



**DENTAL BOARD OF CALIFORNIA  
MEETING MINUTES  
February 10-11, 2022**

NOTE: In accordance with Government Code Section 11133 and Governor Gavin Newsom's Executive Order N-1-22, the Dental Board of California (Board) met on February 10-11, 2022, via teleconference/WebEx Events, and no public locations or teleconference locations were provided.

**Members Present:**

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

**Members Absent:**

None

**Staff Present:**

Sarah Wallace, Interim Executive Officer  
Carlos Alvarez, Chief of Enforcement Field Offices  
Bernal Vaba, Chief of Regulatory Compliance and Discipline  
Tina Vallery, Chief of Administration and Licensing  
Jessica Olney, Anesthesia Unit Manager  
Paige Ragali, Acting Dentistry Licensing and Examination Unit Manager  
Emilia Zuloaga, Complaint and Compliance Unit Manager  
Mirela Taran, Administrative Analyst  
David Bruggeman, Legislative and Regulatory Specialist  
Kristy Schieldge, Regulatory Counsel, Attorney IV, Department of Consumer Affairs  
(DCA)  
Tara Welch, Board Counsel, Attorney III, DCA

**9:00 a.m., Thursday, February 10, 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 9:06 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**

There were no public comments made on items not on the agenda.

**Agenda Item 3: Discussion and Possible Action on November 18-19, 2021 Board Meeting Minutes**

Board Member, Ms. Joanne Pacheco, requested an amendment to the meeting minutes on page 3, Agenda Item 5, fifth paragraph, first line, to strike and replace “Dr. Rosalinda Olague” with “Ms. Rosalinda Olague.” In addition, Ms. Pacheco requested amendments on page 18, Agenda Item 26(b), first paragraph, first line, to strike and replace “Heider” with “Heidi,” and on page 20, eleventh paragraph, sixth and ninth line, to strike and replace “Mr. Waldschmidt” with “Dr. Waldschmidt.”

Motion/Second/Call (M/S/C) (Medina/Yu) to approve the November 18-19, 2021 meeting minutes as revised.

Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments made on this item.

**Agenda Item 4: Board President Report**

President Felsenfeld reported that he attended the January 22, 2022 Dental Hygiene Board of California (DHBC), January 28, 2022 Dental Assisting Council (DAC), and the January 25, 2022 DCA Leadership (alongside Board Member Dr. James Yu) meetings. President Felsenfeld mentioned that he and Dr. Yu will be attending the annual Board President’s Training hosted by DCA in the following week. He noted that he continues to meet with the Board’s Interim Executive Officer on a weekly basis to discuss issues before the Board. He indicated that he is becoming well-oriented on the day-to-day processes of the Board as well as its interactions with outside organizations. He deeply regrets that the Board is unable to meet in-person during the February meeting but nonetheless looks forward to meeting in-person in the near future.

There were no public comments made on this item.

#### Agenda Item 5: Interim Executive Officer Report

Ms. Sarah Wallace, Interim Executive Officer, provided a report on the Board's personnel updates, DCA Director waiver orders, Governor executive orders, Board Strategic Plan, COVID-19 vaccination and testing requirements, and Executive Officer salary level increase. On December 30, 2021, Karen Fischer, the Board's Executive Officer, officially retired, and on December 31, 2021, Ms. Wallace began her responsibilities. Ms. Wallace noted that on January 31, 2022, Assembly Bill (AB) 1733 (Quirk, 2022) was introduced and would amend the Bagley-Keene Open Meeting Act. Ms. Wallace noted that the bill appeared to be a resurrected version of AB 885 (Quirk, 2021) and would allow the Board to continue to meet via teleconference.

Board Member, Dr. Steven Morrow, inquired whether the Board's staff vacancy rate is normal or if it is an excessive vacancy number, and if it is unusual, whether Ms. Wallace had any ideas or concerns regarding what had brought about this number of vacancies. Ms. Wallace responded that it is a high vacancy rate; the Board has had difficulty finding qualified candidates for several vacant positions. Ms. Wallace has had discussions with the DCA Budget Office about these issues, and high staff vacancies seem to be a statewide theme and not necessarily unique to the Board. Currently, the Board is working with the Office of Human Resources (OHR) to improve recruitment strategies and advertisements.

The Board received public comment. Mr. Michael Commanatore asked how the complaint department handles complaints and whether there has been any improvement in the last ten years.

#### Agenda Item 6: Report on Department of Consumer Affairs (DCA) Activities

Ms. Brianna Miller, DCA Board and Bureau Relations Manager, provided a departmental update. She expressed appreciation for all Board Members and staff who continue to serve through a pandemic that has affected everyone in many ways. California and DCA have continued to adhere to health and safety mandates to protect employees, consumers, and communities from the spread of COVID-19. State workers must show proof of COVID-19 vaccination or be subject to regular testing when working or meeting onsite. Ms. Miller indicated that the new state public health order, which will lift the universal masking for vaccinated individuals, will take effect on February 16, 2022. Furthermore, boards are urged to prepare for the possibility of in-person meetings after March 31, 2022. Before attending any in-person meeting, Board Members must verify full vaccination with DCA's OHR or participate in COVID-19 testing. Ms. Miller addressed board appointments and recruitment, the Enlightened Licensing Project, and required Board Member trainings.

The Board received public comment. Mr. Michael Commanatore requested a future agenda topic on transparency of the Compliant and Compliance Unit within the Board.

### Agenda Item 7: Budget Report

Mr. Bill Loyd, DCA Budget Analyst, provided a report on the State Dentistry Fund, which the Board manages, for fiscal year (FY) 2021-22. He stated that on January 10, 2022, the Governor's Budget was released and provided updated budget numbers for the Board to include incremental adjustments to the Board's current year 2021-22 and the budget year 2022-23. In 2021-22 and based on the Governor's Budget, the Board projects an estimated \$18.5 million in revenue. This number is estimated to remain fairly stable; however, the DCA Budget Office will continue to monitor revenue and report back to the Board if any significant variances are detected. The Board's expenditures for the current year are budgeted at \$18.8 million; however, as of fiscal month five, it is projected that the Board will spend approximately \$16.2 million.

There were no public comments made on this item.

### Agenda Item 8: Report on the January 28, 2022 Meeting of the Dental Assisting Council (DAC)

Ms. Jeri Fowler, Chair of the DAC, provided a verbal report on the January 28, 2022 DAC meeting.

Dr. Morrow asked if the two-member working group has considered presenting survey questions to patients regarding quality of care. Ms. Fowler replied that currently there are no questions on the survey that are addressed to patients. Board Member, Dr. Alicia Montell, asked for clarification on how registered dental assistants in extended functions (RDAEFs) having the ability to administer anesthesia will elevate a patient's experience. Ms. Fowler replied that in many instances during a procedure, the RDAEF is left alone to complete a procedure. In the course of the work that the RDAEF is conducting, frequently, anesthesia is depleted and needs reinforcing. As a result, the RDAEF must ask the doctor to administer additional anesthesia. There is a period of time that the patient is waiting for additional anesthesia and once that comes, anesthesia needs to become effective before the RDAEF can resume their work. This process overall lengthens the procedure time.

The Board received public comment. Ms. Susan McLearn, California Dental Hygienists' Association (CDHA), stated that CDHA applauded the efforts of the two-member working group to develop meaningful data on the need for RDAEFs to be trained to administer local anesthesia and nitrous oxide. However, CDHA stands firmly opposed to that concept based on the facts that implementation would result in the reduction of educational standards and potential harm to consumers. Furthermore, the data presented so far does not support the need for this expansion of scope of practice. Ms. McLearn referred the Board to the CDHA objections raised during the Board's November 29, 2018 meeting and the CDHA letter with attachments and other objections submitted for that meeting.

### Agenda Item 9: Discussion and Possible Action Regarding Appointment of DAC Members

Board Member, Ms. Rosalinda Olague, thanked Board staff and all 37 registered dental assistants (RDAs) who showed interest and completed the application to become a

DAC member. The Board Subcommittee, Ms. Olague and Ms. Pacheco (Subcommittee), selected candidates from the 37 applications and conducted 16 interviews. The Subcommittee recommended De'Andra Epps-Robbins, RDA, and Kandice Rae Pliss, RDA, to be appointed to fill the two open positions for Clinical Members on the DAC. The Subcommittee also recommended the Board reappoint Cara Miyasaki, RDA, RDHEF, MS, to fill the vacancy of the DAC member who is employed as a faculty member of an RDA educational program. Ms. Miyasaki has served a partial term, which expires in March 2022 and, if reappointed to the same position for a term of four years, Ms. Miyasaki's new term would expire in March 2026.

(M/S/C) (McKenzie/Morrow) to accept the Subcommittee's recommendation to appoint De'Andra Epps-Robbins, RDA, to the DAC.

Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments made on this item.

(M/S/C) (McKenzie/Morrow) to accept the Subcommittee's recommendation to appoint Kandice Rae Pliss, RDA, to the DAC.

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

Nays: None.

Abstentions: None.

Absent: Mendoza (due to technical difficulties).

Recusals: None.

The motion passed. There were no public comments made on this item.

(M/S/C) (Larin/Chan) to accept the Subcommittee's recommendation to reappoint Cara Miyasaki, RDA, RDHEF, MS, as the DAC member employed as a faculty member of an RDA educational program approved by the Board.

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

Nays: None.

Abstentions: None.

Absent: Mendoza (due to technical difficulties).

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 10: Enforcement

Agenda Item 10(a): Update on “Attorney General’s Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies, Business and Professions Code Section 312.2, January 1, 2022”

Carl Sonne, Senior Assistant Deputy Attorney General, Office of the Attorney General, provided a verbal update and presentation on the Attorney General's Annual Report.

There were no public comments made on this item.

At 10:40 a.m., the Board recessed for a break.

At 10:55 a.m., the Board reconvened.

Agenda Item 10(b): Review of Statistics and Trends

Carlos Alvarez, Chief of Enforcement Field Offices, provided the report, which is available in the meeting materials.

Board Member, Dr. Chan, asked if there have been any trends or upticks with post-COVID 2020-2021 regarding complaints on the hygiene of dental offices. Mr. Alvarez responded that the Board has not received any complaints for unsanitary conditions regarding COVID-19. If the Board did receive complaints related to COVID-19, they would be forwarded to county and state health facilities.

The Board received public comment. Dr. Bruce Witcher applauded Ms. Wallace for pointing out that there is a reason for the uptick in accusations that went up to 96, which is an increase over last year. Dr. Witcher reiterated that things seem to be headed in the right direction.

Agenda Item 11: Examinations

Agenda Item 11(a): Report from Commission on Dental Competency Assessment and Western Regional Examining Board (CDCA-WREB)

Dr. William Pappas, President of ADEX, provided a verbal report on their activities. Dr. Pappas noted that while he does not have a formal report, he welcomes any questions and future topics Board Members have.

There were no public comments made on this item.

Agenda Item 11(b): Presentation on Central Regional Dental Testing Service Examination – Central Regional Dental Testing Service, Inc. (CRDTS)

Ms. Richael Cobler, Executive Director of CRDTS, provided a presentation to the Board regarding the CRDTS dental examination. Ms. Cobler expressed that CRDTS and the Board have the same mission of protecting the public. She elaborated that portability is a prominent discussion in the dental and dental hygiene testing world. Recently, states

such as Hawaii, have introduced legislation to revise their statutes and accept other nationally recognized clinical dental examinations. Ms. Cobler noted that CRDTS partners and works with Alpine Testing Solutions as their independent psychometric and testing data analysis.

Ms. Wallace noted that CRDTS reached out to Ms. Fischer and herself the previous year and had requested to provide a presentation to the Board regarding the CRDTS dental examination for licensure in California. Ms. Wallace added that the Board will have a discussion at a future meeting to determine whether or not Board Members want to embark on reviewing the CRDTS examination. She mentioned that she will work with President Felsenfeld on future agenda items and will invite the DCA Office of Professional Examination Services (OPES) to come back and present on the information that they have provided previously. At that meeting, depending on what the Board wishes to do, the Board would be asked to prioritize the review of the examinations so that it is clear which exam review should be conducted first.

There were no public comments made on this item.

#### Agenda Item 12: Licensing, Certifications, and Permits

##### Agenda Item 12(a): Review of Dental Licensure and Permit Statistics

Paige Ragali, Acting Licensing and Examination Unit Manager, provided the report, which is available in the meeting materials.

There were no public comments made on this item.

##### Agenda Item 12(b): General Anesthesia and Conscious Sedation Permit Evaluations Statistics

Jessica Olney, Anesthesia Unit Manager, provided the report, which is available in the meeting materials.

There were no public comments made on this item.

#### Agenda Item 13: Update on Pending Regulatory Packages

Ms. Wallace provided the report, which is available in the meeting materials. Ms. Wallace reported that the Board has been assigned new Regulatory Counsel, Ms. Kristy Schieldge, and hired a new Legislative and Regulatory specialist, Mr. David Bruggeman. Ms. Wallace was happy to report that the Diversion Evaluation Committee Membership rulemaking became effective on October 1, 2021.

The Senate Bill (SB) 501 Anesthesia and Sedation Requirements rulemaking was approved by the Board at the November 2021 Board Meeting. The package was submitted to the Office of Administrative Law (OAL) for publication, and the 45-day public comment period began on December 31, 2021 and will end on February 15, 2022. The Board has received a request for a public hearing, and staff have scheduled a public hearing via WebEx to be held on February 16, 2022. Ms. Wallace added that

the Board has scheduled a Board meeting on March 14, 2022, to consider comments received during the public comment period for the SB 501 rulemaking. The Board does expect that the rulemaking will require modified text.

The Board received public comment. Ms. Paula Lee, RDHAP, MPH, asked for an explanation on the mobile and portable dental unit registration requirements. Ms. Wallace responded that she would be happy to provide more information on this inquiry and instructed Ms. Lee to reach out to her.

Agenda Item 14: Discussion and Possible Action to Consider:

a. Comments Received During the 45-Day Public Comment Period Relative to Amendments to CCR, Title 16, Sections 1016 and 1017, and Adoption of CCR, Title 16, Section 1016.2 for Continuing Education

b. Adoption of Amendments CCR, Title 16, Sections 1016 and 1017, and Adoption of CCR, Title 16, Section 1016.2 for Continuing Education

Ms. Olney provided the report, which is available in the meeting materials. The initial rulemaking documents were submitted to OAL for publication on November 12, 2021, which initiated a 45-day comment period on the proposed regulation. Board staff received two comments related to the rulemaking.

(M/S/C) (Chan/Morrow) to approve the proposed amended regulatory text for sections 1016, 1016.2, and 1017, approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation amending required continuing education, and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulations as described in the modified text notice for Title 16 CCR sections 1016, 1016.2, and 1017.

Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 15: Discussion and Consideration of Proposed Regulation to Amend CCR, Title 16, Section 1031 Related to the California Dentistry Law and Ethics Examination

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



(M/S/C) (Chan/Pacheco) to approve the proposed amended regulatory text for section 1031 and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulations as described in the modified text notice for Title 16 CCR section 1031.

Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 16: Recess Open Session

President Felsenfeld recessed Open Session at 11:46 a.m.

\*Agenda Item 17: Convene Closed Session

Closed Session was not convened as there were no items to discuss in closed session.

\*Agenda Item 18: Pursuant to Government Code Section 1126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

\*Agenda Item 19: Pursuant to Government Code Section 11126(c)(2), the Board Will Meet in Closed Session to Deliberate and Vote on Application(s) for Issuance of New License(s) to Replace Cancelled License(s)

\*Agenda Item 20: Pursuant to Government Code Section 11126(a)(1), the Board will meet in Closed Session to Conduct Interviews, Discuss, and May Take Action on Possible Appointment of Executive Officer

\*Agenda Item 21: Adjourn Closed Session

**9:00 a.m., Friday, February 11, 2022**

Agenda Item 22: Reconvene Open Session– Call to Order/Roll Call/Establishment of a Quorum

President Felsenfeld called the meeting to order at 9:05 a.m. Secretary Molina called the roll; 12 Board Members were present, and a quorum was established.

Agenda Item 23: President's Report on Closed Session Items

President Felsenfeld mentioned that no report would be provided as this agenda item was moot.

The Board did not take public comment on this item.

Agenda Item 24: Discussion and Possible Action Regarding Approval of California Northstate University (CNU), College of Dental Medicine

Ms. Wallace introduced the report, which is available in the meeting materials.

Kevin M. Keating, DDS, MS, Dean and a Professor at California Northstate University, provided a verbal report. He stated that CNU's College of Dental Medicine (CDM) is in operation and started orientation as of January 4, 2022. The first class is 38 out of 40 students who matriculated into the CDM and have met the national average for candidates accepted into dental schools around the country. The cohort that has currently matriculated will graduate in a three-and-a-half-year, Commission on Dental Accreditation (CODA) accredited, one-time delivery of the four-year curriculum and will graduate in July of 2025. In July of 2022, it is anticipated that the school will be starting its second cohort, which will graduate in 2026.

Dr. Chan asked for clarification on the meaning of programmatic accreditation by CODA. Dr. Pinelopi Xenoudi responded that in regard to programmatic accreditation, it refers to the process that is designed to ensure that the academic program has undergone a rigorous review process. In other words, the standards associated with a specific discipline. Additionally, the programmatic accreditation applies to one degree program, which is how CODA defines the accreditation sequence process. Dr. Keating added that programmatic accreditation would be for the Doctor of Dental Medicine (DMD) program and does not apply to residencies or other programs that might be added later on.

Dr. Morrow congratulated Dr. Keating and his colleagues at CNU in accomplishing the monumental task of giving birth to a CODA-approved dental education program. He asked when the students will achieve their clinical competencies and whether there are plans for students that rotate through Federally Qualified Health Centers (FQHCs) type clinics for part of their clinical education. Dr. Keating responded that CDM plans to have its future facility in the city of Elk Grove. The school is currently developing property options in and around Arco Arena and have many plans in place with many different challenges of starting a new school. The school plans in the curriculum up to eight weeks of rotation in the fourth year (D4). The school has FQHCs and Memorandum of Agreements (MOUs) which are being further developed.

Dr. Morrow asked how CNU's pre-dental education program and the DMD program operate and work together. Dr. Keating responded that it is a pathway program; the undergraduate campus is a health science campus. It is the vision that as the undergraduate campus grows, it will start adding other colleges to its curriculum.

Presently, CNU is a health science focused university. Dr. Morrow asked what the advantage is, from a standpoint of being accepted to the DMD program, if a student goes through the pre-dental program. Dr. Keating replied that the advantage is that the student is certain to receive an interview but is not guaranteed admission into the program; students still need to be academically competent.

Ms. Pacheco congratulated Dr. Keating and inquired whether CNU will have an interdisciplinary collaboration with dental hygiene programs. Dr. Keating replied that CNU has reached out and had communication with Sacramento City College and Carrington College hygiene program. However, this is a vision more than a reality presently. Dr. Xenoudi added that in regard to CDM's collaboration with the undergraduate college, College of Health Sciences (CHS), it would act as mentors for the pre-dental group. Dr. Morrow thanked Dr. Xenoudi for the clarification.

(M/S/C) (Chan/Pacheco) to grant provisional approval of the California Northstate University, College of Dental Medicine.

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

Nays: None.

Abstentions: None.

Absent: Mendoza (due to technical difficulties).

Recusals: None.

The motion passed. There were no public comments made on this item.

#### Agenda Item 25: Substance Use Awareness

##### Agenda Item 25(a): Presentation regarding Board's Diversion Program

Ms. Wallace introduced the Board's Diversion program. The program, established in statute, is intended to rehabilitate licensees whose competency may be impaired due to abuse of dangerous drugs or alcohol. The intent of the program is to treat afflicted licensees and return them to the practice of dentistry in a manner that will not endanger the public health and safety of Californians.

Ms. Virginia Matthews, Maximus representative, provided a verbal report of the Board's Diversion Program. Dr. Curtis Vixie, Co-Chair of the Diversion Evaluation Committee (DEC), shared his recovery story using the format that the program does when they have a sobriety meeting.

Board Member, Ms. Angelita Medina, thanked Dr. Vixie for sharing his powerful story and reiterated that she supports the Board's Diversion program. Dr. Montell verbalized her appreciation to Dr. Vixie and asked for a general time frame on how long participants take to return to work. Ms. Matthews replied that every case is handled individually, and they look at a number of things in order to determine whether the

participant is ready to return to work safely. Dr. Vixie added that they have the help of the treatment team to assist them in determining that time frame.

Dr. Montell inquired whether there is available data on people who have successfully finished the program but soon after relapsed. Ms. Matthews replied that they do not have that data specifically for the Board. However, the number is not tremendously high. She pointed out that she can send information to the Board regarding this question. Dr. Vixie roughly estimated that less than seven percent relapse after five years. Ms. Matthews replied that a study by authors McLellan and Skipper is a resource where one could locate that information. Dr. Morrow expressed his gratitude to Dr. Vixie for sharing his life story with the members of the Board and thanked him for his contribution to the profession.

There were no public comments made on this item.

At 10:47 a.m., the Board recessed for a break.

At 11:05 a.m., the Board reconvened.

Agenda Item 25(b): Diversion Program Report and Statistics

Mr. Bernal Vaba, Chief of Regulatory Compliance and Discipline, provided the report, which is available in the meeting materials. Mr. Vaba mentioned that the next DEC Meeting is scheduled for April 6, 2022.

There were no public comments made on this item.

Agenda Item 25(c): Controlled Substance Utilization Review and Evaluation System (CURES) Report

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

Dr. Morrow pointed out that the Board has 31,155 active licensed dentists as of December 31, 2021. However, as of December 2021, the number of registered DDS (Doctor of Dental Surgery)/DMD CURES users was 16,734. Dr. Morrow inquired if there is a particular reason as to why close to 50 percent of dentists are not registered with CURES. Mr. Alvarez replied that the Board attempts to obtain information when investigations are conducted from the Drug Enforcement Administration (DEA) office; however, the office does not release that information. He added that some licensees are not signed up with CURES as they do not write prescriptions. Dr. Morrow inquired whether the Board has any data on how many of those, out of the 31,155 dentists, have a license in California but are actively practicing in another state. Mr. Alvarez replied that he believes that information is present in reports but that the Board has not looked into licensees who are not signed up for CURES. Part of the Board's investigation once a complaint is received is that it can ask if the dentist is registered with CURES.

Dr. Morrow asked whether the Board has a responsibility regarding compliance with this statute and legal requirement by a dentist who is licensed, but not practicing, in California but actively practicing in another state. Mr. Alvarez replied that if the dentist is prescribing any prescriptions and is out of state, they still must comply with CURES. Dr. Morrow asked if the Board has a way of monitoring out of compliance. Mr. Alvarez responded that would come from the Board of Pharmacy or a pharmacist who will report it to the Board. Dr. Morrow inquired whether the Board only has responsibility for those dentists who write prescriptions that are filled in California or whether the Board has responsibility for a dentist who has a license in multiple states, including California, but issues prescriptions in another state. Mr. Alvarez replied that if they are licensed with the State of California but are out-of-state and filling prescriptions in-state, they are still obligated to comply with the laws.

There were no public comments made on this item.

Agenda Item 25(d): Update on New Electronic Prescribing Laws

Mr. Alvarez provided the report, which is available in the meeting materials. Mr. Alvarez reported that the Dental Board has had a few inquiries relating to the new prescribing laws. The Board has had one referral coming in from a pharmacy who reported that a licensee was not in compliance. As the reason for non-compliance was due to technological failure, it was classified as an exemption based on the new electronic prescribing laws.

There were no public comments made on this item.

Agenda Item 26(a): 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. Ms. Olney commented that Board staff have received a request to hold a public hearing on the proposed language, which will be scheduled for February 16, 2022. The meeting will be held via WebEx and will be facilitated by Board staff. This hearing will be an opportunity for the public to submit verbal comments on the proposed language. In addition, a Board meeting has been scheduled for March 14, 2022, to address public comments received and approve any modifications to the proposed language.

President Felsenfeld pointed out that 23 percent of permit holders did not take advantage of the extended renewal period and inquired if there are particular reasons as to why permittees chose not to renew. Ms. Olney replied that when staff made phone calls, they received a variety of responses from permittees for non-renewal. Board staff contacted permit holders by mail, telephone, and email. In addition to live phone calls initiated by staff, there were also automated phone calls with a pre-recorded message that went out to all permittees.

The Board received public comment. Dr. Bruce Witcher, representing himself and the California Dental Association (CDA), stated that there was a lot of difficulty with the

department finding a vendor for the original Breeze system. When the Breeze system completed their contract, they left it to the boards and bureaus to outsource any further Information Technology (IT) that would be needed. Dr. Witcher noted that he hopes that the Board does not run into the same problem with the Office of Information Services (OIS) finding a contractor to continue with the Breeze operations and make necessary changes. Dr. Witcher also believes SB 652 will extend the implementation date out until 2023.

Ms. Monica Miller, CANA representative, reiterated that they will be attending and providing comments both written and verbally at the Board's February 16, 2022 hearing, as they have concerns regarding these regulations.

Agenda Item 26(b): Discussion and Possible Action on Supplemental Report to the California State Legislature Regarding Findings Relevant to Inform Dental Anesthesia and Sedation Standards as Required by SB 501 (Glazer, Chapter 929, Statutes of 2018) and Business and Professions Code Section 1601.4, subdivision (a)(2)

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

Dr. Chan inquired about provider specificity data, the curriculum for pediatric dentist postgraduate training in regard to anesthesia, and whether periodontists and endodontists can do sufficient anesthesia, general anesthesia, or sedation in their types of practices where that type of identifier might be needed. Dr. Chan stated the Board needs to identify gaps that would lead to deaths or hospitalizations in order to improve the process. Ms. Olney clarified that a general dentist cannot provide deep sedation or general anesthesia; only a dentist who has completed a residency in either oral and maxillofacial facial surgery or anesthesia can qualify for that permit. Regarding the question on "other" on the provider categories, the statute does not specify what constitutes other categories.

President Felsenfeld asked whether permittees would have to have training, which the Board defined in statute, before they are able to obtain a particular permit. Ms. Olney replied that each permit has its own residency or course requirement to qualify for the permit.

The Board received public comment. Dr. Witcher thanked the Board for the presentation that was provided and for addressing comments that came in from other members of the public.

Agenda Item 27: Presentation and Possible Discussion on Permitting of Certified Registered Nurse Anesthetists to Administer General Anesthesia in Dental Health Care Settings – California Association of Nurse Anesthetists (CANA)

Ms. Melanie Rowe, CRNA, CANA representative, provided a presentation on the permitting of Certified Registered Nurse Anesthetists (CRNAs) to administer general anesthesia in dental healthcare settings, which is available in the meeting materials.

The Board received public comment. Due to technical difficulties experienced by Dr. Whitcher during the meeting, he submitted written public comments on this item to the Board on February 15, 2022.

Agenda Item 28: Report on January 12, 2022 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee (Committee) and Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits

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.

(M/S/C) (Larin/Morrow) to accept the EFCS Credentialing Committee Report and issue to Ian Lehrer, DDS, an EFCS Permit for unlimited Category II privileges.

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

Nays: None.

Abstentions: None.

Absent: Mendoza (due to technical difficulties).

Recusals: None.

The motion passed.

The Board received public comment. Dr. Whitcher stated he had technical difficulties providing public comment for Agenda Item 27 and agreed to submit written comments in writing for that agenda item.

Agenda Item 29: Legislation – Update, Discussion, and Possible Action on:  
Agenda Item 29(a): 2022 Tentative Legislative Calendar – Information Only

Mr. Bruggeman provided an overview of the 2022 Tentative Legislative Calendar, which is available in the meeting materials. Mr. Bruggeman highlighted three particularly important dates as the Board moves forward in terms of how the legislation will proceed this year. He noted that the last day for bills to be introduced this year is February 18, 2022; the last day for bills to be passed out of the house of origin is March 27, 2022; and the last day that each house has to pass bills for this year is August 31, 2022.

There were no public comments made on this item.

Agenda Item 29(b) –(s): Update, Discussion, and Possible Action on Legislation

Mr. Bruggeman provided the report, which is available in the meeting materials. Board staff identified seven bills, Assembly Bill (AB) 225, AB 562, AB 646, AB 657, AB 1102, Senate Bill (SB) 49, and SB 731 of potential interest to the Board and two bills, SB 652 and SB 889, of having a direct impact on the Board. Mr. Bruggeman noted that nine bills, AB 2, AB 29, AB 54, AB 885, AB 1026, AB 1236, AB 1386, AB 1498, and SB 772, have been tracked by the Board but have died in the Legislature.

### SB 652

The Board anticipates this bill to be the legislative vehicle for the Board's legislative proposal. As it is currently written, it would extend the current requirements for dental patients under 13 years of age specifically that an operating dentist and at least two additional personnel be present through a procedure involving deep sedation or general anesthesia and that the dentist and one additional personnel maintain current certification in advanced cardiac life support to all patients regardless of age. The Board anticipates amendments to this bill, but they have not yet been added to the bill.

(M/S/C) (Chan/McKenzie) to support SB 652 pending the amendments publication.

Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

The Board received public comment. Dr. Whitcher, representing CDA, would support a legislative extension of SB 501 and believes CDA is heavily involved in the development of the language to be added to this bill.

### SB 889

SB 889 was introduced on January 31, 2021, and has been referred to the Senate Committee on Business, Professions, and Economic Development. Currently, there is no hearing date scheduled. This bill would amend provisions of the Business and Professions Code (BPC) concerning the use of deep sedation and general anesthesia involving nurse anesthetists. It would modify the requirement in BPC section 2827 that a dentist would have to have a sedation permit for a nurse anesthetist to administer general anesthetic. This bill would allow a nurse anesthetist to administer deep sedation or general anesthetic if it is done in compliance with article 2.75 of the Dental Practice Act (DPA). Language in the bill would allow a nurse anesthetist to administer deep sedation or a general anesthetic even though the dentist lacks the permit to do so. The Board will need additional time to do a more complete analysis of the impact of this legislation.

Dr. Chan noted that he is concerned about whether or not nurse anesthetists would perform these procedures at the direction of a dentist who does not have a general anesthesia permit.

(M/S/C) (Morrow/Chan) to take a watch position on SB 889.



Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

The Board received public comment. Dr. Witcher, representing himself and CDA, supported a watch position on SB 889. He noted that there are outstanding, unresolved issues that need to be addressed in relation to this bill.

Ms. Miller noted that CANA will continue to work with Board staff and the authors of the SB 889 bill. She reiterated that the clear intent of this bill is to allow for nurse anesthetists to hold the dental anesthesia permit; therefore, allowing the dentist to not have to obtain that permit should the dentist decide that they want to provide a service of anesthesia particularly in areas that have a lack of providers and a high medical population.

Agenda Item 30: Discussion and Possible Action Regarding Legislative Proposal to Amend Business and Professions Code Sections 1750.2, 1750.4, and 1752.1 to Specify Time Limits for Acceptance of Course Certifications for Orthodontic Assistant (OA) Permit and Dental Sedation Assistant (DSA) Permit Applications and Clarify Board-Approved Course Requirements for Registered Dental Assistant (RDA) Applicants

Ms. Wallace provided the report, which is available in the meeting materials. She stated that the legislative proposal regarding specifying time limits for acceptance of course certifications came from a recommendation from the DAC. Board staff had previously identified inconsistency issues with statutory application requirements between RDAs, orthodontic assistants (OAs), and dental sedation assistants (DSAs).

(M/S/C) (Yu/Pacheco) to include in the Board's next Sunset Review Report a recommendation to amend BPC sections 1750.2, 1750.4, and 1752.1 to clarify the RDA, OA, and DSA course completion requirements for license and permit applications.

Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

The Board received public comment. Claudia Pohl stated that she is in support of these changes and appreciates staff's effort.

Agenda Item 31: Discussion on Prospective Legislative Proposals

Ms. Wallace provided the report, which is available in the meeting materials. There were no stakeholder proposals presented to the Board and no public comments made on this item.

Agenda Item 32: Adjournment

President Felsenfeld adjourned the meeting at 12:37 p.m.

*\*Agenda Items for this meeting were not discussed as there were no closed session items for discussion.*