



**DENTAL BOARD OF CALIFORNIA
MEETING MINUTES
November 21-22, 2013**
Sportsmen's Lodge Events Center
Regency Room
4234 Coldwater Canyon Avenue
Studio City, CA 91604

Members Present

Huong Le, DDS, MA, 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 Whitcher, DDS

Members Absent

Staff Present:

Karen Fischer, Executive Officer
Jennifer Thornburg, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Sarah Wallace, Legislative and Regulatory Analyst
Linda Byers, Executive Assistant
Spencer Walker, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

Thursday, November 21, 2013

1. **Call to Order/Roll Call/Establishment of Quorum**
Dr. Huong Le, President, called the meeting to order at 1:10 p.m. Dr. Steven Morrow, Secretary, called the roll and a quorum was established.
2. **Approval of the August 26-27, 2013 Board Meeting Minutes and the October 9, 2013 Teleconference Minutes**

Motioned/Seconded/Carried (M/S/C) (Afriat/ King) to approve the August 26-27, 2013 Board Meeting minutes and the October 9, 2013 Teleconference minutes. The motion passed unanimously.

3. **President's Report**

Dr. Le, President provided a recap of the Board's accomplishments over the past year that she has been President. She thanked the public members and staff for their help and feedback. She recognized the guests in the audience; Dr. Alan Felsenfeld, Gayle Mathe and Bill Lewis from the California Dental Association (CDA), from the Dental Hygiene Committee of California (DHCC), Lori Hubble and Donna Kantner, Dr. Paul Reggiardo, California Association of Pediatric Dentists (CAPD), Dr. Earl Johnson, California Association of Orthodontists (CAO), Dr. Charles Broadbent, Western Regional Examination Board (WREB), Corrine Fishman, Department of Consumer Affairs (DCA) Headquarters, Lisa Okamoto, RDH, California Hygienists Association (CDHA), Dr. Lori Gagliardi, California Association of Dental Assisting Teachers (CADAT), and Dr. Guy Acheson, California Association of General Dentists (CAGD).

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

Corrine Fishman, from the Department of Consumer Affairs (DCA) Executive Office provided an update of current events throughout DCA including the department's information technology project, BreEZe, the conversion to the new travel reimbursement system, CalATERS Global and an overview of the mandatory training requirements for Board, Council and Committee members.

5. **Update from the Dental Hygiene Committee of California (DHCC) and an Overview of the Sunset Review Report Submitted to the Legislature November 1, 2013**

Lori Hubble, Executive Officer of the Dental Hygiene Committee of California read a letter from DHCC President Michele Hurlbutt to Board President Dr. Huong Le. Ms. Hubble reported that DHCC is working on legislation to change the law so that Registered Dental Hygienists in Alternative Practice (RDHAP) can continue to work in underserved areas even after a designation of no longer underserved. Ms. Hubble reported that they are working on raising their statutory cap, continued competency goals and Sunset Review. There was discussion about the DHCC's desire to become a Board.

Dr. Le, Board President provided a review of Senator Bill Emmerson's accomplishments and presented him with a plaque from the Dental Board expressing their gratitude for his service in the Legislature.

6. **Examinations**

A. **Presentation by Dr. Charles Broadbent, Director of Dental Exam Development for the Western Regional Examination Board (WREB)**

Dr. Charles Broadbent provided a review of the history of WREB. He then provided a Powerpoint Presentation. There was discussion about why there isn't a national examination and the WREB examiners.

B. Discussion and Possible Action on Report Regarding Portfolio Examination Development

- i. Portfolio Examination Audit Handbook**
Dawn Dill, Licensing Manager, provided an overview of the material provided including an explanation of the Audit Process. There was discussion about the Portfolio processes.
- ii. Portfolio Examiner Calibration/Standardization Training Material**
Ms. Dill provided an overview of the materials provided. Dr. Alan Felsenfeld, CDA commented that CDA is supportive of the Portfolio process.

7. Enforcement

- A. Enforcement Program Status**
Kim Trefry, Enforcement Chief provided a report on the status of the Enforcement Program. There was discussion about the merits versus cost of the task force operation.
- B. Enforcement Program Statistics**
Ms. Trefry provided an overview of the statistics provided.
- C. Review of Department of Consumer Affairs Fiscal Year 2013/14 First Quarter Performance Measures**
Ms. Trefry provided an overview of information provided.
- D. Report on Medical Board of California's Prescribing Task Force**
Ms. Trefry provided an overview of the report provided. Gayle Mathe, CDA commented that they would like to partner with the Access to Care Committee.

8. Licensing, Certification, and Permits

- A. Review of Dental Licensure and Permit Statistics**
Dawn Dill, Licensing Manager reviewed the statistics provided. There was discussion about professional shortage areas and where community clinics are located.
- B. Review of General Anesthesia/Conscious Sedation Evaluation Statistics**
Ms. Dill reviewed the statistics provided.
- C. Update on General Anesthesia/Conscious Sedation Calibration Webinar**
Ms. Dill provided an update. Dr. Guy Acheson requested statistics to show the rate of population growth versus growth in the number of licensed dentists by county.
- D. Capnograph Requirements - Informational Item Only - Report Regarding the Requirement for the Use of Capnography During Sedation and General Anesthesia as it Relates to:**

- i. **The American Association of Oral and Maxillofacial Surgeons' (AAOMS) Requirements, Effective January 1, 2014; and,**
Sarah Wallace, Legislative and Regulatory Analyst, provided an overview of the AAOMS new capnography requirements, effective January 2014.
- ii. **The Dental Board of California's Requirement (California Code of Regulations, Title 16, Section 1043.3(a)(7)(K))**
Ms. Wallace explained that the Dental Board does not have any new capnography requirements effective in 2014.

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

There was no public comment.

The Board went into Closed Session at 5:28 p.m.

10. **Recess**

The Board recessed at 6:28 p.m.

Friday, November 22, 2013

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

Dr. Huong Le, President, called the meeting to order at 8:37 a.m. Dr. Steven Morrow, Secretary, called the roll and a quorum was established. The Board immediately went into Closed Session. The Full Board reconvened at 10:07 a.m.

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

Dr. Witcher, 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 MLC. The committee recommends approval of this application. M/S/C (Afriat/Forsythe) to accept the committee's recommendation to approve applicant MLC's license to replace cancelled license. The motion passed unanimously.

Fran Burton, Vice President, presented a plaque to Dr. Huong Le in appreciation of her hard work the past year as Dental Board President.

13. **Executive Officer's Report**

Karen Fischer, Executive Officer of the Dental Board, provided an update on what has been happening at the Dental Board since the last meeting and all the events she attended on behalf of the Dental Board.

14. **Budget Report**

Karen Fischer, Executive Officer of the Dental Board, reviewed the statistics provided.

Kim Trefry, Enforcement Chief gave an overview of the cost recovery program. There was discussion surrounding the factors that prevent collection of 100% of the fees owed.

15. **Update and Revision of the Board Member Administrative Procedure Manual**

Ms. Fischer asked the Board members to review the changes provided and provide comments to staff by mid January. M/S/C (Afriat/Burton) to provide comments and bring back to review at the February 2014 Dental Board meeting. The motion passed unanimously.

16. **Diversion Program**

A. Diversion Program Background

Lori Reis, Diversion Program Manager, reviewed the memo provided.

B. Presentation by Maximus Regarding the Dental Board of California

Virginia (Ginny) L. Matthews, RN, BSN, MBA, and William (Bill) Frantz, RN, Project Managers from MAXIMUS provided an overview of MAXIMUS, Inc.

C. Presentation by the California Dental Association (CDA) of its Well-Being Program

Curtis Vixie, DDS, who serves as a volunteer on CDA's Northern California wellbeing committee as well as the Board's Southern California DEC, provided an overview of the wellbeing program and discussed the similarities/differences between the Board's DEC and CDA's wellbeing program.

D. Diversion Program Statistics

Ms. Reis reviewed the statistics provided.

17. **Legislation**

A. 2014 Tentative Legislative Calendar – Information Only

Sarah Wallace, Legislative and Regulatory Analyst, reviewed the calendar provided.

B. Discussion and Possible Action Regarding 2013 End-of-Year Legislative Summary Report

Ms. Wallace provided a summary of the bills that the Board and staff have tracked throughout the past year. Katie Dawson, RDH, requested a definitive answer as to whether or not SB 562 (Galgiani) Dentists: Mobile or Portable Units, applies to hygienists.

C. Update Regarding Previously Approved Legislative Proposal Regarding Delegation of Authority to Accept the Findings of any Commission or Accreditation Agency Approved by the Board and Adopt those Findings as its Own Relating to the Approval of Foreign Dental Schools

Ms. Wallace provided an overview of the material provided.

D. Discussion and Possible Action Regarding Legislative Proposals for 2014:

i. Amendment of Business and Professions Code §1724 Relating to Increasing the Statutorily Authorized Maximum for Dentistry Fees

Karen Fischer, Executive Officer and Jennifer Thornburg, Assistant Executive Officer provided an overview of the information provided including justification for increasing the statutory cap to \$700. M/S/C (Burton/Afriat) to collect information and seek an author.

Dr. Alan Felsenfeld, California Dental Association (CDA), commented that he would suggest waiting a year or two to do this during Sunset Review. Ms. Fischer stated that raising the cap on the maximum fee does not necessarily mean that fees will be raised immediately. Mr. Afriat commented that it takes one to two years to complete a regulatory change. He suggests going forward with this modest and prudent request. The motion passed unanimously.

ii. **Amendments to the Dental Practice Act (Business and Professions Code §1600 et seq.) for Inclusion in the Healing Arts Omnibus Bill**

Ms. Wallace gave an overview of the information provided.

E. **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. Bruce Whitcher gave an overview of the information provided. Dr. Le suggested that this discussion be continued in the Licensing, Certification and Permits Committee at the next Board meeting. Dr. Paul Reggiardo, California Society of Pediatric Dentistry (CSPD), commented that they are fully supportive of these amendments especially for minor dental patients. Dr. Dee Nishimine, California Society of Periodontists, requested that they be included as an interested party. M/S/C (Burton/Afriat) to move this item to the Licensing, Certification and permits committee for further discussion. There was no public comment. The motion passed unanimously.

F. **Prospective Legislative Proposals**

There were no legislative proposals.

G. **Update on Pending Regulatory Packages:**

i. **Uniform Standards for Substance Abusing Licensees (California Code of Regulations, Title 16, Sections 1018 and 1018.01);**

Ms. Wallace provided an update on the progress of this regulatory package as stated in the memo that was provided.

ii. **Dentistry Fee Increase (California Code of Regulations, Title 16, Section 1021);**

Ms. Wallace gave an overview of the information provided including possible dates that the regulation could become effective.

iii. **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)**

Ms. Wallace gave an update on the progress of the Portfolio Examination Requirements regulations as provided in the memo.

iv. **Abandonment of Applications (California Code of Regulations, Title 16, Section 1004)**

Ms. Wallace gave an update on the status of the Abandonment of Applications regulations as provided in the memo.

H. **Discussion and Possible Action Regarding Filing a Section 100 “Change without Regulatory Effect” with the Office of Administrative Law to**

Amend California Code of Regulations, Title 16, Section 1065 Relating to Notice to Consumers of Licensure by the Dental Board

Ms. Wallace gave an overview of the information provided. M/S/C (Morrow/Dominicis) to direct staff to file a "Section 100" to make a change without regulatory effect to amend California Code of Regulations, Title 16, Section 1065. There was discussion regarding the need for this change or not. Dr. Paul Reggiardo commented that he felt the change to "Notice" would be clearer. The motion passed with 13 ayes and one opposed.

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

Judy Forsythe, Chair, reported that the August 28, 2013 Dental Assisting Council (DAC) meeting minutes were tabled for further review at the request of Dr. Lori Gagliardi. The Council requests that the Board consider delegating approval of Dental Assisting Programs and Courses to the Council. Ms. Forsythe requested this be a future meeting agenda item. Ms Forsythe reported that the Council will be looking at examination processes and sites. The DAC will be meeting on December 12, 2013 to discuss Dental Assisting Program and Course requirements. Ms. Forsythe reported that the Council elected Teresa Lua as 2014 Chair and Anne Contreras as 2014 Vice Chair of the Dental Assisting Council.

19. **Election of Board Officers for 2014**

Steve Afriat nominated Fran Burton for President. Ms. Burton accepted the nomination. M/S/C (Morrow/Afriat) to elect Fran Burton President of the Dental Board. The motion passed unanimously.

Steve Afriat nominated Dr. Bruce Witcher for Vice President. Dr. Witcher accepted the nomination. M/S/C (Afriat/Forsythe) to elect Dr. Bruce Witcher as Vice President of the Dental Board. The motion passed unanimously.

Fran Burton nominated Judy Forsythe for Secretary of the Dental Board. Ms. Forsythe accepted the nomination. M/S/C (Burton/Chappell-Ingram) to elect Judy Forsythe as Secretary of the Dental Board. The motion passed unanimously.

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

There were no public comments.

21. **Future Agenda Items**

Kathleen King requested a report on the CDA program "Give Kids a Smile".

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

There were no Board Member comments.

23. **Adjournment**

The meeting was adjourned at 2:38 p.m.