



DENTAL BOARD MEETING MINUTES
February 26-27, 2015
Doubletree by Hilton
1646 Front Street, San Diego, CA 92101

Members Present

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

Members Absent

Staff Present

Karen Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Teri Lane, Enforcement Chief
Michael Placencia, Legislative and Regulatory Analyst
Jana Adams, Staff Services Analyst
Linda Byers, Executive Assistant
Spencer Walker, Senior Legal Counsel

Thursday, February 26, 2015

9:00 A.M. FULL BOARD MEETING – OPEN SESSION

1. Call to Order/Roll Call/Establishment of Quorum

President Fran Burton called the meeting to order at 9:03 a.m. Judith Forsythe, Secretary, called the roll and a quorum was established. The Board immediately went into Closed Session.

CLOSED SESSION – FULL BOARD

RETURN TO OPEN SESSION – FULL BOARD

2. **Approval of the November 6-7, 2014 Board Meeting Minutes**

Motioned/Seconded/Carried (M/S/C) (Afriat/Morrow) to approve the November 6-7, 2014 Board meeting minutes.

Support: Unanimous – Burton, Witcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicus, King, Lai, Le, McKenzie, Morrow, Stewart, Woo.

Oppose: 0 **Abstain:** 0

The motion carried unanimously. There was no public comment.

3. **President's Report**

President Fran Burton gave an overview of her activities since the last Board meeting.

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

The new President of the Dental Hygiene Committee of California (DHCC), Nicolette (Nikki) Moultrie provided information about the activities of the DHCC.

5. **Discussion and Possible Action Regarding the Dental Hygiene Committee of California (DHCC) Proposed Dental Hygiene Regulations Relative to Definitions (CCR, Title 16, Division 11, §1101)**

Sarah Wallace, Assistant Executive Officer, reviewed the information provided including the subcommittee's recommendations. M/S/C (Morrow/King) to approve the subcommittee's recommendations:

- (1) Subdivision (c) of the DHCC's proposed language defines "assessment" as the systematic collection, analysis, and documentation of the oral and general health status and patient needs through a variety of methods, including choice of radiographs, diagnostic tools, and instruments. The subcommittee recommended the definition be amended to include: "...utilized within the scope of dental hygiene practice and pursuant to Business and Professions Code Section 1910.5." There are limitations on the use of diagnostic tools and instruments by a registered dental hygienist; therefore the subcommittee's proposed amendment would address concerns that the definition could be interpreted to be outside the scope of a registered dental hygienist and provide clarification to the reader.
- (2) Subdivision (h) of the DHCC's proposed language defines "dental hygiene care plan" as an organized presentation or list of interventions to promote health or prevent disease of the patient's oral condition; plan is designed by the dental hygienist based on assessment data, dental hygiene diagnosis, and consists of services within the scope of dental hygiene practice.

The subcommittee did not find any issues related to scope of practice but did recommend the DHCC consider adding a definition for "dental hygiene diagnosis" since it is not currently defined in the Code or in regulation and would provide clarification and consistency.

- (3) Subdivision (j) of the DHCC’s proposed language defines “dental hygiene therapeutic interventions” as the specific procedure or set of procedures designed to intervene in the disease process to produce a therapeutic benefit.

The subcommittee recommended amending the definition as follows: ““Dental hygiene therapeutic interventions” as the specific procedure or set of procedures, provided within the scope of dental hygiene practice, designed to intervene in the disease process to produce a therapeutic benefit.” The subcommittee found that other definitions included qualifying statements to indicate that procedures are limited to the dental hygiene scope of practice and determined that this recommended amendment would provide clarity and consistency.

- (4) Subdivision (r) of the DHCC’s proposed language defines “Refer” to mean through assessment, diagnosis, or treatment, it is determined that services are needed beyond the practitioner’s competence or area of expertise.

The subcommittee recommended amending the definition as follows: ““Refer” means through dental hygiene assessment, diagnosis, or treatment, it is determined that services are needed beyond the practitioner’s competence or area of expertise.” The subcommittee made this recommendation as it would address concerns that the definition could be interpreted to be outside the scope of a registered dental hygienist and provide clarification to the reader.

And direct staff to notify the DHCC of the Board’s recommendations in response to the DHCC’s letter no later than March 11, 2015.

Support: Unanimous – Burton, Witcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo.

Oppose: 0 **Abstain:** 0

The motion passed unanimously. Gayle Mathe, California Dental Association (CDA), commented that CDA also submitted a letter to the DHCC and has continued concerns. Ms. Mathe read the comments and submitted them in writing to the Dental Board. Lisa Okamoto, California Dental Hygienists Association (CDHA), commented that in light of Public Comment today, CDHA wants to reiterate we are concerned that there is confusion over the word jurisdiction and the definition of scope issues within the current Dental Practice Act. One of the things CDHA had sought to clarify within the RDHAP bill was the matter of jurisdiction and scope. Donna Kantner, DHCC, commented that they are in the midst of their 90 day comment period after which all comments will be considered. Ms. Mathe further commented that it is CDA’s position and interpretation that 1905(a)(8) and 1905.2 indicate that the Dental Board has the authority to ultimately make the decision regarding recommendations by the DHCC regarding scope of practice.

6. Discussion and Possible Action Regarding Appointments to the Dental Assisting Council

Judith Forsythe, RDA reviewed the information provided and the recommendations of the subcommittee. M/S/C (Witcher/Dawson) to reappoint the two incumbents,

Pamela Davis-Washington, RDA and Emma Ramos, RDA to the Dental Assisting Council.

Support: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dominicus, King, Lai, Le, McKenzie, Morrow, Stewart, Woo. **Oppose:** 0 **Abstain:** Dawson.

Dr. Lori Gagliardi, CADAT, commented that they feel that the incumbent does not meet the criteria of employment for the past 5 years as she had a gap in her employment. Dr. Morrow stated that the intent is that the candidates have a minimum of 5 years of experience. The motion passed.

7. **Discussion and Possible Action Regarding Proposed Occupational Analysis for Registered Dental Assistants (RDA), Registered Dental Assistants in Extended Functions (RDAEF), Orthodontic Assistants (OA), and Dental Sedation Assistants (DSA)**

Ms. Wallace gave an overview of the information provided and staff's recommendation. M/S/C (Le/Dominicus) to move forward with staff's recommendation to conduct an occupational analysis for the RDA and RDAEF professions.

There was discussion regarding the parameters of the occupational analysis. Dr. Lori Gagliardi, CADAT commented that they are concerned about the type of analysis and what will be included. Zannia Delling, J and Z Dental, commented that she is concerned about the current testing while waiting for the results of the occupational analysis. Should the RDA practical examination be put on hold. Ms. Forsythe commented that statute requires the test continue.

Support: Unanimous – Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicus, King, Lai, Le, McKenzie, Morrow, Stewart, Woo.
Oppose: 0 **Abstain:** 0

The motion passed unanimously.

COMMITTEE/COUNCIL MEETINGS

RETURN TO OPEN SESSION – FULL BOARD

8. **Public Comment of Items Not on the Agenda**
There was no further public comment.

9. **Recess**

Ms. Burton recessed the meeting until 8:00am, Friday February 27, 2015.

Friday, February 27, 2015

8:00 A.M. OPEN SESSION - FULL BOARD

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

Fran Burton, President, called the meeting to order at 8:07am. Roll was called and a quorum established.

11. Executive Officer's Report

Karen Fischer, Executive Officer, provided an update on personnel changes and the activities at the Dental Board since the last meeting including full approval of Western Health Sciences University – Dental School, the new dean of University De La Salle, Bajio, the new Dental Hygiene Committee President, sending Portfolio documentation binder and DVD's to the six California dental schools and the various meetings she attended since the last Board meeting in November 2014.

12. Update Regarding 2015 Legislative Overview Hearings (Sunset Review)

Ms. Fischer gave an overview of the information provided.

13. Discussion and Possible Action Regarding the Dental School Application from the Republic of Moldova and Appointments to a Technical Advisory Group (TAG) and Site Evaluation Team

Ms. Fischer gave an overview of the information provided. There was discussion regarding the location of the school and safety in that area. There was discussion about the timing of appointing a TAG team and who the members should be. M/S/C (Burton/Forsythe) to appoint Dr.'s Le, Martinez, Alarcon and Morrow to the TAG Team. There was no public comment.

Approve: Burton, Forsythe, Dawson, McKenzie, **Oppose:** Witcher, Afriat, Casagrande, Chappell-Ingram, King, Lai, Morrow, Stewart, Woo **Abstain:** Dominicus, Le

Approve: 4 Oppose: 9 Abstain: 2 - The motion failed.

M/S/C (Burton/Forsythe) to appoint Dr.'s Le, Martinez, Alarcon and Witcher to the TAG Team. There was no public comment.

Approve: Burton, Witcher, Forsythe, Chappell-Ingram, King, Dawson, McKenzie, Morrow **Oppose:** Afriat, Casagrande, Lai, Stewart, Woo **Abstain:** Dominicus, Le

Approve: 8 Oppose: 5 Abstain: 2 - The motion passed.

14. Budget Report

Ms. Fischer gave an overview of the information provided. There was discussion regarding the BreZE project. Mr. Dan Edds gave a presentation relating to the fee audit he conducted. Ms. Burton appointed Kathleen King and Dr. Witcher as a subcommittee to work with staff to consider increasing appropriate fees. There was discussion regarding raising licensing fees as opposed to raising application fees.

15. Discussion and Possible Action Regarding the Institute of Advanced Laser Dentistry's Request for the Dental Board of California's Endorsement of February Gum Disease Awareness Month

Representatives from the Institute of Advanced Laser Dentistry (IALD) gave a presentation and asked for the Dental Board's endorsement of February as Gum Disease Awareness month. Dr. Paul Reggiardo, Public Policy Advocate for California Society of Pediatric Dentistry, commented that February has been

National Children's Dental Health month since 1941. It would be a shame to dilute that message. Ms. Chappell-Ingram pointed out that the IALD is not on the non-profit registry. Ms. Burton stated that the Board was not prepared to give an endorsement at this time.

16. Discussion and Possible Action to Appoint a Subcommittee to Work with Staff to Determine if Changes to Licensure By Credential (LBC) Application Requirements are Best Achieved Through Statute or Regulations

Ms. Burton appointed a Licensure by Credential subcommittee of Dr.'s Whitcher and Woo to work with staff on this item.

17. Dental Assisting Council Report

Ms. Forsythe, Chair, gave a report on the Dental Assisting Council meeting. It was noted that Ms. LaDonna Drury-Kleins' name was misspelled in the minutes. The committee recommended including a provision in the Dental Assisting comprehensive rulemaking package, for credit toward work experience, on a week for week basis, for applicants with training and internship work obtained from a postsecondary institution approved by the Department of Education or a board approved educational program. M/S/C (Afriat/King) to accept the report including the recommendation made by the Council. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicus, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

18. Examination Committee Report

Dr. Casagrande, Chair, gave a report on the Examination Committee meeting. The committee recommended that the Board approve the Portfolio Audit Handbook. M/S/C (Casagrande/King) to accept the report including the recommendation to approve the Portfolio Audit Handbook. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicus, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

19. Prescription Drug Abuse Committee Report

Dr. Stewart, Chair, gave a report on the Prescription Drug Abuse Committee meeting. M/S/C (Afriat/King) to accept the report. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicus, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

20. Access to Care Committee Report

Dr. Le, Chair, gave a report on the Access to Care Committee meeting. She reported that Ms. Jennifer Pilapil and Dr. Beth Mertz, from the Center for Oral Health gave a presentation on the analysis of the workforce statistics information. M/S/C (Afriat/Woo) to accept the report. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

21. Licensing, Certification and Permits Committee Report and Closed Session Report

Dr. Whitcher, Chair, gave a report on the Licensing, Certification and Permits Committee meeting including a recommendation that the Board accept the staff recommendation to conduct random audits on the Continuing Education Registered Providers as defined in CCR 1016 (e)(3). M/S/C (Morrow/Dominicis) to approve the report and accept the committee recommendation. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

Closed Session Report

Dr. Whitcher reported that there were two applicants for reissuance of a license to replace a cancelled license. Candidate #1 – RDA – D.C. - The committee recommended reissuance upon proof of passing a Law and Ethics examination. M/S/C (Afriat/Dominicis) to accept the committee recommendation. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

Candidate #2 – RDAEF – N.R. – The committee recommended reissuance upon successful completion of the RDAEF written exam as well as providing a certificate of completion of a pit and fissure sealants course. M/S/C (Afriat/King) to accept the committee recommendation. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

22. Enforcement Committee Report

Mr. Afriat, Chair, gave a report on the Enforcement Committee meeting. M/S/C (Afriat/Dominicis) to accept the committee report. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

23. Legislative and Regulatory Committee Report

Fran Burton, Chair, gave a report on the Legislative and Regulatory Committee meeting including the recommendation that the Board take a watch position on AB 179 (Bonilla) Dentistry – Sunset Review. M/S/C (Burton/Morrow) to accept the committee's recommendation. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

The committee also recommended taking a watch position on SB 52 (Walters) Regulatory Boards: Healing Arts. M/S/C (Burton/Afriat) to accept the committee report and the recommendation. There was no public comment.

Approve: Burton, Whitcher, Forsythe, Afriat, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo **Oppose:** 0
Abstain: 0

The motion passed unanimously.

24. Public Comment of Items Not on the Agenda

Brad Eli, DMD, MS, Diplomate of the American Board of Orofacial Pain, commented that he is a sleep apnea advocate. Todd Morgan, DDS, commented that he is an educator, researcher and mentor in the field of sleep apnea. He advocates a formal training process including the issuance of a permit from the Dental Board and continuing education requirements prior to treating patients for sleep apnea. Gayle Mathe, California Dental Association, commented that CDA Cares will be held in Sacramento on March 27-28, 2015. She also commented that CDA along with Children's Partnership is in support of AB 648 (Low) Community-based services: Virtual Dental Home. Marty Lipskey, DDS, MS, commented that he is also a sleep apnea advocate. He brought forth a request to file a complaint.

25. Board Member Comments for Items Not on the Agenda

Dr. Stewart commented on the sleep devices being sold over the internet. Katie Dawson commented on the Supreme Court decision regarding restriction of non-dental personnel from bleaching teeth.

26. Adjournment

The meeting was adjourned at 2:33 p.m.