

**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 14, 2013

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> 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  
Marilyn Nonaka, R.D.H., Dental Hygiene 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  
Stephen Levins, Esq., Deputy Attorney General  
James Kobashigawa, Executive Officer  
Lisa Kalani, Secretary

Excused: Sandra Matsushima, Executive Officer

Guests: 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")  
Ellie Kelley-Miyashiro, RDH, BS, Hawaii Dental Dental Hygienists' Association ("HDHA")

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

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

- Under Correspondence;  
8.e. Email from Dr. Hasegawa
- Under Executive Officer's Report on Matters Related to the Board of Dental Examiners;  
9.f. AOMS Office Procedures Manual  
9.g. AOMS Publication on Parameters of Care

3. Approval of Board Meeting Dr. Sherman wanted to point out on page 4, under 6.a. Old Business, he felt the Investigative Committees conclusion may have been misinterpreted as it is read. He wants the IC to revisit the issue. It was moved by Dr. Sherman, and seconded by Vice Chair Nakagawa, and unanimously carried to approve the November 19, 2012 Board meeting minutes as amended.

Minutes and Executive Session Minutes of November 19, 2012:

It was moved by Ms. Grey, and seconded by Dr. Wada, and unanimously carried to approve the November 19, 2012 Executive Session minutes as circulated

4. Applications: a. Ratifications

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

Approved Dentist

- RICHARD SWAJA

Approved Dental Hygienist

- MICHELLE A. HULL
- HOLLY L. WILLIAMS
- YI-CHIN YANG

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

- FALLON WESTFALL
- EILEEN QUINN
- CHRISTIN MATSUSHIGE
- ASHLEY ODOM
- YI-CHIN YANG
- LORAINÉ CROSS
- HOLLY WILLIAMS

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

6. Old Business: a. Continued Discussion on Board's Determination Related to Report of Investigative Committee on Use of BOTOX and Dermal Fillers/Correspondence from Dr. Craig Fujioka

Chair Baird suggested deferring this discussion until after the Oral and Maxillofacial Surgeons Association meeting in March 2013 as they wish to provide recommendations on the issue.

Dr. Vallejos asked if the Oral and Maxillofacial Surgeons meeting will be before the Dental Board meeting in March. Chair Baird said it will be.

Dr. Sherman asked if the Investigative Committee (IC) could meet again to discuss this topic and come up with a better and clearer position due to the misunderstanding.

After discussion, it was moved by Dr. Sherman, seconded by Dr. Wada, and unanimously carried to defer on the matter until the next meeting to await recommendations from the Oral and Maxillofacial Surgeons and the IC.

*Marilyn Nonaka arrived at 9:21 a.m.*

- b. American Association of Dental Boards Survey on Allowable Procedures

Dr. Sherman asked if the list of procedures could be provided to the Board again and also to the Oral Surgeons.

After discussion, it was moved by Dr. Sherman, seconded by Dr. Vallejos, and unanimously carried to defer on the matter until the next meeting.

c. Discussion on Amending Board's Application Forms

After discussion, it was moved by Dr. Sherman, seconded by Dr. Vallejos, and unanimously carried to defer on the matter until 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 Onlay Design as Part of CAD/CAM

Dr. Chun said the Board needs to update its policy on what dental assistants can do. Dr. Chun will also meet with the IC.

Ms. Nonaka said it would be helpful to have a hygienist also meet with the IC.

Ms. Grey suggested why not a public member also.

Dr. Chun thinks it should be left to the dentists, and the IC's conclusion will then be reported to the full Board.

After discussion, it was moved by Ms. Grey, seconded by Vice Chair Nakagawa, and unanimously carried to defer on the matter until the next meeting. Also, this issue will be added to the IC on the use of botox and dermal fillers. Dr. Chun is added to the IC, whose members include Dr. Sherman, Dr. Guevera, Dr. Vallejos and Dr. Wada.

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

Dr. Sherman inquired with TDIC (insurance company) if there have been any lawsuits related to the use of Botox. There has been only one, not in Hawaii related to the use of Juvederm being injected into the lips, even though the packaging clearly states it is not for use on the lips.

After discussion, it was moved by Dr. Sherman, seconded by Mr. Ching, and unanimously carried to defer on the matter until the next meeting.

f. Discussion on Administrative Rules

Mr. Levins has received the rules and is almost done with a few minor changes.

Vice Chair Nakagawa expressed her gratitude to Mr. Levins and administration for their work on the rules.

Ms. Nonaka was surprised by the rules regarding the dental hygiene exam. She stated the Board is creating rules to implement a rule that probably needs to be changed. She thinks the Board should have the authority to select the exams for hygienists. Although she is encouraged by the ADEX hygienist exam, she is reluctant to embrace it at this time. She does not believe the same due diligence is being done for the Dental Hygiene exam as was done for the Dental exam. She added that it is not her intent to protect CRDTS but for the Board to do its due diligence.

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

- The Executive Officer ("EO") reported AADB's website has state reports given at the last AADB meeting. The EO also reported they have a new Executive Director, James Tarrant.
- AADB mid-year meeting will be May 22, 2013. Chair Baird says he will be attending.

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

- The EO reported the Dentist and Dental Hygienist exam results are available. Dr. Sherman asked if there's a way to see the number of applicants and the number of sites. Ms. Nonaka said she will get that information and relay to the EO.
- At a CRDTS Dental Exam in Denver, CO in October of 2012 a dental candidate had as her chair side assistant a dentist licensed to practice dentistry in the state of Kansas. This constituted a

serious violation of CRDTS' testing rules. As a result, the candidate failed all sections of the 2012 dental exam and will not be allowed to apply for re-exam for one full year.

- Ms. Nonaka attended the CRDTS Steering Committee meeting on November 10, 2012 in Kasas City, MO, and submitted a report which was distributed to the members for their information. She stated that CRDTS plans to administer a computer based exam and that the scoring technology has been updated.

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

- Changes for the 2013 Dental Hygiene Examination.
  1. Calculus detection skills assessment is now separate from the calculus removal skills assessment to eliminate the candidate's "double jeopardy" of the past DH exams.
  2. Minimum of 12 teeth changed to 16 teeth for qualification. A candidate may choose up to 4 contiguous posterior teeth in a second quadrant as an alternate, of which only the 12 surfaces are still graded.
  3. The primary quadrant is designed and the anterior and posterior pocket measurement assignment is within the primary quadrant or alternative selection.

All teeth must be completely treated. This is an effort to be "complete" at least for the tested areas, for the patient's dental health and well being. The ADEX DH exam committee goals are to: Assure the states that the ADEX dental hygiene exam is reliable, defensible and fair; safe and "complete" treatment for the patient; candidate friendly.

- The dates of the Dental exam in Hawaii are July 27-28, 2013.

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

- The NERB Annual Meeting was held January 10-12, 2013 in Orlando, Florida. It is the vision of NERB to be a preeminent resource in the development, innovation, and administration of competency assessments in the oral health professions. NERB administers the ADEX dental and dental hygiene exams. NERB also develops exams for the State Boards to assess the competency of their state's applicants in offering dental specialty, local anesthesia, nitrous oxide, ethics and jurisprudence exams. NERB also can do background checks on applicants as a service to the member states. NERB now has 22 member states and over 40 states accept the ADEX exam. Also, NERB is doing extremely well financially. Moreover, questions were raised as to representation on the ADEX dental and dental hygiene exam committees by Board members. Currently, Dr. Kanna is on the dental exam committee but no one is on the dental hygiene exam committee.

e. Continuing Education Audit

- The EO thanked Vice Chair Nakagawa, Dr. Fujimoto and Dr. Sherman for reviewing audits.

8. Correspondence: a. Letter of Inquiry from Dr. Louis Malcmacher, Relating to the Hawaii dental practice act.

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

b. Letter from Dr. Craig Fujioka, Regarding use of Botulinum Toxin

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

c. Letter from American Academy of Dental Sleep Medicine

It is the policy of the American Academy of Dental Sleep Medicine ("AADSM") and the American Academy of Sleep Medicine ("AASM") that patients presenting symptoms of obstructive sleep apnea (OSA) required face to face evaluation conducted by a qualified physician trained in sleep medicine. Therapies for OSA, including positive

airway pressure (PAP) and oral appliance therapy (OAT), must be prescribed by a qualified physician. Qualified dentists with training and experience in the overall care of oral health, the temporomandibular joint, dental occlusion and associated oral structures should fit the oral appliance device as a therapy for OSA.

d. E-mail from Ohio State Dental Board

The Ohio State Dental Board considers obstructive sleep apnea (OSA) to be a medical condition that often requires a multidisciplinary team approach to management. The diagnosis of OSA is made by a properly trained licensed physician. The management of OSA often includes treatment that is within the the scope of dental practice. Therefore, in accordance with the developed treatment plan for a patient diagnosed with OSA, a dentist can treat an OSA patient.

e. E-mail from Dr. Hasegawa

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

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

a. DANB Newsletter

The EO offered the newsletter to the Board to review.

b. Hawaiian Islands Oral Health Task Force Meeting

The EO informed the Board the meeting will be held January 29, 2013 from 1:00 p.m. to 4:00 p.m. Chair Baird said he will try to attend.

c. New NERB address

The EO reported NERB has moved to Linthicum, MD

d. Organization for Safety, Asepsis and Prevention Training Course

The EO reported that the dates for the course have already passed.



e. CODA 2013 Winter Meeting

The meeting will be held January 31 to February 1, 2013. Everyone is invited to attend.

f. AOMS Office Procedures Manual

AOMS revised its anesthesia manual. EO offered to the Board to review.

g. AOMS Publication on Parameters of Care

The EO offered publication to the Board to review.

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

No comments

Recess: At 10:55 a.m. Chair Baird called for a recess

Reconvene: At 11:11 a.m. the Board returned to its regular order of business

11. Announcements: The EO asked if the Legislative Committee needs to be updated. Ms. Nonaka asked if meetings by Skype could be held. Mr. Levins said the short answer is 'yes', however it can be cumbersome due to the Sunshine Law. Dr. Sherman asked if neighbor island committee members get reimbursed for attending meetings on Oahu. The EO said not at this time, approval would be required. However, if only a committee meeting is held and not a Board meeting then Skype or conference call would be okay and not cumbersome since it's not a Board meeting. Legislative Committee members at this time are: Garrett Ota, Robert Sherman, Marilyn Nonaka and Marian Grey. The EO requested a Board meeting be held in February specifically for legislative matters.

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

5. Chapter 91,  
HRS,  
Adjudicatory  
Matters: At 11:31 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.

- a. In the Matter of the License to Practice Dentistry of KEITH A. DUNG, D.D.S., DEN 2010-15-L. Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

It was moved by Ms. Grey, seconded by Dr. Vallejos, and unanimously carried to amend the Recommended Order to also allow Dr. Dung to take a course in basic life support that has been approved by the Board pursuant to section 16-79-143, Hawaii Administrative Rules.

At 11:35 a.m., the Board came out of Chapter 91, HRS.

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

Executive  
Session:

At 11:35 a.m., it was moved by Vice Chair Nakagawa, 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.

*Dr. Vallejos left at 11:48 a.m.*

At 11:56 a.m., it was moved by Vice Chair Nakagawa, seconded by Dr. Wada, and unanimously carried to move out of executive session.

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

12. Next Meeting(tentative): Thursday, February 7, 2013  
8:30 a.m.  
King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

13. Adjournment: It was moved by Dr. Chun, seconded by Dr. Wada, and unanimously carried to adjourn the meeting at 11:56 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

2/4/13

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_.