STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES 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

NOTICE OF PUBLIC MEETING – Notice is hereby given that a public meeting of the Dental Board of California will be held as follows:

Thursday and Friday, February 24-25, 2011

Doubletree San Diego Downtown
1646 Front Street
San Diego, CA 92101
619-239-6800 or 916-263-2300

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 Web Site 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 Richard DeCuir, 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*

Thursday, February 24, 2011

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

8:00 a.m. DENTAL BOARD OF CALIFORNIA – FULL BOARD
Open Session

ROLL CALL..... Establishment of a Quorum

COMMITTEE MEETINGS – SEE ATTACHED AGENDAS

- EXAMINATION COMMITTEE
  See attached Examination Committee agenda

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

- DENTAL ASSISTING COMMITTEE
  See attached Dental Assisting Committee agenda

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

- ENFORCEMENT COMMITTEE
  See attached Enforcement Committee agenda

FULL BOARD MEETING RESUMES

AGENDA ITEM 1 ..... Subcommittee Report on the need to Revise the Dental Restorative Materials Fact Sheet

AGENDA ITEM 2 ..... Discussion and Possible Action Regarding:

(A) Report on renewal application of the Universidad De La Salle and Board procedures and options

(B) Proposed Legislation to Amend Business and Professions Code Section 1636.4 Relative to the Provisional or Full Accreditation Process for Foreign Dental Schools

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA
Note: 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 Section 11125 and 11125.7(a))

***CLOSED SESSION - DISCIPLINARY MATTERS AND LITIGATION**

(a) Receive Advice from Counsel on Litigation
Michael L. Potts et al. v. Brian Stiger et al. No. 2:03-CV-00348-JAM DAD, US District Court, Eastern District of Columbia
*The Board will meet in closed session as authorized by Government Code Section 11126(e).

(b) Receive Advice from Counsel on Litigation
Errol M. Gillis, D.D.S. v. Dental Board of California, San Francisco County Sup. Ct., Case No. CPF-10-510174
*The Board will meet in closed session as authorized by Government Code Section 11126(e).

(c) Deliberate and Take Action on Disciplinary Matters
*The Board will meet in closed session as authorized by Government Code Section 11126(c)(3).

RETURN TO OPEN SESSION

PUBLIC COMMENT

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MEMORANDUM

DATE	February 14, 2011
TO	Dental Board Members
FROM	Steven Morrow, DDS
SUBJECT	**Agenda Item 1: Dental Restorative Materials Fact Sheet**

In response to a request to update the Dental Restorative Materials Fact Sheet (DMFS), at the November 4-5, 2010 Board meeting in El Segundo, Board President, Dr. John Bettinger appointed a subcommittee of Dr. Luis Dominicis and Dr. Steven Morrow to review the DMFS to determine if it needed to be updated.

The Subcommittee reports that there is no need to modify the Dental Restorative Materials Fact Sheet at this time.

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MEMORANDUM

DATE	February 9, 2011
TO	Dental Board of California
FROM	Donna Kantner, Manager, Licensing and Examination Unit
SUBJECT	**Agenda Item 2(A) – Discussion and Possible Action Regarding (A) Report on renewal application of Universidad De La Salle and Board procedures and options**

Background

In December 2004, the Dental Board notified Universidad De La Salle Bajio that its dental program was granted full approval according to the provisions of Section 1636.4 of the Business and Professions Code and California Code of Regulations Sections 1024 – 1024.12. According to Section 1636.4 of the Business and Professions Code, a school granted full approval shall provide evidence of continued compliance and shall submit a renewal application every seven years. Any approval that is not renewed shall automatically expire.

On January 31, staff notified Universidad De La Salle Bajio of its upcoming renewal requirements and provided a renewal package that includes the "Foreign Dental School Application Initial/Renewal AD-1 Rev 11/30/00", Business and Professions Code Section 1636.4 and California Code of Regulations Sections 1024 – 1024.12. In the cover letter, the board asked that Universidad De La Salle Bajio answer specific questions relative to their dental program, and that the answers be included in the renewal package. Attached is a copy of the letter that was delivered with the package on February 1, 2011.

Staff is requesting an Out of State Travel exemption for a site evaluation of the school.

On February 10, 2011, Board members Dr. Bettinger, Dr. Le and Executive Officer Richard DeCuir met with representatives of Universidad De La Salle to discuss the renewal of the dental program. A verbal report will be provided at the meeting by Dr. Bettinger and Dr. Le.

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January 31, 2011

President Andres Govela Gutierrez
Universidad De La Salle Bajio – Dental School
Av. Universidad 602
C.P. 37150
Leon, Guanajuato, Mexico

RE: Application for Renewal of Dental School Program Approval

Dear President Govela Gutierrez:

On December 27, 2004, you were notified that the Dental Board voted to grant full approval to the dental school program at Universidad De La Salle Bajio. Universidad De La Salle Bajio's approval was for seven (7) years and is set to expire on December 27, 2011. California Business and Professions Code Section 1636.4 and Title 16, California Code of Regulations (CCR), Section 1024.11 primarily govern the evaluation, approval and renewal of foreign dental schools by the Dental Board of California (Board). Subsection 1636.4(g) states, in part that "each fully approved institution shall submit a renewal application every seven years. Any approval that is not renewed shall automatically expire." Section 1024.11 further specifies that "Renewal shall be made prior to expiration of the institution's approval and shall be accompanied by the fee prescribed in section 1024.7" ($500.00) and "documentation establishing that the institution remains in compliance with the requirements" set forth by the Board.

CCR Section 1024.4 requires the Board to notify the institution in writing within 60 days after receipt of an application for approval as to whether the application is complete or incomplete. If the application is deemed incomplete, the Board will notify Universidad De La Salle Bajio and specify what additional information or documents are needed. Once the Board determines that the application is complete and meets the minimum standards, the Board will notify the institution within 225 days whether the application is approved or disapproved. In order to allow sufficient time for Board review of the renewal application and conform to the requirements above, this office requests that Universidad De La Salle's application be completed and submitted to the Board no later than May 1, 2011 to the attention of Richard DeCuir, Executive Officer. The Board may, at its discretion, require a site inspection to ascertain continued compliance with regulatory requirements. A determination of the necessity for this inspection will be made after the complete application has been evaluated by the Board.

As part of this renewal process the Board requires the following questions to be clarified and answered:

1. On November 5, 2004 the Board approved a five-year dental program based upon the application submitted by the Universidad De La Salle Bajio that would thereby qualify those graduates for California dental licensure. It is our understanding that this five-year program may have been or may be modified to a four-year course of study. Please clarify whether this

change occurred, and explain how the change meets the Board's requirements for maintaining an educational program that is "equivalent to that of similar accredited institutions in the United States and adequately prepares students for the practice of dentistry." (Section 1636.4(d)) Please be sure to address this issue in your documentation submitted to the Board for approval.

2. On April 11, 2006, the Board voted to accept the standards and curriculum of Universidad De La Salle Bajio's proposed two-year International Graduates (IG) program. How does the two-year IG program interface with the five-year dental program approved by the Board in November 2004 and is there any crossover of the university's national track students? In addition, has there been any modification to this program since initial acceptance by the Board in 2006?

3. The Board understands that in addition to the dental program approved in November 2004, Universidad De La Salle Bajio also offers a "national track" dental program for students who do not qualify, or do not wish to pursue the five-year Board-approved program for California dental licensure. Are students who complete this "national track" dental program then eligible for admission to the two-year IG program?

4. What safeguards have been put into place to ensure that only students that are formally accepted into and successfully complete the five-year dental program as approved by the Board receive authorization from Universidad De La Salle Bajio that they have met the requirements for California licensure and may make application on that basis?

5. CCR, Section 1024.8 requires the school to notify the Board of any changes including location, mission, purpose, shift or change in control. A shift or change in control means the power or authority to manage, direct, influence the contracts, policies, and affairs of the school. This would include a shift in control or change in control of the school. The Board has been informed that a change, as specified above, may have indeed occurred. The institution will need to provide clarity on this issue.

Answers to the above questions must be included with the submission of the attached Foreign Dental School Application Initial/Renewal (AD 1 Rev. 11/30/00).

Enclosed for your convenience are:

(1) Business and Professions Code Section 1636.4
(2) Title 16, California Code of Regulations (CCR) Sections 1024 – 1024.12
(3) Foreign Dental School Application, Initial/ Renewal (AD 1 Rev. 11/30/00)

You may contact me if you have any questions or concerns regarding this process.

Sincerely,

Richard DeCuir, Executive Officer
Dental Board of California

cc. John Bettinger, DDS, Board President

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MEMORANDUM

DATE	February 9, 2011
TO	Dental Board of California
FROM	Donna Kantner, Manager, Licensing and Examination Unit
SUBJECT	**Agenda Item 2(B) – Discussion and Possible Action Regarding (B) Proposed Legislation to Amend Business and Professions Code Section 1636.4 Relative to the Provisional or Full Accreditation Process for Foreign Dental Schools**

Background

Section 1636.4 established and sets out requirements for approval, registration and renewal of foreign dental programs, stating that "the Legislature recognizes the need to ensure that graduates of foreign dental schools who have received an education that is equivalent to that of accredited institutions in the united States and that adequately prepares their students for the practice of dentistry shall be subject to the same licensure requirements as graduates of approved dental schools or colleges."

At the time the law was passed, no other entity had established policies, procedures or regulations that allowed for the approval of foreign dental programs. Since that time, the American Dental Association's Commission on Dental Accreditation (CODA) has developed and established an accreditation process for foreign dental programs. The Dental Board accepts CODA accreditation for all graduates of dental programs as the educational component for California licensure.

California has approved one dental program since adoption of regulations in 2001. Out of state travel authorization is extremely difficult to obtain, and in light of the current budgetary and travel restrictions, will not become any easier. It is a monumental task requiring several months of effort to plan an onsite evaluation of a dental program in a foreign country, which may fail to gain the necessary approvals, forcing cancellation of the trip.

Requested Board Action

Staff has developed statutory language in consultation with Legal counsel for the Board's discussion and possible adoption. If the Board adopts amendments to the statute, direct staff to move forward and seek an author for the bill.

1636.4. (a) The Legislature recognizes the need to ensure that graduates of foreign dental schools who have received an education that is equivalent to that of accredited institutions in the United States and that adequately prepares their students for the practice of dentistry shall be subject to the same licensure requirements as graduates of approved dental schools or colleges. It is the purpose of this section to provide for the evaluation of foreign dental schools and the approval of those foreign dental schools that provide an education that is equivalent to that of similar accredited institutions in the United States and that adequately prepare their students for the practice of dentistry.

(b) The board shall be responsible for the approval of foreign dental schools based on standards established pursuant to subdivision (d). The board may contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools. The consultant or organization shall report to the board regarding its findings in the survey and evaluation.

(c) ~~The board shall establish a technical advisory group to review and comment upon the survey and evaluation of a foreign dental school contracted for pursuant to subdivision (b), prior to any final action by the board regarding certification of the foreign dental school. The technical advisory group shall be selected by the board and shall consist of four dentists, two of whom shall be selected from a list of five recognized United States dental educators recommended by the foreign school seeking approval. None of the members of the technical advisory group shall be affiliated with the school seeking certification.~~

(d) Any foreign dental school that wishes to be approved pursuant to this section shall make application to the board for this approval, which shall be based upon a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. Curriculum, faculty qualifications, student attendance, plant and facilities, and other relevant factors shall be reviewed and evaluated. The board~~, with the cooperation of the technical advisory group,~~ shall identify by rule the standards and review procedures and methodology to be used in the approval process consistent with this subdivision. The board shall not grant approval if deficiencies found are of such magnitude as to prevent the students in the school from receiving an educational base suitable for the practice of dentistry.

(e) Periodic surveys and evaluations of all approved schools shall be made to ensure continued compliance with this section. Approval shall include provisional and full approval. The provisional form of approval shall be for a period determined by the board, not to exceed three years, and shall be granted to an institution, in accordance with rules established by the board, to provide reasonable time for the school seeking permanent approval to overcome deficiencies found by the board. Prior to the expiration of a provisional approval and before the full approval is granted, the school shall be required to submit evidence that deficiencies noted at the time of initial application have been remedied. A school granted full approval shall provide evidence of continued compliance with this section. In the event that the board denies approval or reapproval, the board shall give the school a specific listing of the deficiencies that caused the denial and the requirements for remedying the deficiencies, and shall permit the school, upon request, to demonstrate by satisfactory evidence, within 90 days, that it has remedied the deficiencies listed by the board.

(f) A school shall pay a registration fee established by rule of the board, not to exceed one thousand dollars ($1,000), at the time of application for approval and shall pay all reasonable costs and expenses the board incurs for the conduct of the approval survey.

(g) The board shall renew approval upon receipt of a renewal application, accompanied by a fee not to exceed five hundred dollars ($500). Each fully approved institution shall submit a renewal application every seven years. Any approval that is not renewed shall automatically expire.

(h) In addition to the other requirements of this section, foreign dental schools seeking to obtain or maintain approval from the board shall obtain accreditation approval from CODA or another accreditation agency recognized by the board. A foreign dental school approved by the board prior to January 1, 2012 shall obtain accreditation approval from CODA or another accreditation agency recognized by the board prior to the end of its next renewal cycle (I know this may be objectionable, but it is the most legally defensible position to take; taking someone's license away retroactively after you already granted approval for a period of time may be perceived by a court to be unfair and violate due process clause principles). Failure to obtain accreditation as required by this section is grounds for denial of an initial application or application for renewal. A foreign dental school that is denied approval or renewal may obtain approval from the board only by submitting a new application and meeting the requirements of this section and any standards established by the board.