



**DENTAL BOARD OF CALIFORNIA
MEETING MINUTES
August 17-18, 2023**

The Dental Board of California (Board) met on August 17-18, 2023, with the following location available for Board and public member participation:

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

Members Present:

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

Members Absent:

Yogita Thakur, DDS, MS

Staff Present:

Tracy A. Montez, Ph.D., Executive Officer
Carlos Alvarez, Enforcement Chief (South)
Ryan Blonien, Enforcement Chief (North)
Paige Ragali, Chief of Dental Programs and Customer Support
Owen Dudley, Chief of Regulatory Compliance & Discipline
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
David Bruggeman, Legislative and Regulatory Specialist
Kelly Silva, Investigator
Joseph Tippins, Investigator
Juan Fuentes, Investigator
Mirela Taran, Administrative Analyst
Yvonne Dorantes, Assistant Deputy Director, Board and Bureau Relations, Department
of Consumer Affairs (DCA)
Alex Cristescu, Office of Public Affairs, DCA

Dental Board of California
August 17-18, 2023 Meeting Minutes

Kristy Schieldge, Regulatory Counsel, Attorney IV, Legal Affairs Division, DCA
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

11:00 a.m., Thursday, August 17, 2023

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

The Board President, Dr. Alan Felsenfeld, called the meeting to order at 11:01 a.m. The Board Secretary, Dr. Lilia Larin, called the roll; ten Board Members were present, and a quorum was established. Board Member Yogita Thakur, DDS, MS, was absent.

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 May 18-19, 2023 Board Meeting Minutes

Tara Welch requested an amendment to the meeting minutes on page 8, Agenda Item 13, fourth paragraph, second line, to strike and replace "California Association of Extended Functions (CAEF)" with "California Extended Functions Association (CEFA)."

Motion/Second/Call (M/S/C) (Pacheco/Olague) to correct the association name in the May 18-19, 2023 meeting minutes.

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

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

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

Nays: None.

Abstentions: Yu.

Absent: Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Molina/Felsenfeld) to approve the May 18-19, 2023 meeting minutes as corrected.

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

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Molina, Olague, Pacheco.

Nays: None.

Abstentions: Medina, Yu.

Absent: Thakur.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Felsenfeld reported that he continually works with Dr. Tracy Montez on a regular basis to be apprised of what the Board is doing and where it is going and announced that the Board has issued the very first temporary license to the spouse of a military person due to the passage of Assembly Bill (AB) 107 [(Salas, Chapter 693, Statutes of 2021)]. President Felsenfeld noted that the Board is the leader in the DCA and will hopefully issue more temporary licenses to assist the people who have been transferred to California.

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

Agenda Item 5: Executive Officer Report

Dr. Tracy Montez shared that she has weekly calls with President Felsenfeld to keep him apprised of Board operations, projects, and issues of note and as well with the Dental Assisting Council (DAC) Chair and Vice Chair regarding items. She voiced that Board leadership continues to meet monthly with DCA Director, Chief Deputy Director, and Board and Bureau Relations Deputy Director to facilitate the communications between the Board and DCA. Dr. Montez noted that she and the Board's Assistant Executive Officer, Christy Bell, attended two Sunset Hearing meetings with Business and Professions Committee staffers and other DCA boards and bureaus that are scheduled for sunset in 2024. They were given the official questionnaire, and Board staff have been working extremely hard to pull all the data together. She voiced that in July of 2023, Board staff have distributed a ListServ notice regarding fraudulent activity that was brought to their attention and appreciates Board stakeholders for informing Board staff on what is going on in the community. Additionally in July, she met with the DCA Director and other healing arts boards to discuss crossover issues with medispas, which she will keep the Board informed of any updates. As the Board's office support positions have been particularly challenging to fill, Dr. Montez asked the Board Members if they could encourage applicants to only call or email once on the status of their application. Furthermore, she mentioned that Board staff are still processing applications within four to eight weeks but are attempting to do it closer to the four-week mark if no deficiencies are present. Dr. Montez shared that Ms. Bell and she met with the DCA, Division of Investigation Chief Kathleen Nicholls to discuss best practices for tracking investigations. As the Board has been working with the Enlightened Enforcement Project, Board staff hopes to merge all information to strengthen its enforcement division. She provided a report on the recent DCA Diversity, Equity, and

Inclusion (DEI) survey, the Board's 2022-2025 Strategic Plan, webpage, newsletter, and staffing updates.

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

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

Yvonne Dorantes provided a departmental update. She expressed that the changes for Bagley-Keene Open Meeting Act that allowed board members to not have to notice their meeting location or meet in an ADA accessible location did expire on July 1, 2023. Therefore, as of that date, all public meetings are subject to the traditional pre-COVID requirements for open meetings. Whether a meeting is held at a single centralized location or at multiple teleconference locations, each physical meeting location will need to be identified in the meeting public notices and agenda. Board members must attend meetings in person at the notice locations. Ms. Dorantes stated that Senate Bill (SB) 544 [(Laird, 2023)], which may allow for some meetings to be held without noticing the locations and, thus, allowing remote virtual meetings, is still going through the legislative process. She congratulated the Board for being the first to issue a license to a military spouse. DCA has worked to implement AB 107, authored by Assembly Member Rudy Salas, which was effective July 1, 2023 and therefore DCA boards and bureaus, unless otherwise exempt, are required to grant temporary licensure to spouse or domestic partners of active duty military members stationed in California if the spouse or domestic partner holds a license in another state with the same scope of practice as a profession in California which they would like to practice. To further DCA's efforts to reach the Californians it serves, DCA will request that boards and bureaus translate any press releases into Spanish. California's top non-English language spoken is Spanish, and establishing a standard of translating releases into both English and Spanish will enhance the reach of information released. Boards and bureaus are also encouraged to evaluate any additional language outside of Spanish that may serve their audiences. Ms. Dorantes provided onboarding and travel reminders and addressed required Board Member trainings, DEI updates, and the Governor Governance Project.

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

Agenda Item 7: Budget Report

Wilbert Rumbaoa provided a report on the State Dentistry Fund, which the Board manages, for fiscal year (FY) 2023-24. Mr. Rumbaoa conveyed that the Board is projected to end FY 22/23 with just over \$15.8 million in reserve balance. There is 8.9 months in reserve, which is the amount of time the Board can continue normal operations without any new incoming revenues. A healthy program is considered to have at least 6 to 12 months in reserve. Based on the reports received by the DCA Budget Office, the

Board is projected to revert approximately \$1.7 million dollars by the end of FY 22/23. Mr. Rumbaoa indicated that for the beginning of FY 23/24, as of June 27, 2023, the Budget Act of 2023, SB 101 [(Skinner, Chapter 12, Statutes of 2023)], was passed, and the starting point for the Board for revenue is going to be \$18.8 million and the expenditures \$20 million.

Board Member Steven Chan asked whether the Board has received billing for the legal cost of the lawsuit against the Board. Mr. Rumbaoa replied that the Board has received billing, and in addition to Attorney General (AG) expenditures, the contracted vendor expenses have been added to the expenditure projection. He voiced that the contract was initially amended as there are some additional expenses. However, that has been included in the report.

Board Member Chan inquired whether it is of merit to cite the unrecoverable investigation fees from the AG and things like that. Dr. Montez responded that there are some fees that Board staff is keeping track of, and she can look into the extent of those.

Secretary Larin asked whether the State Dentistry Fund budget includes any revenue for committee projects that might be coming up. Mr. Rumbaoa responded that in terms of the Board's budget, there will be an adjustment, most likely by the end of December 2023. However, that will be released on January 10, 2024, for any additional expenses that were not accounted for. In conjunction with the Department of Finance, the Board reviews the budget, its current expenditures, and any legislation that has come out, in addition to AG and Office of Administrative Hearings (OAH) costs, and determine if there is any need for a change or adjustment. Dr. Montez asked Secretary Larin whether she can provide an example of what she has in mind. Secretary Larin voiced that she was referring the Access to Care Committee. She inquired how the committee would be funded if it wanted to do a project or work with staff, as they might need additional hours for staff, conducting interviews, or sending out surveys. Mr. Rumbaoa responded that everything that she will be doing with staff is accounted for in terms of working with staff time. Dependent on the outreach, the Board is able to work with DCA to get certain resources. However, the Board typically is not able to go over its allocation for the year. He conveyed that there is the mechanism called budget change proposal where the Board can request for additional resources dependent on the need, but it would have to be shown that there is a need.

Dr. Montez suggested that any time a committee has a project, to bring it to her attention, and Board staff can work with them. Unless it is a significant change, it is very difficult to get additional funding. Therefore, the Board would have to work within its resources by utilizing staff and the various authorizations that it already has. Dr. Montez stated that it usually takes legislation to get a significant budget change proposal through.

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

Agenda Item 8: Enforcement

Agenda Item 8.a.: Review of Statistics and Trends

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

Dr. Felsenfeld noted that it seems like Board efficiency is getting better by the quarter. He pointed out that the Board gets a lot of complaints, which is unfortunate, but Board staff is getting these complaints into and out of the system as quickly as possible.

Board Member Chan asked whether it appropriate and of value to break out the statistics of dentists versus Registered Dental Assistants (RDAs) in terms of enforcement. Dr. Montez replied that Board staff can provide more detail. Board Member Chan added that having briefing on probation costs to the probationer could be of value to new individuals coming on the Board.

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

Agenda Item 8.b.: Presentation on the Enforcement Process

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

Board Member Angelita Medina thanked Mr. Alvarez for his presentation and asked for an example of the minimum and maximum fines that Board staff can issue and the difference between the two. Mr. Alvarez responded that Board staff do not have a table that shows set fines for each violation. Therefore, it all depends on egregiousness and how many times that office has been inspected. For a license that is not posted, Board staff might issue a \$50 citation. On the other hand, Board staff will issue a \$5,000 citation for spore testing. If the dental office does not have any evidence that they are conducting spore testing, that is an automatic citation.

Board Member Medina asked how are search warrants obtained. Mr. Alvarez responded that search warrants are very minimal, and Board staff usually attains those when they are working on fraud cases. When they want to collect all the evidence, they will go to the District Attorney's Office and present their case, and then a judge will determine whether a search warrant is permitted. If a search warrant is granted, Board staff will go in and start collecting patient records, laptops that they may have, and any data and then submit that.

Secretary Larin inquired how long are results for the spore testing kept. Mr. Alvarez responded that an office should have 12 months' worth of spore testing, which should be kept in a binder. Secretary Larin asked whether there are a lot of licensees that are not performing spore testing. Mr. Alvarez responded that the percentages are very few, around one percent.

Board Member Joni Forge asked Mr. Alvarez whether he is planning on showing this presentation to other societies, as it has important information particularly for young dentists who are now graduating from school. She noted that it might help them in starting in their practices. Mr. Alvarez responded that LA Dental Society is the only society that has contacted the Board, but other societies are more than welcome to reach out to the Board, and he would be delighted to do a presentation for them. Board Member Forge asked whether he would be willing to do the presentation for schools, as well. Mr. Alvarez responded that he would, and in the past, his unit has done presentations for the University of California, Los Angeles (UCLA), and University of Southern California (USC).

Board Member James Yu commented that he will try to mobilize the Bay Area San Francisco Dental Society or possibly University of the Pacific (UOP) to make some contact.

Board Member Chan voiced that the concept of onboarding has taken hold in management and governance systems, and it is a formalized way of learning how things work. He asked whether through the Executive Officer, the Board could consider having this as part of the onboarding for the five vacancies that are coming in. Secondly, he expressed that the distribution channels, which can include dental schools, dental societies, ethnic societies, and consumer groups, are another venue, and this is a good template to get information out there. Board Member Chan suggested to consider having this in the Board's sunset review, as it is a good template to share with the other healing arts boards of how the Board does its work.

Dr. Montez vocalized that this is great feedback from the Board Members and believed that including something like this in sunset is important, as it will cost the Board money to do this outreach.

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

Agenda Item 9: Substance Use Awareness

Agenda Item 9.a.: Diversion Program Report and Statistics

Owen Dudley provided the report, which is available in the meeting materials. He indicated that the next Diversion Evaluation Committee (DEC) meeting was scheduled for October 4, 2023, and pointed out that he has provided responses, located in the meeting materials, to questions that were asked at the last Board meeting regarding prescription positive drug tests and Diversion program costs.

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

At 12:35 p.m., the Board recessed for a break.

At 1:40 p.m., the Board reconvened

Agenda Item 9.b.: Presentation by Maximus

Virginia Matthews, Maximus representative, provided a verbal report on MAXIMUS, Inc.

Board Member Yu, practitioner of acupuncture and dentistry, and also a resident of San Francisco, noted that when he drives at night, in certain cities, he sees many people under the influence and thinks this topic is so important.

Secretary Larin asked if the Board can we have something like this placed on its website, which would entice somebody to join the program and make them feel comfortable to apply, as there is not a very thorough explanation of the Diversion program.

Dr. Montez responded that Board staff can work to put something on the Board's website and believes Board staff is going to include information regarding this topic in the Board's newsletter.

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

Agenda Item 9.c.: Controlled Substance Utilization Review and Evaluation System Report

Mr. Alvarez provided the report, which is available in the meeting materials. He communicated that Board staff is still not collecting Inbound Interstate Searches data. As the state of Oregon is still testing their system, it has not been implemented yet. Mr. Alvarez conveyed that currently the Department of Justice is working with Nevada and Arizona with data sharing.

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

Agenda Item 10: Licensing, Certifications, and Permits

Agenda Item 10.a.: Update on Dental Licensure and Permit Statistics

Paige Ragali provided the report, which is available in the meeting materials. She pointed out that the table, Dental Law and Ethics Written Examination Statistics, located on page 101 of the meeting materials is not current, as the reports used to retrieve this data were experiencing issues.

Dr. Montez pointed out that the Office of Professional Examination Services (OPES) is starting the occupational analysis for the dentist profession, and the Board will be reaching out to subject matter experts and sending out a survey that will ask them to evaluate certain duties that are performed and so forth. As that the time for the survey gets closer, Board staff will give a heads up, so that the Board can make sure it gets a robust sample size of responses.

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

Agenda Item 11: Report on July 26, 2023 Meeting of the Elective Facial Cosmetic Surgery (EFCS) Permit Credentialing Committee; Board Discussion and Possible Action on EFCS Permit Application

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

(M/S/C) (Pacheco/Chan) to approve the EFCS permit application of Samuel Liu, DDS, for unlimited Category I and II privileges.

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

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.
Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

Agenda Item 12: Discussion and Possible Action on the Access to Care Committee Report

Secretary Larin provided a verbal report on this item. She noted the Access to Care Committee had not met in quite a while. She and Board Member Yogita Thakur met with Dr. Jayanth Kumar, Dental Director at the California Department of Public Health (CDPH), on June 20, 2023, to gather ideas and explore opportunities on how the Access to Care Committee could better serve the profession of dentistry in California communities. After some discussion on various options with Dr. Kumar, the Committee proposed that the Board concentrate access to care efforts on addressing staffing shortages in the profession. By working on increasing the workforce in dentistry, the Committee believes the Board can help increase access to care in the state. Secretary Larin noted that the Board's vision and mission clearly states that the Board serves the public health and access to care, which is a big part of what the Committee does. However, the Committee does not have a lot of funds.

(M/S/C) (Larin/Felsenfeld) to authorize the Committee to take the four following actions:
1) Explore strategies to improve licensure examination transparency. For example, add

more content to candidate information bulletins to assist with examination preparation; 2) Evaluate the impact of examination administration time on candidates whose second language is English; 3) Survey candidates to determine how they study for examinations and why they are failing them; and 4) Analyze the pathways to licensure for RDAs to determine if the pathways are facilitating access to practice in a fair and valid manner.

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

Tooka Zokaie, representing CDA, asked whether “examination” in action 2 is referring to the exam itself or everything to help support the applicant or individual in the exam. Dr. Larin responded that it would include everything. Regarding action 4, Ms. Zokaie noted that in terms of pathways, AB 481 does work to address some of the pathways to dental assisting licensure and may be relevant to some of the work that the Committee has conducted. She expressed that CDA does try to find pathways to licensure for RDAs to determine if the pathways are facilitating access. Ms. Zokaie verbalized that CDA asks for there to be the motion to investigate actions 2 and 4 in more detail than they currently are.

Shari Becker, representing the Alliance, recommended the Committee consider a survey regarding salaries, as it might be helpful to the Committee.

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

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

Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

Agenda Item 13: Anesthesia and Sedation

Agenda Item 13.a.: General Anesthesia and Sedation Permits: Inspections and Evaluations Statistics

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

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

Dr. Bruce Witcher, CDA representative, voiced that it looks like the general anesthesia program is in pretty good shape, and it is gratifying to see some of the medical general anesthesia evaluations are getting done. He voiced that there does not appear to be a

huge backlog in that area, because there do seem to be evaluators that are available. Dr. Witcher noted in the table that shows the number of evaluators that are available for all the different categories, moderate sedation only had two. In his discussions with Ms. Olney, Dr. Witcher stated that a lot of the conscious sedation evaluators are still functioning off their old permits, as they have not expired yet; they are not going to be eligible until they come up for renewal as an MS permit holder. He stated that possibly then the Board can fill out that pool of evaluators. He noted one thing to keep in mind is that the evaluations have a very low failure rate, and most people will fail on the simulated emergencies. Although that program may be behind, he does not believe it is a huge threat to public safety when seeing the statistics the Board has from moderate sedation and conscious sedation providers.

Ms. Olney clarified that the Board has four moderate sedation evaluators.

Agenda Item 13.b.: Update Regarding Board Implementation of Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018)

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

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

Dr. Witcher voiced that one statistic that the Board might want to have in there is the number of adult oral conscious sedation permits that is located in the licensing and permit statistics. Traditionally, the pediatric oral conscious sedation and adult oral conscious sedation permits where the most widely subscribed to. He suggested that it would be nice to track those two together.

Agenda Item 13.c.: Discussion and Possible Action Regarding Appointment of General Anesthesia, Medical General Anesthesia, and Moderate Sedation Permit Evaluators

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

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

(M/S/C) (Felsenfeld/Pacheco) to appoint Dr. James Snow as an evaluator for the moderate sedation onsite inspection and evaluation program.

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

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.
Nays: None.

Abstentions: None.
Absent: Thakur.
Recusals: None.

The motion passed.

Agenda Item 14: Discussion and Possible Action Regarding 2024 Meeting Dates
Dr. Montez led the discussion on the selection of Board meeting dates for 2024.

Dr. Montez proposed the following meeting dates for 2024:

- February 8-9, 2024
- May 2-3, 2024; May 9-10, 2024
- August 15-16, 2024
- November 7-8, 2024

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

Agenda Item 15: Recess Open Session Until August 18, 2023, at 8:30 a.m.
President Felsenfeld recessed Open Session at 3:07 p.m.

Agenda Item 16: Convene Closed Session
At 3:25 p.m., the Board convened Closed Session.

Agenda Item 17: Pursuant to Government Code Section 11126(e)(1) and (2)(A), the Board will Confer with and Receive Advice from Legal Counsel and Deliberate Regarding *Sulitzer, et al. v. Tippins, et al.*, United States District Court, Central District of California, Western Division, Case No. 2:19-cv-08902-GW-MAA
This matter was not discussed.

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

The Board convened in Closed Session to discuss disciplinary matters.

Agenda Item 19: Adjourn Closed Session
President Felsenfeld adjourned Closed Session at 4:04 p.m.

8:30 a.m., Friday, August 18, 2023

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

President Felsenfeld called the meeting to order at 8:33 a.m. Secretary Larin called the roll; ten Board Members were present, and a quorum was established. Board Member Thakur was absent.

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

President Felsenfeld provided a verbal report to the Board regarding Closed Session items. He reported that the Board voted on two petitions for reconsideration.

Agenda Item 22: Dental Assisting Council Meeting Report

Traci Reed-Espinoza, Chair of the Dental Assisting Council (DAC), provided a verbal report on the August 17, 2023 DAC meeting. Ms. Reed-Espinoza advised the Board regarding DAC discussion of DAC meeting agenda items.

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

Agenda Item 23: Update, Discussion, and Possible Action on Proposed Regulations

Agenda Item 23.a.: Status Update on Pending Regulations

Mr. Bruggeman provided the report, which is available in the meeting materials. He stated that since the last Board meeting, there were three active packages that have moved forward. The package to implement AB 107, establishing temporary licensure for qualified spouses or partners of military members, is currently in the 45-day notice period. As the Board received one adverse comment, the Board will need to consider and respond to that adverse comment and any other adverse comments received between now and until the end of the 45-day notice period, which is on September 12, 2023, at a future Board meeting. With respect to the package concerning updating the Board's disciplinary guidelines, that package has moved from the review with DCA to review with the Business, Consumer Services and Housing Agency, which is the cabinet level organization that oversees DCA. Once that review has been completed, the Board would then proceed with filing that package with the Office of Administrative Law (OAL) and starting the 45-day comment period. The third package concerns updates for the processes on lost, destroyed, and mutilated licenses and the process to either activate an inactive license or to seek inactive status remains with Board staff for review before moving the package to DCA for review.

Agenda Item 23.b.: Consideration of Previously Approved Proposed Regulations and Possible Recommendation to Form an Advisory Working Group to Review the Dental Assisting Comprehensive Rulemaking Regulations (California Code of Regulations, Title 16, Sections 1067-1081.3)

Kristy Schieldge provided the report and referred the Board members to her August 15, 2023 memo, which is available in the meeting materials. She provided the Board with background regarding the regulations approval process that includes review and approval by the DCA director, the Business, Consumer Services and Housing Agency, the Department of Finance (economic and fiscal impact statements that are associated with the regulations) and attorneys from the Office of Administrative Law. Regulations

are reviewed to see whether they meet six standards including: necessity, authority clarity, consistency, reference, and non-duplication.

She advised the Board that she had worked on the Board's existing dental assisting regulations for the educational programs back in 2010 and 2011 but that since that time regulations review by control agencies has become more rigorous. She explained that the current proposal that was originally approved in December of 2020 by this Board, and is included in the materials at Attachment A, has significant issues as outlined in the memo. She advised that the Board would have a difficult time getting this package approved through the control agencies and meeting those six standards described previously. She indicated that her recommended action for this item was on page 5 of the memo, which includes a motion to rescind the Board's prior motion approving the proposal in Attachment A and sending the issue back to the DAC to form a working group.

Dr. Felsenfeld framed the issues as outlined by Regulations Counsel for the Board's consideration and asked if any member would like to make a motion as suggested by Regulations Counsel on page 5 of the memo.

(M/S/C) (Larin/Olague) to: (1) rescind the Board's December 4, 2020 motion to initiate a rulemaking for this proposal; (2) refer this proposal back to the Board's Dental Assisting Council for the appointment of a one or two-person working group to further review and revise this proposal in consultation with Regulations Counsel and Board staff; and (3) bring back a new proposal to a future meeting for Board consideration.

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

Ms. Becker, representing the Alliance, declared that that they are in support of the motion.

Dr. Lori Gagliardi, representing the Foundation for Allied Dental Education (FADE), expressed support for the motion and asked if the Board could put a timeline on the review of information and whether stakeholders will have the opportunity for input.

Ms. Schieldge responded that the recommendation is to refer this to the DAC to appoint a one- or two-person committee to work directly with her and Board staff since they are the committee responsible for recommendations to the Board involving dental assisting matters. This referral ensures that there is engagement and utilization of subject matter experts, which would be the educators. Staff and Ms. Schieldge would then consult with someone the DAC appoints who has that experience. Afterwards, it would be brought back to the DAC at a public meeting where Board staff would explain the recommendations and the changes from the prior proposal, and the public would have the opportunity for comments. She advised that it is preferable to work through the issues before Board staff formally files the rulemaking since the fewer adverse

comments, the more quickly the proposal can move forward in the formal process. If Board staff waits until the formal rulemaking to take the adverse comments and engage, the rulemaking slows down quite significantly, and the process takes a lot longer.

Dr. Felsenfeld confirmed that the Board's Executive Officer and staff would work with Regulations Counsel and the working group to establish timelines for bringing the items forward for public discussion.

Dr. Montez agreed on doing the work behind the scenes in the working group and then bringing it to the DAC meeting for public input. She conveyed that if Board staff deals with any issues in the working group and gets things done, it will be a much cleaner approach to the DAC, and the result would be one package for the Board.

Dr. Gagliardi, representing FADE, asked whether this would go back to the DAC at either the October or November meeting to appoint the subcommittee or whether it is something the Board could appoint a subcommittee right now, as two DAC members make up the Board.

Dr. Montez responded that the Board would need to wait until the November meeting given the many pending other sunset review items that will need to be addressed at the October meeting, and that there is plenty of work to be done between now and November.

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.
Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

Agenda Item 24: Examinations

Agenda Item 24.a.: Report on Commission on Dental Competency Assessment, Western Regional Examining Board, and The Council of Interstate Testing Agencies (CDCA-WREB-CITA)

Dr. Montez provided a verbal report on CDCA-WREB-CITA activities.

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

Agenda Item 24.b.: Presentation, Discussion, and Possible Action on the Portfolio Examination Report by the Office of Professional Examination Services

Dr. Montez provided the report, which is available in the meeting materials

Board Member Chan verbalized that he has tracked the driver for this pathway, as well as the construction of this, and voiced that there was a lot of heart that was put into this. However, in the more than 10 years now that this has been on the on the table, consumption is not there, which indicates it is time for extinction.

President Felsenfeld noted that the way the portfolio pathway came about was in looking for a new way to license dentists without having to take all these exams that dentists had to take way back in the day. The Board was represented by Stephen Casagrande, the schools were represented by various deans and professors, and he represented CDA. President Felsenfeld voiced that he spent about approximately three years of his life trying to put this together, which was a very difficult thing. He voiced that he recognizes the functional reality of the fact that no one is taking it, and the reason they are not taking it is because it became very difficult due to the regulatory requirements. It became very difficult for the schools to administer this exam, which resulted in the schools losing enthusiasm to set it up for these students to take it. He suggested that since the exam is not doing what it is supposed to, it should be eliminated.

Dr. Montez emphasized that this is a really good example of why examinations are evaluated on a regular basis. The portfolio was a great idea and worked for a time, but it became outdated, and the Board is using American Board of Dental Examiners (ADEX). Therefore, it is important to keep in mind that an exam is not just an exam; it is a process that the Board needs to keep evaluating through occupational analysis, exam development, and so forth. Although it is a hard thing to let go, it is a good example of evolving tests and not having barriers to licensure.

Ms. Welch recommended the following corrections to the legislative proposal:

- On page 148 of the meeting materials, in the title of the legislative proposal, strike “Elective Facial Cosmetic Surgery Permit and Credentialing Committee” and insert “Portfolio Examination.”
- On page 149 of the meeting materials, in the sentence that begins with “in either case,” on the third line, strike “or as provided in paragraph (1) of subdivision (c)” as paragraph (1) of subdivision (c) refers to the portfolio examination provisions that the Board is striking at today’s meeting.
- On page 150 of the meeting materials, in section 1632.5, subdivision (a), retain the strike through text of “paragraph (2) of” but change “(2)” to (1).” Ms. Welch noted that this conforms to the changes being made to section 1632, subdivision (c), paragraph (1), which will now be the WREB provisions instead of the portfolio examination. At the end of that sentence, six lines down, the text currently strikes “paragraph (2) of.” Ms. Welch suggested to retain “paragraph (2) of” but to change “(2)” to “(1),” so that the new text will just refer to the WREB exam not the portfolio exam.

- Strike in this paragraph the whole sentence that begins with “The review of the Western Regional Examining Board examination shall be conducted...” and the following sentence beginning with “However, an applicant who successfully completes the Western Regional Examining Board examination on or after January 1, 2005...” because both sentences are outdated. BPC section 1632.5, subdivision (a), would just be one sentence ending with “Section 1632 shall not be implemented”.
- On page 151 of the meeting materials section, in section 1632.55, subdivision (a), the text currently strikes “subparagraph (B) of paragraph (2) of.” Ms. Welch recommended retaining the words “paragraph (2) of” because paragraph (2) of subdivision (c) of section 1632 properly references the ADEX. Toward the end of that subdivision, in the line that begins “described in subdivision (d),” she recommended striking “subparagraph (B) of.”

Secretary Larin pointed out that in the discussion Western Regional Exam is being mentioned. However, that does not exist any longer, as WREB has joined CDCA. Ms. Ragali replied that although WREB is no longer in its own examination that the Board offers, it is still a pathway to licensure. The Board still allows the WREB pathway to licensure. The different statutory provisions regarding the acceptance of the examination in relation to that pathway to licensure would still stand for now. An individual can have taken the WREB exam within the last five years, and those scores would count. Since the WREB exam was administered through December 31, 2022, an individual would still be able to apply for up to five years from December 31, 2022, to meet that application date in those requirements.

(M/S/C) (Felsenfeld/Chan) to accept the technical corrections made by the Board legal counsel.

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

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.
 Nays: None.
 Abstentions: None.
 Absent: Thakur.
 Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Chan) to recommend inclusion in the Board’s Sunset Review Report the legislative proposal to amend Business and Professions Code sections 1632, 1632.5, and 1632.55, and repeal section 1632.1.

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

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.
Nays: None.
Abstentions: None.
Absent: Thakur.
Recusals: None.

The motion passed.

Agenda Item 25: Update Regarding Board Sunset Review

Dr. Montez provided the report, which is available in the meeting materials.

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

Dr. Witcher, CDA representative, noted that he believes the previous motion was to approve the changes and that the Board was going to take a second subsequent vote to approve the motion as a whole. President Felsenfeld responded that is the action the Board took.

Agenda Item 26.a.: Discussion and Possible Action on Revisions to Previously Approved Recommendation on Legislative Proposal to Amend Business and Professions Code (BPC) Sections 1601.1 and 1740 and Repeal BPC Section 1742 Regarding Board Composition and Dental Assisting Council

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

Board Member Chan stated that he was president-elect of CDA when the issue of restraint of trade came before the Supreme Court in *Federal Trade Commission (FTC) v. CDA*. It was a multi-year process and discovery and cost millions of dollars to go through that, so he is sensitive to restraint of trade questions. He noted the differences as the Board moves forward after the *North Carolina Board of Dental Examiners* case is that at that time, the North Carolina Board was populated by recommendations from the Dental Association. In California, dentists are not populated by the Dental Association. If the recommendation does go through, and the Board becomes a target for that, it is going to cost, and the Board has to defend itself, which he believes is not worth it. He conveyed that he understands the need for the public members and suggested that the Board balance out the optics that this is a regulatory board of dentists and dentistry against the public interest.

Board Member Sonia Molina noted that she is happy to see that the Board is reconsidering the function of the DAC. She believes that it is important for the Board to hear the DAC's input as dentists work with dental assistants and are part of a team.

(M/S/C) (Chan/Forge) to withdraw the approved legislative proposal for inclusion in the Board's Sunset Review Report to amend sections 1601.1 and 1740, and repeal section 1742 of the Business and Professions Code.

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

Melodi Randolph, representing the Alliance, verbalized that they are delighted to hear this, recognized all of the hard work of the DAC, and encouraged the Board to really listen to the comments, concerns, and suggestions of the DAC moving forward as they work very hard and diligently to represent dental assisting.

Ms. Becker, representing herself, agreed with Ms. Randolph's comments.

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

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

Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

Dr. Montez thanked the Board for being open to these conversations and the actions that were taken in May and taken today and thanked the stakeholders for speaking up. She voiced that she appreciates the partnership, and Board staff is going to ask for assistance.

Agenda Item 26.b.: Discussion and Possible Action on Legislative Proposal to Amend BPC Section 1638.1 Regarding Elective Facial Cosmetic Surgery Permit and Credentialing Committee

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

(M/S/C) (Felsenfeld/Chan) to include in the Board's next Sunset Review Report a recommendation to amend Business and Professions Code section 1638.1 to clarify the EFCS Permit application process and requirements.

Board Vice President Pacheco asked for clarification if this is the same as the 20 cases for the children under seven.

Ms. Ragali responded that the Board has a very small population of EFCS permit holders, has only issued 38 permits since this statute was enacted, and only 26 of those are currently in an active status. Board staff believe, in conjunction with meeting with the EFCS Permit Credentialing Committee on a quarterly basis and receiving feedback from them, there were a lot of issues with the statute as it was currently written. Ms. Ragali stated that Board staff is hoping to avoid having to put regulations forward and move forward with that package by putting more detail into the statute and the requirements of the permit. Regarding operative reports, there was never a requirement of what was included on the report. Therefore, the Committee now wants applicants to notice what their level of participation was in the surgical procedures, as well as when the actual operations took place. She stated Board staff is asking for more clarity within the application, which will help them to review the applications based on the statutory requirements. It would also elevate barriers to licensure, as it is the intent to then use the Committee as subject matter experts and no longer have a Committee. This would be more efficient as Board staff would not have to set up quarterly meetings and make the applicants wait for licensure, which depend on when the Committee quarterly meetings are held.

Ms. Welch responded to Vice President Pacheco's inquiry and noted that the 20 reports are in relation to SB 501. She explained this is different in that current law only requires 10 reports to be submitted for these types of procedures. If the individual is applying for both Category I and Category II procedures, then they would have to submit 20 reports; but if they are only applying for one or the other category, it is 10 reports per category.

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

Gary Cooper, representing California Association of Oral and Maxillofacial Surgeons (CalAMOS), noted that CalAMOS was the sponsor of SB 438 [Migden, Chapter 909, Statutes of 2006)], and they worked very hard to convince the Legislature and the Governor to allow the oral maxillofacial surgeons to participate in this technique. During that process, there was a lot of struggle with the medical profession. Currently, CalAMOS is very supportive of a lot of the issues that have been brought forth regarding streamlining the process. The one they have more concerns with is eliminating and repealing the Committee. He asked the Board if they could have a substitute motion to move forward with all of the streamlining, as they have done in SB 501, but continue on with the Committee. CalAMOS is supportive of the suggestions with the exception of the repeal of the Committee and would like to see a substitute motion accepting all the provisions with the exception of the repeal of the Committee. They would provide a certain directory of many professionals who will be willing to participate in this Committee. However, at this point in time, they do not think it is helpful for consumer safety to eliminate the Committee.

Dr. Whitcher, speaking as an individual and former liaison to the EFCS Committee when he was on the Board, voiced that he always thought that this Committee was one of the Board's more effective standing committees. He indicated that he can understand why Board staff sees a potential efficiency in eliminating it, as they only meet when there are applications ready for review. He verbalized that it may be premature to consider this proposal at this time, as there is pending legislation that may make remote meeting participation much more possible through SB 544 and [AB] 2449 [(Blanca Rubio, Chapter 285, Statutes of 2022)]. Dr. Whitcher noted that there is a provision in existing law that when the Committee is constituted, the Committee composition needs to be run by a number of communities of interest, including CDA, CMA, California Society of Plastic Surgeons, and CalAMOS. He noted that there are communities of interest the Board may want to consult with before moving forward with reconstituting the Committee. Dr. Whitcher voiced that he would like to make sure that these permittees who have had limited permits be treated fairly when they reapply.

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

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

Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

Agenda Item 26.c.: Discussion and Possible Action on Legislative Proposal to Amend BPC Section 1718.3 Regarding Issuance of New License in Event of Failure to Renew Within Five Years After Expiration

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

Board Member Larin mentioned that the Board has to start eliminating the WREB exam, as it is no longer in existence. Ms. Ragali responded that it is not an examination that is currently offered, but it is still a pathway to licensure. Even though students cannot take a WREB examination now as the exam is no longer offered after the merger, due to the statutory provisions that allow applicants to use their scores as long as they have taken and passed within the past five years, they are still able to apply for licensure. The Board does still see scores for WREB applications as the last exam was administered in December 2022.

President Felsenfeld asked for clarification on a few passages in the meeting materials. Ms. Ragali voiced that the way that it is currently written, with the amendments from the last Sunset Review Report in AB 1519 [(Low, Chapter 865, Statutes of 2019)], is that they added a paragraph, but it was not structured properly. Currently, the statute requires everything in paragraphs (1) through (4) for someone to restore, reinstate, and

regain licensure in California after a license has canceled, which means that it lapsed for five years due to non-renewal, and the license automatically went into a canceled status. The way it is now written is that it requires someone to provide satisfactory proof, which is subparagraph (3) that Board staff is proposing to strike, as well as apply through a new pathway to licensure. Ms. Ragali noted that it is contradictory, and that the intent behind it was to allow people with canceled licenses to not have to go through a review process and not have a canceled license pathway. The intent was to allow them to apply through a pathway that they qualify for. Regarding the option two portion, that provision is removed and there is no longer a canceled license pathway, Board staff recognize that there is a population that qualified previously when they were graduates of foreign dental schools or non-CODA approved dental schools, and they then qualified to take a Board administered examination, which was the Restorative Technique Examination. If the Board removes the option in paragraph (3) and only allows them to qualify through one of the available pathways, since they do not have a CODA-approved education and if they have not moved somewhere in practice clinically the five years, Board staff want it to still allow an option for that population to regain licensure. Now, they would qualify to take an examination that is given under BPC section 1632, which essentially would only be an ADEX examination and all other exams required for licensure.

(M/S/C) (Forge/McKenzie) to include in the Board's next Sunset Review Report a recommendation to amend Business and Professions Code section 1718.3 to clarify the cancelled license application process and requirements (Option B).

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

Dr. Whitcher, representing CDA, noted that they had a little bit of a concern about the delinquency fees and what purpose those would serve if an individual returns to California, wants to reinstate their licensure, and are still eligible after having it canceled for five years, as they can establish eligibility through one of the pathways. He verbalized that it almost seems like the delinquency fees are a little punitive as they can really add up and be quite a burden to somebody trying to come back to California.

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.
Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

At 9:57 a.m., the Board recessed for a break.

At 10:16 a.m., the Board reconvened

Agenda Item 26.d.: Discussion and Possible Action on Legislative Proposal to Amend BPC Section 1628.7 Regarding Probationary License

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

Board Member Molina commented that the portion that says a new application cannot be submitted until at least a year has passed from the denial of the application seems to be a long time. Ms. Ragali replied that the Board currently follows that guideline, and Board staff wanted to include it within this statute. The reason that guideline is there is because it would be burdensome on the Board and on the applicant to keep applying for licensure without any provisions. Regarding when they are able to apply after denial of a license, you can essentially change those facts within a day, a week, or month. Therefore, for them to reapply in such a short time period is placing more workload on Board staff and results in unnecessary denials for the licensee or the applicant. The intent is that the Board would allow certain licensees or applicants as appropriate who would not be issued unrestricted licenses to be given an opportunity to prove that they can safely practice in California through a three-year probationary term. With the probationary term they are still able to request termination of the probation after one year based on the three-year requirement and can follow all of the other provisions within BPC section 1686. Board staff believe it would not be effective for an applicant who was denied to be able to reapply a week later when the circumstances and rehabilitation criteria would not change.

Dr. Montez clarified that this is merely for a new application that was previously denied, and the Board could have a new applicant who has never been denied go through this process. Ms. Ragali added that if they apply for licensure, and the Board deems it appropriate, the applicant could practice safely, the Board would give them this opportunity and offer. The applicant can decline the offer, which then the Board would deny the license. Afterwards, the applicant would have the process of appealing the license, and they would be able to go before an administrative law judge if they wanted. If they do apply and the Board is considering their application, they would not be denied immediately. The applicants would apply, Board staff would tell them what they are deficient in and work with them to comply with the deficiencies, and once their application package is complete, Board staff would be reviewing it and determining, from enforcement standpoints and through the Executive Officer, whether this should be a denied application and given the opportunity for appeal. Or, if we would offer an in-house stipulated settlement for a probationary license on three-year terms as required by statute and then any other standard terms and conditions.

(M/S/C) (Yu/Forge) to include in the Board's next Sunset Review Report a recommendation to amend Business and Professions Code section 1628.7 to clarify the probationary license process and requirements.

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

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.
Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

Agenda Item 26.e.: Discussion and Possible Action Regarding Penalties for Fraudulent Advertising and Misinformation of Dental Assistant Educational Programs and Courses
Dr. Montez provided the report, which is available in the meeting materials.

Ms. Welch noted that the Legislature is now requesting that boards in their sunset review provide some sort of resolution with their issue that they are presenting. At the latest DAC meeting, fleshing out a little bit more what the enforcement action would look like was discussed. She noted that the DAC approved a recommendation to include this issue in the Board's Sunset Review Report and request that the California State Legislature create a clear enforcement action statute with prescribed Board administrative enforcement actions, such as issuing to an educational program or course in violation of false or misleading advertising a citation with an administrative penalty to be determined by the Legislature, to combat fraudulent advertising and misinformation distributed by an educational program or course provider.

(M/S/C) (Yu/Medina) to include this issue in the Board's Sunset Review Report and request that the California State Legislature create a clear enforcement action statute, with prescribed Board administrative enforcement actions, such as issuing to an educational program or course in violation of false or misleading advertising a citation with an administrative penalty to be determined by the Legislature, to combat fraudulent advertising and misinformation distributed by educational programs and course providers.

Secretary Larin asked why there are no certificates that are handed out to educational programs that are approved by the Board. Dr. Montez responded that they are given an approval status and that they are not accredited. She added that those terms have some different meanings in terms of how schools advertise. Secretary Larin asked how do they prove that they are approved. Dr. Montez replied that there is a process where the Board's subject matter experts go through provisional site visits and then on-site visits and those educational programs have to turn in materials. Subsequently, they

become approved and their program is posted on the Board's website. However, there are schools that are claiming to be approved or claiming to be accredited. Secretary Larin asked whether educational programs receive a certificate of approval. Dr. Montez replied that they do receive paperwork.

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

Ms. Becker, representing the Alliance, stated they are in support of the motion.

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

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

Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

Agenda Item 27: Update, Discussion, and Possible Action on 2023/2024 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Agenda Item 27.a.: 2023 Tentative Legislative Calendar – Information Only

Mr. Bruggeman provided an overview of the 2023 Tentative Legislative Calendar, which is available in the meeting materials. Mr. Bruggeman stated that it was the last month of this year's legislative session, and the Legislature has until September 14, 2023, to pass any bills that have a chance to become law this year. The Governor will have 30 days from the time in which he is presented with a past bill to sign that into law. Since the last day of the session is September 14, 2023, most of which the Governor is going to get on September 14, 2023, he will have until October 14, 2023, to sign into law. Unless the legislation stipulates a different effective date, these bills would go into effect on January 1, 2024. The other relevant deadlines to consider in this last month is that at this point, bills are with their respective Appropriations Committees. Those committees have until September 1, 2023, to report those bills to the floor. The respective houses would need to pass the legislation, concur with any amendments that the other house has made, and then present them to the Governor for approval and chapter them by the Secretary of State.

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

Agenda Item 27.b.: Legislation of Interest

Mr. Bruggeman provided the report, which is available in the meeting materials, and went over the five bills, AB 481, AB 936, AB 1552, SB 372, and SB 544 that the Board took a position on at the May Board meeting.

AB 481

Mr. Bruggeman stated that the DAC has made recommendations with respect to amendments to AB 481, and it would be up to the Board to consider whether they want to go ahead and officially pass those along or if there are any other things that they would like to add.

(M/S/C) (Felsenfeld/Pacheco) to authorize the Board's Executive Committee to assess the DAC recommendation on amendments to AB 481, work with the author to facilitate inclusion of the amendments in the bill, and if the amendments are not included, authorize the Executive Committee to change the Board's position.

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

Ms. Reed-Espinoza stated that there are a few words that need to be changed or a comma that needs to be placed in, and the DAC would like to move forward with that.

Dr. Montez added that AB 481 will continue moving forward because it is not the Board's bill, and it will either be amended or not, but it will likely continue moving on.

Ms. Zokaie, representing CDA, noted that they have appreciated working with Dr. Montez and learning more about the Board's needs and working collaboratively to have a support position and moving forward AB 481. She voiced that CDA understands that there have been some suggestions by the DAC at their latest meeting, and they have already been working on incorporating those since that meeting. She noted that this is something that CDA wants to continue to move forward collaboratively and understand that there is a process to looking at these recommendations. She reassured the Board that CDA is looking at those non-substantive changes to make sure that this bill does move forward comprehensively, while also making these pathways easier, and noted that they appreciate the Board's support position.

Dr. Witcher, CDA representative, noted that the concept they are looking for is technical, non-substantive type changes based on Dr. Montez's comments. He voiced that CDA will consider anything but would be disappointed if the Board were to change its position to oppose unless amended.

Ms. Becker, representing the Alliance, noted that they appreciate the Board's consideration of the DAC's recommendation.

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

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

Nays: None.

Abstentions: None.

Absent: Thakur.

Recusals: None.

The motion passed.

Agenda Item 28: Discussion on Prospective Legislative Proposals

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

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

Agenda Item 29: Adjournment

President Felsenfeld adjourned the meeting at 10:54 a.m.