

LATE

HAWAII STATE LEGISLATURE

STATE SENATE

Committee on Commerce and Consumer Protection

Committee on Health

Senator Rosalyn H. Baker, Chair

Senator Brian T. Taniguchi, Vice Chair

Committee on Commerce and Consumer Protection

Senator Dr. Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

Committee on Health

Friday, February 7, 2014, 10:00 am. Room 229

Senate Bill 2501 Relating to the Board of Dentistry and Dental Hygiene

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

As a practicing dentist on Maui for over 35 years and a former president of the Hawaii Dental Association, I am strongly opposed to SB 2501, relating to the Board of Dentistry and Dental Hygiene.

A reduction of dentist members of the State Board of Dentistry and an increase in dental hygienists on the Board is an abrogation of the primary duty of both the Committee on Commerce and Consumer Affairs as well as the Committee on Health: The protection of the health of the citizens of the State of Hawaii. The State Board exists for the protection of the public and is not a union representative of involved professions. The art and science of dentistry must be thoroughly understood: although we rely heavily on the assistance and input of our auxiliaries, it is ultimately the dentist who must use his or her

additional training and higher education to make the final judgement of what is best for the dental health of our citizens. To minimize the knowledge of dentists would be a gross disservice to the people of Hawaii. In fact, increasing the ratio of dentists to hygienists would best serve to protect our families.

I urge you to defeat SB 2501 and fulfill your obligation to the people of Hawaii.

Sincerely,

Neil C. Nunokawa D.D.S.

February 6, 2014

LATE

Honorable Senator Rosalyn H. Baker, Health Vice-Chair
Commerce and Consumer Protection Chair
S.B. 2501 RELATING TO THE BOARD OF DENTAL EXAMINERS
Testimony by Cheryl M. Nakagawa, RDH (as an Individual)
January 27, 2014

SB 2501

§448-5 Board of ~~examiners~~ dentistry and dental hygiene; appointment.

The board of ~~examiners~~ dentistry and dental hygiene shall consist of ~~twelve~~ eleven members, ~~eight~~ five of whom shall be practicing dentists who have been engaged in the practice of dentistry for a period of five years preceding their several appointments, ~~two~~ four of whom shall be practicing dental hygienists, duly licensed under section §447-1, who have been engaged in the practice of dental hygiene in the State for a period of five years preceding appointment, and two of whom shall be public members. A minimum of one member who is a practicing dentist shall have a background in public health dentistry or a license in community service dentistry.

No member shall be in any way connected with, or interested financially in, any dental supply company~~[-]~~ or dental examination company.

One member in the practice of dentistry shall be appointed from each of the counties of Hawaii, Maui, and Kauai and ~~five~~ two members in the practice of dentistry shall be appointed from the city and county of Honolulu. As used in this chapter, "board" means the board of ~~examiners~~ dentistry and dental hygiene.

Thank you for hearing my testimony regarding SB 2501. While I support the entire proposed language to 448-5, I'd like to ask the legislative committee members to reconsider their rationale regarding these following proposed provisions:

1) Proposing four hygienists, five dentists; one from Hawai'i, one from Kaua'i, one from Maui, of which at least one of the five dentists shall be a public health dentist or shall hold a Community Service license. (The composition of two public members has not changed.)

a) Page 1, line 14-18: The board members do not "represent the interests" of the hygiene groups nor do the board members "represent the interests" of the dentist groups.

This has historically caused conflicts of interest and many decisions were made not in the interest of the public because the members represented themselves.

The fact that 1) the name is no longer an accurate description, 2) the board no longer exists merely for purposes related to conducting licensing exams, 3) the challenge for only two dental hygienist member to carry out their growing responsibilities, 4) that dental hygiene is one of the few health professions that is generally controlled by another profession and 4) the fact that the dental hygienists contributions and guidance are often not reflected in the board's actions are valid points.

The fact that 1) proportion of dentist and dental hygienists to dentist and dental hygienist board members, and 2) the loss of time and compensation are invalid points as this is often an altruistic sacrifice to public service.

b) Page 2, Line 10-17: The 1993 auditors' report failed because their rationale imported the special interest needs over the needs of the public.

This was apparent when the auditors are quoted as reporting: "better balanced board since the interests of dental hygienist may conflict with and be outweighed by (the interests) of the dentist."

There should be no conflict of this type if the interest and focus of the board is for the good of the public dental consumer.

Therefore, I am hoping your committee will reconsider their justification to read:

a) Page 1, line 14-18: *"According to these numbers, ~~one dentist board member represents there is one dentist member per 190 dentists, while one dental hygienist board member represents there is one dental hygienist member per 520 licensed dental hygienists.~~"*

or remove entirely.

b) Page 2, Line 10-17: *"...Due to the significantly higher [~~representation~~] ratio of dentists on the board, the dental hygienists' contributions and guidance are often not reflected in the board's actions. A 1993 state auditor's report noted concern with the board's failure to implement its earlier recommendation to create a "better balanced board since the interest of dental hygienist (members) may conflict with and be outweighed by those of the dentist (members)." A total of 4 hygienist and 5 dentists better balances the unique perspectives of the dental hygienists, dentists and public health dentist members when representing the public and making decisions on behalf of the public."*

The justifications are very important as it sends a message on who sits on the boards and commissions and influences their role when making critical decisions on behalf of the public.

IT IS CRUCIAL THAT THE BOARD MEMBERS KNOW WHO THEY REPRESENT, NOT THEMSELVES or THEIR CONSTITUENCIES...THE BOARD MEMBERS REPRESENT THE PUBLIC.

Many on the board over the years have a difficult, if not impossible to take their 'advocacy hat(s)' and put on and keep on the 'board hat'.

2) Justification for adding the provision that one of the dentists should be a public health dentists

Also, please consider adding the intent for specifying that one of the dentists should have a public health background, even though it may appear as a "no-brainer", the intent for this should be documented.

3) No member shall be in any way connected with, or interested financially in, any dental supply company[-] or dental examination company.

Please consider adding the intent for specifying this important provision so it can be documented in the justification which may include:

That this proposed provision removes the self-interests of the regional companies (who administers licensing examinations), which in turn removes the conflicts of interest from critical decisions of the board.

Please note: An important distinction your committee should be aware of:

"State Board's membership" in the regional examination entity vs. "State Board individual member"

- ✓ I do understand that the "State Boards' membership" to the regional testing entities may be beneficial in that the State will have a voice (vote) in maintaining a high standard licensure examination. And for this reason, the Hawaii State Board of Dentistry and Dental Hygiene should

be a member of all the Regional Exam entities; company/incorporation/agency.

- ✓ And I agree with your proposed provision that the "State Boards' individual members" should not be associated with the regional examination company/incorporation/agency to serve as an executive officer, to serve on their executive committees and/or have financial interests in the company/incorporation/agency.
If a member wants to serve on the regional board executive office or executive committee especially as these are paid positions, then they should step down from the Board and visa-versa.

I fully appreciate all the work and hope to clarify the intention of S.B. 2501. Thank you very much for the opportunity to testify.

Respectfully submitted,

Cheryl M. Nakagawa, RDH

As reference:

Cheryl M. Nakagawa

Kawananakoa Middle School Community Council,

SCC Secretary, Community Member (2004-present)

State of Hawaii Board of Dental Examiners (2004-2013)

Immediate-Past Vice-Chair, Rules Committee Chair, Dental Hygiene Member