



**DENTAL BOARD OF CALIFORNIA**  
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**DENTAL BOARD OF CALIFORNIA MEETING AGENDA**  
**FEBRUARY 23-24, 2017**

Humphreys Half Moon Inn  
2303 Shelter Island Drive  
San Diego, CA 92106  
(619) 224-3411 (Hotel) or (916) 263-2300 (Board Office)

**Members of the Board:**

Bruce L. Witcher, DDS, President  
Thomas Stewart, DDS, Vice President  
Debra Woo, DDS, MA, Secretary

Steven Afriat, Public Member  
Fran Burton, MSW, Public Member  
Steven Chan, DDS  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, BS, RDHAP  
Judith Forsythe, RDA

Kathleen King, Public Member  
Ross Lai, DDS  
Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Steven Morrow, DDS, MS

During this two-day meeting, the Dental Board of California will consider and may take action on any of the agenda items, unless listed as informational only. It is anticipated that the items of business before the Board on the first day of this meeting will be fully completed on that date. However, should an item not be completed, it may be carried over and heard beginning at 9:00 a.m. on the following day. Anyone wishing to be present when the Board takes action on any item on this agenda must be prepared to attend the two-day meeting in its entirety.

Public comments will be taken on agenda items at the time the specific item is raised. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the President. For verification of the meeting, call (916) 263-2300 or access the Board's website at [www.dbc.ca.gov](http://www.dbc.ca.gov). This Board meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources or technical difficulties that may arise.

## **Friday, February 24, 2017**

### **8:00 A.M. CLOSED SESSION – FULL BOARD**

Deliberate and Take Action on Disciplinary Matters

The Board will meet in closed session as authorized by Government Code §11126(c)(3).

If the Board is unable to deliberate and take action on all disciplinary matters due to time constraints on Thursday, February 23, 2017, it will also meet in closed session on February 24, 2017.

### **RETURN TO OPEN SESSION – FULL BOARD**

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

8. Call to Order/Roll Call/Establishment of Quorum
9. Executive Officer's Report
  - A. BreEZe Update
  - B. Email Address Collection
  - C. Staffing Update – Vacancies and New Hires
  - D. Recruitment of Elective Facial Cosmetic Surgery Permit Credentialing Committee Member
  - E. Minimum Standards for Infection Control (Cal. Code of Regs., Title 16, Section 1005)
  - F. Implementation of Senate Bill 482 (Lara, Chapter 708, Statutes of 2016) Relating to the Controlled Substance Utilization Review and Evaluation System (CURES 2.0)
  - G. Form 700 Filing
  - H. Required Board Member Training
10. Report on the California Dental Director's Oral Health Program Advisory Committee
11. Presentation from Linda Schneider, Supervising Deputy Attorney General, Regarding the Implementation of Senate Bill 467 (Hill, Chapter 656, Statutes of 2016); Complaint Prioritization Guidelines
12. Report of Dental Hygiene Committee of California (DHCC) Activities
13. Clarification of the Dental Board of California's Provisional Approval of the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova's Faculty (School) of Dentistry Based on the Five and Six Year Curriculum Submitted by the School
14. Report on the January 25, 2017 meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee and Discussion and Possible Action to Accept

the Elective Facial Cosmetic Surgery Permit Credentialing Committee  
Recommendation(s) for Issuance of Permit(s)

15. **Examination Committee Report**  
The Board may take action on any items listed on the attached Examination Committee meeting agenda.
16. **Licensure, Certification, and Permits Committee Report**  
The Board may take action on any items listed on the attached Licensure, Certification, and Permits Committee meeting agenda.
17. **Licensing, Certifications, and Permits Committee Report on Closed Session**  
The Board may take action on recommendations regarding applications for issuance of new license(s) to replace cancelled license(s) and whether or not to grant, deny, or request further evaluation for a Conscious Sedation Permit as it relates to an onsite inspection and evaluation failure.
18. **Legislative and Regulatory Committee Report**  
The Board may take action on any items listed on the attached Legislative and Regulatory Committee meeting agenda.
19. **Anesthesia Committee Report**  
The Board may take action on any items listed on the attached Anesthesia Committee meeting agenda.
20. **Public Comment on Items Not on the Agenda**  
The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).
21. **Board Member Comments on Items Not on the Agenda**  
The Board may not discuss or take action on any matter raised during the Board Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).
22. **Adjournment**



## MEMORANDUM

<b>DATE</b>	February 13, 2017
<b>TO</b>	Members, Dental Board of California
<b>FROM</b>	Karen Fischer, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 9:</b> Executive Officer Report

### **A. BREEZE UPDATE**

The Dental Board transitioned to the Department of Consumer Affairs' new computer system January 19, 2016. We have been utilizing the system for 13 months. Staff has done a good job navigating through the challenges. When any issues are discovered, they are submitted to a DCA Change Control Board which reviews the issue and determines when the "fix" will be scheduled. Updates to the system are scheduled every six weeks.

### **B. EMAIL ADDRESS COLLECTION**

A report on the number of email addresses collected to date will be given at meeting.

### **C. STAFFING UPDATE – VACANCIES AND NEW HIRES AS OF 2/1/2017**

#### **Operations Division**

##### **Executive Office ~ 1 vacancy**

Executive Assistant (EA) – Perm/FT; previous incumbent separated as of 10/09/16 and a hire has been made with an effective date of 03/02/17

##### **Administration Unit ~ 1 vacancy**

Associate Governmental Program Analyst (AGPA) – Perm/FT; current incumbent to separate as of 02/17/17 and recruitment has been initiated

##### **Recently hired:**

Associate Governmental Program Analyst (AGPA) – Perm/FT effective 12/01/16

### **Licensing & Examination Unit ~ 2.5 vacancies**

Program Technician II (PT II) – Perm/FT; previous incumbent accepted a transfer position within the unit with a separation date of 11/20/16 ~ recruitment was conducted and a conditional offer has been accepted

Staff Services Analyst – Perm/FT; previous incumbent accepted a promotion within the Board with a separation date of 01/02/17 and recruitment has been initiated

Staff Services Analyst – Limited Term/PT; previous incumbent accepted a permanent position with DCA; however, the Board will not be recruiting behind as this position expires 06/30/17

#### **Recently hired:**

Staff Services Analyst (SSA) – Perm/FT effective 11/21/16

### **Dental Assisting Program ~ currently fully staffed**

#### **Recently hired:**

Office Assistant (General) (OA G) – Perm/FT effective 01/23/17

Management Service Technician (MST) – Perm/FT effective 01/16/17

Associate Governmental Program Analyst (AGPA) – Perm/FT effective 12/12/16

Associate Governmental Program Analyst (AGPA) – Perm/FT effective 01/03/17

### **Enforcement Division**

#### **Executive Office ~ 1 vacancy**

Supervising Investigator II (SI II) – Perm/FT; previous incumbent retired as of 05/31/16, an exam was recently conducted and recruitment has been initiated for the second time

#### **Complaint & Compliance Unit ~ 3 vacancies**

Office Technician (Typing) (OT T) – Perm/FT; new position through BCP 16/17; recruitment has been initiated

Office Technician (Typing) (OT T) – Perm/FT; previous incumbent accepted a transfer position with another department with a separation date of 02/07/17 and recruitment has been initiated

Staff Services Analyst (SSA) – Perm/FT; previous incumbent accepted a promotion within the Board with a separation date of 12/11/16 and recruitment has been initiated

#### **Discipline Coordination Unit ~ currently fully staffed**

#### **Investigative Analysis Unit ~ 4 vacancies**

Office Technician (Typing) (OT T) – Perm/FT; new position through BCP 16/17; recruitment has been initiated

Associate Governmental Program Analyst (AGPA) – Perm/FT; previous incumbent separated as of 11/30/16 and recruitment has been conducted w/eligibility currently being verified for a potential hire.

Associate Governmental Program Analyst (AGPA) – Perm/FT; previous incumbent separated as of 11/30/16 and recruitment is in progress

Associate Governmental Program Analyst (AGPA) – Perm/FT; previous incumbent separated as of 12/12/16 and recruitment has been conducted w/eligibility currently being verified for a potential hire.

#### **Recently hired:**

Special Investigator (SP INV) – Perm/FT effective 12/01/16

**Sacramento Field Office ~ currently fully staffed**

**Orange Field Office ~ 1 vacancy**

Investigator (INV) – Perm/FT; previous incumbent separated as of 08/07/16 and recruitment is in process.

**Recently hired:**

2 Investigators (INV) – Perm/FT both effective 01/01/17

**Total number of hires/separations since November 1, 2016:**

Hires – 10

Separations – 7

\*\*\* A majority of these hires and separations were as a result of internal transfers and/or promotions

**D. RECRUITMENT OF ELECTIVE FACIAL COSMETIC SURGERY PERMIT CREDENTIALING COMMITTEE MEMBER**

The Elective Facial Cosmetic Surgery Permit Credentialing Committee (Committee) is comprised of five members: (A) A physician and surgeon with a specialty in plastic and reconstructive surgery who maintains active status on the staff of a licensed general acute care hospital in this state. (B) A physician and surgeon with a specialty in otolaryngology who maintains active status on the staff of a licensed general acute care hospital in this state. (C) Three oral and maxillofacial surgeons licensed by the board who are board certified by the American Board of Oral and Maxillofacial Surgeons, and who maintain active status on the staff of a licensed general acute care hospital in this state, at least one of whom shall be licensed as a physician and surgeon in this state. Two years after the effective date of this section, any oral and maxillofacial surgeon appointed to the committee who is not licensed as a physician and surgeon shall hold a permit pursuant to this section.

I received notification that Dr. Brian Wong has resigned from the Committee. Dr. Wong held the position of a physician and surgeon with a specialty in otolaryngology. He was appointed to the Committee by the Board in November 2011. Staff will begin the recruitment process to fill this position

**E. MINIMUM STANDARDS FOR INFECTION CONTROL**

In accordance with CCR, Title 16 Section 1005(c), the subcommittee of the Dental Board of California (DBC) and the Dental Hygiene Committee of California (DHCC) met on February 10, 2017 in Sacramento to review and update, as necessary, the infection control regulations. Staff will be drafting changes to the current minimum standards for infection control and will bring the language to both the DHCC and DBC meetings in May, 2017.

**F. IMPLEMENTATION OF SENAT BILL 482 RELAIING TO THE CONTROLLED SUBSTANCE UTILIZATION REVIEW AND EAVLUATION SYSTEM (CURES 2.0)**

Licensees were required to register with CURES by July 1, 2016. Senate Bill 482 now requires licensees who prescribe controlled substances to check the database prior to the first time prescribing controlled substances and at least once every 4 months thereafter. This statute will take effect July 1, 2017. Failure to consult the CURES database could result in an administrative sanction imposed by the board.

**G. FORM 700**

All board members should have received notification from the Department of Consumer Affairs about e-filing Form 700 – Statement of Economic Interest. The filing deadline is April 1, 2017.

**H. REQUIRED BOARD MEMBER TRAINING**

State law requires board members within the Department of Consumer Affairs to complete orientation and training in several important areas.

- Ethics
- Conflict of Interest
- Drivers Training
- Sexual Harassment Prevention \*
- Board Member Orientation

\*2017 will be a mandatory reporting year for the Department of Consumer Affairs. This means that all staff and board members will be required to complete the two-hour Sexual Harassment Prevention training. An email notification along with a training link will be forwarded to everyone early next year.



## MEMORANDUM

<b>DATE</b>	February 3, 2017
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Sarah Wallace, Assistant Executive Officer Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item 10:</b> Report on the California Dental Director's Oral Health Program Advisory Committee

**Background:**

On January 31, 2017, Dental Board Members, Fran Burton and Dr. Huong Le, attended the California Dental Director's Oral Health Program Advisory Committee meeting in Sacramento. Ms. Burton and Dr. Le will provide a verbal report regarding this meeting.

**Action Requested:**

No Board action requested.





## MEMORANDUM

<b>DATE</b>	February 9, 2017
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Sarah Wallace, Assistant Executive Officer Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item 11:</b> Presentation from Linda Schneider, Supervising Deputy Attorney General, Regarding the Implementation of Senate Bill 467 (Hill, Chapter 656, Statutes of 2016); Complaint Prioritization Guidelines

### **Background:**

Linda Schneider, Supervising Deputy Attorney General, will provide a presentation to the Dental Board of California (Board) regarding the implementation of Senate Bill 467 (Hill, Chapter 656, Statutes of 2016).

The Business and Professions Code provides for the licensure and regulation of various professions and vocations by boards, bureaus, commissions, divisions, and other agencies within the Department of Consumer Affairs (Department). Agencies within the Department are required to investigate a consumer accusation or complaint against a licensee and, where appropriate, impose disciplinary action against a licensee. An agency within the Department may refer a complaint to the Attorney General or Office of Administrative Hearings for further action.

Senate Bill 467 requires the Attorney General to submit a report to the Department, the Governor, and the appropriate policy committees of the Legislature, on or before January 1, 2018, and on or before January 1 of each subsequent year, that includes specified information regarding the actions taken by the Attorney General pertaining to accusation matters relating to consumer complaints against a person whose profession or vocation is licensed by an agency within the department.

The Division of Investigation is established in law within the Department and requires investigators who have the authority of peace officers to be in the division to investigate the laws administered by the various boards comprising the department or commence directly or indirectly any criminal prosecution arising from any investigation conducted under these laws.

Senate Bill 467 requires, the Director of the Department, through the Division of Investigation, to implement “Complaint Prioritization Guidelines” for boards to utilize in prioritizing their complaint and investigative workloads and to determine the referral of complaints to the division and those that are retained by the health care boards for

investigation. Senate Bill 467 provided an exemption for the Medical Board of California from required utilization of these guidelines.

A copy of Senate Bill 467 is included in the meeting materials for reference.

**Action Requested:**

No Board action requested.

## Senate Bill No. 467

### CHAPTER 656

An act to amend Sections 5000, 5015.6, 7000.5, 7011, and 7071.6 of, to add Sections 312.2, 328, and 5100.5 to, and to repeal Section 7067.5 of, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor October 8, 2015. Filed with  
Secretary of State October 8, 2015.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 467, Hill. Professions and vocations.

Existing law provides for the licensure and regulation of various professions and vocations by boards, bureaus, commissions, divisions, and other agencies within the Department of Consumer Affairs. Existing law requires an agency within the department to investigate a consumer accusation or complaint against a licensee and, where appropriate, the agency is authorized to impose disciplinary action against a licensee. Under existing law, an agency within the department may refer a complaint to the Attorney General or Office of Administrative Hearings for further action.

This bill would require the Attorney General to submit a report to the department, the Governor, and the appropriate policy committees of the Legislature, on or before January 1, 2018, and on or before January 1 of each subsequent year, that includes specified information regarding the actions taken by the Attorney General pertaining to accusation matters relating to consumer complaints against a person whose profession or vocation is licensed by an agency within the department.

Existing law creates the Division of Investigation within the department and requires investigators who have the authority of peace officers to be in the division to investigate the laws administered by the various boards comprising the department or commence directly or indirectly any criminal prosecution arising from any investigation conducted under these laws.

This bill would, in order to implement the Consumer Protection Enforcement Initiative of 2010, require the Director of Consumer Affairs, through the Division of Investigation, to implement "Complaint Prioritization Guidelines" for boards to utilize in prioritizing their complaint and investigative workloads and to determine the referral of complaints to the division and those that are retained by the health care boards for investigation. The bill would exempt the Medical Board of California from required utilization of these guidelines.

Under existing law, the California Board of Accountancy within the department is responsible for the licensure and regulation of accountants and is required to designate an executive officer. Existing law repeals these provisions on January 1, 2016.

This bill would extend the repeal date to January 1, 2020.

Existing law authorizes the California Board of Accountancy, after notice and hearing, to revoke, suspend, or refuse to renew any permit or certificate, as specified, or to censure the holder of that permit or certificate for unprofessional conduct.

This bill would additionally authorize the board, after notice and hearing, to permanently restrict or limit the practice of a licensee or impose a probationary term or condition on a license for unprofessional conduct. This bill would authorize a licensee to petition the board for reduction of a penalty or reinstatement of the privilege, as specified, and would provide that failure to comply with any restriction or limitation imposed by the board is grounds for revocation of the license.

Under existing law, the Contractors' State License Law, the Contractors' State License Board is responsible for the licensure and regulation of contractors and is required to appoint a registrar of contractors. Existing law repeals these provisions establishing the board and requiring it to appoint a registrar on January 1, 2016.

This bill would extend these repeal dates to January 1, 2020.

Existing law requires every applicant for an original contractor's license, the reactivation of an inactive license, or the reissuance or reinstatement of a revoked license to evidence financial solvency, as specified, and requires the registrar to deny the application of any applicant who fails to comply with that requirement. Existing law, as a condition precedent to the issuance, reinstatement, reactivation, renewal, or continued maintenance of a license, requires the applicant or licensee to file or have on file a contractor's bond in the sum of \$12,500.

This bill would repeal that evidence of financial solvency requirement and would instead require that bond to be in the sum of \$15,000.

*The people of the State of California do enact as follows:*

SECTION 1. Section 312.2 is added to the Business and Professions Code, to read:

312.2. (a) The Attorney General shall submit a report to the department, the Governor, and the appropriate policy committees of the Legislature on or before January 1, 2018, and on or before January 1 of each subsequent year that includes, at a minimum, all of the following for the previous fiscal year for each constituent entity within the department represented by the Licensing Section and Health Quality Enforcement Section of the Office of the Attorney General:

- (1) The number of accusation matters referred to the Attorney General.
- (2) The number of accusation matters rejected for filing by the Attorney General.
- (3) The number of accusation matters for which further investigation was requested by the Attorney General.

(4) The number of accusation matters for which further investigation was received by the Attorney General.

(5) The number of accusations filed by each constituent entity.

(6) The number of accusations a constituent entity withdraws.

(7) The number of accusation matters adjudicated by the Attorney General.

(b) The Attorney General shall also report all of the following for accusation matters adjudicated within the previous fiscal year for each constituent entity of the department represented by the Licensing Section and Health Quality Enforcement Section:

(1) The average number of days from the Attorney General receiving an accusation referral to when an accusation is filed by the constituent entity.

(2) The average number of days to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received by the Attorney General from a constituent entity or the Division of Investigation.

(3) The average number of days from an agency filing an accusation to the Attorney General transmitting a stipulated settlement to the constituent entity.

(4) The average number of days from an agency filing an accusation to the Attorney General transmitting a default decision to the constituent entity.

(5) The average number of days from an agency filing an accusation to the Attorney General requesting a hearing date from the Office of Administrative Hearings.

(6) The average number of days from the Attorney General's receipt of a hearing date from the Office of Administrative Hearings to the commencement of a hearing.

(c) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. Section 328 is added to the Business and Professions Code, to read:

328. (a) In order to implement the Consumer Protection Enforcement Initiative of 2010, the director, through the Division of Investigation, shall implement "Complaint Prioritization Guidelines" for boards to utilize in prioritizing their respective complaint and investigative workloads. The guidelines shall be used to determine the referral of complaints to the division and those that are retained by the health care boards for investigation.

(b) The Medical Board of California shall not be required to utilize the guidelines implemented pursuant to subdivision (a).

SEC. 3. Section 5000 of the Business and Professions Code is amended to read:

5000. (a) There is in the Department of Consumer Affairs the California Board of Accountancy, which consists of 15 members, 7 of whom shall be licensees, and 8 of whom shall be public members who shall not be licentiates of the board or registered by the board. The board has the powers and duties conferred by this chapter.

(b) The Governor shall appoint four of the public members, and the seven licensee members as provided in this section. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint two public members. In appointing the seven licensee members, the Governor shall appoint individuals representing a cross section of the accounting profession.

(c) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

(d) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to reports or studies specified in this chapter and those issues identified by the appropriate policy committees of the Legislature and the board regarding the implementation of new licensing requirements.

SEC. 4. Section 5015.6 of the Business and Professions Code is amended to read:

5015.6. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 5. Section 5100.5 is added to the Business and Professions Code, to read:

5100.5. (a) After notice and hearing the board may, for unprofessional conduct, permanently restrict or limit the practice of a licensee or impose a probationary term or condition on a license, which prohibits the licensee from performing or engaging in any of the acts or services described in Section 5051.

(b) A licensee may petition the board pursuant to Section 5115 for reduction of penalty or reinstatement of the privilege to engage in the service or act restricted or limited by the board.

(c) The authority or sanctions provided by this section are in addition to any other civil, criminal, or administrative penalties or sanctions provided by law, and do not supplant, but are cumulative to, other disciplinary authority, penalties, or sanctions.

(d) Failure to comply with any restriction or limitation imposed by the board pursuant to this section is grounds for revocation of the license.

(e) For purposes of this section, both of the following shall apply:

(1) "Unprofessional conduct" includes, but is not limited to, those grounds for discipline or denial listed in Section 5100.

(2) "Permanently restrict or limit the practice of" includes, but is not limited to, the prohibition on engaging in or performing any attestation engagement, audits, or compilations.

SEC. 6. Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. (a) There is in the Department of Consumer Affairs a Contractors' State License Board, which consists of 15 members.

(b) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

(c) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 7. Section 7011 of the Business and Professions Code is amended to read:

7011. (a) The board, by and with the approval of the director, shall appoint a registrar of contractors and fix his or her compensation.

(b) The registrar shall be the executive officer and secretary of the board and shall carry out all of the administrative duties as provided in this chapter and as delegated to him or her by the board.

(c) For the purpose of administration of this chapter, there may be appointed a deputy registrar, a chief reviewing and hearing officer, and, subject to Section 159.5, other assistants and subordinates as may be necessary.

(d) Appointments shall be made in accordance with the provisions of civil service laws.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 8. Section 7067.5 of the Business and Professions Code is repealed.

SEC. 9. Section 7071.6 of the Business and Professions Code is amended to read:

7071.6. (a) The board shall require as a condition precedent to the issuance, reinstatement, reactivation, renewal, or continued maintenance of a license, that the applicant or licensee file or have on file a contractor's bond in the sum of fifteen thousand dollars (\$15,000).

(b) Excluding the claims brought by the beneficiaries specified in subdivision (a) of Section 7071.5, the aggregate liability of a surety on claims brought against a bond required by this section shall not exceed the sum of seven thousand five hundred dollars (\$7,500). The bond proceeds in excess of seven thousand five hundred dollars (\$7,500) shall be reserved exclusively for the claims of the beneficiaries specified in subdivision (a) of Section 7071.5. However, nothing in this section shall be construed so as to prevent any beneficiary specified in subdivision (a) of Section 7071.5 from claiming or recovering the full measure of the bond required by this section.

(c) No bond shall be required of a holder of a license that has been inactivated on the official records of the board during the period the license is inactive.

(d) Notwithstanding any other law, as a condition precedent to licensure, the board may require an applicant to post a contractor's bond in twice the

amount required pursuant to subdivision (a) until the time that the license is renewed, under the following conditions:

(1) The applicant has either been convicted of a violation of Section 7028 or has been cited pursuant to Section 7028.7.

(2) If the applicant has been cited pursuant to Section 7028.7, the citation has been reduced to a final order of the registrar.

(3) The violation of Section 7028, or the basis for the citation issued pursuant to Section 7028.7, constituted a substantial injury to the public.





## MEMORANDUM

<b>DATE</b>	February 9, 2017
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Sarah Wallace, Assistant Executive Officer Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item 12:</b> Report of Dental Hygiene Committee of California (DHCC) Activities

Representatives from the Dental Hygiene Committee of California will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	February 9, 2017
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Karen Fischer, Executive Officer Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item 13:</b> Clarification of the Dental Board of California's Provisional Approval of the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova's Faculty (School) of Dentistry Based on the Five and Six Year Curriculum Submitted by the School

The Dental Board of California (Board) provisionally approved The State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova Faculty (School) of Dentistry on December 2, 2016. Dental students who complete the six (6) year program are conferred a Doctor of Dental Surgery (DDS) degree, and may qualify for a dental license in California upon completion of additional licensure requirements.

Since the Board issued provisional approval of the school in December, Board staff has received inquiries from potential applicants regarding the school's two (2) year International Dental Program (IDP), and whether completion of the IDP would meet the requirements for licensure in California.

Since this is a recently approved foreign dental school, it is important to clarify these types of questions as soon as possible to avoid continued confusion.

The application from Moldova for approval of its dental education program by the DBC did not include any program other than the standard five (now six) year program. All supporting documentation for review was directed toward the standard program. During the onsite inspection and evaluation by the Site Visit Team, nothing was mentioned regarding a two year International Dentistry Program and, therefore, that program was not assessed by the Site Visit Team regarding its compliance with the DBC's Educational Standards.

Therefore, staff recommends that the school be notified that students attending an IDP at the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova Faculty (School) of Dentistry will not meet the educational requirements for licensure in California.



## MEMORANDUM

<b>DATE</b>	February 3, 2017
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Leslie Kihara, Program Coordinator Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item 14:</b> Report on the January 25, 2017 meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee and Discussion and Possible Action to Accept the Elective Facial Cosmetic Surgery Permit Credentialing Committee Recommendation(s) for Issuance of Permit(s)

### **Background:**

On September 30, 2006, Governor Arnold Schwarzenegger signed Senate Bill 438 (Midgen, Chapter 9009, Statutes of 2006), enacting Business and Professions Code (Code) Section 1638.1, which took effect on January 1, 2007. Code Section 1638.1 authorizes the Dental Board of California (Board) to issue Elective Facial Cosmetic Surgery (EFCS) permits to qualified licensed dentists and establishes the EFCS Credentialing Committee (Committee) to review the qualifications of each applicant for a permit.

Pursuant to Code Section 1638.1(a)(2), an EFCS permit that is issued by the Board is valid for a period of two (2) years and is required to be renewed by the permit-holder at the time his or her dental license is renewed. Additionally, every six (6) years, prior to the renewal of the permit-holder's license and permit, the permit-holder is required to submit evidence acceptable to the Committee that he or she has maintained continued competence to perform the procedures authorized by the permit. The Committee is authorized to limit a permit consistent with Code Section 1638.1(e)(1) if it is not satisfied that the permit-holder has established continued competence.

Code Section 1638.1 does not expressly provide the requirements a permit-holder must meet to establish continuing competency, therefore it has become necessary to promulgate a regulation to implement, interpret, and make specific the provisions of Code Section 1638.1 for the purpose of clarifying the necessary requirements that would establish continuing competency for the EFCS permit.

### **January 25, 2017 Update:**

The Committee met on January 25, 2017 via teleconference to review two (2) applications for issuance of a permit.

**Recommendation for Issuance of EFCS Permit:**

The Committee considered an application from Olena Norris, DDS. The Committee has made the following recommendation regarding issuance of an EFCS permit to Dr. Norris:

Applicant: Olena Norris, DDS, applied for an EFCS permit with unlimited privileges for Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited to, rhinoplasty and otoplasty) and Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation).

Based on its review of the application at the January 25, 2017 meeting, the Committee recommends the Board issue a permit for limited Category II (limited to facial neurotoxins and facial fillers) privileges.

The Committee also reviewed another application for Dr. G.T. The committee tabled this application until further documentation could be obtained from the applicant.

**Action Requested:**

Staff requests the Board take the following actions:

1. Accept the EFCS Credentialing Committee Report; and
2. Accept the Committee's recommendation to issue Olena Norris, DDS, an EFCS Permit for limited Category II privileges (limited to facial neurotoxins and facial fillers).



## MEMORANDUM

<b>DATE</b>	February 3, 2017
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Sarah Wallace, Assistant Executive Officer Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item 17:</b> Licensing, Certification, and Permits Committee Report on Closed Session

**Background:**

Dr. Lai, Chair of the Licensing, Certification and Permits Committee, will provide recommendations to the Board based on the outcome of the Committee's Closed Session meeting.

**Action Requested:**

The Board may take action to accept, reject, or modify the Committee's recommendations.