



Dental Board of California
Meeting Minutes
Friday, August 17, 2012
Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

Members Present:

Bruce Witcher, DDS President
Huong Le, DDS, Vice President
Steve Afriat, Public Member
Luis Dominicus, DDS
Judith Forsythe, RDA
Suzanne McCormick, DDS
Steven Morrow, DDS
Thomas Olinger, DDS

Members Absent:

Fran Burton, Secretary
Stephen Casagrande, DDS
Rebecca Downing, Public Member

Staff Present:

Richard DeCuir, Executive Officer
Denise Johnson, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Nancy Butler, Supervising Investigator
April Alameda, Investigative Analysis Unit Manager
Dawn Dill, Licensing and Examination Unit Manager
Lori Reis, Complaint and Compliance Unit Manager
Jocelyn Campos, Enforcement Coordinator
Sarah Wallace, Legislative and Regulatory Analyst
Karen Fischer, Associate Analyst
Linda Byers, Executive Assistant
Spencer Walker, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

Dr. Bruce Witcher called the meeting to order at 8:32 a.m. Dr. Huong Le, Vice-President called the roll and a quorum was established. Dr. Witcher stated that Roberta Chinn from Comira would be in attendance to give a report along with Reichel Everhart, Board Relations liaison, from the Department of Consumer Affairs Executive Office. Dr. Witcher recognized representatives from the Dental Hygiene committee, Lori Hubble, Executive Officer and new Dental Hygiene Committee of California (DHCC) member Evangeline Ward.

AGENDA ITEM 2: Approval of the Full Board Meeting Minutes from May 17-18, 2012

Dr. Morrow asked for a correction of the minutes. He stated that in the Thursday May 17, 2012 minutes on page 3 of 8 in the first paragraph, the sentence 'The International program is a graduate program composed of students from dental schools, other than Mexico, who hold legal citizenship in the United States and who plan to return to the U.S. to practice', should be replaced with the sentence 'The International program is a graduate program composed of *dentists that have graduated* from dental schools, other than Mexico, who hold legal citizenship *or resident status* in the United States and who plan to return to the U.S. to practice'. He also asked that in the next sentence his name be replaced with 'the site visit team's'. M/S/C (McCormick/Morrow) to approve the May 17-18, 2012 Dental Board meeting minutes as amended. The motion passed with one abstention.

AGENDA ITEM 3: President's Report

Dr. Whitcher reported that Dr. Casagrande received re-appointment to the Board. He stated that last month he received a letter of resignation from Dr. Bettinger. Dr. Whitcher thanked Dr. Bettinger for his service on the Board since 2007 where he was President in 2010 and 2011. Dr. Whitcher reported there are currently 11 Board members of the 15 total positions on the Board. He hopes that some appointments of new Board members are forthcoming.

Dr. Whitcher reported that after the May Board meeting he volunteered at 'CDA Cares' in Modesto, a free dental clinic sponsored by the California Dental Association Foundation. He stated that another CDA Cares event will be held in Sacramento at Cal Expo on August 24-25. Dr. Whitcher stated that he also attended the CDA Hygiene House of Delegates meeting in Santa Clara. He reported that some Board members will be attending the upcoming American Dental Association's (ADA) Conference in San Francisco, October 18-21. He, Dr. Morrow and Dr. Casagrande were invited to attend the American Association of Dental Boards' annual meeting in San Francisco October 17-18. He remarked that he will also be attending the American Association of Oral and Maxillofacial Surgeons (AAOMS) annual meeting in September along with the CDA House of Delegates meeting in November. Dr. Whitcher requested that anyone wishing to have items considered for placement on the agenda should submit those proposals as early as possible as staff begins preparing for the next Board meeting immediately following the completion of the current meeting.

AGENDA ITEM 4: Executive Officer's Report

Richard DeCuir, Executive Officer, reported that he will be volunteering at the CDA Cares clinic in Sacramento at Cal Expo on August 25, 2012. He reported that on June 30, 2012, \$1.7 million of loan reimbursement was granted to the Dental Board. Mr. DeCuir stated that after 18 months we finally have our video-conferencing equipment installed which allows inter-active meetings with other Boards and Bureaus who have video-conferencing abilities including our Orange office in Southern California. Mr. DeCuir reported that the Dental Lab subcommittee held a phone conference with the California Dental Association (CDA) to work on proposed language to be brought back to the Board at the next meeting. Denise Johnson, Assistant Executive Officer, reported that the predecessors of the current Executive team started a contract with Verizon for a web-based phone system in the Board's Sacramento office that was rejected the day before it was to be implemented. Ms. Johnson is working with our Board liaison and Verizon to set up a meeting to review what is available and what system might best fit the Board's needs. Mr. DeCuir reported that the 2

positions left vacant in the licensing department by recent retirements were abolished by DCA administration as part of the budget reduction. DCA also abolished 2 of the Board's 8 retired annuitant positions. There may be additional cuts forthcoming.

AGENDA ITEM 5: Update from the Department of Consumer Affairs Executive Office

Reichel Everhart, Deputy Director of Board Relations for DCA, reported that she spoke with the Appointments Office the previous day regarding Board Member appointments. She was told that several interviews had been done and a meeting with the Governor was scheduled for the following week. She also reported that DCA has been working with the Governor's office on the reorganization plan. She stated that if the reorganization goes through DCA will add 2 new Boards and 2 new Bureau's. The Bureau's of Real Estate and Real Estate Appraisers and the Board's of Chiropractic Examiners and Structural Pest Control. Ms. Everhart yielded the remainder of her time to the BreEZe Team for a presentation. Brandon Rutschman, BreEZe Project Manager, gave a presentation highlighting the benefits of the BreEZe system which will provide one unified system that will handle applicant tracking, licensing and enforcement. BreEZe will begin working with the Dental Board in September 2012 with a Go-Live date scheduled for May of 2013 and Full System operation anticipated by October 2013. One of the benefits of the BreEZe system is that it will interface with the Department of Justice, Law Enforcement and the Attorney General's office.

Dawn Dill, Licensing and Examination Unit Manager and Dental Board Liaison to BreEZe, reported that the online application and renewal features of this system will revolutionize the way the Dental Board does business. Licensees and complainants will also be able to check the status of their documents online.

AGENDA ITEM 6: Update on Dental Hygiene Committee of California (DHCC) Activities

Lori Hubble, Executive Officer of the Dental Hygiene Committee, reported that the DHCC has been very busy with their Registered Dental Hygienist (RDH) clinical examinations. She stated that over the past 3 months they tested 375 candidates. This number is down by about 200 from previous years due to candidates now taking the WREB examination. The pass rate was approximately 89%. Ms. Hubble reported that DHCC Enforcement statistics show 25 open investigations, 9 probationers and 3 accusations filed with the Deputy Attorney General's office. Ms. Hubble closed by inviting the Dental Board to the Dental Hygiene Committee meeting in December.

AGENDA ITEM 7: Budget Reports: Dental Fund & Dental Assisting Fund

Mr. DeCuir introduced Genie Albertson the Dental Board's new Budget Analyst. Ms. Albertson reviewed the expenditures for the last fiscal year for the Dentistry and Dental Assisting Funds as well as the "Fund Conditions" which are each of these funds projected fiscal solvency for the current fiscal year and future fiscal years.

Ms. Albertson reported that without a fee increase to generate additional revenue, the Dental Board will be out of money by the end of fiscal year 2013-14 if the additional loan repayment of \$2.7 million is not received and out of money in fiscal year 2014-15 even if the loan repayment is received.

AGENDA ITEM 8(A): Discussion and Possible Action to Consider Staff's Recommendation for Appropriate Fee Increase to Dentistry to Sustain Board Expenditures

Richard DeCuir, Executive Officer, reviewed the documents provided to give a more detailed report of how license renewal revenue is predominantly used for Enforcement programs. He also provided a breakdown of the renewal fee that is necessary to achieve the required amount to meet the annual Enforcement expenditures. Dr. Morrow stated that if we go on the premise that renewal fees pay for enforcement; where does the cost recovery we get from enforcement cases go? Mr. DeCuir pointed out that cost recovery is classified as "Unscheduled Reimbursement" and is included but cannot be counted on every year.

Bill Lewis, California Dental Association (CDA), commented that CDA recognizes that it has been a long time since there has been a fee increase but an increase \$365 to \$450 seems like a significant jump all at one time. CDA is concerned that the magnitude of this increase has not been fully justified.

Dr. Guy Acheson, California Academy of General Dentistry, commented that the statistics for 2011 show an increase of 900 new Dental licensees and already 500 for 2012 with 5 months to go. He would like to see the projections updated.

Dr. Earl Johnson commented that simply put the Board is spending more than it is taking in and a fee increase is necessary.

AGENDA ITEM 8(B): Discussion and Possible Action to Consider Initiation of a Rulemaking to Amend California Code of Regulations, Title 16, § 1021 Relevant to Examination, Permit, and License Fees for Dentists

Sarah Wallace, Legislative and Regulatory Analyst, stated that this is the same language that was included in the May Board meeting packets. She stated that she used the numbers from the statistics given to draft proposed regulatory language for the Board's consideration. M/S/C (Afriat/Morrow) to accept the proposed regulatory language relevant to examination, permit, and licensure fees for dentists, 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, §1021 as noticed in the proposed text.

Mr. Afriat commented that in § 1021 there are many sections struck and he asked if they were to be replaced somewhere. Mr. DeCuir stated that because these regulations have not been changed for 14 years, many of the stricken items either no longer exist or have been replaced by Portfolio. Mr. DeCuir stated that with the fee increase we are cleaning up the old regulatory language.

Dr. Olinger commented that the language appears to reflect the 23% maximum increase. He stated that he would rather not raise the fees the maximum in light of the fact that we received some of the loan repayment money that was owed the Board. He suggested a

smaller increase with a review in 1 or 2 years. Dr. Witcher commented that it takes a year to get a regulatory package through.

Dr. Morrow commented that he feels the need for the Board to do more long range planning rather than crisis management. He stated that at the statutory limit of 23%, the increase is \$50 per year, \$100 for the biennial renewal which realistically is about the same as a night out at the movies.

The motion passed unanimously.

AGENDA ITEM 9: Update Regarding the California Dental Association's Request to Amend Regulations Pertaining to Mobile Dental Clinics (California Code of Regulations, Title 16, §1049)

Sarah Wallace, Legislative and Regulatory Analyst, reported that in May 2010, the California Dental Association (CDA) submitted a letter to the Board's Executive Officer, Richard DeCuir, seeking consideration of the Board to promulgate additional regulatory requirements relative to mobile dental clinics. The CDA had reviewed the Board's regulations governing mobile and portable dental providers and found the regulations lacking appropriate measures to ensure accountability and public safety. The CDA requested the issue of amending the Board's mobile dental clinic regulations be placed on the agenda for a future meeting.

At its May 2012 meeting, the Board reviewed the CDA's proposed amendments to the California Code of Regulations, Title 16, §1049 relative to mobile dental clinics. Board Legal Counsel, Kristy Shellans, commented that the proposed language would need some more work and expressed concern regarding authority, clarity, and consistency with current law and noted that the proposed exemptions look overly broad. Dr. Witcher, Board President, appointed a subcommittee to work with staff to evaluate the CDA's proposed amendments and bring recommendations back to the Board.

The Subcommittee worked with Legal Counsel to review the CDA's proposed amendments. They found that the language proposed by the CDA would not meet the approval standards of the Office of Administrative Law (OAL). Many of the proposed amendments are not authorized by statute and would not meet the necessity and clarity standards of the Administrative Procedure Act and such proposed regulatory language would not gain the approval of the OAL.

Dr. Huong Le, subcommittee member, reported that the current regulations relate only to mobile van clinics and do not regulate dental operations using portable units therefore the proposed changes would not meet the statutory requirement. At this time the subcommittee would not recommend accepting the proposed changes. Dr. Le stated that with the upcoming reforms to healthcare there will be many school based programs where portable units are utilized. Dr. Le suggested that some regulatory changes may be needed to include these portable units. Dr. Witcher clarified that Business and Professions Code § 1657, at one point, refers to 'mobile dental units' but it was legal counsel's opinion that the term wasn't sufficiently broad to encompass portable units. The subcommittee would therefore recommend considering a statutory change. M/S/C (Afriat/McCormick) to accept the subcommittee report and not move forward with initiating a rulemaking at this time. The motion passed unanimously.

Bill Lewis, CDA, stated that they appreciate the Board looking into this issue and they will continue to work with the Board through any means needed to facilitate change.

Dr. Morrow commented that there are additional sections in California Code of Regulations §§1049 and 1026 one of which pertains to mobile dental clinics operated by Dental Schools. He asked Legal Counsel if changing part of one section would affect all of the sections. Spencer Walker, Legal Counsel, stated that he would research these sections and report back to the Board.

AGENDA ITEM 10: Update on Pending Regulatory Packages:

Sarah Wallace, Legislative and Regulatory Analyst, reported that the Board currently has 4 regulatory packages pending. The Sponsored Free Health Care Events and Notice to Consumers have been finalized since the last meeting and submitted to the Department of Consumer Affairs (DCA), Agency and Department of Finance for approval. They both passed review at DCA and Agency. The Department of Finance should sign off on the packages within the next 30 days. Once all packages are received back they will be submitted to the Office of Administrative Law (OAL) who will have 30 working days to review and either approve or disapprove them. Upon approval, they will go into effect 30 days after submission to the Secretary of State's Office.

Ms. Wallace stated that the Abandonment of Applications package, whose intent was to split the Registered Dental Assistant in Extended Functions (RDAEF) examination and the Uniform Standards package are both in the initial stages of drafting the rulemaking documents. Both should be noticed prior to the December Board meeting.

AGENDA ITEM 11: Discussion and Possible Action Regarding Regulatory Priorities for the 2012/2013 Fiscal Year

Ms. Wallace reported that the Board and Board staff have identified twenty (20) needed regulations for the Board to consider prioritizing for FY 2012/2013. Staff requests the Board review the list of issues that require rulemakings, and establish a priority list to assist staff with determining workload for FY 2012/2013. Dr. Whitcher stated that the California Association of Dental Assisting Teachers (CADAT) requested the Dental Assisting Regulations be made a priority. CADAT may have draft language available. Dr. Whitcher may appoint a subcommittee from the Dental Assisting Council to review the draft language. Dr. Morrow and Judith Forsythe agreed that the Dental Assisting Regulations should be one of the priorities. Dr. Whitcher proposed the following list in priority order:

1. Fee Increases and Abandonment of Applications
2. Uniform Standards
3. Portfolio Regulations
4. Dental Assisting Regulations

Dr. Morrow suggested adding Foreign Dental Schools via CODA. Dr. Whitcher stated that would take a statutory change. Mr. Afriat is researching an author for that proposal.

Dr. Morrow also requested that the Board keep in mind that the Standards by which a Foreign Dental School is assessed were crafted more than 10 years ago and those need updating. Ms. Wallace suggested bringing this item to the Legislative and Regulatory

Committee for review. Dr. Witcher requested that this be kept on the list. He stated that he will appoint a subcommittee.

M/S/C (Morrow/Afriat) to approve the list of regulatory priorities.

Tamara McNeely, CADAT, thanked the Board for prioritizing Dental Assisting Educational Regulations. She asked for a timeline so that CADAT can cooperate with the Dental Assisting Council's subcommittee in proposing language. Dr. Witcher asked if CADAT has draft language ready to go. Ms. McNeely stated yes they do. Dr. Witcher asked that CADAT make that draft language available to staff. Ms. McNeely agreed.

The motion passed unanimously.

AGENDA ITEM 12: Update on Actions Taken to Implement the Patient Protection and Affordable Care Act (PPACA)

Ms. Wallace reported that at this time there is limited information available as to how the PPAPC will impact dentistry. The California Health Benefit Exchange (Exchange) is an independent public entity within California state government and is comprised of five members who have been appointed by the Governor and the Legislature. The Exchange is charged with creating a new insurance marketplace in which individuals and small businesses will be able to purchase competitively priced health plans using federal tax subsidies and credits beginning in 2014. Ms. Wallace stated that there are two bills currently going to the Assembly and the Senate. Assembly bill 1453 and Senate bill 951. Both of these bills reinforce the Federal requirements for the PPACA. They establish that pediatric oral and vision care services will be included as part of the essential benefits.

Bill Lewis, California Dental Association (CDA), commented that California is the first state to implement a Health Benefit Exchange Program. He stated that the only mandate is that a pediatric oral health benefit must be offered to all participants in the Exchange. CDA is advocating that the Healthy Families/Children's Health Insurance Program (CHIP) be the benchmark oral health benefit for children. He stated that CDA has been very involved in the reassignment of Healthy Families participants to the Medi-Caid (Medi-Cal in California) oral health program.

Dr. Paul Reggiardo, California Society of Pediatric Dentistry (CSPD), commented that CSPD has been working with CDA and the Legislature in establishing the essential dental benefits package.

AGENDA ITEM 13: Subcommittee Report on DBC Workforce Data Collection - Cultural and Linguistic Competency Survey (AB 269) and OSHPD Healthcare Workforce Clearinghouse Project (SB 139)

Dr. Witcher reported that he and Ms. Downing worked on this report along with Karen Fischer. He stated that the Dental Board (DBC) has been collecting workforce data pursuant AB 269 (Eng) since January 1, 2009. The purpose of the survey is to determine the number of dentists and licensed or registered dental auxiliaries, and their cultural and linguistic competencies. The DBC may have a role in assisting the Legislature or other entities to determine the capacity of the dental workforce to deliver care to Californians, especially those who will become eligible for Medi-Cal under the Affordable Care Act which will expand coverage up to 133% of the poverty line in 2014. In this context, the

Subcommittee was tasked to investigate the DBC's activities with respect to collecting and reporting workforce data.

Dr. Whitcher stated that given the SB 269 survey that is ongoing for new and renewing licentiates, and the DBC's participation in the OSHPD clearinghouse project, the Subcommittee does not believe it would be beneficial to institute any new data collection activities at this time. Given the breadth of the OSHPD project in particular, and its very specific goal of providing workforce data to the Legislature, any new surveys or other data collections by the DBC may be redundant and not cost-effective. The Subcommittee recommends that the Board receive regular updates on the OSHPD project at future meetings.

AGENDA ITEM 14: Update Regarding Dental Board of California's Strategic Plan

Dr. Whitcher reported that he and staff had been reviewing options on how to proceed with updating the Dental Board of California's Strategic Plan (Plan). The DBC managers and SOLID's manager have participated in the discussions, and there is agreement that using a facilitator is beneficial to developing Board goals and objectives for the future. The Department's SOLID Training staff is experienced in strategic plan development and eager to assist us.

Staff recommends that the Board hold a one day workshop, facilitated by SOLID, in Sacramento to develop its Plan. The workshop participants would be Board and Council members along with DBC managers, and would be a public meeting that could be webcast if scheduling permits.

Several dates were discussed and it was agreed that members of the Board and Council will notify Ms. Fischer of their availability.

AGENDA ITEM 15: Discussion and Possible Action Regarding 2013 Board Meeting

Dates

The Board discussed possible Board meeting dates for 2013 and agreed upon:

San Diego:	February 28 – March 1, 2013
San Francisco:	May 16 - 17, 2013
Sacramento:	August 15 - 16, 2013
Los Angeles:	November 7 - 8, 2013

AGENDA ITEM 16: Report on the July 11, 2012 meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; and Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits

Dr. Whitcher reported that the Elective Facial Cosmetic Surgery (EFCS) Permit Credentialing Committee met on July 11, 2012 by teleconference in seven (7) locations, including Sacramento, Poway, Redlands, Rancho Mirage, Irvine, Paso Robles, and San Diego. They welcomed him as the new EFCS Permit Credentialing Committee Board Liaison replacing Dr. Suzanne McCormick.

Dr. Whitcher reported that the Credentialing Committee reviewed one application from Dr. Monty Wilson who requested 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).

Upon review, the Credentialing Committee recommended the Board issue a permit for unlimited 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) procedures.

M/S/C (McCormick/Morrow) to issue Dr. Monty C. Wilson, DDS, an EFCS permit in Category I and Category II procedures. The motion passed unanimously.

AGENDA ITEM 17: Enforcement Committee Report

Dr. Le reported that a quorum was established and the minutes of the May 17, 2012 meeting were approved. Dr. Le stated that Kim Trefry, Enforcement Chief, reported on program projects and improvements, stipulation to probation, peace officer standards and training compliance and the challenges the unit is experiencing due to the additional vehicle reductions. She further reported that the Supervising Investigators finalized the first ever Probation Policy and Procedure Manual. Dr. Le stated that Lori Reis, Complaint and Compliance Unit Manager reported that there were four referrals into the Diversion Program. Dr. Olinger requested that the training of staff by an oral surgeon be recorded and provided to the Board members so they can see what is being disseminated. Dr. Whitcher agreed. Ms. Trefry commented that the training wasn't a focus on his opinion of standard of care; it was an overview of that particular area of practice. Mr. DeCuir stated that he would be concerned about compromising the Board's internal policies and procedures.

AGENDA ITEM 18: Joint Meeting of the Examination Committee and the Dental Assisting Council Report

Dr. Morrow reported that roll call was taken for the Examination Committee and the Dental Assisting Council and quorums were established. The Examination Committee minutes of the May 17, 2012 meeting were approved. Dr. Morrow reported that there was beneficial and informative discussion regarding the Registered Dental Examination pass rates. The main concern was that the statistics were not improving since the implementation of the new written examination 4 months ago. The question was raised as to why the practical examination pass rates are so much higher. The Joint Committee and Council approved a recommendation to the Board to investigate those factors that might be contributing to the low passing scores on the written examination and to report those findings to the Board at a future meeting. M/S/C (Forsythe/ Afriat) to accept the report and approve the recommendation of the Joint Committee and Council to investigate those factors that might be contributing to the low passing scores on the written examination and to report those findings to the Board at a future meeting. The motion passed unanimously.

AGENDA ITEM 19: Update on Portfolio Licensure Examination for Dentistry (AB 1524, Stats 2010 ch 446)

Dr. Roberta Chinn, Consultant on the Portfolio Project, reported that they began defining the grading criteria and the case selection criteria earlier this year. This process was recently completed. A first draft of the Candidate Handbook has been completed which explains all the parameters of the Portfolio exam. She is currently working on an Examiner Training Manual. She stated that at this point an Examiner Training Manual with examples needs to be created.

Dr. Chinn outlined the schedule:

Complete the Examiner Training Manual	10/ 2012
Finalize Examiner Training Tools	12/2012
Determine Documentation & Audit Process for Examination	1&2/2013
Pre-Testing Begins	2/2013

Dr. Morrow commented that he has sent out an email to the participating faculty at all 6 schools requesting their assistance in obtaining the clinical images needed for the training manual.

Dr. Chinn stated that the next step after completion of the previous project is the regulatory process. She stated that she will provide the Board with a turnkey package so that they can begin drafting regulations.

Bill Lewis, California Dental Association, asked if regulations can begin while some of Dr. Chinn's remaining elements are still underway or must we wait until everything is completed?

Spencer Walker, Legal Counsel, answered no, it can't be done piecemeal because it is a lengthy process to make amendments once it is filed with the Office of Administrative Law.

Dr. Morrow stated that he thought the Board could start an initial draft of regulations using the language that was part of the Bill.

Dr. Witcher appointed a subcommittee of Dr. Morrow and Dr. Casagrande to work on the Portfolio regulations.

AGENDA ITEM 20: Dental Assisting Council Report

Judith Forsythe, Dental Assisting Council Chair, reported that the minutes from the May 17, 2012 Dental Assisting Council meeting were approved. She stated that Ms. Johnson gave an update on the program statistics. Five additional Subject Matter Consultants were added bringing the total to six with one having recently retired. This will ultimately eliminate the application backlog.

After review of the roles and responsibilities of the Dental Assisting Council relating to assigning specific procedures for the Registered Dental Assistant (RDA) practical examination, the Council recommends that the Board continue examining the same procedures currently being tested for the Registered Dental Assistant practical examination.

After review of the roles and responsibilities of the Dental Assisting Council relating to assigning specific procedures for the Registered Dental Assistant in Extended Functions (RDAEF) examination, the Council recommends that the Board continue examining the same procedures currently being tested for the Registered Dental Assistant in Extended Functions examination.

M/S/C (McCormick/Olinger) to accept the Council recommendations and report. The motion passed unanimously.

Spencer Walker, Legal Counsel, commented that Public Comment does not need to be taken after the Committee reports are given as it was already taken after the Committee meetings.

Dr. Whitcher mentioned that on the RDAEF Survey, the RDAEF I and RDAEF II numbers were lumped together which skewed the survey results.

Dr. Morrow recalled the Examination Committee report to add that Dr. McCormick reported on the reorganizational structure of the WREB organization and that the current WREB pass rate is 85%.

M/S/C (Olinger/Afriat) to reconsider the Joint Examination Committee and Dental Assisting Council report. The motion passed unanimously.

M/S/C (Afriat/Morrow) to accept the Joint Examination Committee and Dental Assisting Council report. The motion passed unanimously.

Dr. Whitcher appointed a subcommittee from the Dental Assisting Council of Anne Contreras and Emma Ramos to work with staff on the proposed Dental Assisting Regulations pertaining to Radiation Safety and bring comments back to the Board.

AGENDA ITEM 21: Legislative and Regulatory Committee Report

In the absence of Committee Chair Fran Burton, Mr. Afriat, vice-Chair, reported that a quorum was established and the minutes from the May 17, 2012 Legislative and Regulatory Committee meeting were approved. The committee discussed 5 bills:

AB 1588 – No action was taken on this bill. Staff reported that the Board took a position of support if amended at the May 2012 Board meeting. Amendments were made and a letter of support was sent in July.

AB 1976 – The Committee wanted to change to a support position. The bill is dead.

SB 694 – No action was taken on this bill. The bill was held in the Appropriations Committee suspense file. The bill's sponsors will be in contact with staff regarding the bill's future. Maintain current watch position.

SB 1202 – No action was taken on this bill. Dr. Olinger requested that staff seek clarification as to whether the scope of practice would change if RDHAP's are allowed to own mobile dental clinics. Staff contacted the author's office and sponsor's legislative advocate. Staff was assured that the ability to own mobile dental clinics would not impact the scope of practice. Maintain watch position.

SB 1575 – The Board took an oppose position unless Code §§1715.5 and 1950.5 are amended at the May 2012 meeting. Staff worked with the Senate B & P Committee and the Board’s concerns have been addressed amending that the Board shall change from an opposed to a watch position.

Mr. Afriat reported that now that the Universidad DeLaSalle Bajio’s renewal application has been approved, the Board will seek an author for the Foreign Dental School proposed statutory amendments.

Mr. Afriat reported that the Committee voted to have Board staff review the feasibility of proposing statutory or regulatory changes to require application to the Dental Board for granting an exemption to California licensure for non-California licensed dentists while appearing and operating as bona fide clinicians or instructors in dental colleges approved by the Dental Board of California.

M/S/C (Afriat/Morrow) to accept the committee’s recommendation to support AB 1976. The motion passed unanimously.

M/S/C (Afriat/Morrow) to accept the committee’s recommendation to change to a watch position for SB 1575. The motion passed unanimously.

Dr. Olinger commented that it is his opinion that the Board should not approve foreign Dental Schools. That should only be done by CODA or another agency approved by the Board. He advises clean-up language. Dr. Olinger asked that this be agendized at a future Board meeting.

Mr. DeCuir explained that the language mirrors the language used for the California schools and if it is changed, it will also need to be changed for the California schools. It was purposely written as is.

M/S/C (Afriat/Le) to agendize discussion of Foreign Dental School accreditation language at a future meeting and accept the Legislative and Regulatory Committee report. The motion passed with one opposition.

AGENDA ITEM 22: Licensing, Certification & Permits Committee Report

Dr. Olinger, chair, reported that during Closed Session the Licensing, Certification and Permits Committee considered 3 applications for re-issuance of a license to replace a cancelled license. Two were for Registered Dental Assistants and one was for a dentist.

M/S/C (Olinger/Forsythe) to reissue license to replace cancelled license to applicant EH. The motion passed unanimously.

M/S/C (Olinger/Forsythe) to reissue a license to replace cancelled license to applicant CG. The motion passed unanimously

M/S/C (Olinger/Afriat) to reissue a license to replace cancelled license to applicant DG. The motion passed unanimously.

Dr. Olinger reported that a quorum was established and the minutes from the May 17, 2012 Licensing, Certification and Permits Committee meeting were approved. He stated that program licensure and permit statistics were reviewed. Dr. Witcher commented that the General Anesthesia evaluations are going well but the Conscious Sedation evaluations are falling behind due to lack of evaluators. He noted that it is the Board's prerogative, under Business & Professions code §1647.7, to require an evaluation prior to issuance of a permit. He feels that we aren't at that point yet but the Board may want to consider the public's safety as these permit holders are currently practicing before they have had an evaluation.

PUBLIC COMMENT

Bill Lewis, California Dental Association, commented that CDA Cares is next week and volunteers are still needed.

The meeting adjourned at 12:02 p.m.