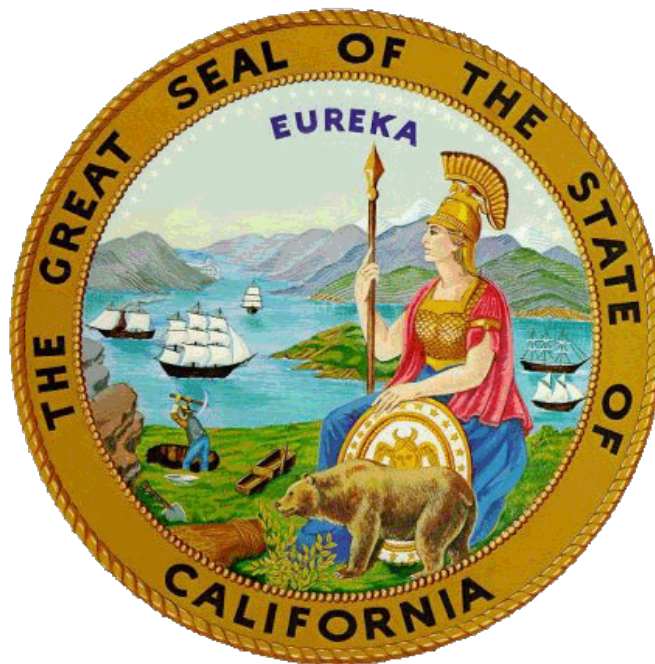




**FULL BOARD MEETING**  
**Thursday, May 12, 2016**



**Wyndham Anaheim Garden Grove**  
**12021 Harbor Boulevard**  
**Garden Grove, CA 92840**



## **BOARD MEETING AGENDA**

**May 12, 2016**

Wyndham Anaheim Garden Grove  
12021 Harbor Boulevard, Garden Grove, CA 92840  
714-867-5555 (Hotel) or 916-263-2300 (Board Office)

### **Members of the Board**

Steven Morrow, DDS, MS, President  
Judith Forsythe, RDA, Vice President  
Steven Afriat, Public Member, Secretary

Fran Burton, MSW, Public Member  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, RDH  
Luis Dominicus, DDS  
Kathleen King, Public Member  
Ross Lai, DDS

Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Thomas Stewart, DDS  
Bruce Witcher, DDS  
Debra Woo, DDS

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. It is anticipated that the items of business before the Board on the first day of this meeting will be fully completed on that date. However, should items not be completed, it is possible that it could be carried over and be heard beginning at 8:00 a.m. on the following day. 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.

Public comments will be taken on agenda items at the time the specific item is raised. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. 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](http://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.

## Thursday May 12, 2016

### 8:00 A.M. OPEN SESSION – FULL BOARD

7. Call to Order/Roll Call/Establishment of Quorum.
8. Report of Dental Hygiene Committee of California (DHCC) Activities by DHCC Executive Officer.
9. Examinations:
  - A. Western Regional Examination Board (WREB) Update
  - B. Staff Update on Portfolio Pathway to Licensure
  - C. American Dental Association (ADA) – Other Regional Dental Examinations
10. Licensing, Certifications and Permits:
  - A. Review of Dental Licensure and Permit Statistics
  - B. Update Regarding Pediatric Dental Anesthesia Research per Senator Jerry Hill's Request
11. Enforcement:
  - A. Enforcement – Statistics and Trends
  - B. Review of Second Quarter Performance Measures from the Department of Consumer Affairs
  - C. Diversion Program Report and Statistics
  - D. Presentation by Theresa Lane, Enforcement Chief – Violations of the Dental Practice Act
12. Budget Report.
13. Discussion and Possible Action to Initiate a Rulemaking to Amend California Code of Regulations, Title 16 Sections 1021 and 1022, Dentistry and Dental Assisting Licensing and Permitting Fee Increase.
14. Discussion and Possible Action to Initiate a Rulemaking to Implement, Interpret, and Make Specific California Code of Regulation, Title 16, Sections 1001.1 and 1001.2 Relating to the Defining of "Discovery" and "Filing".
15. Discussion and Possible Action Regarding Adoption of the Revisions to the Board Member Administrative Procedure Manual.
16. Discussion and Possible Action Regarding the California Society of Periodontists Request for the Dental Board of California's Endorsement of their Efforts in the Creation of a Periodontal Disease Awareness Month.
17. Report on the April 20, 2016 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits.
18. Legislative and Regulatory Committee Report.

The Board may take action on any items listed on the attached Legislative and Regulatory Committee agenda.

19. 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)).

20. 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)).

21. Adjournment.

**Call to Order**

**Roll Call**

**Establishment of  
Quorum**



## MEMORANDUM

<b>DATE</b>	April 21, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 8:</b> Update from the Dental Hygiene Committee of California (DHCC)

A representative from the Dental Hygiene Committee of California will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	April 28, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 9 – Examinations: A. Western Regional Examination Board (WREB) Update; B. Staff Update on Portfolio Pathway to Licensure; C. American Dental Association (ADA) – Other Regional Examinations</b>

- A. **Western Regional Examination Board (WREB) Update.** If a representative of WREB is present, a report may be given.
- B. **Staff Update on Portfolio Pathway to Licensure.** Drs. Steve Morrow and Ross Lai, along with former board member Steve Casagrande (acting as a Board Portfolio Examiner) and Karen Fischer, the Board’s Executive Officer attended a meeting with Dean Featherstone, faculty and students at the University of California, San Francisco (UCSF) Dental School on Friday, April 22, 2016 to discuss the challenges of implementing the Board’s Portfolio examination. Dr. Lai will give a verbal report of that meeting.

The Chair and Vice Chair of the Examination Committee have recommended that individual meetings between the Board (Examination Chair and Vice Chair) and all California dental schools be scheduled to discuss the progress and challenges regarding implementation of the Portfolio examination within each school. Board staff will move forward arranging these meetings.

- C. **American Dental Association (ADA) – Other Regional Examinations.** See attached letter from ADA/ADEA. In order for the board to accept other regional examinations, there would need to be a statutory change to give the Board this authority. In addition, each examination would need to be evaluated for compliance with the examination standards outlined in Business & Professions Code Section 139. If statute is changed to accommodate these other regional examinations, the fiscal impact on the Board’s budget could be great. Psychometric studies would need to be completed on each examination, changes would need to be made to the Board’s current computer system to accommodate the licensing requirements for each regional examination, and additional staff would need to be hired to process the additional licensure applications.

February 26, 2016

Dr. Steven Morrow  
President  
Dental Board of California  
2005 Evergreen Street  
Suite 1550  
Sacramento, CA 95815

Dear Doctor Morrow:

We are writing to express the high level of concern that the American Dental Association (ADA), its Licensure Task Force and Council on Dental Education and Licensure, and the American Dental Education Association (ADEA) have with regard to the status of licensure for dentists in the United States. While licensure portability is an important matter to dental professionals, particularly to those pursuing initial licensure or attempting to relocate to another state, it is clear that the dental boards of a number of states, including your own, continue to engage in conduct that restricts, rather than enhances, that portability.

As you know, there are five clinical test administration agencies for dentistry: the Commission on Dental Competency Assessments (CDCA, formerly NERB); Central Regional Dental Testing Service, Inc. (CRDTS); Council of Interstate Testing Agencies, Inc. (CITA); the Southern Regional Testing Agency, Inc. (SRTA); and the Western Regional Examining Board (WREB). The ADA has conducted a careful analysis of the examinations administered by each of the clinical testing agencies (CDCA and CITA administer the American Board of Dental Examiners (ADEX) dental exam, while CRDTS, SRTA, and WREB administer their own exams) and has come to the conclusion that these examinations adhere to a common set of core design and content requirements that renders them conceptually comparable. In particular, each agency:

- utilizes the *Standards for Educational and Psychological Testing* as the guidelines for evaluating the validity of their exams;
- produces a publically available technical report that documents and summarizes available validity and reliability evidence concerning the examinations;
- utilizes conjunctive scoring, requiring candidates to pass each of a series of tests in order to pass the full examination;
- conducts a practice analysis on a regular basis to ensure that test content reflects normal, everyday tasks performed in general dental practice;
- reduces examiner bias and enhances fairness by ensuring that examiners do not know the identity of the candidate whose performance they are evaluating;
- requires three examiners to evaluate performance on each exam and sub-exam;
- requires examiners to participate in calibration exercises to align examiner perspectives and provide a common frame of reference;



- conducts prospective and retrospective evaluations of examiner consistency and reliability;
- makes a determination of candidate minimal competency in restorative dentistry on a patient-based exam for a Class III composite resin preparation and restoration and either a Class II amalgam or composite resin preparation and restoration;
- makes a determination of candidate minimal competency in periodontics on a patient-based exam for scaling and root planning; and
- utilizes simulation to determine minimal competency in prosthodontics (crown preparation) and endodontics.

Given the aforementioned commonality in design and content requirements, any apparent differences in the performance of these clinical examinations can be called into question and potentially interpreted as simply reflecting sampling error. In light of this, accepting the results from certain clinical examinations and not others appears specious. It has been a longstanding policy of the ADA that it represents unnecessary and meaningless duplication to require a candidate seeking licensure in different states to demonstrate his or her theoretical knowledge and clinical skill on separate examinations for each jurisdiction, especially when it is clear that the core requirements, administration, and outcomes are virtually indistinguishable between each examination.

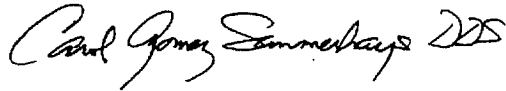
It is our understanding that your state affirmatively elects not to accept the examination results from all of these test administration agencies. The decision of your board, as well as the boards of a number of other states, to accept the test results of only a select number of clinical test administration agencies appears highly arbitrary. Moreover, those decisions have an arguably anticompetitive effect in restricting the mobility of dentists wishing to move from one state to another. As you know, the whole concept of licensure is currently under attack because of its inherent effect on competition; it is therefore incumbent on the dental profession to ensure that any such restraints are not susceptible to a claim that they are unreasonable in nature. Indeed, the House of Delegates of the American Bar Association recently passed a resolution urging bar admission authorities in various states to adopt a Universal Bar Examination in order to facilitate mobility for new lawyers. This concept of mobility among professionals is obviously gaining additional momentum.

In light of these circumstances, we respectfully request that your Board pursue the necessary steps to accept successful completion of all of the clinical test administration agency examinations for dental licensure in your state. Recognizing that the dental board's primary mission is protecting the public in your state, we believe that the board has the authority and autonomy to pursue this change. It will increase portability of dental professionals and access to quality dental care for patients.

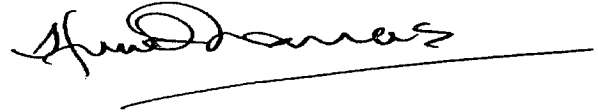
Dr. Steven Morrow  
February 26, 2016  
Page 3

We would be pleased to meet with you or your board to further discuss this matter.

Sincerely,



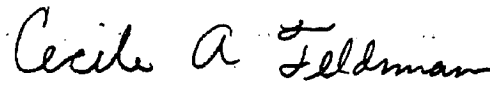
Carol Gomez Summerhays, D.D.S., M.A.G.D.  
President  
American Dental Association



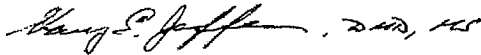
Huw F. Thomas, B.D.S., M.S., Ph.D.  
Dean, Tufts University School of Dental Medicine  
Chair of the ADEA Board of Directors



Gary L. Roberts, D.D.S.  
President-elect



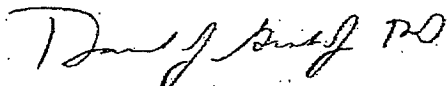
Cecile A. Feldman, D.M.D., M.B.A.  
Dean, Rutgers School of Dental Medicine  
Chair-elect of the ADEA Board of Directors



Gary E. Jeffers, D.M.D., M.S.  
Chair  
2016 ADA Licensure Task Force



Lily T. Garcia, D.D.S., M.S., FACP  
Associate Dean for Education  
University of Iowa College of Dentistry  
Immediate Past Chair of the ADEA Board of Directors



Daniel J. Gesek, Jr., D.M.D.  
Chair  
Council on Dental Education and Licensure

KMH:eg

- cc: Ms. Karen Fischer, executive officer Dental Board of California  
Dr. Avishai Sadan, dean, Herman Ostrow School of Dentistry of USC  
Dr. Steven W. Friedrichsen, dean, Western University of Health Sciences College of  
Dental Medicine  
Dr. Nader Aghaali Nadershahi Jr., dean, University of the Pacific Arthur A. Dugoni  
School of Dentistry  
Dr. John Featherstone, dean, University of California at San Francisco School of  
Dentistry  
Dr. No-Hee Park, dean, University of California at Los Angeles School of Dentistry  
Dr. Ronald J. Dailey, dean, Loma Linda University School of Dentistry  
Dr. Kenneth G. Wallis, president, California Dental Association  
Mr. Peter DuBois, executive director, California Dental Association  
Dr. Lindsey A. Robinson, ADA Trustee, Thirteenth District  
Dr. Kathleen O'Loughlin, executive director and chief operating officer (ADA)  
Dr. Richard W. Valachovic, president and chief executive officer (ADEA)



## MEMORANDUM

<b>DATE</b>	April 21, 2016
<b>TO</b>	Licensing Certification and Permits Committee Dental Board Members
<b>FROM</b>	Jessica Olney, Associate Governmental Program Analyst
<b>SUBJECT</b>	<b>Agenda Item 10: A</b> - Review of Dental Licensure and Permit Statistics; <b>B</b> - Update Regarding Pediatric Dental Anesthesia Research per Senator Jerry Hill's Request

### Agenda Item 10A:

#### Statistics of current license/permits by type as of April 21, 2016

Dental License (DDS)	
Active	34,083
Inactive	2,024
Retired	1,889
Disabled Non practice	172
Renewal in Process	381
Fingerprinting Hold	53
Delinquent	4, 554
Suspended No Coronal Polish/X-ray	N/A
Total Cancelled Since Licensing was required	14, 237

Dental Licenses Issued via Pathway	Total Issued in 2016	Total Issued in 2015	Total Issued in 2014	Total Issued to Date	Date Pathway Implemented
California Exam	0	0	0	53,977	Prior to 1929
WREB Exam	122	747	753	7,184	January 1, 2006
Licensure by Residency	22	162	170	562	January 1, 2007
Licensure by Credential	40	116	144	2809	July 1, 2002
LBC Clinic Contract	2	5	1	28	July 1, 2002
LBC Faculty Contract	1	2	0	8	July 1, 2002

License/Permit /Certification/Registration Type	Current Active Permits	Delinquent	Total Cancelled Since Permit was Required
Additional Office Permit	2,449	422	5,981
Conscious Sedation Permit	518	32	395
Continuing Education Registered Provider Permit	1,151	612	1,724
Elective Facial Cosmetic Surgery Permit	27	1	0
Extramural Facility Registration*	154	n/a	n/a
Fictitious Name Permit	6,594	796	5,161
General Anesthesia Permit	842	31	852
Mobile Dental Clinic Permit	39	29	35
Medical General Anesthesia Permit	80	36	155
Oral Conscious Sedation Certification (Adult Only 1,442; Adult & Minors 1,537)	2,385	585	473
Oral & Maxillofacial Surgery Permit	82	9	16
Referral Service Registration*	153	n/a	n/a
Special Permits	44	9	163

\*Current population for Extramural Facilities and Referral Services are approximated because they are not automated programs.

## Active Licensees by County as of April 22, 2016

County	DDS	County	DDS
Alameda	1,420	Placer	445
Alpine	0	Plumas	18
Amador	23	Riverside	1,051
Butte	155	Sacramento	1,069
Calaveras	20	San Benito	23
Colusa	4	San Bernardino	1,296
Contra Costa	1,057	San Diego	2,637
Del Norte	15	San Francisco	1,221
El Dorado	153	San Joaquin	352
Fresno	565	San Luis Obispo	227
Glenn	10	San Mateo	869
Humboldt	80	Santa Barbara	317
Imperial	38	Santa Clara	2,193
Inyo	10	Santa Cruz	193
Kern	337	Shasta	125
Kings	49	Sierra	2
Lake	25	Siskiyou	20
Lassen	23	Solano	291
Los Angeles	8,273	Sonoma	417
Madera	50	Stanislaus	276
Marin	328	Sutter	59
Mariposa	6	Tehama	26
Mendocino	57	Trinity	4
Merced	92	Tulare	211
Modoc	5	Tuolumne	46
Mono	3	Ventura	680
Monterey	279	Yolo	118
Napa	102	Yuba	9
Nevada	83	Out of State/Country	2,906
Orange	3,746		
		<b>TOTAL</b>	<b>34,088</b>

## **Agenda Item 10B: Update Regarding Pediatric Dental Anesthesia Research per Senator Jerry Hill's Request**

In Senator Jerry Hill's letter to Dental Board President dated February 8, 2016, he asked that the Board research whether California's present laws, regulations, and policies are sufficient to provide protection of pediatric patients during dental anesthesia. A two person subcommittee was appointed at the March board meeting to assist staff in conducting the research.

Specifically the assignment will include the following:

1. A review of the present laws, regulations, and policies in California; and a comparison of this information to other states' and dental associations' policies.
2. A review of all incident reports related to pediatric anesthesia in California for the past five years. The specific time frame will be July 1, 2010-June 30, 2015 to coincide with the Board reporting of its annual statistics to the Department of Consumer Affairs.

In addition to the abovementioned items, the subcommittee anticipates that the report will include the following:

- Background of the Dental Board of California
- Methodology used to review the Board's incident reports
- Number of cases reviewed and results of the review
- Explanation of the Board's internal policies for processing notification of violations of Business & Professions Code 1680(z)
- Explanation of the Board's records retention policies
- Input from stakeholder groups
- Possible recommendations for statutory or regulatory changes

**Timeline:** The subcommittee is in the process of gathering the data related to statutes, regulations and policies for California, other states, and associations. Staff is in the process of pulling the cases for review.

A draft report will be submitted to the full Board at the August 18-19, 2016 meeting which will be held in Sacramento. The specific location has not yet been determined. However, the agenda will be posted ten days prior to the meeting in accordance with the Bagley-Keene Open Meeting Act.

Following the August meeting, the subcommittee will continue to refine the report based on comments made at the August meeting. A final draft report will be submitted to the Board for discussion and possible action at the December 1-2, 2016 board meeting which will be held in San Francisco. The specific location has not yet been determined.

Senator Hill has asked that a report be prepared and submitted to the Legislature by January 1, 2017.

**Public Participation:** Interested parties are encouraged to provide the Board with their written comments regarding whether California's present laws, regulations, and policies are sufficient to provide sufficient protection to pediatric patients during dental anesthesia. Comments should be mailed to the Board's Executive Officer, Ms. Karen Fischer at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815 or emailed to Karen.Fischer@dca.ca.gov.

Public testimony will be encouraged and taken at the full Board meetings scheduled in August in Sacramento and again in December in San Francisco.

The information provided in this memo will be posted on the Board's website following the May Board meeting.



## MEMORANDUM

<b>DATE</b>	April 29, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	Theresa Lane, Enforcement Chief
<b>SUBJECT</b>	<b>Agenda Item 11: Enforcement</b> A. Enforcement – Statistics and Trends B. Review of Second Quarter Performance Measures from the Department of Consumer Affairs C. Diversion Program Report and Statistics D. Presentation by Theresa Lane, Enforcement Chief – Violations of the Dental Practice Act

- A. Enforcement – Statistics and Trends**  
A verbal report will be provided.
- B. Review of Second Quarter Performance Measures from the Department of Consumer Affairs**  
(See attachment 1)
- C. Diversion Program Report and Statistics**  
(See attachment 2)
- D. Presentation by Theresa Lane, Enforcement Chief – Violations of the Dental Practice Act**  
Ms. Theresa Lane, Enforcement Chief, will give a verbal presentation.



## Attachment 1

Performance measures are linked directly to an agency's mission, vision and strategic objectives/initiatives. In some cases, each Board, Bureau, and program was allowed to set their individual performance targets, or specific levels of performance against which actual achievement would be compared. In other cases, some standards were established by DCA. As an example, a target of an average of 540 days for the cycle time of formal discipline cases was set by the previous Director. Data is collected quarterly and reported on the Department's website at: [http://www.dca.ca.gov/about\\_dca/cpei/index.shtml](http://www.dca.ca.gov/about_dca/cpei/index.shtml)

**Q1** (October to December 2015)

**Volume: 801** Total (705 Consumer complaints, 96 Conviction reports)  
Number of complaints and convictions received per quarter

### Cycle Time:

- **Intake – Target: 10 Days** **Q4 Average: 9 Days**  
Average cycle time from complaint receipt, to the date the complaint was acknowledged and assigned to an analyst in the Complaint Unit for processing (This 10 day time frame is mandated by Business and Professions Code section 129 (b)) ;
- **Intake & Investigation – Target: 270 Days** **Q4 Average: 200 Days**  
Average time from complaint receipt to closure of the investigation process (does not include cases sent to the Attorney General (AG) or other forms of formal discipline);
- **Formal Discipline – Target: 540 Days** **Q4 Average: 1,059 Days**  
Average number of days to complete the entire enforcement process for cases resulting in formal discipline (Includes intake and investigation by the Board, and prosecution by the AG);

A number of factors (both internally and externally) can contribute to case aging at the Attorney General's office. Board actions which may extend case aging include when additional investigations are combined with a pending accusation and can set back the overall time to resolve. Amending an accusation or requesting additional expert opinions can also cause delays in case adjudication. Other matters are outside the control of the Board and include: availability of hearing dates, continuance of hearing dates, changes to opposing party counsel, and requests for a change of venue.

- **Probation Intake – Target: 10 Days** **Q4 Average: 6 Days**  
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer; and

Probation Intake measures the time between when the probation monitor is assigned the case file and the date they meet with their assigned probationer to review monitoring terms and conditions. The Board's probation monitors are assigned a case file within a few days of the probationary order being signed. Monitors attempt to schedule their initial meeting on or soon after the effective date of the decision; thereby resulting in a 10 – 20 day intake average. We believe this Q4 average of 19 days is reasonable. It should also be noted that in some cases, probation monitoring may not take place until an applicant has completed all their licensing requirements, or returned to California (if the applicant is out-of-state). These exceptions may skew this average.

- **Probation Violation Response – Target: 10 Days      Q4 Average: 2 Days**  
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

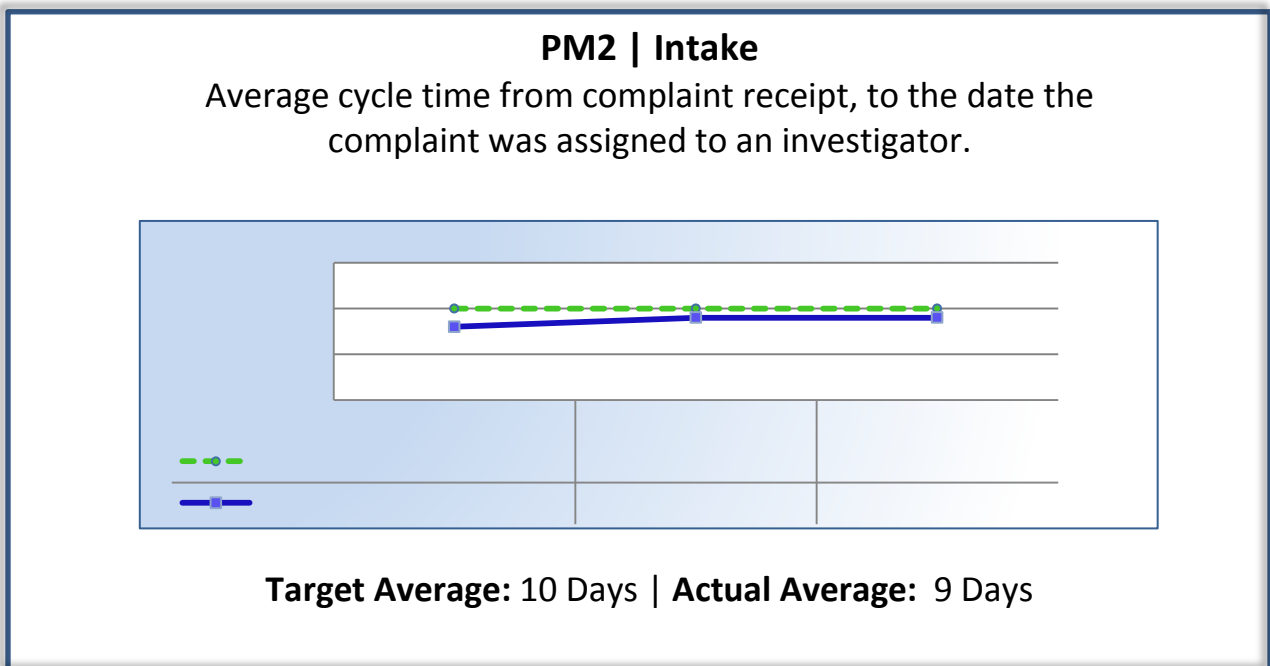
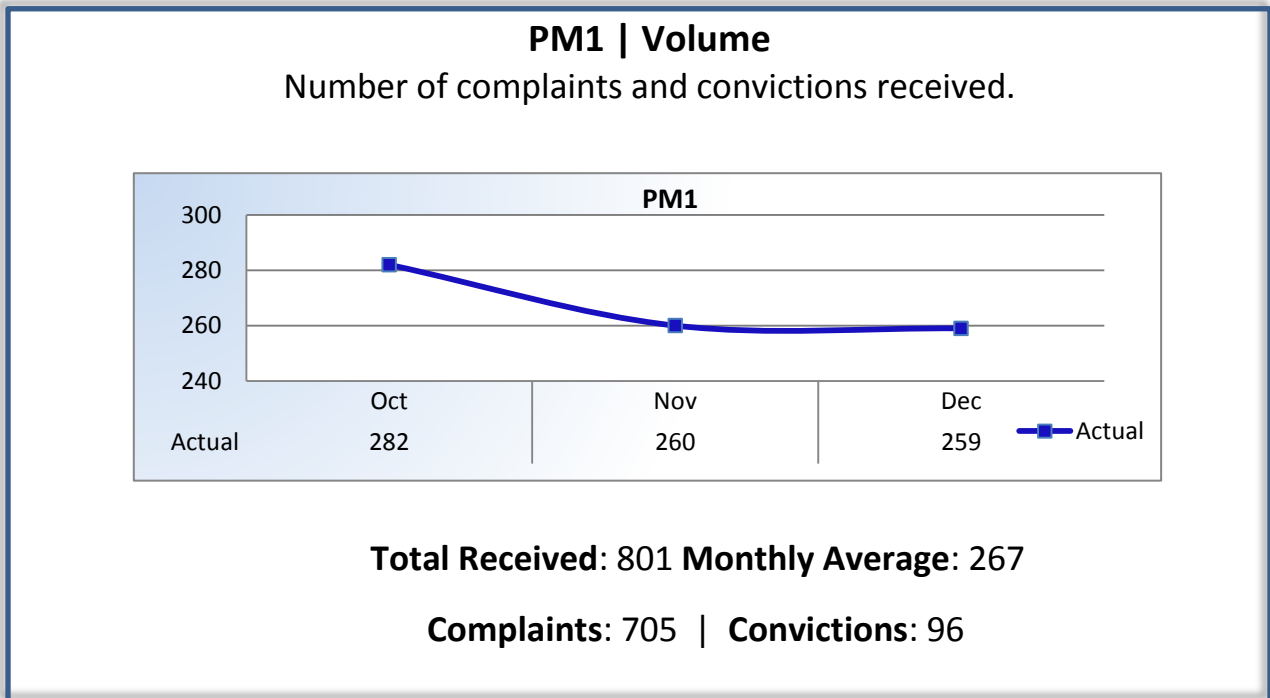
In general, once a violation is discovered, the decision to take action is made immediately. However, the monitor must collect any supporting evidence (arrest/conviction records, positive drug test results) and write a report documenting the event. Once the report is referred for discipline, “appropriate action” has been initiated and the clock stops. Factors which may affect the turnaround time on this measure include how the violation is reported; (incoming complaints or arrest/conviction reports from the Department of Justice may take several days to be processed) and how quickly the monitor can write up and file the violation.

# Dental Board of California

## Performance Measures

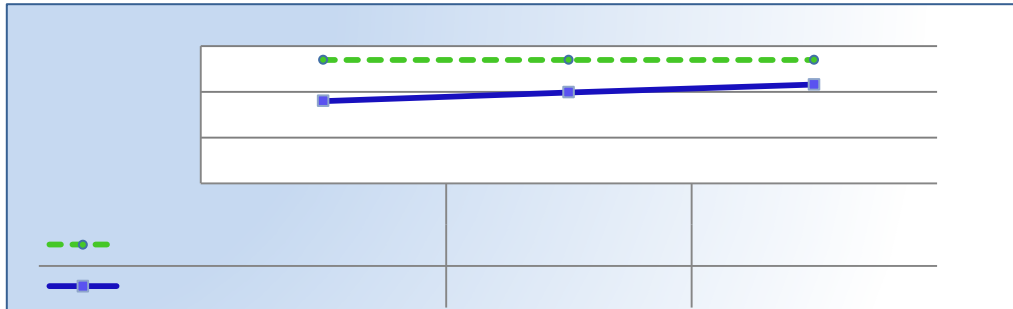
### Q2 Report (October - December 2015)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



### PM3 | Intake & Investigation

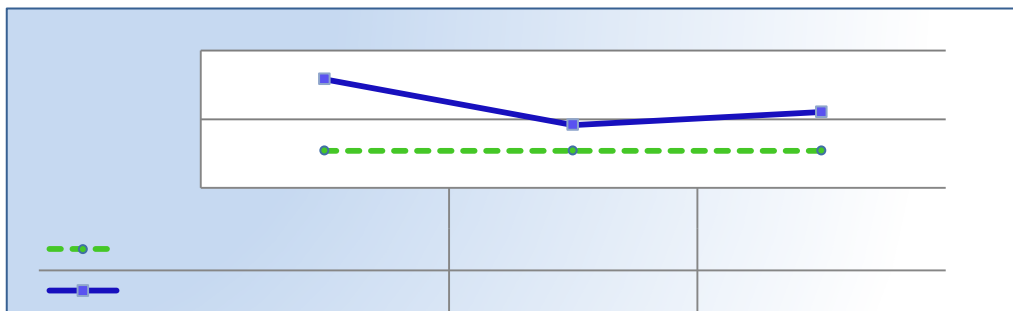
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 270 Days | Actual Average: 200 Days**

### PM4 | Formal Discipline

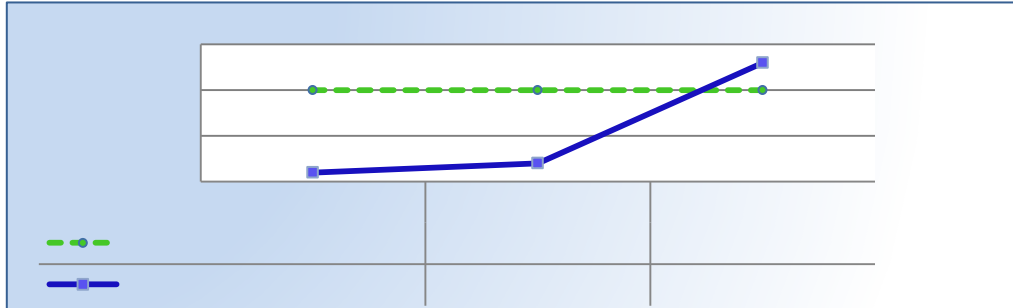
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



**Target Average: 540 Days | Actual Average: 1,059 Days**

### PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

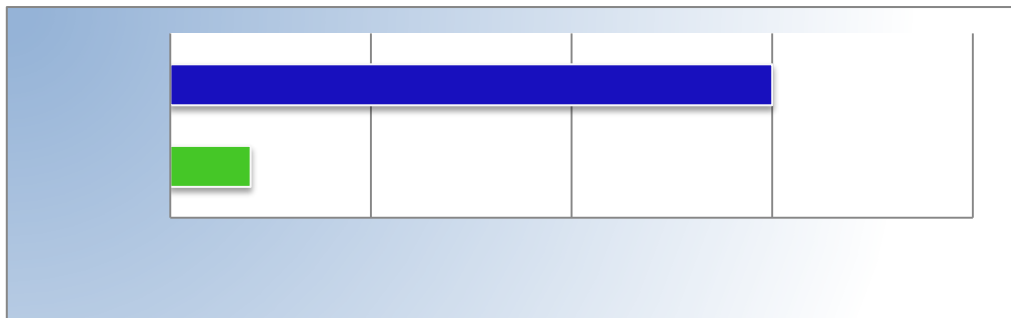


\*This measure does not account for the effective date of the probation period. First contact with the probationer may occur prior to the effective date of the probation period or the issuance of the license.

**Target Average: 10 Days | Actual Average: 6 Days**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



**Target Average: 15 Days | Actual Average: 2 Days**

## ATTACHMENT 2

The Diversion Evaluation Committee (DEC) program statistics for quarter ending March 31, 2016, are provided below. These statistics reflect the participant activity in the Diversion (Recovery) Program and are presented for information purposes only.

These statistics are derived from the MAXIMUS monthly reports.

<b>Intake Referrals</b>	<b>January</b>	<b>February</b>	<b>March</b>
Self-Referral	0	0	0
Enforcement Referral	0	0	0
Probation Referral	0	0	0
<b>Closed Cases</b>	4	0	2
<b>Active Participants</b>	24	20	20

During this quarter, the Board received resignations from two DEC members Anka Severin in the Southern DEC and Dina Gillette in the Northern DEC. Both of the members hold the auxiliary position and resigned due to conflicts with attending meetings due to their current employment. The Board will be recruiting for these open positions in the near future.

The next DEC meeting is scheduled for June 2, 2016 in Northern California.

**ACTION REQUESTED:**  
No action requested.



## MEMORANDUM

<b>DATE</b>	April 27, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	Tammy White, Budget Analyst
<b>SUBJECT</b>	<b>Agenda Item 12: Budget Report</b>

The Board manages two separate funds: 1) Dentistry Fund, and 2) Dental Assisting Fund. The funds are not comingled. The following is intended to provide a summary of expenses for the second quarter of fiscal year (FY) 2015-16 for the Dentistry and Dental Assisting funds.

### Dentistry Fund Overview

#### *Third Quarter Expenditure Summary for Fiscal Year 2015-16*

The third quarter expenditures are based upon the budget report released by the Department of Consumer Affairs (DCA) in mid-April 2016. This report reflects actual expenditures for July 1, 2015 through March 31, 2016. The Board spent roughly \$8.1 million or 62% of its total Dentistry Fund appropriation for FY 2015-16. Of that amount, approximately \$4.1 million of the expenditures were for Personnel Services and \$4.4 million were for Operating Expense & Equipment (OE&E) for this fiscal year.

For comparison purposes, last year at this time the Board spent roughly \$8.2 million or 65% of its FY 2014-15 Dentistry Fund appropriation. Approximately \$4.1 million of the expenditures was Personnel Services and approximately \$4.5 million of the expenditures was OE&E.

Fund Title	Appropriation	Expenditures Through 3-31-16
Dentistry Fund	\$13,016,000	\$8,092,705

**Attachment 1** displays year-to-date expenditures for the Dentistry Fund.

*Analysis of Fund Condition*

**Attachment 1a** displays an analysis of the State Dentistry Fund’s condition including expenditures for the BreEze system. Without fee increases, the State Dentistry Fund is heading towards insolvency for FY 2017-18. Months in reserve are decreasing and will go negative in FY 2017-18.

**Dental Assisting Fund Overview**

*Third Quarter Expenditure Summary for Fiscal Year 2015-16*

The third quarter expenditures are based upon the budget report released by the Department of Consumer Affairs (DCA) in mid-April 2016. This report reflects actual expenditures for July 1, 2015 through March 31, 2016. The Board spent roughly \$1.6 million or 62% of its total Dental Assisting Fund appropriation for FY 2015-16. Of that amount, approximately \$478,000 of the expenditures were for Personnel Services and \$1.1 million were for OE&E for this fiscal year.

For comparison purposes, last year at this time the Board spent roughly \$1.2 million or 65% of its FY 2014-15 Dental Assisting Fund appropriation. Approximately \$462,000 of the expenditures was Personnel Services and approximately \$781,000 of the expenditures was OE&E.

<b>Fund Title</b>	<b>Appropriation</b>	<b>Expenditures Through 3-31-16</b>
Dental Assisting Fund	\$2,564,000	\$1,587,759

**Attachment 2** displays year-to-date expenditures for the Dental Assisting Fund.

*Analysis of Fund Condition*

**Attachment 2a** displays the Dental Assisting Fund’s condition including expenditures for the BreEze system. Without fee increases, the State Dentistry Fund is heading towards insolvency for FY 2017-18. Months in reserve are decreasing and will go negative in FY 2017-18.

**Governor’s Budget with BreEze Release 2**

**Attachment 3** displays the Dentistry Fund Analysis illustrating the impact of BreEze Release 2.

**Attachment 3a** displays the Dental Assisting Program Fund Analysis illustrating the impact of BreEze Release 2.



## Attachment 1

**DENTAL BOARD - FUND 0741  
BUDGET REPORT  
FY 2015-16 EXPENDITURE PROJECTION**

FM 9

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16				
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES	EXPENDITURES	STONE	EXPENDITURES			
(MONTH 13)	3/31/2015	2015-16	3/31/2016	SPENT	TO YEAR END	BALANCE	
<b>PERSONNEL SERVICES</b>							
Salary & Wages (Staff)	3,423,184	2,502,735	4,001,000	2,434,943	61%	3,743,862	257,138
Statutory Exempt (EO)	104,411	77,987	96,000	81,252	85%	105,696	(9,696)
Temp Help (Expert Examiners)	0	0	40,000	0	0%	0	40,000
Physical Fitness Incentive			0			0	0
Temp Help Reg (907)	152,995	141,621	199,000	115,670	58%	153,000	46,000
Temp Help (Exam Proctors)	0	0	45,000	0	0%	0	45,000
BL 12-03 Blanket	33,224	23,778		48,051		56,000	(56,000)
Board Member Per Diem (901, 920)	20,474	13,900	46,314	9,400	20%	16,000	30,314
Committee Members (911)	4,000	2,400	58,686	3,000	5%	4,000	54,686
Overtime	16,262	9,893	25,000	22,184	89%	22,184	2,816
Staff Benefits	1,744,941	1,284,462	2,170,000	1,348,883	62%	2,073,984	96,016
<b>TOTALS, PERSONNEL SVC</b>	<b>5,499,491</b>	<b>4,056,776</b>	<b>6,681,000</b>	<b>4,063,383</b>	<b>61%</b>	<b>6,174,726</b>	<b>506,274</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>							
General Expense	144,462	92,158	59,000	67,214	114%	105,000	(46,000)
Fingerprint Reports	16,343	10,713	26,000	9,257	36%	16,000	10,000
Minor Equipment	45,199	759	6,000	2,309	38%	2,309	3,691
Printing	48,239	36,666	42,000	45,695	109%	60,000	(18,000)
Communication	41,183	30,013	33,000	17,902	54%	36,000	(3,000)
Postage	68,234	49,988	59,000	44,515	75%	67,000	(8,000)
Insurance	6,211	6,211	2,000	8,056	403%	8,056	(6,056)
Travel In State	161,046	112,152	109,000	94,533	87%	157,000	(48,000)
Travel, Out-of-State	3,125	2,699	0			0	0
Training	3,352	4,105	7,000	5,334	76%	5,334	1,666
Facilities Operations	408,859	404,911	361,000	431,263	119%	483,359	(122,359)
C & P Services - Interdept.	50,097	324,698	77,000	7,544	10%	44,700	32,300
C & P Services - External	215,793	339,374	268,000	301,724	113%	383,083	(115,083)
<b>DEPARTMENTAL SERVICES:</b>							
OIS Pro Rata	783,624	522,603	1,091,000	818,250	75%	1,091,000	0
Admin/Exec	740,436	536,124	796,000	597,000	75%	796,000	0
Interagency Services	0	0	1,000	0	0%	1,000	0
IA w/ OPES	36,722	22,928	0	61,030		61,030	(61,030)
DOI-ProRata Internal	19,659	16,806	22,000	16,500	75%	22,000	0
Public Affairs Office	22,799	16,377	51,000	38,250	75%	51,000	0
PPRD	25,979	19,368	0	0		0	0
<b>INTERAGENCY SERVICES:</b>							
Consolidated Data Center	21,621	14,887	18,000	23,944	133%	30,000	(12,000)
DP Maintenance & Supply	15,166	11,868	11,000	10,148	92%	15,000	(4,000)
Central Admin Svc-ProRata	582,361	436,771	607,000	455,396	75%	607,000	0
<b>EXAMS EXPENSES:</b>							
Exam Supplies	0	0	43,291	0	0%	0	43,291
Exam Freight	0	0	166	0	0%	0	166
Exam Site Rental	0	0	196,586	0	0%	0	196,586
C/P Svcs-External Expert Administration	103,913	73,774	6,709	65,385	975%	92,000	(85,291)
C/P Svcs-External Expert Examiners	0	0	238,248	0	0%	0	238,248
C/P Svcs-External Subject Matter	4,846	400		11,554		11,554	(11,554)
Other Items of Expense	2,934	1,920	1,000	7,273	727%	7,273	(6,273)
Tort Pymts-Punitive						0	0
<b>ENFORCEMENT:</b>							
Attorney General	1,117,956	834,454	1,778,000	818,237	46%	1,376,000	402,000
Office Admin. Hearings	331,993	265,610	407,000	190,370	47%	332,000	75,000
Court Reporters	31,418	13,560		5,958		13,000	(13,000)
Evidence/Witness Fees	453,715	284,189	244,000	226,585	93%	307,000	(63,000)
DOI - Investigative			0	0		0	0
Vehicle Operations	36,460	23,500	5,000	25,534	511%	37,000	(32,000)
Major Equipment	155,332	25,734	36,000	0	0%	40,000	(4,000)
<b>TOTALS, OE&amp;E</b>	<b>5,699,077</b>	<b>4,535,319</b>	<b>6,602,000</b>	<b>4,406,760</b>	<b>67%</b>	<b>6,257,698</b>	<b>344,302</b>
<b>TOTAL EXPENSE</b>	<b>11,198,568</b>	<b>8,592,095</b>	<b>13,283,000</b>	<b>8,470,143</b>	<b>128%</b>	<b>12,432,424</b>	<b>850,576</b>
Sched. Interdepartmental							0
Sched. Reimb. - Fingerprints	(15,296)	(9,902)	(53,000)	(10,098)	19%	(53,000)	0
Sched. Reimb. - Other	(9,400)	(7,520)	(214,000)	(6,120)	3%	(214,000)	0
Unsched. Reimb. - External/Private	(48,311)	(36,844)		(25,313)			0
Unsch Reimb - Finger Print Fees	0	0		(336)			0
Probation Monitoring Fee - Variable	(110,914)	(85,001)		(86,051)			0
Invest Cost Recover FTB Collection	(1,383)	(1,383)					0
Unsched. - DOI ICR Civil Case Only							0
Unsched. - Investigative Cost Recovery	(296,399)	(214,136)		(249,520)			0
<b>NET APPROPRIATION</b>	<b>10,716,865</b>	<b>8,237,309</b>	<b>13,016,000</b>	<b>8,092,705</b>	<b>62%</b>	<b>12,165,424</b>	<b>850,576</b>
<b>SURPLUS/(DEFICIT):</b>							<b>6.5%</b>

## Attachment 1a

1/7/2016

# 0741 - Dental Board of California

## Analysis of Fund Condition

(Dollars in Thousands)

## 2016-17 Governor's Budget

	ACTUAL 2014-15	CY 2015-16	BY 2016-17
<b>BEGINNING BALANCE</b>	\$ 6,085	\$ 5,635	\$ 3,370
Prior Year Adjustment	\$ -27	\$ -	\$ -
Adjusted Beginning Balance	\$ 6,058	\$ 5,635	\$ 3,370
<b>REVENUES AND TRANSFERS</b>			
Revenues:			
125600 Other regulatory fees	\$ 77	\$ 69	\$ 72
125700 Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966
125800 Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582
125900 Delinquent fees	\$ 87	\$ 69	\$ 70
131700 Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 13	\$ 14	\$ 10
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -
160100 Settlements and Judgements	\$ 2	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -
Totals, Revenues	\$ 10,303	\$ 10,774	\$ 10,700
Totals, Revenues and Transfers	\$ 10,303	\$ 10,774	\$ 10,700
Totals, Resources	\$ 16,361	\$ 16,409	\$ 14,070
<b>EXPENDITURES</b>			
Disbursements:			
0840 State Controller (State Operations)	\$ -	\$ -	\$ -
8880 Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17
1110 Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349
Total Disbursements	\$ 10,727	\$ 13,039	\$ 13,366
<b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 5,635	\$ 3,370	\$ 704
<b>Months in Reserve</b>	5.2	3.0	0.6

## NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1
- ASSUMES INTEREST RATE AT 0.3%.

## Attachment 2

### DENTAL ASSISTING PROGRAM - FUND 3142 BUDGET REPORT FY 2015-16 EXPENDITURE PROJECTION

**FM 9**

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16				
	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES 3/31/2015	BUDGET STONE 2015-16	CURRENT YEAR EXPENDITURES 3/31/2016	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	<b>PERSONNEL SERVICES</b>						
Salary & Wages (Staff)	329,737	252,855	497,000	286,022	58%	365,194	131,806
Statutory Exempt (EO)			0			0	0
Temp Help (Expert Examiners)			0				0
Temp Help (Consultants)			0				0
Temp Help Reg (907)	19,981	19,981	0			29,241	(29,241)
Temp Help (Exam Proctors)			0			0	0
Board Member Per Diem (901, 920)	3,900	3,300	0	1,300		4,000	(4,000)
Overtime	6,938	6,938	0	1,500		3,000	(3,000)
Staff Benefits	238,182	178,554	301,000	188,709	63%	240,944	60,056
<b>TOTALS, PERSONNEL SVC</b>	<b>598,738</b>	<b>461,628</b>	<b>798,000</b>	<b>477,531</b>	<b>60%</b>	<b>642,379</b>	<b>155,621</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>							
General Expense	9,122	6,425	36,000	5,628	16%	10,000	26,000
Fingerprint Reports	0	0	8,000	0	0%	0	8,000
Minor Equipment			0	6,369		6,369	(6,369)
Printing	6,650	5,410	20,000	1,384	7%	7,000	13,000
Communication	30	23	13,000	30	0%	30	12,970
Postage	23,965	15,197	37,000	16,658	45%	26,000	11,000
Insurance			0			0	0
Travel In State	52,084	38,889	49,000	23,098	47%	46,000	3,000
Training	0	0	4,000	0	0%	0	4,000
Facilities Operations	45,546	45,127	64,000	85,300	133%	85,300	(21,300)
Utilities			1,000	0	0%		1,000
C & P Services - Interdept.	0	0	288,000	0	0%	0	288,000
C & P Services - External	3,000	16,723	15,000	14,000	93%	14,000	1,000
<b>DEPARTMENTAL SERVICES:</b>							
OIS ProRata	344,648	212,823	586,000	439,500	75%	586,000	0
Admin/Exec	103,661	75,057	135,000	101,250	75%	135,000	0
Interagency Services	0	0	73,000	0	0%	73,000	0
IA w/ OPES			0			0	0
DOI-ProRata Internal	2,685	2,349	4,000	3,000	75%	4,000	0
Public Affairs Office	3,115	2,292	9,000	6,750	75%	9,000	0
PPRD	3,008	2,508	0	0		0	0
<b>INTERAGENCY SERVICES:</b>							
Consolidated Data Center	0	0	3,000	0	0%	0	3,000
DP Maintenance & Supply	0	0	1,000	909	91%	1,800	(800)
Statewide ProRata	85,731	64,298	92,000	68,747	75%	92,000	0
<b>EXAMS EXPENSES:</b>							
Exam Supplies	17,071	17,071	3,708	7,952	214%	16,000	(12,292)
Exam Site Rental - State Owned	39,729	32,479		37,685		46,000	(46,000)
Exam Site Rental - Non State Owned	36,710	35,910	69,939	42,560	61%	44,000	25,939
C/P Svcs-External Expert Administration	2,827	2,010	30,877	2,159	7%	3,000	27,877
C/P Svcs-External Expert Examiners	0	0	47,476	0	0%	0	47,476
C/P Svcs-External Expert Examiners			0	0		0	0
C/P Svcs-External Subject Matter	150,469	107,624	0	145,745		160,000	(160,000)
Other Items of Expense	0	0	0	3,640		3,640	(3,640)
<b>ENFORCEMENT:</b>							
Attorney General	128,138	98,428	173,000	97,158	56%	128,000	45,000
Office Admin. Hearings	0	0	3,000	0	0%	0	3,000
Evidence/Witness Fees	23,964	0	0	1,725		24,000	(24,000)
Major Equipment			16,000	568		568	15,432
<b>TOTALS, OE&amp;E</b>	<b>1,082,153</b>	<b>780,643</b>	<b>1,782,000</b>	<b>1,111,815</b>	<b>62%</b>	<b>1,520,707</b>	<b>261,293</b>
<b>TOTAL EXPENSE</b>	<b>1,680,891</b>	<b>1,242,271</b>	<b>2,580,000</b>	<b>1,589,346</b>	<b>122%</b>	<b>2,163,086</b>	<b>416,914</b>
Sched. Reimb. - Fingerprints	(1,078)	(931)	(13,000)	(882)	7%	(1,421)	(11,579)
Sched. Reimb. - Other	(705)	(235)	(3,000)	(705)	24%	(705)	(2,295)
<b>NET APPROPRIATION</b>	<b>1,679,108</b>	<b>1,241,105</b>	<b>2,564,000</b>	<b>1,587,759</b>	<b>62%</b>	<b>2,160,960</b>	<b>403,040</b>
<b>SURPLUS/(DEFICIT):</b>							<b>15.7%</b>

## Attachment 2a

# 3142 - Dental Assisting Program

## Analysis of Fund Condition

1/7/2016

(Dollars in Thousands)

## 2016-17 Governor's Budget

	Actual 2014-15	CY 2015-16	BY 2016-17
<b>BEGINNING BALANCE</b>	\$ 2,826	\$ 2,840	\$ 1,939
Prior Year Adjustment	\$ 33	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,859	\$ 2,840	\$ 1,939
<b>REVENUES AND TRANSFERS</b>			
Revenues:			
125600 Other regulatory fees	\$ 18	\$ 18	\$ 18
125700 Other regulatory licenses and permits	\$ 264	\$ 301	\$ 278
125800 Renewal fees	\$ 1,275	\$ 1,265	\$ 1,270
125900 Delinquent fees	\$ 90	\$ 70	\$ 69
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 3
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 6	\$ 5	\$ 5
164300 Penalty Assessments	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,662	\$ 1,666	\$ 1,644
Totals, Revenues and Transfers	\$ 1,662	\$ 1,666	\$ 1,644
Totals, Resources	\$ 4,521	\$ 4,506	\$ 3,583
<b>EXPENDITURES</b>			
Disbursements:			
0840 State Controller (State Operations)	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 2	\$ 3	\$ 3
1110 Program Expenditures (State Operations)	\$ 1,679	\$ 2,564	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 2,663
Total Disbursements	\$ 1,681	\$ 2,567	\$ 2,666
<b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 2,840	\$ 1,939	\$ 917
Months in Reserve	13.3	8.7	4.1

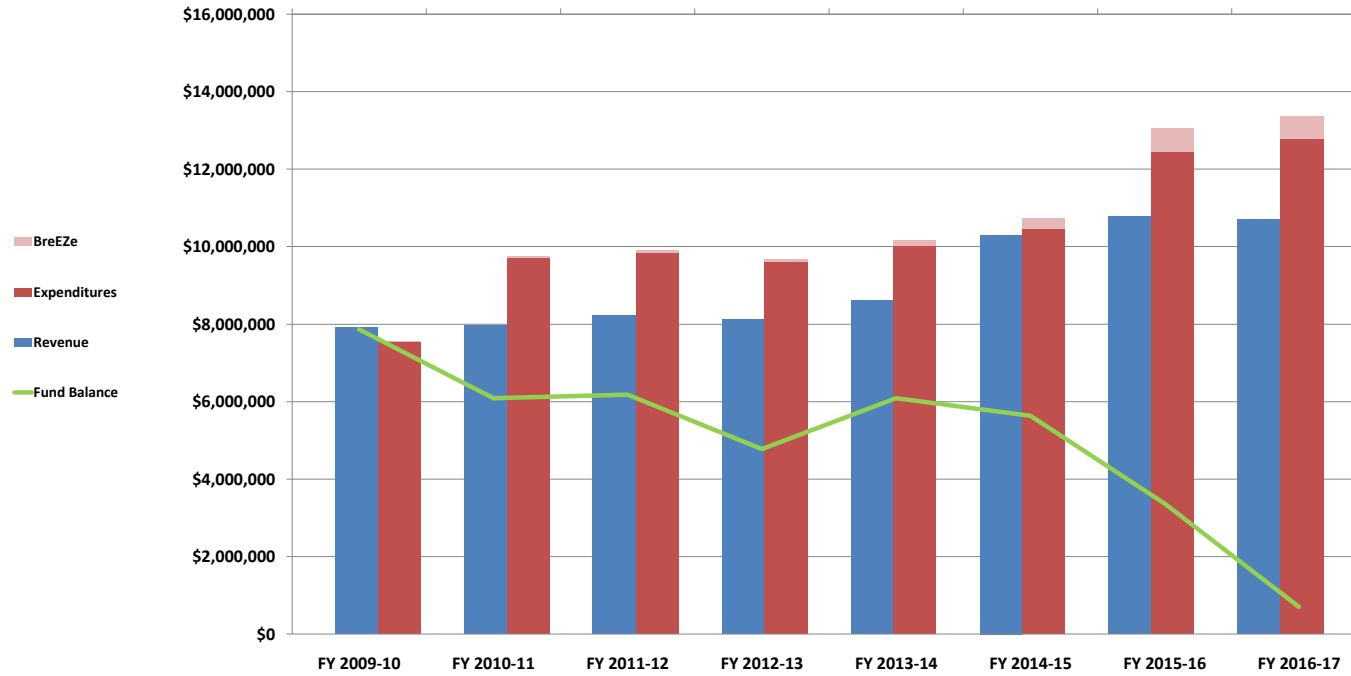
## NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.

# Attachment 3

## Dental Board of California Fund Analysis: 2016-17 Governor's Budget w/BreEZe SPR 3.1 Release 2

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
	Actual						Projected*	
Beginning Fund Balance (Incl. Prior Year Adj.)	\$ 7,498,000	\$ 7,885,000	\$ 6,160,000	\$ 6,313,000	\$ 4,963,000	\$ 6,058,000	\$ 5,635,000	\$ 3,370,000
Total Revenue	\$ 7,920,000	\$ 7,955,000	\$ 8,226,000	\$ 8,121,000	\$ 8,597,000	\$ 10,303,000	\$ 10,774,000	\$ 10,700,000
Transfers/General Fund Loans	\$ -	\$ -	\$ 1,700,000	\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
Total Expenditures	\$ 7,553,000	\$ 9,753,000	\$ 9,906,000	\$ 9,662,000	\$ 10,175,000	\$ 10,726,000	\$ 13,039,000	\$ 13,366,000
BreEZe Cost	\$ 9,412	\$ 47,782	\$ 77,332	\$ 56,614	\$ 144,378	\$ 277,414	\$ 596,457	\$ 573,193
Expenditures (less BreEZe)	\$ 7,543,588	\$ 9,705,218	\$ 9,828,668	\$ 9,605,386	\$ 10,030,622	\$ 10,448,586	\$ 12,442,543	\$ 12,792,807
Ending Fund Balance	\$ 7,865,000	\$ 6,087,000	\$ 6,180,000	\$ 4,772,000	\$ 6,085,000	\$ 5,635,000	\$ 3,370,000	\$ 704,000
Months in Reserve	9.7	7.4	7.7	5.6	6.8	5.2	3.0	0.6



\* Projected years assume full budget appropriation is expended

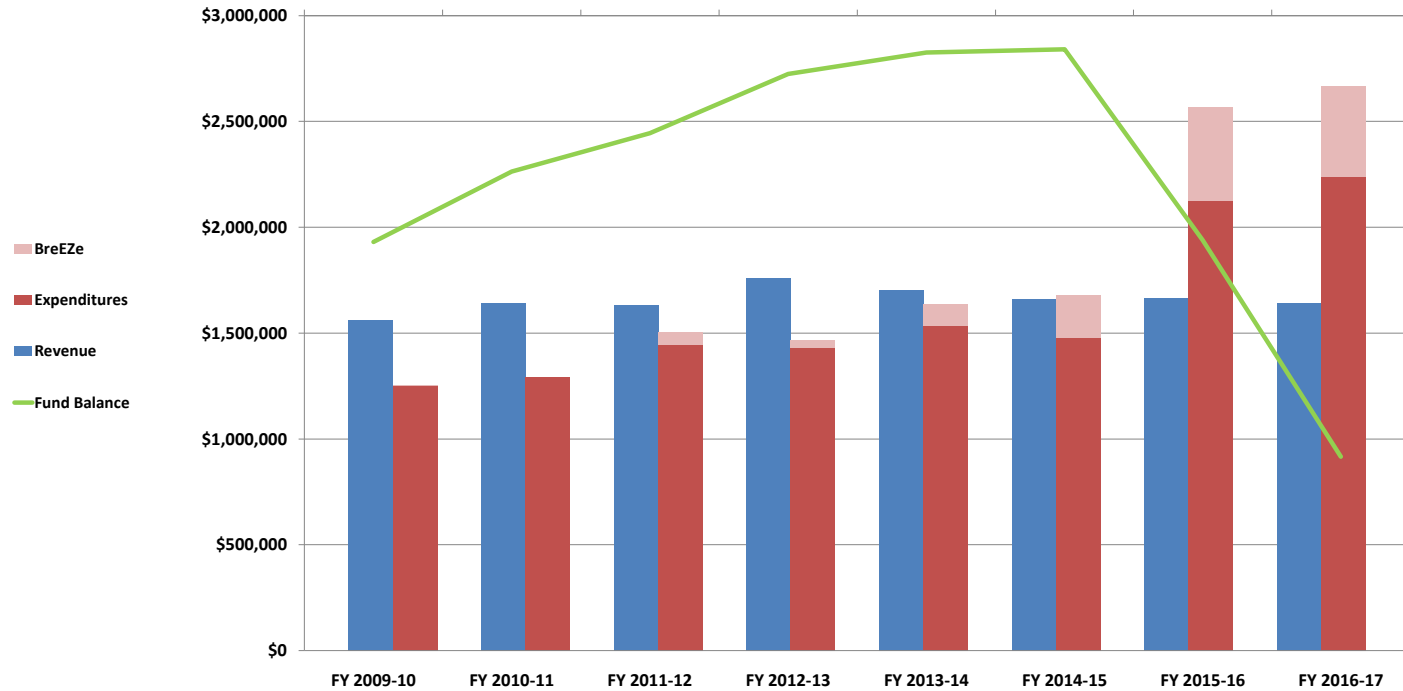
### Highlights

- o Renewal Fee increase via statute effective January 1, 2015. Conducting fee analysis of all fee categories
- o Budget Augmentations:
  - o FY 2010-11 - Consumer Protection Enforcement Initiative (CPEI): 12.5 positions, \$1.276 million (ongoing);
  - o FY 2014-15 - SB 562 staffing: 0.5 position, \$54,000 (three-year limited term)
  - o FY 2016-17 - Enforcement Support Staff: 2.0 positions

# Attachment 3a

## Dental Assisting Program Fund Analysis: 2016-17 Governor's Budget w/BreEZe SPR 3.1 Release 2

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
	<b>Actual</b>						<b>Projected*</b>	
<b>Beginning Fund Balance (Incl. Prior Year Adj.)</b>	\$ 1,619,000	\$ 1,913,000	\$ 2,312,000	\$ 2,434,000	\$ 2,759,000	\$ 2,859,000	\$ 2,840,000	\$ 1,939,000
<b>Total Revenue</b>	\$ 1,564,000	\$ 1,641,000	\$ 1,634,000	\$ 1,758,000	\$ 1,703,000	\$ 1,662,000	\$ 1,666,000	\$ 1,644,000
<b>Transfers/General Fund Loans</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Expenditures</b>	\$ 1,252,000	\$ 1,291,000	\$ 1,501,000	\$ 1,468,000	\$ 1,636,000	\$ 1,681,000	\$ 2,567,000	\$ 2,666,000
<b>BreEZe Cost</b>	\$ 3,334	\$ -	\$ 57,386	\$ 37,568	\$ 101,409	\$ 201,974	\$ 442,161	\$ 425,365
<b>Expenditures (less BreEZe)</b>	\$ 1,248,666	\$ 1,291,000	\$ 1,443,614	\$ 1,430,432	\$ 1,534,591	\$ 1,479,026	\$ 2,124,839	\$ 2,240,635
<b>Ending Fund Balance</b>	\$ 1,931,000	\$ 2,263,000	\$ 2,445,000	\$ 2,724,000	\$ 2,826,000	\$ 2,840,000	\$ 1,939,000	\$ 917,000
<b>Months in Reserve</b>	17.9	18.1	20.0	20.0	20.2	13.3	8.7	4.1



\* Projected years assume full budget appropriation is expended

### Highlights

- o Conducting fee analysis of all fee categories
- o Budget Augmentations:
  - o FY 2012-13 - Current Year AG Augmentation: \$105,000 (one-time)
  - o FY 2015-16 - AB 1174 Staffing Augmentation: \$180,000 (ongoing)



## MEMORANDUM

<b>DATE</b>	April 15, 2016
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Lusine Sarkisyan, Legislative & Regulatory Analyst
<b>SUBJECT</b>	<b>Agenda Item 13:</b> Discussion and Possible Action to Initiate a Rulemaking to Implement, Interpret, and Make Specific California Code of Regulation, Title 16, Sections 1021 and 1022, Relating to Dentistry and Dental Assisting Licensing and Permitting Fee Increase.

### **Background:**

During the prior Board meetings, it was determined that the Dental Board of California is heading towards insolvency in Budget Year 17-18. As a result, the Board sought to increase its statutorily authorized fee maximums for both dentists and dental auxiliaries. Assembly Bill 179 (Bonilla, Chapter 510, Statutes of 2015) was chaptered which authorized the increases in the statutorily authorized fee maximums relating to dentist and dental assistant licensure and permitting.

During the August 2015 Board meeting, the subcommittee headed by Doctor Bruce Whitcher and Kathleen King, presented the findings from the Fee Audit Report provided by Capital Accounting Partners. Capital Accounting Partners recommended that the Board increase fees to sustain expenditures. As a result, the subcommittee provided a fee increase proposal during the August meeting.

During the March 2016 Board meeting, staff presented two proposed dentistry fee recommendation. The first recommendation includes the Board Subcommittee's recommendation, however the initial licensing and renewal fees have been changed to \$650 and the second recommendation includes the Board Subcommittee's recommendation, however the initial licensing and renewal fees have been changed to \$600. Additionally, during that meeting, staff requested the formation of the Dental Assistant Council (Council) Subcommittee to work with staff in determining the fees for the Dental Assisting program.

A Council Subcommittee was formed headed by President Anne Contreras, and Council member, Tamara McNealy. Staff held a teleconference with the Council Subcommittee members and presented recommendations regarding the dental assisting program fee increases for licensure and permitting. After discussing the staff recommendation, the Subcommittee accepted the proposal for the dental assisting licensing and permitting fees. The Subcommittee had concerns regarding

the staff recommendation; however staff addressed those concerns after discussing the fee recommendations presented by Capitol Partners, LLC, and the Board's Subcommittee. As a result, the Council Subcommittee accepted staff's fee recommendation to present to the Dental Assisting Council staff's fee recommendation.

For your review of the Dentistry and Dental Assisting proposed fee increases, included are the following documents:

➤ **Dentistry Fund Fee Summary**

This document provides a table outlining the various fees that are currently assessed for the Dentistry Program's licenses, permits, and applications. The columns provide the following information:

- The fees currently being assessed.
- The new statutorily authorized fee caps as a result of last year's Sunset Review legislation.
- The recommended fees presented by the subcommittee, consisting of Dr. Witcher and Kathleen King, at the August 2015 Board meeting.
- The two recommended fees presented by staff at the March 2016 Board meeting.
- The recommended fees as outlined in the Capital Accounting Partners Fee Audit conducted in 2014-15.

➤ **Current Fund Condition for Dentistry Fund**

This fund condition provides a snapshot of the condition of the State Dental Assisting Fund without any fee increase.

➤ **Fund Condition for Dentistry Fund with Board Subcommittee Recommendation**

This fund condition provides a snapshot of the condition of the State Dentistry Fund with increases to fees as recommended by Dr. Witcher and Kathleen King at the August 2015 Board meeting.

➤ **Fund Condition for Dentistry Fund with Staff Recommendation at \$650**

This fund condition provides a snapshot of the condition of the State Dentistry Fund with increases to initial licensing and renewal fees to \$650, while maintaining the Board Subcommittee's recommendation as recommended by staff at the March 2016 Board meeting.

➤ **Fund Condition for Dentistry Fund with Staff Recommendation at \$600**

This fund condition provides a snapshot of the condition of the State Dentistry Fund with increases to initial licensing and renewal fees to \$600, while maintaining the Board Subcommittee's recommendation as recommended by staff at the March 2016 Board meeting.



➤ **Dental Assisting Fund Fee Summary**

This document provides a table outlining the various fees that are currently assessed for the Dental Assisting Program's licenses, permits, and applications. The columns provide the following information:

- The fees currently being assessed.
- The new statutorily authorized fee caps as a result of last year's Sunset Review legislation.
- The recommended fees presented by the subcommittee, consisting of Dr. Witcher and Kathleen King, at the August 2015 Board meeting.
- The recommended fees presented by staff at the March 2016 Board meeting.
- The recommended fees as outlined in the Capital Accounting Partners Fee Audit conducted in 2014-15.

➤ **Current Fund Condition for Dental Assistant Fund**

This fund condition provides a snapshot of the condition of the State Dental Assisting Fund without any fee increase.

➤ **Fund Condition for Dental Assistant Fund with Board Subcommittee Recommendation**

This fund condition provides a snapshot of the condition of the State Dental Assisting Fund with increases to fees as recommended by Dr. Witcher and Kathleen King at the August 2015 Board meeting.

➤ **Fund Condition for Dental Assistant Fund with Staff Recommendation**

This fund condition provides a snapshot of the condition of the State Dental Assisting Fund with increases to fees as recommended by staff at the March 2016 Board meeting.

➤ **Proposed Regulatory Language**

California Code of Regulations, Title 16, §1021 and §1022

Below are tables of both the dentistry fee recommendations and the dental assisting fee recommendation for the Board's consideration. At this time, staff requests the Board select one of the two staff recommendations for the Dentistry program, either the recommendation at \$650 or the recommendation at \$600, and the Dental Assisting program staff recommendation to move forward with the regulatory rulemaking package.

**Dentistry Program Fee Increase Proposal**

Additional Office Application	\$100.00	\$350.00	\$350.00

CE Registered Provider Application	\$250.00	\$410.00	\$410.00
Conscious Sedation Application	\$200.00	\$500.00	\$500.00
Fictitious Name 1/2	\$225.00	\$325.00	\$325.00
Fictitious Name Application	\$525.00	\$650.00	\$650.00
General Anesthesia Permit	\$250.00	\$500.00	\$ 500.00
Initial Appl Elective Facial Cosmetic Surgery	\$500.00	\$850.00	\$850.00
Initial Application by Residency (pathway)-1634.1	\$100.00		
Initial Application Credential (pathway) - 1635.5	\$283.00	\$525.00	\$525.00
Initial Application Portfolio (pathway) - 1632(c)(1)	\$350.00	\$800.00	\$800.00
Initial Application WREB (pathway)-1632(c)(2)	\$100.00	\$400.00	\$400.00
Initial License (prorated amount)	\$525.00	variable	variable
Oral Conscious Sedation Certification	\$200.00	\$ 500.00	\$500.00
Permit/Oral Maxillofacial	\$150.00	\$500.00	\$500.00
Special Permit Application	\$300.00	\$1,000.00	\$1,000.00

Additional Office Permit Delinquent		\$125.00	\$125.00
CE Registered Provider Renewal	\$250.00	\$325.00	\$325.00
Conscious Sedation Renewal	\$200.00	\$325.00	\$325.00
DDS Additional Office Permit Renewal	\$100.00	\$250.00	\$250.00
DDS Biennial Renewal	\$525.00	\$650.00	\$600.00
DDS Biennial Renewal - Inactive	\$525.00	\$650.00	\$600.00
DDS Biennial Renewal - Retired	\$225.00	\$325.00	\$300.00
DDS Delinquent	\$262.50	\$325.00	\$ 300.00

DDS Delinquent - Retired	\$112.50	\$162.50	\$150.00
Disability Status Renewal	\$225.00	\$325.00	\$300.00
Fictitious Name Permit Delinquent	\$112.50	\$162.50	\$162.50
Fictitious Name Permit Renewal	\$150.00	\$650.00	\$600.00
General Anesthesia Permit Renewal Delinquent	\$100.00	\$162.50	\$162.50
General Anesthesia Permit Renewal	\$200.00	\$325.00	\$325.00
Oral Conscious Sedation Renewal	\$75.00	\$325.00	\$325.00
Oral Maxillofacial Renewal	\$525.00	\$650.00	\$650.00
Oral/Maxillofacial Delinquent	\$262.50	\$325.00	\$325.00
Renewal Elective Facial Cosmetic Surgery	\$200.00	\$800.00	\$800.00
Special Permit Delinquent	\$50.00	\$62.50	\$62.50
Special Permit Renewal	\$100.00	\$125.00	\$125.00

<b>Miscellaneous Application Fees</b>			
<b>Fee</b>	<b>Current Fee</b>	<b>Staff Recommendation \$650</b>	<b>Staff Recommendation \$600</b>
Law & Ethics Exam		\$125.00	\$125.00
License Certification	\$2.00	\$200.00	\$200.00
Onsite Inspection - GA/CS Permit	\$250.00	\$2,000.00	\$2,000.00

### **Dental Assisting Fee Increase Proposal**

Coronal Polish Course Application	\$300.00	\$300.00
Dental Sedation Assistant Permit Application-1725	\$20.00	\$120.00
Dental Sedation Assistant Permit Course Application	\$300.00	\$300.00
Infection Control Course Application	\$300.00	\$300.00
Orthodontic Assistant Permit Application-1725	\$20.00	\$120.00

Orthodontic Assistant Permit Course Application	\$300.00	\$300.00
Pit & Fissure Sealant Course Application	\$300.00	\$300.00
Radiation Safety Course Application	\$300.00	\$300.00
RDA Application -1725	\$20.00	\$120.00
RDA Program Application	\$1,400.00	\$1,400.00
RDAEF Application - 1725	\$20.00	\$120.00
RDAEF Program Application	\$1,400.00	\$1,400.00
Ultrasonic Scaling Course Application	\$300.00	\$300.00

Dental Sedation Assistant Permit Biennial Renewal	\$70.00	\$100.00
Dental Sedation Assistant Permit Delinquent Renewal	\$35.00	\$50.00
Orthodontic Assistant Permit Biennial Renewal	\$70.00	\$100.00
Orthodontic Assistant Permit Delinquent Renewal	\$35.00	\$50.00
RDA Biennial Renewal	\$70.00	\$100.00
RDA Delinquent Renewal	\$35.00	\$50.00
RDAEF Biennial Renewal	\$70.00	\$100.00
RDAEF Delinquent Renewal	\$35.00	\$50.00

Duplicate License/Certification Fee		\$50.00
RDA Practical Exam	\$60.00	\$100.00
RDAEF Exam	\$250.00	\$500.00

After evaluation of the requirements of the Administrative Procedures Act (APA) and the Board's statutory authority, staff has drafted the enclosed proposed regulatory language for the Board's consideration.

**Action Requested:**

Consider and possibly accept the proposed regulatory language relative to Dentistry and Dental Assisting Licensing and Permitting Fee Increase, and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-

day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to California Code of Regulations, Title 16, Sections 1021 and 1022 as noticed in the proposed text.

# Dentistry Fund Fee Summary

Statutorily Authorized Fee Maximum - Dentistry								
	Code Reference	Fee Name	Current Fee Assessed as of Jan 1 2015 (as a result of SB 1416)	New Statutorily Authorized Fee Maximum Update (as a result of AB 179)	Subcommittee Recommendation (August 2015 Board Meeting)	Staff Recommendation at \$650	Staff Recommendation at \$600	Capital Partners Recommendation
<b>INITIAL APPLICATIONS</b>								
1	1724(h)	Additional Office Application	\$ 100.00	\$ 750.00	\$ 350.00			\$ 437.00
2	1724 (j)	CE Registered Provider Application	\$ 250.00	\$ 500.00	\$ 410.00			\$ 827.00
3	1724(q)	Conscious Sedation Application	\$ 200.00	\$ 1,000.00	\$ 500.00			\$ 716.00
4	1724.5	Fictitious Name 1/2	\$ 225.00		\$ 325.00			\$ 285.00
5	1724.5	Fictitious Name Application	\$ 525.00		\$ 650.00			\$ 570.00
6	1724(o)	General Anesthesia Permit	\$ 250.00	\$ 1,000.00	\$ 500.00			\$ 716.00
8	1724(m)	Initial Appl Elective Facial Cosmetic Surgery	\$ 500.00	\$ 4,000.00	\$ 850.00			\$ 3,627.00
9	1724(a)	Initial Application by Residency (pathway)-1634.1	\$ 100.00	\$ 1,000.00				\$ 876.00
10	1724(c)	Initial Application Credential (pathway) - 1635.5	\$ 283.00	\$ 1,000.00	\$ 525.00			\$ 789.00
11	1724(a)	Initial Application Portfolio (pathway) - 1632(c)(1)	\$ 350.00	\$ 1,500.00	\$ 800.00			\$ 1,638.00
12	1724(b)	Initial Application WREB (pathway)-1632(c)(2)	\$ 100.00	\$ 1,000.00	\$ 400.00			\$ 745.00
13	1724(d)	Initial License (prorated amount)	\$ 525.00	\$650 (Jan, 2016) and \$800 (Jan 1, 2018)	variable	\$ 650.00	\$ 600.00	\$ 288.00
14	1724(r)	Oral Conscious Sedation Certification	\$ 200.00	\$ 1,000.00	\$ 500.00			\$ 368.00
15	1724(n)	Permit/Oral Maxillofacial	\$ 150.00	\$ 1,000.00	\$ 500.00			\$ 849.00
16	1724 (e)	Special Permit Application	\$ 300.00	\$ 1,000.00	\$ 1,000.00			\$ 1,183.00
<b>RENEWAL APPLICATIONS</b>								
17	1724(f)	Additional Office Permit Delinquent		50% of renewal fee	\$ 125.00			
18	1724(j)	CE Registered Provider Renewal	\$ 250.00	\$ 500.00	\$ 325.00			\$ 355.00
19	1724(q)	Conscious Sedation Renewal	\$ 200.00	\$ 600.00	\$ 325.00			\$ 237.00
20		CS/OCS Renewal Delinquent		50% of renewal fee				
21	1724(h)	DDS Additional Office Permit Renewal	\$ 100.00	\$ 375.00	\$ 250.00			\$ 136.00
22	1724(d)	DDS Biennial Renewal	\$ 525.00	\$650 and \$800 (Jan 1, 2018)	\$ 560.00	\$ 650.00	\$ 600.00	\$ 405.00
23		DDS Biennial Renewal - Inactive			\$ 560.00	\$ 650.00	\$ 600.00	
24		DDS Biennial Renewal - Retired	\$ 225.00		\$ 280.00	\$ 325.00	\$ 300.00	\$ 237.00

	Code Reference	Fee Name	Current Fee Assessed as of Jan 1 2015 (as a result of SB 1416)	New Satutorily Authorized Fee Maximum Update (as a result of AB 179)	Subcommittee Recommendation (August 2015 Board Meeting)	Staff Recommendation at \$650	Staff Recommendation at \$600	Capital Partners Recommendation
25	1724(f)	DDS Delinquent		50% of renewal fee	\$ 280.00			
26	1724(f)	DDS Delinquent - Retired		50% of renewal fee	\$ 140.00			
27		Disability Status Renewal			\$ 280.00	\$ 325.00	\$ 300.00	
28	1724(f)	Fictitious Name Permit Delinquent		50% of renewal fee	\$ 162.50			
29	1724.5	Fictitious Name Permit Renewal	\$ 150.00		\$ 325.00	\$ 650.00	\$ 600.00	\$ 136.00
30	1724(f)	GA Permit Renewal Delinquent		50% of renewal fee	\$ 162.50			
31	1724(o)	General Anesthesia Permit Renewal	\$ 200.00	\$ 600.00	\$ 325.00			\$ 237.00
32		Mobile Dental Clinic License Renewal	\$ 100.00		\$ 100.00			\$ 136.00
33	1724(f)	Mobile Dental Clinic Renewal Delinquent		50% of renewal fee	\$ 50.00			
34	1724(r)	Oral Conscious Sedation Renewal	\$ 75.00	\$ 600.00	\$ 325.00			\$ 136.00
35	1724(n)	Oral Maxillofacial Renewal	\$ 525.00	\$ 1,200.00	\$ 650.00			\$ 849.00
36	1724(f)	Oral/Maxillofacial Delinquent		50% of renewal fee	\$ 325.00			
37	1724(f)	Prior Year Accrual Delinquent		50% of renewal fee	variable			
38	1724(m)	Renewal Elective Facial Cosmetic Surgery	\$ 200.00	\$ 800.00	\$ 800.00			\$ 368.00
39		RP/EFCS Renewal Delinquent		50% of renewal fee				
40	1724(f)	Special Permit Delinquent		50% of renewal fee	\$ 62.50			
41	1724 (e)	Special Permit Renewal	\$ 100.00	\$ 600.00	\$ 125.00			\$ 247.00
<b>MISC</b>								
42	1724(g)	Change of Practice Late Fee		\$ 75.00				
43	1724(i)	Duplicate License	\$ 25.00	\$ 125.00				
44	1724(t)	Law & Ethics Exam	\$ -	\$ 250.00	\$ 125.00			\$ 311.00
45	1724(s)	License Certification	\$ 2.00	\$ 125.00	\$ 200.00			\$ 364.00
46	1724(p)	Onsite Inspection - GA/CS Permit	\$ 250.00	\$ 4,500.00	\$ 2,000.00			\$ 3,982.00

# Current Fund Condition for Dentistry Fund

## 0741 - Dental Board of California

1/7/2016

### Analysis of Fund Condition

(Dollars in Thousands)

Current Fund Condition for Dentistry Fund

2016-17 Governor's Budget

	ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18	BY+2 2018-19
<b>BEGINNING BALANCE</b>	\$ 6,085	\$ 5,635	\$ 3,370	\$ 704	\$ -2,240
Prior Year Adjustment	\$ -27	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 6,058	\$ 5,635	\$ 3,370	\$ 704	\$ -2,240
<b>REVENUES AND TRANSFERS</b>					
Revenues:					
125600 Other regulatory fees	\$ 77	\$ 69	\$ 72	\$ 72	\$ 72
125700 Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966	\$ 966	\$ 966
125800 Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582	\$ 9,582	\$ 9,582
125900 Delinquent fees	\$ 87	\$ 69	\$ 70	\$ 70	\$ 70
131700 Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 13	\$ 14	\$ 10	\$ -	\$ -
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -
160100 Settlements and Judgements	\$ 2	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 10,303	\$ 10,774	\$ 10,700	\$ 10,690	\$ 10,690
Transfers from Other Funds					
F00001 Repayment Per Item 1250-011-0741, Budget Act of 2003	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 10,303	\$ 10,774	\$ 10,700	\$ 10,690	\$ 10,690
Totals, Resources	\$ 16,361	\$ 16,409	\$ 14,070	\$ 11,394	\$ 8,450
<b>EXPENDITURES</b>					
Disbursements:					
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17	\$ 17	\$ 17
1110 Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349	\$ 13,616	\$ 13,888
<b>Estimated Savings</b>					
Total Disbursements	\$ 10,727	\$ 13,039	\$ 13,366	\$ 13,634	\$ 13,906
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 5,635	\$ 3,370	\$ 704	\$ -2,240	\$ -5,456
<b>Months in Reserve</b>	5.2	3.0	0.6	-1.9	-4.6

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1
- C. ASSUMES INTEREST RATE AT 0.3%.



# Fund Condition for Dentistry Fund with Board Subcommittee Recommendation

## 0741 - Dental Board of California

1/27/2016

### Analysis of Fund Condition

(Dollars in Thousands)

#### SUBCOMMITTEE FUND CONDITION

2016-17 Governor's Budget

	ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18	BY+2 2018-19
<b>BEGINNING BALANCE</b>	\$ 6,085	\$ 5,635	\$ 3,370	\$ 704	\$ 887
Prior Year Adjustment	\$ -27	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	<u>\$ 6,058</u>	<u>\$ 5,635</u>	<u>\$ 3,370</u>	<u>\$ 704</u>	<u>\$ 887</u>
<b>REVENUES AND TRANSFERS</b>					
Revenues:					
125600 Other regulatory fees	\$ 77	\$ 69	\$ 72	\$ 72	\$ 72
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 174	\$ 174
125700 Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966	\$ 966	\$ 966
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 1,087	\$ 1,087
125800 Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582	\$ 9,582	\$ 9,582
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 1,799	\$ 1,799
125900 Delinquent fees	\$ 87	\$ 69	\$ 70	\$ 70	\$ 70
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 64	\$ 64
131700 Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 13	\$ 14	\$ 10	\$ 3	\$ 2
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -
160100 Settlements and Judgements	\$ 2	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	<u>\$ 10,303</u>	<u>\$ 10,774</u>	<u>\$ 10,700</u>	<u>\$ 13,817</u>	<u>\$ 13,816</u>
Transfers from Other Funds					
F00001 Repayment Per Item 1250-011-0741, Budget Act of 2003	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	<u>\$ 10,303</u>	<u>\$ 10,774</u>	<u>\$ 10,700</u>	<u>\$ 13,817</u>	<u>\$ 13,816</u>
Totals, Resources	<u>\$ 16,361</u>	<u>\$ 16,409</u>	<u>\$ 14,070</u>	<u>\$ 14,521</u>	<u>\$ 14,703</u>
<b>EXPENDITURES</b>					
Disbursements:					
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17	\$ 17	\$ 17
1110 Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349	\$ 13,616	\$ 13,888
Total Disbursements	<u>\$ 10,727</u>	<u>\$ 13,039</u>	<u>\$ 13,366</u>	<u>\$ 13,634</u>	<u>\$ 13,906</u>
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 5,635	\$ 3,370	\$ 704	\$ 887	\$ 797
<b>Months in Reserve</b>	5.2	3.0	0.6	0.8	0.7

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1
- C. ASSUMES INTEREST RATE AT 0.3%.

# Fund Condition for Dentistry Fund with Staff Recommendation at \$650

## 0741 - Dental Board of California Analysis of Fund Condition

(Dollars in Thousands)

**STAFF RECOMMENDATION at \$650**  
**2016-17 Governor's Budget**

	ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18	BY+2 2018-19	BY+3 2019-20
<b>BEGINNING BALANCE</b>	\$ 6,085	\$ 5,635	\$ 3,370	\$ 704	\$ 3,623	\$ 6,278
Prior Year Adjustment	\$ -27	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 6,058	\$ 5,635	\$ 3,370	\$ 704	\$ 3,623	\$ 6,278
<b>REVENUES AND TRANSFERS</b>						
Revenues:						
125600 Other regulatory fees	\$ 77	\$ 69	\$ 72	\$ 72	\$ 72	\$ 72
Fee Increase	\$ -	\$ -	\$ -	\$ 174	\$ 174	\$ 174
125700 Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966	\$ 966	\$ 966	\$ 966
Fee Increase	\$ -	\$ -	\$ -	\$ 1,243	\$ 1,243	\$ 1,243
125800 Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582	\$ 9,582	\$ 9,582	\$ 9,582
Fee Increase	\$ -	\$ -	\$ -	\$ 4,371	\$ 4,371	\$ 4,371
125900 Delinquent fees	\$ 87	\$ 69	\$ 70	\$ 70	\$ 70	\$ 70
Fee Increase	\$ -	\$ -	\$ -	\$ 64	\$ 64	\$ 64
131700 Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 13	\$ 14	\$ 10	\$ 11	\$ 19	\$ 26
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160100 Settlements and Judgements	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 10,303	\$ 10,774	\$ 10,700	\$ 16,553	\$ 16,561	\$ 16,568
Transfers from Other Funds						
F00001 Repayment Per Item 1250-011-0741, Budget Act of 2003	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 10,303	\$ 10,774	\$ 10,700	\$ 16,553	\$ 16,561	\$ 16,568
Totals, Resources	\$ 16,361	\$ 16,409	\$ 14,070	\$ 17,257	\$ 20,184	\$ 22,846
<b>EXPENDITURES</b>						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17	\$ 17	\$ 17	\$ 17
1110 Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349	\$ 13,616	\$ 13,888	\$ 14,166
Total Disbursements	\$ 10,727	\$ 13,039	\$ 13,366	\$ 13,634	\$ 13,906	\$ 14,184
<b>FUND BALANCE</b>						
Reserve for economic uncertainties	\$ 5,635	\$ 3,370	\$ 704	\$ 3,623	\$ 6,278	\$ 8,662
<b>Months in Reserve</b>	5.2	3.0	0.6	3.1	5.3	7.2

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1
- C. ASSUMES INTEREST RATE AT 0.3%.

# Fund Condition for Dentistry Fund with Staff Recommendation at \$600

## 0741 - Dental Board of California

2/24/2016

### Analysis of Fund Condition

(Dollars in Thousands)

**STAFF RECOMMENDATION at \$600**

**2016-17 Governor's Budget**

	ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18	BY+2 2018-19
<b>BEGINNING BALANCE</b>	\$ 6,085	\$ 5,635	\$ 3,370	\$ 704	\$ 2,543
Prior Year Adjustment	\$ -27	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	<u>\$ 6,058</u>	<u>\$ 5,635</u>	<u>\$ 3,370</u>	<u>\$ 704</u>	<u>\$ 2,543</u>
<b>REVENUES AND TRANSFERS</b>					
Revenues:					
125600 Other regulatory fees	\$ 77	\$ 69	\$ 72	\$ 72	\$ 72
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 174	\$ 174
125700 Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966	\$ 966	\$ 966
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 1,161	\$ 1,161
125800 Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582	\$ 9,582	\$ 9,582
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 3,376	\$ 3,376
125900 Delinquent fees	\$ 87	\$ 69	\$ 70	\$ 70	\$ 70
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 64	\$ 64
131700 Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 13	\$ 14	\$ 10	\$ 8	\$ 12
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -
160100 Settlements and Judgements	\$ 2	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	<u>\$ 10,303</u>	<u>\$ 10,774</u>	<u>\$ 10,700</u>	<u>\$ 15,473</u>	<u>\$ 15,477</u>
Transfers from Other Funds					
F00001 Repayment Per Item 1250-011-0741, Budget Act of 2003	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	<u>\$ 10,303</u>	<u>\$ 10,774</u>	<u>\$ 10,700</u>	<u>\$ 15,473</u>	<u>\$ 15,477</u>
Totals, Resources	<u>\$ 16,361</u>	<u>\$ 16,409</u>	<u>\$ 14,070</u>	<u>\$ 16,177</u>	<u>\$ 18,020</u>
<b>EXPENDITURES</b>					
Disbursements:					
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17	\$ 17	\$ 17
1110 Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349	\$ 13,616	\$ 13,888
Total Disbursements	<u>\$ 10,727</u>	<u>\$ 13,039</u>	<u>\$ 13,366</u>	<u>\$ 13,634</u>	<u>\$ 13,906</u>
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 5,635	\$ 3,370	\$ 704	\$ 2,543	\$ 4,114
<b>Months in Reserve</b>	5.2	3.0	0.6	2.2	3.5

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1
- C. ASSUMES INTEREST RATE AT 0.3%.

# Dental Assisting Fund Fee Summary

Statutorily Authorized Fee Maximum - Dental Assistant							
	Code Reference	Fee Name	Current Fee Assessed as of Jan 1 2015 (as a result of SB 1416)	New Statutorily Authorized Fee Maximum Update (as a result of AB 179)	Subcommittee Recommendation (August 2015 Board Meeting)	Staff Recommendation	Capital Partners Recommendation
<b>INITIAL APPLICATIONS</b>							
1	1725(p)	Coronal Polish Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,866.00
2	1725(c)	Dental Sedation Assistant Permit Application-1725	\$ 20.00	\$ 200.00	\$ 1,200.00	\$ 120.00	\$ 2,342.00
3	1725(p)	Dental Sedation Assistant Permit Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,342.00
4	1725(p)	Infection Control Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,866.00
5	1725(c)	Orthodontic Assistant Permit Application-1725	\$ 20.00	\$ 200.00	\$ 1,000.00	\$ 120.00	\$ 2,176.00
6	1725(p)	Orthodontic Assistant Permit Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,176.00
7	1725(p)	Pit & Fissure Sealant Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,977.00
8	1725(p)	Radiation Safety Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,977.00
9	1725(a)	RDA Application -1725	\$ 20.00	\$ 200.00	\$ 72.00	\$ 120.00	\$ 72.00
10	1725(o)	RDA Program Application	\$ 1,400.00	\$ 7,500.00	\$ 1,400.00	\$ 1,400.00	\$ 7,486.00
11	1725(a)	RDAEF Application - 1725	\$ 20.00	\$ 200.00	\$ 72.00	\$ 120.00	\$ 87.00
12	1725(o)	RDAEF Program Application	\$ 1,400.00	\$ 7,500.00	\$ 1,400.00	\$ 1,400.00	\$ 7,486.00
13	1725(p)	Ultrasonic Scaling Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	
<b>RENEWAL APPLICATIONS</b>							
14	1725(l)	Dental Sedation Assistant Permit Biennial Renewal	\$ 70.00	\$ 200.00	\$ 72.00	\$ 100.00	\$ 50.00
15	1725(m)	Dental Sedation Assistant Permit Delinquent Renewal	\$ 35.00	50% of renewal fee	\$ 100.00	\$ 50.00	\$ 52.00
16	1724(l)	Extramural Facility/Renewal		\$ 25.00			
17	1725(l)	Orthodontic Assistant Permit Biennial Renewal	\$ 70.00	\$ 200.00	\$ 72.00	\$ 100.00	\$ 50.00
18	1725(m)	Orthodontic Assistant Permit Delinquent Renewal	\$ 35.00	50% of renewal fee	\$ 72.00	\$ 50.00	\$ 52.00
19	1725(l)	RDA Biennial Renewal	\$ 70.00	\$ 200.00	\$ 72.00	\$ 100.00	\$ 50.00
20	1725(m)	RDA Delinquent Renewal	\$ 35.00	50% of renewal fee	\$ 100.00	\$ 50.00	\$ 52.00
21	1725(l)	RDAEF Biennial Renewal	\$ 70.00	\$ 200.00	\$ 72.00	\$ 100.00	\$ 50.00
22	1725(m)	RDAEF Delinquent Renewal	\$ 35.00	50% of renewal fee	\$ 100.00	\$ 50.00	\$ 52.00

	Code Reference	Fee Name	Current Fee Assessed as of Jan 1 2015 (as a result of SB 1416)	New Statutorily Authorized Fee Maximum Update (as a result of AB 179)	Subcommittee Recommendation (August 2015 Board Meeting)	Staff Recommendation	Capital Partners Recommendation
23	1724(l)	Referral Service Permit/Renewal		\$ 25.00			
<b>MISC</b>							
24	1725(n)	Duplicate License/Certification Fee		\$ 100.00	\$ 25.00	\$ 50.00	
25	1725(d)	Ortho & Sedation Assistant Written Exam		Actual Cost of Exam			
26	1725(f)	RDA Law & Ethics		Actual Cost of Exam			
27	1725(b)	RDA Practical Exam	\$ 60.00	actual cost of practical exam	\$ 100.00	\$ 100.00	\$ 355.00
28	1725 (e)	RDA Written		Actual Cost of Exam			
29	1725(g)	RDAEF Exam	\$ 250.00	actual cost of practical exam	\$ 500.00	\$ 500.00	\$ 2,112.00

# Current Fund Condition for Dental Assistant Fund

## 3142 - Dental Assisting Program Analysis of Fund Condition

1/7/2016

(Dollars in Thousands)

Dental Assitant Fund Current  
2016-17 Governor's Budget

	Actual 2014-15	CY 2015-16	BY 2016-17	BY + 1 2017-18	BY + 2 2018-19	BY + 3 2019-20
<b>BEGINNING BALANCE</b>	\$ 2,826	\$ 2,840	\$ 1,939	\$ 917	\$ -158	\$ -1,288
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,859	\$ 2,840	\$ 1,939	\$ 917	\$ -158	\$ -1,288
<b>REVENUES AND TRANSFERS</b>						
Revenues:						
125600 Other regulatory fees	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18
125700 Other regulatory licenses and permits	\$ 264	\$ 301	\$ 278	\$ 278	\$ 278	\$ 278
125800 Renewal fees	\$ 1,275	\$ 1,265	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270
125900 Delinquent fees	\$ 90	\$ 70	\$ 69	\$ 69	\$ 69	\$ 69
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 3	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 6	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,662	\$ 1,666	\$ 1,644	\$ 1,641	\$ 1,641	\$ 1,641
Totals, Revenues and Transfers	\$ 1,662	\$ 1,666	\$ 1,644	\$ 1,641	\$ 1,641	\$ 1,641
Totals, Resources	\$ 4,521	\$ 4,506	\$ 3,583	\$ 2,558	\$ 1,483	\$ 353
<b>EXPENDITURES</b>						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 2	\$ 3	\$ 3	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 1,679	\$ 2,564	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 2,663	\$ 2,716	\$ 2,771	\$ 2,826
Total Disbursements	\$ 1,681	\$ 2,567	\$ 2,666	\$ 2,716	\$ 2,771	\$ 2,826
<b>FUND BALANCE</b>						
Reserve for economic uncertainties	\$ 2,840	\$ 1,939	\$ 917	\$ -158	\$ -1,288	\$ -2,473
Months in Reserve	13.3	8.7	4.1	-0.7	-5.5	-10.3

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.

# Fund Condition for Dental Assistant Fund with Board Subcommittee Recommendation

## 3142 - Dental Assisting Program Analysis of Fund Condition

(Dollars in Thousands)

**SUBCOMMITTEE RECOMMENDATION**  
**2016-17 Governor's Budget**

	Actual 2014-15	CY 2015-16	BY 2016-17	BY + 1 2017-18	BY + 2 2018-19	BY + 3 2019-20
<b>BEGINNING BALANCE</b>	\$ 2,826	\$ 2,840	\$ 1,939	\$ 917	\$ 87	\$ -798
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,859	\$ 2,840	\$ 1,939	\$ 917	\$ 87	\$ -798
<b>REVENUES AND TRANSFERS</b>						
Revenues:						
125600 Other regulatory fees	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18
125700 Other regulatory licenses and permits	\$ 264	\$ 301	\$ 278	\$ 278	\$ 278	\$ 278
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 219	\$ 219	\$ 219
125800 Renewal fees	\$ 1,275	\$ 1,265	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 26	\$ 26	\$ 26
125900 Delinquent fees	\$ 90	\$ 70	\$ 69	\$ 69	\$ 69	\$ 69
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 3	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 6	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,662	\$ 1,666	\$ 1,644	\$ 1,886	\$ 1,886	\$ 1,886
Totals, Revenues and Transfers	\$ 1,662	\$ 1,666	\$ 1,644	\$ 1,886	\$ 1,886	\$ 1,886
Totals, Resources	\$ 4,521	\$ 4,506	\$ 3,583	\$ 2,803	\$ 1,973	\$ 1,088
<b>EXPENDITURES</b>						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 2	\$ 3	\$ 3	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 1,679	\$ 2,564	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 2,663	\$ 2,716	\$ 2,771	\$ 2,826
Total Disbursements	\$ 1,681	\$ 2,567	\$ 2,666	\$ 2,716	\$ 2,771	\$ 2,826
<b>FUND BALANCE</b>						
Reserve for economic uncertainties	\$ 2,840	\$ 1,939	\$ 917	\$ 87	\$ -798	\$ -1,738
Months in Reserve	13.3	8.7	4.1	0.4	-3.4	-7.2

**NOTES:**

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.

# Fund Condition for Dental Assistant Fund with Staff Recommendation

## 3142 - Dental Assisting Program Analysis of Fund Condition

(Dollars in Thousands)

**STAFF RECOMMENDATION**  
**2016-17 Governor's Budget**

	Actual 2014-15	CY 2015-16	BY 2016-17	BY + 1 2017-18	BY + 2 2018-19	BY + 3 2019-20
<b>BEGINNING BALANCE</b>	\$ 2,826	\$ 2,840	\$ 1,939	\$ 917	\$ 920	\$ 868
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,859	\$ 2,840	\$ 1,939	\$ 917	\$ 920	\$ 868
<b>REVENUES AND TRANSFERS</b>						
Revenues:						
125600 Other regulatory fees	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 18	\$ 18	\$ 18
125700 Other regulatory licenses and permits	\$ 264	\$ 301	\$ 278	\$ 278	\$ 278	\$ 278
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 524	\$ 524	\$ 524
125800 Renewal fees	\$ 1,275	\$ 1,265	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 504	\$ 504	\$ 504
125900 Delinquent fees	\$ 90	\$ 70	\$ 69	\$ 69	\$ 69	\$ 69
<b>Fee Increase</b>	\$ -	\$ -	\$ -	\$ 29	\$ 29	\$ 29
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 3	\$ 3	\$ 3	\$ 2
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 6	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,662	\$ 1,666	\$ 1,644	\$ 2,719	\$ 2,719	\$ 2,718
Totals, Revenues and Transfers	\$ 1,662	\$ 1,666	\$ 1,644	\$ 2,719	\$ 2,719	\$ 2,718
Totals, Resources	\$ 4,521	\$ 4,506	\$ 3,583	\$ 3,636	\$ 3,639	\$ 3,586
<b>EXPENDITURES</b>						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 2	\$ 3	\$ 3	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 1,679	\$ 2,564	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 2,663	\$ 2,716	\$ 2,771	\$ 2,826
Total Disbursements	\$ 1,681	\$ 2,567	\$ 2,666	\$ 2,716	\$ 2,771	\$ 2,826
<b>FUND BALANCE</b>						
Reserve for economic uncertainties	\$ 2,840	\$ 1,939	\$ 917	\$ 920	\$ 868	\$ 760
Months in Reserve	13.3	8.7	4.1	4.0	3.7	3.2

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.



**TITLE 16. DENTAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS**

**PROPOSED LANGUAGE**

Amend Sections 1021 and 1022 of Division 10 of Title 16 of the California Code of Regulations to read:

**§ 1021. Examination, Permit and License Fees for Dentists.**

The following fees are set for dentist examination and licensure by the board\*\*:

(a) Initial application for those applicants qualifying pursuant to Section 1632(c)(2) ~~and those applicants qualifying pursuant to Section 1634.1~~      ~~\$100~~ \$400

~~(b) Initial application for restorative technique examination~~      ~~\$250~~ \$800  
Initial application for those applicants qualifying pursuant to Section 1634.1

~~(c) Applications for reexamination~~      ~~\$ 75~~ \$800

Initial application for those applicants qualifying pursuant to Section 1632(c)(1)

~~(d) Restorative technique examination or reexamination~~      ~~\$250~~ \$525  
Initial application fee for those applicants qualifying pursuant to Section 1635.5

~~(e) Fee for application for licensure by credential~~ Fee for initial license      ~~\$283~~ 650

~~(gf) Biennial license renewal fee~~      ~~\$450~~ \$650

~~(hg) Biennial license renewal fee for those qualifying pursuant to Section 1716.1 of the code shall be one half of the renewal fee prescribed by subsection (g).~~

~~(ih) Delinquency fee-license renewal - The delinquency fee for license renewal shall be the amount prescribed by sections 163.5 and 1724 of the code.~~

~~(ji) Substitute certificate~~      \$ 50

~~(kj) Application for an additional office permit~~      ~~\$100~~ \$350

( <del>lk</del> ) Biennial renewal of additional office permit	\$100 <u>\$250</u>
( <del>ml</del> ) Late change of practice registration	\$ 50
( <del>nm</del> ) Fictitious name permit The fee prescribed by Section 1724.5 of the Code	
( <del>en</del> ) Fictitious name renewal	\$150 <u>\$650</u>
( <del>po</del> ) Delinquency fee-fictitious name renewal The delinquency fee for fictitious name permits shall be one-half of the fictitious name permit renewal fee.	
( <del>qp</del> ) Continuing education registered provider fee	\$250 <u>\$410</u>
( <del>rg</del> ) General anesthesia or conscious sedation permit or adult or minor oral conscious sedation certificate	\$200 <u>\$500</u>
( <del>sr</del> ) Oral Conscious Sedation Certificate Renewal	\$ <del>75</del> <u>\$500</u>
( <del>ts</del> ) General anesthesia or conscious sedation permit renewal fee	\$200 <u>\$325</u>
( <del>ut</del> ) General anesthesia or conscious sedation on-site inspection and evaluation fee	\$250 <u>\$2000</u>
( <del>fu</del> ) <del>Initial license</del> <u>Special permit application</u>	\$450 <u>\$1000</u>
<u>(v) Initial application for Elective Facial Cosmetic Surgery</u>	<u>\$850</u>
<u>(w) Elective Facial Cosmetic Surgery Renewal</u>	<u>\$850</u>
<u>(x) Application for an Oral and Maxillofacial Surgery</u>	<u>\$500</u>
<u>(y) Oral and Maxillofacial Surgery Renewal</u>	<u>\$650</u>
<u>(z) Mobile or Portable Dental Clinic</u>	
<u>(aa) Mobile or Portable Dental Clinic Renewal</u>	<u>\$100</u>
<u>(ab) Continuing Education Registered Provider Renewal</u>	<u>\$325</u>
<u>(ac) Special Permit Renewal</u>	<u>\$125</u>
<u>(ad) Oral Conscious Sedation Renewal</u>	<u>\$325</u>
<u>(ae) License Certification</u>	<u>\$50</u>
<u>(af) Law and Ethics Examination</u>	<u>\$125</u>

\* Fee pro-rated based on applicant's birth date.

\*\* Examination, licensure, and permit fees for dentistry may not all be included in this section, and may appear in the Business and Professions Code.

Note: Authority cited: Sections 1614, 1635.5, 1634.2(c), 1724 and 1724.5, Business and Professions Code.  
Reference: Sections 1632, 1634.1, 1646.6, 1647.8, 1647.12, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5, Business and Professions Code.

#### HISTORY

1. Amendment filed 12-16-85; effective thirtieth day thereafter (Register 85, No. 51).
2. Amendment filed 4-8-87; operative upon filing (Register 87, No. 15).
3. Amendment filed 4-1-91; operative 5-1-91 (Register 91, No. 18).
4. Amendment filed 8-2-91; operative 9-2-91 (Register 91, No. 48).
5. Amendment filed 5-28-93; operative 6-28-93 (Register 93, No. 22).
6. Editorial correction of subsections (c) and (p) (Register 97, No. 24).
7. Amendment of subsections (f) and (g) and amendment of footnote and Note filed 2-23-98; operative 6-1-98 (Register 98, No. 9).
8. Change without regulatory effect amending subsections (f) and (g) filed 3-26-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 13).
9. Amendment of subsections (t) and (u) and amendment of Note filed 5-15-2000 as an emergency; operative 5-15-2000 (Register 2000, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-12-2000 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 5-15-2000 order, including further amendments, transmitted to OAL 9-7-2000 and filed 10-18-2000 (Register 2000, No. 42).
11. Change without regulatory effect repealing subsections (q) and (r) and relettering subsections filed 12-19-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 51).
12. New subsection (f) and subsection relettering filed 7-17-2003; operative 8-16-2003 (Register 2003, No. 29).
13. Amendment of subsections (a), (d) and (g)-(i), footnote and Note filed 3-13-2006 as an emergency; operative 3-13-2006 (Register 2006, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-11-2006 or emergency language will be repealed by operation of law on the following day.
14. Amendment of subsections (a), (d) and (g)-(i), footnote and Note refiled 7-12-2006 as an emergency; operative 7-12-2006 (Register 2006, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-9-2006 or emergency language will be repealed by operation of law on the following day.
15. Reinstatement on 11-10-2006 of section as it existed prior to 3-13-2006 emergency amendment by operation of Government Code section 11346.1(f) (Register 2006, No. 46).
16. Amendment of subsections (a), (d) and (g)-(i), footnote and Note refiled 11-15-2006 as an emergency; operative 11-15-2006 (Register 2006, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-15-2007 or emergency language will be repealed by operation of law on the following day.
17. Certificate of Compliance as to 11-15-2006 order transmitted to OAL 1-5-2007 and filed 2-15-2007 (Register 2007, No. 7).
18. Amendment of subsection (s) filed 12-13-2007; operative 12-13-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 50).
19. Amendment of section heading, first paragraph, subsection (a) and Note filed 2-1-2008 as an emergency; operative 2-1-2008 (Register 2008, No. 5). A Certificate of Compliance must be transmitted to OAL by 7-30-2008 or emergency language will be repealed by operation of law on the following day.
20. Certificate of Compliance as to 2-1-2008 order transmitted to OAL 7-29-2008 and filed 9-10-2008 (Register 2008, No. 37).
21. Amendment of subsections (g) and (h) filed 2-19-2014; operative 7-1-2014 (Register 2014, No. 8).
22. Amendment of first paragraph (including new footnote \*\*) and subsection (a), repealer of subsection (d), subsection relettering and amendment of newly designated subsection (h) filed 11-5-2014; operative 11-5-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 45).

This database is current through 2/5/16 Register 2016, No. 6

16 CCR § 1021, 16 CA ADC § 1021

**§ 1021. Examination, Permit and License Fees for Dentists.**

The following fees are set for dentist examination and licensure by the board\*\*:

(a) Initial application for those applicants qualifying pursuant to Section 1632(c)(2) ~~and those applicants qualifying pursuant to Section 1634.1~~ \$100- \$400

~~(b) Initial application for restorative technique examination~~  
Initial application for those applicants qualifying pursuant to Section 1634.1 \$250- \$800

~~(c) Applications for reexamination~~ \$75- \$800

Initial application for those applicants qualifying pursuant to Section 1632(c)(1)

~~(d) Restorative technique examination or reexamination~~  
Initial application fee for those applicants qualifying pursuant to Section 1635.5 \$250- \$525

~~(e) Fee for application for licensure by credential~~ Fee for initial license \$283 \$600

~~(g)~~ Biennial license renewal fee \$450- \$600

~~(h)~~ Biennial license renewal fee for those qualifying pursuant to Section 1716.1 of the code shall be one half of the renewal fee prescribed by subsection (g).

~~(i)~~ Delinquency fee-license renewal - The delinquency fee for license renewal shall be the amount prescribed by sections 163.5 and 1724 of the code.

~~(j)~~ Substitute certificate \$ 50

~~(k)~~ Application for an additional office permit \$100 \$350

~~(l)~~ Biennial renewal of additional office permit \$100 \$250

~~(m)~~ Late change of practice registration \$ 50

~~(n)~~ Fictitious name permit The fee prescribed by Section 1724.5 of the Code

( <del>en</del> ) Fictitious name renewal	\$150 <u>\$600</u>
( <del>po</del> ) Delinquency fee-fictitious name renewal The delinquency fee for fictitious name permits shall be one-half of the fictitious name permit renewal fee.	
( <del>ep</del> ) Continuing education registered provider fee	<del>\$250</del> <u>\$410</u>
( <del>fg</del> ) General anesthesia or conscious sedation permit or adult or minor oral conscious sedation certificate	<del>\$200</del> <u>\$500</u>
( <del>sr</del> ) Oral Conscious Sedation Certificate Renewal	<del>\$75</del> <u>\$500</u>
( <del>ts</del> ) General anesthesia or conscious sedation permit renewal fee	<del>\$200</del> <u>\$325</u>
( <del>ut</del> ) General anesthesia or conscious sedation on-site inspection and evaluation fee	<del>\$250</del> <u>\$2000</u>
( <del>fu</del> ) <del>Initial license</del> <u>Special permit application</u>	<del>\$450</del> <u>\$1000</u>
<u>(v) Initial application for Elective Facial Cosmetic Surgery</u>	<u>\$850</u>
<u>(w) Elective Facial Cosmetic Surgery Renewal</u>	<u>\$850</u>
<u>(x) Application for an Oral and Maxillofacial Surgery</u>	<u>\$500</u>
<u>(y) Oral and Maxillofacial Surgery Renewal</u>	<u>\$650</u>
<u>(z) Mobile or Portable Dental Clinic</u>	
<u>(aa) Mobile or Portable Dental Clinic Renewal</u>	<u>\$100</u>
<u>(ab) Continuing Education Registered Provider Renewal</u>	<u>\$325</u>
<u>(ac) Special Permit Renewal</u>	<u>\$125</u>
<u>(ad) Oral Conscious Sedation Renewal</u>	<u>\$325</u>
<u>(ae) License Certification</u>	<u>\$50</u>
<u>(af) Law and Ethics Examination</u>	<u>\$125</u>

\* Fee pro-rated based on applicant's birth date.

\*\* Examination, licensure, and permit fees for dentistry may not all be included in this section, and may appear in the Business and Professions Code.

Note: Authority cited: Sections 1614, 1635.5, 1634.2(c), 1724 and 1724.5, Business and Professions Code.

Reference: Sections 1632, 1634.1, 1646.6, 1647.8, 1647.12, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5, Business and Professions Code.

#### HISTORY

1. Amendment filed 12-16-85; effective thirtieth day thereafter (Register 85, No. 51).
2. Amendment filed 4-8-87; operative upon filing (Register 87, No. 15).
3. Amendment filed 4-1-91; operative 5-1-91 (Register 91, No. 18).
4. Amendment filed 8-2-91; operative 9-2-91 (Register 91, No. 48).
5. Amendment filed 5-28-93; operative 6-28-93 (Register 93, No. 22).
6. Editorial correction of subsections (c) and (p) (Register 97, No. 24).

7. Amendment of subsections (f) and (g) and amendment of footnote and Note filed 2-23-98; operative 6-1-98 (Register 98, No. 9).
8. Change without regulatory effect amending subsections (f) and (g) filed 3-26-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 13).
9. Amendment of subsections (t) and (u) and amendment of Note filed 5-15-2000 as an emergency; operative 5-15-2000 (Register 2000, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-12-2000 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 5-15-2000 order, including further amendments, transmitted to OAL 9-7-2000 and filed 10-18-2000 (Register 2000, No. 42).
11. Change without regulatory effect repealing subsections (q) and (r) and relettering subsections filed 12-19-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 51).
12. New subsection (f) and subsection relettering filed 7-17-2003; operative 8-16-2003 (Register 2003, No. 29).
13. Amendment of subsections (a), (d) and (g)-(i), footnote and Note filed 3-13-2006 as an emergency; operative 3-13-2006 (Register 2006, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-11-2006 or emergency language will be repealed by operation of law on the following day.
14. Amendment of subsections (a), (d) and (g)-(i), footnote and Note refiled 7-12-2006 as an emergency; operative 7-12-2006 (Register 2006, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-9-2006 or emergency language will be repealed by operation of law on the following day.
15. Reinstatement on 11-10-2006 of section as it existed prior to 3-13-2006 emergency amendment by operation of Government Code section 11346.1(f) (Register 2006, No. 46).
16. Amendment of subsections (a), (d) and (g)-(i), footnote and Note refiled 11-15-2006 as an emergency; operative 11-15-2006 (Register 2006, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-15-2007 or emergency language will be repealed by operation of law on the following day.
17. Certificate of Compliance as to 11-15-2006 order transmitted to OAL 1-5-2007 and filed 2-15-2007 (Register 2007, No. 7).
18. Amendment of subsection (s) filed 12-13-2007; operative 12-13-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 50).
19. Amendment of section heading, first paragraph, subsection (a) and Note filed 2-1-2008 as an emergency; operative 2-1-2008 (Register 2008, No. 5). A Certificate of Compliance must be transmitted to OAL by 7-30-2008 or emergency language will be repealed by operation of law on the following day.
20. Certificate of Compliance as to 2-1-2008 order transmitted to OAL 7-29-2008 and filed 9-10-2008 (Register 2008, No. 37).
21. Amendment of subsections (g) and (h) filed 2-19-2014; operative 7-1-2014 (Register 2014, No. 8).
22. Amendment of first paragraph (including new footnote \*\*) and subsection (a), repealer of subsection (d), subsection relettering and amendment of newly designated subsection (h) filed 11-5-2014; operative 11-5-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 45).

This database is current through 2/5/16 Register 2016, No. 6

16 CCR § 1021, 16 CA ADC § 1021

## § 1022. Dental Auxiliaries.

The following fees are fixed for dental auxiliaries licensed by the board:

(a) <u>RDA/RDAEF Application</u>	<u>\$20-120</u>
(b) <u>Dental Sedation Assistant Permit</u>	<u>\$120</u>
(c) <u>Orthodontic Assistant Permit Application</u>	<u>\$120</u>
<del>(b)</del> (d) <u>Nonclinical RDA Practical Examination or Reexamination</u>	<u>\$30-100</u>
<del>(c)</del> (e) <u>Clinical examination or reexamination RDAEF Examination</u>	<u>\$50-500</u>
(f) <u>Orthodontic Assistant and Sedation Assistant Written Examination</u>	
<del>(d)</del> (g) <u>RDA Biennial License Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	<u>\$12-100</u>
<del>(e)</del> (h) <u>RDAEF Biennial License Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	<u>\$10-100</u>
<del>(f)</del> RDH license renewal- (i) <u>Dental Sedation Assistant Permit Biennial Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	<u>\$24-100</u>
<del>(g)</del> RDHEF license renewal- (j) <u>Orthodontic Assistant Permit Biennial Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	<u>\$10-100</u>
(h) (k) <u>RDA Delinquency Renewal fee</u> The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.	<u>\$6-50</u>
(i) (l) <u>RDAEF Delinquency Renewal fee</u> The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.	<u>\$5-50</u>
(j) RDH delinquency fee- (m) <u>Dental Sedation Assistant Permit Delinquency Renewal</u> The delinquency fee for licensing periods beginning on or	<u>\$12-50</u>

after January 1, 1988 shall be \$15.

~~(k) RDHEF delinquency fee~~ (n) Orthodontic Assistant Permit Delinquency Renewal ~~\$5-\$50~~

~~The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.~~

(o) RDA Program Application \$1400

(p) RDAEF Program Application \$1400

(q) Orthodontic Assistant Permit Course Application \$300

(r) Dental Sedation Assistant Permit Course Application \$300

(s) Infection Control Course Application \$300

(t) Coronal Polish Course Application \$300

(u) Pit & Fissure Sealant Course Application \$300

(v) Radiation Safety Course Application \$300

(w) Ultrasonic Scaling Course Application \$300

~~(ix) Substitute Certificate~~ Duplicate License/Certification Fee ~~\$25-\$50~~

Note: Authority cited: Section 1614, Business and Professions Code.  
Reference: Sections 1656 and 1725, Business and Professions Code.

#### HISTORY

1. Amendment filed 1-22-86; effective thirtieth day thereafter (Register 86, No. 4).

2. Amendment filed 9-18-87; operative 10-18-87 (Register 87, No. 39).  
16 CA ADC s 1022





## MEMORANDUM

<b>DATE</b>	March 15, 2016
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Lusine M Sarkisyan, Legislative & Regulatory Analyst
<b>SUBJECT</b>	<b>Agenda Item 14:</b> Discussion and Possible Action to Initiate a Rulemaking to Implement, Interpret, and Make Specific California Code of Regulation, Title 16, Sections 1001.1 and 1001.2 Relating to the Defining of “Discovery” and “Filing”

### **Background:**

At its March 2016 Board meeting, the Board discussed the recommendation of the Attorney General’s Office that the Board consider the promulgation of regulations, as done by the Medical Board of California, to define the terms “discovery” and “filing” as found in the Business and Professions Code Section 1670.2 to provide a clearer understanding for both prosecutors, who have the duty to file accusations timely, and for respondents.

The statute of limitations for the Dental Board of California (Board) is set forth in Business and Professions Code section 1670.2, which requires that accusations “shall be filed within three years after the board discovers the act or omission alleged as the ground for disciplinary action...” The Board has not defined the terms “discovery” or “filing”.

California Code of Regulations, Title 16, Section 1356.2(a)(1) defines the word “discovers” under the Medical Board’s statute of limitations set forth in Business and Professions Code section 2230.5 to be “the date the board received the complaint or report describing the act or omission.”

California Code of Regulations, Title 16, Section 1356.5 defines the word “filed” under the Medical Board’s statute of limitations set forth in Business and Professions Code section 2230.5 as “an accusation or petition to revoke probation shall be deemed “filed” on the date it is signed by the executive director or other person described in section 1356.”

The Board directed staff to work with Legal Counsel to prepare proposed regulatory language to define “filing” and “discovery” in California Code of Regulations, Title 16, and Division 10 to bring to the Board for consideration of initiation of a rulemaking at a

future meeting. Staff has worked with Legal Counsel to draft the enclosed proposed regulatory language for the Board's consideration.

**Staff Recommendation:**

Consider and possibly accept the proposed regulatory language relative to defining of "Discovery" and "Filing", and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to California Code of Regulations, Title 16, Sections 1001.1 and 1001.2 as noticed in the proposed text.

**TITLE 16. DENTAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS**

**PROPOSED LANGUAGE**

Adopt sections 1001.1 and 1001.2 of Division 10 of Title 16 of the California Code of Regulations to read as follows:

**§ 1001.1. Statute of Limitations.**

(a) For purposes of Section 1670.2 of the code, the word “discovers” means, with respect to each act or omission alleged as the ground for disciplinary action:

(1) the date the board received a complaint or report describing the act or omission.

(2) the date, subsequent to the original complaint or report, on which the board became aware of any additional acts or omissions alleged as the ground for disciplinary action against the same individual.

(b) For purposes of this section:

(1) “Complaint” means a written complaint from the public or a written complaint generated by board staff that names a particular physician.

(2) “Report” means any written report required under the code to be filed with the board, but does not include a notice filed under Code of Civil Procedure Section 364.1.

(c) A notice filed under Code of Civil Procedure Section 364.1 shall be retained, pursuant to that code section, in a potential investigation file. If a complaint or report on the same act or omission is subsequently received by the board, the date the board discovers the act or omission alleged as the ground for disciplinary action is the date the board receives that complaint or report.

Note: Authority cited: Section 1614, Business and Professions Code. Reference: Section 1670.2, Business and Professions Code.

**§ 1001.2. Filing Date.**

An accusation or petition to revoke probation shall be deemed “filed” on the date it is signed by the executive officer or other person described in section 1001.

Note: Authority cited: Section 1614, Business and Professions Code. Reference: Section 1670.2, Business and Professions Code.



## MEMORANDUM

<b>DATE</b>	April 28, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 15:</b> Discussion and Possible Action Regarding Adoption of the Revisions to the Board Member Policy and Procedure Manual

The Dental Board of California (Board) Policy and Procedure Manual is designed for members as a reference of the Department of Consumer Affairs (DCA) and Board policies, the intent of which is to guide the actions of the Board, Committee and Dental Assisting Council members and ensure the Board functions effectively and efficiently.

The manual was last adopted by the Board February 28, 2014. A draft of this document was distributed to Board Members in March 2016 for review and comment. Comments received are underlined in red. Deletions indicated by strikethrough.

Action: Staff recommends adoption of the revised manual.



# **Dental Board of California**

## **Policy and Procedure Manual**

Adopted by the Board

*2/28/2014*

Dental Board of California  
2005 Evergreen Street, Ste 1550  
Sacramento, CA 95815-3831  
[www.dbc.ca.gov](http://www.dbc.ca.gov)

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## CHAPTER 1. INTRODUCTION

### Overview

The Dental Board of California (DBC) was created by the California Legislature in 1885. Today the DBC is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), Business, Consumer Services, and Housing Agency. DBC's highest priority is protection of the public while exercising its licensing, regulatory, and disciplinary functions. If protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

The DBC is presently comprised of 15 members. The composition of the Board is defined in Business and Professions Code Sections 1601 and 1603 and includes eight dentists appointed by the Governor, one of whom must be a member of a faculty of any California dental college and one shall be a dentist practicing in a nonprofit community clinic; five public members, three appointed by the Governor, one by the Speaker of the Assembly and one by the Senate Rules Committee; one licensed dental hygienist appointed by the Governor; and one licensed dental assistant appointed by the Governor. Board members may serve up to two four-year terms. Board members serve without a salary, but are compensated \$100 per day for each meeting day and are reimbursed for travel expenses (B&P Code § 103).

This policy and procedure manual is provided to Board members as a reference for important laws, regulations, DCA policies, and Board policies to help guide the actions of the Board members and ensure Board effectiveness and efficiency.

### Definitions:

<b>BPC</b>	Business and Professions Code
<b>CCR</b>	California Code of Regulation
<b>CLEAR</b>	Council on Licensure Enforcement and Regulations
<b>DCA</b>	Department of Consumer Affairs
<b>EO</b>	Executive Officer
<b>SAM</b>	State Administrative Manual
<b>President</b>	Where the term "President" is used in this manual, it will be assumed to include "his or her designee"



## DBC Policy and Procedure Manual

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### General Rules of Conduct:

Board members shall not speak or act for the Board without proper authorization.

Board members shall maintain the confidentiality of confidential documents and information.

Board members shall commit the time necessary to prepare for Board responsibilities.

Each Board member shall recognize the equal role and responsibilities of all Board members.

Board members shall act fairly, be nonpartisan, impartial and unbiased in their role of protecting the public.

Board members shall treat all applicants and licensees in a fair and impartial manner.

Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.

Board members shall not use their positions on the Board for personal, familial or financial gain.

Board members shall refrain from working on business, personal and non-Board related business while participating in Board meetings. If it becomes necessary, members shall leave the meeting until able to return to Board business.

**CHAPTER 2. BOARD MEETING PROCEDURES**

Frequency of Meetings

*(BPC Section 101.7)*

Boards shall meet at least three times each calendar year. Boards shall meet at least once each calendar year in Northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

Special meetings may be held at such times as the board may elect or on the call of the president of the board, or of not less than four members thereof. (BPC Section 1608)

Notice of each meeting and the time and place thereof shall be given in accordance with the Bagley-Keene Open Meeting Act (Gov. Code § 11120 et seq).

Board Member Attendance at Board Meetings

*(Board Policy)*

Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board President or the Executive Officer and request to be excused from the meeting.

Board Meetings

*(Government Code Section 11120 et seq.)*

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

Communications

*(Bagley-Keene Open Meeting Act)*

A majority of the members of the Board, a committee or Council shall not, outside of a Board meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

To avoid a possible violation of Bagley-Keene, no more than two members of the Board may discuss Board business, including issues that may come before the Board. This does not apply if the Board members are serving on a sub-committee comprised of only two-persons.

Council members not serving as a member of the Board shall not participate in matters under consideration by the Board during a meeting, unless there is a joint meeting of the Board and Council.

## DBC Policy and Procedure Manual

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### Committees

*(Board Policy, BPC 1601.1)*

The Board shall be organized into standing committees pertaining to examinations, enforcement, and other subjects the Board deems appropriate.

Committees meet when they have issues to be considered in order to make recommendations to the full Board.

The Board President may appoint a two-person subcommittee at any time deemed necessary.

### Dental Assisting Council

*(BPC Section 1742)*

The Dental Assisting Council (Council) will consider all matters relating to dental assistants in California and will make appropriate recommendations to the Board and the standing Committees of the Board. The members of the Council shall include the registered dental assistant member of the Board, another member of the Board, and five registered dental assistants.

### Council Member Comments During a Board meeting

(Bagley-Keene Open Meeting Act)

Council members not serving as a member of the Board shall not participate in matters under consideration by the Board during a meeting, unless there is a joint meeting of the Board and Council.

### Public Participation

*(Board Policy)*

Public participation is encouraged throughout the public portion of the meetings. The chairs of the respective committees, as well as the Board President, acknowledge comments from the audience during general discussion of agenda items. In addition, each Board agenda includes public comment as a standing item of the agenda. This standing agenda item allows the public to request items to be placed on future agendas.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

### Quorum

*(BPC Section 1610)*

Eight Board members constitute a quorum of the Board for the transaction of business; four members for the council; four members for the Diversion Evaluation Committee (DAC); and three members for the Elective Facial Cosmetic Surgery Permit Credentialing Committee (EFCS). Ad Hoc committee quorums would be a simple majority of appointed members.

## DBC Policy and Procedure Manual

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### Agenda Items

#### *(Board Policy)*

Board meetings generally involve:

- Board policy
- Legislation that may be relevant to the practice of dentistry
- Content and administration of examinations
- Adoption or **repeal** ~~deletion~~ of regulations
- Approval of fee schedules
- Appeals of Board actions

### Board Procedures/Operations

- Enforcement issues such as, **adoption or non-adoption** ~~acceptance/denial~~ of Administrative Law Judge **proposed** decisions, **stipulated settlements**, ~~stipulations~~ and ~~advancement~~ **referral** of cases to the Office of Administrative Hearings
- Committee meetings
- ~~Acceptance or rejection~~ **Consideration** of committee recommendations

Any Board member may submit, for consideration, items for a Board meeting agenda to the Board President and Executive Officer 30 days prior to the meeting. The Board President and Executive Officer, in consultation with legal counsel, will review and, **if appropriate**, approve items submitted for consideration.

### Notice of Meetings

#### *(Government Code Section 11120 et seq.)*

According to the Open Meeting Act, meeting notices must include the agenda and shall be sent to persons on the Board's mailing list at least 10 calendar days in advance. The notice shall include a staff person's name, work address and work telephone number who can provide further information prior to the meeting.

### Notice of Meetings to be Posted on the Internet

#### *(Government Code Section 11125)*

Notice and the agenda shall also be made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices are available.

### Record of Meetings

#### *(Board Policy)*

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by the Board members at the next Board meeting. Board minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

## **DBC Policy and Procedure Manual**

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Board meetings are webcast in real time when webcasting resources are available. Archived copies of the webcast are available on the Board's website approximately 30 days after the meeting is held.

### Recording

*(Board Policy)*

Public meetings are recorded for staff purposes. Recordings may be erased upon Board approval of the minutes or 30 days after the recording. CD copies are available, upon request, for Board members not able to attend a meeting.

### Meeting Rules

*(16 CCR § 1002)*

Board meetings are conducted following Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.

### Use of Electronic Devices During Meetings

*(Bagley-Keene)*

Board members should not text or email one another during a meeting on any matter within the Board's jurisdiction. Using electronic devices to communicate secretly in such a manner would violate the Open Meeting Act. Where laptop computers or tablets are used by the Board members at the meeting because the Board provides materials electronically, the Board President shall make an announcement at the beginning of the meeting as to the reason for the use of laptop computers or tablets.

**CHAPTER 3. TRAVEL AND SALARY POLICIES AND PROCEDURES**

Travel Approval

*(DCA Memorandum 96-01)*

Board members shall have Board President approval for all travel except for regularly scheduled Board and committee meetings to which the Board member is assigned.

Travel Arrangements

*(Board Policy)*

Board members are encouraged to coordinate with the Executive Assistant on travel arrangements and lodging accommodations.

Out-of-State Travel

*(SAM Section 700 et seq.)*

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled and must be approved by the Governor's Office.

Travel Claims

*(SAM Section 700 et seq. and DCA Memorandum 96-01)*

Rules governing reimbursement of travel expenses for Board members are consistent with rules that apply to ~~the same as for~~ management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Executive Assistant maintains these forms and completes them as needed. It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Departmental Memoranda which are periodically disseminated by the Director and are provided to Board members.

Per Diem Salary

*(BPC Section 103)*

BPC Section 103 regulates compensation in the form of per diem salary and reimbursement of travel and other related expenses for Board members. This section provides for the payment of per diem salary for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

### Per Diem Salary (Board Policy)

The following general guidelines shall apply to the payment of per diem salary, or reimbursement for travel:

1. No per diem salary or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official Board or committee meetings. Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings shall be approved in advance by the Board President. The Executive Officer shall be notified of the event and approval shall be obtained from the Board President prior to Board member's attendance.
2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board meeting or committee meeting to the conclusion of that meeting.

Where it is necessary for a Board member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board-specified work, Board members will be compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at gatherings, events, meetings, hearings, or conferences, and committee work. That work does not include preparation time for Board or committee meetings. Board members cannot claim per diem salary for time spent traveling to and from a Board or committee meeting.

## CHAPTER 4. SELECTION OF OFFICERS AND COMMITTEE/LIAISON APPOINTMENTS

### Officers of the Board (BPC Section 1606)

The Board shall elect from its members a President, a Vice President, and a Secretary.

### Election of Officers (Board Policy)

It is board policy to elect officers at the final meeting of the calendar year for service during the next calendar year, unless otherwise decided by the board. The newly elected officers shall assume the duties of their respective offices on January 1<sup>st</sup> of the New Year.

Board members serving their “Grace “ period are not eligible for Officer or Chair of Standing Committee.

### Procedure for Nomination (Board Policy)

Board Members interested in running for President, Vice-President, and Secretary shall independently submit their name to the Executive Officer.

### Election Process (Board Policy)

The Board’s legal counsel shall conduct the election of officers and shall set the general election procedure.

### Officer Vacancies (Board Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the President becomes vacant, the Vice President shall assume the office of the President. Elected officers shall then serve the remainder of the term.

### Absence of Officers (Board Policy)

If an officer is absent from two consecutive meetings, the Board may consider whether it wishes to vacate that position. If the office is that of the President, the Vice President shall assume the office of the President. A vacancy in the office of the Secretary shall be voted on by Board members. Officers shall then serve the remainder of the term.



## **DBC Policy and Procedure Manual**

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### Committee/Liaison Appointments

#### *(Board Policy)*

The President shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board President in consultation with the Vice President, Secretary and the Executive Officer. When committees include the appointment of non-Board members, all affected parties should be considered. The Board President shall strive to appoint board members to a minimum of one standing committee.

### Attendance at Committee Meetings

#### *(Board Policy)*

If a Board member wishes to attend a meeting of a committee of which he or she is not a member, that Board member cannot participate or vote during the committee meeting, and must not sit on the Dais.

### Roles and Responsibilities of Board Officers/Committee Chairs/Liaisons

#### (Board Policy)

#### **President**

- Acts as spokesperson for the Dental Board (attends legislative hearings and testifies on behalf of the Board, attends meetings with stakeholders and Legislators on behalf of Board, talks to the media on behalf of the Board, and signs letters on behalf of the Board).
- Meets and/or communicates with the Executive Officer (EO) on a regular basis.
- Provides oversight to the Executive Officer in performance of the EO duties.
- Approves leave requests, verifies accuracy and approves timesheets, approves travel and signs travel expense claims for the EO.
- Coordinates the EO annual evaluation process including contacting DCA Office of Human Resources to obtain a copy of the Executive Officer Performance Evaluation Form, distributes the evaluation form to members, and collates the ratings and comments for discussion.
- Authors a president's message for every board meeting and published newsletters.
- Approves Board Meeting agendas. Chairs and facilitates Board Meetings. Chairs the Executive Committee.
- Signs specified full board enforcement approval orders.
- Establishes Committees and appoints Chairs and members.
- Establishes 2-Person subcommittees and /or task forces to research policy questions when necessary.
- Attends Dental Hygiene Committee of California meetings

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### **Vice President**

- ~~Is the Back-up for~~ May assume the duties above in the President's absence.
- Is a member of Executive Committee.
- Coordinates the revision of the Board's Strategic Plan.

### **Secretary**

- Calls the roll at each Board meeting and reports that a quorum has been established.
- Is a member of Executive Committee.

### **Committee Chair**

- Reviews agenda items with EO and Board President prior to Committee meetings.
- Approves the Committee agendas.
- Chairs and facilitates Committee meetings.
- Reports the activities of the Committee to the full Board.

### **Liaisons**

Members acting as liaisons to Committees are responsible for keeping the Board informed regarding emerging issues and recommendations made at the Committee level.

### **Creation of Task Forces**

*(Board Policy)*

It is the policy of the Board that:

- 1) task forces will be appointed sparingly as the exception rather than the rule and only when the Board finds it cannot address a specific and well defined issue through the existing committee structure;
- 2) task force members may be appointed by the Board President but must be approved by the full Board;
- 3) the charge given to the task force will be clear, specific, in writing and presented to the Board at the time of appointment;
- 4) task forces, of three or more members, appointed by the Board are subject to the same open meeting laws as the Board (as required by Government Code Section 11121);
- 5) all task forces shall give staff at least 20 days advance notice of the time, place and general agenda for any task force meeting;
- 6) task forces will meet and report regularly and provide the Board with minutes after every meeting;
- 7) no task force recommendation will be the basis for Board action in the absence of a formal written report from the task force to the Board.

### CHAPTER 5. BOARD ADMINISTRATION AND STAFF

#### Board Administration

*(DCA Reference Manual)*

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer.

#### Board Budget

*(Board Policy)*

The Executive Officer shall serve as the Board's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Board. The Executive Officer or the Executive Officer's designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

#### Strategic Planning

*(Board Policy)*

The Executive Committee shall have overall responsibility for the Board's Strategic Planning Process. The Vice President shall serve as the Board's strategic planning liaison with staff and shall assist staff in the monitoring and reporting of the strategic plan to the Board. The Board will conduct periodic strategic planning sessions and may utilize a facilitator to conduct the strategic planning process.

#### Legislation

*(Board Policy)*

When time constraints preclude Board action, the Board delegates the authority to the Executive Officer and the Chair of the Legislative Committee to take action on legislation that would change the Dental Board of California's Dental Practice Act, or which impacts a previously established Board policy or affects the public's health, safety or welfare. Prior to taking a position on legislation, the Executive Officer shall consult with the Board President and Legislative Committee Chair. The Board shall be notified of such action as soon as possible.

#### Communications with Other Organizations and Individuals

*(Board Policy)*

The official spokesperson for the Dental Board of California is the President. The President may designate the Executive Officer, the Chief of Enforcement, other board members, or staff to speak on behalf of the Board.

## **DBC Policy and Procedure Manual**

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It is the policy of the Dental Board of California to accommodate speaking requests from all organizations, schools, consumer groups, or other interested groups, whenever possible. If the Board representative is addressing a dental school or group of potential candidates for licensure, the program must be open to all interested parties. The President may authorize board members to speak to schools, organizations, consumer groups, or other interested groups upon request by members or written requests from said schools, organizations or groups.

### Media Inquiries *(Board Policy)*

If a member of the Board receives a media call, the Member should promptly refer the caller to the Department of Consumer Affairs Public Information Officer who is employed to interface with all types of media on any type of inquiry. It is required that members make this referral as the power of the Board is vested in the Board itself and not with an individual Board Member. Expressing a personal opinion can be misconstrued as a Board policy or position and may be represented as a position that the Board has taken on a particular issue when it has not.

A Board Member who receives a call should politely thank the caller for the call, but state that it is the Board's policy to refer all callers to the Public Information Officer. The Board Member should then send an email to the Executive Officer indicating they received a media call and relay any information supplied by the caller.

### Service of Lawsuits *(Board Policy)*

Board Members may receive service of a lawsuit against themselves and the Board pertaining to a certain issue (e.g. a disciplinary matter, a complaint, a legislative matter. etc.). To prevent a confrontation, the Board Member should accept service. Upon receipt, the Board Member should notify the Executive Officer of the service and indicate the name of the matter that was served and any pertinent information. The Board Member should then mail the entire package that was served to the Executive Officer as soon as possible. The Board's legal counsel will provide instructions to the Board Members on what is required of them once service has been made. The Board Members may be required to submit a request for representation to the Board to provide to the Attorney General's Office.

### Executive Officer Evaluation *(Board Policy)*

The Board shall evaluate the performance of the Executive Officer annually.

### Executive Officer Vacancy *(Board Policy)*

In the event the Executive Officer position becomes vacant, the Board may, at its discretion, appoint the Assistant Executive Officer or another employee of the Board as the Acting Executive Officer or Interim Executive Officer. An Acting Executive Officer is only entitled to his or her current salary. If an Interim Executive Officer is appointed, the Board shall set his or her salary at an amount within the Executive Officer's salary range.

DCA's Human Resources Division will provide assistance with the temporary appointment process and the process for the search of a new Executive Officer.

### Board Staff *(DCA Reference Manual)*

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer. Consequently, the Executive Officer shall solely be responsible for all day-to-day personnel transactions.

### Business Cards *(Board Policy)*

Business cards will be provided to each Officer of the Board with the Board's office address, telephone and fax number, and Web site address. A Board Officer's business address, telephone and fax number, and e-mail address may be listed on the card at the member's request.

**CHAPTER 6. OTHER POLICIES AND PROCEDURES**

Mandatory Training  
(DCA Policy)

State law requires board members within the Department of Consumer Affairs to complete training in several important areas, including ethics, conflict of interest laws, sexual harassment prevention and Board Member Orientation Training.

Ethics Orientation  
[http://www.dcaboardmembers.ca.gov/training/ethics\\_orientation.shtml](http://www.dcaboardmembers.ca.gov/training/ethics_orientation.shtml)  
(Government Code §53234)

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term.

The training includes important information on activities or actions that are inappropriate or illegal. For example, generally public officials cannot take part in decisions that directly affect their own economic interests. They are prohibited from misusing public funds, accepting free travel and accepting honoraria. There are limits on gifts.

An online, interactive version of the training is available on the Attorney General's Web site at <http://oag.ca.gov/ethics>. An accessible, text-only version of the materials is also available at the Attorney General's Web site.

Conflict of Interest  
[http://www.dcaboardmembers.ca.gov/member\\_info/conflict\\_interest.shtml](http://www.dcaboardmembers.ca.gov/member_info/conflict_interest.shtml)  
(Government Code §81000)(California Code of Regulations, §18730)

The Department of Consumer Affairs will make and retain a copy of the statements from members of the boards, commission, committees and subcommittees and make them available for public inspection. It will forward the original statement to the Fair Political Practices Commission.

Information on specific topics can be found at:

[http://www.dcaboardmembers.ca.gov/member\\_info/conflict\\_interest.shtml](http://www.dcaboardmembers.ca.gov/member_info/conflict_interest.shtml)

Sexual Harrassment Prevention  
[http://www.dcaboardmembers.ca.gov/training/harassment\\_prevention.shtml](http://www.dcaboardmembers.ca.gov/training/harassment_prevention.shtml)  
(Government Code §12950.1)

All new board members are required to attend at least two hours of classroom or other interactive training and education regarding sexual harassment prevention within six months of their appointment. The Equal Employment Opportunity (EEO) Office is responsible for ensuring that all board members complete their required training. A copy of your certificate of proof of training must be sent to the EEO Office. Please identify which Board/Committee/Commission you serve on.

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For information on how to receive Sexual Harassment Prevention Training contact:

Equal Employment Opportunity Office  
1625 N. Market Blvd, Ste N330  
Sacramento, CA 95834  
(916) 574-8280 (916) 574-8604 Fax

### Board Member Orientation (BPC Section 453)

Every newly appointed **and reappointed** board member is required to complete a training and orientation program offered by the Department of Consumer Affairs (DCA) within one year of assuming office. The training covers the functions, responsibilities and obligations that come with being a member of a DCA board.

For more information and assistance with scheduling training, please contact:

SOLID Training Solutions  
1747 North Market Blvd, Ste. 270  
Sacramento, CA 95834  
(916) 574-8316  
SOLID@dca.ca.gov

### Board Member Disciplinary Actions (Board Policy)

The Board may censure a member if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as President of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall sit as President. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.

### Removal of Board Members (BPC Section 1605)

The Governor has the power to remove from office at any time any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a Board member whom directly or indirectly discloses examination questions to an applicant for examination for licensure. That member would also be subject to a misdemeanor violation (B&P Code 123).

### Resignation of Board Members (Government Code Section 1750)

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the director of the Department, the Board President, and the Executive Officer.

### Conflict of Interest (Government Code Section 87100)

No Board member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

### Honoraria Prohibition (Government Code Section 89502)

As a general rule, members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state Board is precluded from accepting an honorarium from any source, if the Board member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances: (1) when a honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the Board member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, Board members should report all offers of honoraria to the Board President, so that he or she, in consultation with the EO and staff counsel, may determine whether the potential for conflict of interest exists.



### Paid Travel to Attend Meeting Unrelated to Board Business (Government Code Section 89506)

In general, payments by a third party for a public official's travel are considered a gift, subject to the per year gift limit and must be reported by the official on his or her statement of economic interests; however, there are exceptions to this rule. Pursuant to Government Code Section 89506, payments, advances, or reimbursements, for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not prohibited and are not subject to the per year gift limit if either of the following apply:

(1) The travel is in connection with a speech given by the elected state officer, local elected officeholder, candidate for elected state office or local elected office, an individual specified in Section 87200, **member of a state board or commission**, or designated employee of a state or local government agency, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States.

(2) The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

Keep in mind that the rules regarding financial conflicts of interest are complex, and, therefore, Board members should contact the DCA Ethics Officer at (916) 574-8220 for assistance.

### Contact with Candidates *(Board Policy)*

Board members shall not intervene on behalf of a candidate for licensure for any reason. They should forward all contacts or inquiries to the Executive Officer or Board staff.

### Gifts from Candidates *(Board Policy)*

Gifts of any kind to Board members or the staff from candidates for licensure with the Board shall not be permitted.

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### Request for Records Access (Board Policy)

No Board member may access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the DBC's office.

### Ex Parte Communications (Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting *ex parte* communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board members are prohibited from an *ex parte* communication with Board enforcement staff while a proceeding is pending.

Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Chief of Enforcement.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, he or she should be told that the Board member would be required to excuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the **Board's legal counsel**.



## MEMORANDUM

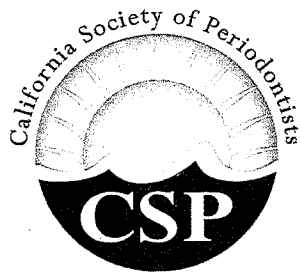
<b>DATE</b>	April 25, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 16:</b> Discussion and Possible Action Regarding the California Society of Periodontists Request for the Dental Board of California's Endorsement of their Efforts in the Creation of a Periodontal Disease Awareness Month.

In February 2016, the Dental Board of California received a letter from Mark Fagan, DDS, MS, and President of the California Society of Periodontists (CSP) requesting the Dental Board of California's endorsement of their efforts in the creation of a periodontal disease awareness month.

Their goal is to raise awareness of the prevalence and significance of periodontal disease and to provide education on how best to prevent, recognize, and appropriately treat this disease that affects the majority of the adult population.

A representative from CSP may attend the meeting to present this request.

Action Requested: Board to determine whether or not to support this request.



# California Society of Periodontists

February 12, 2016

Dental Board of California  
2005 Evergreen Street  
Suite 1550  
Sacramento, CA 95815

To whom it may concern,

CSP is the nonprofit state-recognized organization of periodontists in California. As periodontists we focus on the treatment of Periodontal Diseases and Peri-Implant diseases ("gum disease"), which can not only cause tooth loss and implant loss, but can also significantly compromise one's overall health. Our goal is to raise awareness of the prevalence and significance of periodontal disease, affecting the majority of our adult population, and to provide education to our residents on how best to prevent, recognize, and appropriately treat this disease.

Periodontal disease affects more adults than cancer, diabetes, or heart disease. Approximately 70% of our population is affected, but only about half are aware of it. One of the biggest impediments in the treatment of periodontal disease is a lack of diagnosis. Because there are usually no symptoms, it often progresses undiagnosed into advanced stages where tooth loss is inevitable, and more serious health associated consequences may ensue.

While periodontal disease has long been associated with increased risk of heart disease, strokes, and preterm births/low birth weight newborns, connections have also been made with other serious medical conditions including obesity, diabetes, early onset dementia, pancreatic cancer, rheumatoid arthritis, Parkinson's, Alzheimer's, and even erectile dysfunction. This link has become so apparent that some medical plans are acknowledging the benefits of treating periodontal disease by providing coverage, albeit limited, to help prevent the incidence of life-threatening and/or chronic medical conditions that may end up costing hundreds of thousands of dollars.

We ask the Dental Board of California to endorse our efforts in the creation of a periodontal disease awareness month. This will result in the dissemination of important information that will empower our citizens to make lifelong improvements in their health and quality of life.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Fagan", is written over a white background.

Mark Fagan, DDS, MS  
President

MF/lp



## MEMORANDUM

<b>DATE</b>	April 26, 2016
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Nellie Forgét, Program Coordinator Elective Facial Cosmetic Surgery Permit Program
<b>SUBJECT</b>	<b>Agenda Item 17:</b> Report on the April 20, 2016 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permit

### **Background :**

On September 30, 2006, Governor Arnold Schwarzenegger signed Senate Bill 438 (Midgen, Chapter 909, Statutes of 2006), enacting Business and Professions Code (Code) Section 1638.1, which took effect on January 1, 2007. Code Section 1638.1 authorizes the Dental Board of California (Board) to issue Elective Facial Cosmetic Surgery (EFCS) permits to qualified licensed dentists and establishes the EFCS Credentialing Committee (Committee) to review the qualifications of each applicant for a permit.

Pursuant to Code Section 1638.1(a)(2), an EFCS permit that is issued by the Board is valid for a period of two (2) years and is required to be renewed by the permit-holder at the time his or her dental license is renewed. Additionally, every six (6) years, prior to the renewal of the permit-holder's license and permit, the permit-holder is required to submit evidence acceptable to the Committee that he or she has maintained continued competence to perform the procedures authorized by the permit. The Committee is authorized to limit a permit consistent with Code Section 1638.1(e)(1) if it is not satisfied that the permit-holder has established continued competence.

Code Section 1638.1 does not expressly provide the requirements a permit-holder must meet to establish continuing competency, therefore it has become necessary to promulgate a regulation to implement, interpret, and make specific the provisions of Code Section 1638.1 for the purpose of clarifying the necessary requirements that would establish continuing competency for the EFCS permit.

### **October 14, 2015 Update:**

The Committee met on April 20, 2016 via teleconference to consider proposed regulatory language and application revisions and to review two (2) applications for issuance of a permit.

**Regulatory Language and Application Revisions:**

At the meeting, staff presented the regulatory language and revised EFCS permit application. The Committee tabled this discussion until staff finalizes the regulatory language, to discuss and possibly incorporate into the language a timeframe requirement on operative report procedure dates.

At the July 2016 EFCS Committee meeting, the Committee will review the revisions to the draft regulatory language, and if approved, will recommend the Board initiate the rulemaking process at the following meeting.

**Recommendation for Issuance of EFCS Permit:**

The Committee considered an application from Slim Bouchoucha, DDS. The Committee made the following recommendation regarding issuance of an EFCS permit to Dr. Bouchoucha:

Applicant: Slim Bouchoucha, DDS, applied for an EFCS permit with unlimited privileges for Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited to, rhinoplasty and otoplasty) and Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation).

Based on consideration of the application at its April 20, 2016 meeting, the Committee recommends the Board issue a permit for unlimited Category I and Category II privileges.

Additionally, the Committee tabled the review of the second application until the applicant can correct the application's deficiencies. Once the deficiencies are corrected, the Committee will review the application and provide a recommendation to the Board regarding the issuance of the permit.

**Action Requested:**

Staff requests the Board take the following actions:

1. Accept the EFCS Credentialing Committee Report, and
2. Accept the Committee's recommendation to issue Slim Bouchoucha, DDS, an EFCS Permit a permit for unlimited Category I and Category II privileges

# **Legislative and Regulatory Committee Report**

**The Board may take action on any items listed on the attached Legislative and Regulatory Committee agenda.**

# **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)).**



# **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)).**

**ADJOURNMENT**