

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 19, 2012

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., Chair, Dental Member
Cheryl Nakagawa, R.D.H., Vice Chair, Dental Hygiene Member
Rodney Ching, Public Member
Mark Chun, D.M.D., Dental Member
Staphe Fujimoto, D.D.S., Dental Member
Marian Grey, Public Member
Paul Guevara, D.M.D., M.D.S., Dental Member
Garrett Ota, D.D.S., Dental Member
Robert Sherman, D.M.D., Dental Member
Melanie Vallejos, D.D.S., Dental Member
Candace Wada, D.D.S., Dental Member
James Paige, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Lisa Kalani, Secretary
Christine Hironaka, Secretary

Excused: Marilyn Nonaka, R.D.H., Dental Hygiene Member

Guests: Gerraine Hignite, RDH, Hawaii Dental Hygienists' Association ("HDHA")
Loren Liebling, Hawaii Dental Association ("HDA")
Dr. Lilli Horton, Hawaii Dental Association ("HDA")
Diane Brucato-Thomas, RDH, EF, BS, FAADH, Hawaii Dental Hygienists' Association ("HDHA")

1. Call to Order: There being a quorum present, Chair Baird called the meeting to order at 9:05 a.m. Chair Baird introduced interim Board members Dr. Staphe Fujimoto and Rodney Ching, and Deputy Attorney General James Paige.

2. Additions/
Revisions
to Agenda:
- It was moved by Dr. Wada, seconded by Vice Chair Nakagawa, and unanimously carried to add the following to the agenda:
- Under Applications, a. Ratifications,

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

add Eileen Quinn

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

add Kristen Matsushige
add Eileen Quinn
3. Approval of
Board Meeting
Minutes and
Executive
Session
Minutes of
September 17,
2012:
- It was moved by Dr. Guevara, and seconded by Dr. Wada, and unanimously carried to approve the September 17, Board meeting minutes.
- It was moved by Dr. Guevara, and seconded by Ms Nakagawa, and unanimously carried to approve the September 17, 2012 Executive Session minutes
4. Applications:
- a. Ratifications
- It was moved by Vice Chair Nakagawa, seconded by Dr. Guevara, and unanimously carried to ratify the following:
- Approved Dentist
- BAXTER, Trace
 - LANGSTON, Andrew
 - MCCLELLAN, Peter
 - MIYAMOTO, Mari
 - PAKRAVAN, Nima
 - PETERSEN, Aric
 - SILVESTRI, Andrew
 - TSUKAMOTO, Jessica
 - UN, Jeanne
- Approved Dental Hygienist
- ANDERSON, Julie

- FEIOCK, Heidi
- FINE, Joanne
- LEE, Nancy
- NOBRIGA, Markee
- ODOM, Ashley
- QUINN, Eileen
- SCHMID, Renee

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

- KOPORSKI, Yana
- LEE, Nancy
- MATSUSHIGE, Kristen
- QUINN, Eileen

Approved Temporary License – Dentist

BRANDLI, Stephanie - **UH School of Public Health**

Dr. Vallejos arrived at 9:15 a.m.

b. Dental Licensure Pursuant to Act 248, SLH 2012

It was moved by Dr. Guevara, seconded by Dr. Chun, and unanimously carried to deny the following applications based on the Board's previous decision that active duty military applying for licensure pursuant to Act 248, SLH 2012, must pass the ADEX dental exam.

- Christopher N. Hanhila, DDS
- Christensen S. Hsu, DDS

c. Application for Permit to Administer General Anesthesia and Intravenous-Conscious Sedation

It was moved by Dr. Guevara, seconded by Dr. Sherman and unanimously carried to delegate the approval or denial of the following application to the Executive Officer pending the results of the dental office inspection.

- Jeremy Hannon, DMD

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

6. Old Business: a. Report of Investigative Committee on Use of BOTOX and

Dermal Fillers/Correspondence from Dr. Craig Fujioka

Mr. Paige questioned if this was the first or second discussion on this inquiry. Dr. Sherman clarified that this inquiry was discussed and deferred from previous meetings.

It was moved by Vice Chair Nakagawa, seconded by Dr. Wada to amend the title of 6.a. to read "Discussion and Action on the Report of Investigative Committee on the Use of BOTOX and Dermal Fillers/Correspondence from Dr. Craig Fujioka".

At the committee meeting, the Investigative Committee (IC) concluded that the use of BOTOX falls within the scope of practice in dentistry as defined by Hawaii statutes. The IC recommended that licensed dentists in Hawaii including general dentists, oral maxillofacial surgeons and other ADA/CODA recognized dental specialists be allowed to utilize BOTOX specifically for the treatment of TMD/myofacial pain or other conditions specific to within the oral cavity complex. Dental practitioners should receive appropriate training; acquire necessary knowledge, skills, and experience necessary to provide this service in a safe and efficacious manner.

Dr. Chun questioned whether the Board could limit the use of Botox to the oral cavity. Mr. Ching stated if you go beyond the scope of practice, malpractice insurance may not cover should a claim be filed. Dr. Wada suggested the Board not include cosmetic procedures.

It was moved by Dr. Wada, seconded by Vice Chair Nakagawa, and unanimously carried to accept the recommendations by the Committee, and to not include cosmetic procedures.

b. American Association of Dental Boards Survey on Allowable Procedures

Dr. Sherman commented that the IC has determined that dermal fillers are allowed within the oral cavity for a dental procedure. Mr. Ching suggested that the Board should remain within their scope of practice in dentistry.

After discussion, the Board decided to defer on the matter until the next meeting.

c. Discussion on Amending Board's Application Forms

This matter was deferred to the next meeting.

d. E-mail from Nic van der Lee Relating to Dental Assistants Performing Intra-Oral Scanning on Patients for Crown, Inlay, and Only Design as Part of CAD/CAM

This matter was deferred to the next meeting, pending further research by Dr. Chun.

e. Letter from Professional Protection Plan for Dentist Relating to Use of Botox

The Board accepted a recommendation by the IC that the use of BOTOX falls within the scope of practice in dentistry as defined by Hawaii statutes.

The IC recommends that licensed dentists in Hawaii including general dentist, oral maxillofacial surgeons and other ADA/CODA recognized dental specialists be allowed to utilize BOTOX specifically for the treatment of TMD/myofacial pain or other conditions specific to within the oral cavity complex.

f. Ratify Approval of Continuing Education Courses

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

- 2012-2013 Medical-Dental-Legal Update (11 CE hours) American Educational Institute, Inc ("AE1")
- HIPAA (1 CE hour);
OSHA HIOSH (2 CE hours); and
American Heart BLS/AED Training Level for Healthcare Providers (3 CE hours)
Physicians Compliance Connection LLC

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

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

- Dr. Sherman and Ms. Matsushima submitted reports which were distributed to the members for their information.

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

- CRDTS introduced their new Executive Director, Laura Jacob, RDH, MA.
- The 2013 Dental Hygiene Examination will be held June 15 and 16, 2013 at the Pearl Harbor Naval base.
- Mr. Kobashigawa informed the Board that Ms. Nonaka attended the CRDTS Steering Committee meeting and will make a full report at the January, 2013 meeting. Mr. Kobashigawa noted that CRDTS confirmed its commitment to maintaining and strengthening the perio portion of the dental exam based on findings of its Occupational Analysis and ADA data bank that perio is the most commonly performed service; and that effective 2014, CRDTS will administer a computer simulated perio and prosthodontic exam.

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

- Exam candidates are given a choice if they want to take the perio portion of the exam or not. However, since most Board's, including Hawaii, require the perio portion of the exam be passed for licensure, those wishing to be licensed in Hawaii must choose to take the perio portion of the exam.
- Based on the results of an occupational analysis, the computer portion ("DSCE") will be reduced from six hours to three hours.
- The dental hygiene computer exam will not be shortened but weighting will be changed and local anesthesia will be permitted.
- Southern Regional Testing Agency ("SRTA") and the Nevada Board also administer the ADEX exams.
- Instead of a numerical score, a pass/fail score has been recommended.

- Because exam manuals have differences (due to NERB, SRTA and Nevada administering the exam), ADEX will consolidate and develop one manual for all examiners.
- Changes will be made to the calibration of examiners.
- New typodonts will be used in 2015.

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

- Mr. Kobashigawa informed the members that the NERB Annual Meeting will take place on January 10th thru January 12th, 2013. All members are encouraged to attend; however, attendance is not mandatory. Dr. Baird, Mr. Ching, Ms. Nakagawa, Dr. Sherman, Dr. Chun, Dr. Ota and Ms. Matsushima expressed interest in attending.

e. Governor's New Day Plan Relating to Dental Initiatives

- Vice Chair Nakagawa submitted a report which was distributed to the members for their information. The Governor's Initiatives include providing healthcare access for everyone and is seeking ideas on how to reduce health costs, provide access to care, especially to children and the underserved, and to eliminate barriers to care.

f. Orientation for Board Members

- An orientation was held at the State Capitol Auditorium on October 24, 2012. Its main purpose was to make the Board/Commission members aware of their roles and responsibilities. Some of the topics covered were Ethics in Government, Sunshine Law, Attorney Client Privileges, Regulated Industries Complaints Office ("RICO"), and Contested Case Hearings. Additional orientation booklets were distributed to the Board members who were not able to attend the orientation.

8. Correspondence: a. Letter of Inquiry from Vatech America Inc. as to Whether Dental Assistants Are Allowed to Operate Cone Beam CT(CTBC) Machines.

The Board discussed whether an appropriately trained dental assistant can operate the CBCT unit similarly as they are able to operate a dental x-ray machine.

The CBCT is not a true medical Computerized Axial Tomography (CAT scan) unit. Because it is specially made for the dental profession, emits a much smaller amount of radiation than a medical CAT scan, and training is given by a licensed dentist and manufacturer, the dental assistant can safely provide services utilizing the unit. Finally, it should be noted that dental assistants can only operate the CBCT unit under the direct supervision of a licensed dentist.

It was moved by Vice Chair Nakagawa, seconded by Dr. Guevara, and unanimously carried to allow dental assistants to operate the CBCT unit.

- b. Letter of Inquiry from Lou Ann Gleason, Relating to the Scope of Work of Dental Hygienists

Chair Baird stated he believes this consumer product company wants to use licensed dental hygienists to endorse their product(s). Mr. Kobashigawa indicated that he will request for more detailed information from Ms. Gleason. The Board deferred this matter for more information.

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

- d. Letter of Inquiry from Jason M. Lee on reciprocity issues and issues of dental specialist licensing.

It was moved by Vice Chair Nakagawa, seconded by Dr. Wada, and unanimously carried to respond to Dr. Lee that he should contact state legislators in order to amend the statutes, with a caveat that Act 248, SLH 2012 has no provisions for the Board to consider reciprocity at this time.

9. Executive Officer's Report on Matters Related to the Board of Dental Examiners: a. 2013 Board of Dental Examiners Meeting Schedule

The 2013 schedule was distributed to the members for their information.

- b. E-mail from Joint Commission on National Dental

Examinations

Mr. Kobashigawa informed the Board that Dr. Sherin Tooks has been appointed to the position of Director of the ADA Commission on Dental Accreditation.

10. Public
Comment
On Matters
Related
To the Board
Of Dental
Examiners:

Hawaii Dental Association's Loren Liebling introduced Dr. Lilli Horton as the new President-elect for the Hawaii Dental Association. Mr. Liebling questioned whether the Board's minutes

were sufficient when responding to inquiries regarding dental licensure pursuant to Act 248, SLH 2012. All dentist would need to have passed the ADEX dental examination for licensure.

The Board agreed that the minutes are sufficient.

11. Announcements: a. Interim Appointment of Rodney Ching

Mr. Rodney Ching was recently appointed to the Board as an interim public member.

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

5. Chapter 91,
HRS,
Adjudicatory
Matters: At 11:13 a.m., Chair Baird recessed the Board's meeting to discuss the following adjudicatory matter pursuant to Chapter 91, HRS. Guests were excused from the meeting room.

Chairperson Baird left the meeting at 11:14 a.m.

- a. In the Matter of the Application for a Dental License of RASHMI VASUDEVA – Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order

It was moved by Dr. Sherman, seconded by Dr. Vallejos, and unanimously carried to approve the Hearings Officer's Finding of Fact, Conclusions of Law and Recommended Order as the Board's Final Order.

At 11:26 a.m., the Board came out of Chapter 91, HRS. As Chair Baird had to leave, Vice Chair Nakagawa reconvened the meeting and the Board returned to its regular order of business.

Executive
Session:

At 11:26 a.m., it was moved by Dr. Guevara, seconded by Dr. 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 11:37 p.m., it was moved by Dr. Wada, seconded by Ms. Grey, and unanimously carried to move out of executive session.

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

6. Old Business:
(continued)

g. Discussion on Administrative Rules

It was previously noted that the Small Business Regulatory Review Board ("SBRRB") did not currently have enough members for a quorum, thereby, the SBRRB was unable to conduct their meetings, including reviewing proposed rules amendments. Vice Chair Nakagawa informed the Board that if they desired to make additional amendments, this would be an opportune time. Mr. Kobashigawa informed the Board that additional proposed amendments would require AG's review of those proposed amendments.

The Board discussed the proposal related to the dental hygiene exam requirement and whether the exam requirement should be consistent with the current language in the statute allowing for acceptance of the four regional exams, or maintain the current proposal to require the passage of the CRDTS dental hygiene exam for licensure. To be consistent with the statute, the proposed changes would be to amend the following sections from:

"16-79-9(b)(3) Pass the CRDTS dental hygiene examination;"

"16-79-11.5(a)(2) An official verification of having successfully passed the CRDTS."

To change to the following amendments

16-79-9(b)(3) "Pass a regional dental hygiene examination pursuant to HRS 447-1(b) and 447-1(c)** until a national clinical dental hygiene examination becomes available;"

16-79-11.5(a)(2) "An official verification of having successfully passed a regional dental hygiene examination pursuant to HRS 447-1(b) and 447-1(c)** until a national clinical dental hygiene examination becomes available;"

** HRS 447-1(b) "The Board shall require an applicant to take and pass the State's examination or one of the following four regional clinical examinations given after February 1, 2005, by the:

- (1) Western Regional Examination Board;
- (2) Central Regional Dental Testing Service, Inc;
- (3) Southern Regional Testing Agency, Inc; or
- (4) North East Regional Board of Dental Examiners, Inc

(c) In addition to the requirement of subsection (a), applicant shall take and pass a national clinical examination once a national clinical examination becomes available and neither the state examination nor any regional examination shall be accepted; provided that an applicant who has taken and pass the state or a regional examination after February 1, 2005, but prior to the availability of a national examination shall be deemed to have met the board's examination requirement.

After discussion, it was moved by Ms. Grey, seconded by Dr. Guevara, and unanimously carried to approve the proposed amendments to further amend the current draft rules regarding the dental hygiene examination.

8. Correspondence: c.
(continued)

Letter from Dr. Charles Fischer requesting reinstatement of Dentist license

Dr. Fischer submitted a letter requesting his dental license be reinstated because he believes a clerical error on PVL's part resulted in him not receiving a license renewal and therefore caused his license to lapse.

After much discussion, it was moved by Dr. Guevara, seconded by Dr. Wada, and unanimously carried that Dr. Fischer's license not be reinstated and he must re-apply for dental licensure. In addition, the Board noted that no evidence was found that Dr. Fischer informed the Board of a change of address nor has he renewed his license since December 31, 2001.

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

12. Next Meeting: Monday, January 14, 2013
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. Guevara, seconded by Dr. Wada, and
unanimously carried to adjourn the meeting at 11:54 a.m.

Taken and recorded by:

/s/ Lisa Kalani
Lisa Kalani
Secretary

Reviewed and approved by:

/s/ James Kobashigawa
James Kobashigawa
Executive Officer

JK:lk

1/14/13

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 2/7/13.