



**DENTAL BOARD OF CALIFORNIA
MEETING MINUTES**

Tuesday, August 27, 2013

Department of Consumer Affairs
Hearing Room, HQ2
1747 North Market Blvd., Sacramento, CA, 95834

Members Present

Huong Le, DDS, President
Fran Burton, Public Member, Vice President
Steven Morrow, DDS, MS, Secretary
Steven Afriat, Public Member
Stephen Casagrande, DDS
Yvette Chappell-Ingram, Public Member
Katie Dawson, RDH
Luis Dominicis, DDS
Judith Forsythe, RDA
Kathleen King, Public Member
Ross Lai, DDS
Meredith McKenzie, Public Member
Thomas Stewart, DDS
Bruce Witcher, DDS

Members Absent

Meredith McKenzie

Staff Present

Karen Fischer, Executive Officer
Jennifer Thornburg, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Lori Reis, Complaint and Compliance Unit Manager
Dawn Dill, Licensing Manager
Nancy Butler, Supervising Investigator I
Karyn Dunn, Investigator
Sarah Wallace, Legislative and Regulatory Analyst
Linda Byers, Executive Assistant
Jocelyn Campos, Discipline Coordinator
Adrienne Mueller, Discipline Coordinator
Genie Albertsen, Budget Analyst
Spencer Walker, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

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

Dr. Huong Le, President, called the meeting to order at 9:11 a.m. Dr. Steven Morrow, Secretary, called the roll and established a quorum.

The full Board immediately went into Closed Session to deliberate and take action on disciplinary matters and receive advice from counsel on litigation.

The Licensing, Certification, and Permits Committee met in closed Session to deliberate the issuance of new license(s) to replace cancelled license(s).

The full board returned to open session at 12:27 p.m.

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

Dr. Whitcher, Chair, reported that after review of the materials provided, the Licensing, Certification and Permits Committee recommends that the Board grant issuance of a new license to replace the cancelled license of applicant CLB.

Motioned/Seconded/Carried (M/S/C) (Afriat/Dominicis) to accept the recommendation of the Licensing, Certification and Permits Committee to grant a new license to replace the canceled license of applicant CLB. The motion passed unanimously.

12. **Executive Officer's Report**

Karen Fischer, Executive Officer, introduced the new Assistant Executive Officer, Jennifer Thornburg. She reported that the Board is currently recruiting a Dental Consultant position. She thanked Greg Salute and Teri Lane for their continued outreach efforts to the dental schools. She thanked staff for their participation at the California Dental Association (CDA) Presents event. She reported that the Dental Board was chosen by the Department of Consumer Affairs to participate in a pilot project to create Performance Based Budgets. Additionally, she is participating on a task force for Form 700 – Statement of Economic Interest. She attended the Access to Care Town Hall meeting in Oakland at Dr. Le's clinic where she reported it was like a United Nations meeting with all the languages and translators. She reported that the Dental Board is due to receive \$2.7 million this year, the last installment for repayment of the loan the Dental Board made to the General Fund.

13. **Budget Report**

Taylor Schick from the Department of Consumer Affairs (DCA) Budget Office gave an overview and summary of last year's budget. He noted that the Board is expected to receive an increase of \$415,000 for its 2013/14 budget to cover the costs incurred to implement new programs such as Cures, Fi\$cal and BreEZe. He reported that our regulations to increase license fees has been filed and is expected to be implemented by July 1, 2014. The Board will be reviewing a

proposal in November to raise the statutory cap on all fees. Kathleen King asked for a report on the percentage of costs being recovered from disciplinary actions.

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

Michelle Hurlbutt, president of DHCC, reported that their Disciplinary Guidelines have been sent to DCA for approval. They are due for their Sunset Review this November. They have the first phase of a large, three phase regulatory package going out in September. They are pleased with the collaboration with the Dental Board.

15. **Discussion and Possible Action to Extend the Board's Strategic Plan to a Four or Five Year Plan**

Karen Fischer gave an overview of the Strategic Plan and the reasons for requesting to extend the plan to a four year plan.

M/S/C (Morrow/Dominicis) to readopt the Dental Board of California's Strategic Plan as a four year plan which will extend through 2016 and the Board's next legislative review. The motion passed unanimously.

16. **Discussion and Possible Action Regarding 2014 Board Meeting Dates**

Linda Byers, Executive Assistant, gave an overview of the dates proposed for the 2014 Dental Board meetings. There was discussion surrounding different meeting locations. The majority of the Board members agreed to the following dates:

February 27-28, 2014

May 29-30, 2014

August 25-26, 2014

November 6-7, 2014

17. **Discussion and Possible Action Regarding Updating and Revising the Board Member Administrative Procedure Manual**

Linda Byers, Executive Assistant, gave an overview of the Board Member Administrative Procedure Manual and asked that the Board members submit revisions and/or comments to her by the end of September for presentation and adoption by the Board at the November 2013 meeting.

18. **Update on Universidad De La Salle, Bajio**

Dr. Dominicis recused himself and left the room. Karen Fischer gave an update on the University De La Salle and reviewed the information provided. She reported that De La Salle's Dean came to Sacramento to meet with her and they successfully resolved this important issue.

19. **Report from the Dental Assisting Council**

Judith Forsythe, Chair, reported on the previous day's Dental Assisting Council (Council) meeting. The Council requested that the Board consider making Dental Assisting Educational Programs and Courses one of its top regulatory priorities for the 2013/14 fiscal year.

M/S/C (Casagrande/Afriat) to accept the Council report. The motion passed unanimously.

20. **Discussion and Possible Action Regarding Fiscal Year 2013/14 Regulatory Priorities**

Sarah Wallace, Legislative and Regulatory Analyst, gave an overview of the previous year's regulatory priorities and their progress. There was discussion about priorities for public safety.

M/S/C (Whitcher/Forsythe) that Dental Assisting Educational Programs and Courses be considered the number one regulatory priority for fiscal year 2013/2014 and Licensure by Credential Application requirements be considered the number two regulatory priority. The motion passed unanimously.

21. **Enforcement**

A. Enforcement Program Status

Kim Trefry, Enforcement Chief, gave an overview of the Enforcement Program.

B. Enforcement Program Statistics

Kim Trefry reviewed the statistics provided. There was discussion about the delays in getting hearing dates at the Office of Administrative Hearings.

C. Review of Department of Consumer Affairs Fiscal Year 2012/13 Fourth Quarter Performance Measures

Ms. Trefry reviewed the performance measures. Dr. Whitcher suggested a review of the target dates with revisions and justifications before the next Sunset Review.

D. Impact of Senate Bill 809 (DeSaulnier) Controlled Substances: Reporting

Ms. Trefry gave an overview of the Department of Justice database known as Controlled Substance Utilization Review and Evaluation System (CURES). Sarah Wallace, Legislative and Regulatory Analyst, explained that if SB 809 passes, there will be a \$6 annual fee on license renewals for maintenance of CURES. There was discussion surrounding how licensees will be notified.

M/S/C (Forsythe/Dawson) to take a neutral position on this bill. The motion passed unanimously.

E. Diversion Program Report

Lori Reis, Complaint and Compliance Unit Manager, gave an overview of the Diversion Program and reviewed the statistics provided. There was discussion about access to the program.

F. Recommendation for the Appointment of a Northern Diversion Evaluation Committee Member

Ms. Reis provided an overview of the composition of the two Diversion Evaluation Committees (DEC). She reported that the Northern DEC panel interviewed two candidates on June 6, 2013. The panel is recommending

appointment of James W. Frier, DDS, to fill the dental vacancy on the Northern DEC. Mr. Afriat reported that he had interviewed the candidate personally and was impressed by his credentials.

M/S/C (Afriat/Morrow) to accept the DEC's recommendation to appoint James W. Frier, DDS, to fill the dental vacancy on the Northern Diversion Evaluation Committee. The motion passed unanimously.

G. Recognition of Dr. Graham, Board Subject Matter Expert

Kim Trefry recognized Dr. Graham's contribution to the Enforcement Unit's successful outcome of a very long and egregious case.

Karen Fischer recognized:

Nancy Butler, Supervising Investigator, for 25 years of state service
Shirley Boldrini, who will be retiring after 20 years of state service as an Inspector and Registered Dental Assistant who attends many outreach events and volunteers tirelessly, and
Karyn Dunn, who will be retiring after 19 years of state service as an Investigator and firearms instructor

22. Licensing, Certification, and Permits

A. Review of Dental Licensure and Permit Statistics

Dawn Dill, Licensing Manager, gave an overview of the statistics provided.

B. Review of General Anesthesia/Conscious Sedation Evaluation Statistics

Dr. Bruce Witcher gave an overview of the statistics provided. He reported that the number of evaluations has gone down due to the lack of qualified evaluators. He stated that there is ongoing recruitment for qualified evaluators.

C. Update on General Anesthesia/Conscious Sedation Calibration Webinar

Dr. Witcher reported that in the past, calibration courses were live courses given in northern and southern California. These courses were accepted for continuing education credit so attendance was good, but very few attendees signed up to be evaluators. He is trying to facilitate the first webinar on Wednesday, September 25, 2013, from 3:30 to 5:30. Ms. Fischer thanked Dr. Witcher for the many hours he has devoted to this project.

23. Public Comment of Items Not on the Agenda

Bill Lewis, CDA, reported that the City of Berkeley is still proposing requiring more informed consent for amalgam use. They may be asking the Board to update the Materials Fact Sheet.

24. Future Agenda Items

There were no further requests for future agenda items.

25. **Board Member Comments for Items Not on the Agenda**

Dr. Casagrande commented that there are new guidelines for the pre-medication of prosthesis patients. He suggested a joint meeting with the Medical Board to discuss the changes.

Dr. Morrow suggested looking into the possibility of changing continuing education requirements to a continued competency type format.

26. **Adjournment**

Dr. Le adjourned the meeting at 3:30 p.m.