect, evaluate and suggest possible remediation of deficiencies in dental practitioners referred to the program by their boards. Dental practitioners referred to this program by their boards will be assessed and have the opportunity to

participate in an enhancement program that will address their deficiencies and enable them to return to dental practice. The AADB has partnered with the University of Maryland – School of Dentistry, Marquette University – School of Dentistry and Louisiana State University – School of Dentistry who will act as the assessment centers for practitioners referred to the program.

The second major component of ASP is the ERA. A specially trained expert review committee reviews cases sent by state dental boards, including pertinent patient records, board sanctions and treatment plans to evaluate a practitioner's ability to remain in practice.

- At this year's banquet, Dr. Stanwood Kanna was honored as AADB's Citizen of the Year.
- The Board Attorneys presented "Guidelines on Advertising" which was approved by the General Assembly. This guideline is to serve as an aide to boards when determining advertising regulations in their state.
- State reports:
 - ✓ Arizona – The practice of dentistry has been redefined as the diagnosis, surgical or nonsurgical treatment and performance of related adjunctive procedures for any disease, pain, deformity, deficiency, injury or physical condition of the human tooth or teeth, alveolar process, gums, lips, cheek, jaws, oral cavity and associated tissues, including the removal of stains, discolorations and concretions. Through legislation, the dental board has jurisdiction over mobile dental facilities, which is defined as a facility in which dentistry is practiced and that is routinely towed, moved or transported from one location to another.
 - ✓ Arkansas – Two (2) bills were passed in the 2011 Legislative Session. The first bill provides for criminal background checks of dentists and dental hygienists for licensure. The second bill

authorizes dental hygienists to perform dental hygiene procedures for persons in public settings without the supervision of a dentist by creating a collaborative care permit program for dental hygienists.

- ✓ Connecticut – The Connecticut State Dental Commission adopted the following Declaratory Ruling and has determined that teeth whitening services involve the practice of dentistry when they include: 1) assessing and diagnosing the causes of discoloration; 2) making recommendations of how to perform teeth whitening; 3) customizing treatment; 4) utilizing instruments and apparatus such as enhancing lights; 5) selecting and advising individuals on the use of trays; 6) preparing or making customized trays for individuals; 7) applying teeth whitening products to the teeth of a customer; 8) instructing a customer on teeth whitening products or methods; or 9) other activities as discussed in this Declaratory Ruling.
- ✓ Maine – Through legislation, the Maine Board of Dental Examiners developed a pilot program which would allow Independent Practice Dental Hygienists to expose and process dental radiographs so long as the radiographs are reviewed by a licensed dentist within 21 days. The Board is required to develop rules and guidelines for this program and report back to the Legislature on January 15, 2013 indicating how the program has improved access to dental health care within the federally designated dental health professional shortage areas of the state.
- ✓ Maryland – Dentists and dental hygienists can earn up to eight (8) hours of CE on an hour to hour basis for pro-bono dental services. The Board also permits dentist and dental hygienists to earn up to four (4) hours of CE for successfully completing Board-approved courses on cultural competency. In addition, starting with the 2011 renewal cycle, each dentist and dental hygienist must complete a two-hour Board-approved course on abuse and neglect as it relates to Maryland law.

- ✓ Missouri – Two (2) legislative proposals were presented to the Board that would create two (2) new mid-level dental providers: a dental therapist and an advanced practice dental hygienist. The Board has endorsed both proposals and is supporting the creation of these new mid-level dental providers and their licensure and regulation by the Missouri Dental Board.
- ✓ New York – Graduates of a dental hygiene program who have met all the requirements for licensure, but not yet passed the New York licensing examination are able to obtain a limited permit to practice for a period of one year under the personal supervision of a licensed dentist. Also, beginning January 1, 2012, all dental facilities shall be required to have an automatic external defibrillator or other defibrillator at the facility.

d. Matters Relating to the North East Regional Board of Dental Examiners, Inc. ("NERB")

- NERB Annual Meeting

NERB's Annual Meeting is scheduled for January 19-21, 2012 in Orlando, FL. Mr. Kobashigawa reported that Dr. Baird, Mr. Condry, Ms. Nakagawa, Dr. Sherman, Dr. Wada, Ms. Matsushima and himself will be attending this meeting.

As a member state, Hawaii has three (3) seats on the NERB Steering Committee. After discussion, it was moved by Dr. Chong, seconded by Ms. Grey, and unanimously carried to delegate the following to NERB's Steering Committee:

Dr. Baird
Ms. Nakagawa
Dr. Sherman

Ms. Nakagawa reassured the members that there is no intention of undermining CRDTS's exams by becoming members of NERB as the Board has already established that CRDTS offers adequate exams for dental and dental

hygiene licensure. However, being that there is no national exam that all the states can agree upon, ideally the Board should be represented in all other licensure exams that adequately test the candidate's knowledge and assures the safety, health and welfare of the public. She also suggested that it would be in the Board's best interest if the Board becomes a member of the [various testing organizations](#) to fully understand each one of the examinations.

e. Matters Relating to the American Dental Association ("ADA")

- Proposed Changes to ADA Continuing Education Recognition Program ("CERP") Eligibility

The Committee for an Integrated Examination ("CIE") provided an update on the progress of the Integrated National Board Dental Examination ("INBDE"). CIE has developed a draft Model of the Domain of Dentistry which contains the 65 clinical competencies and 10 statements taken from the Foundation Knowledge for the General Dentist which is a more detailed document that breaks down the 10 main statements into subcategories. These documents by can be found on the following website www.ada.org/5553.aspx.

f. Matters Relating to the Academy of General Dentistry ("AGD")

- October AGDtranscript
 - *Mobile Dental Units:* According to a 2010 study by the Association of State and Territorial Dental Directors, there were 16 states that provided preventive care and 25 states that provided restorative care which were state-supported or state-operated mobile or portable programs. In addition, several states introduced legislation in 2011 to permit mobile dental units as well as other programs to get underserved populations to the dentist. Benefits to mobile dentistry include educating families about the importance of good oral health and how to achieve it and especially serving children and the elderly in nursing homes. However, there are also many issues/concerns with mobile dentistry from liability

and ownership, financing, continuing of care, Medicaid and insurance coverage and complying the dental practice acts and any business regulations that may exist.

- *Volunteer Dentistry:* In an effort to deliver oral care to the underserved, more states are turning to the concept of "volunteer dentistry" where licensed dentists, either retired or relocated from another state, are granted a "volunteer" license that is usually temporary and involves different requirements than traditional licensure. The dentist agrees to work in an underserved area, such as a public health clinic, usually without payment. According to AGD research done this year, 73% of all state dental boards allow for some type of volunteer licensure, although the name of the program, the requirements, and the length of time a dentist may practice under the program varies greatly.

g. Report on Hawaiian Islands Oral Health Task Force ("HIOHTF") Annual Meeting

Ms. Matsushima attended this meeting and distributed her report to the Board for their information.

h. Ratification of Continuing Education ("CE") Course Approval

After discussion, it was moved by Dr. Sherman, seconded by Ms. Nakagawa, and unanimously carried to ratify approval of the following course:

- 2011-2012 Medical-Dental-Legal Update
American Educational Institute, Inc.
8 hours

i. Request for Waiver/Modification of the Continuing Education Requirement for Dr. William Bloch and Dr. Ronald Dellork

After discussion, it was moved by Dr. Vallejos, seconded by Dr. Chong, and unanimously carried to approve the request for a waiver of the continuing education requirement:

- Dr. Ronald Dellork

7. Correspondence: a. Letter from Ms. Brittany Novotny Relating to Out-of-State Oral Pathologists

Ms. Novotny, Executive Secretary of the South Dakota State Board of Dentistry, inquired if the Board requires a dentist to become licensed even when no patient contact is involved such as an oral pathologist that is practicing out-of-state, but diagnoses oral biopsies from patients in state.

Similar to teledentistry, would this activity require an out-of-state dentist to apply for a Hawaii license?

After discussion, by consensus of the Board, the Board decided to table the matter at this time.

b. Letter from The PEW Charitable Trusts

PEW is updating their report which focused solely on school-based sealant programs titled "The State of Children's Dental Health: Making Coverage Matter".

After a brief discussion, by consensus of the Board, this matter will be deferred to the next meeting for further research on school-based or school-linked sealant programs.

c. Letter from the Professional Protector Plan for Dentists

The Board previously responded to their inquiry regarding Botox and the definition of dentistry indicating that the Board had no position on the matter. They are requesting for further clarification to see if the Board has taken a position on this matter since then.

Both Drs. Fujii and Vallejos indicated that they had contacted insurance companies and found that the insurance companies would not cover a general dentist using Botox unless the Board says otherwise. It's acceptable for specialists to use Botox.

By consensus of the Board, they have no position at this time as they are still discussing the matter.

d. Letter from Oregon Board of Dentistry

ADA is soliciting proposals in response to an October 2010 ADA House of Delegates directive to develop a portfolio-style examination for initial licensure purposes that assesses the candidate's clinical competence.

The Executive Director of the Oregon Board is urging his fellow Executive Directors/Administrators to write to the ADA to tell them that as a professional organization that promotes the profession they should not become involved in the clinical licensing examination process for dentistry.

At 12:04 p.m., Dr. Vallejos was excused from the meeting.

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

a. Report from Dr. Douglas Smith

Dr. Smith reported on the status of a licensee and cited that they were compliant with no problems.

b. Western Regional Examining Board ("WREB") Newsletter

The September 2011 issue of WREB's newsletter was circulated to the members for their information.

9. Public Comment on Matters Related to the Board of Dental Examiners: None.

10. Announcements: a. Renewals due December 31, 2011

Mr. Kobashigawa reminded the licensees to renew their licenses if they haven't already.

c. 2012 Board Meeting Schedule

The following are the scheduled meeting dates for 2012, but are subject to change:

January 23, 2012
March 19, 2012
May 21, 2012
July 16, 2012
September 17, 2012
November 19, 2012

c. New Secretary – Christine Hironaka

Mr. Kobashigawa introduced Ms. Hironaka as the new Board Secretary who will be replacing Ms. Akasaka-Toyama.

The following agenda items were moved as the next order of business:

4. Applications: b. Application for License – Dentist
6. New Business: i. Request for Waiver/Modification of Continuing Education Requirement – Dr. William Bloch & Dr. Ronald Dellork (continued)

Executive Session:

At 12:07 p.m., it was moved by Dr. Chong, seconded by Ms. Nakagawa, and unanimously carried to enter into executive session pursuant to 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 HRS §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.

Guests were excused from the meeting room.

At 12:22 p.m., it was moved by Ms. Nakagawa, seconded by Dr. Chong, and unanimously carried to move out of executive session and return to its regular order of business.

4. Applications: b. Application for License – Dentist
(continued)

It was moved by Dr. Sherman, seconded by Dr. Chong, and unanimously carried to deny the following application on the basis of not meeting the examination requirement:

- STELIOTES, Theodore

6. New Business: i. Request for Waiver/Modification of Continuing Education Requirement – Dr. William Bloch & Dr. Ronald Dellork (continued)

It was moved by Dr. Sherman, seconded by Dr. Chong, and unanimously carried to approve the request for modification of the CE requirement with a stipulation that should the licensee wish to perform dental services in the future in Hawaii, he will need to complete the CE requirements and inform the Board before being allowed to do so:

- BLOCH, William

12. Next Meeting: Monday, January 23, 2012
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

13. Adjournment: It was moved by Dr. Chong, seconded by Ms. Nakagawa, and unanimously carried to adjourn the meeting at 12:24 p.m.

Taken and recorded by:

/s/ Terry Akasaka-Toyama
Terry Akasaka-Toyama
Secretary

Reviewed and approved by:

/s/ James Kobashigawa
James Kobashigawa
Executive Officer

JKK:tat

12/20/11

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 1/23/12.