

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

MINUTES OF COMMITTEE MEETINGS  
Legislative Committee  
Military Applications Committee

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: Thursday, February 7, 2013

Time: 9:00 a.m.

Place: Likelike Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Present: Legislative Committee  
Marian Grey, Public Member  
Marilyn Nonaka, R.D.H., Dental Hygiene Member  
\*Garrett Ota, D.D.S., Dental Member

Excused: Robert Sherman, D.M.D., Dental Member

Military Applications Committee  
Mark Chun, D.M.D., Dental Member  
Paul Guevara, D.M.D., M.D.S., Dental Member  
\*Garrett Ota, D.D.S., Dental Member

Stephen Levins, Esq., Deputy Attorney General  
Sandra Matsushima, Executive Officer  
Christine Hironaka, Secretary

Excused: Cheryl Nakagawa, R.D.H., Dental Hygiene Member  
Robert Sherman, D.M.D., Dental Member

\*via teleconference

Guests: Gayle Chang, R.D.H.

Call to Order: There being a quorum present, Chair Guevara called the meeting to order at 9:26 a.m.

Discussion on Legislation by the Legislative Committee:

SB343/HB658 Relating to dental health

Requires the director of health to participate in the national oral health surveillance system. Permits dental hygienists to apply preventative sealants in a school-based dental sealant program. Requires the department of health to establish and administer a school-based dental sealant program in a high-need demonstration school and report to the legislature about the department's efforts to prioritize prevention of tooth decay. Appropriates funds to establish and administer a school-based dental sealant program in a high-need demonstration school, including plans to implement the program on a statewide level.

Ms. Nonaka provided resource materials and website information and noted that these private and non-profit groups support the issue that hygienists can provide sealants without a prior exam by the dentist. She added that minor amendments would need to be made, such as having certain criteria in place. Ms. Nonaka noted that the research materials and websites that she provided were issued by notable sources, such as the Journal of the American Dental Association and the Centers for Disease Control and Prevention.

Dr. Ota thanked Ms. Nonaka for providing the resource materials and website information and commented that the Seal America website offered helpful information. However, Dr. Ota noted that he would still prefer to have a dentist pre-screen the children prior to allowing a dental hygienist to apply the sealants. He was uncomfortable with allowing the hygienists, with different levels of expertise, to apply the sealants without a prior exam by a dentist. Dr. Ota added that there was not enough information and too many unanswered questions, such as whether or not there will be a follow-up after the sealants are applied and who would be doing the calibration.

Ms. Nonaka commented that it is currently being done in other states and that she believed that the legislation was introduced as a response to the PEW report. Ms. Nonaka referenced the resources

that she provided and stated that although the process has not been discussed yet, the Committee's discussion is to consider whether a dental hygienist can apply the sealants without a prior exam by a dentist.

Chair Guevara noted that the level of expertise is a big concern of his, as well. Chair Guevara added that he has personally seen young patients who needed root canal work done, in which he had concerns on how their sealants were placed.

Dr. Chun suggested that the State's Department of Health could instead consider the use of topical fluoride and water fluoridation in schools.

Dr. Ota suggested that the dental hygienist should have proper training and/or a certification before being allowed to do sealants. He reiterated that he supports the bill, but has reservations on implementation and whether the calibration could be controlled by the Board.

Chair Guevara concurred with Dr. Ota in support of the bill, however, he also had reservations regarding the implementation.

Ms. Nonaka noted that the states which allow dental hygienists to apply sealants, i.e., Michigan, Washington, and South Carolina, have no supervision and that there have been no adverse consequences.

Ms. Grey commented that according to the research documents, she believed that sealants applied by a dental hygienist would do no harm.

After a discussion, Ms. Nonaka understood that her report is not a position of the Committee or of the Board. She will provide more information on problems raised in other states and how they are being addressed.

The committee notes that the intent of the bill is good and they support it. The committee finds that the legislation has important issues and would like the full board to discuss and vet it out at their next meeting.

Discussion on Legislation by the Military Applications Committee:

SB506/HB343 Relating to professional and vocational licensing

Clarifies that licensing authorities shall consider relevant education, training, or service completed by service members. Specifies which service members are subject to these provisions. Permits licensure by endorsement or licensure by reciprocity in certain situations for service members. Establishes procedures for service members to receive a license by endorsement or license by reciprocity. Permits issuance of a temporary license if certain requirements are met. Requires the licensing authority to expedite consideration of the application and issuance of a license by endorsement, license by reciprocity, or temporary license to a qualified service member.

Chair Guevara discussed the regional exam criteria, the definition of responsibility, and the types of dental licenses in other states.

Dr. Ota questioned if the language to accept only ADEX was still a requirement in these bills, and if not, then the Board should look at other regional and state exams for equivalency.

Dr. Chun wondered if any individual would qualify for license if that person was licensed in another state.

Deputy Attorney General Levins noted that if an applicant was denied a license for not having an equivalent exam, but is able to establish an equivalency to the exam, it may be disputed.

Ms. Matsushima stated that all applications will still need to be reviewed by the Board for approval.

Chair Guevara discussed some recommendations and criteria, such as a verification of a valid license, a license in good standing from another state, no disciplinary action taken, and recently discharged/stationed in Hawaii. Chair Guevara noted that basically, the recommendations would be the same recommendations that the committee crafted for Act 247 and Act 248 from the last meeting.

After a discussion, Dr. Ota noted that he had no problems with the legislation and supports the spirit of the bills, to help the military. Dr. Ota had no further comments.

Dr. Ota was excused from the meeting and terminated the teleconference at approximately 10:40 a.m.

The discussion continued and questions arose regarding Section (b)(2) (page 3, line 18 -22) which appeared ambiguous. "An honorable discharged member..." only until line 21 the language indicates "previous six months". The use of "or, or, or" appears ambiguous.

Ms. Matsushima will check with her colleagues on their interpretation. *(Note: After conducting research, the use of "or" was intended to clarify the different branches of the armed forces and military services personnel who has transitioned within the previous six months. There is no ambiguity in the language.)*

Ms. Nonaka was excused from the meeting 10:53 a.m.

It was noted that an applicant, who is a resident of Hawaii but transitioning from another State, will not be eligible for licensure via this pathway. It is recommended that the Board should focus on the language of the bill to consider who would be eligible to take advantage of this bill.

#### SB965/HB718 Relating to professional and vocational licensing

Establishes qualifications for "nonresident military spouses" eligible for expedited procedures for professional and vocational licensing by endorsement or reciprocity, and temporary licensing.  
Establishes requirements for nonresident military spouses to maintain licenses and requires reporting of changes in status or circumstances that may affect licensure

#### HB1381 Relating to professional and vocational licensing

Limits licensure by endorsement or reciprocity for nonresident military spouses to those spouses who are present in the State for at least one year pursuant to DOD orders. Limits consideration of military service or training for licensure by endorsement or reciprocity to veterans honorably discharged within two years of application and excludes medical doctors, dentists, CPAs, and other licensees for which specified endorsement or reciprocity regulations exist.

Ms. Matsushima noted that these bills refer to expedited procedures for licensure of the active military spouse or reserve component of any armed forces.

Ms. Grey was excused from the meeting 11:05 a.m.

It was also noted that the language in HB1381 indicates that the Board should consider licensing requirements that are “equivalent or exceeds state requirements”. The Board would need good reason to deny an application, in order to defend against any lawsuits.

Ms. Matsushima added that for Act 247, S.L.H. 2012 the committee decided at their September 17, 2012 meeting that each application will be reviewed on a case by case basis.

After a brief discussion, Chair Guevara suggested that Ms. Matsushima make a copy of the previous Military Applications Committees’ recommendations to Act 247 SLH 2012 and to Act 248 SLH 202. Attach the recommendations to this Committee Meeting minutes and submit to the full Board at its next meeting. That would be the recommendation of this Committee.

Chair Guevara adjourned the meeting at 11:30 a.m.

Respectfully submitted by:

/s/ Sandra Matsushima  
Sandra Matsushima  
Executive Officer

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

ATTACHMENT

Board of Examiners in Dentistry  
September 17, 2012  
9:00 a.m.

**Act 248, S.L.H. 2012**

1. For dentist and dental hygienist: Provide a certified copy of a dental or dental hygiene degree, certificate of graduation or an official transcript from a CODA accredited school;
2. For dentist and dental hygienist: Provide official verification of having successfully passed one of the following clinical licensing examinations:
  - American Board of Dental Examiners (ADEX);
  - Central Regional Dental Testing Service, Inc. (CRDTS);
  - North East Regional Board of Dental Examiners, Inc. (NERB);
  - Southern Regional Testing Agency, Inc.(SRTA);
  - Western Regional Examining Board (WREB);
  - Council of Interstate Testing Agencies, Inc. (CITA); or
  - Any equivalent State exam.
3. For dentist and dental hygienist: If licensed, provide a copy of an active, unrestricted dental or dental hygiene practice license in another state;
4. For dentist and dental hygienist: Provide official documentation from the Commanding Officer, copy of orders, or other documentation indicating active duty or previous military service.
5. For dentist and dental hygienist: Submit a self-query report from the NPDB;
6. For dentist and dental hygienist: Renewal will tie in with the same biennial renewal period; and
7. For dentist and dental hygienist: Each case will need to be reviewed and approved on a case-by-case basis.

ATTACHMENT

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  - Southern Regional Testing Agency, Inc.(SRTA);
  - Western Regional Examining Board (WREB);
  - Council of Interstate Testing Agencies, Inc. (CITA); or
  - Any equivalent State exam.
3. For dentist and dental hygienist: Provide a copy of an active, unrestricted dental or dental hygiene practice license in another state;
4. For dental hygienist: Provide certification in the administration of intra-oral infiltration local anesthesia and intra-oral block anesthesia from an CODA accredited school or certification program approved by the Board; if none, issue a temporary license while pursuing the certification;
5. For dentist and dental hygienist Submit a self-query report from the NPDB;
6. For dentist and dental hygienist: A temporary license shall be limited to being a spouse of an active duty service individual for the term while stationed in Hawaii, for the duration of the duty, unless the dentist or dental hygienist has fully satisfied all of the requirements for a (permanent) license in Hawaii, in which case the status of the license shall be changed from temporary to permanent. If the spouse and the active duty personnel are no longer married or the active duty personnel is transferred to another duty station, the temporary license will terminate;
7. For dentist and dental hygienist: Provide official documentation from the Commanding Officer, copy of orders, or other documentation to verify being a spouse of an active duty military personnel, that the military personnel is stationed in Hawaii, and that the spouse is residing in Hawaii;



8. For dentist and dental hygienist: Report that the applicant has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension, or revocation of a license; has never been censured or had other disciplinary action taken; has not had an application for licensure denied; has not refused to practice dentistry or dental hygiene for which the non-resident military spouse seeks licensure; has not been disciplined by a licensing or credentialing entity in another jurisdiction; is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction; and has not surrendered membership on any professional staff in any professional association, society, or faculty for another state or licensing jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action in this State;
9. For dentist and dental hygienist: Renewal for a permanent or temporary license will tie in with the same biennial renewal period; and
10. For dentist and dental hygienist: Each case will need to be reviewed and approved on a case-by-case basis.