



**DENTAL BOARD OF CALIFORNIA
DENTAL ASSISTING COUNCIL
MEETING MINUTES**

The Dental Assisting Council (Council) of the Dental Board of California (Board) met on August 25, 2022, at the following location:

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

In addition to the physical location above, this meeting was accessible via WebEx Events.

Members Present:

Jeri Fowler, RDAEF, OA, Chair
Traci Reed-Espinoza, RDAEF, Vice Chair
De'Andra Epps-Robbins, RDA
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH, MAOB
Kandice Rae Pliss, RDA

Members Absent:

Cara Miyasaki, RDA, RDHEF, MS

Staff Present:

Tracy Montez, Acting Assistant Executive Officer
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
Paige Ragali, Dentistry Licensing and Examination Unit Manager
David Bruggeman, Legislative and Regulatory Specialist
Rikki Parks, Dental Assisting Program Analyst
Kelly Silva, Sacramento Enforcement Field Office Investigator
Mirela Taran, Administrative Analyst
Ann Fisher, SOLID, Department of Consumer Affairs (DCA)
Sarah Irani, SOLID, DCA
Cesar Victoria, Office of Public Affairs, DCA
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

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

Council Chair, Ms. Jeri Fowler, called the meeting to order at 9:13 a.m.; six members of the Council were present, and a quorum was established.

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

Ms. Joan Greenfield, EF Association representative, urged the Council and, particularly the registered dental assistants in extended functions (RDAEFs) members on the Council, to take a serious look at the new written examination. Ms. Greenfield stated she was contacted by many students to explain certain questions and things on the exam. She stated it appeared that not only did whoever wrote the exam not look at the educational requirements to do a program, but they got off track in a number of areas. EF Association recommended the Council consider this at some time in the future.

Agenda Item 3: Discussion and Possible Action on May 12, 2022 Meeting Minutes Motion/Second/Call the Question (M/S/C) (Reed-Espinoza/Epps-Robbins) to approve the May 12, 2022 Meeting Minutes.

Chair Fowler requested public comment before the Council acted on the motion. There were no public comments made on the motion.

Chair Fowler called for the vote on the proposed motion. Ms. Mirela Taran took a roll call vote on the proposed motion.

Ayes: Epps-Robbins, Fowler, Olague, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: None.

Absent: Miyasaki.

Recusals: None.

The motion passed and the minutes were approved.

Agenda Item 4: Update on Dental Assisting Examination Statistics

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

Chair Fowler requested public comment on this item. There were no public comments made on this item.

Agenda Item 5: Update on Dental Assisting Licensing Statistics

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

Chair Fowler requested public comment on this item. There were no public comments made on this item.

Agenda Item 6: Update on Status of Surveys Regarding Registered Dental Assistant in Extended Functions Administration of Local Anesthesia and Nitrous Oxide

Chair Fowler provided the report, which is available in the meeting materials. Dr. Tracy Montez thanked the Council for working with the Department of Consumer Affairs, Office of Professional Examination Services (OPES) on the survey and appreciated the collaboration.

Chair Fowler requested public comment on this item. There were no public comments made on this item.

Agenda Item 7: Presentation from Dental Assisting National Board Regarding Dental Auxiliary Certifications for Board Licensure

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

Ms. Katherine Landsberg, Dental Assisting National Board (DANB) Government Relations Director, Mr. Aaron White, DANB Chief Operating Officer, and Ms. Laura Skarnulis, Chief Executive Officer of DANB and the DALE Foundation, provided a presentation on DANB and the DALE Foundation, the certifications they provide, state recognition, how DANB assists State Dental Boards, the present challenges facing the dental community, and what the organization is focusing on for the future.

Council Vice Chair Traci Reed-Espinoza asked how California can get associated with the DANB certification process. Ms. Landsberg replied that the Council would need to work on this; if the Council thinks the DANB exams are a fit for the competence measurements needed, then the Council would talk to DANB, who can work with the Council in any way, administratively; however, there probably needed to be a rule or statute change worked through the Board and other channels.

Ms. Fowler stated that in California, the Veterans Affairs (VA) system requires assistants to have their Certified Dental Assistant (CDA) certification. She stated that the VA system puts more emphasis on the CDA than the registered dental assistant (RDA). She believed that was in part because of the transportability and reciprocity; an individual working in the VA system can transfer anywhere in the VA system. She stated she is a big fan of reciprocity or transportability of licensures and favors DANB certifications due to portability. She would like to see comprehensive California programs, with more allowable duties than the individual is transferring to, it would be great for the other state to accept that; there are many states, such as Tennessee, that does that.

Council Member Joanne Pacheco asked whether the examination prep is online and whether students take an exam at an exam site and whether that site is proctored. Ms. Landsberg replied that the DALE Foundation examination prep is exclusively online and that students can take the exam at a Pearson Vue testing center in-person or online via live proctoring. Ms. Pacheco asked whether there was any information on first time pass rates for exams. Ms. Landsberg replied that it is a tricky statistic to obtain from their system; however, they can provide it if needed. Council Member Epps-Robbins agreed that for the future of our programs in the state of California, it would be very beneficial having California linked into the DANB process.

Ms. Tara Welch noted that staff recommended creating a two-member working group to continue to research these issues and bring additional information to the Council at future meetings. She clarified that the Working Group would review education examination certification portability issues, research dental auxiliary certification and education requirements in other states, review the California applicable statutes and regulations regarding Board approval of RDA and RDAEF educational programs and courses for potential amendments. Ms. Welch stated that currently the Dental Practice Act limits how individuals can get registered as dental assistants in California and that the DANB certification is not one of those paths right now.

(M/S/C) (Pacheco/Pliss) to create a two-member working group, consisting of Council Member Pacheco and a second Council Member to be announced later, to review issues regarding research and dental auxiliary certification and education requirements in other states, and review the applicable statutes and regulations regarding Board approval of the RDA and RDAEF programs and courses for potential amendments.

Chair Fowler requested public comment before the Council acted on the motion. The Council received public comment.

Ms. Shari Becker, on behalf of the Alliance, stated that they support the DANB CDA portability.

Dr. Bruce Whitcher, representing California Dental Association (CDA), stated that current graduates of California dental assisting programs would not be eligible for the DANB CDA certification as they have to graduate from a CODA-approved program or meet the work experience pathway requirements. He indicated that DANB has a publication on core duties for dental assisting, which might be an attempt to rationalize dental assisting duties across the United States. Additionally, he noted that there was not a substantial amount of detail on educational standards and was pleased to hear that DANB have developed a model curriculum for the National Entry Level Dental Assistant (NELDA) exam. Dr. Whitcher stated that another interesting issue is the concept of the online proctored exam and thought that kind of exam had to meet security standards. He noted the map of acceptance of the DANB certifications spoke to a wide acceptance across the country for infection control and radiation safety. Dr. Whitcher noted that one of the great challenges for dental assisting is the lack of uniformity of scope of practice. He thought the Board and probably the Council had looked at alignment between the California duties that are allowed by the Dental Practice Act and DANB and found that there are some gaps. He noted an interesting publication that DANB put out that does a side-by-side comparison of what California requires and what DANB requires, which does not indicate alignment.

Ms. Melodi Randolph, Dental Assisting Alliance representative and President of the California Association of Dental Assisting Teachers (CADAT), stated that over the past few months, their working group has gone over the duties in California with the hope of revamping their duties table. As a CDA member and having previously taught in a

CODA-accredited program for many years, she was a great supporter of DANB exams and certifications. She mentioned that the one thing she would advise the Council to keep in mind as they develop their working group is California's requirement to do lab and clinical work in order to be certified. She stated one of the things that California enforces is a requirement to do lab and clinical work in order to be certified. Ms. Randolph strongly recommend that the Council does not do anything to remove those requirements from the certifications, as it produces well-trained and clinically proficient assistants.

Chair Fowler called for the vote on the proposed motion. Ms. Taran took a roll call vote on the proposed motion.

Ayes: Epps-Robbins, Fowler, Olague, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: None.

Absent: Miyasaki.

Recusals: None.

The motion passed.

Agenda Item 8: Discussion and Possible Action to Amend Business and Professions Code (BPC) Sections 1752.1, 1752.4, and 1907 and Repeal BPC Section 1752.6 Relating to Registered Dental Hygienist Application Requirements to Obtain a Registered Dental Assistant License and Permitted Duties

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

Ms. Reed-Espinoza asked whether the proposal is that a Registered Dental Hygienist (RDH) needs to have a RDA licensure as well for sealant and coronal polishing. Ms. Parks replied that the Board has seen an increased number of RDH applicants and the existing law is shown to not specifically identify what requirements are needed for the application process. Additionally, the law does not separate the fact that an RDH, who may have already taken the pit and fissure sealants/coronal polishing through their educational portal, would not have to retake a Board-approved course in order to do those allowable duties. They would essentially have to retake the course through a Board-approved program because the Board does not list the RDH education programs as being Board approved.

Chair Fowler asked for clarification of BPC section 1752.4, subsection (c), on page 40 of the meeting materials, which states "Except as provided in Section 1777, the supervising licensed dentist shall be responsible for ensuring completion of courses to perform additional duties and determining whether each authorized procedure performed by a registered dental assistant should be performed under general or direct supervision". Chair Fowler asked for clarity on whether the Board would no longer track the ultrasonic/sealant certification, Orthodontic Assistant Permit (OAP), and Dental

Sedation Assistant (DSA) permit. Ms. Parks replied that the suggestion is that the supervising dentist would verify that the additional course was taken.

Ms. Welch clarified that effectively the proposed amendment in subdivision (c) of section 1752.4 is merely moving the current requirement under subdivision (b), which states that an RDA may only perform the additional duties under paragraphs (1)-(4) after successfully completing a Board-approved RDA educational program currently in those duties or if he or she has provided evidence, satisfactory to the Board, of having completed a Board-approved course in those duties. The Board currently cannot charge any fee to receive these additional course certificates and review them, yet the Board is expending time and money on staff to receive and review these certificates. For these four duties, the Board would like to move the requirement for ensuring compliance with taking these courses to the supervising dentist, which would be accomplished under proposed subdivision (c), and would now state the supervising licensed dentist shall be responsible for ensuring completion of courses to perform additional duties.

Chair Fowler asked how would schools and the public verify certifications permits and whether one would be able to utilize the Board's webpage to look up a licensee and see if they are licensed. Ms. Welch replied that if you have a permit, you would still be issued a permit, and the Board would be tracking the permit. Ms. Jessica Olney, Anesthesia Unit Manager, provided background that currently staff has to review the pit and fissure sealant and the ultrasonic scaling certificates and then link those to the license. She noted that a licensee can ask for printing of a new certificate that has that certification on it, but the Board is not allowed to charge a fee for it, and this Board staff review and processing is time consuming. As the Board posts the information on its website of courses that are approved, the public can go online and view a list of those courses.

Chair Fowler noted that one of the requirements for running an RDA program is that attendees have to have their sealant certification before applying to the program. She asked how she would verify that attendees have met that requirement. Ms. Olney replied that currently the certification is posted to their license and is viewable on the DCA license search. RDAs who qualify through a combination of education and work experience or just work experience have to provide those certificates by their second renewal. The supervising dentist would be responsible for verifying that the RDA has taken those courses, and the dentist can verify that the course is through an approved provider on the Board's website.

Ms. Welch added that the individuals would have to provide the dentist or perhaps an additional program that requires this additional certificate that was issued by a Board-approved program. The supervising dentist is always responsible for their RDAs, and if proof of taking these additional courses is required, the individual has that certificate. One could rely on that and double check if they were concerned whether or not the certificate was issued by a Board-approved program. She noted that the Board still maintains a list of Board-approved courses and programs. The proposal attempts to

streamline and place responsibility for ensuring completion of these courses in these four additional duties where it is more appropriate. If there is a problem with consumer protection, the supervising dentist is currently responsible for their RDA. Currently, the Board is not seeing an increase in value for the Board to receive these certificates in these four duties and then having to process them just to add an additional certification to the license shown the Board's website. If the Board could charge a fee for that perhaps that would be appropriate, but it cannot right now. Unless there is some obvious consumer protection value to maintaining the current compliance process, Board staff is recommending that the responsibility for ensuring compliance for taking courses in these four duties be placed on the supervising dentist.

Chair Fowler asked if an RDA lost or cannot find proof of their course completion, would they need to retake that course. Ms. Welch replied that they could contact the course provider, but that it is always up to the individual to figure out how they are going to substantiate their education. It is not the Board's responsibility to maintain original certificates for all of its licensees and registrants.

Ms. Welch noted that with respect to the proposed amendments to BPC section 1752.1, subdivision (d), the Board is changing up the radiation safety and coronal polishing within five years, which was already approved by the Board in November 2021. That legislative proposal was included within this legislative proposal as they affect the same code section.

Chair Fowler requested public comment on this item. The Council received public comment.

Ariane Terlet, speaking on behalf of herself, asked whether this proposal was about an RDH, who was not a DA or RDA, applying to get their RDA certificate so that they could hold two certificates. Ms. Welch stated that with respect to RDHs, this proposal is regarding a licensed RDH with the Dental Hygiene Board of California (DHBC) applying for RDA licensure with the Dental Board. She noted that the Council is merely trying to clarify that process because it is confusing for Board staff and RDH licensees applying for RDA licensure. Ms. Terlet stated that it would help if the Board could streamline this by approving the dental hygiene program certificates, and having dentists verify certificates might be problematic in the long term.

Ms. Greenfield, EF Association and the Dental Assisting Alliance representative, noted that in regard to the hygiene portion of the discussion, they would agree with Dr. Terlet's comments. For that particular portion of this bill, they would support a way to cross-pollinate licensure requirements. She noted that for hygienists in the United States, sealants, x-ray, and coronal polish are all nationally accredited at the same level. She pointed out that in regard to putting this back to the responsibility of the dentist, she would agree with Dr. Terlet. To have to keep track of someone showing up with certifications really should be the responsibility of the Dental Board. If applicants have

completed certification classes that are approved by the Dental Board and have applied for licensure, that should be part of the Board's process.

Mr. Anthony Lum, DHBC Executive Officer, stated that, in their opinion, BPC section 1907 is clear as to the dental hygienists who can perform RDA functions. As stated in the law, anyone licensed as an RDH prior to December 31, 2005, can perform the functions, and anyone after must obtain an RDA license. If anyone asks the Board about RDA functions, DHBC references them back to the Dental Board's laws that cover RDAs, so they get a clear understanding of what they can do. Mr. Lum stated that the DHBC is willing to work and collaborate with the Dental Board on any potential amendments to BPC section 1907 and asked for better communication moving forward.

Ms. Welch apologized to the DHBC as she was under the impression that they would be included in conversations about this legislative proposal before it was brought to the Council. She understood the concern about individuals who were licensed as RDHs prior to 2005 and noted that provision would remain in law under BPC section 1907, subdivision (c); all persons holding a license as an RDH as of December 31, 2005 are authorized to perform the duties of an RDA. She commented that what the proposal was trying to clarify is what happens on or after January 1, 2006, for all of those applicants. With respect to radiation safety and coronal polishing certification for individuals who completed those courses many years before for the RDH license and who are now applying for RDA licensure, BPC section 1752.1, subdivision (a)(1)-(3) establishes certain individuals who have to follow a particular path for RDA licensure. The proposed new subdivision (a)(4) would create a new paragraph for RDH licensees so that all they have to do to get RDA licensure is pass the exam. On page 38 of the meeting materials, subdivision (d) states very clearly that each applicant applying for RDA licensure pursuant to paragraphs (1)-(3) of subdivision (a) have to provide evidence of the radiation safety and coronal polishing. That would not include the RDHs who are already licensed as RDHs and applying for RDA licensure under paragraph (4) of subdivision (a). Paragraphs (1) – (3) apply to standard RDA applicants, and paragraph (4) is the RDH licensee applying for RDA licensure, and they would be applying and establishing eligibility through their RDH licensure and by taking and passing the exam. She encouraged Board staff to communicate with Mr. Lum and the DHBC before this proposal is presented to the Board, potentially at the November meeting, to make sure that there are no unintended consequences of this legislative proposal. If the DHBC has any recommended changes, those could be presented to the Board at that time.

(M/S/C) (Fowler/Pacheco) to collaborate with the DHBC to recommend to the Board a recommendation to amend BPC sections 1752.1, 1752.4, and 1907 and repeal section 1752.6 to clarify the application requirements of an RDH to obtain an RDA license and education requirements to perform additional RDA duties.

Chair Fowler requested public comment before the Council acted on the motion. There were no public comments made on the motion.

Chair Fowler called for the vote on the proposed motion. Ms. Taran took a roll call vote on the proposed motion.

Ayes: Epps-Robbins, Fowler, Olague, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: None.

Absent: Miyasaki.

Recusals: None.

The motion passed.

Agenda Item 9: Adjournment

Chair Fowler adjourned the meeting at 11:03 a.m.