



**DENTAL BOARD OF CALIFORNIA
MEETING MINUTES
November 17-18, 2022**

The Dental Board of California (Board) met by teleconference/WebEx Events on November 17-18, 2022, with the following location available for Board and public member participation:

Department of Consumer Affairs
1747 N. Market Blvd., Hearing Room #186
Sacramento, CA 95834

Members Present:

Alan Felsenfeld, MA, DDS, President
James Yu, DDS, MS, Vice President
Sonia Molina, DMD, MPH, Secretary
Steven Chan, DDS
Joni A. Forge, DDS
Lilia Larin, DDS
Meredith McKenzie, Esq., Public Member
Angelita Medina, Public Member
Steven Morrow, DDS, MS
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH, MAOB
Yogita Thakur, DDS, MS

Staff Present:

Tracy A. Montez, Ph.D., Executive Officer
Jessica Olney, Anesthesia Unit Manager
Paige Ragali, Licensing and Examination Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
Ryan Blonien, Supervising Investigator
David Bruggeman, Legislative and Regulatory Specialist
Mirela Taran, Administrative Analyst
Joseph Tippins, Investigator
Bernal Vaba, Special Investigator
Melissa Gear, Deputy Director, Board and Bureau Relations, Department of Consumer Affairs (DCA)
Sarah Irani, Moderator, SOLID, DCA
Karen Munoz, Manager, Budget Office, DCA
Kristy Schieldge, Regulatory Counsel, Attorney IV, Legal Affairs Division, DCA
Jennifer Tompkins, Analyst, Budget Office, DCA
Cesar Victoria, Office of Public Affairs, DCA

Dental Board of California
November 17-18, 2022 Meeting Minutes

Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

11:00 a.m., Thursday, November 17, 2022

Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum

The Board President, Dr. Alan Felsenfeld, called the meeting to order at 11:25 a.m. The Board Secretary, Dr. Sonia Molina, called the roll; 12 Board Members were present, and a quorum was established.*

Agenda Item 2: Public Comment on Items Not on the Agenda

Ms. Melodi Randolph, representing California Association of Dental Assisting Teachers (CADAT), requested that future agendas allow for a joint meeting between the Board and the Dental Assisting Council (DAC), as conducted in the past. She mentioned that auxiliary education training and utilization is a huge issue presently and in the coming years, which will facilitate a plethora of items to come forward to the Board. Therefore, CADAT would like to see a discussion between the DAC and the Board on these items.

Agenda Item 3: Discussion and Possible Action on August 25-26, 2022 and October 13, 2022 Board Meeting Minutes

President Felsenfeld requested an amendment to the August 25-26, 2022 meeting minutes on page 23, Agenda Item 22(d), seventh paragraph, first line, to strike and replace “Mr.” with “Dr.”

Motion/Second/Call (M/S/C) (Morrow/Medina) to approve the August 25-26, 2022 meeting minutes as revised.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Yu/Larin) to approve the October 13, 2022 meeting minutes with no changes.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Felsenfeld reported that he and Board Vice President, Dr. James Yu attended the October 11, 2022 DCA Board Leadership meeting. President Felsenfeld noted that he had spent a fair amount of time working through the negotiations and the facilitation of the hiring of Dr. Tracy Montez to take on the roll as the Board's Executive Officer.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 5: Executive Officer Report

Dr. Montez noted that she had been with the Board for almost four months as Acting Assistant Executive Officer, Interim Executive Officer, and now Executive Officer. She expressed that Board staff is now processing applications within a two-week timeframe and are caught up on complaints that are received. She voiced that the Board is going to start the Enlightened Enforcement Project with DCA in the next two weeks to address backlogs of enforcement cases. Dr. Montez introduced and acknowledged new Board staff.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 6: Report on Department of Consumer Affairs Activities, which may include updates on the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters

Melissa Gear provided a departmental update. She welcomed all the new Board members and new Board staff and introduced Yvonne Dorantes as the current Assistant Deputy Director of Board and Bureau Relations. She provided an update on the DCA Diversity, Equity, and Inclusion (DEI) Steering Committee, which was created to guide the department in its equity, strategy, initiatives, and action plans. The DEI Steering Committee held its first official kickoff meeting on November 9, 2022. In accordance with Governor Gavin Newsom's executive order, strategic plans in effect as of July 2023

and beyond must be developed or updated to more effectively advance equity and drive outcomes that increase opportunities for all. In response, DCA is revising its strategic planning processes to incorporate more inclusive public engagement, data analysis, and embedding diversity, equity, and inclusion into the strategic planning process. Ms. Gear provided an update on the Our Promise Campaign, in-person meeting guidelines, COVID-19 safety measures, and updated DCA travel guidelines. She commented that DCA will partner with the State Controller's Office (SCO) to share information with consumers and certain licensees about the unclaimed property program. Certain DCA licensees will benefit from this partnership as it will educate them about their responsibility to report unclaimed property and assist with compliance.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 7: Budget Report

Karen Munoz and Jennifer Tompkins provided a report on the State Dentistry Fund, which the Board manages, for fiscal year (FY) 2022-23.

Secretary Molina noted that the Board has had quite a few vacancies that have been filled, which would reflect on the Board's budget in terms of the cushion that it has thus far and that would be decreasing over time. She inquired whether the Board had any plans on how it would address that.

Ms. Munoz replied that if the Board filled all its positions, the budget year item for \$19.7 million included the Board extending to its full budget. Normally, if a board becomes in danger of exceeding its appropriations, the DCA Budget Office (BO) would have a conversation with that board. Historically, there had been some reversion in the Board's appropriation annually. As the Board filled positions more aggressively this year, the BO would adjust the Board's current year projections, but its budget year in ongoing is expected to be expendable.

Board Member Angelita Medina noted that in FY 21/22, the Board had 8.6 months in reserve, and the projection for FY 25/26 is 5.7. She anticipated that there was a reason for that and asked whether there is a norm or a standard.

Ms. Munoz replied that a healthy fund has about three to six months in reserve. Most boards and bureaus have a 24 month that they can exceed, but the healthy reserve balance is around three months. Regarding Secretary Molina's inquiry to how the months in reserve would go from 8.6 to 5.7 in five years, she indicated that if the Board spent more than what it was bringing in, the months in reserve would decline. As BO identifies on a fund condition statement that Board revenues are going to remain static, but the expenditures are going to increase on that three percent, a natural decline in the fund condition would be seen. However, when BO does actuals or start projecting for the current year, that would decrease the Board's actual appropriation amount to what is spent in the current year. When actuals include any additional reimbursements

brought in and any savings or reversions that the Board found in that year, that might affect the months in the reserve and cause them to go up or change in out years.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 8: Enforcement - Review of Statistics and Trends

Ryan Blonien provided the report, which is available in the meeting materials. Mr. Blonien voiced that they have dedicated a considerable amount of effort since the last Board meeting to onboarding new employees, including an inspector. He noted that with the addition of new staff, the Board is starting to move cases and would hopefully improve numbers.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 9: Examinations

Agenda Item 9.a.: Report on Commission on Dental Competency Assessment, Western Regional Examining Board, and The Council of Interstate Testing Agencies (CDCA-WREB-CITA)

Paige Ragali provided a verbal report on CDCA-WREB-CITA updates. She vocalized that on October 13, 2022, Board staff met with Shayna Overfelt, Director of School Programs for CDCA-WREB-CITA, to clarify upcoming changes and ensure Board staff were aware of the impacts on their current processes. During the meeting, the following information and timeframe was clarified. As of December 31, 2022, WREB would no longer be offered as an examination for licensure. As the Board accepts successful WREB examinations within the 5 years preceding the date of the application, this currently does not impact the Board's processes, and the Board would continue to accept applications for licensure by WREB, as long as all eligibility requirements were met. The merger for CDCA-WREB-CITA had been completed, and the individual websites for each were being merged into one centralized website. CDCA-WREB-CITA representatives would notify Board staff once this had been finalized. Due to the new changes, Board staff would no longer need to verify applicants' eligibility to sit for the licensure exams, and schools would now be able to verify eligibility for each applicant. CDCA-WREB-CITA began to administer the exam at De La Salle University School of Dentistry with the first date scheduled in June of 2023. Ms. Overfelt advised that CDCA-WREB-CITA would like to continue to present at future Board meetings regarding updates and any other concerns or questions Board members or staff have.

Board Member Steven Morrow inquired whether the curriculum integrated format of the of the WREB-ADEX exam will be continued at schools or whether it will be discontinued. Ms. Ragali replied that Board staff did not have information on that matter but would look into it and provide an update.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 10: Licensing, Certifications, and Permits

Agenda Item 10.a.: Review of Dental Licensure and Permit Statistics

Ms. Ragali provided the report, which is available in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 11: Substance Use Awareness

Agenda Item 11.a.: Diversion Program Report and Statistics

Bernal Vaba provided the report, which is available in the meeting materials. He noted that the next Diversion Evaluation Committee (DEC) meeting was scheduled for January 4, 2023.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 11.b.: Controlled Substance Utilization Review and Evaluation System Report

Mr. Blonien provided the report, which is available in the meeting materials.

President Felsenfeld asked whether Mr. Blonien was suggesting that the Board would not get any more participants. Mr. Blonien replied that was correct and added that there are a number of providers who are getting out of prescribing controlled substances altogether.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 12.: Report on October 26, 2022 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee

Ms. Ragali provided the report, which is available in the meeting materials. A brief background on the Elective Facial Cosmetic Surgery Permit and Committee was provided.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 13: Discussion and Possible Action on Proposed Regulations

Agenda Item 13.a.: Discussion and Possible Action to Consider Comments Received During the 45-Day Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Adopt California Code of Regulations (CCR), Title 16, Section 1066 Related to Dentists Initiating and Administering Vaccines

David Bruggeman gave the report on this item, which is available in the meeting materials. This item concerns regulations related to the passage of AB 526, which was signed into law in October 2021. This rulemaking would make permanent the emergency regulations approved by the Board at its March 2022 meeting and filed with the Secretary of State's office on June 23, 2022. The emergency regulations will expire February 22, 2023.

Board staff prepared and filed a regular rulemaking package, which was noticed by the Office of Administrative Law on September 2, 2022. That began a 45-day comment period, which concluded October 18, 2022. There were no requests for a public hearing, but there were public comments submitted. The Board received a total of three public comments. The comments and proposed Board responses are in the meeting materials and included below.

Comment 1: Email dated September 2, 2022 from Dr. Betty Fong

Comment Summary – The commenter urged the Board to not adopt the regulations. The commenter considered the benefits of allowing dentists to administer vaccines to not outweigh the risks and there are “alternatives that are more effective”. The commenter believed that dentists should not be involved in the “unending and overbearing regulatory demands of on our health and relying on the CDC, which has shown poor decision-making in the covid pandemic.”

Staff Recommended Response

Reject Comment. Dentists are currently authorized to independently prescribe and administer vaccines based on Business and Professions Code section 1625.6, and whether or not the Board adopts regulations will not change that authorization. Further, refusing to adopt regulations would only serve to create confusion and compliance issues for those dentists who choose to provide such services to the public. Regulations are the only legally prescribed method under the laws of this state (California Administrative Procedure Act) for setting the minimum training, recordkeeping and reporting requirements referenced in this proposal for all dentists that choose to administer vaccines.

Comment 2 – Email dated September 6, 2022, from Dr. Wai Chan.

Comment Summary – The commenter applauded the Board's response to AB 526 by considering making changes to its regulations. The commenter raised a concern that the language of the proposed rule had not taken into consideration dentists who are volunteering their services in the Medical Reserve Corps (MRC) and retirees. The commenter thought the reporting and record keeping requirements would have undue burden on retired dentists and employee dentists who volunteer the vaccination services as a community service. The commenter would like volunteer dentists to be exempted from the vaccine recordkeeping requirements if the vaccinations are done in

public health facilities or sponsored by educational, public safety, and public health organizations and that the sponsored facilities/organizations are responsible for the reporting and record keeping.

Staff Recommended Response

Reject Comment. The Board has no jurisdiction to require the organizations mentioned in this comment to report on or maintain vaccination records or to make the recommended exemption as suggested. BPC section 1625.6(b) requires the dentist to comply with all state and federal recordkeeping and reporting requirements and contains no exemptions. The Board's current regulatory proposal is consistent with that mandate. The Board notes, however, that this proposal does not prohibit a dentist from making whatever arrangements they deem necessary with any organization to assist them with meeting the proposed regulations in Section 1066 (d), (e), and (f) covering vaccine reporting and recordkeeping requirements.

Comment 3 – Email dated September 8, 2022, from Dr. Antonio Bistrain.

Comment Summary – The commenter urged the Board to hold off on issuing regulations until lawsuits contesting the liability of vaccine administration are settled as the outcome of those suits could present a negative impact to all dentists due to increases in liability insurance.

Staff Recommended Response

Reject Comment. As noted in the response to Comment 1, holding off on regulations would not affect the ability of dentists to administer vaccinations and refusing to adopt regulations would only serve to create confusion and compliance concerns within the regulated community. In addition, vaccine administration is a service that dentists may or may not choose to provide to patients.

Staff requested that the Board review the comments and either approve the proposed Board responses drafted by staff or provide revised responses.

President Felsenfeld began the Board discussion by noting that dentists are not required to provide vaccines under the law and the proposed regulations, but those dentists who would provide vaccines would be required to follow the law and the regulations.

Board Member Lilia Larin raised a concern that it was not clear in the regulations that dentists could make arrangement for other parties to handle the necessary vaccine paperwork at a volunteer vaccination event. It is included in the proposed Board response to Comment 2. In response, Kristy Schieldge noted that while arrangements can be made with other parties, it remained the responsibility of the dentist to ensure that the notification and documentation requirements in the regulations are met. Board

Member Larin expressed concern that the obligations on the dentist may discourage some from providing vaccines.

President Felsenfeld asked about how vaccine administration is done by pharmacists. Ms. Schieldge noted that they are under the same obligations as dentists are in these regulations. Board Member Larin expressed concern about scenarios outside of the dental office and believed this would be confusing for dentists.

Dr. Montez noted that the issue may be cleared up through messaging with licensees. Ms. Schieldge noted that these obligations are found in federal law, and the Board does not have authority to change the language with respect to federal obligations.

Board Member Yogita Thakur expressed similar concerns about the ability of dentists to adequately comply with recordkeeping requirements in volunteer settings. Ms. Schieldge noted that these requirements are based in federal law, and that the health care organizations or facilities running volunteer vaccine events would be subject to these same federal requirements. The records must be maintained in a readily retrievable format to ensure compliance with federal laws governing vaccine administration. However, the Board only has jurisdiction to regulate the activity of dentists, and not the organizations or facilities that would be administering the volunteer events.

Board Member Joanne Pacheco asked about the vaccine registry requirements. Ms. Schieldge advised that the proposed regulations are consistent with the underlying statute that requires the information to be entered into the California Department of Public Health's registry (the agency responsible for implementation of vaccine administration in this state) and the specific requirements of the California Department of Public Health, which maintains the vaccine registry. Board Member Rosalinda Olague noted that an organization she volunteers with does receive requests for patient records from health care provider volunteers who administered vaccine at events, and the foundation is obligated to provide those patient records to those providers. Board Member Yu noted that it is important to keep records for volunteer work.

President Felsenfeld summarized the overarching issue as making federal requirements specific to California dentists. Ms. Schieldge concurred, indicating the language is intended to parallel federal requirements and regulations for other California medical providers.

(M/S/C) (Morrow/Forge) to direct staff to proceed as recommended to reject the comments as specified and provide the responses to the comments as indicated in the staff recommended responses.

President Felsenfeld requested public comment before the Board acted on the motion. There was no public comment on this item.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstain: McKenzie.

Absent: None.

Recusals: None.

The motion passed:

Agenda Item 13.b.: Discussion and Consideration of Proposed Regulation to Adopt CCR, Title 16, Section 1066 Related to Dentists Initiating and Administering Vaccines

Mr. Bruggeman presented on this item and asked the Board to consider and approve a motion to direct Board staff to complete work on this rulemaking package and file it with the Office of Administrative Law.

(M/S/C) (Felsenfeld/Pacheco) to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as described in the notice for 16 CCR section 1066.

President Felsenfeld requested public comment before the Board acted on the motion. There was no public comment on this item.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstain: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 13.c.: Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Adopt Text at CCR, Title 16, Section 1006 to Implement AB 107 (Temporary Licensure for Military Spouses and Partners)

Mr. Bruggeman gave the report on this item, which is available in the meeting materials. Provisions of AB 107 (Chapter 693, Statutes of 2021) that will go into effect on July 1,

2023, permit qualified military spouses and partners to apply for temporary licensure while they go through the process for permanent licensure. The temporary licenses would be valid for 12 months or until the Board approves or rejects an application for regular licensure. The Board had approved regulatory language to implement the law at its August 25-26, 2022 meeting. Board staff determined that changes were necessary to the language in order to:

- Better reflect the process for applying for permits or licenses with the Board and (if applicable) taking the relevant examination;
- Clarify that temporary licensure is intended for any license, permit, or other authority granted by the Board for an individual to engage in a profession regulated by the Board; and
- Clarify that temporary licensure for permits that require the possession of a dental license from the Board or physician and surgeon license from the Medical Board is conditional on the applicant applying for or obtaining that underlying license.

The specific changes to the proposed regulatory text are summarized below.

1. Add a definition of “license” to section 1006(a) to make the regulations specific to the types of licenses and permits issued by the Board for dentists and dental auxiliaries.
2. Add a definition of “affiliated permit” to section 1006(a) to cover the surgical and sedation and anesthesia permits issued by the Board.
3. Add a definition of “successfully complete” to section 1006(a) to ensure that applicants for temporary dentist licenses taking the California Law and Ethics Examination achieve a criterion-referenced passing score.
4. Revise section 1006(b)(6) to describe the process for submitting fingerprints to the Board for a criminal history records (background) check.
5. Revise section 1006(b)(7) to note that applicants for temporary licensure as dentists will be the only applicants for temporary licensure to take the California Law and Ethics Exam. The process for applicants to take the exam is outlined in the new language. Applicants would only take the exam once the Board has determined that their application meets preliminary requirements for temporary licensure so that dental applicants may be prescreened for eligibility for this license prior to incurring costs to take the Board’s law and ethics examination. Since the law and ethics portion of the Registered Dental Assistant (RDA) examination is not severable from the Board’s written examination, the prior approved text requiring RDAs to take the law and ethics examination portion of the RDA examination was dropped from this proposal.

6. Add new section 1006(c) to describe the process a dentist applicant must follow to take the California Law and Ethics examination.
7. Add new section 1006(d) to describe the process an applicant must follow to submit fingerprints to the Board.
8. Add new section 1006(e) to note the conditions required for the Board to grant the temporary license to an applicant and any possible grounds for denial.
9. Add new section 1006(f) to state that applicants seeking a temporary license to practice under an “affiliated permit” as defined in this section that requires a dentist license or a physicians and surgeon’s license prior to issuance of the permit will not receive that affiliated permit until they have received a temporary dental license from the Board or have obtained a license from the Medical Board of California, as applicable.
10. Re-letter previous section 1006(c) to 1006(g) and revise the effective date of the regulations to account for the possibility that the regulations are not approved soon enough to have an effective date of July 1, 2023.

Ms. Schieldge requested that the following additional non-substantive edits be made:

- At the end of subsection (a)(8), add the words “of the Code” to clarify that the sections are of the Business and Professions Code.
- In subsection (b)(7), change the word “examinations” to “examination”, as there is only one California law and ethics exam that will be required of applicants for temporary licensure.
- At the end of subsection (f)(1), add the words “of the Code” for the same reasons the change is being made to subsection (a)(8).
- End subsection (f)(2) at the end of the first sentence. All of the remaining text will become new subsection (g), and what was subsection (g) will be re-lettered as subsection (h).

President Felsenfeld indicated that any non-substantive changes would be accepted by the Board through language in the motion it eventually takes on this language that delegates authority to the Executive Officer to make non-substantive changes to the text.

Board Member Steven Chan asked about continuing education requirements, and Ms. Schieldge noted that continuing education coursework would not be required for the temporary licenses, but that those seeking temporary licensure would have a comparable license from another jurisdiction. Board Member Chan asked for clarification about affiliated permits. Ms. Schieldge noted that if the applicant cannot demonstrate that their license or permit in another jurisdiction covers the same scope as the California equivalent, then they would not qualify for temporary licensure.

(M/S/C) (Felsenfeld/McKenzie) to rescind the Board's prior August 25, 2022 motion and approve the proposed revised regulatory text with the revised text for Section 1006 in Attachment 2 and submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as described in the text notice for 16 CCR section 1006.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment.

Sherry Becker from the California Dental Assistant Association asked for confirmation that these regulations applied to RDAs, and received it.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstain: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 14: Update and Discussion on Proposed Regulations not Requiring Board Action

Mr. Bruggeman provided the report, which is available in the meeting materials. Mr. Bruggeman mentioned that besides the two packages discussed at this meeting, there are seven other packages that the Board has in various stages of activity. Of those seven, the main one that moved since the last meeting was the consolidated continuing education (CE) package, which was filed with the Office Administrative Law (OAL) and approved by the Secretary of State on September 7, 2022. Those regulations, which are specific to changes relating to how volunteer hours are credited for CE as well as the new requirement for a mandatory course in the consequences of prescribing Schedule II opioids, would go into effect on January 1, 2023. The other packages described in the memorandum were still in process, and there had not been a forward motion since the August Board meeting.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 15: Recess Open Session Until November 18, 2022, at 9:00 a.m.

President Felsenfeld announced that in accordance with Government Code section 11126.3, subdivision (d), in addition to the items on the agenda to be discussed during closed session, the Board also would discuss in closed session pending litigation regarding EEOC Charge No. 555-2021-00227 and recessed Open Session at 2:48 p.m.

Agenda Item 16: Convene Closed Session

At 3:12 p.m., the Board convened Closed Session.

Agenda Item 17: Pursuant to Government Code Section 11126(e)(1) and (2)(A), the Board will Confer with and Receive Advice from Legal Counsel and Deliberate Regarding *Sulitzer, et al. v. Tippins et al.*, United States District Court, Central District of California, Western Division, Case No. 2:19-cv-08902-GW-MAA

The Board convened in Closed Session to discuss a pending litigation matter.

Pursuant to Government Code section 11126.3, subdivision (d), the Board additionally discussed pending litigation regarding EEOC Charge No. 555-2021-00227.

Item 18: Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

The Board convened in Closed Session to discuss disciplinary matters.

Agenda Item 19: Adjourn Closed Session

President Felsenfeld adjourned Closed Session at 4:11 p.m.

9:00 a.m., Friday, November 18, 2022

Agenda Item 20: Reconvene Open Session – Call to Order/Roll Call/Establishment of a Quorum

President Felsenfeld called the meeting to order at 9:03 a.m. Secretary Molina called the roll; 12 Board Members were present, and a quorum was established.

Agenda Item 21: President's Report on Closed Session Items

President Felsenfeld provided a verbal report to the Board regarding closed session items. He reported the Board met in closed session to discuss two pending litigation matters and one pending disciplinary matter.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 22: Anesthesia

Agenda Item 22.a.: General Anesthesia and Conscious Sedation Permit Evaluations Statistics

Ms. Olney provided the report, which is available in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 22.b.: Update Regarding Board Implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018)

Ms. Olney provided the report, which is available in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 22.c.: Discussion and Possible Action Regarding Appointment of General Anesthesia and Moderate Sedation Evaluators

Ms. Olney provided the report, which is available in the meeting materials.

(M/S/C) (Chan/Yu) to appoint the existing general anesthesia evaluators, who meet the qualifications of CCR, title 16, section 1043.2 for moderate sedation inspection and evaluation, as evaluators for the moderate sedation onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment.

Dr. Guy Acheson, general dentist, voiced that he had serious concerns about access to care because of the cancellation of all the existing moderate sedation evaluators during this transition period. He stated that Dr. Bruce Whitcher, previous Board member, shepherded the whole office evaluation program from the very beginning and virtually at every meeting, was bemoaning the lack of evaluators and the difficulty in getting cases scheduled because of the lack of evaluators. Dr. Acheson continued that being that the previous moderate sedation evaluations usually required a team of two, one being general anesthesia and the other being moderate sedation, there would now have to be moderate sedation teams that are both general anesthesia permit holders. He verbalized that he did not see how the mechanics of this would work over this transition period and saw it as being a problem getting moderate sedation permittees permitted. Dr. Acheson indicated that he did not conceptually understand why existing moderate sedation evaluators could not continue this program for a while, as there was nothing about the requirements for moderate sedation that exceeds any moderate sedation evaluator that was a conscious sedation evaluator, meaning IV sedation. It was his understanding that the new moderate sedation permit included people that use just oral sedation to a moderate level and were not part of the conscious sedation evaluation pool. He believed

access to care was a problem and did not see a reasonable way that the Board could expand its general anesthesia pool and stay on track.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Chan) to appoint Dr. Jay Fedorowicz as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 22.d.: Discussion and Possible Action on Legislative Proposal to Add Business and Professions Code (BPC) Sections 1647.35 and 1647.36 and Amend BPC Sections 1647.35 and 1647.36 Related to Pediatric Minimal Sedation Permit
Ms. Olney provided the report, which is available in the meeting materials.

(M/S/C) (Felsenfeld/Morrow) to include in the Board's Sunset Review Report a recommendation to the California State Legislature to add BPC sections 1647.35 and 1647.36 and amend sections 1647.35 and 1647.36, to include continuing education requirements and establish the expiration date of the PMS permit.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 23: Legislation – Update, Discussion, and Possible Action on:

Agenda Item 23.a.: 2023 Tentative Legislative Calendar – Information Only

Mr. Bruggeman provided an overview of the 2023 Tentative Legislative Calendar, which is available in the meeting materials. Mr. Bruggeman stated that the Governor had called a special session of the Legislature on December 5, 2022. The legislative business that would concern the Board would commence in earnest at the beginning of January of 2023. The Board's opportunities to make comments on legislation working through the Legislature would come most likely at its February and May Board meetings, as bills are introduced and moved through their houses of origin. From the first half of the year into the summer, any bills that are passed and go into the additional house, the Board would have already been in a position to weigh in on those bills through votes and letters of support or opposition depending on the Board's stance and make its input known to the relevant bodies at that time. The Legislature was scheduled to run until the middle of September of 2023, at which point any legislation that had not passed by then could conceivably carry over into the next year.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 23.b.: 2021-2022 End of Session Legislative Summary Report

Mr. Bruggeman provided the report, which is available in the meeting materials.

(M/S/C) (Medina/Larin) to adopt the attached Legislative Summary for End of 2021-2022 Legislative Session and direct staff to post the report on the Board's web site.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 24: Discussion and Possible Action on Legislative Proposal to Amend BPC Sections 1752.1, 1752.4, and 1907 and Repeal BPC Section 1752.6 Related to Registered Dental Hygienist Application Requirements to Obtain a Registered Dental Assistant License and Permitted Duties

Mr. Bruggeman provided the report, which is available in the meeting materials.

Tara Welch asked for confirmation from Mr. Lum, given the concerns he raised on behalf of the Dental Hygiene Board of California (DHBC) at the DAC meeting, that the Board had successfully addressed their concerns in the legislative proposal before the Board today. Mr. Lum replied that everything had been addressed, the amendments they had proposed were accepted, and he thanked the Board for the opportunity to collaborate with Mr. Bruggeman and Board staff in amending this language.

President Felsenfeld requested public comment on this item.

Ms. Randolph, representing CADAT, noted that they recognize the need for cleanup language, as it has been confusing for years on what a hygienist would have to do to become an RDA. She voiced there are a couple of things in this specific language that would have direct negative repercussions on dental assistants. CADAT knows that there is going to be a couple of bills coming forward, one sponsored by the California Dental Association (CDA), and one sponsored by another organization in this next legislative cycle that are going to address regulatory language having to do with utilization of dental auxiliaries.

Ms. Randolph stated that they have an issue with removing the term “board-approved” from the two-hour course in the Dental Practice Act (DPA) and eight-hour course in infection control (IC) in BPC section 1752.1, subdivision (d)(3) and (4). As that is a huge change to dental assistants, this change would indicate that dental assistants would no longer have to take a board-approved course in IC. Ms. Randolph indicated that the specific board-approved course in IC has didactic and lab requirements; therefore, taking out the words “board-approved” would mean that an unlicensed dental assistant could take any course in IC that would have nothing having to do with specific didactic or lab requirements. Ms. Randolph stated the other issue they saw was in taking away the requirement to prove to the Board that they have completed the pit and fissure sealants certification requirement. This is problematic due to the fact that there are many unlicensed dental assistants or licensed dental assistants engaging in illegal

functions. She expressed that CADAT strongly suggested that the Board keep RDAs having to prove that they have taken the pit and fissure sealant course when they renew their license, and they oppose striking BPC section 1752.6.

Ms. Shari Becker, California Dental Assistants Association (CDAA), concurred with the comments made by Ms. Randolph and expressed concern with some of the requirements coming to the Board for proof of courses being put back onto the supervising dentists for documentation. CDAA feels that should be part of the Board's responsibility.

Ms. Zena Delling concurred with Ms. Randolph and Ms. Becker on this matter and asked if a hygienist who has their RDA license will be practicing RDA functions. She stated that would be a concern of hers because she is uncertain whether they would be qualified to do their duties if they are not practicing RDA functions.

Ms. Welch clarified that with respect to the concern about removing the requirement for a board-approved course, the Board is removing "board-approved" in section 1752.1, subdivision (d)(3) (4), and "board-approved" would be applied under subdivision (d), line four, to all courses listed under subdivision (d); DPA and IC would be included in that list. With respect to deleting section 1752.6, Ms. Welch reported that that is an old requirement that was intended to address requirements as of January 1, 2010, trying to get RDAs who were registered prior to that date to submit pit and fissure sealant course completion prior to their first expiration of a renewal. As this is an old requirement, those RDAs who were previously registered before January 1, 2010, were required to submit their proof of pit and fissure sealant on their renewal.

Ms. Randolph stated that RDAs who become licensed on and after January 1, have to show proof that they have taken the pit and fissure sealant course. RDAs licensed prior to 2010 are not required to do sealants; RDAs who obtain their license after 2010 have to show proof to the Board that they completed the pit and fissure sealant course on their second license renewal as part of their CEs. She stated that this is a current law that is relevant.

Ms. Welch replied that she would either want to look further into this issue or not repeal it momentarily. If the Board was inclined to approve this legislative proposal, she requested that the Board not include a repeal of section 1752.6; Legal Counsel could look into it and bring this issue back to the Board at a later meeting if it was necessary to repeal. She noted one other issue that was brought up with respect to putting responsibility on the supervising dentist for ensuring completion of courses. At this time, Board staff is tasked with reviewing course certificates and issuing subsequent registrations that identify the course certificates that the RDAs have completed. The Board is not currently authorized to charge for these services and is not reimbursed for this time. Board staff believe a supervising dentist is better situated to review these course certificates and ensure that the dental assistant has completed the courses as

required under the statute prior to authorizing that employee to perform services on patients.

Ms. Randolph thanked Ms. Welch for her clarification.

(M/S/C) (Olague/Forge) to include, in the Board's next Sunset Review Report, a recommendation to amend Business and Professions Code sections 1752.1, 1752.4, and 1907 as written in the attached text, without repealing section 1752.6, to clarify the application requirements of an RDH to obtain an RDA license and educational requirements to perform additional RDA duties.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment.

Dr. Acheson commented on the shifting the responsibility for an RDA to show proof of having completed a course or any requirement to the supervising dentists as opposed to the Board. He shared he had personal knowledge of many dentists who are not following those guidelines or exhibiting that level of organizational management of their staff and had great concern about this unless the Board has a way to verify that the dentist is accomplishing this. However, that would just create twice as much work as if the Board simply required the submission of a course completion certificate.

Ms. Becker, CDAA representative, agreed with previous comments and wanted confirmation that the repealed section was not being added in the motion. President Felsenfeld replied that the motion did not include repeal.

Ms. Randolph, CADAT representative, agreed with the previous comment about dentist supervision. She saw many instances where dentists were not following through and ensuring that the assistants are licensed appropriately.

Ms. Delling agreed with Dr. Acheson's comments and stated it was refreshing to hear that a doctor understood the fight of educators. Ms. Delling also agreed with Ms. Randolph regarding this situation.

Ms. Welch commented that section 1752.6 currently requires an RDA on or after January 1, 2010, to provide evidence of successful completion of board-approved course in the application of pit and fissure sealants prior to the first expiration of his or her license renewal. BPC section 1752.4, subdivision (b), states that an RDA may only perform the following additional duties if he or she has completed a board-approved RDA education program in those duties, and subdivision (b)(4), lists the application of pit and fissure sealants. She believed that additional board-approved course in pit and fissure sealants is covered under section 1752.4, subdivision (b)(4). Ms. Welch stated that by now, anyone who had been registered since January 1, 2010, as a dental assistant should have completed the pit and fissure sealant course, as the only way they can continue to do pit and fissure sealants is by complying with section 1752.4,

subdivision (b)(4). That is the course requirement that section 1752.6 was intended to convey – everyone who had registered before 2010 had to complete that course now, but anyone who has been issued a registration since then has already had to come into compliance with section 1752.6, as that was their first renewal after the passage of that law. Now, section 1752.4, subdivision (b)(4), applies to everyone else who is registering and wanting to perform additional duties of pit and fissure sealants. With respect to Dr. Acheson's concern about the Board having a way to verify a dentist is ensuring compliance with course completion, Ms. Welch indicated that a dentist who is not complying with the law could have their dental assistants perform these procedures regardless of whether or not they completed the required courses. She further clarified that the Board verifies whether or not dentists and their employees are properly complying with the law through inspections. Therefore, having these dental assistants submit their course certificates and review them does not serve any better purpose than the supervising dentists reviewing them because they are either going to comply with the law or they are not. The only way the Board is going to know later that there was non-compliance is when a complaint is filed or there is a random inspection.

President Felsenfeld asked for clarification whether Ms. Welch was suggesting that the repeal of that last section was still appropriate. Ms. Welch replied that the repeal was appropriate because section 1752.4, subdivision (b)(4) maintains the requirement to complete a board-approved pit and fissure sealant course to perform that extra duty.

Ms. Randolph commented that section 1752.4, subdivision (b), states that RDAs can only perform the items listed in (1), (2), and (3) if they take an extra course in those duties. Therefore, an RDA who becomes an RDA after 2010 has to complete a sealant course as a requirement of their CE. Per section 1752.4, subdivision (b)(1), (2), and (3), RDAs have to complete a course if they want to do those duties. Ms. Randolph noted that section 1752.4, subdivision (b)(4), is forcing RDAs who become an RDA after 2010 to take a sealant course, and section 1752 is merely requiring them to prove that via their certification. She voiced that sealants is not an automatic duty of all RDAs when they become an RDA after 2010.

Ms. Welch replied that when she looked at section 1752.6, that requirement for CE was to be taken prior to the first expiration of the license. Ms. Randolph replied in which CE is required, which is their actual second renewal. Ms. Welch replied that is one time, and it is not an ongoing CE requirement. Ms. Randolph replied that when they show CE units the first time, it has to include a pit and fissure sealant certification. Ms. Welch asked whether under section 1752.4, they would already have to have taken the pit and fissure sealant course to perform that duty; if they are not performing that, why would the Board require them to take this course. Ms. Randolph replied that they are required to take the sealant course by their second license renewal, and section 1752 was simply saying that because they are required to do that, they have to show proof of that to the Board on their license.

Ms. Olney clarified that a dental assistant who is applying for a license is not required to submit proof of pit and fissure sealants. They can be issued a license without that certificate, and it is not required until their first renewal where they must complete CE, which is usually their second renewal. At that point, the BreEZe system is set up to look for that identifier on their license. She affirmed that the reason Board staff was asking to repeal section 1752.6 was due to the fact that the Board is not able to charge a fee for reviewing and making the amendments to the license. These are additional duties that are taken on by Board staff who have to review the certificates sent to the office and update the license so that it shows that the RDA has taken that pit and fissure sealant course.

Dr. Acheson commented that if at the second renewal, the certificate is required to be sent into the Board, that takes care of his concern regarding the dentist being required to verify that an assistant has completed the approved dental pit and fissure sealant course, as opposed to Board staff verifying it. However, if that certificate is not required to be sent to the Board and is the requirement of the supervising dentist, then he had significant problems with that, as an investigation by the Board is only generated by a complaint.

Ms. Becker was saddened to hear that the repeal for 1752.6 had been brought forth due to staff shortage and finances of the Board. She disclosed that if the Board need more money to do due diligence of the Board, then those fees need to be passed along somehow.

(M/S/C) (Olague/Forge) to amend the motion to include, in the Board's next Sunset Review Report, a recommendation to amend Business and Professions Code sections 1752.1, 1752.4, and 1907 and repeal section 1752.6 as written in the attached text to clarify the application requirements of an RDH to obtain an RDA license and educational requirements to perform additional RDA duties.

President Felsenfeld called for the vote to amend the motion. Secretary Molina took a roll call vote on the amendment.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The amendment passed.

(M/S/C) (Olague/Forge) to include, in the Board's next Sunset Review Report, a recommendation to amend Business and Professions Code sections 1752.1, 1752.4, and 1907 and repeal section 1752.6 as written in the attached text to clarify the

application requirements of an RDH to obtain an RDA license and educational requirements to perform additional RDA duties.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Molina took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 25: Dental Assisting Council Meeting Report

Ms. Jeri Fowler, Chair of the DAC, provided a verbal report on the November 17, 2022 DAC meeting. Ms. Fowler advised the Board regarding DAC discussion of DAC meeting agenda items 2 through 9.

President Felsenfeld requested public comment on this item. The Board received public comment.

Ms. Allison Wagstaff, speaking on behalf of the California Dental Hygienists' Association (CDHA), commented on agenda item 6 of the November 17, 2022 DAC meeting. She thanked Ms. Fowler for acknowledging their letter of opposition and was heartened to hear that the DAC and the Board's highest priority is patient safety in considering the expansion of scope of duties to allow registered dental assistants in extended functions (RDAEFs) to administer local anesthesia and nitrous oxide oxygen sedation. As detailed in their letter of opposition with the California Dental Hygiene Educators' Association (CDHEA), registered dental hygienists (RDHs) undergo significant educational requirements both as program pre-requisites and during their RDH associates or bachelor's programs. She voiced that they are eager to hear the results of the Office of Professional Examination Services (OPES) report at the February DAC meeting.

At 10:30 a.m., the Board recessed for a break.

At 10:47 a.m., the Board reconvened.

Agenda Item 26: Report on Dental Hygiene Board of California Activities

Mr. Anthony Lum, Executive Officer of the DHBC, provided a verbal report on their activities.

Board Member Morrow asked whether it was correct that the DHBC had decided to eliminate the need of a licensing examination involving a patient for licensure in California as a dental hygienist.

Mr. Lum responded that what they determined and voted to approve was to eliminate any clinical exam requirement for California graduates if they apply for the license within three years. Board Member Morrow asked if that is based on the fact that those schools are all approved by the Commission on Dental Accreditation (CODA). Mr. Lum replied that all the schools are CODA accredited and additionally teach on a competency-based level; therefore, the clinics are deemed that they teach at a high level to prevent the need for a clinical exam. Board Member Morrow commended the DHBC for taking that step and asked whether there were any other state hygiene boards doing the same. Mr. Lum replied that the DHBC has not had the time to do research on this issue.

President Felsenfeld requested public comment on this item. The Board received public comment.

Ms. Becker asked for clarification on whether Carrington College's Dental Hygiene program is CODA approved. Mr. Lum replied that Carrington College has two campuses, one in San Jose and one in Sacramento, which are both CODA accredited

Agenda Item 27: Discussion on Prospective Legislative Proposals

Mr. Bruggeman introduced the report, which is available in the meeting materials. There were no stakeholder proposals submitted to the Board.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 28: Election of 2023 Board Officers

Dr. Montez facilitated the election. She opened the floor for nominations for the position of Board Secretary.

Board Member Chan nominated Board Member Larin to be 2023 Board Secretary. President Felsenfeld seconded the nomination. Board Member Larin accepted the nomination. There were no additional nominations for Board Secretary.

Dr. Montez called for the vote on the nomination of Board Member Larin to be 2023 Board Secretary. Mirela Taran took a roll call vote on the nomination.

Ayes: Chan, Felsenfeld, Forge, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: Larin.

Absent: None.

Recusals: None.

The nomination passed. Board Member Larin was elected 2023 Board Secretary.

Dr. Montez opened the floor for nominations for the position of 2023 Board Vice President. Board Member Pacheco and Secretary Molina each accepted the nomination.

(M/S/C) (Felsenfeld/Chan) to approve this slate of two nominees for 2023 Board Vice President.

Dr. Montez called for the vote on the motion. Ms. Taran took a roll call vote on the motion.

Pacheco: Chan, McKenzie, Olague, Pacheco, Yu.

Molina: Forge, Larin, Medina, Molina.

Abstain: Felsenfeld, Morrow, Thakur.

No nominee was elected, as the Board needs a minimum of 7 votes to elect a nominee.

Dr. Montez called for a second vote on motion. Ms. Taran took a roll call vote on the motion.

Pacheco: Chan, Felsenfeld, McKenzie, Morrow, Olague, Pacheco, Thakur, Yu.

Molina: Forge, Larin, Medina, Molina.

The motion passed. Board Member Pacheco was elected as 2023 Board Vice President.

Dr. Montez opened the floor for nominations for the position of 2023 Board President. Board Member Meredith McKenzie nominated President Felsenfeld. Board Member Olague seconded the nomination. President Felsenfeld accepted the nomination. In addition, Board Member Pacheco nominated Vice President Yu. Vice President Yu declined the nomination.

(M/S/C) (McKenzie/Medina) to elect President Felsenfeld to be 2023 Board President. Mirela Taran took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Morrow, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. President Felsenfeld was elected 2023 Board President.

Agenda Item 29: Adjournment

President Felsenfeld adjourned the meeting at 11:12 a.m.

*Due to audio connectivity issues, Board Member Thakur was not able to verbally state that she was present.