



**Dental Bureau of California
Advisory Committee Meeting Minutes
November 21, 2008
Los Angeles, California**

Chair McCormick called the meeting to order at 8:35 a.m. and established a quorum.

Members Present:

Chair, Suzanne McCormick, DDS
Vice Chair, John Bettinger, DDS
Luis Dominicus, DDS
Harriet Seldin, DMD, MBA
Joyce Yale, RDH
Stephen Casagrande, DDS
Michael Lew, DDS
William A. Baker, Public Member

Members Absent:

None

Staff Present:

Cathleen Poncabare, Executive Officer
Richard DeCuir, Assistant Executive Officer
Shirley Moody, Enforcement Chief
Theresa Lane, Supervising Investigator
Sarah Wallace, Administrative Analyst
Donna Kantner, Legislative & Regulatory Analyst
LaVonne Powell, DCA Legal Counsel
Gregory Salute, Deputy Attorney General

AGENDA ITEM 1: Approval of August 28, 2008 Meeting Minutes

M/S/C (Lew/Yale) to approve the August 28, 2008 meeting minutes.

AGENDA ITEM 2: Chair's Report

Dr. McCormick welcomed everyone to the Dental Bureau meeting and thanked DCA for the opportunity to participate in the Professionals Achieving Consumer Trust (PACT) Summit. She recognized that Dr. Casagrande had been appointed by Carrie Lopez, Director of Consumer Affairs, as the Secretary of the Advisory Committee of the Dental Bureau of California.

AGENDA ITEM 3: Executive Officer Report

Cathleen Poncabare, Executive Officer, thanked Angela Minniefield for her presentation and for informing the Dental Bureau of the importance of healthcare workforce development in the dentistry field.

Ms. Poncabare reported that the Dental Bureau continued to make progress with the implementation of the workforce survey as required by AB 269. The Dental Bureau worked with OSHPD and the Oral Health Access Counsel to review the content of the survey and would be willing to enhance the survey if necessary. Staff has been working diligently to ensure that the survey will be implemented by the January 1, 2009 deadline.

The Department of Consumer Affairs has asked the various Board and Bureaus to address unlicensed activity within the State of California. Ms. Poncabare reported that the Dental Bureau of California has been taking action to identify unlicensed activity.

The proposed regulatory amendments to the Disciplinary Guidelines regulations and the Continuing Education regulations have been approved by the Director Lopez at the Department of Consumer Affairs. Ms. Poncabare reported that staff is working to notice the regulations with the Office of Administrative Law and set hearing dates.

Ms. Poncabare reported that the Dental Bureau of California would resume the scheduling of general anesthesia and conscious sedation onsite evaluations effective January 1, 2009. A letter will be sent to all permit holders in December noticing the scheduling changes. The Dental Bureau will also be holding Evaluator Calibration Courses in spring 2009.

AGENDA ITEM 4: Presentation by Angela Minniefield, Deputy Director of the Healthcare Workforce Development Division at the Office of Statewide Health Planning

Angela Minniefield, Deputy Director of the Healthcare Workforce Development Division at the Office of Statewide Health Planning gave a presentation to the Dental Bureau of California regarding dental healthcare workforce development and planning in the State of California. Ms. Minniefield provided an overview of what the Office of Statewide Health Planning and Development (OSHPD) provides and highlighted the needs of the oral health profession. She compared the variables of California's population with the California workforce. She also reviewed the factors affecting the demand for dental services with the factors affecting the supply of dentists in California.

AGENDA ITEM 5: Budget Report

Richard DeCuir, Assistant Executive Officer, reported that there are two documents regarding the budget report. Mr. DeCuir reported the bottom line did not change. One of the reports supplemented information regarding budget allotment, expenditures, projections, and potential the reversion at the end of Fiscal Year 08-09. It is projected that the Dental Bureau will revert 11% at the end of the fiscal year due to the biggest expenditures being reported in the last quarter.

As requested, Mr. DeCuir, presented a worksheet regarding the Bureau's expenditures and revenue for the California Clinical Examination. It was reported that expenditures

exceeded revenue by \$155,091.45 for Fiscal Year 07-08. There is currently only one clinical examination scheduled for 2009.

AGENDA ITEM 6: Committee on Dental Auxiliaries' Report

The Committee on Dental Auxiliaries (COMDA) held a meeting on Thursday, November 20, 2008 to make recommendations of RDA courses. Judith Forsythe, COMDA Chair, reported that COMDA recommends that the Advisory Committee recommend for approval the following courses:

M/S/C (Baker/Bettinger) to grant provisional approval the following RDA Programs:

- i. CSI Career College - Vacaville
- ii. Kaplan College – Palm Springs
- iii. Kaplan College – Riverside
- iv. Kaplan College – San Diego
- v. Kaplan College – Vista

M/S/C (Baker/Bettinger) to grant full approval the following RDA Programs:

- i. United Education Institute - Chula Vista
- iii. Western Career College – San Jose
- iv. Western Career College – Antioch

The following RDA program was deferred:

- ii. Valley Career College – El Cajon

M/S/C (Baker/Bettinger) to approve the following radiation safety courses:

- i. Career Care Institute - Ventura
- ii. National School of Dental Assisting - Lathrop

M/S/C (Casagrande/Seldin) to approve COMDA's recommendations for COMDA's Agenda Item 10(a) through 10(e).

M/S/C (Dominicis/Bettinger) to approve COMDA's recommendations for COMDA's Agenda Item 11(a) through 11(h).

M/S/C (Lew/Dominicis) to approve COMDA's recommendations for COMDA's Agenda Item 12(a) through 12(b).

M/S/C (Lew/Bettinger) to approve COMDA's recommendations for COMDA's Agenda Item 13(a) through 13(b).

M/S/C (Bettinger/Dominicis) to approve COMDA's recommendations regarding Agenda Item 15: Additional fees related to implementation of SB 853.

AGENDA ITEM 7(a): Enforcement Statistics

Shirley Moody, Enforcement Chief, reported that statistics reported were from August to November 2008. The Dental Bureau currently has five investigators in Northern California and eight investigators in Southern California and two inspectors. All high profile cases are always moved to top priority. The pending cases are always prioritized. Dr. Bettinger requested that aging reports be included in future enforcement statistics.

Ms. Moody and Teri Lane, Supervising Investigator, reported that they have been working diligently investigating unlicensed activity. Unlicensed activity investigations are always a high priority at the Dental Bureau of California.

AGENDA ITEM 7(b): Update re: Disciplinary Guidelines and regulatory process

Donna Kantner, Legislative and Regulatory Analyst, reported that staff is working to complete the revisions as recommended by the Advisory Committee at its August meeting. The Director of the Department of Consumer Affairs has approved the regulatory language. After review by DCA Legal and the Deputy Attorney General, a Notice of Regulatory Action and Initial Statement of Reasons will be filed with the Office of Administrative Law (OAL), stating the rationale for each change to the regulation and the Disciplinary Guidelines. This will be followed by the required public hearing, expected to be held sometime in January or February of 2009. Ms. Kantner reported that the complete regulatory process normally takes 12 to 18 months.

AGENDA ITEM 8: Licensure Statistics

Richard DeCuir, Assistant Executive Officer, reported that the licensing and permit statistics are for informational purposes only.

AGENDA ITEM 9(a): California RT & Clinical Examination Statistics

Richard DeCuir, Assistant Executive Officer, reported that the statistics presented are from 2008.

AGENDA ITEM 9(b): New Developments in the WREB Examination

Dr. Dominicus reported that the conjunctive scoring has changed on the WREB Examination with a minimum score of 75 in each category. They do not anticipate any problems and they project their passing rate at 90%.

AGENDA ITEM 9(c): 2009 Examination Dates

Richard DeCuir, Assistant Executive Officer, reported that there is currently only one exam scheduled for the University of the Pacific, San Francisco March 26-29, 2009, and there have been requests submitted to UCLA, USC, and Loma Linda University. UCSF will not be available for an exam as they are under reconstruction.

AGENDA ITEM 9(d): Recommendation of New Examiner(s) Appointment

There were no recommendations for new examiner appointment.

AGENDA ITEM 10(a): Diversion Program Statistics

Richard DeCuir, Assistant Executive Officer, reported that there has been a lot of activity moving between the disciplinary actions and the Diversion Program. The statistics are reported for informational purposes only.

AGENDA ITEM 10(b): Recommendation for Appointment/Reappointment of Diversion Evaluation Committee Members

Richard DeCuir, Assistant Executive Officer, reported that there were new appointments and one reappointment to be made to the Diversion Evaluation Committee.

M/S/C (Lew/Seldin) to appoint Dina Gillette, RDH BA to the Diversion Evaluation Committee to fulfill the licensed dental auxiliary position.

M/S/C (Lew/Seldin) to appoint Lynn Zender to the Diversion Evaluation Committee to fulfill the public member position.

M/S/C (Lew/Seldin) to appoint Lana Marie Wright, CDA, RDA to a second term on the Diversion Evaluation Committee.

AGENDA ITEM 11(a): Report on Portfolio Pathway proposed legislation to qualify for a California dental license

Cathleen Poncabare, Executive Officer, reported that a study has been undertaken to ensure that the evaluation of dental students' competence conforms to psychometrically sound principles and includes a minimum number of experiences of each required competency. Staff has submitted legislative language to DCA's Legislative Unit to seek an author to carry a bill to amend the statutory language and the proposed legislation was currently in the Governor's office.

AGENDA ITEM 11(b): Report on Diversion Program proposed legislation

Cathleen Poncabare, Executive Officer, reported that the proposed legislation had been submitted to DCA's Legislative Unit to seek an author to carry a bill and the proposed legislation was currently in the Governor's office.

AGENDA ITEM 11(c): Discussion on DCA Proposed Language for Legislative Proposal on Retroactive Fingerprinting

LaVonne Powell, DCA Legal Counsel, reported that the Department of Consumer Affairs (DCA) and the State and Consumer Services Agency (SCSA) have encountered significant cases lately pertaining to fingerprinting. In an effort to ensure consumer protection, legislation has been drafted that will require all licensees be fingerprinted and entered into the Department of Justice database.

AGENDA ITEM 12: Report on October 8, 2008 meeting of Elective Facial Cosmetic Surgery Permit Credentialing Committee, recommendations for issuance of permits, and appointment of Credentialing Committee member(s)

Dr. McCormick reported that the Elective Facial Cosmetic Surgery Credentialing Committee met to review two permit applications on October 8, 2008 in Sacramento, California. The Credentialing Committee recommended that the Advisory Committee approve the issuance of permits without limitations to Dr. Christopher G. Pace and Dr. Alan Shelhamer.

M/S/C (Lew/Yale) to approve permit issuance without limitation to Dr. Christopher G. Pace.

M/S/C (Lew/Yale) to approve permit issuance without limitation to Dr. Alan Shelhamer.

AGENDA ITEM 13: Report and recommendations of sub-committee's review of Infection Control regulations as required by CCR Section 1005(d)

Dr. Michael Lew and Judith Forsythe, RDA, were appointed as the sub-committee to review the Infection Control regulations as required by CCR Section 1005(d). Dr. Lew and Ms. Forsythe reported that they reviewed the regulations and had no additional recommendations.

Noelle Kelch, President of the California Dental Hygiene Association, reported to the Advisory Committee that the Center for Disease Control and Prevention had revised their Infection Control Guidelines and they had been officially posted the week prior to the meeting. Dr. McCormick appointed Ms. Kelch and Ms. Yale to a new sub-committee to review the Infection Control regulations as required by CCR Section 1005(d) and make sure they were in comparable with the Center for Disease Control and Preventions Infection Control Guidelines.

AGENDA ITEM 14: Report on American Association of Dental Examiners Meeting in San Antonio

There was no report.

PUBLIC COMMENT:

Richard Stafford, President of the California Society of Dental Anesthesiologists, commented on the statutory requirements of AB 2637. Mr. Stafford reported that his organization was not aware of the anesthesia assistant requirements and the California Society of Dental Anesthesiologists believes that the statute will increase the risks of morbidity and fatality to patients. Mr. Stafford commented that the anesthesia laws are more restrictive for veterinarians than for dentists. He feels that the statute is going to have problems. Mr. Stafford requested that his concerns with AB 2637 be placed on the agenda at the next meeting.

The meeting adjourned at 12:23 p.m.