

DENTAL BOARD OF CALIFORNIA

2005 Evergreen Street, Suite 1550, Sacramento, CA 95815

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**Dental Board of California Meeting
December 17, 2009
Teleconference**

Members Present:

John Bettinger, DDS, President
Bruce Whitcher, DDS, Vice President
Fran Burton, Public Member
Steve Casagrande, DDS
Rebecca Downing, Public Member
Judith Forsythe, RDA
Huong Le, DDS
Suzanne McCormick, DDS
Thomas Olinger, DDS

Members Absent:

William Baker, Public Member
Luis Dominicis DDS, Secretary

Staff Present:

Richard DeCuir, Executive Officer
Karen Fischer, Administrative Analyst
Donna Kantner, Legislative & Regulatory Analyst
Don Chang, DCA Supervising Staff Counsel

TELECONFERENCE LOCATIONS WITH PUBLIC ACCESS:

Contractors State Licensing Board Investigative Centers:

100 N. Barranca Street, Suite 300, West Covina, CA 91791
5280 Carroll Canyon Road, Suite 250, San Diego, CA 92121

Dental Board of California Offices:

2005 Evergreen Street, Suite 1550, Sacramento, CA 95815
15641 Red Hill Avenue, Suite 210, Tustin, CA 92780

Other Locations:

1304 15th Street, Suite 100, Santa Monica, CA 90404
990 Boysen Avenue, San Luis Obispo, CA 93405
818 Webster Street, Conference Room C, Fourth Floor, Oakland, CA 94607

President Bettinger called the meeting to order at 2:05 p.m. Dr. Casagrande called roll and a quorum was established. At the beginning of the meeting, those absent were William Baker, Public Member, Fran Burton, Public Member, and Luis Dominicis, DDS. Fran Burton arrived at 2:14 p.m.

Public Comment

Public comment was accepted and limited to five minutes. Ken Phillips, member of the public, attended the meeting in Santa Monica. Dr. Vale, member of the public, attended the meeting in San Diego.

Ken Phillips, member of the public, read a prepared statement which he also submitted in writing to the Board. He commented that in his opinion, the current policies and disciplinary actions of the Dental Board to reform non compliant dentists, fails to reform dentists. He asked

the Board for support to introduce a bill that requires all dentists that the state allows to continue practicing while on probation to give each patient at the place of treatment a sheet explaining he/she is on probation and the reasons for that probation, have the patient or parent or guardian sign for it, and have the signed statement put in the patient's chart file.

There was no additional public comment.

Agenda Item 1: Consideration of and possible action regarding comments received during 15-day comment period relative to proposed amendments to Title 16 CCR Section 1018 (Disciplinary Guidelines)

Donna Kantner, Legislative/Regulatory Analyst reported that this meeting was for the purpose of addressing any comments received to the disciplinary guidelines. There were no additional comments received during the fifteen day comment period. There are no comments for the Board's consideration.

Agenda Item 2: Discussion and Possible Action to Adopt Amendments to Title 16 CCR Section 1018 (Disciplinary Guidelines)

Dr. Bettinger reported that a Disciplinary Guidelines subcommittee was formed in 2007 to work with staff on revisions, and met several times with Enforcement staff, DCA Legal Counsel and the board's liaison Deputy Attorney General. The amended regulation and revised Disciplinary Guidelines including recommended penalties was adopted by the Advisory Committee last year, and the required public hearing was held on March 25, 2009.

A large number of comments were received from the California Dental Association (CDA) regarding the proposed Disciplinary Guidelines. Staff prepared a detailed response and rationale, and CDA's comments and staff's response to these comments were provided to the Board. At its November meeting, the Board reviewed the comments provided by CDA and staff's response, and voted to adopt modifications to the amendments to the Disciplinary Guidelines.

Dr. Bettinger acknowledged the hard work by everyone involved in the process, particularly Donna Kantner for successfully meeting very difficult deadlines.

M/S/C/ (Casagrande/Downing) to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law (OAL); authorize the Executive Officer to make non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Section 1018 (Disciplinary Guidelines) as described in the modified text notice. There was no additional discussion. By roll call vote, the motion passed unanimously.

Agenda Item 3: Approval of Registered Dental Assisting Programs and Courses

M/S/C (Forsythe/Le) to approve the following Registered Dental Assistant Infection Control Course: Dental Pros – Temecula. By roll call the motion passed unanimously.

M/S/C (Forsythe/Le) to approve the following RDA Programs: Kaplan – San Diego, Kaplan – Palm Springs, Kaplan – Riverside. By roll call the motion passed unanimously.

Agenda Item 4: Portfolio Status Update – Informational Item Only

Dr. Casagrande reported that the deadline for the statutory language was December 16, 2009. He talked with six deans of the six dental schools in California. All six deans agreed to have the language move forward. Three of the deans were without question, supportive of the current language. The remaining three deans are cautiously optimistic. They want to see what the regulations will look like. The California Dental Association (CDA) supports the language in principle. The language has been delivered to Dr. Hayashi's office. January 12, 2010 will be the first hearing on the bill. All interested parties will attend the hearing. There was no additional public comment.

Dr. Bettinger announced that he had received a fax from Mr. William Baker, Public Member indicating that he was resigning from the Dental Board effective December 31, 2009.

The meeting adjourned at 2:27 p.m.