



**DENTAL BOARD OF CALIFORNIA
NOTICE OF FULL BOARD AND COMMITTEE MEETING AND AGENDAS**

May 15-16, 2019

Hilton Anaheim

777 W. Convention Way

Anaheim, California 92802

(714) 750-4321 (Hotel) or (916) 263-2300 (Board Office)

Members of the Board:

Fran Burton, MSW, Public Member, President

Steven Morrow, DDS, MS, Vice President

Steven Chan, DDS, Secretary

Yvette Chappell-Ingram, MPA, Public
Member

Ross Lai, DDS

Lilia Larin, DDS

Huong Le, DDS, MA

Meredith McKenzie, Public Member

Abigail Medina, Public Member

Rosalinda Olague, RDA, BA

Joanne Pacheco, RDH, MAOB

Thomas Stewart, DDS

Bruce Whitcher, DDS

James Yu, DDS, MS

During this two-day meeting, the Dental Board of California will consider and may take action on any of the agenda items, unless listed as informational only. Items may be taken out of order, tabled or held over to a subsequent meeting; items scheduled to be heard on Wednesday may be held over to Thursday, and items scheduled to be heard on Thursday may be moved up to Wednesday, for convenience, to accommodate speakers, or to maintain a quorum. Anyone wishing to be present when the Board takes action on any item on this agenda must be prepared to attend the two-day meeting in its entirety.

In the event a quorum of the Board is unable to attend the meeting, or the Board is unable to maintain a quorum once the meeting is called to order, the president may, at her discretion, continue to discuss items from the agenda and to vote to make recommendations to the full board at a future meeting [Government Code section 11125(c)].

Public comments will be taken on agenda items at the time the specific item is raised. All times are approximate and subject to change. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the President. For verification of the meeting, call (916) 263-2300 or access the Board's website at www.dbc.ca.gov. This Board meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least

five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources or technical difficulties that may arise. Adjournment, if it is the only item that occurs after a closed session, may not be webcast. A committee opening and roll call, if the only item preceding a closed session, may not be webcast. To view the Webcast, please visit <https://thedcapage.blog/webcasts/>.

WEDNESDAY, MAY 15, 2019

9:00 A.M. FULL BOARD MEETING – OPEN SESSION

1. Call to Order/Roll Call/Establishment of a Quorum
2. Approval of February 7-8, 2019, Board Meeting Minutes
3. Board President Welcome and Report
4. Public Comment on Items Not on the Agenda
The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).
5. Report of the Department of Consumer Affairs (DCA) Staffing and Activities
6. Budget Report
 - a. State Dentistry Fund
 - b. State Dental Assisting Fund
7. Report on the April 10, 2019, Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits
8. Sunset Review
 - a. Update on March 5, 2019, Sunset Review Oversight Hearing
 - b. Update and Possible Action on Response to the *Legislative Oversight Committees' Background Paper and Current Sunset Review Issues for the Dental Board of California*, Submitted Electronically April 3, 2019
 - c. Discussion and Possible Action Regarding Senator Pan's Questions Relating to Continuing Education Providers and Conflicts of Interest
 - d. Discussion and Possible Action Regarding AB 1519 (Assembly Business and Professions Committee) Healing Arts: Dental Board of California

- e. Discussion and Possible Action Regarding Issue #12 Relating to the *Dynamex* case Identified in the *Legislative Oversight Committees' Background Paper and Current Sunset Review Issues for the Dental Board of California* and the Impact of the Following Proposed Legislation:
 - i. AB 5 (Gonzalez) Independent Contractors
 - ii. AB 71 (Melendez) Independent Contractors and Employees
- 9. Update and Discussion Regarding the Response Received from the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova's Faculty (School) of Dentistry
- 10. Enforcement
 - a. Review of Enforcement Statistics and Trends
 - b. Update on Controlled Substance Utilization Review and Evaluation System (CURES) Report
 - c. Update on Implementation of Assembly Bill 149 (Cooper) Relating to Controlled Substance Security Prescription Forms
- 11. Discussion and Possible Action Regarding Meeting Dates for 2020

RECESS TO CLOSED SESSION

CLOSED SESSION – FULL BOARD

Deliberate and Take Action on Disciplinary Matters

The Board will meet in closed session as authorized by Government Code §11126(c)(3). If the Board is unable to deliberate and take action on all disciplinary matters due to time constraints, it will also meet in closed session on May 16, 2019.

RETURN TO FULL BOARD OPEN SESSION

Recess Until Thursday, May 16, 2019

LICENSING, CERTIFICATION, AND PERMITS COMMITTEE MEETING

OPEN SESSION

A. Call to Order/Roll Call/Establishment of a Quorum

CLOSED SESSION – LICENSING, CERTIFICATION, AND PERMITS COMMITTEE

B. Issuance of New License(s) to Replace Cancelled License(s)

The Committee will meet in closed session as authorized by Government Code §11126(c)(2) to deliberate on applications for issuance of new license(s) to replace cancelled license(s).

C. Grant, Deny or Request Further Evaluation for General Anesthesia Permit Onsite Inspection and Evaluation Failure, pursuant to Title 16 CCR Section 1043.6
The Committee will meet in closed session as authorized by Government Code Section 11126(c)(2) to deliberate whether or not to grant, deny or request further evaluation for a General Anesthesia Permit as it Relates to an Onsite Inspection and Evaluation Failure.

D. Grant, Deny or Request Further Evaluation for Conscious Sedation Permit Onsite Inspection and Evaluation Failure, pursuant to Title 16 CCR Section 1043.6.
The Committee will meet in closed session as authorized by Government Code Section 11126(c)(2) to deliberate on whether or not to grant, deny or request further evaluation for a Conscious Sedation Permit as it Relates to an Onsite Inspection and Evaluation Failure.

RETURN TO COMMITTEE OPEN SESSION

Committee Adjournment

THURSDAY, MAY 16, 2019

9:00 A.M. FULL BOARD MEETING – OPEN SESSION

12. Call to Order/Roll Call/Establishment of a Quorum
13. Executive Officer's Report
14. Report of the Dental Hygiene Board of California (DHBC) Activities
15. Discussion and Possible Action Regarding the DHBC's Proposed Draft Educational Regulatory Language for California Code of Regulations, Title 16, (new) Section 1109 Relating to Radiographic Decision Making and Interim Therapeutic Restoration Courses for the Registered Dental Hygienist (RDH), Registered Dental Hygienists in Alternative Practice (RDHAP), and Registered Dental Hygienists in Extended Functions (RDHEF) – Approval; Curriculum Requirements; Issuance of Approval
16. Examinations
 - a. Update on the Portfolio Pathway to Licensure
 - b. Western Regional Examination Board (WREB) Report
 - c. Presentation by the American Board of Dental Examiners (ADEX)
17. Licensing, Certifications, and Permits

- a. Review of Dental Licensure and Permit Statistics
- b. General Anesthesia and Conscious Sedation Permit Evaluation Statistics

18. Substance Use Awareness

- a. Presentation on California Association of Oral and Maxillofacial Surgeons (CalAOMS) 2019 Opioid Education Project
- b. Diversion Program Report and Statistics
- c. Update Regarding the February 26, 2019, and April 23, 2019, Statewide Opioid Safety Workgroup Meeting

19. Legislation

- a. 2019 Tentative Legislative Calendar – Information Only
- b. Discussion and Possible Action Regarding the Following Legislation:
 - i. AB 193 (Jim Patterson) Professions and Vocations
 - ii. AB 316 (Ramos) MediCal: Benefits: Special Dental Care Needs
 - iii. AB 476 (Bianca Rubio) DCA: Foreign-Trained Professionals
 - iv. AB 544 (Brough) Professions and Vocations: Inactive License Fees
 - v. AB 613 (Low) Professions and Vocations: Regulatory Fees
 - vi. AB 768 (Brough) Professions and Vocations
 - vii. AB 954 (Wood) Dental Services: Third-Party Network Access
 - viii. AB 994 (Mathis) Business License Fees: Veterans
 - ix. AB 1622 (Carrillo) Family Physicians
 - x. SB 154 (Pan) Medi-Cal: Restorative Dental Services
 - xi. SB 653 (Chang) Registered Dental Hygienist in Alternative Practice
- c. Discussion of Prospective Legislative Proposals
Stakeholders are Encouraged to Submit Proposals In Writing to the Board Before or During the Meeting for Possible Consideration by the Board at a Future Meeting

20. Regulations

- a. Update on Pending Regulatory Packages
 - i. Basic Life Support Equivalency Standards (Cal. Code of Regs., Title 16, Sections 1016 and (new) 1016.2)
 - ii. Citation and Fine (Cal. Code of Regs., Title 16, Sections 1023.2 and 1023.7)
 - iii. Continuing Education Requirements (Cal. Code of Regs., Title 16, Sections 1016 and 1017)
 - iv. Dental Assisting Comprehensive Rulemaking (Cal. Code of Regs., Title 16, Division 10, Chapter 3)

- v. Determination of Radiographs and Placement of Interim Therapeutic Restorations (Cal. Code of Regs., Title 16, Section 1071.1 (new))
- vi. Diversion Committee Membership (Cal. Code of Regs., Title 16, Section 1020.4)
- vii. Elective Facial Cosmetic Surgery Permit Application Requirements and Renewal Requirements (Cal. Code of Regs., Title 16, (new) Sections 1044.6, 1044.7, and 1044.8)
- viii. Law and Ethics Exam Score (Cal. Code of Regs., Title 16, Section 1031)
- ix. Mobile Dental Clinic and Portable Dental Unit Registration Requirements (Cal. Code of Regs., Title 16, Section 1049)
- x. Minimum Standards for Infection Control (Cal. Code of Regs., Title 16, Section 1005)
- xi. Substantial Relationship Criteria (Cal. Code of Regs., Title 16, Section 1019 and 1020)

21. Licensing, Certifications, and Permits Committee Report on Closed Session

The Board may take action on recommendations regarding applications for issuance of new license(s) to replace cancelled license(s) and whether or not to grant, deny, or request further evaluation for a Conscious Sedation Permit as it relates to an onsite inspection and evaluation failure.

22. Board Member Comments on Items Not on the Agenda

The Board may not discuss or take action on any matter raised during the Board Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

23. Adjournment