# FULL BOARD MEETING
# Monday, August 25, 2014

**Courtyard by Marriott Cal Expo**
**1782 Tribute Road**
**Sacramento, CA 95815**

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
DENTAL BOARD OF CALIFORNIA
2005 Evergreen Street, Suite 1550, Sacramento, CA 95815
P (916) 263-2300 F (916) 263-2140 | www.dbc.ca.gov

# BOARD MEETING AGENDA
**August 25-26, 2014**
Courtyard by Marriott Cal Expo
1782 Tribute Road
Sacramento, CA 95815
916-929-7900 or 916-263-2300

**Members of the Board**
Fran Burton, MSW, Public Member, President
Bruce Whitcher, DDS, Vice President
Judith Forsythe, RDA, Secretary

Steven Afriat, Public Member
Stephen Casagrande, DDS
Yvette Chappell-Ingram, Public Member
Katie Dawson, RDH
Luis Dominicis, DDS
Kathleen King, Public Member
Ross Lai, DDS
Huong Le, DDS, MA
Meredith McKenzie, Public Member
Steven Morrow, DDS, MS
Thomas Stewart, DDS
Debra Woo, DDS

During this two-day meeting, the Dental Board of California will consider and may take action on any of the agenda items. It is anticipated that the items of business before the Board on the first day of this meeting will be fully completed on that date. However, should items not be completed, it is possible that it could be carried over and be heard beginning at 8:00 a.m. on the following day. Anyone wishing to be present when the Board takes action on any item on this agenda must be prepared to attend the two-day meeting in its entirety.

Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the President. For verification of the meeting, call (916) 263-2300 or access the Board's website at www.dbc.ca.gov. This Board meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

# Monday, August 25, 2014

## 8:00 A.M. FULL BOARD MEETING – OPEN SESSION

1. Call to Order/Roll Call/Establishment of Quorum

2. Approval of the May 29-30, 2014 Board Meeting Minutes

3. President's Report

4. Update from the Dental Hygiene Committee of California (DHCC)

5. Staff Update on the Dental Hygiene Committee of California's (DHCC) Rulemaking Proposals:
   A. Adoption of California Code of Regulations, Title 16, Sections 1100, 1101, 1121-1122, 1124, 1126-1127, and 1133 Relative to Definitions, Delegation of Authority to Executive Officer, Examinations, Examination Review Procedures and Appeals, and Infection Control;
   B. Adoption of California Code of Regulations, Title 16, Section 1108 Relative to Remedial Education;
   C. Adoption of California Code of Regulations, Title 16, Sections 1103, 1105, 1105.1. 1105.2, 1105.3, 1105.4, and 1106 Relative to Educational Program Requirements;
   D. Adoption of California Code of Regulations, Title 16, Sections 1104, 1104.1, and 1104.2 Relative to Feasibility Study

6. **COMMITTEE/COUNCIL MEETINGS – SEE ATTACHED AGENDAS**

   - LICENSING, CERTIFICATION AND PERMITS COMMITTEE
   See the attached Licensing, Certification and Permits Committee agenda

   - LEGISLATIVE AND REGULATORY COMMITTEE
   See attached Legislative and Regulatory Committee agenda

   - PRESCRIPTION DRUG ABUSE COMMITTEE
   See attached Prescription Drug Abuse Committee agenda

   - ENFORCEMENT COMMITTEE
   See attached Enforcement Committee agenda

   - EXAMINATION COMMITTEE
   See attached Enforcement Committee agenda

   - ACCESS TO CARE COMMITTEE
   See attached Access to Care Committee agenda

   - DENTAL ASSISTING COUNCIL
   See attached Dental Assisting Council agenda

7. Discussion and Possible Action Regarding 2015 Board Meeting Dates

8. Discussion and Possible Action Regarding Fiscal Year 2014/15 Regulatory Priorities

9. Discussion and Possible Action Regarding Western University Dental School Approval

10. Public Comment of Items Not on the Agenda
    The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a))

11. Recess

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **Agenda Item 2:** Approval of Minutes |

The Board may take action to approve the minutes from the May 29-30, 2014 Board Meeting.

**BOARD MEETING MINUTES**
**May 29-30, 2014**
Red Lion Hotel
150 Hegenberger Road, Oakland, CA 94621
**DRAFT**

**Members Present**
Fran Burton, MSW, Public Member, President
Bruce Whitcher, DDS, Vice President
Judith Forsythe, RDA, Secretary
Yvette Chappell-Ingram, Public Member
Katie Dawson, RDH (Friday only)
Luis Dominicis, DDS
Kathleen King, Public Member
Ross Lai, DDS
Huong Le, DDS, MA
Meredith McKenzie, Public Member
Steven Morrow, DDS, MS
Thomas Stewart, DDS
Debra Woo, DDS

**Members Absent**
Steven Afriat, Public Member
Stephen Casagrande, DDS

**Staff Present**
Karen Fischer, Executive Officer
Sarah Wallace, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Linda Byers, Executive Assistant
Spencer Walker, DCA Senior Legal Counsel

# Thursday, May 29, 2014

**1. Call to Order/Roll Call/Establishment of Quorum**

Fran Burton, President called the meeting to order at 9:04 a.m. Judith Forsythe, Secretary, called the roll and a quorum was established.

**CLOSED SESSION – FULL BOARD**

**CLOSED SESSION – LICENSING, CERTIFICATION, AND PERMITS COMMITTEE**

**RETURN TO OPEN SESSION – FULL BOARD**

Fran Burton, President, called the full Board back to order at 10:22 a.m.

2. **Report from the Licensing, Certification and Permits Committee Regarding Closed Session**

Dr. Bruce Whitcher, Chair of the Licensing, Certification and permits Committee, reported that the committee reviewed one application for a license to replace a cancelled license from applicant KLR. The Committee recommended that license be granted with the stipulation that the applicant must first complete the Registered Dental Assistant (RDA) written examination and a Law and Ethics course approved by the Board. Motioned/Seconded/ Carried (M/S/C) (Burton/Morrow) to accept the report and the committee's recommendations. The motion passed unanimously.

3. **Approval of the February 27-28, 2014 Board Meeting Minutes and the March 12, 2014 and April 9, 2014 Teleconference Minutes**

Dr. Alan Felsenfeld asked that the minutes of the February 2014 meeting be corrected to reflect his affiliation with the California Dental Association. M/S/C (Morrow/Dominicis) to accept the minutes as revised. The motion passed unanimously. M/S/C (Forsythe/Woo) to accept the March 2014 Teleconference minutes. The motion passed unanimously. M/S/C (Le/Burton) to accept the April 2014 Teleconference minutes. The motion passed with two abstentions.

4. **President's Report**

Fran Burton, President of the Dental Board, introduced the newest Board Member Dr. Debra Woo and our new Deputy Attorney General, Nicholas Tsukamaki. She reiterated the Board mission statement and gave a report on her activities for the Board since the last meeting in February. Ms. Burton congratulated Dr. Huong Le on her Western Clinician of the Year Award.

5. **COMMITTEE/COUNCIL MEETINGS**

6. **Presentation by a Representative from the California Dental Association (CDA) Regarding Recent Access to Care Event**

Gayle Mathe, representing the California Dental Association (CDA), provided a presentation on the CDA Cares event that occurred at the Solano County Fairgrounds in Vallejo in April. She underscored CDA's involvement in providing access to care for underserved populations.

7. **Discussion and Possible Action Regarding:**

   A. **Comments Received During the 45-Day Public Comment Period for the Board's Proposed Rulemaking to Amend Section 1018 of Title 16 of the California Code of Regulations Relating to Revocation for Sexual Misconduct;**

   Sarah Wallace, Assistant Executive Officer, explained that Board staff filed the initial rulemaking documents with the Office of Administrative Law (OAL) on March 18th and the proposal was published in the California Regulatory Notice Register on Friday, March 28, 2014. The 45-day public comment period began on Friday, Friday, March 28, 2014 and ended on Monday, May 12, 2014. The Board held a regulatory hearing in Sacramento on Tuesday, May 13, 2014. The Board received written comments from the California

Dental Association (CDA). Ms. Wallace summarized the comments received from the CDA and recommended rejection of the CDA's comments for the following reasons:

Staff does not share the view that Business and Professions Code sections 726 and 1680 are conflicting statutes; rather staff believes that both provisions operate concurrently in the interest of consumer protection. Section 726 provides that the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and is grounds for disciplinary action for any healing arts professional licensed under Division 2 of the Business and Professions Code. Section 1680(e) defines the committing of any act or acts of sexual abuse, misconduct, or relations with a patient that are substantially related to the practice of dentistry as unprofessional conduct by a person licensed by the Board. Both sections 726 and 1680 are applicable to licensees of the Board; one provision does not prevail over the other unless there is express authority, such as utilizing the term "notwithstanding", as is customary within the statutes contained in the Dental Practice Act.

Additionally, since Section 726 does not expressly exempt its provisions from applying to dentists, like it does for physicians and surgeons licensed by the Medical Board of California, one could subjectively argue that sexual contact with any patient, regardless of the relationship status, could be conceived to be substantially related to the practice of dentistry.

It should be noted that the provisions of Section 726 that provides the exemption for sexual relations between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship, has been in effect for the last twenty (20) years. Neither dentists, nor any other healing arts professional licensed under Division 2 of the Business and Professions Code have ever shared a like exemption.

Section 1680 is not cited as an "authority", rather it has been cited as a "reference" for the following reasons:

- Pursuant to the California Code of Regulations, Title 1, Section 14, an "authority" source is considered a California constitutional or statutory provision which expressly permits or obligates the rulemaking agency to adopt, amend, or repeal the regulation, or a California constitutional or statutory provision that grants a power to the agency which impliedly permits or obligates the agency to adopt, amend, or repeal the regulation in order to achieve the purpose for which the power was granted. Pursuant to Business and Professions Code Section 1614, the Board is granted rulemaking authority and is authorized to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Dental Practice Act. Therefore, section 1614 is cited as the "authority".

- California Code of Regulations, Title 1, Section 14 also provides that a "reference" source is presumed to exist if an agency Is empowered to implement, interpret or make specific a California constitutional provision, a California statute, federal statute or regulation, or a court decision or order. Consequently, this proposed rulemaking lists sections 1680 and 726 as "reference" sources to implement how an Administrative Law Judge (ALJ) handles cases when issuing proposed decisions for the Board that contain findings of fact that the licensee engaged in any act of sexual contact with a patient, client, or customer, or the licensee has been convicted of or committed a sex offense.

No further legal analysis of the issue would be warranted as the rulemaking's *Notice of Proposed Action* and *Initial Statement of Reasons* clearly explains the purpose of this rulemaking and provides a comprehensive analysis of the factual basis and rationale for the Board's adoption of this proposed rule.

Recommendations for possible remedial action are unnecessary as this proposal merely provides direction from the Board to the ALJs that specifies that proposed decisions that contain findings of fact that the licensee engaged in any act of sexual contact with a patient, client, or customer, or the licensee has been convicted of or committed a sex offense are required to contain an order of revocation which may not be stayed. As provided in the *Initial Statement of Reasons*, ALJs are not granted any discretion to decide a matter. They can only propose a decision predicated upon findings made during a hearing in which he or she presided. This allows a Board to retain the sole discretion to decide a matter. As provided in Government Code section 11517(c)(2)(B), the Board has the authority and discretion to "reduce or otherwise mitigate the proposed penalty and adopt the balance of a proposed decision".

Lastly, the staff recommends rejection of the CDA's proposed amendment to the rulemaking language. The Board does not have the express statutory authority to provide an exemption from the provisions of Business and Professions Code Section 726 to permit sexual relationships between a dentist and a patient who is a spouse or significant other. Doing so would exceed the Board's rulemaking authority.

M/S/C (Whitcher/Chappell-Ingram) to accept the staff recommendation to reject the California Dental Association's comments and to adopt the final text as noticed and direct staff to take all steps necessary to complete the rulemaking process, including filing the final rulemaking package with the Office of Administrative Law and authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to Section 1018 of Title 16 of the California Code of Regulations Relating to Revocation for Sexual Misconduct. The motion passed unanimously.

**B. <u>Adoption of Proposed Amendment to Section 1018 of Title 16 of the California Code of Regulations Relating to Revocation for Sexual Misconduct</u>**

Adopted inclusively in Agenda Item 7A.

**15. Report on the April 16, 2014 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits**

Dr. Bruce Whitcher, liaison to the Elective Facial Cosmetic Surgery Permit Credentialing Committee (EFCS), gave an overview of the information provided. M/S/C (Dominicis/McKenzie) to accept the Committees recommendation to issue Dr. Daniel S. Witcher an EFCS Permit for unlimited Category I & II procedures. The motion passed unanimously.

**16. Discussion and Possible Action Regarding an Appointment to the Dental Assisting Council**

Judith Forsythe, RDA, gave an overview of the information provided and brought forward the subcommittee's recommendation to appoint Tamara McNealy, RDA, to the remaining three year term on the Dental Assisting Council. M/S/C (Forsythe/King) to accept the subcommittee recommendation to appoint Tamara McNealy to the Dental Assisting Council for the remaining three year term. The motion passed unanimously.

**17. Discussion and Possible Action to:**

**A. Reconsider Promulgation of a Regulation to Delegate Authority to the Executive Officer Regarding Stipulated Settlements to Revoke or Surrender a License;**

Sarah Wallace, Assistant Executive Officer, gave an overview and clarification of the information provided.

**B. Initiation of a Rulemaking to Amend California Code of Regulations, Title 16, Section 1001 Relating to Delegation of Authority to the Executive Officer Regarding Stipulated Settlements to Revoke or Surrender a License**

M/S/C (King/McKenzie) to approve the proposed regulatory language relevant to revocation for sexual misconduct and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to California Code of Regulations, Title 16, Section 1001 as noticed in the proposed text. The motion passed unanimously.

DRAFT

## 21. Licensing, Certification, and Permits

### A. Review of Dental Licensure and Permit Statistics

Dr. Whitcher, Chair of the Licensing, Certification and Permits Committee, gave an overview of the statistics provided. Fran Burton asked what type of follow-up is done on delinquent licenses. Ms. Wallace stated that a delinquent letter is sent to all licensees 31 days after their license expires.

### B. Review of General Anesthesia/Conscious Sedation Evaluation Statistics

Dr. Whitcher gave an overview of the history of the General Anesthesia/Conscious Sedation Program and reviewed the statistics provided.

## 8. Public Comment of Items Not on the Agenda

There was no public comment.

## 9. Recess

The Board recessed at 3:02 p.m.

DRAFT

Friday, May 30, 2014

**10. Call to Order/Roll Call/Establishment of Quorum**

Fran Burton, President, called the meeting to order at 9:03 a.m. Judith Forsythe, Secretary, called the roll and a quorum was established.

**11. Executive Officer's Report**

Karen Fischer, Executive Officer, provided a report on her activities on behalf of the Dental Board.

**12. Budget Report**

Ms. Fischer gave an overview of the information provided.

**13. Update from the Department of Consumer Affairs' Executive Office**

There was no representative available.

**14. Update from the Dental Hygiene Committee of California (DHCC)**

Michelle Hurlbutt, Chair, and Lori Hubble, Executive Officer of the DHCC, provided a report on the activities of the Committee.

**18. Discussion and Possible Action Regarding the Bay Area Prescription Drug Abuse Summit**

Kim Trefry, Enforcement Chief, gave an overview of the information provided. She stated that the Dental Board has been asked to be part of the work group. Ms. Burton asked that any Board members interested in serving on a Prescription Drug Abuse Committee send her or Ms. Fischer an email.

**19. Discussion and Possible Action on Staff Update on the Dental Hygiene Committee of California's (DHCC) Regulatory Proposal to Adopt California Code of Regulations, Title 16, §§ 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, and 1106 Relative to Educational Program Requirements**

Sarah Wallace, Assistant Executive Officer, gave an overview of the information provided. Dr. Whitcher commented that on page two, the sixth line should read patient's dental hygiene needs. Add the word hygiene after the word dental. Gayle Mathe, California Dental Association (CDA), commented that CDA submitted comments suggesting certification to prove competency to operate radiographic equipment. Lori Hubble, Executive Officer of the Dental Hygiene Committee commented that they meant to add the word hygiene after the word dental on page two as Dr. Whitcher mentioned so they will repost for another 15-day comment period with that change. Dr. Morrow commented about section 1106 and asked where the certified students would be allowed to take radiographs. The section does not specify where. Ms. Wallace commented that her interpretation was that with the certification they could operate radiographic equipment just as a Dental Assistant or Registered Dental Assistant working within the scope of practice requirements of the Dental Practice Act. There was no further comment.

## 20. Enforcement

### A. Enforcement Program Status

Kim Trefry, Enforcement Chief, gave an overview of the information provided. Ms. King asked if electric vehicles were utilized. Ms. Trefry stated that they are used whenever possible but they can only travel limited distances and the trunks are too small to carry evidence that is sometimes obtained.

### B. Enforcement Program Statistics and Trends

Ms. Trefry gave an overview of the statistics provided.

### C. Review of Third Quarter Performance Measures from the Department of Consumer Affairs

Ms. Trefry gave an overview of the information provided.

### D. Diversion Program Report and Statistics

Ms. Trefry gave an overview of the information provided. She commented that there may be two possible candidates to fill the vacancies on the Northern Diversion Evaluation Committee. Gayle Mathe, California Dental Association, asked if there were any trends over the past five years. Ms. Trefry stated that the number have remained relatively the same.

## 21. Dental Assisting Council Report

Teresa Lua, Chair of the Dental Assisting Council gave a summary of what the Council discussed.

## 22. Legislative and Regulatory Committee Report

Fran Burton, Chair of the Legislative and Regulatory Committee reported that the Committee recommends the Board take the following positions on these bills:

**AB 1174 (Bocanegra) Dental Professionals: Teledentistry Under Medi-Cal**
Support if amended with the additional suggestion of recommending that the formulation of the additional duties for RDAEF be in a format in which it is issued as a permit rather than additional licensure and if the board agrees, request that staff submit a letter to the author's office outlining these suggestions.

**AB 1702 (Maienschein) Professions and Vocations: Incarceration**
Neutral position.

**AB 1758 (Patterson) Healing Arts: Initial License Fees: Proration**
Watch position.

**AB 2058 (Wilk) Open Meetings**
Oppose this bill and direct staff to send a letter to the author addressing our concerns including the reasons why these practices would be problematic.

**AB 2396 (Bonta) Convictions: Expungement: Licenses**
Watch.

**AB 2720 (Ting) State Agencies: Meetings: Record of Action Taken**
No action.

DRAFT

**SB 1091 (Galgiani) Administrative Procedures: Notice Register**
(Assuming the bill moves) send a letter of opposition to the author acknowledging the intent but discussing the negative impact on the Dental Board as a healing arts board.
**SB 1159 (Lara) License Applicants: Federal Tax Identification**
Watch.
**SB 1245 (Lieu) Dental Hygiene Committee of California**
Support.
**SB 1258 (DeSaulnier) Controlled Substances: Prescriptions: Reporting**
No action
**SB 1416 (Block) Dentistry: Fees**
Support.

M/S/C (King/Chappell-Ingram) to accept the Committees recommendations. The motion passed unanimously.

**23. Examination Committee Report**
Dr. Morrow, Vice-Chair of the Examination Committee reported that there were two minor modifications to the minutes from the February 2014 Examination Committee meeting. He stated that the Committee recommends that the Board accept the subcommittee report on the Western Regional Examination Board (WREB) Occupational Analysis Performed by the Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES) and approve WREB to continue providing the clinical examinations for the Dental Board. M/S/C (Forsythe/Le) to accept the report and approve WREB. The motion passed unanimously.

**24. Public Comment of Items Not on the Agenda**
There was no public comment.

**25. Future Agenda Items**
There were no future agenda items.

**26. Board Member Comments for Items Not on the Agenda**
Dr. Stewart requested the Board consider ideas on how to communicate with licensees. He suggested developing a communication plan.

**27. Adjournment**
The meeting adjourned at 11:29 a.m.

DRAFT

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **Agenda Item 3:** President's Report |

The President of the Dental Board of California, Fran Burton, MSW, will provide a verbal report.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 25, 2014 |
| **TO** | Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **Agenda Item 4:** Update from the Dental Hygiene Committee of California (DHCC) |

A representative from the Dental Hygiene Committee of California will provide a verbal report.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 25, 2014 |
| **TO** | Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **Agenda Item 5:** Staff Update on the Dental Hygiene Committee of California's (DHCC) Rulemaking Proposals: |

Staff will provide a verbal update on the following Dental Hygiene Committee of California (DHCC) Rulemaking Proposals:

A. Adoption of California Code of Regulations, Title 16, Sections 1100, 1101, 1121-1122, 1124, 1126-1127, and 1133 Relative to Definitions, Delegation of Authority to Executive Officer, Examinations, Examination Review Procedures and Appeals, and Infection Control;

B. Adoption of California Code of Regulations, Title 16, Section 1108 Relative to Remedial Education;

C. Adoption of California Code of Regulations, Title 16, Sections 1103, 1105, 1105.1. 1105.2, 1105.3, 1105.4, and 1106 Relative to Educational Program Requirements;

D. Adoption of California Code of Regulations, Title 16, Sections 1104, 1104.1, and 1104.2 Relative to Feasibility Study

# COMMITTEE MEETINGS

# LCP COMMITTEE

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
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*NOTICE OF PUBLIC MEETING – Notice is hereby given that a public meeting of Licensing, Certification and Permits Committee of the Dental Board of California will be held as follows:*

**NOTICE OF LICENSING, CERTIFICATION AND PERMITS COMMITTEE MEETING**
**Monday, August 25, 2014**
*Upon Conclusion of Agenda Item 5*
Courtyard by Marriott Cal Expo
1782 Tribute Road
Sacramento, CA 95815
916-929-7900 or 916-263-2300

**MEMBERS OF THE LICENSING, CERTIFICATION, AND PERMITS COMMITTEE**
Chair – Bruce Whitcher, DDS
Vice Chair – Yvette Chappell-Ingram, Public Member
Steve Afriat, Public Member
Judith Forsythe, RDA
Ross Lai, DDS

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the Committee Chair. For verification of the meeting, call (916) 263-2300 or access the Board's website at www.dbc.ca.gov. This Committee meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

1. Call To Order/Roll Call/Establishment Of Quorum

2. Approval of the February 27, 2014 Licensing, Certification and Permits Committee Meeting Minutes

3. Review of Dental Licensure and Permit Statistics

4. Review of General Anesthesia/Conscious Sedation Permit Evaluation Statistics

5. Update on General Anesthesia/Conscious Sedation Calibration Webinar

6. Update on the Dental Board of California Fee Increase

7. Discussion and Possible Action to Initiate a Rulemaking to Implement, Interpret and Make Specific, Business and Professions Code § 1635.5 Relating to Licensure by Credential Application Requirements

8. Discussion and Possible Action Regarding the Petition to Amend California Code of Regulations, Title 16, § 1028.3 Relating to Licensure by Residency Requirements

9. Public Comment of Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

10. Future Agenda Items
    Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

11. Committee Member Comments for Items Not on the Agenda
    The Committee may not discuss or take action on any matter raised during the Committee Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

12. Adjournment

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# LICENSING, CERTIFICATION, AND PERMITS COMMITTEE MEETING MINUTES

**Thursday, February 27, 2014**
Wyndham Bayside San Diego
1355 North Harbor Drive, San Diego, CA, 92101
**DRAFT**

**MEMBERS PRESENT**
Chair – Bruce Whitcher, DDS
Vice Chair – Yvette Chappell-Ingram, Public Member
Steven Afriat, Public Member
Luis Dominicis, DDS
Judith Forsythe, RDA

**MEMBERS ABSENT**

1. **Call To Order/Roll Call/Establishment Of Quorum**
   Dr. Bruce Whitcher, Chair, called the Licensing, Certification, and Permits Committee meeting to order at 4:34 p.m. Roll was called and a quorum established.

2. **Approval of the February 28, 2013 Licensing, Certification, and Permits Committee Meeting Minutes**
   (M/S/C) (Afriat/Dominicis) to approve the February 28, 2013 Licensing, Certification, and Permits Committee Meeting Minutes. The motion passed unanimously.

3. **Define the 2014 Mission of the Licensing, Certification, and Permits Committee**
   Dr. Whitcher asked the committee members to email their suggestions to him for the Licensing, Certification, and Permits Committee's mission.

4. **Dental and Dental Assisting Program Licensure and Permit Statistics**
   Dr. Whitcher gave an overview of the statistics provided.

5. **General Anesthesia/Conscious Sedation Permit Evaluation Statistics**
   Dr. Whitcher gave an overview of the statistics provided and the challenges associated with obtaining and scheduling qualified evaluators.

6. **Discussion and Possible Action Regarding the Board's General Anesthesia and Conscious Sedation Evaluation Program**
   Dr. Whitcher provided an overview of the General Anesthesia and Conscious Sedation evaluation program. There was discussion about the use of mannequins for testing and options for attracting new evaluators.

7. **Update on General Anesthesia/Conscious Sedation Calibration Course Webinar Dates**
   Dr. Whitcher commented that he hopes to have the General Anesthesia/Conscious Sedation Calibration Course Webinar available by Spring.

**8. Discussion and Possible Action Regarding Future Proposal to Amend Business and Professions Code §§1646 to 1647.26 Relating to General Anesthesia, Conscious Sedation, and Oral Conscious Sedation**

Dr. Whitcher gave an overview of the information provided. He suggested updating our language to conform to the definitions used by the American Dental Association.

**9. Public Comment of Items Not on the Agenda**

There were no public comments.

**10. Future Agenda Items**

There were no future agenda items requested.

**11. Committee Member Comments for Items Not on the Agenda**

There were no comments from committee members.

**12. Adjournment**

The Licensing, Certification, and Permits Committee meeting adjourned at 5:00 p.m.

DRAFT

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 13, 2014 |
| **TO** | Licensing Certification and Permits Committee<br>Dental Board Members |
| **FROM** | Sarah Wallace, Assistant Executive Officer<br>Dental Board of California |
| **SUBJECT** | **LCP 3:** Review of Dental Licensure and Permit Statistics |

## Following are statistics of current license/permits by type as of August 12, 2014

| **Dental License (DDS)** | |
|---|---|
| **Active** | 36,483 |
| **Inactive** | 3,801 |
| **Retired** | 1,714 |
| **Disabled<br>Non practice** | 136 |
| **Renewal in Process** | 276 |
| **Fingerprinting Hold** | 140 |
| **Delinquent** | 3640 |
| **Suspended No Coronal Polish/X-ray** | N/A |
| **Total Cancelled Since Licensing was required** | 12,827 |

| Dental Licenses Issued via Pathway | Total Issued in 2014 | Total Issued in 2013 | Total Issued in 2012 | Total Issued to Date | Date Pathway Implemented |
|---|---|---|---|---|---|
| California Exam | 0 | 0 | 0 | 53,977 | Prior to 1929 |
| WREB Exam | 437 | 767 | 697 | 5,997 | January 1, 2006 |
| Licensure by Residency | 108 | 171 | 163 | 1162 | January 1, 2007 |
| Licensure by Credential | 68 | 141 | 148 | 2,618 | July 1, 2002 |
| LBC Clinic Contract | 0 | 3 | 1 | 27 | July 1, 2002 |
| LBC Faculty Contract | 0 | 0 | 0 | 3 | July 1, 2002 |

| License/Permit /Certification/Registration Type | Current Active Permits | Delinquent | Total Cancelled Since Permit was Required |
|---|---|---|---|
| Additional Office Permit | 2,245 | 404 | 5,514 |
| Conscious Sedation Permit | 516 | 22 | 348 |
| Continuing Education Registered Provider Permit | 1,212 | 780 | 1,182 |
| Elective Facial Cosmetic Surgery Permit | 27 | 0 | 0 |
| Extramural Facility Registration* | 153 | n/a | n/a |
| Fictitious Name Permit | 5,731 | 1,155 | 4,028 |
| General Anesthesia Permit | 844 | 34 | 787 |
| Mobile Dental Clinic Permit | 29 | 8 | 34 |
| Medical General Anesthesia Permit | 80 | 25 | 144 |
| Oral Conscious Sedation Certification (Adult Only 1,148; Adult & Minors 1,395) | 2,435 | 600 | 153 |
| Oral & Maxillofacial Surgery Permit | 83 | 8 | 12 |
| Referral Service Registration* | 153 | n/a | n/a |
| Special Permits | 38 | 14 | 155 |

*Current population for Extramural Facilities and Referral Services are approximated because they are not automated programs.

## Active Licensees by County as of August 3, 2014

| County | DDS | | County | DDS |
|---|---|---|---|---|
| Alameda | 1491 | | Placer | 446 |
| Alpine | 0 | | Plumas | 18 |
| Amador | 29 | | Riverside | 1100 |
| Butte | 164 | | Sacramento | 1102 |
| Calaveras | 24 | | San Benito | 29 |
| Colusa | 3 | | San Bernardino | 1328 |
| Contra Costa | 1076 | | San Diego | 2731 |
| Del Norte | 17 | | San Francisco | 1231 |
| El Dorado | 165 | | San Joaquin | 368 |
| Fresno | 561 | | San Luis Obispo | 243 |
| Glenn | 7 | | San Mateo | 870 |
| Humboldt | 86 | | Santa Barbara | 339 |
| Imperial | 40 | | Santa Clara | 2257 |
| Inyo | 12 | | Santa Cruz | 198 |
| Kern | 343 | | Shasta | 132 |
| Kings | 64 | | Sierra | 3 |
| Lake | 26 | | Siskiyou | 26 |
| Lassen | 26 | | Solano | 302 |
| Los Angeles | 8,491 | | Sonoma | 418 |
| Madera | 52 | | Stanislaus | 287 |
| Marin | 347 | | Sutter | 64 |
| Mariposa | 5 | | Tehama | 26 |
| Mendocino | 62 | | Trinity | 4 |
| Merced | 88 | | Tulare | 213 |
| Modoc | 5 | | Tuolumne | 54 |
| Mono | 3 | | Ventura | 718 |
| Monterey | 302 | | Yolo | 114 |
| Napa | 113 | | Yuba | 10 |
| Nevada | 95 | | Out of State | 4101 |
| Orange | 3,797 | | Out of Country | 246 |
| | | | **TOTAL** | **36472** |

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 25, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Jessica Olney, Associate Governmental Program Analyst<br>Dental Board of California |
| **SUBJECT** | **LCP 4:** General Anesthesia/Conscious Sedation/Medical General Anesthesia Evaluation Statistics |

**2013-2014 Statistical Overviews of the On-Site Inspections and Evaluations Administered by the Board**

**General Anesthesia Evaluations**

| | Pass Eval | Fail Eval | Permit Cancelled / Non Compliance | Postpone no evaluators | Postpone by request | Permit Canc by Request |
|---|---|---|---|---|---|---|
| **August** | 12 | 0 | 0 | 0 | 1 | 0 |
| **September** | 10 | 1 | 0 | 2 | 3 | 0 |
| **October** | 13 | 0 | 2 | 1 | 2 | 3 |
| **November** | 11 | 1 | 0 | 2 | 2 | 1 |
| **December** | 7 | 0 | 0 | 1 | 1 | 3 |
| **January** | 13 | 0 | 1 | 1 | 2 | 1 |
| **February** | 14 | 0 | 1 | 2 | 4 | 1 |
| **March** | 14 | 1 | 0 | 3 | 1 | 0 |
| **April** | 11 | 0 | 0 | 2 | 3 | 4 |
| **May** | 14 | 0 | 2 | 3 | 1 | 0 |
| **June** | 11 | 1 | 0 | 0 | 1 | 1 |
| **July*** | 14 | 0 | 1 | 1 | 2 | 1 |
| **August*** | 12 | 0 | 0 | 0 | 2 | 0 |
| **September*** | 18 | 0 | 0 | 0 | 1 | 0 |
| **Total** | **174** | **4** | **7** | **18** | **26** | **15** |

*Approximate schedule for July, August, and September

**Conscious Sedation Evaluations**

| | Pass Eval | Fail Eval | Permit Cancelled / Non Compliance | Postpone no evaluators | Postpone by request | Permit Canc by Request |
|---|---|---|---|---|---|---|
| **August** | 6 | 0 | 0 | 2 | 0 | 1 |
| **September** | 2 | 0 | 0 | 1 | 3 | 1 |
| **October** | 1 | 2 | 4 | 3 | 1 | 1 |
| **November** | 5 | 1 | 0 | 2 | 2 | 3 |
| **December** | 2 | 0 | 0 | 2 | 3 | 0 |
| **January** | 4 | 1 | 2 | 0 | 1 | 2 |
| **February** | 5 | 0 | 0 | 1 | 1 | 0 |
| **March** | 5 | 2 | 0 | 1 | 2 | 1 |
| **April** | 5 | 0 | 0 | 2 | 1 | 5 |
| **May** | 2 | 0 | 0 | 3 | 1 | 0 |
| **June** | 5 | 0 | 1 | 1 | 1 | 1 |
| **July*** | 6 | 1 | 0 | 0 | 1 | 0 |
| **August*** | 6 | 0 | 0 | 0 | 1 | 0 |
| **September*** | 7 | 0 | 0 | 0 | 2 | 0 |
| **Total** | **61** | **7** | **7** | **18** | **20** | **15** |

*Approximate schedule for July, August, and September

**There is a great need for conscious sedation evaluators throughout California. Several evaluations have been postponed recently due to a lack of available evaluators. The Board is actively recruiting for the evaluation program.**

**Medical General Anesthesia Evaluations**

| | Pass Eval | Fail Eval | Permit Cancelled / Non Compliance | Postpone no evaluators | Postpone by request | Permit Canc by Request |
|---|---|---|---|---|---|---|
| **August** | 0 | 0 | 0 | 2 | 0 | 0 |
| **September** | 0 | 0 | 0 | 1 | 0 | 0 |
| **October** | 0 | 0 | 0 | 1 | 0 | 0 |
| **November** | 0 | 0 | 0 | 2 | 0 | 0 |
| **December** | 0 | 0 | 0 | 1 | 0 | 0 |
| **January** | 0 | 0 | 1 | 1 | 1 | 0 |
| **February** | 0 | 0 | 0 | 0 | 0 | 1 |
| **March** | 0 | 0 | 0 | 1 | 0 | 0 |
| **April** | 0 | 0 | 1 | 0 | 0 | 2 |
| **May** | 0 | 0 | 1 | 1 | 0 | 1 |
| **June** | 0 | 0 | 2 | 1 | 0 | 2 |
| **July** | 0 | 0 | 1 | 0 | 0 | 1 |
| **August*** | 3 | 0 | 0 | 0 | 0 | 0 |
| **September*** | 3 | 0 | 0 | 0 | 0 | |
| **Total** | **6** | **0** | **6** | **11** | **1** | **7** |

*Approximate schedule for August/September

**Evaluators Approved after June 1, 2014**

| Region | GA | CS | MGA |
|---|---|---|---|
| Northern California | 1 | 0 | 0 |
| Southern California | 4 | 3 | 0 |

**Pending Evaluator Applications***

| Region | GA | CS | MGA |
|---|---|---|---|
| Northern California | 0 | 1 | 0 |
| Southern California | 2 | 0 | 0 |

*Application deficient, or does not meet 3 year requirement.

**Current Evaluators per Region**

| Region | GA | CS | MGA |
|---|---|---|---|
| Northern California | 151 | 67 | 15 |
| Southern California | 200 | 97 | 14 |

Action Requested:
No action requested

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 25, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Jessica Olney, Associate Governmental Program Analyst |
| **SUBJECT** | **LCP 5 :** Update on General Anesthesia/Conscious Sedation Calibration Webinar |

An Evaluator Calibration Webinar was presented on June 25, 2014. Dr. Whitcher will provide a verbal report.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Licensure, Certification and Permits Committee,<br>Dental Board of California |
| **FROM** | Sarah Wallace, Assistant Executive Officer |
| **SUBJECT** | **LCP 6:** Update on the Dental Board of California Fee Increase |

**Background:**

Senate Bill 1416 (Block, Chapter 73, Statutes of 2014), sponsored by the Dental Board of California (Board), was signed by Governor Brown on June 28, 2014 and will become effective on January 1, 2015. The enactment of this bill sets the fee for initial licensure and biennial renewal of licensure for dentists (DDS) at $525.

As a result of increasing the initial licensure fee and the biennial renewal fee, the following fees assessed by the Board will be impacted; this is because these fees are determined by the fee amounts assessed by the Board for initial licensure and biennial renewal as specified in statute:

- DDS Inactive Licenses;
- DDS Licenses on Retirement Status;
- DDS Licenses on Disability Status;
- Oral and Maxillofacial Surgery (OMS) Permit Renewal Fees;
- Fictitious Name Permit Application Fees; and,
- DDS Delinquent Retirement/Disability Renewal

Renewal notices sent out with an expiration date of January 31, 2015 and later will have to pay the increased fee, no matter when the renewal fee is submitted. Failure to pay the increased fee will result in the renewal not being issued.

Additionally, Senate Bill 809 (DeSaulnier, Chapter 400, Statutes of 2013) requires healthcare professional who are authorized to prescribe or fill prescriptions for controlled substances to pay $6.00 annually to support the Controlled Substance Utilization Review and Evaluation System (CURES) and Prescription Drug Monitoring Program (PDMP). This fee is collected at the time of a licensee's renewal. Effective April 1, 2014, all dentists will see an additional $12.00 added to their renewal fee ($6.00 per year). This $12.00 will be transferred to the State of California Department of Justice, Office of the Attorney General to fund the CURES/PDMP. Renewal notices sent out with an expiration date of April 30, 2014 and later will have to pay this fee, no matter

when the renewal fee is submitted. Failure to pay these additional fees will result in the renewal not being issued.

The following table illustrates the fees that will be increased effective January 1 2015:

| License/Renewal Type: | Existing Fee: | New Fee Effective January 1, 2015 | CURES/PDMP Fee Effective April 1, 2014 | TOTAL NEW FEE EFFECTIVE JANUARY 1, 2015 |
|---|---|---|---|---|
| **Initial License Application** | $450.00 | $525.00 | $12.00 | $537.00 |
| **Biennial Renewal (Active)** | $450.00 | $525.00 | $12.00 | $537.00 |
| **Inactive License Biennial Renewal** | $450.00 | $525.00 | $12.00 | $537.00 |
| **Retirement Status Renewal** | $225.00 | $262.50 | $12.00 | $274.50 |
| **Disability Status Renewal** | $225.00 | $262.50 | $12.00 | $274.50 |
| **OMS Permit Renewal** | $365.00 | $525 | N/A | $525.00 |
| **Initial Fictitious Name Permit** | $450.00 | $525 | N/A | $525.00 |
| **Delinquent Retirement/ Disability Renewal** | $112.50 | $131.25 | N/A | $131.25 |

**Action Requested:**
No action necessary.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 18, 2014 |
| **TO** | Licensing, Certification and Permits Committee,<br>Dental Board of California |
| **FROM** | Sarah Wallace, Assistant Executive Officer |
| **SUBJECT** | **LCP 7:** Discussion and Possible Action to Initiate a Rulemaking to Implement, Interpret, and Make Specific Business and Professions Code Section 1635.5 Relating to Licensure by Credential Application Requirements |

This agenda item will be hand-carried to the Committee meeting.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 25, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Karen Fischer, Executive Officer |
| **SUBJECT** | **LCP 8 :** Discussion and Possible Action Regarding the Petition to Amend California Code of Regulations, Title 16, Section 1028.3 Relating to Licensure by Residency Requirements. |

The Board received a petition to amend California Code of Regulations, Title 16, Section 1028.3 relating to licensure by residency requirements from Mr. Branden M. Clary, Wilke, Fleury, Hoffelt, Gould & Birney, LLP on behalf of Dr. Fred Horowitz. The request is attached. Due to the receipt of this request in close proximity to the Board meeting, staff was not able to research this issue in order to provide background information to the Committee in August.

The following references are provided for your convenience when referring to the petition.

**BPC Section 1634.1.**

Notwithstanding Section 1634, the board may grant a license to practice dentistry to an applicant who submits all of the following to the board:
(a) A completed application form and all fees required by the board.

(b) Satisfactory evidence of having graduated from a dental school approved by the board or by the Commission on Dental Accreditation of the American Dental Association.

(c) Satisfactory evidence of having completed a clinically based advanced education program in general dentistry or an advanced education program in general practice residency that is, at minimum, one year in duration and is accredited by either the Commission on Dental Accreditation of the American Dental Association or a national accrediting body approved by the board. The advanced education program shall include a certification of clinical residency program completion approved by the board, to be completed upon the resident's successful completion of the program in order to evaluate his or her competence to practice dentistry in the state.

(d) Satisfactory evidence of having successfully completed the written examinations of the National Board Dental Examination of the Joint Commission on National Dental Examinations.

(e) Satisfactory evidence of having successfully completed an examination in California law and ethics.

(f) Proof that the applicant has not failed the examination for licensure to practice dentistry under this chapter within five years prior to the date of his or her application for a license under this chapter.

*(Added by Stats. 2006, Ch. 805, Sec. 3. Effective January 1, 2007.)*

**BPC Section 1634.2.**

(a) An advanced education program's compliance with subdivision (c) of Section 1634.1 shall be regularly reviewed by the department pursuant to Section 139.

(b) An advanced education program described in subdivision (c) of Section 1634.1 shall meet the requirements of subdivision (a) of Section 12944 of the Government Code.

(c) The clinical residency program completion certification required by subdivision (c) of Section 1634.1 shall include a list of core competencies commensurate to those found in the board's examinations. The board, together with the department's Office of Professional Examination Services, shall ensure the alignment of the competencies stated in the clinical residency program completion certification with the board's current occupational analysis. The board shall implement use of the clinical residency program completion certification form and use of the core competency list through the adoption of emergency regulations by January 1, 2008.

(d) As part of its next scheduled review after January 1, 2007, by the Joint Committee on Boards, Commissions and Consumer Protection, the board shall report to that committee and to the department the number of complaints received for those dentists who have obtained licensure by passing the state clinical examination and for those dentists who have obtained licensure through an advanced education program. The report shall also contain tracking information on these complaints and their disposition. This report shall be a component of the evaluation of the examination process that is based on psychometrically sound principles for establishing minimum qualifications and levels of competency.

*Amended by Stats. 2009, Ch. 307, Sec. 6. Effective January 1, 2010.)*

**16 CCR § 1028.3**

**§ 1028.3. Certification of Clinical Residency Program Completion Pursuant to Section 1634.2(c).**

An applicant for licensure as a dentist pursuant to Section 1634.1 of the Code shall submit to the board a "Certification of Clinical Residency Completion" (Rev. 07/08) that is incorporated herein by reference, and shall be signed by the current director of the residency program.

Note: Authority cited: Sections 1614 and 1634.2(c), Business and Professions Code. Reference: Sections 1634.1 and 1634.2, Business and Professions Code.

WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP

TWENTY - SECOND FLOOR
400 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 441-2430 WWW.WILKEFLEURY.COM FACSIMILE (916) 442-6664

SCOTT L. GASSAWAY
ERNEST JAMES KRTIL
ROBERT R. MIRKIN
MATTHEW W. POWELL
STEPHEN K. MARMADUKE
DAVID A. FRENZNICK
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LATIKA SHARMA
SAMSON R. ELSBERND
BIANCA S. WATTS
DANIEL J. FOSTER
BRANDEN M. CLARY

July 25, 2014

BCLARY@WILKEFLEURY.COM

**VIA E-MAIL (Karen.Fischer@dca.ca.gov)**

Karen Fischer
Executive Officer
Dental Board of California
2005 Evergreen Street, Suite 1550
Sacramento, CA 95815

**Re: Proposal for Regulation Change**

Dear Ms. Fischer:

On behalf of our client, Dr. Fred Horowitz, we are requesting that the Dental Board of California ("the Board") consider and accept this petition to amend 16 C.C.R. § 1028.3 for the reasons set forth below. After graduating from dental school, Dr. Horowitz went on to complete a General Practice Residency Program at Sinai Hospital of Detroit. Since such time, Dr. Horowitz has over 30 years of experience as a licensed dentist in the states of Illinois and Michigan. He has transitioned his practice focusing on the development of the dental benefits industry. While simultaneously managing his dental plans, he is an active member in the international, non-profit organization called International Health Terminology Standards Development Organization, which is responsible for the development and management of ICD and SNODENT diagnostic terminology for use by dentists and physicians. He is a published author for the American Health Information Management Association. He is also an alternate delegate to the ADA Code Maintenance Committee, which manages the CDT code for use in the United States. While he is involved with all of these committees, Dr. Horowitz continues to offer his services free of charge to uninsured and underprivileged persons in the greater area of Chicago. Dr. Horowitz seeks licensure in the state of California in order to practice as a dental director.

As the regulations are currently drafted, Dr. Horowitz is seemingly prevented from pursuing his goal of Licensure by Residency in the state of California. Dr. Horowitz submitted his application to the Board fulfilling all of the requirements enumerated in Bus. & Prof. Code section 1634.1 and on the Board's website. Since the time Dr. Horowitz completed his Dental General Practice Residency Program at Sinai Hospital of Detroit, such hospital has merged to create Sinai Grace, and

the Dental General Practice Residency Program has since been eliminated in the merger. Although Dr. Horowitz meets all of the professional and substantive requirements of Bus. & Prof. Code section 1634.1, he is foreclosed from pursuing Licensure by Residency because of a needlessly restrictive procedural requirement set forth in 16 C.C.R. § 1028.3. 16 C.C.R. § 1028.3 states:

> An applicant for licensure as a dentist pursuant to Section 1634.1 of the Code shall submit to the board a "Certification of Clinical Residency Completion" (Rev. 07/08) that is incorporated herein by reference, and *shall be signed by the current director of the residency program.* (16 C.C.R. § 1028.3)(emphasis added.)

In light of this requirement, Dr. Horowitz attempted to the best of his abilities to demonstrate to the Board that his residency program satisfied the requirements included in the Certification of Clinical Residency Completion form. Dr. Horowitz verified with the Commission on Dental Accreditation ("CODA") that Sinai Hospital of Detroit sponsored an ADA/CODA accredited advanced education program in general practice during the dates of his attendance. He further verified from Detroit Medical Center, custodian of records of Sinai Hospital of Detroit's dental program, that he served as a resident at Sinai Hospital of Detroit in their Dental General Practice Residency Program and completed their one-year program. Both verification documents were submitted with Dr. Horowitz's application because there is no "current" director of the residency program to sign the Certification of Clinical Residency Completion form. Despite verification of the necessary substantive facts needed for certification, the Board responded with a cursory letter notifying Dr. Horowitz he did not properly complete the Certification of Clinical Residency Completion form. While Dr. Horowitz is unable to comply with the procedural or technical requirement that the Certificate be signed by a non-existent person, he has rigorously complied with all of the substantive statutory and regulatory requirements.

The Board may adopt reasonably necessary rules concerning the manner of issuance and reissuance of licenses. (Bus. & Prof. Code § 1614.) Further, all committees of the Board have the authority to evaluate all suggestions or requests for regulatory changes related to their committee. The committees shall include in any report regarding a proposed regulatory change, at a minimum, the specific language or the proposed change or changes and the reasons therefor and any facts supporting the need for the change. (Bus. & Prof. Code § 1601.3.) The Board is vested with the authority to modify regulation 16 C.C.R. § 1028.3 if it is proven to be inadequate.

Based on the Board's authority, Dr. Horowitz seeks the following proposed regulation modification in regard to 16 C.C.R. § 1028.3:

> An applicant for licensure as a dentist pursuant to Section 1634.1 of the Code shall submit to the board a "Certification of Clinical Residency Completion" (Rev. 07/08) that is incorporated herein by reference, and *shall be signed either by the current director of the residency program, custodian of records of the institution's residency program, or, if the residency program is no longer in operation, the director of the residency program at the time the applicant completed such program.* (emphasis added.)

The current regulation disenfranchises qualified out-of-state dentists from seeking licensure in the state of California by not taking into account dentists whose residency programs are no longer in existence. With our proposed amendment, the regulation continues to maintain the highest of standards for Licensure by Residency for qualified out-of-state dentists. A qualified person must still provide verification that he or she has met all of the substantive requirements identified on the Certification of Clinical Residency Completion form, ensuring the residency program taught and maintained the core competencies commensurate to those found in the Board's examinations. The only difference is that it now allows qualified out-of-state dentists whose residency programs are no longer in existence to meet those standards. The proposed regulation will simultaneously balance the need to attract qualified dentists to the state of California, while also ensuring such dentists meet the necessary requirements to competently practice in this state.

Further, the proposed regulation is directly in line with the Board's mission. "Protection of the public shall be the highest priority for the Dental Board of California in exercising its licensing . . . functions." (Bus. & Prof. Code § 1601.2.) This modification would only enhance the protection of the public by ensuring more qualified out-of-state dentists are allowed to practice in this state. Encouraging more highly trained dentists to come to California will lead to more effective and efficient services for patients. Moreover, it will increase the number of qualified dentists in the state who will provide services to all types of patients, including Medi-Cal patients, a need every state seeks to fulfill.

In conclusion, Dr. Horowitz respectfully requests to be placed on the Board's meeting agenda in order to propose a regulation modification. Dr. Horowitz is an eminently qualified and experienced dentist who seeks to provide his services and expertise in California. He is an asset to the profession, and seeks your assistance in ensuring that those out-of-state dentists who seek Licensure by Residency are not disenfranchised by the regulations as currently written. Thank you for your time and consideration. I look forward to your reply.

Very truly yours,

WILKE, FLEURY, HOFFELT,
GOULD & BIRNEY, LLP

Branden M. Clary

BMC:BMC

cc: Fred Horowitz, DMD

1139097.1

# LEGISLATIVE AND REGULATORY COMMITTEE

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
**DENTAL BOARD OF CALIFORNIA**
2005 Evergreen Street, Suite 1550, Sacramento, CA 95815
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# NOTICE OF LEGISLATIVE AND REGULATORY COMMITTEE MEETING

**Monday, August 25, 2014**

*Upon Conclusion of the Licensing, Certification and Permits Committee*
Courtyard by Marriott Cal Expo
1782 Tribute Road, Sacramento, CA 95815
916-929-7900 or 916-263-2300

## MEMBERS OF THE LEGISLATIVE & REGULATORY COMMITTEE

Chair – Fran Burton, MSW, Public Member
Vice Chair – Thomas Stewart, DDS
Huong Le, DDS, MA
Meredith McKenzie, Public Member
Steven Morrow, DDS, MS

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the Committee Chair. For verification of the meeting, call (916) 263-2300 or access the Board's website at www.dbc.ca.gov. This Committee meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

1. Call to Order/Roll Call/Establishment of Quorum

2. Approval of the May 29, 2014 Legislative and Regulatory Committee Meeting Minutes

3. 2014 Tentative Legislative Calendar – Information Only

4. Discussion and Possible Action on the Following Legislation:

   - AB 186 (Maienschein) Professions & Vocations: Military Spouses
   - AB 1174 (Bocanegra) Dental Professionals: Teledentistry Under Medi-Cal
   - AB 1702 (Maienschein) Professions and Vocations: Incarceration
   - AB 1758 (Patterson) Healing Arts: Initial License Fees: Proration
   - AB 2058 (Wilk) Open Meetings
   - AB 2147 (Melendez) State Government Web Sites: Information Practices
   - AB 2165 (Patterson) Professions and Vocations: Licenses
   - AB 2396 (Bonta) Convictions: Expungement: Licenses

- AB 2720 (Ting) State Agencies: Meetings: Record of Action Taken
- SB 1091 (Galgiani) Administrative Procedures: Notice Register
- SB 1159 (Lara) License Applicants: Federal Tax Identification
- SB 1215 (Hernandez, E.) Healing Arts Licenses: Referrals
- SB 1245 (Lieu) Dental Hygiene Committee of California
- SB 1258 (DeSaulnier) Controller Substances: Prescriptions: Reporting
- SB 1416 (Block)Dentistry: Fees
- Any additional legislation impacting the Board that staff becomes aware of between the time the meeting notice is posted and the Board meeting

5. Update on Pending Regulatory Packages:

   (A) Portfolio Examination Requirements (California Code of Regulations, Title 16, §§ 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1032.7, 1032.8, 1032.9, 1032.10, 1033, 1033.1, 1034, 1034.1, 1035, 1035.1, 1035.2, 1036, 1036.1, 1036.2, 1036.3, 1037, 1038, and 1039);

   (B) Revocation for Sexual Misconduct (California Code of Regulations, Title 16, § 1018)

   (C) Dental Assisting Educational Program and Course Requirements (California Code of Regulations, Title 16, Division 10, Chapter 3, Article 2);

   (D) Abandonment of Applications (California Code of Regulations, Title 16, § 1004); and

   (E) Licensure by Credential Application Requirements

   (F) Delegation of Authority to the Executive Officer Regarding Stipulated Settlements to Revoke or Surrender a License

6. Discussion of Prospective Legislative Proposals:
   Stakeholders Are Encouraged to Submit Proposals in Writing to the Board Before or During the Meeting for Possible Consideration by the Board at a Future Meeting

7. Public Comment of Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

8. Future Agenda Items
   Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

9. Committee Member Comments for Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Committee Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

**10.** Adjournment

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# LEGISLATIVE AND REGULATORY COMMITTEE MINUTES

**Thursday, May 29, 2014**
Red Lion Hotel
150 Hegenberger Road, Oakland, CA 94621
**DRAFT**

## MEMBERS PRESENT

Chair – Fran Burton, MSW, Public Member
Vice Chair – Thomas Stewart, DDS
Huong Le, DDS, MA
Meredith McKenzie, Public Member
Steven Morrow, DDS, MS

## Staff Present

Karen Fischer, Executive Officer
Sarah Wallace, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Linda Byers, Executive Assistant
Marla Rocha, Associate Governmental Program Analyst
Spencer Walker, DCA Senior Legal Counsel

1. **Call to Order/Roll Call/Establishment of Quorum**
   Fran Burton, Chair, called the meeting to order at 11:59 a.m. Roll was taken and a quorum established.

2. **Approval of the February 27, 2014 Legislative and Regulatory Committee Meeting Minutes**
   M/S/C (Morrow/Stewart) to approve the February 27, 2014 minutes. The motion passed with one abstention.

3. **2014 Tentative Legislative Calendar – Information Only**
   Ms. Wallace gave an overview of the calendar.

4. **Discussion and Possible Action on the Following Legislation**
   Ms. Wallace gave an overview of the information provided.

   **AB 1174 (Bocanegra) Dental Professionals: Teledentistry Under Medi-Cal**
   Ms. Wallace stated that this bill was amended May 21, 2014. She provided an overview of the changes. Jenny Katlove, Children's Partnership, stated that they have been working with the author's office and Dental Board staff on this bill. There were questions about the training, who would be eligible, and the competency required to obtain a permit. There was discussion about the cost of training and the barriers that might present and follow-up care. M/S/C (Burton/Morrow) to Support if

amended with the additional suggestion of recommending that the formulation of the additional duties for RDAEF be in a format in which it is issued as a permit rather than additional licensure and if the board agrees, request that staff submit a letter to the author's office outlining these suggestions. The motion passed unanimously.

**AB 1702 (Maienschein) Professions and Vocations: Incarceration**
Ms. Wallace provided an overview of the bill. M/S/C (Burton/McKenzie) take a Neutral position. The motion passed unanimously.

**AB 1758 (Patterson) Healing Arts: Initial License Fees: Proration**
Watch position.

**AB 2058 (Wilk) Open Meetings**
Ms. Wallace provided an overview of the severe impact this bill would have on the Dental Board. M/S/C (Stewart/McKenzie) to oppose this bill. Direct staff to send a letter to the author addressing our concerns including the reasons why these practices would be problematic. The motion passed unanimously.

**AB 2396 (Bonta) Convictions: Expungement: Licenses**
Watch.

**AB 2720 (Ting) State Agencies: Meetings: Record of Action Taken**
No action.

**SB 1091 (Galgiani) Administrative Procedures: Notice Register**
M/S/C (Burton/Morrow) (assuming the bill moves)send a letter of opposition to the author acknowledging the intent but discussing the negative impact on the Dental Board as a healing arts board. The motion passed unanimously.

**SB 1159 (Lara) License Applicants: Federal Tax Identification**
Watch.

**SB 1245 (Lieu) Dental Hygiene Committee of California**
M/S/C (Burton/McKenzie) Support. The motion passed unanimously.

**SB 1258 (DeSaulnier) Controlled Substances: Prescriptions: Reporting**
No action

**SB 1416 (Block) Dentistry: Fees**
Support.

5. **Update on Pending Regulatory Packages:**
Sarah Wallace gave an overview of the material provided.

DRAFT

6. **Discussion of Prospective Legislative Proposals**
There were no legislative proposals.

7. **Public Comment of Items Not on the Agenda**
There were no public comments.

8. **Future Agenda Items**
There were no future agenda items requested.

9. **Committee Member Comments for Items Not on the Agenda**
There were no further committee member comments.

10. **Adjournment**
The committee meeting adjourned at 12:55 p.m.

DRAFT

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Legislative and Regulatory Committee,<br>Dental Board of California |
| **FROM** | Michael Placencia, Legislative & Regulatory Analyst |
| **SUBJECT** | **LEG 3:** 2014 Tentative Legislative Calendar- Information Only |

**Background**
The 2014 Tentative Legislative Calendar is enclosed for informational purposes.

**Action Requested**
No action necessary.

# 2014 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE & THE ASSEMBLY CHIEF CLERK

October 22, 2013

| JANUARY | | | | | | |
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| FEBRUARY | | | | | | |
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## DEADLINES

**Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).

**Jan. 6** Legislature Reconvenes (J.R. 51(a)(4)).

**Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).

**Jan. 17** Last day for **policy committees** to hear and report to Fiscal committees fiscal bills introduced in their house in 2013 (J.R. 61(b)(1)).

**Jan. 20** Martin Luther King, Jr. Day.

**Jan. 24** Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2013 (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.

**Jan. 31** Last day for each house to **pass bills introduced in 2013** in their House (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

**Feb. 17** President's Day.

**Feb. 21** Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).

**Mar. 31** Cesar Chavez Day

**Apr. 10** **Spring Recess** begins at end of this day's session (J.R. 51(b)(1)).

**Apr. 21** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).

**May 2** Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

**May 9** Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).

**May 16** Last day for **policy committees** to meet prior to June 2 (J.R. 61(b)(7)).

**May 23** Last day for **fiscal committees** to hear and report to the floor Bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal Committees** to meet prior to June 2 (J.R. 61 (b)(9)).

**May 26** Memorial Day

**May 27 - 30 Floor Session Only.** No committee may meet for any purpose (J.R. 61(b)(10)).

**May 30** Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).

# 2014 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE & THE ASSEMBLY CHIEF CLERK

October 22, 2013



| JUNE | | | | | | |
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**June 2** Committee meetings may resume (J.R. 61(b)(12)).

**June 15** **Budget** must be **passed** by **midnight** (Art. IV, Sec. 12(c)(3)).

**June 26** Last day for a legislative measure to qualify for the November 4 general election ballot (Election code Sec. 9040).

**June 27** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

| JULY | | | | | | |
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| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

**July 3** **Summer Recess** begins at the end of this day's session if Budget Bill has been passed (J.R. 51(b)(2)).

**July 4** Independence Day

| AUGUST | | | | | | |
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**Aug. 4** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

**Aug. 15** Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).

**Aug. 18 – 31 Floor Session only.** No committees, other than conference committees and Rules committee, may meet for any purpose (J.R. 61(b)(15)).

**Aug. 22** Last day to **amend bills** on the Floor (J.R. 61(b)(16)).

**Aug. 31** Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)). **Final recess** begins at the end of this day's session (J.R. 51(b)(3)).

## IMPORTANT DATES OCCURRING DURING FINAL RECESS

**2014**

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 4 General Election

Nov. 30 Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).

Dec. 1 12 m. convening of 2015-16 Regular Session (Art. IV, Sec. 3(a)).

**2015**

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 5 Legislature reconvenes (JR 51(a)(1)).

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 15, 2014 |
| **TO** | Legislative and Regulatory Committee,<br>Dental Board of California |
| **FROM** | Michael Placencia, Legislative & Regulatory Analyst |
| **SUBJECT** | **LEG 4:** Discussion and Possible Action on Legislation |

**Background:**

Board staff is currently tracking fifteen (15) bills. In the interest of time, staff will only be presenting those bills that may directly impact the Board and have not failed to meet a legislative deadline. However, if a Committee Member wishes to discuss an additional measure, staff will pull the bill for discussion during the Committee's meeting.

In the interest of full disclosure, staff has enclosed an attachment containing a brief summary of each bill, as well as information regarding each bill's status and location. In an effort to reduce waste, the meeting packets do not contain copies of each bill; however, the following Web sites are excellent resources for viewing proposed legislation and finding additional information:

- www.senate.ca.gov
- www.assembly.ca.gov
- www.leginfo.ca.gov

The following bills have been listed for informational purposes only; no discussion or action will be taken during this agenda item. These bills failed to meet legislative deadlines and will no longer be moving through the legislative process.

1. AB 1758 (Patterson) Healing Arts: Initial License Fees: Proration
2. AB 2147 (Melendez) State Government Web Sites: Information Practices
3. AB 2165 (Patterson) Professions and Vocations: Licenses
4. SB 1091 (Galgiani) Administrative Procedures: Notice Register
5. SB 1215 (Hernandez, E.) Healing Arts Licenses: Referrals
6. SB 1258 (DeSaulnier) Controller Substances: Prescriptions: Reporting

The following bills will be discussed by the Committee at this meeting. These are the same bills that the Committee discussed and took action on at its May 2014 meeting and are still progressing through the 2014 legislative process. Copies of each of these bills and staff analyses are enclosed in the meeting packet:

1. AB 186 (Maienschein) Professions & Vocations: Military Spouses
2. AB 1174 (Bocanegra) Dental Professionals: Teledentistry Under Medi-Cal
3. AB 1702 (Maienschein) Professions and Vocations: Incarceration
4. AB 2058 (Wilk) Open Meetings
5. AB 2396 (Bonta) Convictions: Expungement: Licenses
6. AB 2720 (Ting) State Agencies: Meetings: Record of Action Taken
7. SB 1159 (Lara) License Applicants: Federal Tax Identification
8. SB 1245 (Lieu) Dental Hygiene Committee of California
9. SB 1416 (Block)Dentistry: Fees

**Action Requested:**
The Committee may take one of the following actions regarding each bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

Staff recommendations regarding Board action are included on the individual bill's analysis.

CA AB 186

**AUTHOR:** Maienschein [R]
**TITLE:** Professions and Vocations: Military Spouses: Licenses
**INTRODUCED:** 01/28/2013
**LAST AMEND:** 06/25/2014
**DISPOSITION:** Pending
**FILE:** 274
**LOCATION:** Senate Third Reading File
**SUMMARY:**

Establishes a temporary licensure process for an applicant who holds a current, active, or unrestricted license in another jurisdiction and supplies evidence of being married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces who is assigned to a duty station in the state under active duty military orders. Requires an applicant seeking a temporary license as an engineer, land surveyor, geologist, geophysicist or hydrogeologist to pass the state examination.

**STATUS:**

07/01/2014 In SENATE. Read second time. To third reading.

CA AB 1174

**AUTHOR:** Bocanegra [D]
**TITLE:** Dental Professionals
**INTRODUCED:** 02/22/2013
**LAST AMEND:** 07/02/2014
**DISPOSITION:** Pending
**FILE:** 71
**LOCATION:** Senate Second Reading File
**SUMMARY:**

Authorizes a dental auxiliary to expose radiographs. Prohibits a dentist from supervising a specified number of dental auxiliaries. Authorizes specified registered dental assistants, a registered dental hygienist, and a registered dental hygienist in alternative practice to determine which radiographs to perform and place protective restorations. Relates to course fees. Provides that a face-to-face contact between a health care provider and a patient is not required under Medi-Cal for teledentistry.

**STATUS:**

08/14/2014 From SENATE Committee on APPROPRIATIONS: Do pass. (6-0)

CA AB 1702

**AUTHOR:** Maienschein [R]
**TITLE:** Professions and Vocations: Incarceration
**INTRODUCED:** 02/13/2014
**LAST AMEND:** 04/23/2014
**DISPOSITION:** To Governor
**LOCATION:** To enrollment
**SUMMARY:**

Provides that an individual who has satisfied requirements needed to obtain a license while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

**STATUS:**

08/13/2014 In SENATE. Read third time. Passed SENATE. To enrollment. (32-0)

CA AB 1758

**AUTHOR:** Patterson [R]
**TITLE:** Healing Arts: Initial License Fees: Proration
**INTRODUCED:** 02/14/2014
**LAST AMEND:** 08/04/2014
**DISPOSITION:** Pending
**LOCATION:** Senate Appropriations Committee
**SUMMARY:**

Requires the fee for an initial temporary or permanent license, or an original license imposed under existing provisions of law regarding the licensure of various professions and vocations to include architects, acupuncturists, dental hygienists, dentists, occupational and physical therapists, physicians and surgeons, psychologists, and veterinarians, be prorated on a monthly basis. Authorizes an additional fee to cover costs of issuing initial or original license. Relates to pro-rated fees.

**STATUS:**

08/14/2014 In SENATE Committee on APPROPRIATIONS: Held in committee.

CA AB 2058

**AUTHOR:** Wilk [R]
**TITLE:** Open Meetings
**INTRODUCED:** 02/20/2014
**LAST AMEND:** 06/19/2014
**DISPOSITION:** Pending
**FILE:** 165
**LOCATION:** Assembly Unfinished Business - Concurrence in Senate Amendments
**SUMMARY:**

Amends the Bagley-Keene Open Meeting Act. Modifies the definition of state body to exclude an advisory body with less than a specified number of individuals, except for certain standing committees.

**STATUS:**

08/13/2014 In SENATE. Read third time, urgency clause adopted. Passed SENATE. ******To ASSEMBLY for concurrence. (33-0)

CA AB 2147

**AUTHOR:** Melendez [R]
**TITLE:** State Government Web sites: Information Practices
**INTRODUCED:** 02/20/2014
**LAST AMEND:** 05/01/2014
**DISPOSITION:** Pending
**LOCATION:** Assembly Appropriations Committee
**SUMMARY:**

Requires a State agency that uses an Internet Web site to obtain information by means of an electronic form and shares the information with another agency, to include a specified disclosure notice clearly displayed. Requires the disclosure to acknowledge the information is being collected and may be shared. Prohibits the entity using an electronic form to utilize or share any information provided on the form until the person entering the information into the form specifically acts to submit the form.

**STATUS:**

05/23/2014 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

CA AB 2165

**AUTHOR:** Patterson [R]
**TITLE:** Professions and Vocations: Licenses
**INTRODUCED:** 02/20/2014
**LAST AMEND:** 04/10/2014
**DISPOSITION:** Pending
**LOCATION:** Assembly Business, Professions and Consumer Protection Committee
**SUMMARY:**

Relates to licensure of the healing arts, professions, vocations, and businesses. Requires each board to complete within a specified number of days the application review process to issue within the same number of days a license to an applicant who successfully satisfied all licensure requirements. Authorizes a person who has satisfied the educational requirements of the licensing act of which he or she seeks licensure to immediately apply for and take the professional examination.

**STATUS:**

04/22/2014 In ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION: Not heard.

CA AB 2396

**AUTHOR:** Bonta [D]
**TITLE:** Convictions: Expungement: Licenses
**INTRODUCED:** 02/21/2014
**LAST AMEND:** 05/15/2014
**DISPOSITION:** Pending
**FILE:** 135
**LOCATION:** Senate Second Reading File
**SUMMARY:**

Prohibits a vocational or professional licensing board under the Department of Consumer Affairs from denying a license based solely on a conviction that has been dismissed pursuant to certain provisions of existing law.

**STATUS:**

08/14/2014 From SENATE Committee on APPROPRIATIONS: Do pass. (5-0)

CA AB 2720

**AUTHOR:** Ting [D]
**TITLE:** State Agencies: Meetings: Record of Action Taken
**INTRODUCED:** 02/21/2014
**LAST AMEND:** 08/07/2014
**DISPOSITION:** Pending
**FILE:** 199
**LOCATION:** Assembly Unfinished Business - Concurrence in Senate Amendments
**SUMMARY:**

Amends the Bagley-Keene Open Meeting Act that requires that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. Requires a State body to publicly report any action taken and the vote or abstention on that action of each member present for the action.

**STATUS:**

08/14/2014 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY for concurrence. (35-0)

CA SB 1091

**AUTHOR:** Galgiani [D]
**TITLE:** Administrative Procedures: Notice Register
**INTRODUCED:** 02/19/2014
**DISPOSITION:** Pending
**LOCATION:** Senate Appropriations Committee
**SUMMARY:**

Requires each state agency to submit a notice to the Office of Administrative Law for publication in the California Regulatory Notice Register of any meeting or hearing that occurs prior to the mailing or posting of the notice of proposed action. Requires the office to make the Register available in an electronically searchable Internet Web-based format.

**STATUS:**

05/23/2014 In SENATE Committee on APPROPRIATIONS: Held in committee.

CA SB 1159

**AUTHOR:** Lara [D]
**TITLE:** License Applicants: Individual Tax Identification
**INTRODUCED:** 02/20/2014
**LAST AMEND:** 08/04/2014
**DISPOSITION:** Pending
**FILE:** 42
**LOCATION:** Assembly Second Reading File
**SUMMARY:**

Requires the professional and vocational licensing boards within the Department of Consumer Affairs to require an applicant other than a partnership to provide either an individual tax identification number or social security number. Requires the bodies to report to the Franchise Tax Board, and subjects a licensee to a penalty, for failure to provide that information.

**STATUS:**

08/14/2014 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (13-4)

CA SB 1215

**AUTHOR:** Hernandez E [D]
**TITLE:** Healing Arts Licenses: Referrals
**INTRODUCED:** 02/20/2014
**LAST AMEND:** 04/10/2014
**DISPOSITION:** Pending
**LOCATION:** Senate Appropriations Committee
**SUMMARY:**

Amends existing law that provides exceptions from a crime of a licensed healing arts professional to refer patients for specified services if the licensee or his or her immediately family has a financial has a financial interest. Provides that the exception does not apply to advanced imaging, anatomic pathology, radiation therapy, or physical therapy for a specific patient that is performed within a licensee's office or the office of a group practice and that is compensated on a fee-for-service basis.

**STATUS:**

04/28/2014 In SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT: Failed passage.

04/28/2014 In SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT: Reconsideration granted.

CA SB 1245

**AUTHOR:** Lieu [D]

**TITLE:** Dental Hygiene Committee of California
**INTRODUCED:** 02/20/2014
**DISPOSITION:** Pending
**FILE:** 50
**LOCATION:** Assembly Second Reading File
**SUMMARY:**

Extends the operation of existing law that establishes the Dental Hygiene Committee within the jurisdiction of the Dental Board.

**STATUS:**

08/14/2014 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (17-0)

CA SB 1258

**AUTHOR:** DeSaulnier [D]
**TITLE:** Controlled Substances: Prescriptions: Reporting
**INTRODUCED:** 02/21/2014
**LAST AMEND:** 04/23/2014
**DISPOSITION:** Pending
**LOCATION:** Senate Appropriations Committee
**SUMMARY:**

Requires the prescribing and dispensing of Schedule V controlled substances to be monitored in the Controlled Substance Utilization Review and Evaluation System (CURES). Authorizes an individual who is investigating a holder of a professional license to apply for access to the CURES regarding the controlled substance history of a licensee. Requires that controlled substance electronic prescriptions meet specified regulations. Relates to the allowable time period for certain substance prescriptions.

**STATUS:**

05/23/2014 In SENATE Committee on APPROPRIATIONS: Held in committee.

CA SB 1416

**AUTHOR:** Block [D]
**TITLE:** Dentistry: Fees
**INTRODUCED:** 02/21/2014
**LAST AMEND:** 04/10/2014
**ENACTED:** 06/28/2014
**DISPOSITION:** Enacted
**LOCATION:** Chaptered
**SUMMARY:**

Amends the Dental Practice Act which provides for the licensure and regulation of the practice of dentistry and requires the charges and fees for licensed dentists to be established as is necessary for the purpose of carrying out the responsibilities required by the provisions of the Act and prohibits the fee for initial licensure or renewal thereof from exceeding a specified amount. Sets the fee for an initial license and for the renewal of the license.

**STATUS:**

06/28/2014 Signed by GOVERNOR.
06/28/2014 Chaptered by Secretary of State. Chapter No. 73

**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

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| | | | |
|---|---|---|---|
| **BILL NUMBER:** | Assembly Bill 186 | | |
| **AUTHOR:** | Assembly Member Brian Maienschein | **SPONSOR:** | Senate |
| **VERSION:** | Amended 06/25/2014 | **INTRODUCED:** | January 28, 2013 |
| **BILL STATUS:** | Senate third reading file, Assembly bills on 08/18/2014 | **BILL LOCATION:** | Senate |
| **SUBJECT:** | Professions and vocations: Military Spouses: Licenses | **RELATED BILLS:** | |

## SUMMARY

Establishes a temporary licensure process for an applicant who holds a current, active, or unrestricted license in another jurisdiction and supplies evidence of being married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces who is assigned to a duty station in the state under active duty military orders. Requires an applicant seeking a temporary license as an engineer, land surveyor, geologist, geophysicist or hydrogeologist to pass the state examination.

## ANALYSIS

The Board currently expedites requests for initial licensure for all active military service men and women pursuant to Business and Professions Code §115.5. The current process involves accelerated processing of anyone who is involved with Armed Forces whether they are spouses or an active member.

Similarly, AB 1904 (Block, Chapter 399, Statues of 2012) required the Board to expedite the licensure process for an application who holds a license in the same profession or vocation in another jurisdiction and is married to, or in a legal union with, an active member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

Additionally, AB 1588 (Atkins, Chapter 742, Statutes of 2012) required that the Board waive renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard and their license expire while away.

AB 186 would require the Board to create a new temporary license process for those seeking licensure on a temporary basis. Applicants would need to provide proof of being married or in a domestic partnership or other legal union, to an active Armed Force member. It would also be important to note that this does not mean a license/registration must be issued but simply requires the process to be accelerates for spouses and domestic partners of active duty military personnel.

The Board anticipates that the temporary licensure process can be obtained during the implementation of the BreEZe system which is expected to launch in three separate phases during 2015.

Because the bill would authorize the expenditure of continuously appropriated funds for a new purpose, the bill would make an appropriation.

## REGISTERED SUPPORT/OPPOSITION

**SUPPORT**: (as of 07/02/14)
American Legion-Department of California
AMVETS-Department of California
California Association for Health Services at Home
California State Commanders Veterans Council
Department of Defense
Easter Seals Disability Services
Marine Corps Installations West
Medical Board of California
National Military Family Association
San Diego Military Advisory Council
Veterans Caucus of the California Democratic Party
VFW-Department of California
Vietnam Veterans of America-California State Council

**OPPOSITION**: (as of 07/02/14)
Board of Behavioral Sciences

AMENDED IN SENATE JUNE 25, 2014

AMENDED IN SENATE MAY 29, 2014

AMENDED IN SENATE JUNE 24, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

# ASSEMBLY BILL No. 186

**Introduced by Assembly Member Maienschein**
**(Principal coauthor: Assembly Member Hagman)**
**(Coauthors: Assembly Members Chávez, Dahle, Donnelly, Beth Gaines, Garcia, *Gorell*, Grove, Harkey, Olsen, Patterson, and V. Manuel Pérez)**
(Coauthors: Senators Fuller and Huff)

January 28, 2013

An act to add Section 115.6 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as amended, Maienschein. Professions and vocations: military spouses: temporary licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a

license to practice within that field in another jurisdiction, as specified. Existing law requires that the licensing fees imposed by certain boards within the department be deposited in funds that are continuously appropriated. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would, in addition to the expedited licensure provisions described above, establish a temporary licensure process for an applicant who holds a ~~current~~ *current, active, and unrestricted* license in another jurisdiction, as specified, and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. The bill would require a temporary license to expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would require an applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist to successfully pass the appropriate California specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists. The bill would also authorize a board to require an applicant to successfully pass an examination in jurisprudence or California law and ethics for the issuance of a temporary license if successfully passing the examination is a requirement for all applicants for full licensure.

This bill would exclude the California Architects Board, *the Landscape Architects Technical Committee, the Contractors' State License Board,* the State Board of Chiropractic Examiners, ~~or~~ *and* a board that established a temporary licensing process before January 1, 2014, from these provisions.

Because the bill would authorize the expenditure of continuously appropriated funds for a new purpose, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 115.6 is added to the Business and Professions Code, to read:

115.6. (a) A board within the department shall, after appropriate investigation, issue a temporary license to an applicant if he or she meets the requirements set forth in subdivision (c). The temporary license shall expire 12 months after issuance, upon issuance of an expedited license pursuant to Section 115.5, or upon denial of the application for expedited licensure by the board, whichever occurs first.

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

(c) An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) The applicant shall hold a ~~current license~~ *current, active, and unrestricted license that confers upon him or her the authority to practice,* in another state, district, or territory of the United ~~States in~~ *States,* the profession or vocation for which he or she seeks a temporary license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that he or she meets all of the requirements for the temporary license and that the information submitted in the application is accurate, to the best of his or her knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial,

suspension, or revocation of the license under this code at the time the act was committed. A violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the board.

(5) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) The applicant shall, upon request by a board, furnish a full set of fingerprints for purposes of conducting a criminal background check.

(d) A board may adopt regulations necessary to administer this section.

(e) A temporary license issued pursuant to this section for the practice of medicine may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or provided substantively inaccurate information that would affect his or her eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of medicine upon receipt.

(f) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists.

(g) A board within the department may require an applicant to successfully pass an examination in jurisprudence or California law and ethics for the issuance of a temporary license pursuant to this section if successfully passing the examination is a requirement for all applicants for full licensure.

(h) This section shall not apply to the California Architects ~~Board~~ *Board, the Landscape Architects Technical Committee, the Contractors' State License Board,* or the State Board of Chiropractic Examiners.

(i) This section shall not apply to a board that established a temporary licensing process before January 1, 2014.

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**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

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|---|---|---|---|
| **BILL NUMBER:** | Assembly Bill 1174 | | |
| **AUTHOR:** | Assembly Member Raul J. Bocanegra | **SPONSOR:** | |
| **VERSION:** | Amended 07/02/2014 | **INTRODUCED:** | 02/22/2013 |
| **BILL STATUS:** | In floor process Senate second reading file – Assembly Bills 08/18/2014 Floor Session | **BILL LOCATION:** | Senate Committee on Business, Professions and Economic Development |
| **SUBJECT:** | Dental Professionals | **RELATED BILLS:** | |


**SUMMARY**
Authorizes a dental auxiliary to expose radiographs. Prohibits a dentist from supervising a specified number of dental auxiliaries. Authorizes specified registered dental assistants, a registered dental hygienist, and a registered dental hygienist in alternative practice to determine which radiographs to perform and place protective restorations. Relates to course fees. Provides that a face-to-face contact between a health care provider and a patient is not required under Medi-Cal for teledentistry.


**Fiscal Impact:**
One-time costs of about $50,000 for the development of regulations and information technology upgrades and ongoing costs of $200,000 per year for licensing and enforcement by the Dental Board of California (State Dentistry Fund).

One-time costs of about $50,000 for the development of regulations and information technology upgrades and ongoing costs of $80,000 per year for licensing by the Dental Hygiene Committee of California (State Dental Hygiene Fund).

Minor costs to continue the operation of Health Workforce Pilot Project #172 (private funds).

Unknown impact on Medi-Cal costs for dental procedures (General Fund and federal funds). Under current practice, the Medi-Cal program does not provide reimbursement for dental services provided through telehealth. By specifically authorizing such reimbursement and making changes to scope of practice laws that will increase the potential use of telehealth, the bill will likely increase utilization to some degree. The

size of that impact is unknown.

The Department has indicated that the cost of setting up the required information technology systems to facilitate dental telehealth will limit implementation. This may be particularly significant for the Denti-Cal program, in which reimbursement rates are generally low. On the other hand, utilization rates in the Denti-Cal program are very low (in 2011, only 27% of eligible children received dental care). Therefore, there is significant scope for increasing utilization of services in the Denti-Cal program.

Finally, it may be the case that more early intervention will reduce long-run costs to provide dental care in the Medi-Cal program.

Background: Under current law, the Dental Hygiene Committee regulates registered dental hygienists and registered dental hygienists in alternative practice while the Dental Board regulates registered dental assistant in extended functions. Current law specifies which activities such providers are authorized to perform independently and which activities must be performed under the supervision of a dentist.

Proposed Law: AB 1174 would authorize certain allied dental professionals, using telehealth, to perform additional activities. The bill would prohibit Medi-Cal from requiring a face-to-face visit between a patient and provider before allowing for teledentistry services. Specific provisions of the bill would, authorize a dentist to allow a registered dental hygienist, registered dental hygienist in alternative practice, or a registered dental assistant in extended functions to perform x-rays, using telehealth, prior to an examination by the dentist;

Authorize a registered dental hygienist, registered dental hygienist in alternative practice, or a registered dental assistant in extended functions to determine which x-rays to perform on a patient before an initial examination by a dentist and to place protective restorations in a dental office or using telehealth after a diagnosis by a dentist;

Require the development of regulations by the Dental Board and the Dental Hygiene Committee;

Require the Office of Statewide Health Planning and Development to extend the existing Health Workforce Pilot Project #172 until January 1, 2016;

Specify that face-to-face contact between a patient and a provider is not required in the Medi-Cal program for teledentistry services.

Related legislation: AB 1310 (Bonta) would prohibit the Department of Health Care Services from requiring a health care provider who is licensed to practice in California to be located in California to provide telehealth services to Medi-Cal beneficiaries. That bill will be heard in this committee.

Under the oversight of the Office of Statewide Health Planning and Development, a Health Workforce Pilot Project (#172) has been undertaken to evaluate the changes in scope of practice and the use of telehealth that would be implemented in this bill. According to a review of the Pilot Project by researchers at the University of the Pacific, allied dental professionals are able to perform the duties tested in the Pilot Project safely and effectively with a high level of patient satisfaction.

**REGISTERED SUPPORT/OPPOSITION**

Support

100% Campaign
Alzheimer's Association
Brighter Smiles for You Mobile Dental Hygiene Services
California Academy of Physician Assistants
California Coverage & Health Initiatives
California Primary Care Association
California School Health Centers Association
California School-Based Health Alliance
Children Now
Children's Defense Fund California
Children's Partnership
Community Clinic Association of Los Angeles County
Connecting to Care
Golden Gate Regional Center
La Maestro Community Health Centers
Los Angeles Area Chamber of Commerce
Los Angeles Trust for Children's Health
Los Angeles Unified School District
Maternal and Child Health Access
Open Door Community Health Centers
Oral Health Access Council
PICO California
United Ways California
Venice Family Clinic
Western Dental Services Inc
Worksite Wellness LA
Several individuals

Support if Amended:

California Association of Oral and Maxillofacial Surgeons (CALAOMS)
California Dental Association (CDA)

Oppose Unless Amended:

California Dental Hygienists' Association (CDHA)

Opposition

None on File

**Board Position**

At its May 2014 Board Meeting, the Board took a “support if amended” position.

AMENDED IN SENATE JULY 2, 2014

AMENDED IN SENATE MAY 21, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

# ASSEMBLY BILL No. 1174

**Introduced by Assembly Members Bocanegra and Logue**

February 22, 2013

An act to amend Sections 1684.5 and ~~1926~~ *1944* of, *to add Section 1926.05 to,* and to add, repeal, and add Sections 1753.55~~,~~ *and* 1910.5~~, and 1926.05~~ of, the Business and Professions Code, and to add and repeal Section 128196 of the Health and Safety Code, and to amend Section 14132.725 of the Welfare and Institutions Code, relating to oral health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1174, as amended, Bocanegra. Dental professionals.

(1) Under existing law, the Dental Practice Act, the Dental Board of California licenses and regulates dentists. Existing law creates, within the jurisdiction of the board, a Dental Assisting Council that is responsible for the regulation of dental assistants, registered dental assistants, and registered dental assistants in extended functions and a Dental Hygiene Committee of California, that is responsible for the regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended

functions. Existing law governs the scope of practice for those professionals, and authorizes a dentist to require or permit one of those professionals, referred to as a dental auxiliary, to perform specified duties, including exposing emergency radiographs upon the direction of the dentist, prior to the dentist examining the patient.

This bill would add to those specified duties ~~determining and performing~~ *exposing* radiographs, as specified, make a dentist responsible to provide a patient or the patient's representative written notice including specified contact information and disclosing that the care was provided at the direction of that authorizing dentist, and would prohibit a dentist from concurrently supervising more than *a total of* 5 dental auxiliaries, as specified. The bill would authorize specified registered dental assistants in extended functions, registered dental hygienists, and registered dental hygienists in alternative practice to determine which radiographs to perform and to place protective restorations, as specified. The bill would require the board to promulgate related regulations, and would also require the committee to review proposed regulations and submit any recommended changes to the board for review to establish a consensus.

*(2) Existing law requires the committee to establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions. Existing law limits the fee for each review of courses required for licensure that are not accredited to $300. Under existing law, those fees are further limited to the reasonable regulatory cost incurred by the committee.*

*This bill would instead limit the fee for each review or approval of course requirements for licensure or procedures that require additional training that are not accredited to $750.*

~~(2)~~

*(3)* Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including certain dental services, as specified. Existing law provides that, to the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for "teleophthalmology and teledermatology by store and forward," as defined to mean the asynchronous transmission of medical information to be reviewed at a

later time by a licensed physician or optometrist, as specified, at a distant site.

This bill would additionally provide that face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for teledentistry by store and forward, as defined.

~~(3)~~

*(4)* Existing law authorizes the Office of Statewide Health Planning and Development to approve Health Workforce Pilot Projects (HWPP), as defined. The office has approved operation HWPP 172, relating to dental workforce, through December 15, 2014.

This bill would extend the operation of HWPP through January 1, 2016. The bill would also delete redundant provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1684.5 of the Business and Professions
2 Code is amended to read:
3 1684.5. (a) In addition to other acts constituting unprofessional
4 conduct under this chapter, it is unprofessional conduct for any
5 dentist to perform or allow to be performed any treatment on a
6 patient who is not a patient of record of that dentist. A dentist may,
7 however, after conducting a preliminary oral examination, require
8 or permit any dental auxiliary to perform procedures necessary for
9 diagnostic purposes, provided that the procedures are permitted
10 under the auxiliary's authorized scope of practice. Additionally,
11 a dentist may require or permit a dental auxiliary to perform all of
12 the following duties prior to any examination of the patient by the
13 dentist, provided that the duties are authorized for the particular
14 classification of dental auxiliary pursuant to Article 7 (commencing
15 with Section 1740):
16 (1) ~~Determine and perform~~ *Expose* emergency radiographs upon
17 direction of the dentist.
18 (2) ~~Determine~~ *If the dental auxiliary is a registered dental*
19 *assistant in extended functions, a registered dental hygienist, or*
20 *a registered dental hygienist in alternative practice, determine*
21 and perform radiographs for the specific purpose of aiding a dentist
22 in completing a comprehensive diagnosis and treatment plan for
23 a patient *using telehealth, as defined by Section 2290.5, for the*

*purpose of communication with the supervising dentist* pursuant to Sections 1753.55, 1910.5, and 1926.05.

(3) Perform extra-oral duties or functions specified by the dentist.

(4) Perform mouth-mirror inspections of the oral cavity, to include charting of obvious lesions, malocclusions, existing restorations, and missing teeth.

(b) For purposes of this section, "patient of record" refers to a patient who has been examined, has had a medical and dental history completed and evaluated, and has had oral conditions diagnosed and a written plan developed by the licensed dentist.

(c) For purposes of this section, if dental treatment is provided to a patient by a ~~dental auxiliary~~ *registered dental assistant in extended functions, a registered dental hygienist, or a registered dental hygienist in alternative practice* pursuant to the diagnosis and treatment plan authorized by a supervising dentist, ~~the supervising dentist shall ensure~~ *at a location other than the dentist's practice location, it is the responsibility of the authorizing dentist* that the patient or the patient's representative ~~is notified in writing of the supervising~~ *receive written notification that the care was provided at the direction of the authorizing dentist and that the notification include the authorizing* dentist's name, practice location address, *and* telephone ~~number, and email address, and that the care was provided at the direction of the dentist.~~ *number. This provision shall not require patient notification for dental hygiene preventive services provided in public health programs as specified and authorized in Section 1911, or for dental hygiene care when provided as specified and authorized in Section 1926.*

(d) A dentist shall not concurrently supervise more than *a total of* five ~~dental auxiliaries~~ *registered dental assistants in extended functions, registered dental hygienists, or registered dental hygienists in alternative practice* providing services pursuant to Sections 1753.55, 1910.5, and 1926.05.

(e) This section shall not apply to dentists providing examinations on a temporary basis outside of a dental office in settings including, but not limited to, health fairs and school screenings.

(f) This section shall not apply to fluoride mouth rinse or supplement programs administered in a school or preschool setting.

SEC. 2. Section 1753.55 is added to the Business and Professions Code, to read:

1753.55. (a) In addition to the duties specified in Sections 1753.5 and 1753.6, a registered dental assistant in extended functions licensed on or after January 1, 2010, or having completed the educational requirements to perform the duties authorized by Section 1753.5, is authorized to perform both of the following additional duties pursuant to the order, control, and full professional responsibility of a supervising dentist:

(1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental assistant in extended functions shall follow protocols established by the supervising dentist. This paragraph only applies in the following settings:

(A) In a dental office ~~setting, under the direct or general supervision of a dentist as determined by the dentist.~~ *setting.*

(B) In public health settings, *using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist,* including, but not limited to, schools, head start and preschool programs, and ~~residential facilities and institutions~~ *community clinics,* under the general supervision of a dentist.

(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:

(A) In either of the following settings:

(i) In a dental office setting, under the direct or general supervision of a dentist as determined by the dentist.

(ii) In public health settings, *using telehealth, as defined by Section 2290.5, for the purpose of communication with the*

*supervising dentist,* including, but not limited to, schools, head start and preschool programs, and ~~residential facilities and institutions,~~ *community clinics,* under the general supervision of a dentist.

(B) After a diagnosis and treatment plan by a dentist.

(b) The functions described in subdivision (a) may be performed by a registered dental assistant in extended functions only after completion of a program that includes training in performing those functions, or after providing evidence, satisfactory to the board, of having completed a board-approved course in those functions.

~~(1) No later than January 1, 2018, the board shall promulgate regulations establishing requirements for courses of instruction for the procedures authorized to be performed by a registered dental assistant in extended functions pursuant to this section.~~

*(1) No later than January 1, 2018, the board shall promulgate regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental assistant in extended functions pursuant to this section, using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Health Planning and Development. The board shall submit regulatory language pursuant to approval of courses of instruction for the Interim Therapeutic Restoration to the committee for the purpose of promulgating regulations for Registered Dental Hygienists and Registered Dental Hygienists in Alternative Practice as described in Section 1910.5. The language submitted by the board shall mirror the instructional requirements for the registered dental assistant in extended functions. Any subsequent amendments to the regulations that are promulgated by the board for the Interim Therapeutic Restoration course curriculum shall be submitted to the committee.*

(2) Prior to January 1, 2018, the board shall use the competency-based training protocols established by Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development *to approve courses of instruction for the procedures authorized in this section*.

(3) A registered dental assistant in extended functions who has completed the prescribed training in the Health Workforce Pilot Project No. 172 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing

with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code shall be deemed to have satisfied the requirement for completion of a course of instruction approved by the board.

(4) In addition to the instructional components described in this subdivision, a program shall contain both of the instructional components described in this paragraph:

(A) The course shall be established at the postsecondary educational level.

(B) All faculty responsible for clinical evaluation shall have completed a one-hour methodology course in clinical evaluation or have a faculty appointment at an accredited dental education program prior to conducting evaluations of students.

*(c) The board may issue a permit to a registered dental assistant in extended functions who files a completed application, including the fee, to provide the duties specified in this section after the board has determined the registered dental assistant in extended functions has completed the coursework required in subdivision (b).*

~~(c)~~

*(d)* This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

SEC. 3. Section 1753.55 is added to the Business and Professions Code, to read:

1753.55. (a) In addition to the duties specified in Section 1753.5, a registered dental assistant in extended functions licensed on or after January 1, 2010, or having completed the educational requirements to perform the duties authorized by Section 1753.5 *and 1753.6*, is authorized to perform both of the following additional duties pursuant to the order, control, and full professional responsibility of a supervising dentist:

(1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental assistant in extended functions shall follow protocols established by the supervising dentist. This paragraph only applies in the following settings:

(A) In a dental office ~~setting, under the direct or general supervision of a dentist as determined by the dentist.~~ *setting.*

(B) In public health settings, *using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist,* including, but not limited to, schools, head start and preschool programs, and ~~residential facilities and institutions,~~ *community clinics,* under the general supervision of a dentist.

(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:

(A) In either of the following settings:

(i) In a dental office setting, under the direct or general supervision of a dentist as determined by the dentist.

(ii) In public health settings, *using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist,* including, but not limited to, schools, head start and preschool programs, and ~~residential facilities and institutions~~ *community clinics,* under the general supervision of a dentist.

(B) After a diagnosis and treatment plan by a dentist.

(b) The functions described in subdivision (a) may be performed by a registered dental assistant in extended functions only after completion of a program that includes training in performing those functions, or after providing evidence, satisfactory to the board, of having completed a board-approved course in those functions.

~~(c) The board shall promulgate regulations establishing criteria for approval of courses of instruction for the procedures authorized to be performed by a registered dental assistant in extended functions pursuant to this section. The committee shall review proposed regulations, and any subsequent proposed amendments to the promulgated regulations, and shall submit any recommended changes to the board for review to establish a consensus.~~

*(c) No later than January 1, 2018, the board shall promulgate regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental assistant in extended functions pursuant to this section using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Health Planning and Development. The board shall submit regulatory language pursuant to approval of courses of instruction for the Interim Therapeutic Restoration to the committee for the purpose of promulgating regulations for registered dental hygienists and registered dental hygienists in alternative practice as described in Section 1910.5. The language submitted by the board shall mirror the instructional requirements for the registered dental assistant in extended functions. Any subsequent amendments to the regulations that are promulgated by the board for the Interim Therapeutic Restoration course curriculum shall be submitted to the committee.*

*(d) The board may issue a permit to a registered dental assistant in extended functions who files a completed application, including the fee, to provide the duties specified in this section after the board has determined the registered dental assistant in extended functions has completed the coursework required in subdivision (b).*

~~(d)~~

*(e)* This section shall become operative on January 1, 2018.

SEC. 4. Section 1910.5 is added to the Business and Professions Code, to read:

1910.5. (a) In addition to the duties specified in Section 1910, a registered dental hygienist is authorized to perform the following additional duties, as specified:

(1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental hygienist shall follow protocols established by the supervising dentist. This paragraph shall only apply in the following settings:

(A) In a dental office ~~setting, under the general supervision of a dentist.~~ *setting.*

(B) In a public health setting, *using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist,* including, but not limited to, schools, head

start and preschool programs, and ~~residential facilities and institutions, under the general supervision of a dentist~~ *community clinics*.

(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:

(A) In either of the following settings:

(i) In a dental office ~~setting, under the general supervision of a dentist.~~ *setting.*

(ii) In a public health setting, *using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist,* including, but not limited to, schools, head start and preschool programs, and ~~residential facilities and institutions, under the general supervision of a dentist~~ *community clinics*.

(B) After a diagnosis and treatment plan by a dentist.

(b) The functions described in subdivision (a) may be performed by a registered dental hygienist only after completion of a program that includes training in performing those functions, or after providing evidence, satisfactory to the committee, of having completed a committee-approved course in those functions.

~~(1) No later than January 1, 2018, the dental board shall promulgate regulations establishing criteria for approval of courses of instruction for the procedures authorized to be performed by a registered dental hygienist pursuant to this section. Proposed regulations, and any subsequent proposed amendments to the promulgated regulations, shall be reviewed by the committee. The committee shall submit any recommended changes to the board for review to establish a consensus.~~

*(c) (1) No later than January 1, 2018, the committee shall promulgate regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a*

*registered dental hygienist and registered dental hygienist in alternative practice pursuant to Sections 1910.5 and 1926.05 using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Health Planning and Development. The committee shall adopt the regulatory language for approval of courses of instruction for the Interim Therapeutic Restoration submitted by the dental board, pursuant to Section 1753.55 in the regulations. Any subsequent amendments to the regulations for the Interim Therapeutic Restoration course curriculum that are promulgated by the committee shall be agreed upon by the board and the committee.*

(2) Prior to January 1, 2018, the ~~dental board~~ *committee* shall use the competency-based training protocols established by Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development *to approve courses of instruction for the procedures authorized in this section*.

(3) A registered dental hygienist who has completed the prescribed training in the Health Workforce Pilot Project No. 172 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code shall be deemed to have satisfied the requirement for completion of a course of instruction approved by the committee.

(4) In addition to the instructional components described in subdivision (d) or (e), a program shall contain both of the instructional components described in this paragraph:

(A) The course shall be established at the postsecondary educational level.

(B) All faculty responsible for clinical evaluation shall have completed a one-hour methodology course in clinical evaluation or have a faculty appointment at an accredited dental education program prior to conducting evaluations of students.

~~(c)~~

*(d)* This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

SEC. 5. Section 1910.5 is added to the Business and Professions Code, to read:

1910.5. (a) In addition to the duties specified in Section 1910, a registered dental hygienist is authorized to perform the following additional duties, as specified:

(1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental hygienist shall follow protocols established by the supervising dentist. This paragraph only applies in the following settings:

(A) In a dental office ~~setting, under the general supervision of a dentist.~~ *setting.*

(B) In a public health setting, *using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist,* including, but not limited to, schools, head start and preschool programs, and ~~residential facilities and institutions, under the general supervision of a dentist~~ *community clinics*.

(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:

(A) In either of the following settings:

(i) In a dental office ~~setting, under the general supervision of a dentist.~~ *setting.*

(ii) In a public health setting *using telehealth, as defined by Section 2290.5, for the purpose of communication with the supervising dentist,* including, but not limited to, schools, head start and preschool programs, and ~~residential facilities and institutions, under the general supervision of a dentist~~ *community clinics*.

(B) After a diagnosis and treatment plan by a dentist.

(b) The functions described in subdivision (a) may be performed by a registered dental hygienist only after completion of a program

that includes training in performing those functions, or after providing evidence, satisfactory to the committee, of having completed a committee-approved course in those functions.

~~(c) The dental board shall promulgate regulations establishing criteria for approval of courses of instruction for the procedures authorized to be performed by a registered dental hygienist pursuant to this section. The committee shall review proposed regulations, and any subsequent proposed amendments to the promulgated regulations, and shall submit any recommended changes to the board for review to establish a consensus.~~

*(c) No later than January 1, 2018, the committee shall promulgate regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental hygienist and registered dental hygienist in alternative practice pursuant to Sections 1910.5 and 1926.05, using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Health Planning and Development. The committee shall adopt the regulatory language for approval of courses of instruction for the Interim Therapeutic Restoration submitted by the dental board, pursuant to Section 1753.55 in the regulations. Any subsequent amendments to the regulations for the Interim Therapeutic Restoration course curriculum that are promulgated by the committee shall be agreed upon by the board and the committee.*

(d) This section shall become operative on January 1, 2018.

~~SEC. 6. Section 1926 of the Business and Professions Code is amended to read:~~

~~1926. A registered dental hygienist in alternative practice may perform the duties authorized pursuant to subdivision (a) of Section 1907, subdivision (a) of Section 1908, subdivisions (a) and (b) of Section 1910, and Section 1926.05 in the following settings:~~

~~(a) Residences of the homebound.~~

~~(b) Schools.~~

~~(c) Residential facilities and other institutions.~~

~~(d) Dental health professional shortage areas, as certified by the Office of Statewide Health Planning and Development in accordance with existing office guidelines.~~

~~SEC. 7.~~

*SEC. 6.* Section 1926.05 is added to the Business and Professions Code, to read:

1926.05. ~~(a)~~ In addition to the duties specified in Section 1926, a registered dental hygienist in alternative practice is authorized to perform the ~~following~~ additional duties~~, as~~ specified *in Section 1910.5 upon completion of the courses required in that section, in the following settings*:

~~(1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental hygienist in alternative practice shall follow protocols established by the supervising dentist. This paragraph only applies in the following settings:~~

~~(A) In a dental office setting, under the general supervision of a dentist.~~

~~(B) In a public health setting, including, but not limited to, schools, head start and preschool programs, and residential facilities and institutions, under the general supervision of a dentist.~~

~~(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:~~

~~(A) In either of the following settings:~~

~~(i) In a dental office setting, under the general supervision of a dentist.~~

~~(ii) In a public health setting, including, but not limited to, schools, head start and preschool programs, and residential facilities and institutions, under the general supervision of a dentist.~~

~~(B) After a diagnosis and treatment plan by a dentist.~~

~~(b) The functions described in subdivision (a) may be performed by a registered dental hygienist in alternative practice only after~~

~~completion of a course or program that includes training in performing those functions, or after providing evidence, satisfactory to the committee, of having completed a committee-approved course in those functions.~~

~~(1) No later than January 1, 2018, the dental board shall promulgate regulations establishing criteria for the approval of courses of instruction for the procedures authorized to be performed by a registered dental hygienist in alternative practice pursuant to this section. Proposed regulations, and any subsequent proposed amendments to the promulgated regulations, shall be reviewed by the committee. The committee shall submit any recommended changes to the board for review to establish a consensus.~~

~~(2) Prior to January 1, 2018, the dental board shall use the competency-based training protocols established by Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development.~~

~~(3) A registered dental hygienist in alternative practice who has completed the prescribed training in the Health Workforce Pilot Project No. 172 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code shall be deemed to have satisfied the requirement for completion of a course of instruction approved by the committee.~~

~~(4) In addition to the instructional components described in this subdivision, a program shall contain both of the instructional components described in this paragraph:~~

~~(A) The course shall be established at the postsecondary educational level.~~

~~(B) All faculty responsible for clinical evaluation shall have completed a one-hour methodology course in clinical evaluation or have a faculty appointment at an accredited dental education program prior to conducting evaluations of students.~~

~~(c) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.~~

*(a) Residences of the homebound.*

*(b) Schools.*

*(c) Residential facilities and other institutions.*

~~SEC. 8. Section 1926.05 is added to the Business and Professions Code, to read:~~

~~1926.05. (a) In addition to the duties specified in Section 1926, a registered dental hygienist in alternative practice is authorized to perform the following additional duties, as specified:~~

~~(1) Determine which radiographs to perform on a patient who has not received an initial examination by the supervising dentist for the specific purpose of the dentist making a diagnosis and treatment plan for the patient. In these circumstances, the dental hygienist in alternative practice shall follow protocols established by the supervising dentist. This paragraph only applies in the following settings:~~

~~(A) In a dental office setting, under the general supervision of a dentist.~~

~~(B) In a public health setting, including, but not limited to, schools, head start and preschool programs, and residential facilities and institutions, under the general supervision of a dentist.~~

~~(2) Place protective restorations, which for this purpose are identified as interim therapeutic restorations, and defined as a direct provisional restoration placed to stabilize the tooth until a licensed dentist diagnoses the need for further definitive treatment. An interim therapeutic restoration consists of the removal of soft material from the tooth using only hand instrumentation, without the use of rotary instrumentation, and subsequent placement of an adhesive restorative material. Local anesthesia shall not be necessary for interim therapeutic restoration placement. Interim therapeutic restorations shall be placed only in accordance with both of the following:~~

~~(A) In either of the following settings:~~

~~(i) In a dental office setting, under the general supervision of a dentist.~~

~~(ii) In a public health setting, including, but not limited to, schools, head start and preschool programs, and residential facilities and institutions, under the general supervision of a dentist.~~

~~(B) After a diagnosis and treatment plan by a dentist.~~

~~(b) The functions described in this section may be performed by a registered dental hygienist in alternative practice only after completion of a course or program that includes training in performing those functions, or after providing evidence,~~

~~satisfactory to the committee, of having completed a committee-approved course in those functions.~~

~~(c) The dental board shall promulgate regulations establishing criteria for approval of courses of instruction for the procedures authorized to be performed by a registered dental hygienist in alternative practice pursuant to this section. The committee shall review proposed regulations, and any subsequent proposed amendments to the promulgated regulations, and shall submit any recommended changes to the board for review to establish a consensus.~~

~~(d) This section shall become operative on January 1, 2018.~~

*SEC. 7. Section 1944 of the Business and Professions Code is amended to read:*

1944. (a) The committee shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the committee. The fees are subject to the following limitations:

(1) The application fee for an original license and the fee for issuance of an original license shall not exceed two hundred fifty dollars ($250).

(2) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(3) For third- and fourth-year dental students, the fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(4) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

(5) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.

(6) The biennial renewal fee shall not exceed one hundred sixty dollars ($160).

(7) The delinquency fee shall not exceed one-half of the renewal fee. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee, and compliance with all other applicable requirements of this article.

(8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall not exceed twenty-five dollars ($25) or one-half of the renewal fee, whichever is greater.

(9) The fee for certification of licensure shall not exceed one-half of the renewal fee.

(10) The fee for each curriculum review and site evaluation for educational programs for dental hygienists who are not accredited by a committee-approved agency shall not exceed two thousand one hundred dollars ($2,100).

~~(11) The fee for each review of courses required for licensure that are not accredited by a committee-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's Office of the California Community Colleges shall not exceed three hundred dollars ($300).~~

*(11) The fee for each review or approval of course requirements for licensure or procedures that require additional training that are not accredited by a committee-approved agency shall not exceed seven hundred fifty dollars ($750).*

(12) The initial application and biennial fee for a provider of continuing education shall not exceed five hundred dollars ($500).

(13) The amount of fees payable in connection with permits issued under Section 1962 is as follows:

(A) The initial permit fee is an amount equal to the renewal fee for the applicant's license to practice dental hygiene in effect on the last regular renewal date before the date on which the permit is issued.

(B) If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.

(b) The renewal and delinquency fees shall be fixed by the committee by resolution at not more than the current amount of the renewal fee for a license to practice under this article nor less than five dollars ($5).

(c) Fees fixed by the committee by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the committee and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to implement the provisions of this article.

(e) No fees or charges other than those listed in this section shall be levied by the committee in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The fee for registration of an extramural dental facility shall not exceed two hundred fifty dollars ($250).

(g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars ($150).

(h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars ($250).

(i) The fee for an additional office permit shall not exceed two hundred fifty dollars ($250).

(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars ($250).

(k) The initial application and biennial special permit fee is an amount equal to the biennial renewal fee specified in paragraph (6) of subdivision (a).

(*l*) The fees in this section shall not exceed an amount sufficient to cover the reasonable regulatory cost of carrying out the provisions of this article.

~~SEC. 9.~~

*SEC. 8.* Section 128196 is added to the Health and Safety Code, to read:

128196. (a) Notwithstanding Section 128180, the office shall extend the duration of the health workforce project known as Health Workforce Pilot Project No. 172 until January 1, 2016, in order to maintain the competence of the clinicians trained during the course of the project, and to authorize training of additional clinicians in the duties specified in HWPP No. 172.

(b) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

~~SEC. 10.~~

*SEC. 9.* Section 14132.725 of the Welfare and Institutions Code is amended to read:

14132.725. (a) To the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for teleophthalmology, teledermatology, and teledentistry by store and forward. Services appropriately provided through the store and forward process are subject to billing and reimbursement policies developed by the department.

(b) For purposes of this section, "teleophthalmology, teledermatology, and teledentistry by store and forward" means an asynchronous transmission of medical or dental information to be reviewed at a later time by a physician at a distant site who is trained in ophthalmology or dermatology or, for teleophthalmology, by an optometrist who is licensed pursuant to Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code, or a dentist, where the physician, optometrist, or dentist at the distant site reviews the medical or dental information without the patient being present in real time. A patient receiving teleophthalmology, teledermatology, or teledentistry by store and forward shall be notified of the right to receive interactive communication with the distant specialist physician, optometrist, or dentist and shall receive an interactive communication with the distant specialist physician, optometrist, or dentist, upon request. If requested, communication with the distant specialist physician, optometrist, or dentist may occur either at the time of the consultation, or within 30 days of the patient's notification of the results of the consultation. If the reviewing optometrist identifies a disease or condition requiring consultation or referral pursuant to Section 3041 of the Business and Professions Code, that consultation or referral shall be with an ophthalmologist or other appropriate physician and surgeon, as required.

(c) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, and make specific this

section by means of all-county letters, provider bulletins, and similar instructions.

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**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

| | | | |
|---|---|---|---|
| **BILL NUMBER:** | Assembly Bill 1702 | | |
| **AUTHOR:** | Assembly Member Brian Maienschein | **SPONSOR:** | |
| **VERSION:** | Amended 04/23/2014 in Assembly | **INTRODUCED:** | 02/13/2014 |
| **BILL STATUS:** | 08/14/2014 ordered to engrossing and enrollment | **BILL LOCATION:** | Assembly |
| **SUBJECT:** | Professions and Vocations: Incarceration | **RELATED BILLS:** | |


**SUMMARY**
Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other entities. Existing law establishes various eligibility criteria needed to qualify for a license and authorizes a board to deny a license on the grounds that the applicant has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

This bill would provide that an individual who has satisfied any of the requirements needed to obtain a license while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing the application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.


**EXISTING LAW:**
Existing law:

1. Allows a board to deny a license, as specified, on the grounds that the applicant has done one of the following:

    a. Been convicted of a crime, as specified;

    b. Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another; or,

c. Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license. (Business & Professions Code (BPC) Section 480(a))

2. Authorizes a board to deny a license, as specified, only if a crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made. (BPC 480(a)(3)(B))

3. Specifies that no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation, as specified, or that he or she has been convicted of a misdemeanor, if he or she has met all applicable requirements of the criteria of rehabilitation, developed by the board, to evaluate the rehabilitation of a person when considering the denial of a license, as specified. (BPC 480(b))

4. Requires each board, as specified, to develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates. (BPC 481)

5. Requires each board, as specified, to develop criteria to evaluate the rehabilitation of a person when:

    a. Considering the denial of a license by the board, as specified; or,

    b. Considering suspension or revocation of a license, as specified. (BPC 482)

    c. Requires a board who has denied an application for a license, as specified, to include a copy of the criteria relating to rehabilitation, as specified, and to inform the applicant of the following:

        i. The earliest date on which the applicant may reapply for licensure, as specified; and

        ii. That all competent evidence of rehabilitation presented will be considered upon reapplication. (BPC 486).

**PURPOSE OF THIS BILL**

In order to alleviate unnecessary barriers to employment after incarceration, this bill specifies that an individual who has completed certain requirements for licensure while incarcerated cannot have their application for licensure denied or delayed solely based on their prior incarceration.

According to the author, "The purpose of [this bill] is to remove any obstacles preventing individuals who have obtained specific job training [and education], while incarcerated,

from receiving a license for that particular profession. This bill is necessary because many of the licensing boards have provisions in place to delay or prevent a person with a criminal record from receiving a professional license."

Each board under the Department of Consumer Affairs (DCA) is responsible for enforcing their licensing standards and ensuring that an applicant has met all of the specified educational, examination, and experience requirements necessary for licensure, based on the criteria set forth in each specified practice act. The individual boards are tasked with the duty of examining the content of applications to ensure they have met the appropriate criteria, including the investigation of criminal convictions. Current law authorizes boards to deny a license based on certain elements, including the conviction of a crime for duties substantially related to the criteria of the profession, and each board determines what those duties are. Additionally, boards are required to develop criteria for rehabilitation in order to potentially address individuals who have been denied a license based on past convictions. Rehabilitation criteria are determined directly by the boards and are not uniform.

In 2010, one of the boards under DCA, the Board of Barbering and Cosmetology (BBC), established a licensing process which allows an applicant with past convictions to submit an application prior to enrolling in a school. This allows BBC to review the convictions and determine if the convictions are substantially related to the practice prior to a student paying tuition and completing schooling only to later be denied licensure.

Additionally, BBC currently has a program in which examinations for their specific licensure categories are offered in state correctional facilities. According to BBC, they work closely with the California Department of Corrections and Rehabilitation to schedule and administer examinations in the correctional facilities. However, this is a unique program which is not consistent across the boards, and this bill would not interfere with the current program offered by BBC.

The boards under DCA are primarily responsible for establishing the criteria for curriculum, coursework, equipment and other relevant materials for schools within their profession. In addition, most schools are also approved by the Bureau for Private Postsecondary Education (BPPE), which requires disclosure of critical information to students such as program outlines, graduation and job placement rates, and license examination information, and ensures colleges justify those figures. This bill would help to ensure that individuals applying for licensure who have obtained an education from institutions approved by both board-approved schools and the BPPE will not be denied licensure, nor will their application for licensure be delayed simply because they attended an institution while incarcerated. If a school has received the appropriate approval or accreditation, this should not be the reason for licensure delay.

Barriers to employment for individuals with criminal convictions. According to the author, numerous studies and research have been conducted about employment barriers for individuals who have criminal records. In 2011, Attorney General Eric Holder established the Reentry Council to assist in the coordination of helping to remove

federal barriers to successful reentry, so that motivated individuals--who have served their time--are able to compete for a job, attain stable housing, and support their children and their families. Information provided by the Council of State Governments, Justice Center, found that each year nearly 700,000 individuals are released from state and federal prisons and another 12 million cycle through local jails. More than two-thirds of state prisoners are rearrested within three years of their release; half are re-incarcerated. Further, it was reported that two out of every three men were employed before they were incarcerated, and many were the primary financial contributors in their households. Individuals who have been incarcerated can expect future annual earnings to be reduced by some 40 percent after they return to their communities. Under current law, boards under DCA are permitted to make licensure decisions based on the specific criminal history reported by an applicant or identified through background check requirements. This bill does not alter or impede a board's ability to deny a license if the criminal conviction merits denial under current law, but may assist other individuals seeking licensure for different professions if boards are delaying or denying applications solely on the fact the applicant's education was achieved during incarceration.

This bill makes clear that BCE is exempt from the provisions of this bill because the Chiropractic Act was created through an initiative measure approved by the electors of California on November 7, 1922. As is common with many initiatives, unless the initiative measure states otherwise, it may not be amended or repealed by the Legislature without a vote of approval of the electors, thus prohibiting a legislative change.

**REGISTERED SUPPORT / OPPOSITION**

Support

AFSCME Local 2620
California Board of Accountancy
California Communities United Institute
California Correctional Peace Officers Association
Legal Services for Prisoners with Children
National Employment Law Project
Riverside Sheriffs' Association
The Los Angeles Probation Officers' Union, AFSCME Local 685
The Women's Foundation
Fifty-two individuals

Opposition

None on file.

**Board Position**

The Board took a neutral position at its May 2014 meeting.

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

# ASSEMBLY BILL No. 1702

**Introduced by Assembly Member Maienschein**
*(Coauthor: Senator Mitchell)*

February 13, 2014

An act to add Section 480.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1702, as amended, Maienschein. Professions and vocations: incarceration.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other entities. Existing law establishes various eligibility criteria needed to qualify for a license and authorizes a board to deny a license on the grounds that the applicant has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

This bill would provide that an individual who has satisfied any of the requirements needed to obtain a license while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing the application or a denial of the license solely ~~based on the prior incarceration, except when the incarceration was for a crime substantially related to the qualifications, functions, or duties of the business or profession.~~ *on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 480.5 is added to the Business and Professions Code, to read:

480.5. (a) An individual who has satisfied any of the requirements needed to obtain a license regulated under this ~~code~~ *division* while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing his or her application or a denial of the license solely ~~based on the prior incarceration, except as provided in Section 480.~~ *on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.*

(b) Nothing in this section shall be construed to apply to a petition for reinstatement of a license *or to limit the ability of a board to deny a license pursuant to Section 480*.

(c) This section shall not apply to the licensure of individuals under the initiative act referred to in Chapter 2 (commencing with Section 1000) of Division 2.

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**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

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| **BILL NUMBER:** | Assembly Bill 2058 | | |
| **AUTHOR:** | Assembly Member Scott T. Wilk | **SPONSOR:** | |
| **VERSION:** | Amended 06/19/2014 | **INTRODUCED:** | 02/20/2014 |
| **BILL STATUS:** | 08/13/2014 In Assembly. Concurrence in Senate amendments pending. | **BILL LOCATION:** | Assembly |
| **SUBJECT:** | Open Meetings | **RELATED BILLS:** | |

## SUMMARY

This bill modifies the definition of “state body” to clarify that standing committees, even if composed of less than three members, are a “state body” for the purposes of the Bagley-Keene Open Meeting Act (Act). Specifically, this bill:

1. Clarifies that advisory bodies created to consist of fewer than three individuals are not a state body, except that standing committees of a state body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by resolution, policies, bylaws or formal action of a state body are state bodies for the purposes of the Bagley-Keene Open Meetings Act; and,

2. Makes Various Legislative findings.

## ANALYSIS

Existing Law:

1. Defines a "state body" as each of the following:

   **a.** Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.
   **b.** A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

   **c.** An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if

created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.

**d.** A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this sections serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

2. Generally requires, under the Ralph M. Brown Act, that all meetings of a local government body be open and public and that all persons be permitted to attend and participate in any meeting.

According to the author, current law contains two parallel open meeting statutes; the Brown Act for local governments and the Bagley-Keene Act for state government. Prior to 1993, the Brown Act contained language very similar to the current language in the Bagley-Keene Act regarding standing committees. However, in the 1990's when a local government entity attempted to claim a loophole existed for two-member standing committees, the legislature promptly removed any ambiguity on the matter of the Brown Act. However, a conforming change was not made, to the Bagley-Keene Act, as no change was thought necessary.

The ambiguity left in the Bagley-Keene Act is allowing state bodies to deliberate and direct staff behind closed doors. These state agencies are allowing standing committees to interpret the language of the Bagley-Keene Act in a manner that is contrary to the intent of the Legislature and the public; government at all levels must conduct its business visibly and transparently.

AB 2058 would align the definitions in the Bagley-Keene Act to those in the Brown Act, making the clarifying change in the Bagley-Keene Act that the Legislature made to the Brown Act in 1993. In addition, the bill would make it definite that all standing committees are subject to the transparency of open meeting regulations, regardless of the size of the membership.

Bagley-Keene Act: When the Legislature enacted the Bagley-Keene Act of 1967 it essentially said that when a body sits down to develop its consensus, there needs to be a seat at the table reserved for the public. In doing so, the Legislature has provided the public with the ability to monitor and be part of the decision-making process. The Act explicitly mandates open meetings for California State agencies, boards, and commissions. The Act facilitates transparency of government activities and protects the rights of citizens to participate in state government deliberations. Therefore, absent a specific reason to keep the public out of meetings, the public should be allowed to monitor and participate in the decision-making process. Similarly, the California's Brown Act of 1953 protects citizen's rights to open meetings at the local and county

government levels.

Similar language in the Brown Act: As discussed above, the Brown Act currently contains language that is very similar to the language found in AB 2058 (Wilk). The Brown Act defines a "legislative body" as a:

A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committee, composed solely of the members of the legislative body that are less than a quorum of the legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative boy are legislative bodies for purposes of this chapter. (CA Government Code Section 54952, subdivision (b))

As the above language shows, local governments are currently abiding by regulations that AB 2058 (Wilk) is currently trying to apply to state bodies. AB 2058 (Wilk) would, in simple terms, simply align the definitions of a "state body" in the Bagley-Keene Act to the definitions of a "legislative body" in the Brown Act.

Arguments in opposition: The California Board of Accountancy (CBA) writes in opposition of the bill stating that AB 2058 would prevent the CBA, and all of its various committees, from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without giving public notice. Under current law, the advisory activities of these one or two members are already vetted and voted upon in a publically noticed meeting of the whole committee or board. This bill would prevent the CBA, and all of its various committees, from asking fewer than three members to review a document, draft a letter, provide expert analysis, or work on legal language without giving public notice.

In Addition, CBA states that making advisory activities of one or two members open to the public will greatly increase costs as a staff member would need to travel to attend the meeting for the purpose of recording minutes. Agencies would also need to contract for meeting space that would be able to accommodate the public, thus incurring further costs.

## IMPACT ON THE DENTAL BOARD OF CALIFORNIA

This bill would prohibit the Dental Board of California (Board), and all of its various committees, and the Dental Assisting Council (Council) from asking fewer than three members (subcommittee) to review a document, draft a letter, provide expert analysis, or work on legal language in an advisory capacity without giving notice. Currently, the advisory activities of these subcommittees are vetted and voted upon in publically noticed meetings of the whole Board, thus affording transparency.

The Board uses subcommittees in the advisory capacity for every regulatory proposal, legislative proposal, special project, and special research request so that thorough analyses and staff recommendation may be presented to the whole Board for discussion and possible action during noticed meetings. The use of these subcommittees affords the Board and the Council the opportunity to complete preliminary work and research without interruption. Minimal staff normally participate in the subcommittee meetings and by officially noticing/agendizing a meeting due to this bill, staff would need to prepare the meeting materials, notice it, send out an email blast, arrange a meeting location large enough to accommodate the public, record the meeting, complete minutes of the meeting, arrange for DCA legal to participate, if needed, and other duties associated with meetings.

The work handled by existing subcommittees would be hindered, as noticing each of the subcommittee meetings would take time, responding to any issues/questions presented at the meeting would take time (and it may only be addressing preliminary language and not final language that would be discussed), and the work that goes into such planned meetings will pull staff from their normal everyday functions to address the meeting workload.

**REGISTERED SUPPORT / OPPOSITION:**

Support
Board of Behavioral Sciences

Opposition
California Board of Accountancy
Dental Board of California

**BOARD POSITITION**

At the May 2014 meeting, the Board took an opposed position against this bill.

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

# ASSEMBLY BILL No. 2058

**Introduced by Assembly Member Wilk**
**(Coauthors: Assembly Members ~~Hagman and Harkey~~ *Hagman, Harkey, and Olsen*)**
(Coauthors: Senators DeSaulnier, Gaines, and Vidak)

February 20, 2014

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2058, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in any meeting of a state body, subject to certain conditions and exceptions.

This bill would modify the definition of "state body" to exclude an advisory body with less than 3 individuals, except for certain standing committees.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 11121 of the Government Code is amended to read:

11121. As used in this article, "state body" means each of the following:

(a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body. An advisory body created to consist of fewer than three individuals is not a state body, except that a standing committee of a state body, irrespective of its composition, which has a continuing subject matter jurisdiction, or a meeting schedule fixed by resolution, policies, bylaws, or formal action of a state body is a state body for the purposes of this chapter.

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by ~~the~~ *that* state body, whether the multimember body is organized and operated by the state body or ~~by~~ a private corporation.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to avoid unnecessary litigation and ensure the people's right to access of the meetings of public bodies pursuant to Section 3 of Article 1 of the California Constitution, it is necessary that act take effect immediately.

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**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

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| **BILL NUMBER:** | Assembly Bill 2396 | | |
| **AUTHOR:** | Assembly Member Rob Bonta | **SPONSOR:** | Alameda County Board of Supervisors |
| **VERSION:** | Amended 05/15/2014 | **INTRODUCED:** | 02/21/2014 |
| **BILL STATUS:** | Senate second reading file Assembly Bills 08/18/2014 | **BILL LOCATION:** | Senate |
| **SUBJECT:** | Convictions: Expunged convictions | **RELATED BILLS:** | |

**SUMMARY**: This bill would prohibit professional licensing boards from denying a license solely on the basis of a conviction that has been withdrawn, set aside, or dismissed, as specified.

Existing law:

1) Allows a board to deny a license to an applicant if the applicant has done one of the following: (Business & Professions Code (BPC) § Section 480(a))
   a) Been convicted of a crime, as specified;
   b) Committed any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another; or,
   c) Committed any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

2) Authorizes a board to deny a license, as specified, only if a crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which an application is made. (BPC § 480(a)(3)(B))

3) Specifies that no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation, as specified, or that he or she has been convicted of a misdemeanor, if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license, as specified. (BPC § 480(b))

4) Requires each board to develop criteria to aid it when considering the denial, suspension or revocation of a license, in order to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates. (BPC § 481)

**ANALYSIS**

This bill would prohibit boards and bureaus within DCA from denying a professional license based solely on a prior conviction that was dismissed by a court which determined that the individual completed all the terms of his or her sentence without committing any additional offenses, or which determined a dismissal would serve the interests of justice. In doing so, the author aims to alleviate barriers to employment after incarceration. The Dental Board estimates annual costs of $26,640. (State Dentistry Fund)

According to the author, "[This bill] is designed to reduce employment barriers for people with criminal records who have been rehabilitated. [This bill] allows them the opportunity to pursue meaningful employment and work towards entering the middle class, instead of struggling in low-wage jobs or returning to crime. "In many cases, individuals seeking a professional license struggle to achieve self-sufficiency because of consideration of a dismissed record that is irrelevant to their ability to perform the job. Under current law, even applicants who are presumed to be rehabilitated by the court system may still have their license denied. "According to a 2007 report prepared by the Board of Barbering and Cosmetology, of the 501 applicants denied by the Board over the preceding five hears, all 501 applicants possessed criminal records. Only 33 applicants were determined to have produced evidence of rehabilitation. [This bill] will eliminate this fundamental unfairness within the law. In addition, [this bill] will help address the shortage of qualified labor in many fields, increase employment in those fields, and spur economic growth."

Obtaining a dismissal of a conviction. Penal Code Sections 1203.4, 1203.4(a), and 1203.41 provide expungement relief to an individual who has committed certain types of crimes. This relief is not available to persons who were sentenced to prison, or who have committed certain sex or other offenses, as specified. While most major felonies result in a prison sentence, not all felonies require a defendant to serve a prison sentence. As a result, only persons who were convicted of misdemeanors or felonies who were sentenced to probation, which may include jail time, or who were convicted of misdemeanors or infractions and were not sentenced to probation, may have their conviction dismissed. In order to obtain a dismissal, a person must successfully serve and complete all the terms of their sentence, including paying any restitution and fines, and not be charged with any other offenses. In addition, a person must file a petition with the court, which may include information about the offense, letters of recommendation, proof of compliance with the terms of probation, and any other materials that may assist the court in making a decision. The petition must also be served to the applicable district or city attorney, who may object to the petition and provide evidence to the court that the dismissal should not be granted. The court will decide on the petition, and if the petition is denied, an individual may file for

reconsideration or re-file the petition at a later date. As a result, this "set aside and dismissal" remedy is limited both in terms of scope and application.

Over half of the boards under DCA require criminal history information, and other boards require applicants to self-report any criminal history. While criminal background checks are supposed to show whether a conviction has been dismissed, this does not always occur. If a board denies a license, it is required to notify the applicant by letter, which provides the applicant with the specific reasons why the application was denied. An applicant has the right to appeal the denial of the application by requesting a statement of issues hearing, and must submit a request for that hearing within 60 days of the date of the letter. Once a written request for a hearing is made, it is forwarded to the Attorney General's office. At the hearing, an applicant may present evidence and witnesses to prove that his or her application for a certificate or license should not be denied.

Professional boards have great discretion when determining whether to deny a license. Existing law authorizes each board to deny a professional license based on an applicant's past conviction, "act involving dishonest, fraud, or deceit," or other act that could subject a licensee to license suspension or revocation, if that conviction or act is "substantially related" to the qualifications, functions, or duties of the business or profession for which application is made. This discretion does not distinguish between types of convictions or types of dishonest acts, and these terms are so broad that many convictions or acts could be determined by a board to be cause for denial of a license. In addition, there are no other qualifications, such as how long ago a person was convicted or had committed a bad act, or whether a board has to take that length of time into consideration. It is up to each board to determine what they consider as criteria for license denial or rehabilitation.

**REGISTERED SUPPORT / OPPOSITION:**

Support

Alameda County Board of Supervisors (Sponsor)
The Layers' Committee of Civil Rights of the San Francisco Bay Area
The Women's Foundation of California
California Catholic Conference, Inc.
Legal Services for Prisoners with Children
National Employment Law Project

Opposition

Board of Psychology
Board of Behavioral Sciences
The Respiratory Care Board of California
Contractors State License Board

**Board Position**

At its May 2014, the Board took a watch position.

AMENDED IN ASSEMBLY MAY 15, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

# ASSEMBLY BILL No. 2396

**Introduced by Assembly Member Bonta**
**(Coauthor: Assembly Member Skinner)**

February 21, 2014

An act to amend Section 480 of the Business and Professions Code, relating to expungement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2396, as amended, Bonta. Convictions: expungement: licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on various grounds, including, but not limited to, conviction of a crime if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law prohibits a board from denying a license on the ground that the applicant has committed a crime if the applicant shows that he or she obtained a certificate of rehabilitation in the case of a felony, or that he or she has met all applicable requirements of the criteria of rehabilitation developed by the board, as specified, in the case of a misdemeanor.

Existing law permits a defendant to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty in any case in which a defendant has fulfilled the conditions of probation for the entire

period of probation, or has been discharged prior to the termination of the period of probation, or has been convicted of a misdemeanor and not granted probation and has fully complied with and performed the sentence of the court, or has been sentenced to a county jail for a felony, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted this or other specified relief and requires the defendant to be released from all penalties and disabilities resulting from the offense of which he or she has been convicted.

This bill would prohibit a board from denying a license based solely on a conviction that has been dismissed pursuant to the above provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 480 of the Business and Professions Code
2 is amended to read:
3 480. (a) A board may deny a license regulated by this code
4 on the grounds that the applicant has one of the following:
5 (1) Been convicted of a crime. A conviction within the meaning
6 of this section means a plea or verdict of guilty or a conviction
7 following a plea of nolo contendere. Any action that a board is
8 permitted to take following the establishment of a conviction may
9 be taken when the time for appeal has elapsed, or the judgment of
10 conviction has been affirmed on appeal, or when an order granting
11 probation is made suspending the imposition of sentence,
12 irrespective of a subsequent order under the provisions of Section
13 1203.4, 1203.4a, or 1203.41 of the Penal Code.
14 (2) Done any act involving dishonesty, fraud, or deceit with the
15 intent to substantially benefit himself or herself or another, or
16 substantially injure another.
17 (3) (A) Done any act that if done by a licentiate of the business
18 or profession in question, would be grounds for suspension or
19 revocation of license.
20 (B) The board may deny a license pursuant to this subdivision
21 only if the crime or act is substantially related to the qualifications,
22 functions, or duties of the business or profession for which
23 application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 *of the Penal Code*.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

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**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

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| **BILL NUMBER:** | Assembly Bill 2720 | | |
| **AUTHOR:** | Assembly Member Phillip Y. Ting | **SPONSOR:** | |
| **VERSION:** | Amended 08/07/2014 | **INTRODUCED:** | 02/21/2014 |
| **BILL STATUS:** | 08/11/2014 Ordered to Third Reading File | **BILL LOCATION:** | Senate |
| **SUBJECT:** | State agencies: meetings: record of action taken | **RELATED BILLS:** | |

**SUMMARY**

Amends the Bagley-Keene Open Meeting Act that requires that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. Requires a State body to publicly report any action taken and the vote or abstention on that action of each member present for the action.

**ANALYSIS**

1. Requires, under the Bagley-Keene Open Meeting Act, all meetings of a state body to be open and public, and that all persons be permitted to attend and participate in any meeting of a state body.

2. Defines a “state body” as each of the following:

    a. Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

    b. A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

    c. An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.

    d. A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his/her official capacity as a representative of that

> state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

According to the author, current law requires that the meetings of state boards and commissions be open to the public, so that their deliberations and actions are conducted in service of the public's interest. However, there is no specific requirement that actions taken by state boards and commissions during regular meetings are publicly reported and reveal vote or abstention of each member present for the action. Consequently, there are multiple examples of state boards and commissions that do not make this important information readily accessible to the public. Final votes are often reported, for example, as 20 Ayes and 10 Noes, making it impossible to determine how individual members, who represent different industry interests, voted on the action taken. Some votes do not even report the final vote numerically, only reporting whether the action passed or failed. If a member of the public was not able to attend the meeting, then it is impossible for that individual to be wholly informed about the outcome of the action taken.

Bagley-Keene Act: When the Legislature enacted the Bagley-Keene Act of 1967 it essentially said that when a body sits down to develop its consensus, there needs to be a seat at the table reserved for the public. In doing so, the Legislature has provided the public with the ability to monitor and be part of the decision-making process. The Bagley Act explicitly mandates open meetings for California State agencies, boards, and commissions. It facilitates transparency of government activities and protects the rights of citizens to participate in state government deliberations. Therefore, absent a specific reason to keep the public out of meetings, the public should be allowed to monitor and participate in the decision-making process. Similarly, the California's Brown Act of 1953 protects citizen's rights to open meetings at the local and county government levels.

Ralph M. Brown Act (Brown Act): While the Bagley Act ensures open meetings at the state level, the Brown Act governs open meetings at the local level. Last year, the Legislature unanimously approved and the Governor signed SB 751 (Yee), which guaranteed that local agencies publicly report the vote of each member of their governing bodies on actions taken. AB 2720 will make conforming changes to the Bagley Act to ensure that all state boards and commissions are similarly held accountable to the public they serve.

Arguments in support: The California Taxpayers Association (CalTax) states that all levels of government need to continue to promote a transparent government. Empowering people to engage in government allows them to become stakeholders in the political process. Giving access, in turn, allows people to see how their government is run, and how policymakers' decisions will impact their lives.

The California Newspaper Publishers Association states that the need for AB 2720 arose when several state agencies governed by the Bagley Act, failed to conduct either

a roll call vote or a specific tally and report the votes of each member of the boards. Consequently, constituents found it difficult, if not impossible to determine who voted for or against a measure when the agencies took action. AB 2720 would prevent anonymous voting by large agencies and would improve the ability of the public and others who monitor legislative meetings of state agencies to be certain of how members vote on an issue. The costs associated with the implementation of AB 2720 would be minimal because the task of identifying how a member votes is a simple one requiring little, if any, effort by the agency to perform.

Related legislation: AB 2058 (Wilk), 2013-2014 Legislative session. The bill would modify the definition of "state body" to clarify that standing committees, even if composed of less than three members, are a "state body" for the purposes of the Bagley Act. (Pending in Assembly Appropriations Committee)

Prior legislation: SB 751 (Yee), Chapter 257, Statutes of 2013. The bill required local agencies to publicly report any action taken and the vote or abstention of each member of a legislative body.

**BOARD POSITION**

At its May 2014 meeting, the Board took no action on this bill.

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

# ASSEMBLY BILL No. 2720

**Introduced by Assembly Member Ting**

February 21, 2014

An act to amend Section 11123 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2720, as amended, Ting. State agencies: meetings: record of action taken.

The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body, as defined, be open and public and all persons be permitted to attend any meeting of a state body. The act defines various terms for its purposes, including "action taken," which means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision, or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order, or similar action.

This bill would require a state body to publicly report any action taken and the vote or abstention on that action of each member present for the action.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 11123 of the Government Code is amended to read:

11123. (a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, “teleconference” means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations

in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

~~(3)~~

*(c)* The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

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**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

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| **BILL NUMBER:** | Senate Bill 1159 | | |
| **AUTHOR:** | Senator Ricardo Lara | **SPONSOR:** | |
| **VERSION:** | Amended 8/04/2014 | **INTRODUCED:** | February 20, 2014 |
| **BILL STATUS:** | Assembly second reading File Senate Bills hearing 08/18/2014 | **BILL LOCATION:** | Assembly |
| **SUBJECT:** | Professions and Vocations: License applicants: Individual tax identification number | **RELATED BILLS:** | |

## SUMMARY

This bill authorizes a licensing board under the Department of Consumer Affairs (DCA), the State Bar of California and the Bureau of Real Estate to accept an application containing an individual's taxpayer identification number (TIN) for an initial or renewal license in lieu of a social security number.

## ANALYSIS

1) One-time costs to the Department of Consumer Affairs of up to $130,000 (various special funds) to update forms, publications, and information technology.

2) Unknown potential costs, likely minor, to DCA's boards and bureaus to ensure that new applicants using TINs are complying with child support judgments. DCA's boards and bureau's currently perform this function using applicants' social security numbers.

3) The bill would likely result in an increase in individuals applying for licenses at the various boards and bureaus within DCA, leading to increased licensing revenues. The amount of the Increase is unknown.

## COMMENTS

1) Purpose. According to the author, the Legislature has recently begun to recognize the need to address arbitrary restrictions on professional licenses with the passage of SB 1822 (Bill Berryhill) in 2012 and AB 1024 (Gonzalez) in 2013. However, ambiguity in other sections of state law, in particular pertaining to the issuance of professional licenses, has created barriers to

access, and created an artificial wall that deprives many Californians of their only effective means of economic mobility and self-sufficiency.

2) The author maintains that authorizing the use of a TIN for the application of a professional license would ensure the collection and reporting of information to the Franchise Tax Board (FTB) while clarifying inconsistent laws and removing arbitrary barriers to professional licenses.

3) Background. Current law requires that individuals applying for a license at one of DCA's boards and bureaus provide their social security number (or a federal employer identification number if the licensee is a partnership). Any licensee who does not provide this information shall be reported to the FTB and is subject to a penalty. In addition, a licensing board may elect not to process original license applications from applicants who do not provide their federal employer identification number or social security number. The TIN is a tax processing number only available for certain nonresident and resident aliens, their spouses, and dependents who cannot get a social security number. It is a 9-digit number, beginning with the number "9" and is formatted like a social security number. An individual must apply to the IRS to obtain a TIN. The form requires documentation substantiating foreign/alien status and true identity for the individual.

4) Prior legislation.

   a. AB 1024 (Gonzalez), Chapter 573, Statutes of 2013, authorized the Supreme Court to admit to the practice of law an applicant who is not lawfully present in the United States, upon certification by the committee that the applicant has fulfilled those requirements for admission.

   b. This bill is similar to AB 1822 (Berryhill, Ch. 317, Statutes of 2012), which authorized applicants for an architecture license to submit an individual TIN or another identification number, as determined by the California Architects Board, in place of a social security number where the applicant is not eligible for a social security number and is not out of compliance with a child support judgment or order, among other things.

   c. AB 664 (Jones), Chapter 610, Statutes of 2005, authorized, in specified circumstances, submission of a federal tax identification number or another identification number, as determined by the State Bar of California, in place of the applicant's social security number.

**REGISTERED SUPPORT / OPPOSITION:**

Support

ACLU
California Immigrant Policy Center
Coalition for Humane Immigrant Rights of Los Angeles
Educators for Fair Consideration
Pre-Health Dreamers

ARGUMENTS IN SUPPORT: Proponents write, "SB 1159 recognizes the continued importance of investment in young immigrants in California. It will remove a barrier in the law that prevents young people who complete their education from obtaining a license to practice in their field."

Opposition

None on file.

**Board Position**

At its May 2014 Board Meeting, the Board took a “watch” position.

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY JUNE 18, 2014

AMENDED IN SENATE APRIL 7, 2014

# SENATE BILL No. 1159

**Introduced by Senator Lara**

February 20, 2014

An act to amend Section 30 of the Business and Professions Code, to amend Section 17520 of the Family Code, and to amend Section 19528 of the Revenue and Taxation Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as amended, Lara. Professions and vocations: license applicants: individual tax identification number.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other licensing bodies. Existing law requires those licensing bodies to require a licensee, at the time of issuance of the license, to provide its federal employer identification number if the licensee is a partnership, or his or her social security number for all other licensees. Existing law requires those licensing bodies to report to the Franchise Tax Board any licensee who fails to provide the federal employer identification number or social security number, and subjects the licensee to a penalty for failing to provide the information after notification, as specified.

This bill would require those licensing bodies to require an applicant other than a partnership to provide either an individual tax identification

number or social security ~~number, if one has been issued to the applicant,~~ *number* and would require the licensing bodies to report to the Franchise Tax Board, and subject a licensee to a penalty, for failure to provide that information, as described above. The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 30 of the Business and Professions Code is amended to read:

30. (a) Notwithstanding any other law, any board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall at the time of issuance of the license require that the applicant provide its federal employer identification number, if the applicant is a partnership, or the applicant's individual taxpayer identification number or social security ~~number, if one has been issued,~~ *number* for all other applicants.

(b) A licensee failing to provide the federal employer identification number, or the individual taxpayer identification number or social security ~~number, if one has been issued to the individual,~~ *number* shall be reported by the licensing board to the Franchise Tax Board. If the licensee fails to provide that information after notification pursuant to paragraph (1) of subdivision (b) of Section 19528 of the Revenue and Taxation Code, the licensee shall be subject to the penalty provided in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code.

(c) In addition to the penalty specified in subdivision (b), a licensing board may not process an application for an initial license unless the applicant provides its federal employer identification number, or individual taxpayer identification number or social security ~~number, if one has been issued to the individual,~~ *number* where requested on the application.

(d) A licensing board shall, upon request of the Franchise Tax Board, furnish to the Franchise Tax Board the following information with respect to every licensee:

(1) Name.

(2) Address or addresses of record.

(3) Federal employer identification number if the licensee is a partnership, or the licensee's individual taxpayer identification number or social security ~~number, if one has been issued to the individual,~~ *number* for all other licensees.

(4) Type of license.

(5) Effective date of license or a renewal.

(6) Expiration date of license.

(7) Whether license is active or inactive, if known.

(8) Whether license is new or a renewal.

(e) For the purposes of this section:

(1) "Licensee" means a person or entity, other than a corporation, authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(2) "License" includes a certificate, registration, or any other authorization needed to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(3) "Licensing board" means any board, as defined in Section 22, the State Bar, and the Bureau of Real Estate.

(f) The reports required under this section shall be filed on magnetic media or in other machine-readable form, according to standards furnished by the Franchise Tax Board.

(g) Licensing boards shall provide to the Franchise Tax Board the information required by this section at a time that the Franchise Tax Board may require.

(h) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, a federal employer identification number, individual taxpayer identification number, or social security number furnished pursuant to this section shall not be deemed to be a public record and shall not be open to the public for inspection.

(i) ~~Any~~ *A* deputy, agent, clerk, officer, or employee of ~~any~~ *a* licensing board described in subdivision (a), or any former officer or employee or other individual who, in the course of his or her employment or duty, has or has had access to the information required to be furnished under this section, may not disclose or make known in any manner that information, except as provided in this section to the Franchise Tax Board or as provided in subdivision (k).

(j) It is the intent of the Legislature in enacting this section to utilize the federal employer identification number, individual taxpayer identification number, or social security number for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 17520 of the Family Code and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.

(k) If the board utilizes a national examination to issue a license, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the individual taxpayer identification number or social security number, any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a) may release an individual taxpayer identification number or social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.

(*l*) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other law, ~~any~~ *a* board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall at the time of issuance of the license require that each licensee provide the individual taxpayer identification number or social security ~~number, if any has been issued to the licensee,~~ *number* of each individual listed on the license and any person who qualifies the license. For the purposes of this subdivision, "licensee" means ~~any~~ *an* entity that is issued a license by any board, as defined in Section 22, the State Bar, the Bureau of Real Estate, and the Department of Motor Vehicles.

SEC. 2. Section 17520 of the Family Code is amended to read:

17520. (a) As used in this section:

(1) "Applicant" means ~~any~~ *a* person applying for issuance or renewal of a license.

(2) "Board" means ~~any~~ *an* entity specified in Section 101 of the Business and Professions Code, the entities referred to in Sections 1000 and 3600 of the Business and Professions Code, the State Bar, the Bureau of Real Estate, the Department of Motor Vehicles, the Secretary of State, the Department of Fish and Game, and any other state commission, department, committee, examiner, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business,

occupation, or profession, or to the extent required by federal law or regulations, for recreational purposes. This term includes all boards, commissions, departments, committees, examiners, entities, and agencies that issue a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession. The failure to specifically name a particular board, commission, department, committee, examiner, entity, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession does not exclude that board, commission, department, committee, examiner, entity, or agency from this term.

(3) "Certified list" means a list provided by the local child support agency to the Department of Child Support Services in which the local child support agency verifies, under penalty of perjury, that the names contained therein are support obligors found to be out of compliance with a judgment or order for support in a case being enforced under Title IV-D of the Social Security Act.

(4) "Compliance with a judgment or order for support" means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The local child support agency is authorized to use this section to enforce orders for spousal support only when the local child support agency is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 17400 and 17604.

(5) "License" includes membership in the State Bar, and a certificate, credential, permit, registration, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession, or to operate a commercial motor vehicle, including appointment and commission by the Secretary of State as a notary public. "License" also includes any driver's license issued by the Department of Motor Vehicles, any commercial fishing license issued by the Department of Fish and

Game, and to the extent required by federal law or regulations, any license used for recreational purposes. This term includes all licenses, certificates, credentials, permits, registrations, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession. The failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board that allows a person to engage in a business, occupation, or profession, does not exclude that license, certificate, credential, permit, registration, or other authorization from this term.

(6) "Licensee" means ~~any~~ *a* person holding a license, certificate, credential, permit, registration, or other authorization issued by a board, to engage in a business, occupation, or profession, or a commercial driver's license as defined in Section 15210 of the Vehicle Code, including an appointment and commission by the Secretary of State as a notary public. "Licensee" also means ~~any~~ *a* person holding a driver's license issued by the Department of Motor Vehicles, ~~any~~ *a* person holding a commercial fishing license issued by the Department of Fish and Game, and to the extent required by federal law or regulations, ~~any~~ *a* person holding a license used for recreational purposes. This term includes all persons holding a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, and the failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board does not exclude that person from this term. For licenses issued to an entity that is not an individual person, "licensee" includes ~~any~~ *an* individual who is either listed on the license or who qualifies for the license.

(b) The local child support agency shall maintain a list of those persons included in a case being enforced under Title IV-D of the Social Security Act against whom a support order or judgment has been rendered by, or registered in, a court of this state, and who are not in compliance with that order or judgment. The local child support agency shall submit a certified list with the names, social security numbers, and last known addresses of these persons and the name, address, and telephone number of the local child support agency who certified the list to the department. The local child support agency shall verify, under penalty of perjury, that the persons listed are subject to an order or judgment for the payment

of support and that these persons are not in compliance with the order or judgment. The local child support agency shall submit to the department an updated certified list on a monthly basis.

(c) The department shall consolidate the certified lists received from the local child support agencies and, within 30 calendar days of receipt, shall provide a copy of the consolidated list to each board that is responsible for the regulation of licenses, as specified in this section.

(d) On or before November 1, 1992, or as soon thereafter as economically feasible, as determined by the department, all boards subject to this section shall implement procedures to accept and process the list provided by the department, in accordance with this section. Notwithstanding any other law, all boards shall collect social security numbers or individual taxpayer identification ~~numbers, if they have been issued,~~ *numbers* from all applicants for the purposes of matching the names of the certified list provided by the department to applicants and licensees and of responding to requests for this information made by child support agencies.

(e) (1) Promptly after receiving the certified consolidated list from the department, and prior to the issuance or renewal of a license, each board shall determine whether the applicant is on the most recent certified consolidated list provided by the department. The board shall have the authority to withhold issuance or renewal of the license of ~~any~~ *an* applicant on the list.

(2) If an applicant is on the list, the board shall immediately serve notice as specified in subdivision (f) on the applicant of the board's intent to withhold issuance or renewal of the license. The notice shall be made personally or by mail to the applicant's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(A) The board shall issue a temporary license valid for a period of 150 days to any applicant whose name is on the certified list if the applicant is otherwise eligible for a license.

(B) Except as provided in subparagraph (D), the 150-day time period for a temporary license shall not be extended. Except as provided in subparagraph (D), only one temporary license shall be issued during a regular license term and it shall coincide with the first 150 days of that license term. As this paragraph applies to commercial driver's licenses, "license term" shall be deemed

to be 12 months from the date the application fee is received by the Department of Motor Vehicles. A license for the full or remainder of the license term shall be issued or renewed only upon compliance with this section.

(C) In the event that a license or application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board.

(D) This paragraph shall apply only in the case of a driver's license, other than a commercial driver's license. Upon the request of the local child support agency or by order of the court upon a showing of good cause, the board shall extend a 150-day temporary license for a period not to exceed 150 extra days.

(3) (A) The department may, when it is economically feasible for the department and the boards to do so as determined by the department, in cases where the department is aware that certain child support obligors listed on the certified lists have been out of compliance with a judgment or order for support for more than four months, provide a supplemental list of these obligors to each board with which the department has an interagency agreement to implement this paragraph. Upon request by the department, the licenses of these obligors shall be subject to suspension, provided that the licenses would not otherwise be eligible for renewal within six months from the date of the request by the department. The board shall have the authority to suspend the license of any licensee on this supplemental list.

(B) If a licensee is on a supplemental list, the board shall immediately serve notice as specified in subdivision (f) on the licensee that his or her license will be automatically suspended 150 days after notice is served, unless compliance with this section is achieved. The notice shall be made personally or by mail to the licensee's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(C) The 150-day notice period shall not be extended.

(D) In the event that any license is suspended pursuant to this section, any funds paid by the licensee shall not be refunded by the board.

(E) This paragraph shall not apply to licenses subject to annual renewal or annual fee.

(f) Notices shall be developed by each board in accordance with guidelines provided by the department and subject to approval by the department. The notice shall include the address and telephone number of the local child support agency that submitted the name on the certified list, and shall emphasize the necessity of obtaining a release from that local child support agency as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) In the case of applicants not subject to paragraph (3) of subdivision (e), the notice shall inform the applicant that the board shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 150 calendar days if the applicant is otherwise eligible and that upon expiration of that time period the license will be denied unless the board has received a release from the local child support agency that submitted the name on the certified list.

(2) In the case of licensees named on a supplemental list, the notice shall inform the licensee that his or her license will continue in its existing status for no more than 150 calendar days from the date of mailing or service of the notice and thereafter will be suspended indefinitely unless, during the 150-day notice period, the board has received a release from the local child support agency that submitted the name on the certified list. Additionally, the notice shall inform the licensee that any license suspended under this section will remain so until the expiration of the remaining license term, unless the board receives a release along with applications and fees, if applicable, to reinstate the license during the license term.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board. The Department of Child Support Services shall also develop a form that the applicant shall use to request a review by the local child support agency. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(g) (1) Each local child support agency shall maintain review procedures consistent with this section to allow an applicant to have the underlying arrearage and any relevant defenses investigated, to provide an applicant information on the process of obtaining a modification of a support order, or to provide an

applicant assistance in the establishment of a payment schedule on arrearages if the circumstances so warrant.

(2) It is the intent of the Legislature that a court or local child support agency, when determining an appropriate payment schedule for arrearages, base its decision on the facts of the particular case and the priority of payment of child support over other debts. The payment schedule shall also recognize that certain expenses may be essential to enable an obligor to be employed. Therefore, in reaching its decision, the court or the local child support agency shall consider both of these goals in setting a payment schedule for arrearages.

(h) If the applicant wishes to challenge the submission of his or her name on the certified list, the applicant shall make a timely written request for review to the local child support agency who certified the applicant's name. A request for review pursuant to this section shall be resolved in the same manner and timeframe provided for resolution of a complaint pursuant to Section 17800. The local child support agency shall immediately send a release to the appropriate board and the applicant, if any of the following conditions are met:

(1) The applicant is found to be in compliance or negotiates an agreement with the local child support agency for a payment schedule on arrearages or reimbursement.

(2) The applicant has submitted a request for review, but the local child support agency will be unable to complete the review and send notice of its findings to the applicant within the time specified in Section 17800.

(3) The applicant has filed and served a request for judicial review pursuant to this section, but a resolution of that review will not be made within 150 days of the date of service of notice pursuant to subdivision (f). This paragraph applies only if the delay in completing the judicial review process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving the local child support agency's notice of findings.

(4) The applicant has obtained a judicial finding of compliance as defined in this section.

(i) An applicant is required to act with diligence in responding to notices from the board and the local child support agency with the recognition that the temporary license will lapse or the license

suspension will go into effect after 150 days and that the local child support agency and, where appropriate, the court must have time to act within that period. An applicant's delay in acting, without good cause, which directly results in the inability of the local child support agency to complete a review of the applicant's request or the court to hear the request for judicial review within the 150-day period shall not constitute the diligence required under this section which would justify the issuance of a release.

(j) Except as otherwise provided in this section, the local child support agency shall not issue a release if the applicant is not in compliance with the judgment or order for support. The local child support agency shall notify the applicant in writing that the applicant may, by filing an order to show cause or notice of motion, request any or all of the following:

(1) Judicial review of the local child support agency's decision not to issue a release.

(2) A judicial determination of compliance.

(3) A modification of the support judgment or order.

The notice shall also contain the name and address of the court in which the applicant shall file the order to show cause or notice of motion and inform the applicant that his or her name shall remain on the certified list if the applicant does not timely request judicial review. The applicant shall comply with all statutes and rules of court regarding orders to show cause and notices of motion.

This section shall not be deemed to limit an applicant from filing an order to show cause or notice of motion to modify a support judgment or order or to fix a payment schedule on arrearages accruing under a support judgment or order or to obtain a court finding of compliance with a judgment or order for support.

(k) The request for judicial review of the local child support agency's decision shall state the grounds for which review is requested and judicial review shall be limited to those stated grounds. The court shall hold an evidentiary hearing within 20 calendar days of the filing of the request for review. Judicial review of the local child support agency's decision shall be limited to a determination of each of the following issues:

(1) Whether there is a support judgment, order, or payment schedule on arrearages or reimbursement.

(2) Whether the petitioner is the obligor covered by the support judgment or order.

(3) Whether the support obligor is or is not in compliance with the judgment or order of support.

(4) (A) The extent to which the needs of the obligor, taking into account the obligor's payment history and the current circumstances of both the obligor and the obligee, warrant a conditional release as described in this subdivision.

(B) The request for judicial review shall be served by the applicant upon the local child support agency that submitted the applicant's name on the certified list within seven calendar days of the filing of the petition. The court has the authority to uphold the action, unconditionally release the license, or conditionally release the license.

(C) If the judicial review results in a finding by the court that the obligor is in compliance with the judgment or order for support, the local child support agency shall immediately send a release in accordance with subdivision (*l*) to the appropriate board and the applicant. If the judicial review results in a finding by the court that the needs of the obligor warrant a conditional release, the court shall make findings of fact stating the basis for the release and the payment necessary to satisfy the unrestricted issuance or renewal of the license without prejudice to a later judicial determination of the amount of support arrearages, including interest, and shall specify payment terms, compliance with which are necessary to allow the release to remain in effect.

(*l*) The department shall prescribe release forms for use by local child support agencies. When the obligor is in compliance, the local child support agency shall mail to the applicant and the appropriate board a release stating that the applicant is in compliance. The receipt of a release shall serve to notify the applicant and the board that, for the purposes of this section, the applicant is in compliance with the judgment or order for support. Any board that has received a release from the local child support agency pursuant to this subdivision shall process the release within five business days of its receipt.

If the local child support agency determines subsequent to the issuance of a release that the applicant is once again not in compliance with a judgment or order for support, or with the terms of repayment as described in this subdivision, the local child support agency may notify the board, the obligor, and the

department in a format prescribed by the department that the obligor is not in compliance.

The department may, when it is economically feasible for the department and the boards to develop an automated process for complying with this subdivision, notify the boards in a manner prescribed by the department, that the obligor is once again not in compliance. Upon receipt of this notice, the board shall immediately notify the obligor on a form prescribed by the department that the obligor's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The obligor shall be further notified that the license will remain suspended until a new release is issued in accordance with subdivision (h). Nothing in this section shall be deemed to limit the obligor from seeking judicial review of suspension pursuant to the procedures described in subdivision (k).

(m) The department may enter into interagency agreements with the state agencies that have responsibility for the administration of boards necessary to implement this section, to the extent that it is cost effective to implement this section. These agreements shall provide for the receipt by the other state agencies and boards of federal funds to cover that portion of costs allowable in federal law and regulation and incurred by the state agencies and boards in implementing this section. Notwithstanding any other provision of law, revenue generated by a board or state agency shall be used to fund the nonfederal share of costs incurred pursuant to this section. These agreements shall provide that boards shall reimburse the department for the nonfederal share of costs incurred by the department in implementing this section. The boards shall reimburse the department for the nonfederal share of costs incurred pursuant to this section from moneys collected from applicants and licensees.

(n) Notwithstanding any other law, in order for the boards subject to this section to be reimbursed for the costs incurred in administering its provisions, the boards may, with the approval of the appropriate department director, levy on all licensees and applicants a surcharge on any fee or fees collected pursuant to law, or, alternatively, with the approval of the appropriate department director, levy on the applicants or licensees named on a certified list or supplemental list, a special fee.

(o) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section. The procedures specified in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial, suspension, or failure to issue or renew a license or the issuance of a temporary license pursuant to this section.

(p) In furtherance of the public policy of increasing child support enforcement and collections, on or before November 1, 1995, the State Department of Social Services shall make a report to the Legislature and the Governor based on data collected by the boards and the district attorneys in a format prescribed by the State Department of Social Services. The report shall contain all of the following:

(1) The number of delinquent obligors certified by district attorneys under this section.

(2) The number of support obligors who also were applicants or licensees subject to this section.

(3) The number of new licenses and renewals that were delayed, temporary licenses issued, and licenses suspended subject to this section and the number of new licenses and renewals granted and licenses reinstated following board receipt of releases as provided by subdivision (h) by May 1, 1995.

(4) The costs incurred in the implementation and enforcement of this section.

(q) Any board receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or has been granted a temporary license under this section shall respond only that the license was denied or suspended or the temporary license was issued pursuant to this section. Information collected pursuant to this section by any state agency, board, or department shall be subject to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(r) Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking

provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(s) The department and boards, as appropriate, shall adopt regulations necessary to implement this section.

(t) The Judicial Council shall develop the forms necessary to implement this section, except as provided in subdivisions (f) and (*l*).

(u) The release or other use of information received by a board pursuant to this section, except as authorized by this section, is punishable as a misdemeanor.

(v) The State Board of Equalization shall enter into interagency agreements with the department and the Franchise Tax Board that will require the department and the Franchise Tax Board to maximize the use of information collected by the State Board of Equalization, for child support enforcement purposes, to the extent it is cost effective and permitted by the Revenue and Taxation Code.

(w) (1) The suspension or revocation of any driver's license, including a commercial driver's license, under this section shall not subject the licensee to vehicle impoundment pursuant to Section 14602.6 of the Vehicle Code.

(2) Notwithstanding any other law, the suspension or revocation of any driver's license, including a commercial driver's license, under this section shall not subject the licensee to increased costs for vehicle liability insurance.

(x) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(y) All rights to administrative and judicial review afforded by this section to an applicant shall also be afforded to a licensee.

SEC. 3. Section 19528 of the Revenue and Taxation Code is amended to read:

19528. (a) Notwithstanding any other law, the Franchise Tax Board may require any board, as defined in Section 22 of the Business and Professions Code, and the State Bar, the Bureau of Real Estate, and the Insurance Commissioner (hereinafter referred to as licensing board) to provide to the Franchise Tax Board the following information with respect to every licensee:

(1) Name.

(2) Address or addresses of record.

(3) Federal employer identification number, if the licensee is a partnership, or the licensee's individual taxpayer identification number or social security ~~number, if any has been issued,~~ *number* of all other licensees.

(4) Type of license.

(5) Effective date of license or renewal.

(6) Expiration date of license.

(7) Whether license is active or inactive, if known.

(8) Whether license is new or renewal.

(b) The Franchise Tax Board may do the following:

(1) Send a notice to any licensee failing to provide the federal employer identification number, individual taxpayer identification number, or social security number as required by subdivision (a) of Section 30 of the Business and Professions Code and subdivision (a) of Section 1666.5 of the Insurance Code, describing the information that was missing, the penalty associated with not providing it, and that failure to provide the information within 30 days will result in the assessment of the penalty.

(2) After 30 days following the issuance of the notice described in paragraph (1), assess a one-hundred-dollar ($100) penalty, due and payable upon notice and demand, for any licensee failing to provide either its federal employer identification number (if the licensee is a partnership) or his or her individual taxpayer identification number or social security number (for all others) as required in Section 30 of the Business and Professions Code and Section 1666.5 of the Insurance Code.

(c) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, the information furnished to the Franchise Tax Board pursuant to Section 30 of the Business and Professions Code or Section 1666.5

of the Insurance Code shall not be deemed to be a public record and shall not be open to the public for inspection.

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**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

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| | | | |
|---|---|---|---|
| **BILL NUMBER:** | Senate Bill 1245 | | |
| **AUTHOR:** | Senator Ted W. Lieu | **SPONSOR:** | |
| **VERSION:** | 02/20/2014 | **INTRODUCED:** | 02/20/2014 |
| **BILL STATUS:** | Assembly Second Reading file Senate Bills hearing on 08/18/2014 | **BILL LOCATION:** | Assembly Appropriations |
| **SUBJECT:** | Dental Hygiene Committee of California | **RELATED BILLS:** | |

**SUMMARY**

This bill extends the operation of the Dental Hygiene Committee of California (DHCC) and extends the appointments of DHCC committee members and DHCC's executive officer from January 1, 2015 until January 1, 2019.

**ANALYSIS**

1) Purpose. The purpose of this bill is to extend operation of the DHCC.
2) Background. SB 853 (Perata), Chapter 31, Statutes of 2008 created the DHCC as an entity separate from the Dental Board of California. DHCC is responsible for overseeing 31,000 dental hygienists in the state of California. In 2014, the Assembly Business, Professions and Consumer Protection Committee and the Senate Business, Professions and Economic Development Committee (Committees) conducted joint oversight hearings of numerous boards and committee, including DHCC. There were a number of issues raised by the Committees in the DHCC sunset review report, including staffing and supervision requirements for hygienists. None of the issues raised require statutory changes at this time.

**REGISTERED SUPPORT / OPPOSITION:**

Support
Dental Hygiene Committee of California
Dental Board of California

Opposition
None on file.

**Board Position**

At its May 2014, the Board took a support position.

# SENATE BILL No. 1245

**Introduced by Senator Lieu**
(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

An act to amend Sections 1901 and 1903 of the Business and Professions Code, relating to the Dental Hygiene Committee of California.

LEGISLATIVE COUNSEL'S DIGEST

SB 1245, as introduced, Lieu. The Dental Hygiene Committee of California.

Existing law establishes the Dental Hygiene Committee of California, within the jurisdiction of the Dental Board of California, and provides for the appointment of the committee members. Existing law requires the committee to administer the laws regulating dental hygienists. Under existing law those provisions remain in effect only until January 1, 2015.

This bill would extend the operation of those provisions until January 1, 2019.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1901 of the Business and Professions Code is amended to read:

1901. (a) There is hereby created within the jurisdiction of the Dental Board of California a Dental Hygiene Committee of California in which the administration of this article is vested.

(b) This section shall remain in effect only until January 1, ~~2015~~ *2019*, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2015~~ *2019*, deletes or extends that date. Notwithstanding any other ~~provision of~~ law, the repeal of this section renders the committee subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 1903 of the Business and Professions Code is amended to read:

1903. (a) (1) The committee shall consist of nine members appointed by the Governor. Four shall be public members, one member shall be a practicing general or public health dentist who holds a current license in California, and four members shall be registered dental hygienists who hold current licenses in California. Of the registered dental hygienists members, one shall be licensed either in alternative practice or in extended functions, one shall be a dental hygiene educator, and two shall be registered dental hygienists. No public member shall have been licensed under this chapter within five years of the date of his or her appointment or have any current financial interest in a dental-related business.

(2) For purposes of this subdivision, a public health dentist is a dentist whose primary employer or place of employment is in any of the following:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(b) (1) Except as specified in paragraph (2), members of the committee shall be appointed for a term of four years. Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have lapsed since the expiration of the term for which he or she was appointed, whichever comes first.

(2) For the term commencing on January 1, 2012, two of the public members, the general or public health dentist member, and two of the registered dental hygienist members, other than the

dental hygiene educator member or the registered dental hygienist member licensed in alternative practice or in extended functions, shall each serve a term of two years, expiring January 1, 2014.

(c) Notwithstanding any other provision of law and subject to subdivision (e), the Governor may appoint to the committee a person who previously served as a member of the committee even if his or her previous term expired.

(d) The committee shall elect a president, a vice president, and a secretary from its membership.

(e) No person shall serve as a member of the committee for more than two consecutive terms.

(f) A vacancy in the committee shall be filled by appointment to the unexpired term.

(g) Each member of the committee shall receive a per diem and expenses as provided in Section 103.

(h) The Governor shall have the power to remove any member from the committee for neglect of a duty required by law, for incompetence, or for unprofessional or dishonorable conduct.

(i) The committee, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the committee and vested in him or her by this article.

(j) This section shall remain in effect only until January 1, ~~2015~~ *2019*, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2015~~ *2019*, deletes or extends that date.

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**DENTAL BOARD OF CALIFORNIA**
**BILL ANALYSIS**
**August 25-26, 2014 BOARD MEETING**

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|---|---|---|---|
| **BILL NUMBER:** | Senate Bill 1416 | | |
| **AUTHOR:** | Senator Marty Block | **SPONSOR:** | |
| **VERSION:** | Final | **INTRODUCED:** | 02/21/2014 |
| **BILL STATUS:** | 06/28/2014 Chaptered | **BILL LOCATION:** | Secretary of State |
| **SUBJECT:** | Dentistry: Fees | **RELATED BILLS:** | |

**SUMMARY**

Increases the fee for an initial license and the biennial renewal of a license to practice dentistry to $525.

**ANALYSIS**

This bill was approved by the Governor and chaptered by the Secretary of State on 06/28/2014. This bill will increase the initial license and biennial renewal of a licensee to practice dentistry to $525.00 on January 1, 2015 further allowing the Dental Board of California to continue to remain operational and provide protection to the consumers of California.

**Board Position**

At its May 2014 Board Meeting, the Board took a Support position.

## Senate Bill No. 1416

CHAPTER 73

An act to amend Section 1724 of the Business and Professions Code, relating to dentistry.

[Approved by Governor June 28, 2014. Filed with Secretary of State June 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1416, Block. Dentistry: fees.

Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California. The act, among other things, requires the board to examine all applicants for a license to practice dentistry and to collect and apply all fees, as specified. The act requires the charges and fees for licensed dentists to be established by the board as is necessary for the purpose of carrying out the responsibilities required by these provisions, subject to specified limitations. Existing law prohibits the fee for an initial license and for the renewal of the license from exceeding $450.

This bill would instead set the fee for an initial license and for the renewal of the license at $525. The bill would make related findings and declarations.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) It is necessary for the initial license and license renewal fee for dentists to be increased to five hundred twenty-five dollars ($525) in order for the Dental Board of California to continue its licensing, regulatory, and disciplinary functions.

(b) Failure to increase the fee amount will result in spending reductions that will cause delays in processing times for license applications, consumer complaints, investigations, and disciplinary actions.

SEC. 2. Section 1724 of the Business and Professions Code is amended to read:

1724. The amount of charges and fees for dentists licensed pursuant to this chapter shall be established by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dentists, subject to the following limitations:

(a) The fee for application for examination shall not exceed five hundred dollars ($500).

(b) The fee for application for reexamination shall not exceed one hundred dollars ($100).

(c) The fee for examination and for reexamination shall not exceed eight hundred dollars ($800). Applicants who are found to be ineligible to take the examination shall be entitled to a refund in an amount fixed by the board.

(d) The fee for an initial license and for the renewal of a license is five hundred twenty-five dollars ($525).

(e) The fee for a special permit shall not exceed three hundred dollars ($300), and the renewal fee for a special permit shall not exceed one hundred dollars ($100).

(f) The delinquency fee shall be the amount prescribed by Section 163.5.

(g) The penalty for late registration of change of place of practice shall not exceed seventy-five dollars ($75).

(h) The application fee for permission to conduct an additional place of practice shall not exceed two hundred dollars ($200).

(i) The renewal fee for an additional place of practice shall not exceed one hundred dollars ($100).

(j) The fee for issuance of a substitute certificate shall not exceed one hundred twenty-five dollars ($125).

(k) The fee for a provider of continuing education shall not exceed two hundred fifty dollars ($250) per year.

(*l*) The fee for application for a referral service permit and for renewal of that permit shall not exceed twenty-five dollars ($25).

(m) The fee for application for an extramural facility permit and for the renewal of a permit shall not exceed twenty-five dollars ($25).

The board shall report to the appropriate fiscal committees of each house of the Legislature whenever the board increases any fee pursuant to this section and shall specify the rationale and justification for that increase.

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# MEMORANDUM

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|---|---|
| **DATE** | August 13, 2014 |
| **TO** | Legislative and Regulatory Committee,<br>Dental Board of California |
| **FROM** | Michael Placencia, Legislative and Regulatory Analyst |
| **SUBJECT** | **LEG 5:** Update on Pending Regulatory Packages |

**A. Portfolio Examination Requirements (California Code of Regulations, Title 16, Sections 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1032.7, 1032.8, 1032.9, 1032.10, 1033, 1033.1, 1034, 1034.1, 1035, 1035.1, 1035.2, 1036, 1036.1, 1036.2, 1036.3, 1037, 1038, and 1039):**

At its August 2013 meeting, the Dental Board of California (Board) approved proposed regulatory language relative to the Portfolio Examination Requirements and directed staff to initiate the rulemaking. Board staff filed the initial rulemaking documents with the Office of Administrative Law (OAL) on Tuesday, October 29th and the proposal was published in the California Regulatory Notice Register on Friday, November 8, 2013. The 45-day public comment period began on Friday, November 8, 2013 and ended on Monday, December 23, 2013. The Board held a regulatory hearing in Sacramento on Monday, January 6, 2014.

The Board received written comments from: (1) Bruce Sims; (2) the California Dental Association (CDA); (3) Steven W. Friedrichsen, DDS, Professor and Dean, College of Dental Medicine, Western University of Health Sciences; and (4) Avishai Sadan, DMD, Dean, Ostrow School of Dentistry, University of Southern California. Additionally, the Board received verbal testimony from Sharon Golightly, representing the California Dental Hygiene Association (CDHA), at the regulatory hearing.

At its February 27, 2014 meeting, the Board considered comments received during the 45-day public comment period and voted to modify the text in response to some of the comments. The Board directed staff to notice the modified text for 15-day public comment, which included the amendments discussed at the meeting. If after the 15-day public comment period no adverse comments were received, the Executive Officer was further authorized to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopted the proposed amendments as noticed in the modified text.

The Notice of Modified Text and Documents Added to the Rulemaking File, Modified Text, and documents added to the file were noticed on the Board's web site and mailed to interested parties on March 3, 2014. The 15-day public comment period began on March 4, 2014 and ended on March 18, 2014. The following documents were noticed as being added to the rulemaking file and were made available to the public:

1. "Application for Licensure to Practice Dentistry (WREB)" Form 33A-22W (Revised 11/06)

2. "Certification of Successful Completion of Remedial Education Requirements for Re-Examination Eligibility" (Form Rev. 1).

The Board did not receive comments in response to the modified text. Since there were no comments received in response to the modified text, the Board adopted the final text as noticed in the modified text at its February 27, 2014 meeting.

Staff submitted the final rulemaking file to the Department of Consumer Affairs (Department) on March 24, 2014. Final rulemaking files are required to be approved by the Director of the Department, the Secretary of the Business, Consumer Services, and Housing Agency (Agency) and the Director of the Department of Finance (Finance). Once approval signatures are obtained, the final rulemaking file will be submitted to the OAL. The OAL will have thirty (30) working days to review the file. Once approved, the rulemaking will be filed with the Secretary of State. Beginning January 1, 2013, new quarterly effective dates for regulations will be dependent upon the timeframe on OAL approved rulemaking is filed with the Secretary of State, as follows:

- The regulation would take effect on January 1 if the OAL approved rulemaking is filed with the Secretary of State on September 1 to November 30, inclusive.
- The regulation would take effect on April 1 if the OAL approved rulemaking is filed with the Secretary of State on December 1 to February 29, inclusive.
- The regulation would take effect on July 1 if the OAL approved rulemaking is filed with the Secretary of State on March 1 to May 31, inclusive.
- The regulation would take effect on October 1 if the OAL approved regulation is filed on June 1 to August 31, inclusive.

The rulemaking file is currently pending Agency review and approval. Due to the importance of this rulemaking, staff has requested that this proposal become effective upon filing with the Secretary of State. The deadline to submit the final rulemaking file to the Office of Administrative Law for review and determination of approval is November 7, 2014.

**B. Revocation for Sexual Misconduct (California Code of Regulations, Title 16, Section 1018):**

At its February 2014 meeting, the Board approved proposed regulatory language relative to Revocation of Licensure for Sexual Misconduct and directed staff to initiate the rulemaking. Board staff filed the initial rulemaking documents with the OAL on March 18th and the proposal was published in the California Regulatory Notice Register on Friday, March 28, 2014. The 45-day public comment period began on Friday, Friday, March 28, 2014 and ended on Monday, May 12, 2014. The Board held a regulatory hearing in Sacramento on Tuesday, May 13, 2014. The Board received written comments from the CDA.

At its May 29, 2014 meeting, the Board considered comments received during the 45-day public comment period and voted to reject the comments and adopt the final rulemaking as noticed in the proposed text.

Staff submitted the final rulemaking file to the Department on June 13, 2014. Final rulemaking files are required to be approved by the Director of the Department, the Secretary of Agency, and the Director of Finance. Once approval signatures are

obtained, the final rulemaking file will be submitted to the OAL. The OAL will have thirty (30) working days to review the file. Once approved, the rulemaking will be filed with the Secretary of State. Beginning January 1, 2013, new quarterly effective dates for regulations will be dependent upon the timeframe on OAL approved rulemaking is filed with the Secretary of State, as follows:

- The regulation would take effect on January 1 if the OAL approved rulemaking is filed with the Secretary of State on September 1 to November 30, inclusive.
- The regulation would take effect on April 1 if the OAL approved rulemaking is filed with the Secretary of State on December 1 to February 29, inclusive.
- The regulation would take effect on July 1 if the OAL approved rulemaking is filed with the Secretary of State on March 1 to May 31, inclusive.
- The regulation would take effect on October 1 if the OAL approved regulation is filed on June 1 to August 31, inclusive.

The rulemaking file is currently pending Agency review and approval. The deadline to submit the final rulemaking file to the OAL for review and determination of approval is March 27, 2015.

**C. Dental Assisting Educational Program and Course Requirements (California Code of Regulations, Title 16, Division 10, Chapter 3, Article 2)**

The Dental Assisting Council held its first regulatory development workshop on December 12, 2013. The Dental Assisting Council will continue to hold regulatory development workshops in 2014.

**D. Abandonment of Applications (California Code of Regulations, Title 16, §1004):**

At its May 18, 2012 meeting, the Board discussed and approved proposed regulatory language relative to the abandonment of applications. Board staff anticipates the initial rulemaking file will be submitted to the OAL by the end of August 2014 and the proposal will be published in the California Regulatory Notice Register in September 2014.

**E. Licensure by Credential Application Requirements**

Staff will be presenting proposed regulatory language to the Board's Licensure, Certification, and Permits Committee for consideration at the August 25-26, 2014 meeting.

**F. Delegation of Authority to the Executive Officer**

At its May 29, 2014 meeting, the Board discussed and approved proposed regulatory language relative to delegation of authority to the Board's Executive Officer for stipulated settlements to revoke or surrender a license. Board staff anticipates the initial rulemaking file will be submitted to the OAL by the end of August 2014 and the proposal will be published in the California Regulatory Notice Register in September 2014.

**Action Requested:**

No action necessary.

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# MEMORANDUM

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|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Legislative and Regulatory Committee,<br>Dental Board of California |
| **FROM** | Michael Placencia, Legislative and Regulatory Analyst |
| **SUBJECT** | **LEG 6:** Discussion of Prospective Legislative Proposals |

Stakeholders are encouraged to submit proposals in writing to the Board before or during the meeting for possible consideration by the Board at a future meeting.

# PRESCRIPTION DRUG ABUSE COMMITTEE

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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# NOTICE OF PRESCRIPTION DRUG ABUSE COMMITTEE MEETING

**Monday, August 25, 2014**

*Upon Conclusion of Legislative and Regulatory Committee meeting*

Courtyard by Marriott Cal Expo
1782 Tribute Road
Sacramento, CA 95815
916-929-7900 or 916-263-2300

## MEMBERS OF THE PRESCRIPTION DRUG ABUSE COMMITTEE

Chair – Thomas Stewart, DDS
Vice Chair – Fran Burton
Huong Le, DDS, MA
Steven Morrow, DDS
Bruce Whitcher, DDS

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the Committee Chair. For verification of the meeting, call (916) 263-2300 or access the Board's website at www.dbc.ca.gov. This Committee meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

1. Call to Order/Roll Call/Establishment of Quorum

2. Presentation by Kim Kirchmeyer, Executive Director of the Medical Board of California and their Response to Prescription Drug Abuse

3. Presentation by Virginia Herold, Executive Officer of the Pharmacy Board of California

4. Update on Opioid Prescription Misuse and Overdose Workgroup Meetings Coordinated by the Department of Health

5. Discussion and Possible Action Regarding:
   (A.) Recommendation from the Prescription Drug Summit for the Establishment of Pain Guidelines for Dental Prescribers
   (B.) Continuing Education Requirements to Address Pain Management and Substance Abuse in Order to Reduce Over-Prescribing and the Misuse of Prescription Drugs
   (C.) Development of a Policy Statement on Protocols for In-Office Dispensing

6. Public Comment of Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

7. Future Agenda Items
   Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

8. Committee Member Comments for Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Committee Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

9. Adjournment

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# MEMORANDUM

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|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **PDA 2:** Presentation by Kim Kirchmeyer, Executive Director of the Medical Board of California and their Response to Prescription Drug Abuse |

Kimberly Kirchmeyer, Executive Director of the Medical Board of California, is responsible for overseeing the daily operations of the organization and the delivery of program services to the consumers and physicians of California. She works closely with the Board to promote effective planning and implementation of its policies into program operations. Ms. Kirchmeyer has 24 years of state service with diverse experience in a variety of programs since her arrival at the Medical Board in August 1999. She worked in the Discipline Coordination Unit reviewing and processing legal documents and later managed the Board's Business Services Office. From there she helped successfully reorganize the Central Complaint Unit into two sections, Physician Conduct and Quality of Care. She managed the Physician Conduct section from September 2002 until being reassigned to manage the Discipline Coordination Unit in July 2004. She became Deputy Director of the Medical Board in 2005. Ms. Kirchmeyer was Deputy Director and chief operating officer at the Medical Board until her appointment by Governor Schwarzenegger as Deputy Director of Board and Bureau Relations for the Department of Consumer Affairs in 2009. Ms. Kirchmeyer returned to the Medical Board as Deputy Director and chief operating officer in June 2011. In June 2013, Ms. Kirchmeyer was appointed as the Interim Executive Director until her appointment by the Medical Board to the permanent Executive Director position in February 2014.

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# MEMORANDUM

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|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **PDA 3:** Presentation by Virginia Herold, Executive Officer of the Pharmacy Board of California |

Virginia Herold is the Executive Officer of the California State Board of Pharmacy, a position she has held since July 2006. Prior to this appointment, Ms. Herold served as Assistant Executive Officer of the Board for 16 years.

A graduate of the University of California, Ms. Herold holds Bachelor of Science and Master of Science degrees. Her education involved a blend of consumer protection, economics and textile chemistry. She has focused her career on consumer protection. Before coming to the Board, she served as publications editor for the Department of Consumer Affairs and manager of the Department of Consumer Affairs Legislation Office.

As Executive Officer, Ms. Herold works closely with and advises the 13 Board of Pharmacy members in the development of policy and in the administration of the board's enforcement, licensing and regulatory programs to further the board's consumer protection mandate. The Board regulates over 130,000 licensees in 25 separate regulatory programs including pharmacists, pharmacies, and drug wholesalers.

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# MEMORANDUM

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|---|---|
| **DATE** | August 15, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Kim Trefry, Enforcement Chief |
| **SUBJECT** | **PDA 4:** Opioid Overdose Workgroup |

The Opioid Overdose Workgroup was formed to develop a comprehensive statewide approach to the prescription drug epidemic amongst the entities with a public health role in California. The workgroup is comprised of the following participating agencies:

California Department of Public Health, Executive office and including
- Center for Chronic Disease Prevention and Health Promotion, and
- Center for Health Statistics and Informatics,

California Department of Health Care Services, Executive office and including
- Pharmacy Benefits Division,
- Office on Aging,
- Division of Communicable Disease Control

California Department of Justice,
California Emergency Medical Services Authority
Department of Consumer Affairs, Executive office and including
- Pharmacy Board of California,
- Medical Board of California, and
- Dental Board of California

The workgroup has begun meeting monthly with primary goals to develop a prevention framework encompassing education/outreach, identifying best practices, and data collection methodology to be able to measure trends and any changes that could be attributed to this statewide effort.

In June, the group's initial efforts were focused on identifying the role and greatest area of influence each agency offers within the group. Participants also identified what types of data is tracked that could assist in evaluating future impacts. More recently, the CA Department of Public Health (CDPH) participated in a survey sponsored by the Association of State and Territorial Health Officials (ASTHO) to identify community policies, programs and partnerships as a first step towards collaborative efforts. The results will be shared with the workgroup as we develop our inventory of resources.

More recently, CDPH shared a bulletin that it published announcing the addition of naloxone to the Medi-Cal formulary and encouraging co-prescription as a means of preventing opiate overdoses. The electronic copy of AFL 14-19 (Preventing Opiate Overdose Death with Naloxone) is available for viewing/download at the following link:

http://www.cdph.ca.gov/certlic/facilities/Documents/LNC-AFL-14-19.pdf

The next meeting of the workgroup is scheduled on August 29, 2014.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Prescription Drug Abuse Committee Members |
| **FROM** | Kim Trefry, Enforcement Chief |
| **SUBJECT** | **PDA 5:** Discussion and Possible Action Regarding Proposed Course of Action |

As first introduced during the May 2014 Board Meeting, the Committee may wish to discuss and take action to implement any or all of these tools to aid in reducing the amount of prescription drug abuse caused by dental prescribers:

Pain Management Guidelines for Dental Prescribers

Presently, the Medical Board of California has provided its licensees with the "Guidelines for Prescribing Controlled Substances for Pain." These guidelines provide clear expectations to prescribers regarding their role in deciding to prescribe opioids for pain control to their patients as well as follow-up after treatment has been provided.

The American Dental Association (ADA) has issued a *Statement on the Use of Opioids in the Treatment of Dental Pain*, and the Michigan Board of Dentistry has issued *Guidelines for the Use of Controlled Substances for the Treatment of Pain* as a resource for its licensees. The committee may wish to consider adopting these guidelines or establishing similar guidelines of their own.

Continuing Education (CE) Requirement for Pain Management

Adding a requirement for a continuing education course provides the board with a method to reinforce a critical treatment modality and emphasizes the priority placed on this component of dental practice.

The board may wish to consider the establishment of course requirements including:

- Format – Will online or virtual course offerings be acceptable? Or lecture based?
- Course length – a standard number of hours, determined at a later time after course content is established.
- Frequency – a one-time requirement, or re-occurring?
- Content – PDA Committee members may wish to consider course content based upon current issues discussed in the May summit and other workgroups, including:

- Patient Medical History as it relates to familial drug or alcohol abuse and identifying a possible pre-disposition for addiction
- Patient tolerance for opioids
- Non-opioid alternatives
- Identifying risk factors prior to prescribing (e.g. teenagers in the home)

In-Office Dispensing Protocols

The lack of adequate dispensing safeguards within many dental practices has resulted in the theft and abuse of controlled substances, and contributes to the epidemic under discussion. Committee members may wish to develop a policy statement on in-office dispensing or consider issuing tools for licensees to use to ensure compliance with the law.

The Federal Drug Enforcement Administration (DEA) offers a free manual (*Practitioner's Manual – An informational Outline of the Controlled Substances Act*) that can be downloaded and used as a starting point for establishing guidelines for securing controlled substances within the office setting, record keeping, and tips for writing a prescription to prevent patients from falsifying numbers to change refills or amounts.

# ENFORCEMENT

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# NOTICE OF ENFORCEMENT COMMITTEE MEETING

**Monday, August 25, 2014**

*Upon Conclusion of the Examination Committee meeting*

Courtyard by Marriott Cal Expo
1782 Tribute Road
Sacramento, CA 95815
916-929-7900 or 916-263-2300

## MEMBERS OF THE ENFORCEMENT COMMITTEE

Chair – Steven Afriat, Public Member
Vice Chair – Ross Lai, DDS
Katie Dawson, RDH
Luis Dominicis, DDS
Thomas Stewart, DDS

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the Committee Chair. For verification of the meeting, call (916) 263-2300 or access the Board's website at www.dbc.ca.gov. This Committee meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

1. Call to Order/Roll Call/Establishment of Quorum

2. Approval of the February 27, 2014 Enforcement Committee Meeting Minutes

3. Presentation by Mike Small from the Department of Justice Regarding the Controlled Substance Utilization Review and Evaluation System (CURES)

4. Staff Update Regarding Enforcement Program Status

5. Enforcement – Statistics and Trends

6. Review of Fourth Quarter Performance Measures from the Department of Consumer Affairs

7. Diversion Program Report and Statistics

8. Discussion and Possible Action Regarding Recommendations for the Appointment of Diversion Evaluation Committee Members

9. Public Comment of Items Not on the Agenda
The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

10. Future Agenda Items
Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

11. Committee Member Comments for Items Not on the Agenda
The Committee may not discuss or take action on any matter raised during the Committee Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

12. Adjournment

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# ENFORCEMENT COMMITTEE MEETING MINUTES

**Thursday, February 27, 2014**
Wyndham Bayside San Diego
1355 North Harbor Drive, San Diego, CA, 92101
**DRAFT**

**MEMBERS PRESENT**
Chair – Steven Afriat, Public Member
Vice Chair – Ross Lai, DDS
Katie Dawson, RDH
Luis Dominicis, DDS
Thomas Stewart, DDS

**MEMBERS ABSENT**

**Staff Present**
Karen Fischer, Executive Officer
Kim Trefry, Enforcement Chief
Dawn Dill, Licensing Manager
Sarah Wallace, Legislative and Regulatory Analyst
Linda Byers, Executive Assistant
Spencer Walker, DCA Senior Staff Counsel

1. **Call to Order/Roll Call/Establishment of Quorum**
   Steven Afriat, Chair, called the Enforcement Committee meeting to order at 2:13 p.m. Roll was called and a quorum was established.

2. **Approval of the February 28, 2013 Enforcement Committee Meeting Minutes**
   M/S/C (Afriat/Dominicis) to approve the February 28, 2013 Enforcement Committee meeting minutes. The motion passed with one abstention.

3. **Define the 2014 Mission of the Enforcement Committee**
   Mr Afriat suggested tabling this item until the next meeting.

4. **Staff Update Regarding Enforcement Unit Status**
   Kim Trefry, Enforcement Chief, provided an overview of the Enforcement Unit status. Teri Lane, Supervising Investigator in the Dental Board's southern California office offered enlightenment regarding origination of complaints and penalties. Ms. Dawson asked for a future agenda item relating to notifying the public of infractions against the Dental Practice Act by licensees.

5. **Enforcement Program – Statistics and Trends**
   Ms. Trefry gave an overview of the statistics provided. Gayle Mathe commented that she would follow up on requesting the statistics for the California Dental Association.

6. **Review of Second Quarter Performance Measures from the Department of Consumer Affairs**
   Ms. Trefry provided an overview of the performance measures.

7. **Diversion Statistics**
   Ms. Trefry reviewed the statistics provided.

8. **Public Comment of Items Not on the Agenda**
   There was no public comment.

9. **Future Agenda Items**
   Ms. Dawson requested a future agenda item relating to notifying the public of infractions by licensees.

10. **Committee Member Comments for Items Not on the Agenda**
    There were no comments.

11. **Adjournment**
    The Enforcement Committee adjourned at 2:33 p.m.

DRAFT

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 15, 2014 |
| **TO** | Enforcement Committee Members<br>Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **ENF 3:** Presentation by Mike Small from the Department of Justice Regarding Controlled Substance Utilization Review and Evaluation System (CURES) |

Department of Justice Administrator II Mike Small has 30 years of criminal justice program and administrative experience with the California Department of Justice (DOJ). Mr. Small began his career as an intelligence analyst in narcotics enforcement and organized crime, managed firearms regulatory activities, served as Assistant Director of the Western State Information Network (WSIN), and served as manager of DOJ's Intelligence Operations Program. Mr. Small assumed program manager duties for DOJ's CURES/PDMP program during December, 2011. He is an alumnus of the University of Southern California.

# PDMP

## A Powerful Tool

*May, 2014*

# pdmp

No reportable financial interest.

# *pdmp*

"During the spring and summer of 2001, U.S. intelligence agencies received a stream of warnings that al Qaeda planned, as one report put it, "something very, very, very big."

The Director of Central Intelligence said, "The system was blinking red."

*Executive Summary, The 9/11 Commission Report, Page 6*

# *pdmp*

The FBI's approach to counterterrorism investigations was, "case-specific, decentralized, and geared toward prosecution."

*Executive Summary, The 9/11 Commission Report, Page 13*

"Each agency's incentive structure opposes sharing, with risks (criminal, civil, and internal administrative sanctions) but few rewards for sharing information."

*The 9/11 Commission Report, Page 417*

*pdmp*

The 9/11 Commission's bottom-line recommendation called for a…

# Unity of Effort

*pdmp*

# One fight, one team

*pdmp*

# 2,390 Pearl Harbor Deaths

# 2,973 9/11 Deaths

*http://www.cbsnews.com/2100-224_162-2035427.html*

*pdmp*

# > 15,500

## Prescription Painkiller Overdose Deaths CY 2009

*http://www.cdc.gov/vitalsigns/MethadoneOverdoses*

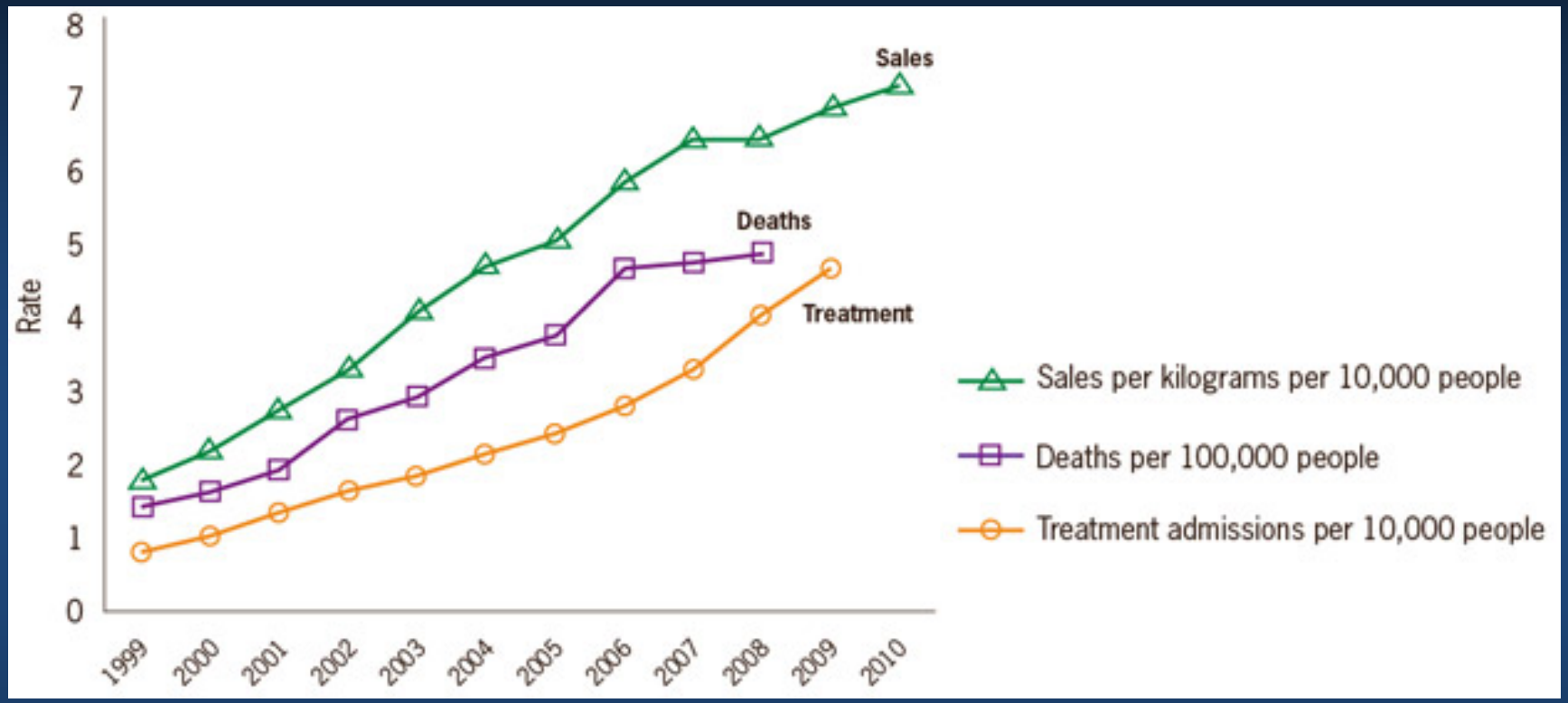
# *pdmp*

*The Prescription Drug Overdose Epidemic and the Role of PDMPs in Stopping It, Len Paulozzi, MD, MPH, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention*

# *pdmp*

*The Prescription Drug Overdose Epidemic and the Role of PDMPs in Stopping It, Len Paulozzi, MD, MPH, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention*

# *pdmp* Rates of Prescription Painkiller Sales, Deaths and Substance Abuse treatment admissions (1999-2010)




SOURCES: National Vital Statistics System, 1999-2008; Automation of Reports and Consolidated Orders System (ARCOS) of the Drug Enforcement Administration (DEA), 1999-2010; Treatment Episode Data Set, 1999-2009

*http://www.cdc.gov/vitalsigns/PainkillerOverdoses/index.html*

*pdmp*

## Two keys to prescription acquisition…

**The Prescriber**
**The Dispenser**

# *pdmp*

Most prescription painkillers are prescribed by primary care and internal medicine doctors and dentists, not specialists.

Roughly 20% of prescribers prescribe 80% of all prescription painkillers.

*Policy Impact: Prescription Painkiller Overdoses, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Page 7, November 2011*

# *pdmp*

A Los Angeles County Department of Health article, dated April 1, 2014, found that "Doctor Shopping," albeit an extremely at-risk behavior, was actually a rare patient behavior during calendar year 2012 in LA County.

The generally accepted definition of a doctor shopper is an individual who obtains scheduled drug prescriptions from 6 prescribers and 6 pharmacies during a 6 month period (6-6-6).

However, using a mere 4-4-12 measure, LA County identified only .3% of its 2012 opioid prescription patient population of 1.5 million patients engaged in this behavior.

*Rx for Prevention – Controlled Substance Utilization Review and Evaluation System, A Tool for Judicious Prescribing; Page 2, Volume 4, Number 4; April 1, 2014; Los Angeles County Department of Public Health; Tina Kim, PhD, Mike Small, Catherine Hwang, Shantel Muldrew, MPH*

# pdmp

LA County also found that 24.5% of its prescribers prescribed 90.9% of all opioids.

*Rx for Prevention – Controlled Substance Utilization Review and Evaluation System, A Tool for Judicious Prescribing; Page 2, Volume 4, Number 4; April 1, 2014; Los Angeles County Department of Public Health; Tina Kim, PhD, Mike Small, Catherine Hwang, Shantel Muldrew, MPH*

*pdmp*

# "America's Biggest Drug Problem Isn't Heroin, It's Doctors"

*Governing Magazine, June 2014*

# *pdmp*

# pdmp Office of National Drug Control Policy

**Education**: critical for the public and for healthcare providers to increase awareness about the dangers of prescription drug abuse, and about ways to appropriately dispense, store, and dispose of controlled substance medications.

**Tracking and Monitoring**: the enhancement and increased utilization of prescription drug monitoring programs will help to identify "doctor shoppers" and detect therapeutic duplication and drug-drug interactions.

**Proper Medication Disposal**: the development of consumer-friendly and environmentally-responsible prescription drug disposal programs may help to limit the diversion of drugs.

**Enforcement**: provide law enforcement agencies with support and the tools they need to expand their efforts to shut down "pill mills" and to stop "doctor shoppers" who contribute to prescription drug trafficking.

*Epidemic: Responding to America's Prescription Drug Abuse Problem. Office of National Drug Control Policy, 2011, Pages 2-8*

*pdmp*

## CDC Prevention Strategies

Prescription Monitoring…
to stop users of multiple providers for the same drug.
Insurers can contribute substantively.

Improve legislation and enforcement of existing laws…
i.e., anti-doctor shopping and pill mill

Improve medical practice in prescribing opioids…
to update prescribers on under-appreciated risks of high-dosage therapy and provide evidence-based guidelines

*Centers for Disease Control and Prevention, CDC Grand Rounds: Prescription Drug Overdoses – a U.S. Epidemic, January 13, 2012*

# *pdmp*

# *pdmp*

pdmp

# Current CURES/PDMP Program

- CURES stores and reports Schedule II, III and IV prescription dispensation data reported by dispensers to DOJ.
- Pharmacists are required to report dispensations of Schedules II through IV controlled substances at least weekly.
- In order to reflect exactly what dispensers report to DOJ, the department does not touch or modify dispenser-reported data.
- Presently, the database contains over 100 million entries of controlled substance drugs that have been dispensed in California.

pdmp

# Current CURES/PDMP Program

- In FY 11/12, the program responded to 1,063,952 requests.
- Provides registered prescribers and dispensers with 6- or 12-month Patient Activity Reports (PAR).
- CURES/PDMP serves the public health and the public safety. CURES data can assist health practitioners identify, intervene, and deter abuse of scheduled drugs. CURES data can assist investigators, regulators, and prosecutors.
- Use of the PDMP by prescribers and dispensers for prescription abuse prevention/intervention is *voluntarily*.

# pdmp California PDMP Participation

| | |
|---|---|
| Dentists | 37,494 |
| Medical Physicians | 128,697 |
| Optometrists | 4,939 |
| Osteopathic Physicians | 6,376 |
| Physician Assistants | 8,520 |
| Podiatrists | 1,918 |
| Registered Nurse Midwives (Furnishing) | 778 |
| Registered Nurse Practitioners (Furnishing) | 12,125 |
| Veterinarians | 10,985 |
| **Prescribers** | **174,338** |
| **Pharmacists** | **38,293** |
| **TOTAL** | **212,631** |

**PDMP Registrants** **28,408**

*(as of 08/01/2014)*

*pdmp*

# 13.36%

August 1, 2014
28,408 Registrants

230%

December, 2011
8,600 Registrants

*pdmp*

# CURES 2.0
# Integration / Interoperation

PDMPs need to integrate and interoperate with the major health care systems in their regions.

PDMP data can be rendered by the health care system to be presented with the EHR when the practitioner walks into the exam room to see the patient.

pdmp

# CURES 2.0
# Integration / Interoperation

Integration/Interoperation will leverage a trust arrangement that the various interoperation partners vet their respective members.

Integration/Interoperation can facilitate peer-to-peer collaboration.

Integration/Interoperation can facilitate “watch” flags across member systems.

pdmp

# CURES Aggregate Data

CDC recommends that states make active use of their prescription drug monitoring programs to calculate current rates of prescriptions, examine  variations witihin the state, and track the impact of safer prescribing initiatives.

*Vital Signs: Variation Among States in Prescribing of Opioid Pain Relievers And Benzodiazepines – United States, 2012; Morbidity and Mortality Weekly Report, July 1, 2014, Volume 63, Page 4; Centers for Disease Control and Prevention; Leonard J. Paulozzi, MD, Karin A. Mack, PhD, Jason M. Hockenberry*

pdmp

# CURES Program Contacts

California Department of Justice
PDMP/CURES
P.O. Box 160447
Sacramento, California 95816

Phone: (916) 227-3843
FAX: (916) 227-4589
Email: PMP@doj.ca.gov

http://oag.ca.gov/cures-pdmp

*pdmp*

# ¿¿¿ One fight, one team ???

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 3, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Kim Trefry, Enforcement Chief |
| **SUBJECT** | **ENF 4: Enforcement Program Status** |

**Outreach**
On June 23, 2014, Supervising Investigator Theresa Lane and Supervising Deputy Attorney General Greg Salute provided a 2 ½ hour minute presentation at Western University, School of Dentistry. About 100 third-year students attended an overview of the Board, the Board's enforcement program including Complaint intake, Investigative Analysis, Inspection and Investigation units. In addition, they covered the Top 15 violations we see occurring in the complaints we receive, investigate and prosecute.

On August 4, 2014, Ms. Lane and SDAG Salute provided an abbreviated 45 minute presentation at the UCLA, School of Dentistry. About 100 graduating students were in attendance.

**Enforcement Actions**
Unlicensed Activity Convictions
On July 18, 2014, **David Yap** pled guilty to one count of violating Business and Professions Code Section 1701.1(a) [unlicensed practice of dentistry]. Yap was convicted following an undercover investigation and search warrant. Yap admitted to examining patients and stated that he went to dental school in the Philippines. He will pay a $5,000 fine plus fees and assessments and is subject to one year and six months of probation during which he is prohibited from violating any laws, including attempting to practice dentistry without a license.

Criminal Charges / License Revocations
Criminal charges have been filed with the Los Angeles District Attorney's office against former dentist **Sean Park**. In August 2013, Park surrendered his license following allegations that had created a fraudulent Oral and Maxillofacial Surgery certificate, advertised services as an oral surgeon and submitted insurance billings to numerous insurance companies

On July 21, 2014, former dentist **Damian L. Newhart** was sentenced to 90 days home arrest and 5 years of probation as conditions of a plea deal with the Orange County District Attorney's office. Newhart had been charged with over 54 separate drug diversion charges involving forging or altering of prescriptions; writing fraudulent prescriptions to himself under patient names and fake names. During the investigation, Newhart deserted his practice, generating over 40 patient abandonment and quality of care cases as well. Newhart license was revoked (effective July 2014) following a default decision associated with these and related issues.

On July 6, 2014, the dental license of **Mark Medinnus** was revoked. Medinnus failed to comply with the terms and conditions set forth in a previous Board Order, as well as committing additional violations of the Dental Practice Act. Medinnus violated the terms of his probation order when he failed to maintain a drug log and did not obtain the Board's permission prior to submitting a renewal application for his DEA permit. The additional allegations involve alteration of patient records, treating a non-patient, and failing to maintain a drug log. This was Medinnus' third time before the Board. Medinnus voluntarily surrendered his license in December 2002 in response to alleged various drug violations, mainly ordering large amounts of controlled substances for self-use and unlawful distribution. In 2006, Medinnus filed a Petition for Reinstatement and was granted reinstatement with 5 years probation, subject to standard and specific terms and conditions

**Staffing**

The Board's Enforcement Chief retired on July 9, 2014. Interviews are scheduled in early August to select a replacement. Sacramento Supervising Investigator Nancy Butler retired on July 15, 2014. Interviews to fill behind her position will take place in the near future. Interviews were conducted for two Investigator vacancies in the Sacramento office, and two candidates have been placed into background. Investigator Stephen Nicas in the Orange office announced his intention of retiring at the end of September of this year. One analyst in the Investigative Analysis Unit (IAU) promoted to a position with another board. His position was filled in late July.

**Vehicles**

In July, we learned that our Vehicle Acquisition Plan had been approved by the Department of General Services. The board is requested an additional 3 vehicles following statewide vehicle reductions in 2009 in response to Executive Order S-14-09. This will increase our fleet from 15 to 18 vehicles shared between 14 sworn Investigator positions, 4 non-sworn Special Investigator positions, and 2 Inspector positions.

I will be available during the Board meeting to answer any questions or concerns you may have.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 6, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Kim Trefry, Enforcement Chief |
| **SUBJECT** | **ENF 5:** Enforcement Statistics and Trends (Complaints and Investigations) |

Attached please find Complaint Intake and Investigation statistics for the previous five fiscal years, and the conclusion of the current fiscal year. Below is a summary of some of the program's trends (as of June 30, 2014):

## Complaint & Compliance Unit

**Complaints Received**
The total number of complaints received during the fourth quarter was **945**, averaging **318** per month.

**Active Caseload: 1042**
Average caseload per Consumer Services Analyst (CSA) = **189** complaint cases

**Complaint Aging**

| # Months Open | # of Cases | % of Total Cases |
|---|---|---|
| 0 – 3 Months | 721 | 69% |
| 4 – 6 Months | 233 | 23% |
| 7 – 9 Months | 49 | 5% |
| 10 – 12 Months | 12 | 1% |
| 1 – 3 Years | 27 | 2% |

**Cases Closed:**
The total number of complaint files closed between April 1, 2014 and June 30, 2014 was **734,** averaging **246** per month. The previous five-year average was 240 closures per month.

Fiscal Year Summary: 3,668 complaints were received during the 13/14 fiscal year. There were 2855 complaints closed during the 13/14 fiscal year. The average number of days a complaint took to close within the last year was **117** days (a 64% increase from last year's average of 72 days). Chart 2 displays the average complaint closure age over the previous five fiscal years.
(A fiscal year runs from July 1, 2013 – June 30, 2014)

## Investigations

**Current Open Caseload:**
There are currently approximately **807** open investigative cases, **266** probation cases, and **96** open inspection cases.
Average caseload per full time Investigator = 41 (41 in North, 42.5 in South)
Average caseload per Special Investigator = 37
Average caseload per Analyst = 22

| # Months Open | # of Cases | % of Total Cases |
|---|---|---|
| 0 – 3 Months | 180 | 22% |
| 4 – 6 Months | 135 | 17% |
| 6 - 12 Months | 229 | 28% |
| 1 – 2 Years | 199 | 25% |
| 2 – 3 Years | 54 | 7% |
| 3+ Years | 10 | 1% |

Since our last report in May 2014, the number of cases over one year old has decreased from 48% to 33%. Over the past year, the number of cases over one year old has decreased 16%. The number of cases in the oldest category (three years and older) has decreased from 17 to 10.

**Case Closures:**
The total number of investigation cases closed, filed with the AGO or filed with the District/City Attorney during the fourth quarter is **248**, an average of over **82** per month. The previous five-year average was 73 per month**.** A total of **955** investigations were closed in fiscal year 13/14. Chart 2 displays the average closure age over the previous five fiscal years.

Of the closures, approximately 12% were referred for criminal action or administrative discipline.

The average number of days an investigation took to complete within the last fiscal year was **407** days. The previous five-year average number of days to close a case was 436 days (refer to Chart 2).

**Cases Referred for Discipline:**
The total number of cases referred to the AGO's during the last three months was **23** (approximately seven referrals per month). The three-month average for a disciplinary case to be completed was **973** days. The 13/14 fiscal year average was 1185 days. Chart 2 displays the average closure age over the previous four fiscal years for cases referred for discipline.

**Chart 3 – Case Categories**
Chart 3 provides a breakdown of the number of cases based on allegation.

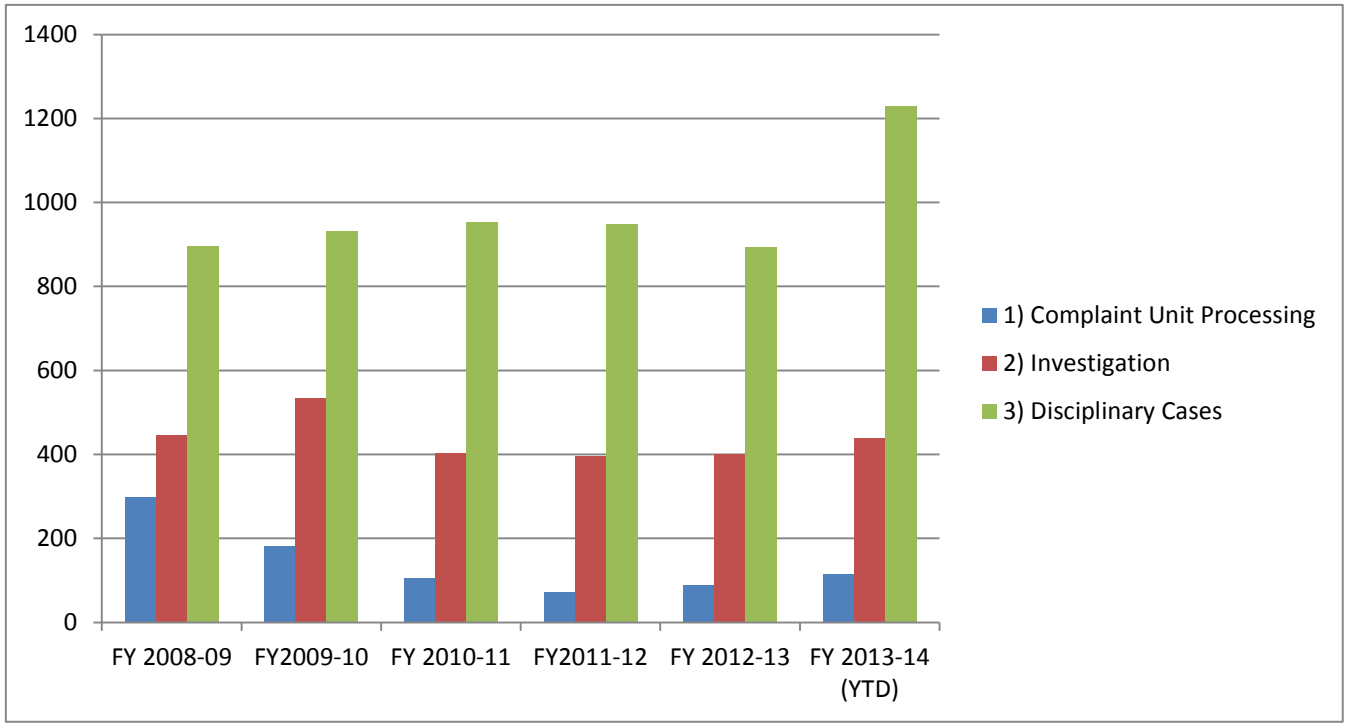
I will be available during the Board meeting to answer any questions or concerns you may have.

**Dental Board of California**
**Chart 1**

| STATISTICAL DESCRIPTION | FY 08-09 | FY 09-10 | FY 10-11 | FY 11-12 | FY 12-13 | FY 2013-14 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **COMPLAINT UNIT** | | | | | | Jul-Sep | Oct - Dec | Jan - Mar | Apr - Jun | Total |
| Complaints Received | 3254 | 3013 | 3046 | 2813 | 2874 | 725 | 741 | 778 | 777 | 3021 |
| Convictions/Arrests Received | 290 | 177 | 674 | 750 | 1083 | 162 | 155 | 165 | 168 | 650 |
| Total Intake Received | 3544 | 3190 | 3720 | 3563 | 3957 | 887 | 896 | 943 | 945 | 3671 |
| Total Complaints Closed | 2915 | 3249 | 2863 | 2404 | 2911 | 682 | 725 | 714 | 734 | 2855 |
| Pending at end of period | 1678 | 1072 | 472 | 738 | 1072 | 1092 | 1006 | 997 | 1022 | |
| **INVESTIGATIONS** | | | | | | | | | | |
| Cases Opened | 755 | 769 | 1241 | 916 | 719 | 196 | 252 | 211 | 239 | 659 |
| Cases Closed | 831 | 651 | 997 | 1094 | 813 | 227 | 262 | 218 | 248 | 955 |
| Referred to AG | 195 | 138 | 144 | 174 | 85 | 24 | 25 | 22 | 23 | 71 |
| Referred for Criminal | 20 | 11 | 8 | 12 | 19 | 3 | 14 | 5 | 6 | 28 |
| Pending at end of period | 661 | 779 | 995 | 1025 | 767 | 740 | 814 | 813 | 809 | |
| | | | | | | | | | | |
| Citations Issued | 11 | 48 | 42 | 15 | 27 | 54 | 7 | 6 | 16 | 83 |
| **ATTORNEY GENERAL'S OFFICE** | | | | | | | | | | |
| Cases Pending at AG | 232 | 191 | 199 | 229 | 183 | 188 | 189 | 179 | 172 | |
| **Administrative Actions:** | | | | | | | | | | |
| Accusation | 98 | 97 | 90 | 99 | 52 | 22 | 17 | 17 | 15 | 71 |
| Statement of Issues | 36 | 27 | 23 | 41 | 9 | 3 | 4 | 6 | 5 | 18 |
| Petition to Revoke Probation | 6 | 5 | 5 | 9 | 4 | 4 | 4 | 0 | 0 | 8 |
| **Licensee Disciplinary Actions:** | | | | | | | | | | |
| Revocation | 23 | 39 | 24 | 30 | 27 | 3 | 5 | 19 | 6 | 33 |
| Probation | 41 | 66 | 65 | 68 | 51 | 14 | 14 | 12 | 14 | 54 |
| Suspension/Probation | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| License Surrendered | 6 | 9 | 10 | 6 | 10 | 2 | 3 | 8 | 2 | 15 |
| Public Reprimand | 1 | 8 | 9 | 13 | 11 | 3 | 3 | 3 | 3 | 12 |
| Other Action (e.g. exam required, education course, etc.) | 6 | 10 | 11 | 8 | 7 | 0 | 1 | 1 | 1 | 3 |
| Accusation Withdrawn | 3 | 8 | 9 | 8 | 10 | 0 | 1 | 0 | 0 | 1 |
| Accusation Declined | 8 | 6 | 6 | 1 | 2 | 0 | 0 | 0 | 0 | 0 |
| Accusation Dismissed | 0 | 5 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 1 |
| Total, Licensee Discipline | 89 | 151 | 134 | 136 | 120 | 22 | 27 | 44 | 26 | 119 |
| **Other Legal Actions:** | | | | | | | | | | |
| Interim Suspension Order Issued | 1 | 1 | 1 | 6 | 5 | 0 | 0 | 0 | 0 | 0 |
| PC 23 Order Issued | 2 | 0 | 0 | 1 | 2 | 0 | 1 | 1 | 0 | 2 |

**Dental Board of California**
**Chart 2**

| Average Days to Close | FY 2008-09 | FY2009-10 | FY 2010-11 | FY2011-12 | FY 2012-13 | FY 2013-14 |
|---|---|---|---|---|---|---|
| 1) Complaint Unit Processing | 298 | 183 | 106 | 72 | 88 | 117 |
| 2) Investigation | 446 | 534 | 404 | 397 | 400 | 407 |
| 3) Disciplinary Cases | 897 | 933 | 954 | 950 | 893 | 1185 |



## Dental Board of California
## Chart 3

| | Fiscal Years | | | | | 2013-14 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Allegations** | **2008-09** | **2009-10** | **2010-11** | **2011-12** | **2012-13** | **Jul-Sep** | **Oct - Dec** | **Jan - Mar** | **Apr - Jun** | **Total** | **% of Total** |
| Substance Abuse, Mental/Physical Impairment | 21 | 10 | 12 | 4 | 7 | 3 | 3 | 5 | 6 | 17 | 0% |
| Drug Related Offenses | 29 | 29 | 29 | 38 | 33 | 5 | 8 | 9 | 8 | 30 | 1% |
| Unsafe/Unsanitary Conditions | 81 | 76 | 70 | 79 | 92 | 30 | 25 | 18 | 26 | 99 | 3% |
| Fraud | 102 | 188 | 299 | 123 | 124 | 32 | 52 | 70 | 64 | 218 | 6% |
| Non-Jurisdictional | 374 | 438 | 393 | 251 | 217 | 44 | 60 | 83 | 48 | 235 | 6% |
| Incompetence / Negligence | 2211 | 2123 | 2076 | 1540 | 1459 | 446 | 420 | 453 | 476 | 1795 | 49% |
| Other | 315 | 336 | 181 | 266 | 295 | 48 | 39 | 29 | 47 | 163 | 4% |
| Unprofessional Conduct | 330 | 385 | 352 | 205 | 219 | 57 | 69 | 57 | 61 | 244 | 7% |
| Sexual Misconduct | 10 | 21 | 15 | 13 | 14 | 9 | 2 | 1 | 4 | 16 | 0% |
| Discipline by Another State | 15 | 15 | 31 | 25 | 16 | 2 | 1 | 4 | 3 | 10 | 0% |
| Unlicensed / Unregistered | 126 | 119 | 127 | 111 | 124 | 47 | 61 | 49 | 44 | 201 | 5% |
| Criminal Charges | 405 | 206 | 456 | 854 | 1137 | 162 | 155 | 165 | 168 | 650 | 18% |
| **Total** | 4019 | 3946 | 4041 | 3509 | 3737 | 885 | 895 | 943 | 955 | 3678 | 100% |

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DENTAL BOARD OF CALIFORNIA
2005 Evergreen Street, Suite 1550, Sacramento, CA 95815
P (916) 263-2300 F (916) 263-2140 | www.dbc.ca.gov

# MEMORANDUM

| | |
|---|---|
| **DATE** | August 5, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Kim Trefry, Enforcement Chief<br>Dental Board of California |
| **SUBJECT** | **ENF 6:** Review of Fourth Quarter Performance Measures from the Department of Consumer Affairs |

Performance measures are linked directly to an agency's mission, vision and strategic objectives/initiatives. In some cases, each Board, Bureau, and program was allowed to set their individual performance targets, or specific levels of performance against which actual achievement would be compared. In other cases, some standards were established by DCA. As an example, a target of an average of 540 days for the cycle time of formal discipline cases was set by the previous Director. Data is collected quarterly and reported on the Department's website at: http://www.dca.ca.gov/about_dca/cpei/index.shtml

**Q4** (April through June 2014)

**Volume: 955** Total (787 Consumer complaints, 168 Conviction reports)
Number of complaints and convictions received per quarter

**Cycle Time:**

- **Intake – Target: 10 Days** **Q4 Average: 6 Days**
  Average cycle time from complaint receipt, to the date the complaint was acknowledged and assigned to an analyst in the Complaint Unit for processing (This 10 day time frame is mandated by Business and Professions Code section 129 (b)) ;

- **Intake & Investigation – Target: 270 Days** **Q4 Average: 188 Days**
  Average time from complaint receipt to closure of the investigation process (does not include cases sent to the Attorney General (AG) or other forms of formal discipline);

- **Formal Discipline – Target: 540 Days** **Q4 Average: 894 Days**
  Average number of days to complete the entire enforcement process for cases resulting in formal discipline (Includes intake and investigation by the Board, and prosecution by the AG);

A number of factors (both internally and externally) can contribute to case aging at the Attorney General's office. Board actions which may extend case aging include when additional investigations are combined with a pending accusation and can set back the overall time to resolve. Amending an accusation or requesting additional expert opinions can also cause delays in case adjudication. Other matters are outside the control of the Board and include: availability of hearing dates, continuance of hearing dates, changes to opposing party counsel, and requests for a change of venue.

- **Probation Intake – Target: 10 Days Q4 Average: 19 Days**
  Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer; and

  Probation Intake measures the time between when the probation monitor is assigned the case file and the date they meet with their assigned probationer to review monitoring terms and conditions. The Board's probation monitors are assigned a case file within a few days of the probationary order being signed. Monitors attempt to schedule their initial meeting on or soon after the effective date of the decision; thereby resulting in a 10 – 20 day intake average. We believe this Q4 average of 19 days is reasonable. It should also be noted that in some cases, probation monitoring may not take place until an applicant has completed all their licensing requirements, or returned to California (if the applicant is out-of-state). These exceptions may skew this average.

- **Probation Violation Response – Target: 10 Days Q4 Average: 9 Days**
  Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

  In general, once a violation is discovered, the decision to take action is made immediately. However, the monitor must collect any supporting evidence (arrest/conviction records, positive drug test results) and write a report documenting the event. Once the report is referred for discipline, "appropriate action" has been initiated and the clock stops. Factors which may affect the turnaround time on this measure include how the violation is reported; (incoming complaints or arrest/conviction reports from the Department of Justice may take several days to be processed) and how quickly the monitor can write up and file the violation.

- **Consumer Satisfaction Survey** A total of 12 survey responses were received for the current quarter, equivalent to a 1% response rate.

*Department of Consumer Affairs*

# Dental Board of California

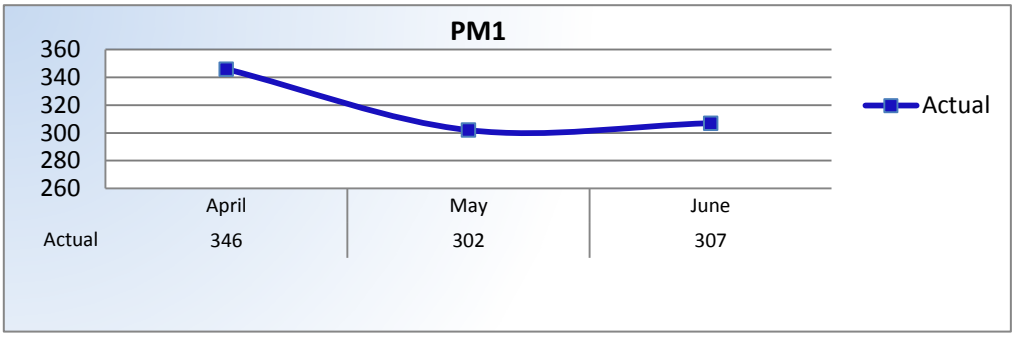
# Performance Measures

## Q4 Report *(April - June 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

### PM1 | Volume

Number of complaints and convictions received.

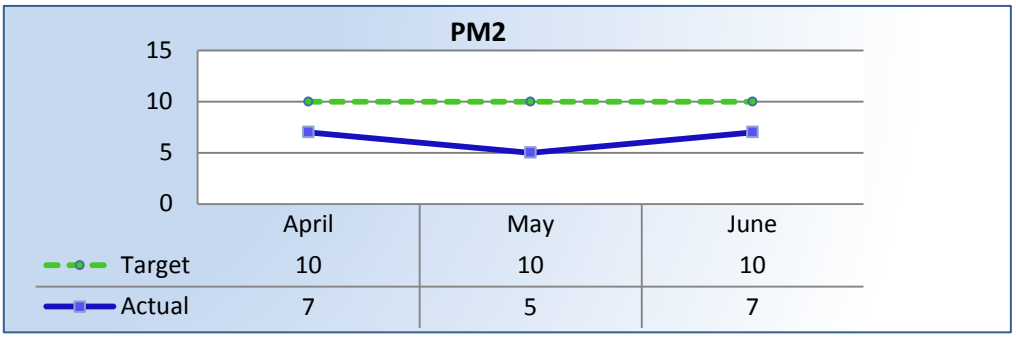



Total Received: 955 Monthly Average: 318

**Complaints**: 787 | **Convictions**: 168

### PM2 | Intake

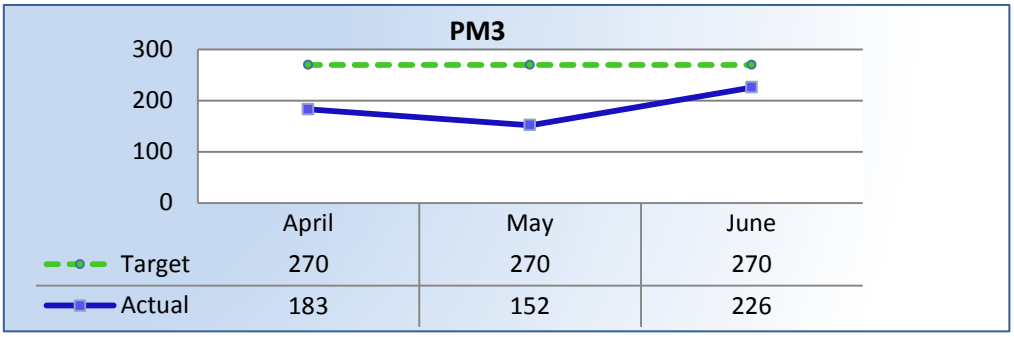
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.




**Target Average:** 10 Days | **Actual Average:** 6 Days

## PM3 | Intake & Investigation

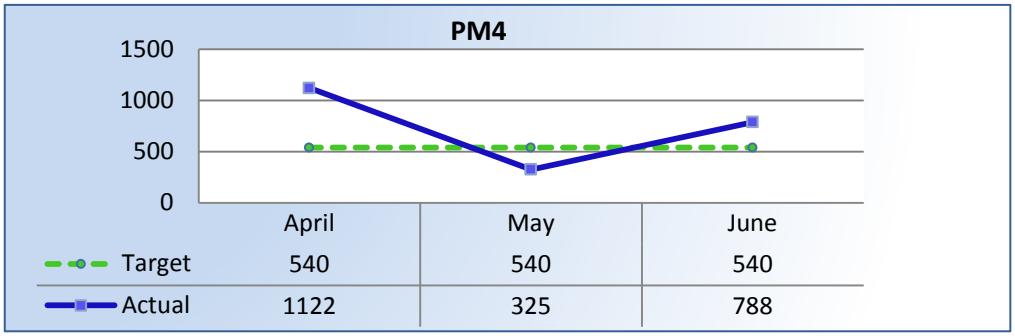
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.




**Target Average:** 270 Days | **Actual Average:** 188 Days

## PM4 | Formal Discipline

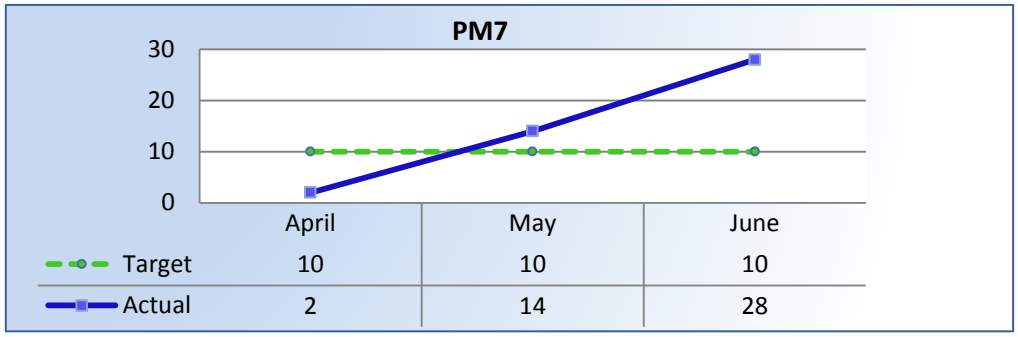
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).




**Target Average:** 540 Days | **Actual Average:** 894 Days

## PM7 |Probation Intake

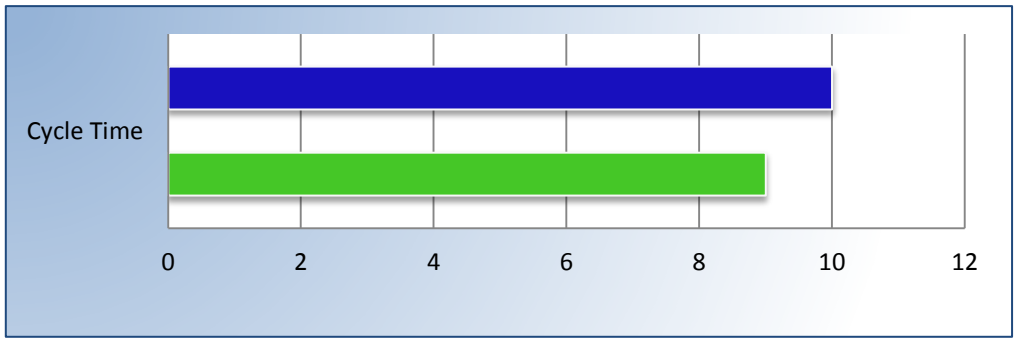
**Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.**




**Target Average:** 10 Days | **Actual Average:** 19 Days

## PM8 |Probation Violation Response

**Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.**




**Target Average:** 10 Days | **Actual Average:** 9 Days

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 6, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Lori Reis, Manager |
| **SUBJECT** | **ENF 7:** Diversion Statistics |

The Diversion Evaluation Committee (DEC) program statistics for quarter ending 06/30/2014 are provided below. These statistics reflect the participant activity in the Diversion (Recovery) Program and are presented for information purposes only.

These statistics are derived from the MAXIMUS monthly reports.

| **Intake Referrals** | **April** | **May** | **June** | **FY Total** |
|---|---|---|---|---|
| Self-Referral | 1 | 0 | 0 | 4 |
| Enforcement Referral | 2 | 0 | 0 | 5 |
| Probation Referral | 0 | 0 | 0 | 3 |
| | | | | |
| **Closed Cases** | 4 | 0 | 1 | |
| **Active Participants** | 36 | 32 | 32 | |

The Board continues recruitment for the following positions:

Southern DEC – one (1) Public Member and one (1) Dentist

The next DEC meeting is scheduled for September 4th in Northern California.

**ACTION REQUESTED:**
No action requested.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 6, 2014 |
| **TO** | Enforcement Committee Members<br>Dental Board Members |
| **FROM** | Lori Reis, Diversion Program Manager |
| **SUBJECT** | **ENF 8:** Discussion and Possible Action Regarding Recommendations for the Appointment of two Northern California Diversion Evaluation Committee Members |

**Background**

The Dental Board of California (Board) Diversion Program utilizes two Diversion Evaluation Committees (DECs), one Northern and one Southern, consisting of six members each: three licensed dentists, one licensed dental auxiliary, one public member, and one licensed physician or psychologist. The Northern DEC currently has one dental vacancy and one physician or psychologist vacancy. The Southern DEC has one public member vacancy. In addition, one dental member on the Southern DEC is currently serving their one year grace period and recruitment is ongoing for these two positions.

In accordance with California Code of Regulations (CCR), Title 16, Section 1020.4,

*"(b) Each committee member shall have experience or knowledge in the evaluation or management of persons who are impaired due to alcohol or drug abuse.*
*(c) Each member of the committee shall be appointed by the board and shall serve at the board's pleasure. Members of a committee shall be appointed for a term of four years, and each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of; the term for which he or she was appointed, whichever first occurs. No person shall serve as a member of the committee for more than two terms."*

The Northern DEC panel has completed interviews for two potential candidates. The panel is recommending the appointment of Michael P. Shaw, DDS to fill the dental vacancy and Lawrence D. Podolsky, MD. to fill the physician/psychologist vacancy. Both Drs. Shaw and Podolsky have established that they have the experience and knowledge in the evaluation and/or management of persons who are impaired due to alcohol or drug abuse. Their applications and resumes are attached. Dr. Thomas Stewart, Board Member Liaison to the DEC conducted telephone interviews with both candidates and will be able to speak to this recommendation.

**Action Requested**

The Board may take action to accept or reject the recommendation to appoint Michael P. Shaw, DDS to fill the dental vacancy and Lawrence D. Podolsky, MD to fill the physician/psychologist vacancy on the Northern DEC.

# Podolsky

RECEIVED
DEC 18 2013
DENTAL BOARD OF CALIFORNIA

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
Dental Board of California
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## DIVERSION EVALUATION COMMITTEE APPLICATION

(This form is a public record, but subject to the protection of the Information Practices Act)

**Please Print or Type**

Name Lawrence D Podolsky

Address

Phones (work) (home) (cell) Ø

Email

Category for which you are applying:

☐ Dentist ☐ Dental Auxiliary ☑ Physician/Psychologist ☐ Public Member

Committee you wish to be on: ☑ Northern DEC ☐ Southern DEC

California License Number: SSN

(except for public member applicants)

**In the space below, briefly summarize your professional, educational, and/or personal experience which documents your expertise:**

Diversion Evaluation Committee Application.

Summary of professional, educational and or personal experience that documents your expertise.

Educational:

Chicago Medical School: 1972-1976

Northwestern University (Residency OB/ GYN): 1976-1980

Professional:

Private practice: (1980-2006) Oakdale, CA

# Shaw

STATE OF CALIFORNIA

dca

**Dental Board of California**
2005 Evergreen Street, Suite 1550, Sacramento, California 95815
P (916) 263-2300 | F (916) 263-2140 | www.dbc.ca.gov

## DIVERSION EVALUATION COMMITTEE APPLICATION

(This form is a public record, but subject to the protection of the Information Practices Act)

**Please Print or Type**

Name MICHAEL P. SHAW

Address [redacted]

Phones [redacted]

Email [redacted]

Category for which you are applying:

Dentist Dental Auxiliary Physician/Psychologist Public Member

Committee you wish to be on: Northern DEC Southern DEC

California License Number: 35996

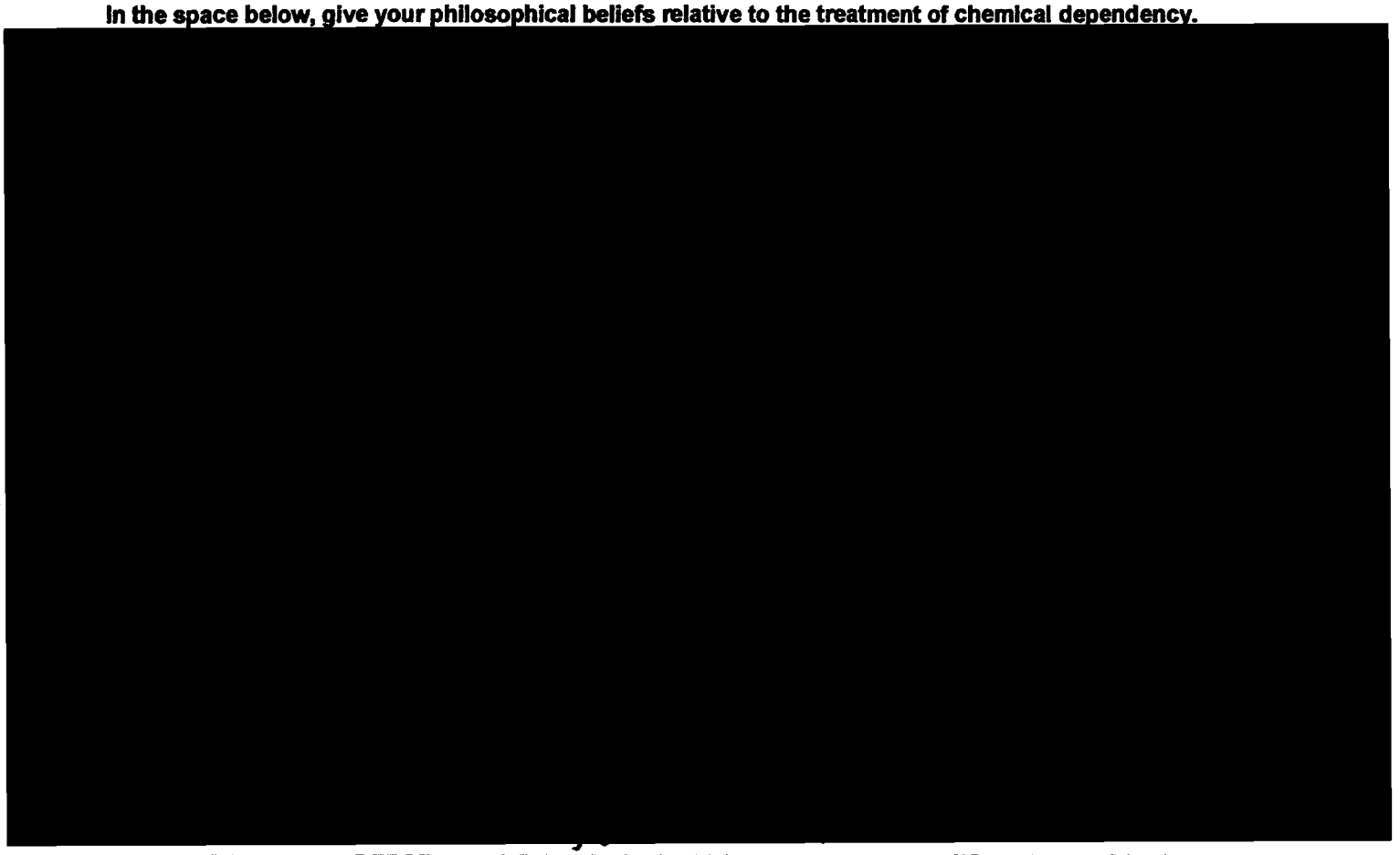
(except for public member applicants)

SSN [redacted]

**In the space below, briefly summarize your professional, educational, and/or personal experience which documents your expertise:**

[redacted]

**In the space below, give your philosophical beliefs relative to the treatment of chemical dependency.**



**I HAVE READ AND UNDERSTAND THE REPONSIBILITIES, TIME COMMITMENTS, AND REIMBURSEMENT OF DIVERSION EVALUATION COMMITTEE MEMBERS.**

Signature _____ Date 3/20/14

**SUBMIT COMPLETED APPLICATION AND RESUME TO:**

**Lori Reis**
**Dental Board of California**
**2005 Evergreen Street, Suite 1550**
**Sacramento, CA 95815**

**INFORMATION COLLECTION AND ACCESS**

The information requested herein is mandatory and is maintained by Executive Officer, Dental Board of California, 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, 916-263-2300, in accordance with Business & Professions Code, §1600 et seq. Except for Social Security numbers, the information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Disclosure of your Social Security number is mandatory and collection is authorized by §30 of the Business & Professions Code and Pub. L 94-455 (42 U.S.C.A. §405(c)(2)(C)). Your Social Security number will be used exclusively for tax enforcement purposes, for compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination board, and where licensing is reciprocal with the requesting state. If you fail to disclose your Social Security number, you may be reported to the Franchise Tax Board and be assessed a penalty of $100. The official responsible for information maintenance is the Executive Officer (916) 263-2300, 2005 Evergreen Street, Suite 1550, Sacramento, California 95815.To comply each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure. Your name and address listed on this application will be disclosed to the public upon request if and when you become licensed.

DR. MICHAEL P. SHAW
ORAL AND MAXILLOFACIAL SURGEON
CV

**PERSONAL INFORMATION:**
MICHAEL P. SHAW DOB [redacted] (Chicago, Illinois)
[redacted]
(Resident in the Central Valley since 1999)
Married –Three Children

**CORPORATE INFORMATION:**

**Dr. Michael P. Shaw, A Professional Corporation**
2020 Standiford Avenue, Suite B, Modesto, California 95350
(209) 525-9339 (209) 525-9336 Fax
Email: drshaw@drmps.com Website **www.drmps.com**

**Incorporated in the state of California on April 22, 2002**
California Corporate No. 2414484

**NPI INFORMATION:**
NPI NO. Dr. Michael P. Shaw, A Professional Corporation **1265672117**

**CITY OF MODESTO BUSINESS LICENSE: 0582715 EXP 06/30/14**
(06/30 each year)

**EDUCATION:**

**EAST MAIN TOWNSHIP HIGH SCHOOL**
1967 – 1971 West Main Township High School, High School Diploma
1755 S. Wolf Road
Des Plaines, Illinois 60018

**MARQUETTE UNIVERSITY BS**
1971-1975
1217 W. Wisconsin Avenue
Milwaukee Wisconsin 53233
(414) 288-7375

**MARQUETTE UNIVERSITY Studied in the PhD Program until transfer to School of Dentistry)**
**1975-1979**
1217 W. Wisconsin Avenue
Milwaukee Wisconsin 53233
(800) 445-5385

**MARQUETTE UNIVERSITY - Graduate School/School of Dentistry**

**1979-1983**
1217 W. Wisconsin Avenue
Milwaukee Wisconsin 53233
(414) 288-3640

**RESIDENCIES:**

**ZABLOCKI VETERANS AFFAIRS MEDICAL CENTER**
**1983-1984** - General Practice Residency
5000 W. National Avenue
Milwaukee, Wisconsin 53295
Director: Dr. Rooney
(414) 384-2000

**NORTHWESTERN MEMORIAL HOSPITAL**
**1984-1987 Oral and Maxillofacial Surgery Residency**
251 E. Huron St.
Chicago, Ill 60611
(312) 926-2000
Dr. Bernard Pecaro (Ret), Director
508 Carica Rd.
Naples, Florida 34108
(239) 431-7246
www.nmh.org

**BOARDS AND ASSOCIATIONS:**

**AMERICAN BOARD OF ORAL AND MAXILLOFACIAL SURGERY**
Diplomate – March 10, 1995 Exp. 9/2015
9700 West Bryn Mawr Avenue
Rosemont, Ill 60018
(847) 678-6200 Tel (847) 678-6286
www.aaoms.org
1990 - current

**CALIFORNIA ASSOCIATION OF ORAL AND MAXILLOFACIAL SURGEONS**
Fellow Since -1994
151 N. Sunrise Avenue, Suite 1304
Roseville, California 95661
(916) 783-1332 (916) 772-9220 Fax
1990 - current

**CALIFORNIA DENTAL ASSOCIATION**
P.O. Box 60000
San Francisco, California 94160-3754
1401 K Street, 14th
Sacramento, California 95814
(800) 232-7645 (916) 443+-2943 Fax
1990-1999/2003-current

**STANISLAUS COUNTY DENTAL SOCIETY** – Current Secretary
920 Fifteenth Street

Modesto, California 95350
(209) 522-1530 Tel. (209) 522-9448 Fax
sdsdent@thevision.net
2003-current

**AMERICAN DENTAL ASSOCIATION (312) 440-2500**
211 E. Chicago Avenue
Chicago, Illinois 60611-2678
1990-1999/2003-2009

**MALPRACTICE INSURANCE INFORMATION**

**Medical Professional Liability Policy No. 23907**
**Exp. 02/01/15** Orig. Issued 09/02/1999
$1,000,000 Per Patient/$3,000,000 Aggregate

**OMS National Insurance Company, RRG**
6133 N. River Road, Suite 650
Rosemont, Illinois 60018-5173

**Broker:**
Hammon-Miller-Beauchamp-Deeble, Inc.
3633 East Broadway
P.O. Box 1520
Long Beach, California 90801-1520
(562) 439-9731 (562) 439-4453

**HOSPITAL AFFLIATIONS**

**Highland General Hospital - 1990-1998**
1411 E. 31st.
Oakland, California 94602
Assistant Director, Oral and Maxillofacial Residency Program 1990-1998
(510) 437-4800

**Eden Medical Center – 1990-1998**
20103 Lake Chabot Road
Castro Valley, California 94546
(510) 537-1234 tel. (510) 889-6506 fax

**REF: DR. JACK GILBERT**

**REF; DR. MURRAY JACOBS**

**REF: DR. VINCENT FARHOOD**

**LICENSES:**

**California Dental License:** 35996 Exp. 9/30/20014 (orig. issued 10/27/87)

**General Anesthesia Permit**: GA822 Exp. 9/30/20014 (orig. issued 02/01/88)

**DEA Registration No.:** BS 7083859 Exp. 2/28/15

**ACLS** 08/2007 ISSUED EXP 08/20015

**MEDI-CARE NUMBER:** BK982Z **NPI** 1265672117

FORMER OFFICE:
345 Estudillo
San Leandro, California 94577
(510) 483-5111

**WORK HISTORY:**

**2000- CURRENT Private Practice**
**DR. MICHAEL P. SHAW, A PROFESSIONAL CORP.**
**2020 Standiford Avenue, Suite B**
**Modesto, California 95350**
**(209) 525-9339 Tel**
**(209) 525-9336 Fax**

**1997-2000 Independent Contractor**
**DR. MICHAEL P. SHAW, A PROFESSIONAL CORPORATION**
**3795 Fosberg Road**
**Turlock, California 95382**
**(209) 404-2753**
**(209) 664-0505**

**1990-1997 – Hospital – Division Oral & Maxillofacial Surgery**
**Highland County Hosptial**
**1411 E 31st**
**Oakland, California 94602**
**(510) 437-4800**

**TEACHING AFFILIATIONS:**

**1975-79 Marquette University Department of Biology**
1) Developmental Biology (undergraduate level)
2) Cell Biology (graduate level)
3) Biochemistry (undergraduate level)

**1982-83 Marquette University School of Dentistry**
1) Clinical instructor Department of Endodontics
2) Clinical instructor Department of Pediatric Dentistry

**1986-89 Northwestern University School of Dentistry**
1) Clinical Pathology (undergraduate level)
2) Carbon dioxide LASER utilization in Oral & Maxillofacial Surgery

3) Clinical Instructor Department of Oral and Maxillofacial Surgery

**1989-97** **Alameda County Medical Center Highland Hospital**
Attending Surgeon Department of Surgery Division of Oral and Maxillofacial Surgery

**1991-97** Assistant Program Director Department of Surgery; Division of Oral and Maxillofacial Surgery

**1994** Maxillofacial Surgery Cosmetic Surgery Symposium –David Grant Medical Center, Travis Air Force Base
"Open Septorhinoplasty Diagnosis and Surgical Techniques

**2007-11** **Board of Directors Stanislaus County Dental Society**
**2011** **President - Stanislaus County Dental Society**
**2005-07** **Chairman Continuing Education Committee Stanislaus Dental Society**
**2011-12** **Editor Stanislaus Dental Society "Apex"**

# EXAMINATION COMMITTEE

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
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# NOTICE OF EXAMINATION COMMITTEE MEETING

*Upon Conclusion of the Enforcement Committee meeting*
Courtyard by Marriott Cal Expo
1782 Tribute Road
Sacramento, CA 95815
916-929-7900 or 916-263-2300

## MEMBERS OF THE EXAMINATION COMMITTEE

Chair – Stephen Casagrande, DDS
Vice Chair – Steven Morrow, DDS
Yvette Chappell-Ingram, Public Member
Judith Forsythe, RDA
Ross Lai, DDS
Huong Le, DDS, MA
Debra Woo, DDS

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While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

1. Call to Order/Roll Call/Establishment of Quorum

2. Approval of the May 29, 2014 Examination Committee Meeting Minutes

3. Update on Western Regional Examining Board (WREB) Activities

4. Discussion and Possible Action Regarding a Recommendation that the Board Consider the Acceptance of Other Regional Examinations as Pathways to Licensure During the Sunset Review Process

5. Public Comment of Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

6. Future Agenda Items
   Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

7. Committee Member Comments for Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Committee Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

8. Adjournment

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# EXAMINATION COMMITTEE MEETING MINUTES

**Thursday, May 29, 2014**
Red Lion Hotel
150 Hegenberger Road, Oakland, CA 94621
**DRAFT**

**MEMBERS PRESENT**
Vice Chair – Steven Morrow, DDS
Yvette Chappell-Ingram, Public Member
Judith Forsythe, RDA
Ross Lai, DDS
Huong Le, DDS, MA
Debra Woo, DDS

**MEMBERS ABSENT**
Chair – Stephen Casagrande, DDS

**STAFF PRESENT**
Karen Fischer, Executive Officer
Sarah Wallace, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Linda Byers, Executive Assistant
Marla Rocha, Associate Governmental Program Analyst
Spencer Walker, DCA Senior Legal Counsel

1. **Call to Order/Roll Call/Establishment of Quorum**
In the absence of Examination Committee Chair Dr. Stephen Casagrande, Vice Chair Dr. Steven Morrow called the meeting to order at 10:30 a.m. Roll was called and a quorum established.

2. **Approval of the February 27, 2014 Examination Committee Meeting Minutes**
Dr. Morrow pointed out that item number two should read Examination not Enforcement. M/S/C (Forsythe/Chappell-Ingram) to approve as amended the February 27, 2014 Examination Committee meeting minutes. The motion passed with one abstention.

3. **Discussion and Possible Action Regarding the Subcommittee Report on the Western Regional Examination Board (WREB) Occupational Analysis Performed by the Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES)**
The subcommittee of Dr. Morrow and Ms. Forsythe gave a review of the report provided. M/S/C (Morrow/Lai) to approve the report as submitted and recommend that the Board approve WREB to continue providing the clinical examinations. The motion passed unanimously.

4. **Update on the Implementation of the Portfolio Licensure Examination for Dentistry**
Dr. Morrow gave an overview of the information provided.

5. **Public Comment of Items Not on the Agenda**
There was no Public comment.

6. **Future Agenda Items**
There were no future agenda items requested.

7. **Committee Member Comments for Items Not on the Agenda**
Dr. Lai requested that the Committee review the North East Regional Board (NERB) as another examination option.

8. **Adjournment**
The committee adjourned at 10:49a.m.

DRAFT

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 15, 2014 |
| **TO** | Examination Committee Members<br>Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **EX 3:** Update on Western Regional Examining Board (WREB) Activities |

Dr. Huong Le will provide a verbal report.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 25, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Karen Fischer, Executive Officer |
| **SUBJECT** | **EX 4:** Discussion and Possible Action Regarding a Recommendation that the Board Consider Acceptance of Other Regional Examinations as Pathways to Licensure During the Sunset Review Process |

The Senate Business, Professions and Economic Development Committee (Committee) was contacted by Mercury, a company representing the North East Regional Board of Examiners (NERB), asking if the Committee would consider legislation to accept the ADEX examination as a pathway to licensure in California, similar to WREB. Mercury had hoped to get legislation passed by the end of the Session. The Committee indicated that it did not have a vehicle available to address this issue before the Legislature adjourned in August. The Committee recommended Mercury contact the Dental Board (Board) to discuss the request for future consideration. Additionally, the Committee suggested that the Board review the issue of accepting the NERB examination and other regional board examinations as a pathway to licensure in California during the upcoming sunset review process. Based on the outcome of the Board's discussion, the language may have potential of being added to the Board's sunset bill next year.

**Background:**
At the August 2012 Board meeting, a representative of the North East Regional Board of Examiners (NERB) gave a presentation about the ADEX examination which NERB administers. In the presentation, it was reported that the ADEX goal was to create a uniform national clinical examination which would be accepted for licensure by all State dental boards. Since that meeting, the Board has not received any requests for further consideration of accepting the ADEX examination until now.

At the February 2014 Board meeting, Dr. Casagrande, Chair of the Examination Committee, appointed a subcommittee to research accepting the NERB as a possible requirement for licensure in California.

*Staff Note: Prior to the Board implementing any additional regional examinations, language would need to be included in statute that would authorize the Board to conduct an examination evaluation in order to determine compliance with the requirements set forth in Business and Professions Code Section 139.*

**Action Requested:**
Staff recommends that the Examination Committee consider accepting the NERB examination and other regional board examinations as part of the pathway to licensure in California and recommend that the Board consider this issue during the sunset review process.

# ACCESS TO CARE COMMITTEE

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# NOTICE OF ACCESS TO CARE COMMITTEE MEETING

**Monday, August 25, 2014**

*Upon Conclusion of the Enforcement Committee meeting*

Courtyard by Marriott Cal Expo
1782 Tribute Road
Sacramento, CA 95815
916-929-7900 or 916-263-2300

## MEMBERS OF THE ACCESS TO CARE COMMITTEE

Chair – Huong Le, DDS
Vice Chair – Meredith McKenzie, Public Member
Fran Burton, MSW, Public Member
Katie Dawson, RDH
Kathleen King, Public Member
Thomas Stewart, DDS

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While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

1. Call to Order/Roll Call/Establishment of Quorum

2. Approval of the February 27, 2014 Access to Care Committee Meeting Minutes

3. Define the 2014 Mission of the Access to Care Committee

4. Presentation on Dental Access and Workforce Challenges by Robert Isman, DDS – Dental Program Consultant for the California Department of Health Services

5. Public Comment of Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place

the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

6. Future Agenda Items
   Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

7. Committee Member Comments for Items Not on the Agenda
   The Committee may not discuss or take action on any matter raised during the Committee Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

8. Adjournment

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# ACCESS TO CARE COMMITTEE MINUTES

**Thursday, February 27, 2014**
Wyndham Bayside San Diego
1355 North Harbor Drive, San Diego, CA, 92101
**DRAFT**

**MEMBERS PRESENT**
Chair – Huong Le, DDS
Fran Burton, MSW, Public Member
Katie Dawson, RDH
Kathleen King, Public Member
Thomas Stewart, DDS

**MEMBERS ABSENT**
Vice Chair – Meredith McKenzie, Public Member

1. **Call to Order/Roll Call/Establishment of Quorum**
   Chair, Huong Le, DDS, called the Access to Care Committee meeting to order at 3:59 p.m. Roll was called and a quorum established.

2. **Define the 2014 Mission of the Access to Care Committee**
   Dr. Le asked the committee members to forward their thoughts to Karen Fischer, the Executive Officer, or herself regarding the mission of the Access to Care Committee.

3. **Report on Governor's Budget Funding for Dental Awareness Programs - Information Item Only**
   Sarah Wallace, Legislative and Regulatory Analyst, gave an overview of the information provided.

4. **Report on the Dental Board's Workforce Data Collection – Cultural and Linguistic Competency Survey (Assembly Bill 269, Chapter 262, Statutes of 2007) and Office of Statewide Health Planning and Development's (OSHPD) Healthcare Workforce Clearinghouse Project (Senate Bill 139, Chapter 522, Statutes of 2007)**
   Karen Fischer, Executive Officer, gave an overview of the information provided.

5. **Presentation by Conrado Barzaga, MD, Executive Director of the Center for Oral Health Regarding Access to Care – Discussion to Follow**
   Dr. Conrado Barzaga gave a presentation outlining the Center for Oral Health's work toward providing better access to dental care. He included how the Center for Oral Health plans to utilize the existing workforce information to address access to care issues. Dr. Barzaga also asked for access to the Dental Board's data to run through their analytical systems. He stated that this information could be used to map out data for use in locating providers to serve in areas that are currently underserved. Dr. Le asked Dr. Barzaga for a preliminary report in May. Dr. Stewart commented that other groups have collected data as well. Dr. Barzaga stated that they are contacting all of the groups that have collected data in order to include all of the data that has been collected. There was some discussion about the different ways in which data can be collected.

6. **Public Comment of Items Not on the Agenda**
There was no public comment

7. **Future Agenda Items**
There were no requests for future agenda items.

8. **Committee Member Comments for Items Not on the Agenda**
There were no committee member comments.

9. **Adjournment**
The Access to Care Committee adjourned at 4:33 p.m.

DRAFT

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 15, 2014 |
| **TO** | Access to Care Committee Members |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **ATC 3:** Define the 2014 Mission of the Access to Care Committee |

This item is designed as an open forum to define any issues the Committee may want to explore during the year.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 25, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **ATC 4 :** Presentation on Dental Access and Workforce Challenges by Robert Isman, DDS – Dental Program Consultant, California Department of Health Care Services, Medi-Cal Dental Services Division |

Dr. Robert Isman is a Dental Program Consultant for the California Department of Health Care Services in the Medi-Cal Dental Services Division, the unit that administers both the fee-for-serve (Denti-Cal) and managed care components of the Medi-Cal dental program. There he is involved in a variety of activities related to administration of these programs, including efforts to increase access to dental services for Medi-Cal beneficiaries, utilization monitoring, quality assurance, and liaison with public health programs both inside and outside the Department. Prior to assuming his current position, Dr. Isman was Chief of the Department's Dental Health Section for ten years. He is past president of the Association of State and Territorial Dental Directors, past chair of the Oral Health Section of the American Public Health Association, founder and past chair of the Oral Health Section of the California Public Health Association – North, the first dentist in the U.S. to be selected as a Pew Fellow for Health Services Research, and a founding member of the Dental Health Foundation. Most of Dr. Isman's professional career and interest have been devoted to increasing access to dental care for vulnerable populations. He is a longtime student of, and advocate for, improved access to care, and with his wife Beverly, wrote an extensive monograph on this issue several years ago.

# DENTAL ASSISTING COUNCIL

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# NOTICE OF DENTAL ASSISTING COUNCIL MEETING AGENDA

**Monday, August 25, 2014**

*Upon Conclusion of the Access to Care Committee meeting*

Courtyard by Marriott Cal Expo
1782 Tribute Road
Sacramento, CA 95815
916-929-7900 or 916-263-2300

## Members of the Dental Assisting Council

Chair - Teresa Lua, RDAEF
Vice Chair - Anne Contreras, RDA
Pamela Davis-Washington, RDA
Judith Forsythe, RDA
Tamara McNealy, RDA
Emma Ramos, RDA
Bruce Whitcher, DDS

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While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

1. Call to Order/Roll Call/Establishment of Quorum

2. Approval of the May 29, 2014 Dental Assisting Council Meeting Minutes

3. Discussion and Possible Action Regarding the Status of Dental Assisting Program and Course Applications

4. Dental Assisting Program Licensure and Permit Statistics

5. Dental Assisting Program Examination Statistics

6. Discussion and Possible Action Regarding Priority Dental Assisting Issues as Proposed by the California Association of Dental Assisting Teachers (CADAT)

7. Discussion and Possible Action Regarding Recommendation to the Board for Dental Assisting Regulatory Priorities for Fiscal Year 2014/15

8. Discussion and Possible Action Regarding Staff's Recommended Plan for the Dental Assisting Program

9. Discussion and Possible Action Regarding the August 2014 Registered Dental Assistant Practical Examinations

10. Discussion and Possible Action Regarding the Application Process to be Licensed as a Registered Dental Assistant

11. Discussion and Possible Action Regarding the Re-Appointment of Existing Examiners Pursuant to Business & Professions Code Section 1752.3

12. Discussion and Possible Action Regarding Content of the Registered Dental Assistant in Extended Functions Restorative Examination Pursuant to Business and Professions Code Section 1753.4(b)

13. Update on the 2015 Registered Dental Assistant in Extended Functions (RDAEF) Examination Dates

14. Public Comment for Items Not on the Agenda
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15. Future Agenda Items
    Stakeholders are encouraged to propose items for possible consideration by the Council at a future meeting.

16. Council Member Comments for Items Not on the Agenda
    The Council may not discuss or take action on any matter raised during the Council Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

17. Adjournment

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# DENTAL ASSISTING COUNCIL MEETING MINUTES

**Thursday, May 29, 2014**
Red Lion Hotel
150 Hegenberger Road, Oakland, CA 94621
**DRAFT**

## Members Present

Chair - Teresa Lua, RDAEF
Vice Chair - Anne Contreras, RDA
Pamela Davis-Washington, RDA
Judith Forsythe, RDA
Emma Ramos, RDA
Bruce Whitcher, DDS

## Staff Present

Karen Fischer, Executive Officer
Sarah Wallace, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Linda Byers, Executive Assistant
Marla Rocha, Associate Governmental Program Analyst
Spencer Walker, DCA Senior Legal Counsel

1. **Call to Order/Roll Call/Establishment of Quorum**
   Teresa Lua, Chair, called the Council to order at 10:50. Roll was called and a quorum established.

2. **Approval of the February 27, 2014 Dental Assisting Council Meeting Minutes**
   M/S/C (Forsythe/Whitcher) to approve the Dental assisting Council meeting minutes of February 27, 2014. The motion passed unanimously.

3. **Presentation by a Representative from the California Association of Dental Assisting Teachers (CADAT)**
   Dr. Lori Gagliardi representing CADAT gave a history and presentation of the Dental Assisting profession. The Council asked CADAT to provide a priority listing of the things that they would like to see the Council accomplish. Dr. Ariane Terlet offered her participation and assistance.

4. **Status of Dental Assisting Program and Course Applications**
   Sarah Wallace introduced Marla Rocha as the new coordinator for programs and courses. Ms. Wallace gave an overview of the information provided. Anne Contreras asked how long it takes to process an application. Ms. Rocha stated approximately 90 days.

5. **Dental Assisting Program Licensure and Permit Statistics**
Sarah Wallace gave an overview of the statistics provided. Ms. Lua asked about reasons for a fingerprint hold on a license. Ms. Wallace stated that there are varied reasons including a conviction report or delays from the Department of Justice (DOJ) or the Federal Bureau of Investigations (FBI). Ms. Contreras asked if there were any fingerprint requirements prior to taking the practical or written examination. Ms. Wallace stated that the application process is under review and that is something that is being considered. Dr. Lori Gagliardi commented that she would like clarification from legal counsel as to whether or not the Dental Assisting Council has the authority to make a recommendation to the Board to accept the Committee on Dental Accreditation (CODA) approved programs. Spencer Walker, Senior Legal Counsel stated that he would look into that.

6. **Dental Assisting Program Examination Statistics**
Ms. Wallace gave an overview of the statistics provided stating that the May statistics were not yet available.

7. **Public Comment for Items Not on the Agenda**
There was no public comment.

8. **Future Agenda Items**
There were no requests for future agenda items.

9. **Council Member Comments for Items Not on the Agenda**
There were no further comments.

10. **Adjournment**
The Council adjourned at 11:57a.m.

DRAFT

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 7, 2014 |
| **TO** | Dental Assisting Council<br>Dental Board of California |
| **FROM** | Marla Rocha, Educational Programs Analyst<br>Dental Assisting Program |
| **SUBJECT** | **DAC 3:** Status of Dental Assisting Program and Course Applications |

Table 1a identifies the number of applications which have received approval since the May 29-30, 2014 Board Meeting. It also displays applications of those that are currently moving through the approval process. Table 1b identifies the total number of applications which were approved year to date (YTD) 2014. Attached is a list of names for the applicants who have received approval since the last Board meeting.

**Table 1a**
**DA Program & Course Applications Approved and Received Since Last Board Meeting**

| Program or Course Title | Approved | Denied | Withdrawn | | Received | Currently Processing |
|---|---|---|---|---|---|---|
| | | | By Provider | By Board | | |
| RDA Program/Prov | 0 | 0 | 0 | | 0 | 4 |
| RDA Program/Full | 0 | 0 | 0 | | N/A | N/A |
| Radiation Safety | 1 | 1 | 0 | | 1 | 7 |
| Coronal Polish | 0 | 0 | 0 | | 2 | 7 |
| Pit and Fissure | 0 | 0 | 0 | | 0 | 4 |
| Ultrasonic Scaler | 0 | 0 | 0 | | 0 | 0 |
| Infection Control | 2 | 5 | 0 | | 4 | 7 |
| OA Permit | 13 | 2 | 0 | | 10 | 8 |
| DSA Permit | 1 | 2 | 0 | | 0 | 3 |
| **Total Applications** | **17** | **10** | **0** | | **17** | **40** |

**Table 1b**
**Total DA Program and Course Applications Approved YTD 2014**

| | RDA Programs | | RDAEF | Radiation Safety | Coronal Polish | Pit and Fissure Sealants | Ultrasonic Scaler | Infection Control | Orthodontic Assistant | Dental Sedation Assistant | **Grand Total** |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Provisional | Full | | | | | | | | | |
| **Course Totals** | **3** | **1** | **0** | **1** | **0** | **0** | **0** | **3** | **15** | **1** | **24** |

## ATTACHMENT 2
## Dental Assisting Courses Approved Since Last Board Meeting

| Provider | Approval Date | RDA Program | X-Ray | CP | P/F | US | IC | DSA | OA |
|---|---|---|---|---|---|---|---|---|---|
| Southland Dental/Lin Dental Corp.<br>Anaheim | 7/3/14 | | | | | | X | | |
| Lake Tahoe Community College<br>South Lake Tahoe | 6/23/14 | | | | | | X | | |
| Los Angeles School of Dental Assisting<br>Los Angeles | 7/21/14 | | X | | | | | | |
| Dr. Juan F. Luque<br>San Francisco | 7/3/17 | | | | | | | X | |
| Western Dental Services<br>Manteca | 5/14/14 | | | | | | | | X |
| Western Dental Services<br>Tracy | 5/14/14 | | | | | | | | X |
| Western Dental Services<br>Modesto | 5/28/14 | | | | | | | | X |
| Greenspan Orthodontics<br>San Diego | 6/3/14 | | | | | | | | X |
| Dr. Cameron Mashouf<br>San Jose | 6/4/14 | | | | | | | | X |
| Dr. Paul J. Styrt<br>San Diego | 6/11/14 | | | | | | | | X |
| Dr. Patricia Panucci<br>Manhattan Beach | 6/11/2014 | | | | | | | | X |
| Dr. Raymond J. Kieffer<br>Encinitas | 6/12/2014 | | | | | | | | X |
| Dr. Kanwar Sachdeva<br>Madera | 6/12/2014 | | | | | | | | X |
| Dr. Barbara Yee<br>San Leandro | 6/12/14 | | | | | | | | X |
| Dr. Thao Nguyen<br>Long Beach | 6/16/14 | | | | | | | | X |
| Dr. Summer Blake<br>Manhattan Beach | 6/26/14 | | | | | | | | X |

| Provider | Approval Date | RDA Program | X-Ray | CP | P/F | US | IC | DSA | OA |
|---|---|---|---|---|---|---|---|---|---|
| Dr. David Isaac Alpan<br>Los Angeles | 7/21/14 | | | | | | | | X |
| **INDIVIDUAL COURSE TOTALS** | | **0** | **1** | **0** | **0** | **0** | **2** | **1** | **13** |
| **TOTAL APPROVALS = 17** | | | | | | | | | |

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Dental Assisting Council Members<br>Dental Board of California |
| **FROM** | Marla Rocha, Associate Governmental Program Analyst<br>Dental Assisting Program |
| **SUBJECT** | **DAC 4: Dental Assisting Program Licensure and Permit Statistics** |

The following table provides current statistics by **license** type as of August 14, 2014

| License Type | Registered Dental Assistant (RDA) | Registered Dental Assistant in Extended Functions (RDAEF | Total Licenses |
|---|---|---|---|
| **Active** | 34607 | 1374 | 35981 |
| **Inactive** | 8266 | 119 | 8385 |
| **Renewal in Process** | 657 | 15 | 672 |
| **Fingerprinting Hold** | 737 | 25 | 762 |
| **Delinquent** | 9031 | 169 | 9200 |
| **Suspended No Coronal Polish/X-ray** | 1310 | 0 | 1310 |
| **Total Current Population** | 54608 | 1702 | 56310 |
| **Total Cancelled Since Implementation** | 36756 | 183 | 36939 |

New RDAEF licenses issued since January 1, 2010 = 232
Existing RDAEF licenses enhanced since January 1, 2010 = 157

The following table provides current statistics by **permit** type as of August 14, 2014

| Permit Type | Dental Sedation Assistant (DSA) | Orthodontic Assistant (OA) |
|---|---|---|
| **Active** | 27 | 164 |
| **Inactive** | 0 | 1 |
| **Renewal in Process** | 1 | 5 |
| **Fingerprinting Hold** | 0 | 0 |
| **Delinquent** | 0 | 0 |
| **Total Current Population** | 28 | 170 |
| **Total Cancelled Since Implementation** | 0 | 0 |

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 7, 2014 |
| **TO** | Dental Assisting Council |
| **FROM** | Marla Rocha, Educational Programs Analyst<br>Dental Assisting Unit |
| **SUBJECT** | **DAC 5:** Dental Assisting Program Examination Statistics |

Written Examination Statistics for **2014** ALL CANDIDATES

| Written Exam | Total Candidates Tested | % Passed | % Failed |
|---|---|---|---|
| RDA | 1979 | 63% | 37% |
| RDA Law & Ethics | 1872 | 65% | 35% |
| RDAEF | 100 | 47% | 53% |
| Orthodontic Assistant | 212 | 49% | 51% |
| Dental Sedation Assistant | 4 | 100% | 0% |

Written Examination Statistics for **2014** FIRST TIME CANDIDATES

| Written Exam | Total Candidates Tested | % Passed | % Failed |
|---|---|---|---|
| RDA | 1333 | 69% | 31% |
| RDA Law & Ethics | 1322 | 70% | 30% |
| RDAEF | 49 | 57% | 43% |
| Orthodontic Assistant | 128 | 48% | 52% |
| Dental Sedation Assistant | 4 | 100% | 0% |

Written Examination Statistics for **2014** REPEAT CANDIDATES

| Written Exam | Total Candidates Tested | % Passed | % Failed |
|---|---|---|---|
| RDA | 646 | 49% | 51% |
| RDA Law & Ethics | 550 | 54% | 46% |
| RDAEF | 51 | 37% | 43% |
| Orthodontic Assistant | 84 | 50% | 50% |
| Dental Sedation Assistant | 0 | 0% | 0% |

RDA Practical Examination Statistics for **2014** ALL CANDIDATES

| **Practical/Clinical Exam Type** | **Candidates Tested** | **% Passed** | **% Failed** |
|---|---|---|---|
| RDA – February North | 229 | 91% | 9% |
| RDA – February South | 271 | 78% | 22% |
| RDA – April North | 292 | 79% | 21% |
| RDA – April South | 365 | 50% | 50% |
| RDA – August Central | 135 | 59% | 41% |
| RDA – August North | | | |
| RDA – August South | | | |
| RDA – Nov – North | | | |
| RDA – Nov – South | | | |
| **Total for Year** | | | |

RDA Practical Examination Statistics for **2014** FIRST TIME CANDIDATES

| **Practical/Clinical Exam Type** | **Candidates Tested** | **% Passed** | **% Failed** |
|---|---|---|---|
| RDA – February North | 172 | 92% | 8% |
| RDA – February South | 207 | 78% | 22% |
| RDA – April North | 269 | 80% | 20% |
| RDA – April South | 291 | 50% | 50% |
| RDA – August Central | 129 | 59% | 41% |
| RDA – August North | | | |
| RDA – August South | | | |
| RDA – Nov - North | | | |
| RDA – Nov - South | | | |
| **Total for Year** | | | |

RDA Practical Examination Statistics for **2014** REPEAT CANDIDATES

| **Practical/Clinical Exam Type** | **Candidates Tested** | **% Passed** | **% Failed** |
|---|---|---|---|
| RDA – February North | 57 | 88% | 12% |
| RDA – February South | 64 | 80% | 20% |
| RDA – April North | 23 | 74% | 26% |
| RDA – April South | 74 | 53% | 47% |
| RDA – August Central | 6 | 50% | 50% |
| RDA – August North | | | |
| RDA – August South | | | |
| RDA – Nov - North | | | |
| RDA – Nov - South | | | |
| **Total for Year** | | | |

RDAEF Clinical/Practical Examination Statistics for **2014** ALL CANDIDATES

| **Practical/Clinical Exam Type** | **Candidates Tested** | **% Passed** | **% Failed** |
|---|---|---|---|
| RDAEF – May North | 29 | 86% | 14% |
| RDAEF – May South | 38 | 55% | 45% |
| RDAEF – Sept South | | | |
| **Total for Year** | | | |

RDAEF Clinical/Practical Examination Statistics for **2014** FIRST TIME CANDIDATES

| **Practical/Clinical Exam Type** | **Candidates Tested** | **% Passed** | **% Failed** |
|---|---|---|---|
| RDAEF – May North | 26 | 95% | 5% |
| RDAEF – May South | 26 | 69% | 31% |
| RDAEF – Sept South | | | |
| **Total for Year** | | | |

RDAEF Clinical/Practical Examination Statistics for **2014** REPEAT CANDIDATES

| **Practical/Clinical Exam Type** | **Candidates Tested** | **% Passed** | **% Failed** |
|---|---|---|---|
| RDAEF – May North | 3 | 33% | 67% |
| RDAEF – May South | 12 | 25% | 75% |
| RDAEF – Sept South | | | |
| **Total for Year** | | | |

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 18, 2014 |
| **TO** | Dental Assisting Council,<br>Dental Board of California |
| **FROM** | Sarah E. Wallace, Assistant Executive Office |
| **SUBJECT** | **DAC 6**: Discussion and Possible Action Regarding Priority Dental Assisting Issues as Proposed by the California Association of Dental Assisting Teachers (CADAT) |

At the conclusion of the CADAT presentation in May, the Council asked CADAT to prioritize a list of dental assisting issues and to submit it to the Council for consideration. CADAT submitted the attached letter outlining the following priorities:

Issue 1: Inconsistency between statute and regulations pertaining to the approval of schools for Registered Dental Assisting and eligibility for licensure.

Issue 2: Inconsistency between statute, educational regulations and board examination application – completion of coursework in Pit and Fissure Sealants – Required.

Issue 3: Credit toward work experience by those completing education in a non-RDA program.

Please refer to the attachment for further information. This information is provided for your review and comment.

July 7, 2014

Dear Ms. Wallace:

Thank you for the opportunity to provide data regarding the CADAT position on regulatory priorities based on defined inconsistencies with regulations and statutes. Our understanding of this task was to serve a few purposes:

- Identify regulatory and statutory inconsistencies that currently exist within dental assisting
- Determine whether those inconsistencies can be addressed through statute or regulatory action
- Once identified as regulatory, propose a priority listing for development of language to address such inconsistencies

We believe it prudent to remind DA Council members, Board members and legal counsel that the Board staff performed an excellent analysis last year of the regulatory language that staff believed to be either inconsistent or requiring clarification. We continue to have to revisit work product presented to either staff or the Council based on a lack of communication between all parties and hope that with this information we can begin to move progressively forward in a collective manner.

**Inconsistencies**

**Issue 1:** Inconsistency between statute and regulation pertaining to the approval of schools for Registered Dental Assisting and eligibility for licensure

- & P §1752.1 (a)(1) *Graduation from an educational program in registered dental assisting approved by the board and satisfactory performance on a written or practical examination administered by the Board.*

- CCR §1070.2 (b) *The Board may, in lieu of conducting its own investigation, accept the findings of any commission or accreditation agency approved by the Board and adopt those findings as its own.*

In 2012, the Dental Boards legal counsel determined that ADA Commission (CODA) accreditation is not an acceptable equivalent to the current approval process of programs by the Board. Schools accredited by CODA had to seek approval by the Board in order for graduates to be able to sit for the state board

examinations. The Board has not recognized CODA accreditation for dental assisting or RDA programs. Applications for RDA examinations by graduates of a CODA accredited program have not been accepted by staff.

NOTE: In addition, dental assistants certified by DANB who have graduated from CODA-accredited dental assisting schools in other states <u>are not eligible</u> to sit for examinations unless they apply through work experience; yet, a dental assistant applying through OJT is considered more eligible to sit for the examinations than dental assistant with formal education and passage of the national boards.

**Issue 2:** Inconsistency between statute, educational regulations and board examination application - Completion of coursework in Pit and Fissure Sealants – Required

- B & P §1752.6 *A registered dental assistant licensed on and after January 1, 2010, shall provide evidence of successful completion of a board-approved course in the application of pit and fissure sealants prior to the first expiration of his or her license that requires the completion of continuing education as a condition of renewal. The license of a registered dental assistant who does not provide evidence of successful completion of that course shall not be renewed until evidence of course completion is provided.*

- *CC* §1070.3 (b) *Prerequisites. Each student [of a stand-alone course] must possess the necessary <u>requirements for application for RDA licensure or currently possess an RDA license</u>. Each student must have already completed a Board-approved course in coronal polishing.*

- RDA Examination Application: *Allows for "optional" completion and submission by a non-RDA-program graduate (where sealants is a required curricula element, eff. 7/2009) who takes a stand-alone course in Sealants PRIOR to licensure issuance.*

CADAT believes that only a formal education applicant who graduated from an RDA program after July 2009 should be allowed to submit evidence of meeting the requirements for licensure issuance. Stand-alone courses in Sealants should be required to accept only RDAs as students in courses and report such course completion to the Board for each licensee who completes certification consistent with B & P 1752.6. CADAT will address this with proposed changes to educational regulations 1070.3.

**Issue 3:** Credit toward work experience by those completing education in a non-RDA program

- B & P §1752.1 (c) *The board shall give credit toward the work experience referred to in this section to persons who have graduated from a dental assisting program in a postsecondary institution approved by the Department of Education or in a secondary institution, regional occupational center, or regional occupational program, that are not, however, approved by the board pursuant to subdivision (a). The credit shall equal the total weeks spent in classroom training and internship on a week-for-week basis. <u>The board, in cooperation with the</u>*

*Superintendent of Public Instruction, shall establish the minimum criteria for the curriculum of non-board-approved programs. Additionally, the board shall notify those programs only if the program's curriculum does not meet established minimum criteria, as established for board approved registered dental assistant programs, except any requirement that the program be given in a postsecondary institution. Graduates of programs not meeting established minimum criteria shall not qualify for satisfactory work experience as defined by this section.*

- RDA Examination Application: *Allows for education hours in a non-RDA program to be certified by a teacher of the program and applied toward the work-experience pathway where no regulations for DA programs exist.*

CADAT has been raising this issue with staff and the Board since 2009. Without the existence of regulations for non-RDA programs in dental assisting, credit hours should not be applied until regulations for DA programs have been established.

**Proposed Regulatory Priorities**

One year ago, the DA Council and the Board approved a recommendation as to the sections of dental assisting regulations that needed to be addressed to include amending all sections of educational courses, RDA programs and development of a new section for non-RDA (DA) programs (to address issue # herein).

CADAT strongly urges the staff to continue to work toward accomplishing this task with the establishment of a series of workshops focused on review and development of the needed language. In addition, the DA Council, with assistance from CADAT representatives as the subject matter experts, could work toward addressing the inconsistencies between regulation and statute whereby, upon conclusion, a final report could be presented to the Board proposing planned approach toward dealing with such inconsistencies. Were this to be accomplished in a timely manner, the necessary statutory amendments could become part of the sunset review process, included in legislation at that time, and bring these matters to conclusion.

Additionally, dental assisting educational programs and courses consistently run into issues regarding consequences. These issues include:

- Perceived lack of regulatory authority by the Board staff to pull program or course approvals
- Lack of regulatory timeline criteria for a program or course to respond to a deficiency or complaint
- Lack of regulatory process (guidelines) for a program or course to be reviewed at any time by the Board to include timelines, process, procedures and outcomes, including disciplinary action u to and including removal of approval, with associated fees
- Fees associated with applications for course and program approvals when such application is necessary for review, renewal or previously rejected applications

- Processes to be applied and action taken when faculty and staff of a program or course do not meet the regulatory guidelines for teacher qualifications, program or course content, reporting or professional development

CADAT would like the DA Council to review and discuss, with possible action, the matters associated with Board action or guidelines for action in the event a program or course does not meet their regulatory criteria. An established process is consistent with guidelines for discipline established by accrediting agencies both in the state and nationally – as such, the Board, so long as it continues to perform accreditation-like activities, should develop the same or similar series of guidelines to assist programs, courses and the Board staff to understand the processes used to discipline or remove approved status without question to its regulatory authority to do so.

We welcome any opportunity to discuss and assist with the planning and implementation of all the above stated matters and look forward to the staff decisions pertaining to a planned approach to seeing all these matters come to conclusion.

Respectfully,

Lorraine Gagliardi

LaDonna Drury-Klein

Lorraine Gagliardi, CDA, RDA, RDH, Ed.D
CADAT Director of Public Policy

LaDonna Drury-Klein, RDA, BS
Executive Director - CADAT

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 18, 2014 |
| **TO** | Dental Assisting Council,<br>Dental Board of California |
| **FROM** | Sarah E. Wallace, Assistant Executive Office |
| **SUBJECT** | **DAC 7**: Discussion and Possible Action Regarding Recommendation to the Board for Dental Assisting Regulatory Priorities for Fiscal Year 2014/15 |

**Background:**

The Dental Assisting Council of the Dental Board of California (Board) was created through legislation that was a result of the oversight hearings (Sunset Review) conducted by the California Legislature. Senate Bill 540 (Ch 385, Statutes of 2011) required the Dental Board of California to create a seven member Dental Assisting Council (Council).

The Council may periodically review the requirements for dental assistant and dental assistant in extended functions examinations, licensure and renewal, and permits for orthodontic assistants and dental sedation assistants.

Additionally, the Council may review standards and criteria for approval of dental assisting educational programs, courses (including but not limited to radiation safety, coronal polish, pit and fissure sealants, ultrasonic scaling, infection control, orthodontic assistants, and dental sedation assistants), and continuing education.

A major part of what the Council will be doing is vetting issues relating to new and existing regulations; and providing the Board with recommendations for new regulations and/or changes to existing regulations.

At its August 2013 meeting, the Council recommended that the Board's regulatory priorities for FY 2013-14 include focus on Dental Assisting Educational Program and Course Requirements and the Board included the Council's recommendation as part of the regulatory priorities for FY 2013-14.

The Dental Assisting Council had its first regulatory development workshop on December 12, 2013 in Sacramento. Members of the Council, staff, and stakeholders had the opportunity to openly discuss the necessary changes to the regulations. Staff

will be working with assigned subcommittees to further develop the regulatory language to bring back to the next regulatory development workshop.

The Council was originally scheduled to hold its next regulatory development workshop on March 7, 2014. This workshop date was postponed until a later date due staff workload and the close proximity of the workshop to the Board and Council meetings at the end of February. Additionally, staff recommended postponement of development of the regulatory language concerning programs until after Assembly Bill 1174 was enacted so that the Council and staff will have a better understanding of how the regulations should be further developed and avoid duplication of work effort.

Staff has identified the following list of needed regulations for the Council to consider prioritizing for FY 2014-15. The Council may then forward a recommendation to the Board for its top regulatory priorities to be considered when the Board establishes its regulatory priorities for FY 2014-15. Staff requests the Board to set regulatory priorities at the beginning of each fiscal year to assist staff in managing workload.

After reviewing the existing regulations, and having discussion with stakeholders and Council members, staff believes it would be prudent to move forward with development of one comprehensive rulemaking package that would include all of the following

(1) Dental Assisting Educational Programs and Courses:

- (a) General Provisions Governing All Dental Assistant Educational Programs and Courses (Cal. Code of Regs., Title 16, Section 1070);
- (b) Educational Program and Course Definitions and Instructor Ratios (Cal. Code of Regs., Title 16, Section 1070.1);
  Approval of Registered Dental Assistant Educational Programs (Cal. Code of Regs., Title 16, Section 1070.2);
- (c) Approval of Pit and Fissure Sealant Courses (Cal. Code of Regs., Title 16, Section 1070.3);
- (d) Approval of Coronal Polishing Courses (Cal. Code of Regs., Title 16, Section 1070.4);
- (e) Approval of Ultrasonic Scaling Courses (Cal. Code of Regs., Title 16, Section 1070.5);
- (f) Approval of Infection Control Courses (Cal. Code of Regs., Title 16, Section 1070.6);
- (g) Approval of Orthodontic Assistant Permit Courses (Cal Code of Regs., Title 16, Section 1070.7);
- (h) Approval of Dental Sedation Assistant Permit Courses (Cal Code of Regs., Title 16, Section 1070.8);
- (i) Radiation Safety Course Requirements (Cal. Code of Regs., Title 16, Section 1014 and 1014.1
- (j) Approval of Registered Dental Assistant in Extended Functions (RDAEF) Educational Programs (Cal. Code of Regs., Title 16, Section 1071); and
- (k) Educational Methodology Course Requirements (New Regulation).

(2) Dental Assisting Program Application and Examination Requirements:

(a) Establish Minimum Criteria for Non-Board Approved Programs for RDA Application Qualification per Business and Professions Code Section 1752.1(c) (New Regulation)
(b) Equivalency Standards for CPR Courses (New Regulation)
(c) General Application Requirements (Cal. Code of Regs., Title 16, Section 1076)
(d) RDA Applications (Cal. Code of Regs., Title 16, Section 1077)
(e) RDAEF Applications (Cal. Code of Regs., Title 16, Section 1077.1)
(f) General Procedures for Dental Auxiliary Written and Practical Examinations (Cal. Code of Regs., Title 16, Section 1080)
(g) General Procedures for Dental Auxiliary Clinical Examinations (Cal. Code of Regs., Title 16, Section 1080.1)
(h) Conduct of Dental Auxiliary Examinations (Cal. Code of Regs., Title 16, Section 1080.2)

(i) Dental Auxiliary Licensure Examination Review Procedures; Appeals (Cal. Code of Regs., Title 16, Section 1080.3)
(j) RDA Examination (Cal. Code of Regs., Title 16, Section 1081)
(k) RDA Practical Examination-Requirements (Cal. Code of Regs., Title 16, Section 1081.1)
(l) RDAEF Examination Requirements (Cal. Code of Regs., Title 16, Section 1081.2)
(m) Passing Scores (Cal. Code of Regs., Title 16, Section 1083)
(n) Orthodontic Assistant Application, Examination and Renewal Requirements (New Regulation)
(o) Dental Sedation Assistant Application, Examination and Renewal Requirements (New Regulation)

(3) Dental Assisting Program Duties and Settings:
(a) Dental Assistant Duties and Settings (Cal. Code of Regs., Title 16, Section 1085)
(b) RDA Duties and Settings (Cal. Code of Regs., Title 16, Section 1086)
(c) RDAEF Duties and Settings (Cal. Code of Regs., Title 16, Section 1087)

A complete listing, including summaries, can be found in Attachment 1.

**Action Requested:**
Staff recommends the Council forward a recommendation to the Board for its rulemaking priority to be considered when the Board develops its regulatory priorities for FY 2014-15. Staff recommends the Council's recommendation include development of one comprehensive rulemaking package relative to dental assisting, which would include requirements for: dental assisting educational programs and courses; application and examination requirements; and, duties and settings.

# ATTACHMENT 1

Board staff requests the Council review the following subject matters that require rulemakings, and establish a priority list for FY 2014-15:

**Dental Assisting Educational Programs and Courses (CCR, Title 16, §§ 1070, 1070.1, 1070.2, 1070.3, 1070.4, 1070.5, 1070.6, 1070.7, 1070.8 and 1014, 1014.1)** The Board's Dental Assisting Educational Programs and Courses regulations became effective on November 11, 2011. These regulations were implemented to maintain consistency with the provision contained in AB 2637 (Chapter 499, Statutes of 2008), however Board staff has identified numerous issues with consistency and compatibility with statute and other dental assisting regulations. In order to maintain consistency and clarity throughout all of the Dental Assisting Educational Programs and Courses Requirements, staff believes it would be better to move forward with one large regulatory proposal amending and updating all of the Dental Assisting Programs and Course Requirements at one time.

**Dental Assisting Program Application and Examination Requirements (CCR, Title 16, §§ 1076 – 1081.2, and 1083)** – In November 2009, the Board reviewed and approved two proposals for regulatory changes relative to dental assisting. The first proposal implemented the requirements for Dental Assisting Educational Programs and Courses to maintain consistency with the provision contained in AB 2637 (Chapter 499, Statutes of 2008). The second proposal made necessary amendments to the Dental Assisting Program Application and Examination Requirements to ensure compliance with AB 2637 (Chapter 499, Statutes of 2008). The Board promulgated the Dental Assisting Educational Programs and Courses regulations, with the understanding that once they became effective, the Board would then promulgate the regulations relating to the Dental Assisting Program Application and Examination Requirements. The Board's Dental Assisting Educational Programs and Courses regulation became effective on November 11, 2011. Staff believes in order to maintain consistency and clarity throughout all of the Dental Assisting Application and Examination Requirements that it would be better to move forward with one large regulatory proposal amending and updating all of the Dental Assisting Program Application and Examination Requirements at one time.

**Dental Assisting Program Duties and Settings (CCR, Title 16, § 1085, 1086, and 1087)** – These regulations have not been updated to reflect the new duties set forth in AB 2637 (Chapter 499, Statutes of 2008). The duties and settings for the RDA and RDAEF need to be revised to ensure consistency and compatibility with statute.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 19, 2014 |
| **TO** | Dental Assisting Council<br>Dental Board of California |
| **FROM** | Sarah Wallace, Assistant Executive Officer |
| **SUBJECT** | **DAC 8:** Discussion and Possible Action Regarding Staff's Recommended Plan for the Dental Assisting Program |

This agenda item will be hand carried to the Council's meeting.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 18, 2014 |
| **TO** | Dental Assisting Council<br>Dental Board of California |
| **FROM** | Sarah Wallace, Assistant Executive Officer |
| **SUBJECT** | **DAC 9:** Discussion and Possible Action Regarding the August 2014 Registered Dental Assistant Practical Examinations |

**Background:**

Pursuant to Business and Professions Code Section 1752.3, the Dental Board of California (Board) administers a practical examination for licensure as a registered dental assistant (RDA). The Board annually schedules the RDA examination to be held during the months of February, April, August, and November. Exams have been held in San Francisco and Pomona during each of these months; and, during the month of August an additional exam is held in Santa Maria.

This year the August examinations were scheduled as follows:

| Examination Date | Examination Location |
|---|---|
| August 2-3, 2014 | Allan Hancock College, Santa Maria |
| August 16-17, 2014 | UC San Francisco |
| August 23-24, 2014 | Carrington College, Pomona |

The filing period in which candidates could submit applications for the August examinations began on April 1, 2014 and ended on June 1, 2014. During this time, Board staff received and processed over 1,400 applications for the August exams. This included reviewing each application and notifying candidates of deficiencies that were required to be met prior to becoming eligible to take the examination. Of the 1,405 applications, 77% of the candidates applied via the education pathway to RDA licensure and 23% of the candidates applied via other pathways to RDA licensure.

The most sought after examination locations during the month of August are San Francisco and Pomona. Of the 1,405 applications received for August examinations, 45% applied to take the exam in San Francisco and 44% applied to take the exam in Pomona, while only 11% applied to take the exam in Santa Maria.

Due to the high volume of applications for the San Francisco and Pomona sites, the Board was not able to schedule all applicants for examinations during the month of August; however, those applicants who were not scheduled for August have already been scheduled for November. The Board is able to test up to 540 candidates per exam weekend at the San Francisco location and the Pomona location. Board staff schedules candidates for exams as applications are received during the filing period. Only those candidates who submit completed applications are able to be scheduled; those candidates who submit applications with deficiencies are contacted and Board staff is only able to schedule an examination time once the deficiencies are remedied and the application is deemed complete.

Due to the reasons previously mentioned, staff was unable to schedule 92 candidates for the August exam at the San Francisco location and 82 candidates for the August exam at the Pomona location. All applicants who applied for the Santa Maria location were able to be scheduled.

Staff has received calls from the program directors of candidates who were not scheduled to take examinations in August at the San Francisco and Pomona locations. There were several RDA programs whose students were not scheduled for examinations for the month of August. This was largely due to the fact that the students graduated after the close of the filing period and proof of graduation was not received until after June 1st. Until proof of graduation is received, the application is not deemed complete and the candidate is not eligible to sit for the examination. Completed applications are processed and scheduled on a first-come, first-serve basis, regardless of pathway to licensure. The Board is unable to hold examination spots for students of programs who anticipate graduating after the close of a filing period. If in the event there is space available at an exam location for candidates who provide proof of graduation after the filing period closes, staff will schedule those candidates.

The following tables display a break-down of the number of applications, via the education pathway and other pathways to licensure, that were: (1) received for the August examinations; (2) the number of applicants who were and were not scheduled for the San Francisco location; and, (3) the number of applicants who were and were not scheduled for the Pomona location:

**TABLE 1: Breakdown of All Applications Received for August 2014 RDA Exams**

| Location | No. of Applications Received via Education Pathway | No. of Applications Received via Other Pathway | Total |
|---|---|---|---|
| **Santa Maria, CA** | 112 | 39 | 151 |
| **San Francisco, CA** | 506 | 126 | 632 |
| **Pomona, CA** | 468 | 154 | 622 |
| **TOTAL** | **1,085** | **319** | **1,405*** |

* Of the 1,404 applications, 77% of the candidates applied via the education pathway to RDA licensure and 23% of the candidates applied via other pathways to RDA licensure.

**TABLE 2: Number of Applicants Scheduled and Not Scheduled at San Francisco RDA Exam Location**

| Location: San Francisco, CA | Pathway: Education | % Qualified by Education | Pathway: Other | % Qualified by Other Pathway | TOTAL |
|---|---|---|---|---|---|
| **No. of Applications Scheduled for August** | 426 | 79% | 114 | 21% | **540*** |
| **No. of Applications Not Scheduled for August (Scheduled for November)** | 80 | 87% | 12 | 13% | **92** |

*The maximum number of candidates that could be scheduled for this exam is 540. This total amount includes administration of 6 separate exam sessions testing 90 candidates each over a two-day period.

**TABLE 3: Number of Applicants Scheduled and Not Scheduled at Pomona RDA Exam Location**

| Location: Pomona, CA | Pathway: Education | % Qualified by Education | Pathway: Other | % Qualified by Other Pathway | TOTAL |
|---|---|---|---|---|---|
| **No. of Applications Scheduled for August** | 400 | 74% | 140 | 26% | **540*** |
| **No. of Applications Not Scheduled for August (Scheduled for November)** | 68 | 83% | 14 | 17% | **82** |

*The maximum number of candidates that could be scheduled for this exam is 540. This total amount includes administration of 6 separate exam sessions testing 90 candidates each over a two-day period.

**Plan Moving Forward:**

Staff recognizes the importance of offering an adequate number of examination dates and locations throughout the year so that candidates for licensure may take the examination in a timely manner and become licensed. It should be noted that there are limitations due to facility availability, staff resources, and cost that are determining factors as to when and how many candidates may be tested at an exam. Because graduation rates seem to be higher in the spring and early summer, the August RDA exams fill to maximum capacity quickly and some applications may be held until the next examination, which is typically held in November.

In light of the concerns expressed by program directors and stakeholders in response to some candidates not being scheduled for the August exam, staff is looking into the feasibility of adding an additional examination in October so that those candidates who applied for the August exams and were not scheduled would have an opportunity to take the examination prior to the exam dates scheduled in November.

Additionally, staff will be contacting Board-approved program and course directors to inquire about potential graduation dates and graduating populations anticipated in 2015

so that the 2015 RDA examinations may be scheduled in a manner to alleviate the potential issue for candidates not being scheduled for an exam when requested.

It is the candidate's responsibility to ensure all application requirements are complete, including providing proof of graduation if the candidate is applying via the education pathway. Once eligibility is obtained, a candidate will be scheduled for the examination. The Board is unable to guarantee that a candidate will be able to sit for the RDA examination immediately following graduation.

**Action Requested:**
The Council may discuss this issue and take action as it deems necessary.

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
DENTAL BOARD OF CALIFORNIA
2005 Evergreen Street, Suite 1550, Sacramento, CA 95815
P (916) 263-2300 F (916) 263-2140 | www.dbc.ca.gov

# MEMORANDUM

| | |
|---|---|
| **DATE** | August 19, 2014 |
| **TO** | Dental Assisting Council<br>Dental Board of California |
| **FROM** | Sarah Wallace, Assistant Executive Officer |
| **SUBJECT** | **DAC 10:** Discussion and Possible Action Regarding the Application Process to be Licensed as a Registered Dental Assistant |

This agenda item will be hand carried to the Council's meeting.

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 18, 2014 |
| **TO** | Dental Assisting Council |
| **FROM** | Marla Rocha, Program Analyst |
| **SUBJECT** | **DAC 11:** Discussion and Possible Action Regarding the Re-Appointment of Existing Examiners Pursuant to Business & Professions Code Section 1752.3 |

**Background:**
Pursuant to Business and Professions Code 1752.3, the Dental Assisting Council (Council) may make recommendations to the Dental Board of California (Board) regarding appointment of examiners for the Registered Dental Assistant (RDA) examination. Examiners are required to be appointed by the Board itself; appointment of examiners should ideally take place annually. To initiate this process staff has included the Curriculum Vitae (CV) for each current examiner participating in the RDA practical examination for the Council's review.

The current examiners that participate in the Registered Dental Assistant in Extended Functions practical examination will be brought forth at the November 2014 Board meeting.

**Action Requested:**
Staff recommends that the following examiners be reappointed for the Registered Dental Assistant practical examination.

Tamera Anderson, RDA
Allison Aspell, RDA
Beverly Darm, RDA
Dawn Deering, RDA
Donna Doerksen, RDA
Corinne Fernando, RDA
Monica Harris, RDA
Flordeliza Herrara, RDA
William Kushner III, DDS
Jennifer Cowley-Martin, RDAEF
Shirley McFadden, RDA
Susan Porrazzo, RDA
Fariba Rouhizadeh, RDAEF
Cheryl Vanderhoff, RDA
Sheronda Walton, RDA
Diane Walters, RDAEF
Eric Wong, DDS

# ANDERSON

**Tamera Anderson**

## Objective

To secure a position as an RDA Practical Examiner.

## Education

Riverside Community College, Riverside, CA
Associate of Science Degree, Business Administration, June 2005
Certificate of Achievement in Business Administration-
General Business Concentration, June 2005

Regional Occupational Program, Dental Auxiliary Skills, June 1978
Regional Occupational Program, Dental Assisting, June 1980

## Work Experience

Office Manager, Registered Dental Assistant
Glenn A. Martin, D.D.S., Sun City, CA
September. 1980 to Present

Secretary Substitute,
Riverside Unified School District, Riverside, CA
June 2004 to Present

## License and Certificates

- California State Dental Radiology License, December 1979
- California State Registered Dental Assistant, September 1980
- Cardiopulmonary Resuscitation Certificate, Current
- Coronal Polish Certificate, April 2005

## Activities and Awards

- Active Member of the Inland Valley Dental Study Club, C.E. Units
- State VICA Silver Medallist, Dental Assisting, 1980

Professional References Available Upon Request

# Glenn A. Martin, D.D.S.

Committee on Dental Auxiliaries
1426 Howe Avenue. Suite 58
Sacramento. CA 95825

November 30. 2006

To Whom It May Concern:

Tammy Anderson has been working with me since I started practicing in 1980, which speaks volumes about her character. As an office manager and registered dental assistant, she displays the highest quality of integrity, loyalty, dependability and trustworthiness.

I highly recommend her for any position you have available.

Sincerely,

Glenn A. Martin, D.D.S.

Gary Thompson
[redacted]

To whom it may concern,

My business association with Mrs. Anderson is now in its fourteenth year and has lead to a friendship which has enabled me to discover and appreciate her personal qualities. We have found her to be courteous, honest, friendly, and helpful. She is loyal and an asset to her present employer. Tammy would certainly be considered a team player.

I am confident that she would be an asset to anyone who could use her services. I take great pleasure in recommending her.

Sincerely yours,
Gary Thompson
Gary Thompson

# ASPELL

*Allison Aspell*

[redacted]

[redacted]

*Objective: To obtain employment as a Dental Professional in an office utilizing my experience, dedication, and great customer service skills..*

*Education: Northwest College-Pomona CA Dental Assisting Cert 1984*
*Citrus College-Glendora, CA- All pre-req for dental hyg-1988*

*Skills*

- *All front office duties involving phones, customer service, insurance and accounting. Scheduling and treatment planning, multitasking, reports, office management.*
- *All aspects of chairside assisting, coronal polishing, sealants temporaries, impressions, bleach trays, nightguards, in office bleaching, digital x-ray, Invisalign, Cerec, K-7.*
- *Teaching dental assisting in post secondary education.*

*Employment History:*

*Stephen Fenn DDS/Oak Tree Dental 8/2003-8/2012*
*Poway-5 yrs back office RDA-4 yrs front office coordinator*

*UEI College 6/2010-3/2012*
*San Marcos/Chula Vista-Dental Asst Instructor- Weekends*

*Charles Grabowsky DDS 12/1998-8/2003*
*Oceanside-5 yrs front office and back office RDA*

*Robert Lee DDS 2/1991-12/1998*
*Oceanside-7 yrs front and back office RDA*

*Delta Dental Plan of CA- 1988-1990*
*Los Angeles-2 yrs Customer Service Rep*

*License, Certificates, Affiliations:*

*RDA #56120, X-ray Lic, CPR, ADAA, CADAT*
*Software: Eaglesoft,Practiceworks, Softdent,Dentrix*

OAK TREE DENTAL

RECEIVED
SEP 27 2012
DENTAL BOARD
OF CALIFORNIA

August 17, 2012

To Whom It May Concern:

Allison has worked with Oak Tree Dental, formally Poway Smiles, for nine years. During the 11 months I worked with her, she showed her commitment and dedication to personal growth in the field of dentistry. She is a responsible, hard-worker, and a passionate employee with a strong work ethic. Her efficiency and time management skills impressed me the most.

She carried out multiple responsibilities throughout the day in the front and back office. Allison is cross-trained to work in the front as a scheduling coordinator and in the back as a registered dental assistant.

She has excellent written and verbal communication skills, can work independently, and is able to efficiently multi-task. Her ability to develop great rapport with patients will be an asset to any dental practice.

Sincerely,

Melissa Lipat, DDS
Oak Tree Dental
General Dentist/Owner



[redacted]

STEPHEN M. FENN, D.D.S.
EXCELLENCE IN DENTISTRY

To whom it may concern, May 12, 2010

It has been my pleasure to employ Allison Aspell in my dental practice for the past seven years. She was my head chairside assistant for the first five years and now serves as our office manager.

As a dental assistant, I found her skills to be unsurpassed. She has a broad knowledge of materials, techniques, and procedures. During those years we implemented many new procedures in the office and she was always adaptable and quick to learn.

She has helped train a number of assistants with less experience as they became employees. She understands what makes a dental practice function smoothly and is able to convey that knowledge to others.

Her relationships with other employees has always been friendly, helpful and professional. As you consider her for a teaching position, I can recommend her without reservation. I am confident she would be an asset to your organization.

Sincerely,

Stephen Fenn DDS

# COWLEY-MARTIN

*Jennifer Cowley Martin*

[redacted]

---

# Highlights of Qualifications:

- I worked for in the dental field for 15 years.
- I work in a progressive office with all the skills needed to assist in the performance of high quality, caring dentistry.
- Aiding the doctor smoothly and unobtrusively in all clinical procedures.
- Performing clinical and technical procedures under the supervision of a licensed dentist.
- Training new DA's in the Hygiene and Dental department.
- Knowledge in Oral sedation for Dental Procedures and Invisalign treatment

# Experience:

**4/2008- Current Ontario Smiles General and Cosmetic Dentistry**

**Registered Dental Assistant with Expanded Functions.**

- Chair side assisting with the Doctor .
- Dental Software, Microsoft Word and Microsoft Excel.

**1993 - 2007 Benicia Family Dentistry, Benicia Ca**

**Registered Dental Assistant with Expanded Functions.**

- Chair side assisting with the Doctor and Hygienist.
- Management of perio department, creating and standardizing perio protocols.
- Implementing of protocols old and new for dental and perio department
- Marketing, Organizing and Ordering dental material.
- Dentrix Software, Microsoft Word and Microsoft Excel.

**1996 - 2001 Black Angus Restaurant , Vallejo, Ca**

**Food Server**

- Worked nights and weekends to support the family while my husband was in school full time.

**1986- 1993: Steer N Ale Restaurant , Pasadena Ca.**

**Food Server**

- Worked full time as a food server and trained part time to to manage a few nights a week.

# Education:

- Solano Community College 1994-1995 General Education
- Pasadena City College Community College 1986 -1992 General education
- Temple City High School, Temple City, Ca graduated 1983

*Jennifer Cowley Martin*

[redacted]

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## Certificates:

- R.D.A.E.F. course taken at UCSF 2002- Licenses #AEF 905
- R.D.A. and Coronal Polish course taken at Sacramento Community college 1998
- X-ray certification Alta Loma, Martinez, Ca 1993
- Current CPR , 2006
- Certificates available upon request

## Achievements:

- Worked full time while taking RDA and RDAEF courses.
- Developed and Managed fund raisers for Archway Recovery Service's.
- Coached and assistant coached Soccer for 12 Years.
- Dental Boot Kamp level I and II
- Raised a great son now in college

- References upon request

CROSSROADS
Dental Group

[redacted]

To Whom It May Concern:

It is with great privilege that I write to you in recommendation of Jennifer Cowley-Martin. I have been Jennifer's direct supervisor. I find her to be a pleasant, generous person who is never afraid to take on a challenging task. She is one of our most dedicated employees.

Jennifer is an independent, self direct person who is able to communicate effectively and meet even the most demanding challenges. While her on the job performance has been nothing less than stellar, Jennifer has also become a close friend to many of us. We pride ourselves on our company values and close knit community, and in this area she truly shines. Jennifer has organized many company functions as a way of getting together and of course motivating our employees.

Jennifer is gifted in her uncanny ability to foresee growth opportunities. I have no doubts that Jennifer will succeed in her future endeavors. I believe she will have a tremendous impact and will make outstanding contributions to your organization.

Best Regards,

Rittu Gill

Rittu Gill, D.D.S.

11/9/09

[redacted]

Dr. Barry Parish DDS
Benicia Family Dentistry
[redacted]

1/7/2009

To Whom It May Concern:

It is my pleasure to recommend Jennifer Cowley Martin for the COMDA RDA examination position. She is an excellent RDAEF, and possesses qualities that will be helpful to you.

Morally and ethically, she is beyond reproach. I have had her in many positions which required trust in her. Notably she was responsible for accurate inventory of our narcotic medications which we dispense.

She is able to understand and implement management directives, and she has been an excellent trainer of less experienced staff.

Her ability to organize is very good. She is able to assess a situation, such as tray set-ups for multiple procedures and quickly tell if is complete or lacking. If she is asked to do so for examination candidates, she will be able to do so.

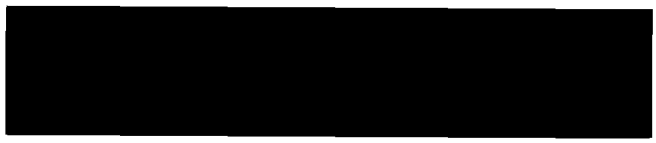
Lastly, the quality that I hold most important in our group practice is her ability to be clearly and tactfully understood when working with a host of different personalities. Her communication skills will make her a valuable addition of your team.

Beyond all of this, I have watched her grow personally and professionally over many years of my life. She is a wonderful person that is well loved and respected by all of us here. Her self motivation is what brought her to me, was the key to her success, and is bringing her to you now. I urge you to take the opportunity to work with her. You will not be disappointed. She will be present, punctual and participate fully without fail.

Sincerely,

Barry Parish DDS

# DARM



# Beverly Darm, RDA

## Employment

2006-Present Independent Contractor: ACC Healthcare and Dentrust Companies

**Registered Dental Assistant**
Travel throughout California to Military Bases. These companies provide treatment and exams for Military service members prior to their deployment.

January 2013-December 2013 Terrence Robbins, DMD Sacramento, CA

**Registered Dental Assistant**
Oral Surgery practice. Duties include assisting with extractions, implants, sterilization and taking of digital x-rays.

2005-2009 Stephen Casagrande, DDS Sacramento, CA
**Registered Dental Assistant**
All back office duties, assisting doctor, taking of digital x-rays, fabrication of temporary crowns, coronal polishing and sterilization. Helped with front office as needed.

2003-2005 Michael O'Brien, DDS Sacramento, CA
**Registered Dental Assistant/Front Office**
Receptionist, insurance verification and collections.

1974-2003 Eugene Santucci, DDS Castro Valley, CA
**Registered Dental Assistant**
All back office duties, assisting doctor, taking of digital x-rays, fabrication of temporary crowns, coronal polishing, sterilization. Training and orientation of back office personnel.

## Education

1974 Eden Vocational Center San Lorenzo, CA
**Dental Assistant Program**
Certified Dental Assistant, Registered Dental Assistant (State of California

# DEERING

**DAWN GILLEO-DEERING**

## OBJECTIVE

Seeking a creative, challenging and responsible position in the field of Dental/Medical or related areas where education, experience and ability will have valuable application.

## EXPERIENCE

10/09 - Present — Dr. Stephen Fenn DDS/ Oak Tree Dental — Poway, CA

**Lead Registered Dental Assistant**

All Registered Dental Assisting functions, Digital Radiograph, Eaglesoft Dental Software, Cerec-glazing, Front office Administration duties.

04/10 - Present — Mount Miguel Covenant Village — Spring Valley, CA

Retirement Community/ Assisted Living

**Caregiver/Med Tech**

Assist residents with activities of daily living, pour and dispense all scheduled medications for all residents, Supervisor of caregivers on shift. Respond accurately in emergency situations.

07/07 – 10/09 — Pima Medical Institute — Chula Vista, CA

Valley Career College — El Cajon, CA

**Dental Instructor**

Instruct students in dental assisting theory and clinical practices in all aspects of dentistry, including specialties.

07/95 – 07/07 — Sycuan Medical-Dental Center — El Cajon, CA

**Registered Dental Assistant**

All phases of basic supportive and expanded function dental procedures relative to chairside assisting in a general practice that includes endodontics, oral surgery, and periodontal surgery.

**Front Office**

Answering multi-line phones, data entry, pre-authorization of insurance, verifying insurance and collecting fees, triage phone calls, and computerized scheduling.

**CareGiver**

All aspects and duties related to the care of a wheelchair bound stroke victim. Assist with ADL's, transfers, ROM, and correspondence with healthcare providers team. Daily glucose testing, administering of medications, nutritional counseling and transportation to and from all appointments.

03/92 – 04/96 — Telecare Corporation — San Diego, CA

**Mental Health Worker**

Assist with daily patient care, organize and conduct group meetings, participate with treatment plans, daily charting of patient's progress.

# Dawn Gilleo-Deering

## EDUCATION

| | | |
|---|---|---|
| 10/11-Present | National University<br>**Nursing Program-BSN/ Public Health** | San Diego, CA |
| 01/03 – 06/11 | Grossmont/Cuyamaca College<br>**Associate of Science Degree –General Studies** (12/08) | El Cajon, CA |
| 08/86 – 01/87 | ROP Program<br>**Dental Assisting** | Santee, CA |
| 01/88 – 06/88 | ROP Program<br>**Mental Health Worker** | Santee, CA |

## LICENSES

Registered Dental Assistant License # RDA 44817
Certified Residential Service Specialist
Mental Health Worker –Certification
Certified Nursing Assistant License # 00251264 (inactive)

# DOERKSEN

# Donna Doerksen

## Education

Modesto Junior College, ADA Accredited School Of Dental Assisting
Completed 1995
Associate of Science Degree

## Employment

Dr. Jeff Barton December 1995- January 2000
Duties performed, all clinical orthodontic procedures including diagnostic records, new patient exams ,band and bond using fourhanded dentistry. Teaching proper oral hygiene, informing parents of procedures, answering phones, scheduling appointments and monthly inventory.

Drs. Mantz, Baker and Cadra January 2000-June 2000
Duties performed, patient exams, (consisting of BP, pulse, radiographs) and assisting in oral surgery and its duties.

Dr. Dennis Hobby July 2000-2002
Duties performed, assisting in general dentistry ,radiographs, preparation of bleach trays and mouth guards. Computer charting.

Modesto Junior College January 2002-2011
Worked with students one on one and in group setting on developing their skills and knowledge in the dental assisting , extended functions and radiology labs.

Drs. Tony Albertoni and Joe Corso May 2002- current
Duties performed, assisting in all general dentistry , radiographs, sealants, coronal polish, fabrications of acrylic temporaries, etc. Training of all dental assisting interns. Assist in front office as needed.

## Certifications

Registered Dental Assistant License #45181
Certified Dental Assistant License #137308
Radiology and Coronal Polish
CPR Certified
Radiology Methodology
Sealant Certification

TONY ALBERTONI, D.D.S.
JOSEPH CORSO, D.D.S.
FAMILY DENTISTRY

March 26, 2012

Dear Dental Board of California:

It is with great pleasure that I am able to write this letter of recommendation for Donna Doerksen, who is applying for Registered Dental Assistant Practical Examiner.

Donna has been an employee at my office for ten years. In my experience, I have run across employees who merely "do their jobs" and employees who "make it their practice to go above and beyond" their daily duties. Donna fits in this latter category. She works very well with both the doctors and the staff at the office, and she handles everything she does with the utmost grace, class and professionalism.

As far as her skills, you do not find people with better ability or initiative. She has furthered her education with special training in dental temporaries and sealants, and she excels in all aspects of general dental assisting.

In addition to her assisting skills, Donna has a very special way with people, and she is very popular with our patients. She exudes warmth and charm to the benefit of our patients, and I am often getting comments from patients about how much they enjoy Donna. Because of her great people skills, we have also put her in charge of training and managing the interns that rotate through our office from office from area Dental Assisting Schools. Personally, it is gratifying for me to be able to work with someone like Donna.

I have hired many people through the years, but it is only occasionally that I find someone with Donna's character, integrity and ability. Donna is married and has two grown daughters, and it is no surprise that they also exhibit this same excellent character.

I know that this letter may sound overly enthusiastic for Donna's case, but I think if you get a chance to work with her, you will see why I can place Donna in the highest category of quality assistants and will be a great asset to your team.

Thank you for your consideration of Donna.

Sincerely,

Tony Albertoni, DDS

[redacted]

Dental Board of California
Committee on Dental Auxiliaries

To Whom It May Concern:

This letter will serve to introduce Donna Doerksen whom I have known professionally for the past eleven years. I first met Donna as a student in my courses at Modesto Junior College enrolled in the Dental Assisting Program, I was impressed with her desire to actively seek learning growth experiences. She was and continues to be employed in a local professional dental practice prior to her hire as an adjunct faculty member in the Modesto Junior College Dental Assisting Program.

I have had the opportunity to evaluate Donna's abilities and knowledge as both an instructor in shared team teaching experiences and as her former immediate supervisor and director. Mrs. Doerksen is able to learn quickly, interpret and successfully apply polices, procedures, rules and regulation; maintain the security and confidentiality of information; coordinate and organize work assignments; understand and independently carry out instructions; compile and maintain accurate documentation; communicate effectively in both oral and written form; establish and maintain effective working relationships.

Based on Donna's instructional skills and passion for conveying her expertise and knowledge to others, I believe she has the background, knowledge and skills essential to make her a contributing member of your organization.

I am pleased to recommend Donna as a candidate as a dental examiner in your department without reservations. If you desire any additional information, feel free to contact me at [redacted]

Sincerely,

Robert M. Keach, CDA, RDA, BA

# FERNANDO

**Corinne M. Fernando**

[redacted]

## OBJECTIVE

*To obtain a challenging position as a Dental Assistant in a growth oriented company which will provide me an opportunity to expand my skills allowing me to continue providing professional care and use my expertise and knowledge to better the department.*

## *FUNCTIONAL SUMMARY*

***Four Handed Dentistry:*** *Oral Surgery, Cosmetic Surgery, Crown and Bridge preparation, Root Canal treatments, Extractions, Fillings and Periodontal Surgery.*

***Instrument:*** *Preparation, Sterilization, Hand piece care, Set-up Syringe and Anesthesia.*

***Fabrication:*** *Bleaching trays, temporary crown bridge and veneers, diagnostic models, alginate impressions, assist in rubber base and poly vinyl impressions, triple tray impressions, pour and trim models, custom tray fabrication, cerec inlays/onlays and crowns design and fabrication.*

***No or Little Supervision RDA duties:*** *Full mouth charting, periodontal charting. Take, develop, mount and process x-rays both traditional and digital. Chair side bleaching, temporary fillings, placement and removal of matrix and wedges, coronal polish, space maintainers, orthodontic wires, ortho bands placements, fabrication of temporary crowns, bridge and veneers, periodontal dressing placement and removal, suture removal.*

***No or Little Supervision Front Office:*** *Excellent computer skills, 10 key by touch, financial coordination, account receivables and payables, insurance Inquiries, billing, claims processing, filing, book keeping, appointment scheduling, staff scheduling memo writing.*

***Other Specialties and knowledge:*** *Web and Logo design, excellent time management, very good organizational skills and computer program trainings, knowledgeable in ordering and supply monitoring/inventory.*

## *WORK HISTORY*

**Aug.2008-present** ***RDA State of California CDCR/SOL***
2100 Peabody Road, Vacaville, CA 945696
707-451-0182 ext 5400

**July 2005-Aug 2008** ***Office Manager/RDA, John VanCamp, DDS***
490 Post Street. Suite 807, San Francisco, CA 94102

**April 2002-May 2005** ***Supervising RDA, City Center Dental***
100 Frank H Ogawa Dr., Oakland, CA 94612

**Aug 2001-April 2002** ***Appointment Coordinator, Gerald Iglesias, DDS***
1904 Franklin Street, Oakland, CA 94612

**Mar199-Aug 2001** ***Lead RDA, Michael Stokes, DDS***
1310 Tara Hills Drive, Pinole, CA 94564

Corinne M. Fernando

[redacted]

**1992-1993** ***Dental Assistant, Larry Holloway, DDS***
Albany, CA

**1991-1992** ***Job Placement Coordinator/Receptionist, EDD***
Richmond, CA

**1989-1992** ***Customer Service Clerk, Ross Department Store***
Richmond, CA

## EDUCATION

***AS degree in Business Management***, Contra Costa College, 2004

***RDA License***, State of California 1993

***Dental Assisting Diploma,*** Bryman College 1992

***General Education,*** Contra Costa College, 1989-1991

***High School Diploma,*** Pinole Valley High, Pinole CA 1989

***References Furnished Upon Request***

April 8, 2014

Dear Dental Board of California:

I am writing to recommend Ms. Corinne Fernando, RDA to you for the position of RDA Practical Examiner.

I have been a dentist in California, licensed since 1986 when I graduated from the UCLA School of Dentistry. I have served as a Clinical Instructor at UCLA, worked in private practice in Long Beach and Castro Valley, California and am currently employed with the California Department of Corrections and Rehabilitation where I work with Ms. Fernando. I have held the positions of Chief Dentist, Supervising Dentist and Staff Dentist at three different institutions, so I have worked and supervised a wide variety of dental assistants in my career.

I recommend Ms. Fernando without reservation. She is one of the very best dental assistants that I have had the pleasure of working with in my career. She has excellent judgment, superb clinical skills and dexterity. She understands the role of the dental assistant well; enabling the dentist to do their best work. Here at the Solano clinic, there are seven dental assistants working with 5 providers. She is a natural leader with a positive work ethic and attitude.

She has much to offer the dental profession and I encourage you to consider her for the position of RDA Practical Examiner.

Sincerely,

Rosellen Diehl, DDS

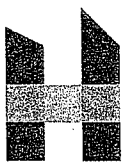
April 10, 2014

Corinne Fernando, RDA
CSP Solano

RE: Letter of Recommendation

To whom it may concern,

Corinne has worked in the Dental department here at California State Prison, Solano for nearly two years. She has been an RDA for Department of Corrections for approximately 5 years. Corinne demonstrates on a daily basis a high level of ethics and professionalism unmatched by any staff member we have. Not only is she dependable and highly productive, she performs at a much higher level of competency than the rest of the staff. Corinne is quick to learn and doesn't hesitate to ask questions. Corinne is typically the first person to volunteer for any project and is able to complete these tasks without her assigned duties suffering. She is highly regarded by her peers and sets the tone for excellence in the department.



Corinne has great organizational skills and is constantly striving to improve all aspects of clinical care. On many occasions she has organized the storage area even though she wasn't asked. Corinne is always looking to improve her work atmosphere.

Corinne has a firm grasp of the Department Policy and works diligently to improve our mandated court compliance. Her chair side skills are impeccable as well as her knowledge of OSHA and infection control. Corrine understands the provisions of the Dental Practice Act and understands the standards for competency.

I firmly believe that Corinne has the strong skills and temperament to be an RDA practical examiner. I would strongly recommend her for this position without reservation.

Sincerely and Professionally,

William Kushner III, DDS
Supervising Dentist
CSP Solano

[redacted]

Dental Board of California

April 02, 2014

To Whom It May Concern,

I have known Ms. Corinne Fernando for 2 years since she transferred from another California Stare Prison dental clinic to work with the rest of our team at CSP Solano. After working with and alongside of her, it readily became apparent that she was an excellent Registered Dental Assistant. She understands her role and is able to accommodate both the dentist and patient needs. She possesses the abilities to understand the scope of services within her Duty Statement and demonstrates her abilities in our clinic.

After having a brief discussion about the R.D.A. Examination administered by the California Dental Board, Ms. Fernando expressed interest in becoming an Examiner. I had told her that the directive to protect the public was a primary and she agreed. It is with great pleasure that I recommend Corinne Fernando, R.D.A. to the R.D.A. Examination team. I believe that she will be an asset to your team.

Eric Wong, D.D.S.

Eric Wong, D.D.S.

# HARRIS

# Monica L. Harris

[redacted]

## SUMMARY OF QUALIFICATIONS

- Registered Dental Assistant and X-ray Technician with over 20 years of experience effectively combining administrative and clinical skills
- Broad background encompassing Oral Surgery, Periodontic, Craniofacial, Stomatology, Pediatric, Endodontic, and General Dentistry
- Excellent written, verbal, and interpersonal communication skills, inclusive of: building rapport with diverse clientele under various circumstances, particularly stressful situations
- Detail-oriented with demonstrated commitment to accuracy; proven ability to follow protocol with precision under pressure
- Outstanding commitment to serving others, utilizing an attentive, personal approach in order to provide the highest quality patient care
- Strong organizational skills with the ability to prioritize in an efficient manner; ability to thoroughly assess and utilize all available resources
- Ability to work independently or as part of a multidisciplinary team

## PROFESSIONAL EXPERIENCE

**UCSF: Buchanan Dental Clinic, San Francisco, Ca** **1994 to Present**

*Registered Dental Assistant (RDA), X-ray Technician*

- Provides chairside assistance to dentists and/or dental hygienists in the performance of dental procedures, to include operative, preventive, periodontal, endodontic, prosthetic, and/or oral surgical procedures
- Prepare International Dental Residents (IDP) for licensing by teaching 4-handed/6-handed dentistry
- Prepares, sterilizes, organizes, and sets up dental equipment, ensures that all dental instruments are cleaned, dated, and processed according to established clinic guidelines and standards; instrument transfer
- Monitors and maintains dental equipment, such as compressors, evacuator systems, radiographic developing equipment, sterilizers, and light curing units, in accordance with manufacturers' guidelines
- Develops and processes dental radiographs in accordance with provider orders; assists in the monitoring and maintenance of radiation safety procedures and protocols
- Follows and maintains all relevant federal, state, and institutional regulations, guidelines, policies, and standards for the provision of dental clinical services
- Orders and maintains inventories of dental clinic supplies
- Maintains dental laboratory slips and creates and maintains dental records in accordance with established protocol and procedures
- Performs miscellaneous job-related duties as assigned
- Collecting and recording patient health histories; dental charting
- Patient management during dental procedures
- Dental procedure isolation techniques
- Preparation of dental materials, cements, composite, impression materials, etc.
- Prevention and management of dental medical emergencies

**UCSF: SFGH – AIDS/Oncology Unit, San Francisco, Ca** **1993 to 1994**

*Administrative Assistant I*

- Filtered and distributed all incoming calls to appropriate staff members
- Maintained confidential files, records, and data entry systems
- Greeted patients and assisted with check-in/out

- Processed medical billing/insurance payments
- Scheduled patients for appointments
- Oversaw chart maintenance and archiving
- Ensured smooth and efficient operations of the clinic

**UCSF: Children's Hospital – Dental Clinic, Oakland, Ca** **1991 to 1993**

*Registered Dental Assistant (RDA) and Administrative Assistant I*

- Provided chairside assistance to dentists and/or dental hygienists in various procedures
- Sterilization and setup of dental tools; cleanup of examination room
- Acquired, developed, and mounted X-rays; mixed compounds for cleaning or filling teeth; assisted with fluoride treatments and dental sealant applications, etc.
- Greeted and tended to young patients by making them comfortable
- Counseled and educated patients and parents about best dental hygiene practices
- Scheduled new patient and return visit appointments
- Confirmed insurance coverage and pre-authorizations
- Processed and delivered incoming/outgoing messages
- Maintained record keeping/patient files
- Completed registration documentation

**Dental Fill-ins, Multiple Locations, Ca** **1989 to 1991**

*Registered Dental Assistant (RDA) (On-Call/Temporary)*

- Prepared patients for dental examination and assisted dentists and/or dental hygienists throughout the process
- Organized dental tools and filling materials
- Prepared temporary crowns and restorations
- Polished teeth and applied fluoride and sealant
- Captured and mounted X-rays
- Informed patients about oral hygiene
- Scheduled patient appointments and documented dental procedures performed

## EDUCATION

**Western Career College, San Leandro, Ca,** **1987**
Diploma – Dental Assisting; X-ray Training

**Vista Business College, Oakland, Ca** **1984**
Certificate – Filing and Record Management

**Oakland Technical High School, Oakland, Ca** **1982**
Diploma

## LICENSES AND TRAINING

**RDA License with Coronal Polishing - #31328** **Current**
*State of California*

**X-ray License** **Current**
*State of California*

**CPR – BLS/First Aid** **Current**
*American Red Cross*

**References Available Upon Request**

University of Califor
San Francisco

School of Dentistry
Dr. Jyoti "Poppy" S. Singh
Assistant Director/Associate Clinical Professor
UCSF- Buchanan Dental Center

Buchanan Dental Center
[redacted]

[redacted]

January 6, 2012

To whom it may concern,

I have been asked to write a letter of recommendation for Ms. Monica Harris. It is with great enthusiasm that I do this.

I have known and worked closely with Monica for over 15 years. She is an individual with high caliber understanding, patience, curiosity and talents. She is a certified RDA and has played numerous roles at UCSF clinics. She has excellent clinical and chair-side dentistry skills. She is assigned to work with the student clinicians as well as faculty providers. Her experience ranges from working closely with the post graduate residents of the Advanced Education in General Dentistry, Pre-doctoral students from the International Dentist Program, General Dentistry faculty and Oral Surgeons. Monica takes pride in understanding all aspects and more of her assigned duties.

She is well liked by the staff, students and patients of this clinic. She has been recruited to serve as interim-supervisor for the front reception staff as well as the back office clinical setting, including the dispensary and sterilization areas, when the need has arisen.

Monica can organize, focus and complete a task that she sets her mind to. I wish her much success in pursuing additional interests. Feel free to contact me if you have additional questions.

Sincerely,

Poppy Singh

Jyoti "Poppy" Singh, PhD, DMD
*Assistant Director/Associate Clinical Professor*
*UCSF- Buchanan Dental Center*

[redacted]

University of Californ
San Francisco

UCSF

School of Dentistry

Buchanan Dental Center

November 20, 2011

To whom this may concern:

This letter is my personal recommendation for Monica Harris. Until just recently, I have been Monica's immediate supervisor for over 10 years, in her position as a Registered Dental Assistant at the University of California San Francisco.

Over the course of this time, Monica's duties were the main functions of a RDA, assisting in Oral Surgery, Faculty Practice, AEGD residents and International Dental students. Monica also work in a limited capacity as an administrative assistant, covering at the front desk with responsibilities such as but not limited to answering the phone, scheduling patients and taking / routing messages.

I find Monica to be consistently pleasant, and dedicated to her work. Besides being a joy to work with, Monica displays qualities of take-charge type person who would do very well in leadership type capacities. She is well liked and respected by her co-workers, faculty and students.

I highly recommend Monica for any position she is applying for as she is a team player and would make a great asset to any organization.

Karen Maalona

Karen Maalona
Clinic Supervisor Coordinator

# HERRERA

## Rocha, Marla@DCA

**From:** Flordeliza Herrrera [redacted]
**Sent:** Tuesday, July 29, 2014 9:38 PM
**To:** Rocha, Marla@DCA
**Subject:** Resume

Flordeliza Herrera

[redacted]

Education

Merced college dental assistant program

Work experience

Private practices

Dr. George Herz

Dr.Debra Araujo

Access dental

Summary qualification

Performed RDA duties

Licenses/certificate

RDA license

X-ray license

Coronal polishing

CPR

Technical skill

Computer

Internet

OPES/ job analysis

# KUSHNER

# CURRICULUM VITAE

**William Kushner III, DDS**

**Education:**

**1997- 1998:** Los Medanos College
Major: Administration of Justice
Degree / Date: Completed 68 hours of Reserve Peace Officer Course (Module C) Certificate conferred on March 28, 1998. Post Control # 4000-80440-97001. Class rank #1 out of 22.

Completed 98 hours of Reserve Peace Officer Course (Module B) Certificate conferred on December 16, 1997. Post Control #4000-80420-97001.

832 PC Training, 68 hours of Reserve Peace Officer Course (Module A) Certificate conferred on December 16, 1997. Post Control #4000-80420-97001.

**1991-1994:** University of the Pacific, School of Dentistry
Major: General Dentistry
Degree / Date: Doctor of Dental Surgery Conferred on June 19, 1994.

**1987-1991:** St. Mary's College of California.
Major: Biology
Degree / Date: Bachelors of Science conferred on May 25, 1991.

**Work Experience:**

**Dec. 17 2012-Present:** Supervising Dentist CF California State Prison, Solano
CA Department of Corrections and Rehabilitation
California Prison Health Care Services
2100 Peabody Road
Vacaville, CA 95696

**Feb. 2010- Dec 17 2012:** Supervising Dentist CF, San Quentin State Prison
California Prison Health Care Services
San Quentin, CA 94964

**Oct. 2007- Feb 2010:** Chief Dentist, CF, San Quentin State Prison
CA Department of Corrections and Rehabilitation
San Quentin, Ca 94964

**Nov. 2005- Oct 2007:** Dentist, CF, Deuel Vocational Institution
CA Department of Corrections and Rehabilitation
23500 Kasson Rd, Tracy, Ca

**June 2005- Present:** General Dental Practice (4 days per month)
William Kushner III DDS
525 Bollinger Canyon Way
San Ramon, Ca 94583

**Dec 1998-Oct. 2005:** General Dental Practice
William Kushner III, DDS
822 Alhambra Avenue
Martinez, Ca 94553

**Aug. 1994-June 1999:** General Dental Practice
William Kushner III, DDS
15051 Hesperian Blvd
San Leandro, Ca 94578

**1997-1999:** Adjunct Faculty Member
Dental Hygiene School Clinical Supervisor
Chabot Las Positas College
25555 Hesperian Blvd
Hayward, Ca 94545

**Licenses:** Provider CPR exp April 15, 2016
ACLS exp. April 15, 2016
Dental License 42171 exp. 08/31/2016
DEA # FK0505644 exp. 12/31/2016
NPI# 1679762793

**Professional Organizations:**
AGD: 43189
Sacramento Sierra component AGD president January 2014-present.

**Objective:** Through my education, training, knowledge and experience, I am dedicated to providing efficient management of a Quality Dental team in order to deliver competent comprehensive patient care to patients in a Professional setting. I am driven to instill excellence and leadership for and to my staff as necessary to bring about an adhesive membership within a Dental healthcare facility.

# MCFADEN

**Shirley A. McFaden, RDA, CDA**
[redacted]

**Education**
Lowell High School, San Francisco
San Francisco City College - AS Degree –Major in Dental Assisting

**Summary of Qualifications**
While working at UCSF I have been given the opportunity to work in several departments within the Schools of Medicine and Dentistry and the HR Service Center, and have performed a wide variety of duties, as outlined below. I have always welcomed the opportunity to take a risk and learn new things.

**University of California San Francisco Experience**
1977-present - UCSF School of Dentistry, School of Medicine and HR Service Center

**UCSF School of Dentistry Positions**

Dental Auxiliary Utilization (DAU) Program: Chairside dental assistant, taught four handed dentistry, time management, efficiency and patient management to dental students. Performed RDA functions, took x-rays, sterilization, patient scheduling.

Registered Dental Assistant - Assisted faculty dentists and dental students at the VAMC, SFGH, Parnassus and Buchanan Street campuses; performed four handed dentistry, RDA functions, took x-rays, sterilization, patient scheduling.

Front office assistant at the Buchanan Dental Clinic: scheduled patients, processed insurance payments, patient payments and daily deposit, ordered supplies and equipment.

**Other Dental Assisting Experience**
Mission Dental Clinic – Chairside Dental Assistant for general dentistry private practice
Karen Weitzel, DDS – Chairside Dental Assistant for general dentistry private practice
Dental Assistant for California, Nevada and Western Regional State Board Exams

**UCSF School of Medicine Human Resources Positions**

HR Analyst, Anatomy and Pathology Departments
Responsible for all aspects of human resources administration, including payroll, benefits, faculty searches, appointments, merits and promotions, leaves of absence, visa processing, and processing medical staff privilege applications. Recruitment, interviewing and selection of employees. Supervision and oversight of staff members in the Human Resources unit and Residency coordinator positions including training, overseeing, reviewing and approving all transactions performed by the HR Team, assign work, approve vacation schedules and complete annual performance evaluations. Preparation of the annual Emergency Action Plan, trained floor wardens and emergency coordinators.

Academic HR Manager Service Center C
Function as a member of the Academic Management team, performing strategic planning, decision making, and operations with the Administrative Directors and Department Chairs. Supervision and oversight of staff members in the Academic Human Resources unit including training, overseeing, reviewing and approving all transactions performed by the HR Team; assign work, approve vacation schedules and complete annual performance evaluations.

**Technical Skills & Abilities**
Knowledgeable in Microsoft Word, Excel, Outlook, and Internet
Detail oriented, excellent organizational and communication skills, flexible, reliable
Demonstrated team building and supervisory skills
Able to adapt well to changing environments

**Licenses & Certifications**
California Registered Dental Assistant RDA #920
Coronal Polishing Certificate
Certified Dental Assistant #046167
CPR Certificate
Neighborhood Emergency Response Training (NERT) Certification

# PORRAZZO

# Susan Porrazzo, RDA

## Objective

To acquire a permanent part-time position with a growing, enthusiastic dental practice.

Over the last 28 years in the dental field, I have experienced most phases of dentistry. With over 14 years of hands-on assisting, I am proficient in all general dentistry procedures.

I have extensive experience in 4 and 6 handed dentistry, coronal polish, temporary crown fabrication, radiographs, surgical/perio assisting, rubber dam placement, inventory control and utilization of most dental materials.

## Professional Experience

| | | | |
|---|---|---|---|
| 7/00 | to | present | Dennis Holmes, DDS Redding, CA |
| 6/93 | to | 7/00 | Leon Nelson, DDS Redding, CA |
| 6/86 | to | 11/91 | Delta Dental Sacramento, CA |
| 7/89 | to | 6/91 | Park Madison Dental Sacramento, CA |

## Certifications

RDA Licensed
CPR Certified
Coronal Polish Certified
Radiation Safety License
Ultrasonic Scaler Certified

## Education

| | | |
|---|---|---|
| Modesto Junior College | Modesto, | CA |
| American River College | Sacramento, | CA |
| Southern California Regional Occupational Center | Torrance, | CA |
| Lennox High School | Lennox, | CA |

# ROUHIZADEH

Fariba Rouhizadeh, RDA-EF
[redacted]

**Professional Goal**

Manage Dental front office and utilize my years of hands on clinical experience, people and computer skills.

**Qualifications**

Office manager, scheduling, Eagle Soft dental software, Quick Books, financial and treatment plan arrangements, dental insurance eligibility, benefits, billing, claim processing, customer service, chair side assisting with extended functions, oral exam, fabricated temporary crowns & bridges, final impressions, order entry, sealant applications, evaluation of soft tissue & existing condition

**Professional Experience**

| | |
|---|---|
| Dr. Smith, Front Office Manager | 2008- Present |
| Dr. Smith, General (RDA-EF) | 2000 - 2008 |
| Dr. Ligh, Pediatric | 1998 – 2000 |
| Temporary Assignments | 1997 - 1998 |
| Dr. Svedeman, General | 1992 - 1997 |
| Dr. LePoullouin, Endodontic | 1990- 1992 |
| Dr. Tenzalian, General | 1989 – 1990 |
| Bryman Dental Assistant Program Instructor | 2004 -2006 |

**Education and Training**

Current CPR certified
2007, California Vocational Education Teaching Credential Dental Assisting
1996, RDA with Extended Functions Certification , San Francisco University
1993, RDA Certification
1989, Board Certified Dental Assistant, X- Ray License, Scaling & Coronal Polishing

**References**

References available upon request

Neal J. Smith, D.D.S., Inc.
FAGD FAES

January 3, 2012

To Whom It May Concern:

It has been my pleasure to have worked with Fariba Rouhizadeh as my Registered Dental Assistant with Expanded Function (RDAEF) for the past eleven years.

I have found Fariba to be very, bright, conscientious, honest, and highly professional. She is also well organized, self-disciplined, and dedicated to the field of dentistry.

Fariba is by far the most competent dental assistant I have worked with in over 40 years as a dentist. She knows exactly what a dental assistant's role is in delivering good dentistry and quality care to patients.

It is with enthusiasm that I recommend her for a position on the examination board for dental assistants.

Thank you for the opportunity to recommend this applicant to you.

Sincerely,

Neal J. Smith DDS

Neal J. Smith, D.D.S.

[redacted]

1/9/12

To Whom It May Concern:

I have had the privilege of knowing Fariba Rouhizadeh for 12 years as a RDAEF with Dr. Neal Smith. As a person, Fariba has the perfect trustworthy character and personality, which allows her to interact with patients. Fariba has a unique gift making patients feel comfortable in a dentist chair, not an easy task. She has the knowledge and competence to disseminate information that benefits both Dr. Smith and patients.

There are times I feel she could substitute for Dr. Smith 'in a pinch.'

Fariba is a multitask, conscientious professional. In addition to working side by side with Dr. Smith during all procedures, she also regulates book keeping, schedules patients, answers all phone calls and more. I have never known Fariba to miss a day's work, always very punctual.

I selfishly want Fariba to continue as an RDAEF, but I respectfully support her endeavors to move forward.

Sincerely yours,

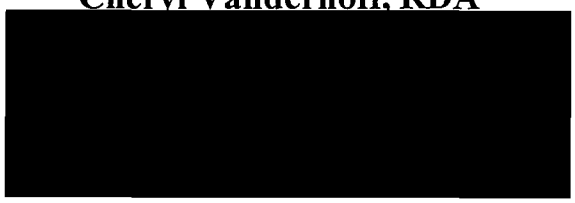
Fred Oppezzo

Patient with Dr. Smith since 1989

[redacted]

# VANDERHOFF

**Cheryl Vanderhoff, RDA**



## CAREER PROFILE

I am competent and results-driven professional with over 22 years of experience.

Expertise includes: oral health presentations; referral-patient relations; dental office front/back operations; California Department of Correction and Rehabilitation chairside/office technician operations; time management; accounting record/log administration.

Excellent interpersonal communicating, listening and negotiating skills coupled with the ability to establish and maintain rapport with fellow staff, specialist, laboratory technicians, and patients.

**People Orientated * Service Orientated**

## PROFFESSIONAL EXPERIENCE

**2008-Present** Region ll QMAT/Program Support Team Under the supervision of Regional Dental Director, Inmate Dental Services Program, Division of Correctional Health Care Services (DCHCS), the Dental Assistant, CF, Program Support Team, assists in the development of quality assessment and review tools and design specialized surveys to evaluate compliance with the Inmate Dental Services Program (IDSP) Policy and Procedures (P&Ps).

## DUTIES:

**30%** Assist the Program Support Team in the development of assessment tools and in the performance of onsite dental health care program monitoring and assessments related to the dental assistant's roles and functions. Participate in reviews of the Unit Health Record, observation of implemented systems, interviews with staff and patients, and reviews of Proof of Practice materials. Assist in the

briefings to custodial and non-custodial staff of review findings and in the preparation of written reports that summarize findings via appropriate assessment/survey tools.

**25%** Assist in the development of assessment tools to evaluate the quality of dental services related to the Dental Assistant's functions and duties in clinics. Assist in the development of clinical dental outcome measures. Conduct surveys to evaluate areas such as the chairside Dental Assistant's role; Infection Control Procedures; Radiographic Procedures; operatory set-up and breakdown; operatory flow; needles, sharps and tool control; dosimetry; sterilization process; handling of hazardous materials; record-keeping; and patient processing.

**20%** Assist institution clinical and non-clinical staff in establishing an effective Quality Management System that continuously evaluates and improves the Dental Program services especially those areas where dental assistants are directly involved in. Provide technical assistance to dental field staff in setting up data collection, analysis, and reporting mechanisms, performing periodic self-audits, and developing Quality Improvement Plans as it relates to the dental assistant's duties and functions. Assist dental field staff in the appropriate maintenance of Proof of Practice documents related to the dental assistant's duties and functions.

**10%** Assist in the development of training programs for custodial and non-custodial staff, the preparation of lesson plans, and the creation of training materials as it relates to the dental assistant's role and functions. Deliver on-site training as needed in conjunction with the Training Unit. The training will primarily include clinical and non-clinical duties and functions of the dental assistant as well as the IDSP&P.

**10%** Provides clinical duties as a dental assistant to institutions as needed during dental assistant staff shortages. The clinical duties shall be in accordance with the duties and functions as a dental assistant under the Committee on Dental Auxiliaries.

**5%** Participate in the committees, subcommittees, and Quality Improvement Teams that comprise the headquarter's performance management system. Provide input to administrators at the DCHCS on ways to improve Dental Assistant's roles and functions. Attend In-Service Training sessions and continuing education classes, where appropriate, and maintain appropriate licensures and Cardiopulmonary Resuscitation certification. Attend staff meetings.

**2009 July-Sept.** VSPW Special Assignment, Chairside Assistant Reception Center
Instructor; Training for Trainers Certified
Instructor; Interim Dental Tracking Database
Instructor; Self-Care

**2001-2007** Gregory B Halls DMD, Visalia, Ca.
Performed a diverse range of responsibilities to include, but not limited to: fourhanded Dentistry; x-rays; inventory control; scheduling appointments/time management. Developed comprehensive treatment plans with dentist and assisted with denture set-ups. Provide consistent follow-up of patients and specialists.
I served as insurance coordinator, assisting patients with billing and questions.

**1996-2001** Self Employed Hairstylist
I have developed strong client relationships; excellent communication skills as well as listening skills. ,.
I am recognized for high volume selling of hair and skincare products. I have a vast knowledge of all products.

**1990-1996** Heather Edwards DDS, Visalia Similar responsibilities held with Dr. Gregory B. Halls.
EDUCATION GALEN COLLEGE Visalia, California

**Registered Dental Assistant (RDA) certification**
ESTES' INSTITUTE OF COSMETOLGY Visalia, California

**State Certified Cosmetologist**
Continuing Education/Specialized Training: 20 plus hours a year of specialized training for the dental field. 15 hours of extended training for cosmetology field. Numerous ongoing courses, seminars and workshops including: Communicating with your team, Coach your team, mentoring your team to meet / exceed practice goals.
**References Available upon Request**

# WALTERS

# DIANE WALTERS

[redacted]

## WORK EXPERIENCE

Pacific Dental Services / Beaumont Smiles Dental Group, Beaumont,

*RDAEF/ Lead Assitant, Jul 2005 – present*

- I am in charge of all supplies and budget concerning the clinical part of the practice
- I supervise all assistants, their schedules and time off requests
- I work with all Doctors as a clinical expert with my expanded functions license

Dental associates of Moreno Valley, Moreno Valley,

*Rda, Apr 2000 – Jul 2005*

- Prepare patient, sterilize or disinfect instruments, set up instrument trays, prepare materials, or assist dentist during dental procedures.
- Expose dental diagnostic x-rays.
- Record treatment information in patient records.
- Provide postoperative instructions prescribed by dentist.
- Assist dentist in management of medical or dental emergencies.
- Take and record medical and dental histories and vital signs of patients.
- Instruct patients in oral hygiene and plaque control programs.
- Order and monitor dental supplies and equipment inventory.
- Clean and polish removable appliances.
- Make preliminary impressions for study casts and occlusal registrations for mounting study casts.
- Schedule appointments, prepare bills and receive payment for dental services, complete insurance forms, and maintain records, manually or using computer.
- Clean teeth, using dental instruments.
- Fabricate and fit orthodontic appliances and materials for patients, such as retainers, wires, or bands.
- Fabricate temporary restorations or custom impressions from preliminary impressions.
- Pour, trim, and polish study casts.
- Apply protective coating of fluoride to teeth.

- Prepare patient, sterilize or disinfect instruments, set up instrument trays, prepare materials, or assist dentist during dental procedures.
- Expose dental diagnostic x-rays.
- Record treatment information in patient records.
- Provide postoperative instructions prescribed by dentist.
- Assist dentist in management of medical or dental emergencies.
- Take and record medical and dental histories and vital signs of patients.
- Instruct patients in oral hygiene and plaque control programs.
- Clean and polish removable appliances.
- Make preliminary impressions for study casts and occlusal registrations for mounting study casts.

- Clean teeth, using dental instruments.
- Schedule appointments, prepare bills and receive payment for dental services, complete insurance forms, and maintain records, manually or using computer.
- Prepare patient, sterilize or disinfect instruments, set up instrument trays, prepare materials, or assist dentist during dental procedures.

Banning Family Dentistry, Banning,
*RDA, Aug 1995 – Apr 2005*

- Please see prior responsibilities

## EDUCATION

Eisenhower high school, Rialto ,

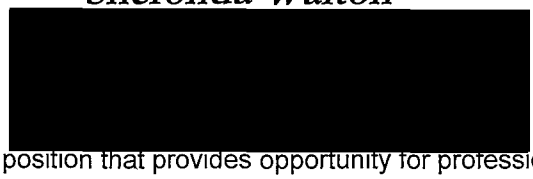
- Concorde Dental Assisting Program in 1995
- UCLA School of Dentistry RDAEF Program 2003

## ADDITIONAL SKILLS

- I have been with the Dental Board of Ca. as an Examiner since 2005

# WALTON

# *Sheronda Walton*



***Objective:*** Obtain a challenging position that provides opportunity for professional Development.

***Work Experience:***
***April to present***
***LA County Sheriff Department***

*Chair side assistant – utilizing four-handed dentistry, patient care, operatory preparation; Radiography techniques – take & develop diagnostic film, mount x-rays prepare & mix various agents material*
*Clean and Sterilizes instruments, run spore test weekly, maintain equipment used for dental treatments*
*Administration – limited supervision computer interface, inventory management*
*Schedules appointments, maintains follow-up call lists*
*Take blood pressure and assist patients with completing dental histories*
*Dental Statistics Weekly/monthly*

**Dental Assistant II / Lead** **February 2003 to April**
**Department of Advanced Periodontology**

- Coordinate periodontal faculty and resident in an educational clinic
- Responsible for all data entry of implants and research studies cases
- Assist residents in implants,bone graft sinus lift surgeries & general clinic
- Maintain an infection control clinic and maintenance of all operatories
- Responsible for training staff & Residents on proper usage of equipment
- Responsible for instructing 3rd dental students on perio block rotation
- Responsible for all inventory for implants and clinical supplies.
- Auditing chart records according to quality assurance guidelines
- Proficient in various types of implants systems
- Liaison to major implant/surgical companies

***Dental Assistant II / Supervisor*** **July 1990 to Feb 2003**
***Department Dental Medicine & Public Health***
***Special Patients Clinic***

- Coordinate pre doctoral students with patients
- Assist chair side utilizing four handed dentistry
- Responsible for patient follow up care & recall appointment
- Maintain an infection control clinic and maintenance of all operatories
- Radiography techniques-take & develop diagnostic film
- preliminary impressions, pour & trim models; preparation & mixture of various agents
- Responsible for all Inventory & clinic supplies
- Instruct pre doctoral on use of equipment & time management
- Instrument sterilization
- Auditing records according to quality assurance guidelines
- 
- responsibilities including computer data entry, insurance billing

***Educational Background:***

Registered Dental Assistant – Certified since 1985
Los Angeles City College, Los Angeles
Coronal Polishing Certification
Radiology Certification
L.A. High School - Graduated with High School Diploma

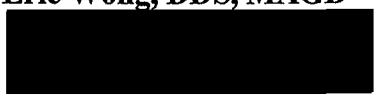
***Other Skills & Certification:***

Aids Education & Training Center for
Southern California Dental Professionals
Computer-Windows NT (PC); Internet
Knowledgeable Insurance Dental Billing (Denti-Cal & all others)
Experienced Dental State Board Assistant for candidate licensing.
State Board Examiner for R D A"s
CPR Certification Current
Hippaa Education Certificate

***References available upon request.***

# WONG

**CURRICULUM VITAE**
**Eric Wong, DDS, MAGD**



Marital Status: Married

## EDUCATION

| | |
|---|---|
| 7/1988 – 7/1989 | General Dentistry Post-Graduate (A.C.E. Residency Program), University of the Pacific School of Dentistry, Sacramento, CA. |
| 7/1985 – 7/1988 | University of the Pacific School of Dentistry, Major: Dentistry, Degree/Date: D.D.S., attained on June 15, 1988. |
| 8/1982 – 6/1984 | University of the Pacific, Stockton, CA, Graduate Research Program in Biological Sciences. |
| 8/1979 – 6/1982 | University of the Pacific, Stockton, CA, Major: Biological Sciences, Degree/Date: B.A., May 1982. |

## WORK EXPERIENCE

| | |
|---|---|
| 12/2013 – present | Institute of Technology Advisory Committee, Citrus Heights, California. |
| 8/2013 – present | Consultant to the California Dental Board RDA Examinations. |
| 1/2013 | Provided training for new employee at the Dental Board of California Enforcement Unit. |
| 4/2012 – present | California Forensic Medical Group dentist part-time Yolo County Jail. |
| 1/2012 | Lectured for the Northern California Academy of General Dentistry at Monterey, California. The topic was "Success with Restorative Materials." |
| 12/ 2011 – present | Prepared the Class III composite preparation for Kilgore typodont #6 for California Dental Board RDAEF Examinations. |
| 11/2011 – present | Dental Board Expert, Dental Board of California Enforcement Unit (Supervisors, April Alameda, and Nancy Butler). |
| 6/2011 – present | Academy of General Dentistry appointment to national PACE Council. |
| 6/2009 – present | Union Steward,Union of American Physicians and Dentists, California State Prison at Solano, Bargaining Unit 16. |
| 11/2007 – present | Dentist, CF, CSP Solano. |

| | |
|---|---|
| 1/2007 -1/2008 | Served as President of the California Academy of General Dentistry. |
| 1/2006 – 2/2206 | Helped create test questions for the California Dental Board Law and Ethics Written Examination. |
| 11/2004 | Lectured for Sacramento Sierra Academy of General Dentistry at Stockton, California. The topic was "Denture Duplication". |
| 1/2004 – present | Western Career College Advisory Committee for Dental Hygiene Program. |
| 1/2002 – present | Expert Dental Examiner, Board of Consumer Affairs (Supervisor: Dr. Coragene Savio). |
| 1/2002 – 12/2007 | Full-time private practice at 2605 Eastern Ave., Suite 2, Sacramento, CA 95821. |
| 1/2004 – present | Appointed to Committee of Dental Auxiliaries as Examiner RDAEF. |
| 1/1998 – 1/2002 | Western Career College Advisory Committee for Dental Assisting Program, Coronal Polish Certification Examiner. |
| 5/1991 – 12/2001 | Full-time private practice at **9121** Folsom Blvd., Suite A, Sacramento, CA. |
| 5/1991 | Signed charter to start High Tech Institute Dental Assisting School. |
| 1/1990 – 4/1991 | Part-time general dentistry in a clinical setting at Agricultural Workers Health Center, Supervisor, Dr. Callin Lee, Stockton, CA[redacted] |
| 12/1989 – 12/1990 | Full-time private practice general dentistry at March Lane Dental Care for Charles Feldman, D.D.S., in Stockton, CA[redacted] |

## PROFESSIONAL ORGANIZATIONS

Academy of Dentistry International (ADI)

Academy of General Dentistry, Appointed PACE Council Chair July, 2014.AGD PACE Council 2011 – present; AGD Delegate 2002 – present; Past- President CAGD, 2006; MVP Task Force, 2006, 2005. California AGD Treasurer, 2003 - 2004; Vice President California AGD, 2005; AGD Reference Committee on Dental Education & AGD 2010 Annual Meeting 2005; AGD Reference Committee on Advocacy and Bylaws Annual Meeting 2006; President of Sacramento-Sierra AGD 2003; Vice President SSAGD, 2002 – 2003; SSAGD Board Member, 1999 – present.

American College of Dentists

American Dental Association (1989 – 2012)

California Dental Association (1989 – 2012)

Sacramento District Dental Society (1989 – 2012)

## LEADERSHIP

AGD PACE Council Chair, July 2014 to present.

Leadership Conferences (AGD): Chicago, IL, November 2002; Chicago, IL, November 2006; Austin, TX, November 2007; Chicago, IL, November 2012.

California Dental Association – Interdisciplinary Affairs Committee (appointed by CDA President to represent General Dentistry), 2007, 2008.

A Great Dentist Goes to Washington (D.C.): Legislative Advocacy Conference, January 2013.

## VOLUNTEER WORK

Coalition of Concerned Medical Professionals (teaching people about oral hygiene once a month), 2008.

Coordinator of SSAGD Mouth Guard Clinic Program for High School Athletics, 2002.

Smile for Kids' Sake (SDDS), 2006.

Smile Line (AGD), 2005.

## AWARDS

Mastership, Academy of General Dentistry, 2007.

Fellowship, Academy of General Dentistry, 2003.

Fellowship, American College of Dentists, 2007.

Fellowship, ADI, 2004.

## ARTICLES

GP News, "AGD Wants You," May/June 2005.

GP News, "Mentoring: A Story of Inspiration, Experience and Rewards," March 2004.

GP News, "The Value of Excellence in Dental Assisting," January 2005.

Nugget: A Publication of the Sacramento District Dental Society, "Look Before You Leap," December 2004.

Nugget: A Publication of the Sacramento District Dental Society, "My AGD Experiences,"

## LECTURE EXPERIENCE

Study Club Lecture/Moderator: Sacramento Sierra AGD Dinner Meeting, March 15, 2007.

Study Club Lecture/Moderator: Sacramento Sierra AGD Dinner Meeting, June 14, 2007.

Annual Meeting Sacramento Sierra AGD: Temporary Fabrication with Revotek LC, November 12, 2005.

Annual Meeting Sacramento Sierra AGD: Denture Duplication Using the Lang Denture Duplicator, December 11, 2004.

## LICENSES

State of California Dental License, Current

DEA License, Current

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Dental Assisting Council<br>Dental Board of California |
| **FROM** | Sarah Wallace, Assistant Executive Officer |
| **SUBJECT** | **DAC 12:** Discussion and Possible Action Regarding Content of the Registered Dental Assistant in Extended Functions Restorative Examination Pursuant to Business and Professions Code Section 1753.4(b) |

**Background:**

The Dental Board of California (Board) received a request from Joan Greenfield, RDAEF, MS, that the Dental Assisting Council (Council) consider changing the content of the Registered Dental Assistant in Extended Functions (RDAEF) restorative examination from a posterior amalgam restoration to a posterior composite restoration to provide consistency with procedures that are being performed in offices.

Business and Professions Code Section 1753.4 states:

> On and after January 1, 2010, each applicant for licensure as a registered dental assistant in extended functions shall successfully complete an examination consisting of the procedures described in subdivisions (a) and (b). On and after January 1, 2010, each person who holds a current and active registered dental assistant in extended functions license issued prior to January 1, 2010, who wishes to perform the duties specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of subdivision (b) of Section 1753.5, shall successfully complete an examination consisting of the procedures described in subdivision (b). The specific procedures shall be assigned by the board, after considering recommendations of its Dental Assisting Council, and shall be graded by examiners appointed by the board. Each applicant shall furnish the required materials necessary to complete the examination.
>
> (a) Successful completion of the following two procedures on a patient provided by the applicant. The prepared tooth, prior to preparation, shall have had mesial and distal contact. The preparation performed shall have margins at or below the free gingival crest and shall be one of the following: $^{7}/_{8}$ crown, $^{3}/_{4}$ crown, or full crown, including porcelain fused to metal. Alginate impression materials alone shall not be acceptable:

(1) Cord retraction of gingiva for impression procedures.
(2) Take a final impression for a permanent indirect restoration.

(b) Successful completion of two of the following procedures on a simulated patient head mounted in appropriate position and accommodating an articulated typodont in an enclosed intraoral environment, or mounted on a dental chair in a dental operatory:

(1) Place, condense, and carve an amalgam restoration.
(2) Place and contour a nonmetallic direct restoration.
(3) Polish and contour an existing amalgam restoration.

The Board currently tests the following procedures on the simulated patient head: (1) place, condense, and carve an amalgam restoration; and (2) place and contour a nonmetallic direct restoration. Of these, procedure (1) is tested on a posterior tooth using amalgam, pursuant to the requirements of Business and Professions Code Section 1753.4(b)((1); and, procedure (2) is currently tested on an anterior tooth utilizing composite material.

**Action Requested:**

Staff requests that the Council discuss consideration of the request that the content of the RDAEF examination be changed from including a posterior amalgam restoration to a posterior composite restoration.

If the Council determines that consideration be granted to the request, the Council may make a recommendation to the Board that a statutory change be considered to amend Business and Professions Code Section 1753.4 to permit the restorative examination procedure to be performed on a posterior composite restoration rather than a posterior amalgam restoration.

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 15, 2014 |
| **TO** | Dental Assisting Council<br>Dental Board of California |
| **FROM** | Sarah Wallace, Assistant Executive Officer |
| **SUBJECT** | **DAC 13:** Update on the 2015 Registered Dental Assistant in Extended Functions (RDAEF) Examination Dates |

**Background:**
Pursuant to Business and Professions Code Section 1753.4, applicants for licensure as a registered dental assistant in extended functions (RDAEF) are required to successfully complete an examination consisting of specified procedures. Board staff has identified and contacted potential facilities for the 2015 RDAEF examinations to begin the contracting process. At this time, staff does not have confirmed dates or locations, but is actively working to confirm the 2015 RDAEF examination schedule. Once dates are confirmed, the schedule will be posted on the Board's web site and an email will be sent to those who are registered on the Board's email distribution list.

At this time, staff is able to share the following months and geographic locations under consideration for the administration of the 2015 RDAEF examinations; however, please note that these dates and locations are proposed and are subject to change:

| Date: | Location: |
|---|---|
| January 2015 | Los Angeles, CA |
| March 2015 | Sacramento, CA |
| May 2015 | Sacramento, CA |
| July 2015 | San Francisco, CA |
| October 2015 | Los Angeles, CA |

**Action Requested:**
No action necessary.

# FULL BOARD RECONVENES

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 14, 2014 |
| **TO** | Dental Board of California |
| **FROM** | Linda Byers, Executive Assistant |
| **SUBJECT** | **Agenda Item 7:** Discussion and Possible Action Regarding 2015 Board Meeting Dates |

The Board will need to set the 2015 meeting schedule in order for Board members to plan accordingly and enable staff ample time to negotiate contracts for future meeting space locations. A 2015 calendar is attached for your reference.

Pursuant to Business and Professions Code, Section 1607, the Board shall meet regularly once each year in San Francisco and once each year in Los Angeles and at such other times and places as the Board may designate, for the purpose of transacting its business. Historically, the Board meets quarterly.

Staff has taken into account holidays, association meetings and legislative and legal deadlines.

As such, the following are dates for your consideration:

| FEBRUARY | MAY |
|---|---|
| Thursday-Friday<br>February 19-20<br>26-27 | Thursday-Friday<br>May 14-15<br>21-22<br>28-29 |
| **AUGUST** | **NOVEMBER/DECEMBER** |
| Thursday-Friday<br>August 6-7<br>13-14<br>27-28 | Thursday-Friday<br>November 19-20<br>December 3-4 |

# JANUARY 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | | | | 1 New Year's Day | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 MLK Day | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

# FEBRUARY 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| 1 Superbowl Sunday | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 Valentine's Day |
| 15 | 16 President's Day | 17 | 18 | 19* | 20* | 21 |
| 22 | 23 | 24 | 25 | 26* | 27* | 28 |
| | | | | | | |

# MARCH 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 ADEA Annual Session |
| 8 ADEA Annual Session | 9 ADEA Annual Session | 10 ADEA Annual Session | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 CDA Cares Sacramento | 28 CDA Cares Sacramento |
| 29 CDA Cares Sacramento | 30 | 31 | | | | |

# APRIL 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 |
| 5<br>Easter | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17<br>CADAT Annual Conference | 18<br>CADAT Annual Conference |
| 19<br>CADAT Annual Conference | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30<br>CDA Presents Anaheim | | |

# MAY 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | | | | | 1<br>CDA Presents Anaheim | 2<br>CDA Presents Anaheim |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10<br>Mother's Day | 11 | 12 | 13 | 14* | 15* | 16 |
| 17 | 18 | 19 | 20 | 21* | 22* | 23 |
| 24 31 | 25<br>Memorial Day | 26 | 27 | 28* | 29* | 30 |

# JUNE 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 ADEA Dental Prog. Dir. Conf. |
| 7 ADEA Dental Prog. Dir. Conf. | 8 ADEA Dental Prog. Dir. Conf. | 9 ADEA Summer Session | 10 ADEA Summer Session | 11 ADEA Summer Session | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 AGD Annual Mtg. San Francisco | 19 AGD Annual Mtg. San Francisco | 20 AGD Annual Mtg. San Francisco |
| 21<br>Father's Day | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

# JULY 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4<br>Independence Day |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

# AUGUST 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6* | 7* | 8 |
| 9 | 10 | 11 | 12 | 13* | 14* | 15 |
| 16 | 17 | 18 | 19 | 20<br>CDA Presents San Francisco | 21<br>CDA Presents San Francisco | 22<br>CDA Presents San Francisco |
| 23 30 | 24 31 | 25 | 26 | 27* | 28* | 29 |

# SEPTEMBER 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7<br>Labor Day | 8 | 9 | 10 | 11 | 12<br>World Oral Health Day |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |

# OCTOBER 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16<br>CDA House of Delegates | 17<br>CDA House of Delegates |
| 18<br>CDA House of Delegates | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31<br>Halloween |

# NOVEMBER 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5<br>ADA Annual Session | 6<br>ADA Annual Session | 7<br>ADA Annual Session |
| 8<br>ADA Annual Session | 9 | 10 | 11<br>Veteran's Day | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19* | 20* | 21 |
| 22 | 23 | 24 | 25 | 26<br>Thanksgiving Day | 27 | 28 |
| 29 | 30 | | | | | |

# DECEMBER 2015

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3* | 4* | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25<br>Christmas | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

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# MEMORANDUM

| | |
|---|---|
| **DATE** | August 18, 2014 |
| **TO** | Dental Board Members |
| **FROM** | Michael Placencia, Legislative & Regulatory Analyst |
| **SUBJECT** | **Agenda Item 8:** Discussion and Possible Action Regarding Fiscal Year 2014-15 Regulatory Priorities |

**Background:**

At the beginning of each Fiscal Year (FY), staff requests the Dental Board of California (Board) set its priorities for the promulgation of new regulatory proposals for the duration of the year so that staff may manage the workload associated with meeting the Board's goals accordingly. In 2013, the Board set the following priorities, in priority order, for FY 2013-14:

(1) Dentistry Fee Increase (Cal. Code of Regs., Title 16, Section 1021)
(2) Portfolio Examination Requirements (Cal. Code of Regs., Title 16, Section 1028 to 1039)
(3) Uniform Standards for Substance Abusing Licensees (Cal. Code of Regs., Title 16, Sections 1018 and 1018.01)
(4) Abandonment of Applications (Cal. Code of Regs., Title 16, Section 1004)
(5) Licensure by Credential Application Requirements (New Regulation)
(6) Dental Assisting Educational Program and Course Requirements

Over the last year, the Board and staff have been working diligently to ensure that the regulatory proposals move forward to maintain maximum public protection. In addition to the regulatory priorities established for FY 2013-14, regulatory proposals from priorities established for FY 2012-13 were completed. The following is a list of regulatory proposals that staff has been working on over the last year:

(1) Dentistry Fee Increase (Cal. Code of Regs., Title 16, Section 1021):
The Board's *Dentistry Fee Increase* rulemaking amended California Code of Regulations, Title 16, Section 1021 to increase the fees associated with the initial licensure as well as the biennial renewal of licensure for dentists. The fees were increased from $365 to $450, which is the statutory cap for these fees. This rulemaking was approved by the Office of Administrative Law (OAL) on February 19, 2014 and became effective on July 1, 2014. **Status: Complete**

(2) Portfolio Examination Requirements (Cal. Code of Regs., Title16, Sections 1028 to1039):

The Board's rulemaking entitled *Portfolio Examination Requirements* was proposed to implement the requirements of the Board's portfolio examination as a new pathway to dental licensure in California.

At its August 2013 meeting, the Dental Board of California (Board) approved proposed regulatory language relative to the Portfolio Examination Requirements and directed staff to initiate the rulemaking. Board staff filed the initial rulemaking documents with the Office of Administrative Law (OAL) on Tuesday, October 29th and the proposal was published in the California Regulatory Notice Register on Friday, November 8, 2013. The 45-day public comment period began on Friday, November 8, 2013 and ended on Monday, December 23, 2013. The Board held a regulatory hearing in Sacramento on Monday, January 6, 2014.

At its February 27, 2014 meeting, the Board considered comments received during the 45-day public comment period and voted to modify the text in response to some of the comments. The Board directed staff to notice the modified text for 15-day public comment, which included the amendments discussed at the meeting. If after the 15-day public comment period no adverse comments were received, the Executive Officer was further authorized to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopted the proposed amendments as noticed in the modified text.

The Notice of Modified Text and Documents Added to the Rulemaking File, Modified Text, and documents added to the file were noticed on the Board's web site and mailed to interested parties on March 3, 2014. The 15-day public comment period began on March 4, 2014 and ended on March 18, 2014. The following documents were noticed as being added to the rulemaking file and were made available to the public:

1. "Application for Licensure to Practice Dentistry (WREB)" Form 33A-22W (Revised 11/06)

2. "Certification of Successful Completion of Remedial Education Requirements for Re-Examination Eligibility" (Form Rev. 1).

The Board did not receive comments in response to the modified text. Since there were no comments received in response to the modified text, the Board adopted the final text as noticed in the modified text at its February 27, 2014 meeting.

Staff submitted the final rulemaking file to the Department of Consumer Affairs (Department) on March 24, 2014. Final rulemaking files are required to be approved by the Director of the Department, the Secretary of the Business, Consumer Services, and Housing Agency (Agency) and the Director of the Department of Finance (Finance). Once approval signatures are obtained, the final rulemaking file will be submitted to the OAL. The OAL will have thirty (30)

working days to review the file. Once approved, the rulemaking will be filed with the Secretary of State.

The rulemaking file is currently pending Agency review and approval. Due to the importance of this rulemaking, staff has requested that this proposal become effective upon filing with the Secretary of State. The deadline to submit the final rulemaking file to the Office of Administrative Law for review and determination of approval is November 7, 2014. **Status: Pending Review by Agency**

(3) Uniform Standards for Substance Abusing Licensees (Cal. Code of Regs., Title 16, Sections 1018 and 1018.01):
The Board's *Uniform Standards for Substance Abusing Licensees* implemented Senate Bill 1441 (Chapter 548, Statutes of 2008) by adopting Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders. These standards will be used by Administrative Law Judges in licensee disciplinary proceedings after a licensee has been determined to be abusing substances. This rulemaking was approved by the OAL on January 7, 2014 and became effective on April 1, 2014. **Status: Complete**

(4) Abandonment of Application Requirements (California Code of Regulations, Title 16, Section 1004):
At its May 18, 2012 meeting, the Board discussed and approved proposed regulatory language relative to the abandonment of applications and the splitting of the RDAEF exam for re-examination candidates. The Board directed staff to initiate a rulemaking. **Status: Pending initial rulemaking documents filing.**

(5) Licensure by Credential Application Requirements
Board staff has been meeting to discuss necessary provisions to include in the regulatory proposal relative to licensure by credential application requirements. Proposed language will be considered by the Board's Licensing, Certification, and Permits Committee at its August meeting. **Status: Pending Board action to initiate a rulemaking.**

(6) Dental Assisting Educational Program and Course Requirements (California Code of Regulations, Title 16, Division 10, Chapter 3, Article 2)
The Dental Assisting Council held its first regulatory development workshop on December 12, 2013. The Dental Assisting Council will continue to hold regulatory development workshops throughout 2014.

In addition to these six packages, the Board directed staff to initiate the following rulemakings during FY 2013-14:

(1) Revocation for Sexual Misconduct (California Code of Regulations, Title 16 Section 1018):
Board staff filed the initial rulemaking documents with the Office of Administrative Law on March 18th, 2014 and the proposal was published in the California Regulatory Notice Registry on Friday, March 28, 2014. The 45-day public comment period began on Friday, March 28, 2014 and ended on Monday May 12, 2014. Staff received written comments from the California Dental Association and the Board accepted staff recommendation at its May 2014 meeting and to

adopt the final text as noticed and directed staff to take all steps necessary to complete the rulemaking process. The final rulemaking file was submitted to the Department of Consumer Affairs in June 2014. **Status: Pending Review by Agency**

(2) Delegation of Authority to the Board's Executive Officer (California Code of Regulations, Title 16 Section 1001 of Division 10)
At its May 29, 2014 meeting, the Board discussed and approved proposed regulatory language relative to delegation of authority to the Board's Executive Officer for stipulated settlements to revoke or surrender a license. Board staff anticipates the initial rulemaking file will be submitted to the OAL by the end of August 2014 and the proposal will be published in the California Regulatory Notice Register in September 2014. **Status: Pending initial rulemaking documents filing.**

Board staff maintains a list of needed regulations for the Board to consider when prioritizing regulatory proposals each fiscal year. This list includes regulatory proposals that would not need legislative amendments prior to promulgation. The following is a list of needed regulatory proposals for the Board's consideration; a complete listing with summaries may be found in Attachment 1:

- Continuing Education Requirements (Cal. Code of Regs., Title 16, Sections 1016 and 1017) (This would also include Basic Life Support course equivalency standards.)
- Mobile and Portable Dental Unit Registration Requirements (Cal. Code of Regs., Title 16, Section 1049)
- Elective Facial Cosmetic Surgery Permit Application and Renewal Requirements (New Regulation)
- Change of Address Requirements (New Regulation)
- Retention of Inactive Patient Dental Records (New Regulation)
- Oral Conscious Sedation Forms (CCR, Title 16, §§ 1044.1, 1044.3(c), and 1044.4(a))

Additionally, Dental Assisting Council (Council) will be providing recommendations to the Board regarding needed dental assisting regulations for the Board's consideration when prioritizing the regulatory proposals for the fiscal year.

- Dental Assisting Educational Programs and Courses, including:
    - General Provisions Governing All Dental Assistant Educational Programs and Courses (Cal. Code of Regs., Title 16, Section 1070);
    - Educational Program and Course Definitions and Instructor Ratios (Cal. Code of Regs., Title 16, Section 1070.1);
      Approval of Registered Dental Assistant Educational Programs (Cal. Code of Regs., Title 16, Section 1070.2);
    - Approval of Pit and Fissure Sealant Courses (Cal. Code of Regs., Title 16, Section 1070.3);
    - Approval of Coronal Polishing Courses (Cal. Code of Regs., Title 16, Section 1070.4);

- Approval of Ultrasonic Scaling Courses (Cal. Code of Regs., Title 16, Section 1070.5);
- Approval of Infection Control Courses (Cal. Code of Regs., Title 16, Section 1070.6);
- Approval of Orthodontic Assistant Permit Courses (Cal Code of Regs., Title 16, Section 1070.7);
- Approval of Dental Sedation Assistant Permit Courses (Cal Code of Regs., Title 16, Section 1070.8);
- Radiation Safety Course Requirements (Cal. Code of Regs., Title 16, Section 1014 and 1014.1
- Approval of Registered Dental Assistant in Extended Functions (RDAEF) Educational Programs (Cal. Code of Regs., Title 16, Section 1071); and
- Educational Methodology Course Requirements (New Regulation).

- Dental Assisting Program Application and Examination Requirements, including:
  - General Application Requirements (Cal. Code of Regs., Title 16, Section 1076)
  - RDA Applications (Cal. Code of Regs., Title 16, Section 1077)
  - RDAEF Applications (Cal. Code of Regs., Title 16, Section 1077.1)
  - General Procedures for Dental Auxiliary Written and Practical Examinations (Cal. Code of Regs., Title 16, Section 1080)
  - General Procedures for Dental Auxiliary Clinical Examinations (Cal. Code of Regs., Title 16, Section 1080.1)
  - Conduct of Dental Auxiliary Examinations (Cal. Code of Regs., Title 16, Section 1080.2)
  - Dental Auxiliary Licensure Examination Review Procedures; Appeals (Cal. Code of Regs., Title 16, Section 1080.3)
  - RDA Examination (Cal. Code of Regs., Title 16, Section 1081)
  - RDA Practical Examination-Requirements (Cal. Code of Regs., Title 16, Section 1081.1)
  - RDAEF Examination Requirements (Cal. Code of Regs., Title 16, Section 1081.2)
  - Passing Scores (Cal. Code of Regs., Title 16, Section 1083)
  - Orthodontic Assistant Application, Examination and Renewal Requirements (New Regulation)
  - Dental Sedation Assistant Application, Examination and Renewal Requirements (New Regulation)
  - Establish Minimum Criteria for Non-Board Approved Programs for RDA Application Qualification per Business and Professions Code Section 1752.1(c) (New Regulation)
  - Equivalency Standards for CPR Courses (New Regulation)

- Dental Assisting Program Duties and Settings, including:
  - Dental Assistant Duties and Settings (Cal. Code of Regs., Title 16, Section 1085)
  - RDA Duties and Settings (Cal. Code of Regs., Title 16, Section 1086)
  - RDAEF Duties and Settings (Cal. Code of Regs., Title 16, Section 1087)

**Action Requested:**
Staff requests the Board review the list of needed regulatory proposals rulemakings and consider the Council's recommendation related to needed dental assisting regulations, and establish a priority list to assist staff with determining workload for FY 2014-15.

## ATTACHMENT 1

Board staff has identified several regulations that need to be added or require updating. Staff requests the Board review the following subject matters that require rulemakings, and establish a priority list to assist staff with determining workload for FY 2013/2014:

**Needed Regulations:**

- **Continuing Education Requirements (Cal. Code of Regs., Title 16, §§1016-1017):** In March 2013, the Board's Executive Officer received a letter from Mr. Ralph Shenefelt, Senior Vice President of the Health and Safety Institute, petitioning the Board to amend California Code of Regulations, Title 16, Sections 1016(b)(1)(C) and 1017(d) such that a Basic Life Support (BLS) certification issued by the American Safety and Health Institute (ASHI), which is a brand of the Health and Safety Institute, would satisfy the mandatory BLS certification requirement for license renewal, and the required advanced cardiac life support course required for the renewal of a general anesthesia permit. Additionally, the letter requested an amendment to Section 1017(d) to specify that an advanced cardiac life support course which is approved by the American Heart Association or the ASHI include an examination on the materials presented in the course or any other advanced cardiac life support course which is identical in all respects, except for the omission of materials that relate solely to hospital emergencies or neonatology, to the most recent "American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" published by the American Heart Association. As it relates to active-retired dentists, AB 836 (Skinner Chapter 299, statutes of 2013) restricted the continuing education requirement hours for active-retired dentists who provide only uncompensated care at a maximum of 60% of that required for non-retired active dentists, and requires the Board to report on the status of retired active dentists who provide only uncompensated care during its next sunset report.

- **Mobile and Portable Dental Units (CA SB 562 (Galgiani) Statutes of 2013)** Regulations are necessary to interpret and specify the provisions contained within Business and Professions Code 1657. This bill required the Board to develop registration and operating regulations for mobile dental units and dental practices that routinely use portable dental units, and deletes restrictions limiting dentists to operating only one mobile dental clinic.

- **Elective Facial Cosmetic Surgery Permit Requirements (New Regulation)** – Regulations are necessary to interpret and specify the provisions contained in Business and Professions Code Section 1638.1 relating to the application and approval process requirements for the issuance of an Elective Facial Cosmetic Surgery permit.

- **Change of Address Requirements (New Regulation)** – The Board may wish to consider a new regulation to incorporate the Board's Address Change form and require notarization of address changes, at least for dentists, per the suggestion of the Board's Enforcement Unit Investigators and Enforcement

Chief. Legal counsel advised staff to not accept change of address requests by phone, but only accept it in. In order to require the licensees to use a specific form or notarize it, it has to be in regulation, "*incorporated by reference*," to make it legally enforceable. This may, also, be an opportunity to mirror the Dental Hygiene Committee of California's statute, Business and Professions Code Section 1934 requiring that, "*A licensee who changes his or her address of record shall notify the committee within 30 days of the change."*

- **Retention of Inactive Patient Dental Records (New Regulation)** – At the May 2011 meeting, Dr. Morrow and Dr. Olinger, appointed a subcommittee, recommended the Board complete a rulemaking to institute a requirement that inactive patient records be retained for at least seven years from the date of an adult patient's last visit and that dental records of an un-emancipated minor must be maintained for at least one year after the minor has reached age seventeen but not less than seven years from the date of the patient's last visit.

- **Oral Conscious Sedation Forms (CCR, Title 16, §§ 1044.1, 1044.3(c), and 1044.4(a))** – Several of the Oral Conscious Sedation Forms (OCS) program's forms need minor updating and corrections. In order to achieve this needed update, Board staff will need to initiate a rulemaking file to incorporate changes by reference.

**Dental Assisting Regulations:**

- **Dental Assisting Educational Programs and Courses (CCR, Title 16, §§ 1070, 1070.1, 1070.2, 1070.3, 1070.4, 1070.5, 1070.6, 1070.7, 1070.8 and 1014, 1014.1)** The Board's Dental Assisting Educational Programs and Courses regulations became effective on November 11, 2011. These regulations were implemented to maintain consistency with the provision contained in AB 2637 (Chapter 499, Statutes of 2008), however Board staff has identified numerous issues with consistency and compatibility with statute and other dental assisting regulations. In order to maintain consistency and clarity throughout all of the Dental Assisting Educational Programs and Courses Requirements, staff believes it would be better to move forward with one large regulatory proposal amending and updating all of the Dental Assisting Programs and Course Requirements at one time.

- **Dental Assisting Program Application and Examination Requirements (CCR, Title 16, §§ 1076 – 1081.2, and 1083)** – In November 2009, the Board reviewed and approved two proposals for regulatory changes relative to dental assisting. The first proposal implemented the requirements for Dental Assisting Educational Programs and Courses to maintain consistency with the provision contained in AB 2637 (Chapter 499, Statutes of 2008). The second proposal made necessary amendments to the Dental Assisting Program Application and Examination Requirements to ensure compliance with AB 2637 (Chapter 499, Statutes of 2008). The Board promulgated the Dental Assisting Educational Programs and Courses regulations, with the

understanding that once they became effective, the Board would then promulgate the regulations relating to the Dental Assisting Program Application and Examination Requirements. The Board's Dental Assisting Educational Programs and Courses regulation became effective on November 11, 2011. Staff believes in order to maintain consistency and clarity throughout all of the Dental Assisting Application and Examination Requirements that it would be better to move forward with one large regulatory proposal amending and updating all of the Dental Assisting Program Application and Examination Requirements at one time.

- **Dental Assisting Program Duties and Settings (CCR, Title 16, § 1085, 1086, and 1087)** – These regulations have not been updated to reflect the new duties set forth in AB 2637 (Chapter 499, Statutes of 2008). The duties and settings for the RDA and RDAEF need to be revised to ensure consistency and compatibility with statute.

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
DENTAL BOARD OF CALIFORNIA
2005 Evergreen Street, Suite 1550, Sacramento, CA 95815
P (916) 263-2300 F (916) 263-2140 | www.dbc.ca.gov

# MEMORANDUM

| | |
|---|---|
| **DATE** | August 26, 2014 |
| **TO** | Dental Board of California |
| **FROM** | Karen Fischer, Executive Officer |
| **SUBJECT** | **Agenda Item 9:** Discussion and Possible Action Regarding Western University of Health Sciences, College of Dental Medicine Approval |

The Board received a request from Steven W. Friedrichsen, DDS, Professor and Dean at Western University Health Sciences, College of Dental Medicine requesting final approval of the dental college. (The July 28, 2014 letter is included as an attachment.)

California Code of Regulations, Title 16, Section 1024 specifies that a new school for the study of dentistry is required to apply for provisional approval in its first academic year and is required to apply for final approval when its program is in full operation with classes studying in the curriculum of each of the academic years. Additionally, Section 1024 authorizes the Board to accept the findings of any commission or accreditation agency, approved by the Board, and adopt those findings as its own, in lieu of conducting its own investigation.

**Background:**

In April 2009, a letter was received from the Dean of Western University of Health Sciences College of Dental Medicine (College) informing the Board that the Commission on Dental Accreditation (CODA) had granted the College's dental education program "initial accreditation" status at its January 29, 2009 meeting. The letter included a copy of CODA's February 4, 2009 transmittal letter. The letter stated that the College would be enrolling its inaugural class in Fall 2009. Additionally, the letter requested applications for provisional approval by the Dental Board of California in accordance with California Code of Regulations, Title 16, Section 1024.

In July 2009, the Board received an additional letter from the founding Dean of the College summarizing its initial accreditation status from CODA and requesting the Board's provisional approval of the dental school.

On August 5, 2009, the Board met via teleconference to discuss and take action on the College's application for provisional approval. The Board voted unanimously to grant provisional approval to Western University of Health Sciences College of Dental Medicine

In his July 28, 2014 letter, Dr. Friedrichsen confirmed that the College of Dental Medicine is now in full operation, with students enrolled in all four years of the curriculum; and has graduated two classes. He further stated that CODA granted the College the status of "approval without reporting requirements" on August 8, 2013.

**Action Requested:**

Staff recommends that the Board President appoint a subcommittee to ascertain if everything is in order for Board's final approval of Western University Health Sciences, College of Dental Medicine.

Western University of Health Sciences
*The discipline of learning. The art of caring.*
College of Dental Medicine

July 28, 2014

Ms. Karen M. Fischer, MPA
Executive Officer
Dental Board of California
2005 Evergreen Street, Suite 1550
Sacramento, CA 95815

Dear Ms. Fischer:

It was a pleasure meeting you at UCLA yesterday. Hopefully the implementation challenges can be overcome so that Licensure by Portfolio achieves its original intent.

This letter is provided to confirm with the Dental Board of California the final approval of the Western University of Health Sciences College of Dental Medicine in compliance with Section 1024.1 of Title 16 California Code of Requirements. The College of Dental Medicine is now in full operation, with students enrolled in all four years of the curriculum and have graduated two classes. We have completed all phases of the initial accreditation through CODA and were granted the status of "approval without reporting requirements" on August 8, 2013; included is a copy of the letter from CODA for your records.

The College of Dental Medicine has complied with all other requests and requirements for final approval. The College sought and received notice of provisional approval from Dr. Suzanne McCormick which was granted August 9, 2009. Per the request in Dr. McCormick's correspondence, CDM also contacted Dr. John Bettinger in February of 2011 to indicate that our clinics were fully operational and requested an inspection of the facilities and clinical protocols. At that time, as permitted in the language of the CCR cited above, he accepted the findings of CODA in lieu of conducting an independent evaluation of the College. In compliance with the established timeframe for DBC approval, we submitted a request for final approval on January 18, 2013, (see enclosed copy).

The College would be pleased to provide the Dental Board with additional information required to demonstrate compliance with the statutes and regulations as necessary for final approval. If you would like to schedule a visit or other on-site inspections, it would be easiest to coordinate the dates and times through my office. Thank you in advance for your consideration of our request. Take care and have a great day.

Sincerely,

Steven W. Friedrichsen, DDS
Professor and Dean

Copy: Ms. Fran Burton, MSW, President, Dental Board of California
Dr. Gary Gugelchuk, PhD, Provost and COO, Western University of Health Sciences

CODA
Commission on Dental Accreditation

211 E. CHICAGO AVENUE SUITE 1900 CHICAGO, IL 60611-2678
MAIN 312 440 4653 FAX 312 440 2915

August 19, 2013

Dr. Philip Pumerantz, president
Western University of Health Sciences
309 E. Second Street
Pomona, CA 91766-1854

Re: Predoctoral Dental Education Program/College of Dental Medicine

Dear President Pumerantz:

At its August 8, 2013 meeting, the Commission on Dental Accreditation (CODA) considered the site visit report on the predoctoral dental education program sponsored by the Western University of Health Sciences, Pomona, California.

On the basis of this review, the Commission adopted a resolution to grant the program the accreditation status of "approval without reporting requirements." The definitions of accreditation classifications are enclosed. No additional information is requested from the program at this time. The next site visit for the program is scheduled for **2020**.

A copy of the Commission's site visit report is enclosed. One copy of this report and the related enclosures have also been sent to the chief administrative officer and program director copied on this letter. The Commission requests that a copy of this report and the related enclosures be forwarded to the chairpersons and appropriate faculty.

In taking this action, the Commission stipulated that it will expect the institution to keep the Commission informed as soon as possible of anticipated changes in any approved educational program offered, particularly in the areas of administration, enrollment, faculty, facilities and curriculum. The Commission's policy and guidelines for reporting program changes are enclosed.

*Note: The program's documentation for CODA (self-study, application, or reports to CODA, for example) must NOT contain any patient protected health information (PHI) or HIPAA identifiers as outlined in section 164.514 of the HIPAA Privacy Rule.*

*In addition, most states have enacted laws to protect sensitive personally identifiable information ("PII") such as social security numbers, drivers' license numbers, credit card numbers, account numbers, etc. Before sending documents such as faculty CVs to CODA, institutions must fully redact the following PII: social security numbers, credit or debit card numbers, driver's license numbers or government-issued ID numbers, account numbers, health information, taxpayer ID, and date of birth.*

*If the program/institution submits documentation that does not comply with the directives on PHI and PII (noted above), CODA will assess a penalty fee of $1000 to the institution; a resubmission that continues to contain PHI or PII will be assessed an additional $1000 fee.*

The Commission has authorized use of the following statement by institutions or programs that wish to announce their programmatic accreditation by the Commission. Programs that wish to advertise the specific programmatic accreditation status granted by the Commission may include that information as indicated in italics below (see text inside square brackets); that portion of the statement is optional but, if used, must be complete and current.

> The program in dental education is accredited by the Commission on Dental Accreditation *[and has been granted the accreditation status of "approval without reporting requirements"]*. The Commission is a specialized accrediting body recognized by the United States Department of Education. The Commission on Dental Accreditation can be contacted at (312) 440-4653 or at 211 East Chicago Avenue, Chicago, IL 60611. The Commission's web address is: http://www.ada.org/100.aspx.

The Commission wishes to thank you and the faculty and staff for their cooperation during the site visit. If this office can be of any assistance to you, please contact me by telephone, at 1-800-621-8099, extension 2721or by e-mail, at horanc@ada.org.

Sincerely,

Catherine A. Horan, PhD
Manager, Predoctoral Dental Education
Commission on Dental Accreditation

CAH/mgh

Enclosures: CODA Accreditation Status Definitions
Formal Report of the Site Visit
Reporting Changes in Accredited Programs (August 2013)
Electronic Submission Guidelines for General Correspondence (August 2013)

cc: Dr. Steven W. Friedrichsen, dean, College of Dental Medicine
Dr. Elizabeth Andrews, associate dean, Academic Affairs College of Dental Medicine
United States Department of Education
State Board of Dentistry
Institutional Accreditor
Dr. Kent Knoernschild, chair, Commission on Dental Accreditation (CODA)
Dr. Anthony J. Ziebert, senior vice president, Education/Professional Affairs, ADA
Dr. Sherin Tooks, director, Commission on Dental Accreditation, CODA

# RECESS