

**PRESENTATION OF THE  
BOARD OF DENTAL EXAMINERS**

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION & COMMERCE

TWENTY-NINTH LEGISLATURE  
Regular Session of 2017

Wednesday, March 1, 2017  
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 561, H.D. 1, RELATING TO DENTISTRY.**

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Paul Guevara, D.M.D., M.D.S., Chairperson of the Board of Dental Examiners ("Board"). I appreciate the opportunity to testify and offer comments on House Bill No. 561, H.D. 1, Relating to Dentistry which requires every dentist to post, in a conspicuous place, a notice containing contact information for the Consumer Resource Center of the Regulated Industries Complaints Office. It also requires the Board of Dental Examiners to ensure on-site inspections of the facilities, equipment, and staffing of all applicants seeking written authorizations or permits for the administration of general anesthesia, deep sedation, or moderate (conscious) sedation.

The Board supports the intent of this measure; however, it has made significant rule amendments addressing major issues and implemented the current guidelines and recommendations of the ADA Guidelines for the Use of Sedation and General Anesthesia by Dentist; the American Academy of Pediatrics; and the American Academy of Pediatric Dentistry Guidelines for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures. The rules have an anesthesia permit application process and requirements in place,

including the Anesthesia Site Inspection Check List. Prior to the issuance of a written authorization or permit, the Board conducts an on-site inspection of the facility, equipment, and personnel to determine whether the facilities and staff requirements have been met. A licensed dentist who has received a written authorization or permit shall renew the written authorization or permit biennially. The Board may, at any time, re-evaluate the credentials, facility, equipment, personnel, and procedures of a licensed dentist to determine if the dentist is still qualified to hold a written authorization or permit.

In regards to the proposed adoption of a “Code Blue” or other emergency plan or protocol, the Board’s rules require a dentist administering general anesthesia or moderate sedation to complete the Advanced Cardiac Life Support (ACLS) and/or the Pediatric Advanced Life Support (PALS) course if treating pediatric patients, or both ACLS and PALS courses if treating pediatric patients and minors thirteen years or older.

As such, the Board’s administrative rules under section 16-79-78, HAR, is implemented to a higher standard and degree in comparison to the provisions of this measure. Therefore, the Board believes legislation is not necessary.

Thank you for the opportunity to testify on House Bill No. 561, H.D. 1.



DAVID Y. IGE  
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PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE  
ON  
CONSUMER PROTECTION AND COMMERCE

TWENTY-NINTH STATE LEGISLATURE  
REGULAR SESSION, 2017

WEDNESDAY, MARCH 1, 2017  
2:00 P.M.

TESTIMONY ON HOUSE BILL NO. 561 H.D.1  
RELATING TO DENTISTRY

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,  
AND TO THE HONORABLE LINDA ICHIYAMA, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 561 H.D.1, Relating to Dentistry. My name is Daria Loy-Goto and I am the Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers comments on this bill, with a requested amendment.

House Bill No. 561 H.D.1 requires dentists who administer general anesthesia, deep sedation, or moderate sedation to conspicuously display a notice at their place of business that any person may contact the Department's Consumer

Resource Center to verify that the dentist is licensed to administer the anesthesia or sedation, to request prior complaint history, or to file a complaint. The bill also requires the Board of Dental Examiners ("Board") to ensure that on-site inspections of the facilities, equipment, and personnel be conducted prior to the issuance or renewal of a permit to administer general anesthesia, deep sedation, or moderate sedation.

RICO believes posting a conspicuous notice containing the contact information for RICO's Consumer Resource Center will readily identify for consumers where they can obtain important consumer protection information, including prior complaint information on a dentist or how to file a complaint.

RICO can additionally verify licensing information for consumers, but notes that a dentist must be licensed and obtain a written authorization or permit from the Board prior to administering general anesthesia, deep sedation, or moderate sedation. As such, RICO respectfully requests the following amendment to the first new section in Section 2 of the bill at page 4, line 4 to page 5, line 2 to clarify that consumers may contact the Consumer Resource Center to determine whether a dentist is licensed and holds a current and valid written authorization or permit to administer general anesthesia, deep sedation, or moderate sedation:

**"§448- Notice to consumers. Every dentist who:**

- (1) Is engaged in the practice of dentistry; and**
- (2) Administers general anesthesia, deep sedation, or moderate (conscious) sedation,**

**shall display and keep in a conspicuous place at the dentist's place of business a notice no smaller than eight and one-half inches by eleven inches. The notice shall explain that any person may contact the consumer resource center of the**

department of commerce and consumer affairs' regulated industries complaints office to verify that the dentist is licensed **and holds a current and valid written authorization or permit** to administer anesthesia or perform sedation, **to** request prior complaint history on a dentist, or **to** file a complaint against a dentist. The notice shall include all available contact information for the consumer resource center, including a telephone number. The text of all information contained in the notice shall be no smaller than one-half inch high. A dentist who fails to ensure the continuous display of such a notice shall be subject to the penalties provided in this chapter.

Information on the special privilege accorded to a dentist to administer general anesthesia, deep sedation, or moderate sedation is maintained and provided on the Department's Professional and Vocational Licensing Division website and reported by the Department's Consumer Resource Center upon request.

RICO defers to the Board on the issue of on-site inspection of dental facilities, equipment, and personnel.

Thank you for the opportunity to testify on House Bill No. 561 H.D.1. I will be happy to answer any questions the Committee may have.

**LATE**



Hawaii Dental Association

To: The House Committee on Consumer Protection & Commerce  
Time/Date: 2:00 p.m., March 1, 2017  
Location: Capitol Conference Room 329  
Re: **HB 561, HD 1, RELATING TO DENTISTRY**

Aloha Chair McKelvey, Vice Chair Ichiyama and members of the committees! My name is Dr. Chris Lee and I serve as the president of the Hawaii Dental Association, a professional association comprised of nearly 1,000 member dentists. The Hawaii Dental Association (HDA) is a statewide professional membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii Board of Dental Examiners. HDA members are committed to protecting the oral health and well-being of all the people of Hawaii, from keiki to kupuna and everyone in between.

We opposed a previous version of this bill. The amendments which were made in the Committee on Health are consistent with our request. We wish to be included in the dialog around this bill going forward.

We recognize the legislature's intent to ensure the health and safety of Hawaii residents. Likewise, the Hawaii Dental Association is committed to improve oral health in Hawaii. We look forward to continuing to work collaboratively with you on key policy initiatives to accomplish those goals. In addition, and consistent with our longstanding public positions, we believe that water fluoridation would make significant contributions to improving oral health in our state. Mahalo for this opportunity to testify.

Respectfully,  
Dr. Chris Lee, D.D.S  
President, Hawaii Dental Association

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2017 11:12 AM  
**To:** CPCtestimony  
**Cc:** joankutz@gmail.com  
**Subject:** Submitted testimony for HB561 on Mar 1, 2017 14:00PM

**HB561**

Submitted on: 2/28/2017

Testimony for CPC on Mar 1, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joan Kutzer	Hawaii Nurses Association, OPEIU local 50	Support	No

Comments: Hawaii Nurses Association is in support of this bill

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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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 23, 2017 2:37 PM  
**To:** CPCtestimony  
**Cc:** dgsinhawaii@yahoo.com  
**Subject:** \*Submitted testimony for HB561 on Mar 1, 2017 14:00PM\*

**HB561**

Submitted on: 2/23/2017

Testimony for CPC on Mar 1, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diana G. Smith	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 25, 2017 8:31 AM  
**To:** CPCtestimony  
**Cc:** nschun444@gmail.com  
**Subject:** Submitted testimony for HB561 on Mar 1, 2017 14:00PM

**HB561**

Submitted on: 2/25/2017

Testimony for CPC on Mar 1, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Norman S. Chun	Individual	Oppose	No

Comments: These changes should be handled by the Rules and Regulations of the Board of Dental Examiners. Technology and research findings of drugs change and the Board must be able to respond quickly or efficiently. Placing these types of measures in a legislative bill will make it too slow. Please redirect this issues to the experts that sit on the Board of Dental and Medical Examiners.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 27, 2017 11:53 AM  
**To:** CPCtestimony  
**Cc:** rachun444@gmail.com  
**Subject:** Submitted testimony for HB561 on Mar 1, 2017 14:00PM

**HB561**

Submitted on: 2/27/2017

Testimony for CPC on Mar 1, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan A. Chun	Individual	Oppose	No

Comments: I support the intent of this measure. However, it is unnecessary since current Rules and Regulations require the office to be inspected and certified to administer GA to their patients.

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2017 4:07 PM  
**To:** CPCtestimony  
**Cc:** akpuleo@gmail.com  
**Subject:** Submitted testimony for HB561 on Mar 1, 2017 14:00PM

**HB561**

Submitted on: 2/28/2017

Testimony for CPC on Mar 1, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ashley Puleo	Individual	Support	No

Comments: Hi, I am Ashley Puleo, Finley Boyle's mother. I am writing to express support for House Bill No. 561. I believe that publicly displaying RICO's contact information in the waiting room will help encourage parents to take the next step and report a complaint about a bad experience with a licensed dentist to the appropriate governing office. The current administrative rules, written by the Board of Dental Examiners under section 16-79-78, HAR section 3C state that "Prior to the issuance of a written authorization or permit, the board may, at its discretion, require an on-site inspection of the facility, equipment, and personnel to determine whether the facilities and staff requirements have been met." I feel strongly that a onsite inspection be mandatory so that the facility, equipment and personnel can be evaluated in person by members of the board who will be accountable for the Dentists that they are permitting. A mandatory on site inspection will help ensure that Dentists are indeed following the rules and regulations. I believe this would only help to protect our keiki by making sure that every facility permitted to administer pediatric anesthesia has a fine tuned protocol in place in the event an emergency occurs. Strict preventative measures are key to reduce the risk of a tragedy.

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2017 4:19 PM  
**To:** CPCtestimony  
**Cc:** puleo007@gmail.com  
**Subject:** Submitted testimony for HB561 on Mar 1, 2017 14:00PM

**HB561**

Submitted on: 2/28/2017

Testimony for CPC on Mar 1, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
reaghan puleo	Individual	Support	No

Comments: Finley Boyle is my niece and am in support of this bill and it's effort to protect innocent children.

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