

SB 2501

Measure Title: RELATING TO THE BOARD OF DENTISTRY AND DENTAL HYGIENE.

Report Title: Board of Dentistry and Dental Hygiene; Dentistry; Membership
Description: Changes the name of the board of dental examiners to "board of dentistry and dental hygiene". Decreases the number of members on the board from twelve to eleven members. Requires four members to be licensed, practicing dental hygienists. Requires at least one of the practicing dentist members to be a practicing dentist with a background in public health dentistry or a license in community service dentistry. Prohibits members from being in any way connected with or having financial interest in any dental examination company.

Companion: HB2458

Package: None

Current Referral: CPN/HTH

Introducer(s): BAKER, CHUN OAKLAND, Ige, Ihara, Shimabukuro, Wakai

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

AND

TO THE SENATE COMMITTEE ON HEALTH

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

Friday, February 7, 2014
10:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2501, RELATING TO THE BOARD OF
DENTISTRY AND DENTAL HYGIENE.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
TO THE HONORABLE JOSH GREEN, CHAIR,
AND MEMBERS OF THE COMMITTEES:

My name is Dennis Nagata, D.D.S., Dental member of the Board of Dental Examiners ("Board"). The Board appreciates the opportunity to testify and offer comments on Senate Bill No. 2501, Relating to Dentistry and Dental Hygiene.

The purpose of Senate Bill No. 2501 is to update the name of the Board of Dental Examiners to the Board of Dentistry and Dental Hygiene, which more accurately reflects the Board's scope, and provide dental hygienists with greater representation on the Board so that board representation is more proportional to the number of licensed dentists and dental hygienists in Hawaii.

The Board believes the current composition of the Board is not problematic and that there may be unintended consequences. The Board's concern is with the addition of a member who is a practicing dentist with a background in public health dentistry and/or a community service dentist ("CSDT"). The primary concern is that it will be very

difficult to find Board members who are available to serve from the very small pool of potential candidates (approx. less than 2% of licensees). In reference to the addition of a community service dentist, this license was designed specifically to address the access to care issue by channeling the certified dentist to practice only while in the employment of the Department of Health, in federally qualified health centers, native Hawaiian clinics, and post-secondary dental auxiliary training programs. Therefore, it may be difficult to have a CSDT remain on the Board should that dentist become unemployed and lose that license.

Also in this section, the bill proposes that no member shall be in any way connected with or interested financially in any dental examination company. Please be informed that the Board is an active member of the Central Regional Dental Testing Service ("CRDTS") and the Northeast Regional Board of Dental Examiners ("NERB") and Board members serve as examiners, officers, and committee members for these testing agencies. Therefore, most of the Board members would not be eligible to serve on the Board. The Board members that participate with the agencies primarily do so, because of the membership on the Board of Dental Examiners.

Accordingly, for the above reasons, the Board does not support this measure.
Thank you for the opportunity to testify and comment on Senate Bill No. 2501.

Hawaii State Legislature
State Senate
Committee on Commerce and Consumer Protection
Committee on Health

State Senator Rosalyn H. Baker, Chair
State Senator Brian T. Taniguchi, Vice Chair
Committee on Commerce and Consumer Protection

State Senator Dr. Josh Green, Chair
State Senator Rosalyn H. Baker, Vice Chair
Committee on Health

Friday, February 7, 2014, 8:30 a.m. Room 229
Senate Bill 2501 Relating to the Board of Dentistry and Dental Hygiene

Honorable Chairs Rosalyn H. Baker and Josh Green, Vice Chairs Brian T. Taniguchi and Rosalyn H. Baker, and members of the Senate Committee on Commerce and Consumer Protection and Senate Committee on Health,

My name is Russel Yamashita and I am the legislative representative for the Hawaii Dental Association and its 960 member dentists. I appreciate the opportunity to testify in opposition to of Senate Bill 2501 Relating to the Board of Dentistry and Dental Hygiene.

The bill before you today would realign the current Board of Dental Examiners and places significant imbalance on the composition of the board when there is no shown need either within the State of Hawaii, nor any other state jurisdiction. Additionally, the requirement to have a public health dentist or temporary community service license dentist serve on the Board is short sighted when taken with the reduction of practicing dentists this bill seeks.

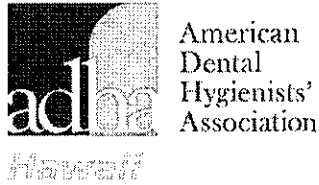
The primary job of the Board of Dental Examiners is to protect the public. As recent events have shown, that can be a daunting challenge with the limited resources of the State, and those who wish to fly beneath the radar of professional organizations and regulators. The proposed changes to the Board will only serve to weaken the regulatory oversight by practicing dentists. Reducing the number of dentists on the Board will only serve to limit the expertise and professional resources of the Board at a time when events have shown that even more resources are needed

Increasing the number of dental hygienists serving on the Board does not address the primary purpose of the Board. Hygienists will not be able to separately oversee any disciplinary action over a licensed hygienist, since the work any hygienist performs must be under the direction of a licensed dentist who is ultimately responsible and accountable to the Board for the actions of a hygienist working for the dentist. In other words, rarely is there any disciplinary action taken against just a hygienist. Therefore, the need, if there is any, for expansion of the Board would be to increase the number of dentists on it, allowing for better professional oversight of the delivery of professional services and protection of the public.

The HDA also strongly questions whether the Hawaii Dental Hygienists Association (HDHA) is speaking for all dental hygienists in Hawaii. The HDHA has never disclosed the number of licensed and practicing hygienists in Hawaii who are members of their association. It appears that the proponents of this bill represent a very small minority of the actual hygienists who are working collaboratively with and are employed by dentists and dental departments of community health centers in Hawaii.

Additionally, the requirement of having a dentist with a community service license or a dentist working in a public health setting creates a number of problems. First, a community health license is a TEMPORARY license. Once the dentist leaves his or her service at a community health clinic, the license is revoked by operation of law. Second, requiring a dentist working in a community health area does not mean that person is a practicing dentist or has the requisite experience. If a person serving in an administrative, educational or governmental position qualifies under this requirement without having any practical experience, again the public would be poorly served and divert the Board from its primary purpose, to protect the public. The Board is not created to further the social needs of the state by diluting its resources and diverting it from its current priorities.

Therefore, the HDA and its members oppose the passage of this bill and I thank you for this opportunity to testify on this bill.



Testimony in Support of SB2501, Relating to The Board of Dentistry and Dental Hygiene

Ellie Kelley-Miyashiro, RDH, BS

President – Hawaii Dental Hygienists' Association 2012-2014

February 6, 2014

Dear Respected Members of the Committee on Commerce and the Committee on Consumer Protection:

The Hawaii Dental Hygienists' Association (HDHA) is in full support of **SB2501**. This bill will bring a long-standing, recommended change to the composition of the Hawaii Board Of Dental Examiners as well as a logical change to its name. Currently there are 8 dentists, 2 hygienists and 2 public members on the Board of Dental Examiners. **SB2501** will increase the number of dental hygienists on the Board, as well as, reducing the number of dentists. Should the bill pass, the new ratio would be 5 dentists, 4 hygienists and 2 public members.

HDHA feels that the current over-representation of dentists and under-representation of dental hygienists creates an environment where the majority group can easily steamroll or negate the opinions of the minority members. We understand that the role of the Board is to ultimately serve the interests of the public, but the unique and valuable perspective of the dental hygienist is not adequately represented at the current ratio. Public Safety will be best served if a more balanced, democratic Board is created. A board where each member has true and equal voice.

It is also important to note that the change of name more accurately reflects its true function, which is monitoring the licensure of Dentists **AND** Dental Hygienists. The name change is appropriate because the Board encompasses the regulation and practice of both professions - not just dentistry. The Board has many functions and is more than just an "examining body", as is implied by the current name.

HDHA thanks you for your time and consideration of **SB2501**. We would like to convey our desire that dentists and hygienists continue to be integral members of the oral health team, and feel that the public is best served and protected when both oral health professions have adequate representation on the Board.

Thank you

SB2501

Submitted on: 2/4/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Wayne Leong | HDA | Oppose | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Senator Josh Green, MD Chair, Senator Rosalyn Baker, Vice-chair; Members of the Senate Committee On Health

Senator Rosalyn Baker, Chair; Senator Brian Taniguchi, Vice-chair; Member of the Senate Committee On Consumer Protection

Friday, February 7, 2014 10:00 AM Conference Room 229

Testimony in Opposition to SB 2501 RELATING TO THE BOARD OF DENTISTRY

Dear Chair Green, Members of the Committee on Health; Chair Baker, Members of the Committee On Consumer Protection;

Thank you for the opportunity to testify on issues affecting the dental health of the people of Hawai'i . I'm a general dentist with 30 years of practice in the State of Hawai'i and as a previous officer of the Hawai'i Dental Association, I've provided testimony on a variety of issues.

I oppose SB 2501 which would change the membership and structure of the Hawai'i Board of Dental Examiners. Governor Abercrombie has only recently signed the revised Rules for the Practice of Dentistry in Hawai'i. This comes only after an 8 year comprehensive review and revision by this Dental Board. Change of the makeup of the Board would unduly compromise the ability of the Board to carry out its duties.

Part of the duties of the Board of Dental Examiners is to oversee the conduct of practicing Hawai'i Dentists and to apply the appropriate sanctions against any violators. As there are likely to be fewer complaints to be lodged against dental hygienists, it's not reasonable to remove the very individuals who are able to provide insights into day to day practice of dentistry in this state.

Again, mahalo for this opportunity to submit testimony opposing SB 2501.

Darrell Teruya, DDS

Past President (2008) Hawai'i Dental Association

Senator Josh Green, MD Chair, Senator Rosalyn Baker, Vice-chair; Members of the Senate Committee On Health Friday, February 7, 2014 10:00 AM Conference Room 229 Testimony in Opposition to SB 2501 RELATING TO THE BOARD OF DENTISTRY

Dear Chair Green, Members of the Committee on Health; Chair Baker, Members of the Committee On Consumer Protection; My name is Allison P. Tran D.D.S., and I am speaking in opposition to SB 2501 relating to the Board of Dental Examiners. Changing the composition of the Board from 8 dentists to 5 is the opposite of what we should be doing in regards to public safety. We need the full involvement of the existing members of the Board. The recent rules on sedation were due to the expertise of the dentist members. Recent events will require more time of the dentist members and reducing their numbers will increase their workload and delay future actions. Less expert input is not what we need. Doubling the # of hygienist members based on licenses makes no logical sense. Changing the makeup of the Board of Medical Examiners based on LPN's, PA's, RN's or medical assistants would not increase public safety when the Board is looking as the credentials of a thoracic surgeon or orthopedic surgeon. I don't believe the Hawaii Bar Association determines it's makeup based on the # of paralegals they employ. Even among the hygienists, their education training programs vary from 2 to 5 years. We need more expertise on sedation issues not less. Public safety requires more expert input from our board, not less. This should not be about giving hygienists more power at the expense of public safety. I believe the Board should be responsible for Hawaii's citizens' safety and not for how many licensed hygienist are represented. If the legislators truly believe the Board exists to represent licensed dental hygienists, please put it in writing and I will remove my objections based on Hawaii's citizens' health.

Sincerely, Allison Tran
Sent from my iPad

Members of the Committee on Commerce and Consumer Protection
and
Members of the Committee on Health

**Testimony in Support of SB 2501- RELATNG TO THE BOARD OF DENTISTRY AND
DENTAL HYGIENE**

Sierra Spruce, RDH

I strongly urge you to support SB 2501. The changes this Bill makes in the composition of the BODE by including more dental hygienist representation, truly reflects a more proportionate and balanced board. There are 2 hygienists on the BODE representing the voice of 1040 licensed hygienists in the state, while 8 dentists represent the 1526 licensed dentists in the state. Oftentimes the concerns of the dental hygiene profession are not represented on the BODE fairly because of this inequality

This Board has the responsibility of protecting the public and governing the issues of both dentists and hygienists. Historically in Hawaii, dental hygienists have been very active in seeking ways to provide excellent preventive care to all citizens especially to the underserved and our keiki. We can provide a different perspective on many issues that come before the BODE, and especially on issues relating to our own profession.

Also, since this Board no longer conducts examinations for dentists or hygienists to be licensed in Hawaii, why not have the name of the Board more accurately reflect it's function by renaming it Board of Dentistry and Dental Hygiene.

Mahalo for your consideration of support on SB 2501

Sierra Spruce, RDH

Practicing Hygienist in Hawaii since 1986

**Member of the first Dental Hygiene Advisory Committee to the
Texas State Board of Dental Examiners, 1977-79.**

Past President, Hawaii Dental Hygienists' Association

State Senate Committee on Commerce and Consumer Protection
State Senate Committee on Health

Friday, February 7, 2014

Re: SB 2501

Honorable Chairs Rosalyn Baker and Josh Green, M.D., and members of the Committee on Commerce and Consumer Protection and Committee on Health,

My name is Curt Shimizu, a licensed dentist in Hawaii for 30 years, and a full time practitioner on Oahu. I appreciate the opportunity to testify in opposition to SB 2501.

This bill is adding hygienists and reducing the number of dentists from a Board that is discussing dentistry in the public sector. Though an important segment of dentistry, please know that the practice of hygiene is supervised by dentists and often done by dentists themselves. There are encompassing areas of dental specialties and many treatments beyond hygiene that are being discussed by Board members. And, there will be discussions on competency dealing with dental care and treatment choices that surely should require a panel of individuals that have knowledge by experience, not by what others may tell them.

Reducing the number of dentists on the Board will diminish the Board's ability to carefully dissect issues involving clinical concerns and reduce the number of opinions from a private practitioner's viewpoint. Looking at this in another way, a successful company looking to fill its Board will likely select individuals that have proven track records in business and can contribute to discussions with understanding derived from their past experiences and knowledge gained from perfecting their craft. Hawaii's public safety can be scrutinized best with the most knowledgeable individuals in the dental field: dentists. Keeping the current ratio or increasing the number of dentists would make best sense.

Thank you for the opportunity to testify in opposition to SB 2501.

Curt S. Shimizu, DDS
General Dentist, Honolulu
Immediate Past President, Hawaii Dental Association

Re: SB 2501 RELATING TO BOARD OF DENTISTRY AND DENTAL HYGIENE

Committee on Commerce and Consumer Protection

Senator Rosalyn H. Baker, Chair

Senator Brian T. Taniguchi, Vice Chair

Committee on Health

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

Hearing Date: February 7, 2014

Time: 10:00 am

Place: Senate Conference Room 229

Dear Honorable Senators:

This testimony is in **support of SB2501, as written.**

My name is Diane Brucato-Thomas, RDH, EF, BS, FAADH. I have been a practicing Dental Hygienist in good standing on the island of Hawaii since 1992. I live in Pahoia and have had the privilege to practice in Kona and Hilo. In addition, I have taken an active role in leadership; volunteered in my community, island, and state; attended almost every Board of Dental Examiners meeting since 2007 (and many before that); and even turned in two applications for a position on the Board of Dental Examiners. Presently, I am serving my second year on the Regulated Industries Complaints Office's (RICO) Dental Advisory Committee. I have been a dental hygienist since 1979, am a former Anesthesia Examiner for Western Regional Examining Board, and a longstanding member of the American Association of Dental Boards (formerly known as the American Board of Dental Examiners) since the mid 1980's.

Changing the name from Board of Dental Examiners to Board of Dentistry and Dental Hygiene more accurately reflects the governing agency of two professions. As the bill states, Dental Hygiene is the only licensed profession controlled and governed by another profession. In addition, while acting as a pool of dental examiners was the original purpose of the Board, currently, there is no Hawaii Dental or Dental Hygiene Examination (as noted in the omission of such in the newly adopted HAR Chapter 79). Instead, the ADEX national board or CRDTS regional exams are accepted for licensure. While the members of the Board may choose to act as examiners for the regional boards, they are not required to do so.

Changing the proportion of representation of dentists and dental hygienists on the Board, as this bill would require, could have far reaching advantage in the interest of public health and access to dental care. Of great interest is the shift in perspective that would come from including a majority of dentist board members being from outer islands and requiring one to have a background in public health.

Historically, when polled by Hawaii Dental Association, the dentists from outer islands have been more open minded and supportive of utilizing dental hygienists under general supervision, even in private practice, in an effort to increase access to care. The Oahu dentists, on the other hand, have been more resistive to change.

With three dentists from outer islands and two from Oahu, and with the requirement of one with a public health background, the Board would still have a majority vote of dentists AND their perspective would likely be more productive and conducive to increasing safe public access to care. From that perspective alone, this bill is *brilliant*.

Adding a more proportionate number of dental hygienists to the Board will only magnify the effect, as dental hygienists have demonstrated, through their testimonies over the years, a keen interest in opportunities to promote public health and safe access to care through formal standardized education, regulated testing of competency, and licensure. Dental hygienists, as educated, licensed professionals, are willing to serve and can be a great asset to the public. Despite their value, they have been a grossly underutilized resource.

While I am certain you will hear opposition coming from the Hawaii Dental Association and the current Board of Dental Examiners (with currently 8 dentists, 1 hygienist, and 1 layperson), and understandably so, please do not be swayed. This bill has the potential to affect the public in a most positive way. Please support HB 2458, as written.

Thank you for your attention and consideration.

Sincerely,

Diane Brucato-Thomas, RDH, EF, BS, FAADH
d.bt@live.com (808) 937-7282

Member, Regulated Industries Complaints Office's (RICO) Dental Advisory Committee

Member, American Association of Dental Boards

Immediate Past President, American Academy of Dental Hygiene

Past President, Hawaii Dental Hygienists' Association

ADHA/Hu-Friedy Master Clinician Award 2008

Sunstar/RDH Award of Distinction 2002

To Chair Baker, Chair Green, Vice Chair Taniguchi, and distinguished members of the Senate Committee on Commerce and Consumer Protection and Senate Committee on Health:

Thank you for the opportunity to provide testimony in support of SB 2501 with reservations.

My name is Marilyn Nonaka. As a practicing dental hygienist and former dental hygienist member on the Board of Dental Examiners, my opinion is based on my first-hand experience during my term on the Board. I regret that I am currently out of the state caring for my aging parents and am unable to provide my testimony in person.

Changing the title to “The Board of Dentistry and Dental Hygiene” of the state agency that oversees two licensed, regulated professions is indeed more appropriate and I offer my wholehearted support.

While SB2501 addresses the deficiencies and limitations that currently exist with the current ratio of dentist/dental hygienist/public members, I offer that the bill does not go far enough to insure that the public’s safety and welfare are served. **I would submit for the Committee’s consideration that the ratio be changed to either 4 dentists/ 4 dental hygienists/ 3 public members or 5 dentists/ 3 dental hygienists/ 3 public members to prevent either profession from possessing an unintended majority by the mere composition of Board members.** The Board is not an extension of either professional association; and it is not a vehicle to be used to maintain status quo, particularly as it benefits a profession. The public members who have served and are serving on the Board provide an impartial voice that truly represents the public of Hawaii. Increase the volume of that perspective by adding another public member.

The Board’s dependence upon its dentist and dental hygiene members for professional acumen can still be accomplished with a reduced and balanced ratio of professional members. If further resources or additional information is needed for the Board’s consideration, members from the dental and dental hygiene professional associations regularly attend Board meetings and are readily available to serve in that capacity. As was recently quoted in the Honolulu Star Advertiser (January 26, 2014), the Hawaii Dental Association has worked closely with the Board in providing information regarding rules for sedation and general anesthesia. The Hawaii Association of Nurse Anesthetists also recently provided valuable input regarding rules within the dental administrative section that impacted their members. In addition, the Board often seeks advice from appropriate state agencies to carry out its duties, including the office of the attorney general, RICO, and other regulatory boards. It is common for the Board to invite specialists to present the best and latest information at its regular meetings, or to meet with its committees.

I also support the specification of at least one of the representative dentists having experience in public health dentistry. That Board member dentist will insure that a perspective unique to providing dental services to the underserved will be heard.

It is not clear if the bill’s intent is to solely preclude Board members from being affiliated with or receiving compensation from an examining organization. The Board no longer has the responsibility of producing a state examination for licensing dentists and dental hygienists, but instead relies on impartial, patient-based clinical national exams to determine minimal competency. By Hawaii law, only the ADEX dental exam (among multiple possible exams) has been selected for qualifying dentists for licensure, while multiple exams are deemed acceptable for licensing dental hygienists in our state. It is

customary for states utilizing independent exams to provide dentist and dental hygienist examiners for the exam organizations' grading pools to be utilized throughout the country wherever the exam is accepted and administered, and the usual participants are sitting and retired members of state regulatory boards. If it is the intent of the bill to guarantee as much as possible that the State's position of impartiality in licensing dentist and dental hygienists be maintained, then I would offer to this Committee to include a provision that sitting Board members may not participate in the administration of or grading of exams held in Hawaii.

Two questions that members of the Committees may want to ponder:

- 1) If the Board of Dentistry and Dental Hygiene was being created for the first time and you Committee members had the opportunity to begin with a clean slate, would you consider the current ratio of 8 dentists, 2 dental hygienists, and 2 public members a fair and best representation not only of both professions but also the general public in its role of carrying out government policy and setting up rules to serve and protect the public? OR
- 2) Would you consider it a formula for possible misuse to insure that one profession's interests be protected and well-served?

Thank you for the opportunity to provide supportive testimony with reservations for SB2501.

Respectfully submitted,

Marilyn Nonaka, RDH, MS

Jill Rethman, RDH, BA
47-140 Heno Place
Kaneohe, HI 96744
grethman@hotmail.com

Testimony in **Support** of SB2501 - Relating to The Board of Dentistry and Dental Hygiene

Jill Rethman, RDH, BA
Past President – Hawaii Dental Hygienists’ Association
Regulations & Practice Chair - Hawaii Dental Hygienists’ Association
Editor in Chief – Dimensions of Dental Hygiene
Adjunct Instructor in Periodontics/Preventive Dentistry, University of Pittsburgh School of Dental Medicine
Adjunct Assistant Professor, Division of Dental Hygiene, The Ohio State University

Date of Hearing: Friday, February 7 at 10:00 AM

Senate Committee on Commerce and Consumer Protection
Chair: Senator Rosalyn Baker; Vice Chair: Senator Brian Taniguchi

Senate Committee on Health
Chair: Senator Josh Green; Vice Chair: Senator Rosalyn Baker

Dear Esteemed Members of the Senate Committee on Commerce and Consumer Protection, and the Senate Committee on Health,

Thank you for attempting to revise the current Hawaii Board of Dental Examiners (BODE). I applaud your effort to make several much needed and overdue changes, and I strongly support this bill.

The BODE exists to protect the health of the public. In that role, it’s important to understand that dentists and dental hygienists best serve the public when working together as a team. While the current BODE does consist of dentist and dental hygiene members, there is a large representation gap: 8 dentist members, 2 dental hygienist members and 2 public members. Recommendations to better balance the Board are not new – in 1993 a State Auditor’s Report concluded, “dental hygienists need greater representation on the Board of Dental Examiners.” The specific recommendation was to substitute 2 dental hygienist members for 2 dentist members with the net change resulting in 6 dentists, 3 dental hygienists, and 2 public members – still maintaining an 11-member Board. However, **the Board did not follow the recommendations of the Auditor’s Report regarding increasing the number of dental hygienist members and**

decreasing the number of dentists. Instead, it increased the number of dental hygienists by one and kept the same number of dentists, resulting in the 12-member Board that is in effect today. There was also a previous Auditor's Report made in 1984 where similar recommendations were made regarding increasing dental hygienist member representation.

It's easy to see how the dental hygienist's voice, expertise, and perspective might not be reflected in Board actions due to the significantly higher number of dentist representation as compared to that of dental hygienists. A response by the State Auditor after its 1993 report noted with concern that the Board's failure to implement its recommendation missed the point: the ultimate direction of its recommendation was to create a "better *balanced* board since the interests of dental hygienist [members] may conflict with and be outweighed by those of the dentist [members]." The report found that the Board's alternative proposal of merely increasing the dental hygienist representation by one "would not achieve the needed balance."

Although serving the public is the overarching goal of the Board, group think by the dentist members could negate dental hygienist positions should there be a conflict. Therefore, it is advisable to balance the Board so the unique perspective of dental hygienists is not lost. As a point of clarification: the dental hygiene profession is regulated by the dental profession in Hawaii and dental hygienists rely on dentists for employment since they do not practice independently. **This is a key point – dental hygienists are regulated by another profession, and simultaneously employed and salaried by that same profession.**

If one considers Board representation based on the number of licensees in Hawaii, the current numbers don't reflect equality. Based on recently released statistics, 1 dental hygienist member represents 520 licensed hygienists while 1 dentist member represents 190 licensed dentists. There are over 2 ½ times the number of dentist Board representative members for total dentist licensees as compared to the number of dental hygienist representation for total dental hygienist licensees.

The current over-representation of dentist members was devised initially because the BODE administered its own exams and needed the dentist members to be administrators. This is no longer the case since Hawaii does not administer its own Board exam. In addition, dental hygienist members are now taking on a more active role than was the case in 1993. With only two dental hygienist members, it's difficult to:

- Serve as officials and examiners by representing Hawaii within regional licensing entities and national professional regulatory organization
- Sit on and chair subcommittees of the Board
- Independently review CE audits and other Board matters
- Research dental hygiene issues pertaining to Board business
- Present Board testimony at legislative hearings

In addition, if there is an absence of a dental hygiene member at any BODE meeting the dental hygiene voice is limited even further

It is also appropriate to re-name the Board of Dental Examiners as the Board of Dentistry and Dental Hygiene. The Board is no longer an examining body for Hawaii state licensure. And since the Board regulates both the profession of dentistry and the profession of dental hygiene, that should be reflected in its title. I would also suggest two changes to the document: 1) removing Section 2 as it seems redundant and contradictory to Section 3, which reflects the intent of the Bill; 2) inserting the words "in the State" after the word "dentistry" in Section 3. The sentence would then read, "The board of dentistry and dental hygiene shall consist of eleven members, five of whom shall be practicing dentists who have been engaged in the practice of dentistry in the state for a period of five years preceding their appointments..." Furthermore, stipulating that at least one dentist member have a background in public health dentistry or a license in community service dentistry would strengthen a commitment to underserved populations.

It would be advisable to clarify in Section 3, "No member shall be in any way connected with, or interested financially in, any dental supply company or dental examination company." This might be interpreted to prevent Board members from being examiners of a regional testing agency and thus prevent the Board from joining and recognizing one of the regional exams.

In conclusion, an objection to changing the composition and title of the Board may be that the status quo is working, and that there is no shown need to make any changes. I would challenge that objection with the question: how much better could it be? Just as pertinent, it has been 21 years since a revision of the Board, and even that change resulted in only one additional dental hygiene member. Since dental hygienists focus on prevention of oral diseases, having both licensed members of the oral health care team adequately represented on the Board might give more prominence to issues regarding prevention and access. Ultimately, this would enable the Board to better achieve its goal to serve and protect the public.

Thank you for your time.

Thursday, February 6, 2014

Support for SB 2501

Dear Hawaii Legislators,

I am a registered dental hygienist practicing in Hawaii. In support of SB 2501, I believe that the name of the Board of Dental Examiners should be changed to the "Board of Dentistry and Dental Hygiene." The new name is more appropriate since the board operates to regulate the practice of dentistry and dental hygiene. The board no longer functions only as an examination board as the current name reflects.

The composition of the board should also include a better representation of dental hygienist to provide a dental hygienist prospective when public interest is concerned. Furthermore, the composition would also include a dentist member that has a background in public health dentistry or license in community service dentistry. This background would include a perspective to include not only private practice dentist but a broader scope to serve public interest.

Mahalo,

Noelani Greene, RDH, BS

SB2501

Submitted on: 2/6/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Marian Grey | Individual | Support | No |

Comments: I'm testifying as a former Public Member of the Hawaii State Board of Dental Examiners. My concern was for the Public Safety, and in many occasions viewed what I thought was unfair advantage by the larger number of Dentists vs Dental Hygienists serving on the Board. I served 2 - 4 year terms, and during that time also worked on a committee formed by the Board to revise Rules & Regulations. There were several things promoted by the Hawaii Dental Association that would allow unlicensed people to perform procedures on patients, that I didn't feel were in the best interest or safety to those patients. I believe that because of the larger number of Dentists on the Board, in some cases they were willing to allow things, that if the numbers were more equally divided would never have been approved. Please pass this Bill! It's the correct thing to do. My background was employment in Dental Offices in California for over 22 years, holding a Registered Dental Assistant License with Coronal Polishing Permit.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**To: Senator Rosalyn Baker, Chair of the Consumer Protection Committee
Senator Brian Taniguchi, Vice-Chair of the Consumer Protection Committee
Committee members of the Senate Consumer Protection Committee**

**From: Carla Fukumoto, DDS
Hawaii Dental Association
321 N. Kuakini St. #803
Honolulu, HI 96817**

**Re: FRIDAY, February 7, 2014 10:00 am Conference Room 229
SB 2501 Relating to the Board of Dentistry**

Dear Chair Baker, Vice-chair Taniguchi, Members of the Senate Consumer Protection Committee:

My name is Carla Fukumoto, and I am a practicing dentist in Honolulu. I am speaking in OPPOSITION to SB 2501 relating to the Board of Dental Examiners. Changing the composition of the Board from 8 dentists to 5 is the not in the best interest of the public with regards to public safety. Decreasing the number of dentists and increasing the number of dental hygienists on the Board reduces the level of expertise from which decisions will be made. Public safety requires more expert input from our board, not less.

Currently, dental hygienists must work under direct supervision of a dentist. I don't believe we need more hygienists determining the laws that guide our profession.

Sincerely,
Carla Fukumoto, DDS

Hawaii State Legislature
State Senate
Committee on Commerce and Consumer Protection
Committee on Health

State Senator Rosalyn H. Baker, Chair
State Senator Brian T. Taniguchi, Vice Chair
Committee on Commerce and Consumer Protection

State Senator Dr. Josh Green, Chair
State Senator Rosalyn H. Baker, Vice Chair
Committee on Health

Senate Bill 2501 Relating to the Board of Dentistry and Dental Hygiene
Friday, February 7, 2014, 8:30 am room 229

Honorable Chairs Rosalyn H. Baker and Dr. Josh Green, Vice Chairs Brian T. Taniguchi and Rosalyn H. Baker, and members of the Senate Committee on Commerce and Consumer Protection and Senate Committee on Health,

I, Mark C. Chun, DMD, am **Opposed to Senate Bill 2501.**

The name "Board of Dental Examiners" is very accurate and quite an appropriate name for the Present and Future scope and functions that may be encountered. The members must examine, review, study and consider numerous subjects, cases, and topics. Based upon their levels of knowledge and experience (both academic and empirical).

The bill states that "the interests of dental hygienist (members) may conflict with and be outweighed by those of the dentist (members). The primary and foremost interests of the Dentists are Patient Safety and Dentistry. Dental hygienist appear to have other pressing interests. Changing the name and composition of the board will cause detriment to this purpose and degrade the safety of our patients. Dental hygiene is a part of Dentistry; it is not a ratio.

Expanding the board to include a practicing dentist with a background in public health dentistry or a license in community service will require that the board increase the number of dentists to fulfill these new functions. Finding a pool of dentist volunteers with these qualifications will prove to be difficult in the long run.

Dentistry in Hawaii will not be helped with this name or composition change; it will make it more complex and less safe for our patients. This bill will degrade all the good that Organized Dentistry has produced for all its comprised parts and personnel.

Senator Josh Green, MD, Chair

Senator Rosalyn Baker, Vice-chair

Members of the Senate Committee on Health

Friday, February 7, 2014; 10:00 am Conference Room 229

Testimony in OPPOSITION TO SB 2501 Relating to the Board of Dentistry

Dear Chair Green and Members of the Committee on Health;

My name is Dr. Lynn Fujimoto and I am speaking in opposition to SB 2501 relating to the Board of Dental Examiners. I am very against changing the composition of the Board from eight dentists to five dentists and increasing the number of dental hygiene members.

My educational background includes ten years of schooling after high school: four years of an undergraduate degree, four years of dental school and two years of postdoctoral dental specialty program. Many hygiene programs only consist of two years in a community college and even past hygienists who graduated from the University of Hawaii do not have a bachelor's degree.

If your mission of the State Senate Committee on Health is to represent the public safety of the people of Hawaii, the Dental Board should consist of dentists who are able to make decisions relating to dental issues. The hygienist is not even trained to make a diagnosis in the dental office. With the recent sad events due to sedation, guidelines and public safety need to be in the foremost minds of the Board members and many hygienists do not even have the educational background of pharmacology and biochemistry.

The Board of Dental Examiners should be responsible for the safety and wellbeing of the people of Hawaii and not for the wellbeing of the Dental Hygiene association.

Sincerely,

Lynn K. Fujimoto DMD

Senator Josh Green, MD Chair, Senator Rosalyn Baker, Vice-chair;
Members of the Senate Committee On Health Friday, February 7,
2014 10:00 AM Conference Room 229

Testimony in Opposition to SB 2501 RELATING TO THE BOARD OF
DENTISTRY

Dear Chair Green, Members of the Committee on Health; Chair Baker, Members of the Committee On Consumer Protection; My name is Sean Holliday and I am speaking in opposition to SB 2501 relating to the Board of Dental Examiners. Changing the composition of the Board from 8 dentists to 5 is the opposite of what we should be doing in regards to public safety. We need the full involvement of the existing members of the Board. The recent rules on sedation were due to the expertise of the dentist members. Recent events will require more time of the dentist members and reducing their numbers will increase their workload and delay future actions. Less expert input is not what we need. Doubling the # of hygienist members based on licenses makes no logical sense. Changing the makeup of the Board of Medical Examiners based on LPN's, PA's, RN's or medical assistants would not increase public safety when the Board is looking as the credentials of a thoracic surgeon or orthopedic surgeon. I don't believe the Hawaii Bar Association determines it's makeup based on the # of paralegals they employ. Even among the hygienists, their education training programs vary from 2 to 5 years. We need more expertise on sedation issues not less. Public safety requires more expert input from our board, not less. This should not be about giving hygienists more power at the expense of public safety. I believe the Board should be responsible for Hawaii's citizens' safety and not for how many licensed hygienists are represented. If the legislators truly believe the Board exists to represent licensed dental hygienists, please put it in writing and I will remove my objections based on Hawaii's citizens' health and safety.

Sincerely,

Sean Holliday

Dear Sir,

I am writing in opposition of SB2501, which recommends reducing the number of Dentists on the Board of Dentistry, and increasing the number of Dental Hygienists. The primary role of the Board is to protect the public from Dental related issues. With the recent tragedy involving the death of the three year old child in a dentist office, the Board of Dentistry was the primary organization involved in dealing with the DENTAL side of this very serious issue. Decreasing expert representation during this time of critical need will be very detrimental to the public should not be considered at this time.

Thank you for your time and consideration,
Keith K. Yamakawa, D.D.S.

February 4, 2014

To Whom It May Concern re: SB2501

Please accept this testimony in opposition to SB2501. I am a mother of two small children and like many busy parents, I have always taken for granted that governing agencies and regulations exist which provide the public certain protections. Up until recently, I haven't paid much attention to the credentialing process that dentists seeking licensure in Hawaii undergo. I just assumed, that again, capable systems were in place to protect consumers in our community and help ensure that dental professionals meet high and exacting standards before being licensed here.

The recent tragedy in Kailua involving the death of a three year old girl following a trip to the dentist has given me pause and made me realize we all need to pay attention, become informed and get involved. We need to hold ourselves responsible for ensuring our protection. This is why I feel the need to express my concern about the proposal to change the make-up of the Hawaii Board of Dental Examiners. It is my understanding that SB2501 calls for decreasing the number of dentists on the board, a move I do not understand the motive for. It seems to me, the best people qualified to determine the standards those seeking licensure in dental professions in Hawaii should meet are upstanding Hawaii licensed dentists.

I hope that you, our elected representatives whom we entrust to help safeguard us and our children will find it prudent to keep the composition of the Hawaii Board of Dental of Examiners as is, allowing those with the most training and experience in their field to serve their profession and their community well. Thank you very much for your attention.

Sincerely,

Lori J. Letoto

February 5, 2014

To the Committee on Health and the Committee on Commerce and Consumer Protection

RE: Senate Bill 2501

I am not in the dental field, however, as a consumer I am in opposition to SB 2501.

I believe the makeup of the Hawaii Board of Dental Examiners should not be changed. The best way to protect the people of Hawaii in this instance, is to have dental professionals regulated by licensed dentists.

Respectfully,
Theresa Jarnesky

SB2501

Submitted on: 2/5/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| mendel sato | Individual | Oppose | No |

Comments: strongly oppose sb2501. the dental practice act mandates the dental hygienist must perform duties under the supervision of the dentist, and the dentist is accountable to the patient. the board of dental examiners should consist ONLY of dentists and be accountable to the public to regulate the dentists and those under their supervision (staff-including hygienists).

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SB2501

Submitted on: 2/5/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Loren Liebling | Individual | Oppose | No |

Comments: Senator Josh Green, MD Chair, Senator Rosalyn Baker, Vice-chair; Members of the Senate Committee On Health Friday, February 7, 2014 10:00 AM Conference Room 229 Testimony in Opposition to SB 2501 RELATING TO THE BOARD OF DENTISTRY Dear Chair Green, Members of the Committee on Health; Chair Baker, Members of the Committee On Consumer Protection. I oppose SB 2501 relating to the Board of Dental Examiners. Changing the composition of the Board from 8 dentists to 5 is the opposite of what we should be doing in regards to public safety. We need the full involvement of the existing members of the Board. The recent rules on sedation were due to the expertise of the dentist members. Recent events will require more time of the dentist members and reducing their numbers will increase their workload and delay future actions. Less expert input is not what we need. Doubling the # of hygienist members based on licenses makes no logical sense. Changing the makeup of the Board of Medical Examiners based on LPN's, PA's, RN's or medical assistants would not increase public safety when the Board is looking as the credentials of a thoracic surgeon or orthopedic surgeon. I don't believe the Hawaii Bar Association determines its makeup based on the # of paralegals they employ. Even among the hygienists, their education training programs vary from 2 to 5 years. We need more expertise on dental issues not less. Public safety requires more expert input from our board, not less. This should not be about giving hygienists more power at the expense of public safety. I believe the Board should be responsible for Hawaii's citizens' safety and not for how many licensed hygienists are represented.

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SB2501

Submitted on: 2/5/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Roanne Tsutsui | Individual | Oppose | No |

Comments: I oppose SB2501 because I feel it goes against the Board's main objective of protecting the public. Decreasing the number of dentists on the Board in a time when more vigilance is required is a hazard to public safety.

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SB2501

Submitted on: 2/5/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------|--------------|--------------------|--------------------|
| kimberly schneider | Individual | Support | No |

Comments: Honorable Chairs and Members of the Committees, I am writing in support of SB2501. The name change better defines the two professions the board currently regulates. The proposed change in member structure gives a better balance with fair representation for both professions it regulates and a more balanced perspective for public safety and access to care. This change is long overdue. As a licensed hygienist in Hawaii since 1978 I long for cooperation and trust between the dentists and hygienists. Thank you for your consideration. Kimberly Schneider, RDH,BS

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SB2501

Submitted on: 2/5/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ms. F. Gamiao | Individual | Oppose | No |

Comments: I'm a practicing nurse that heard about this bill. I cannot believe you think the proposed changes would help to better regulate dentistry. Please DO NOT pass this bill. Think of Finley Boyle who died!

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SB2501

Submitted on: 2/4/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| shilla | Individual | Oppose | No |

Comments:

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SB2501

Submitted on: 2/5/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Gerraine Hignite | Individual | Support | No |

Comments:

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SB2501

Submitted on: 2/5/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Norman S. Chun | Individual | Oppose | No |

Comments:

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Aloha,

My name is Gary A. Uriu, DDS, and I am a practicing full time dentist in Captain Cook on the island of Hawaii. I have practiced dentistry in the State of Hawaii for 37 years after finishing my general dentistry residency at St. Francis Hospital in Honolulu and affiliated with the University of Hawaii John Burns School of Medicine.

Passage of Senate Bill # 2501 would result in changing negatively, the ability of the Hawaii State Dental Board, to protect the dental and general physical best interests of the people of the great state of Hawaii. Diluting the number of qualified licensed dentists on the Board will result in the diminishing the goals of the Board to monitor and protect our population.

Therefore, I strongly urge the Hawaii State Senate to NOT PASS SB # 2501. Thank you for caring.

Sincerely , with Aloha,
Gary A. Uriu, DDS
Kona Dental Office,
Captain Cook, Hawaii

SB2501

Submitted on: 2/6/2014

Testimony for CPN/HTH on Feb 7, 2014 10:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|-----------------------|-----------------------|
| tori clegg | Individual | Support | No |

Comments: I am in support of this bill and feel strongly that the public is best served when both dentist and dental hygienist have adequate representation on the board.

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