



BOARD MEETING Minutes
December 3-4, 2015
Marriott LAX
5855 West Century Blvd.
Los Angeles, CA 90045

Board Members Present

Fran Burton, MSW, Public Member, President
Bruce Whitcher, DDS, Vice President
Judith Forsythe, RDA, Secretary
Steven Afriat, Public Member
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

Board Members Absent

Stephen Casagrande, DDS

Staff Present

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Teri Lane, Enforcement Chief
Lusine Sarkisyan, Legislative and Regulatory Analyst
Linda Byers, Executive Assistant
Spencer Walker, Senior Legal Counsel

Thursday, December 3, 2015

8:00 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 8:02 a.m. Judith Forsythe, Secretary, called the roll and a quorum was established. The Board immediately went into Closed Session.

CLOSED SESSION – FULL BOARD

CLOSED SESSION – LICENSING, CERTIFICATION, AND PERMITS COMMITTEE

RETURN TO OPEN SESSION – FULL BOARD

2. Licensing, Certification and Permits Committee Report on Closed Session

Dr. Whitcher, Chair, gave a report on the results of Closed Session. The Committee recommended that the Board grant a license to replace cancelled license to:

Applicant CY – RDA – after completion of the Law and Ethics Examination

Applicant DE – RDA – after completion of the Law and Ethics Examination and the RDA Written Examination

Applicant CM – RDA – after completion of the Law and Ethics Examination

Applicant JL – RDA – after completion of the Law and Ethics Examination

Applicant SA – RDA – after completion of the Law and Ethics Examination

The DDS applicant was deferred.

GA/CS applicant to request further evaluation for Conscious Sedation Permit Onsite Inspection was denied.

Motioned/Seconded/Carried (M/S/C) (Afriat/Chappell-Ingram) to accept the committee's recommendations.

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

The motion passed.

3. Approval of the August 27-28, 2015 Board Meeting Minutes

M/S/C (Whitcher/King) to approve the August 26-27, 2015 Board Meeting minutes.

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

The motion passed.

4. President's Report

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

JOINT MEETING OF THE DENTAL BOARD AND DENTAL ASSISTING COUNCIL

RETURN TO FULL BOARD OPEN SESSION

5. Presentation of the Controlled Substance Review and Evaluation System (CURES) by the Department of Justice (DOJ)

Tina Farales from the Department of Justice gave a presentation about the CURES 2.0 prescriber registration process and use of the system. Gayle Mathe, California

Dental Association (CDA) commented that CDA provides courses on pain control in dentistry and how to use the CURES system.

COMMITTEE/COUNCIL MEETINGS

RETURN TO OPEN SESSION – FULL BOARD

RECESS

Friday, December 4, 2015

8:00 A.M. OPEN SESSION – FULL BOARD

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

President Burton called the meeting to order at 8:14 a.m. Secretary Judith Forsythe 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

7. Executive Officer's Report

Karen Fischer, Executive Officer of the Dental Board reported that during the previous Closed Session the Board agreed to grant an extension of her contract as the Executive Officer. She reported on her activities on behalf of the Board as well as several of the accomplishments of the Board during the past year.

8. BreZE Update from the Department of Consumer Affairs

Sean O'Connor, Chief of IT Legislation and Data Governance for the Office of Information Services at the Department of Consumers Affairs gave an update and presentation on the new licensing and enforcement system known as BreZE that will be going live on January 19, 2016.

9. Discussion and Possible Action on the North Carolina State Board of Dental Examiners vs. Federal Trade Commission Supreme Court Decision, Attorney General's Opinion Regarding "Active State Supervision," and Federal Trade Commission Guidance on "Active State Supervision"

Spencer Walker, Senior Legal Counsel reviewed the opinions provided.

10. Legislation and Regulations:

Lusine Sarkisyan, Legislative and Regulatory Analyst gave an overview of the information provided. Sarah Wallace, Assistant Executive Officer, gave an overview of additional information provided.

M/S/C (Morrow/Le) to accept staff's recommendation to revise Business and Professions Code Section 1632(a) as such: "The board shall require each applicant to successfully complete the ~~Part I and Part II~~ written examinations of the National Board Dental Examination of the Joint Commission on National Dental

Examinations and to direct staff to prepare the proposal for submission to the Committee for inclusion in the 2016 healing arts board omnibus bill.

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

The motion passed.

11. **Discussion and Possible Action Regarding Notification to Patients by Licensees on Probation**

Karen Fischer, Executive Officer, reviewed the information provided. Following the discussion it was agreed to ask the Department of Consumer Affairs for assistance with an outreach program and to revise the wording on the Dental Board's website to make it simpler and clearer to understand. Mr. Afriat suggested asking the Legislature to include information in their newsletters.

12. **Discussion and Possible Action on the Subcommittee Report Regarding Changes to Licensure By Credential (LBC) Application Requirements**

Sarah Wallace, Assistant Executive Officer, gave an overview of the information provided. There was discussion regarding self-employment, residency programs and clarity in the proposed regulatory language.

13. **Discussion and Possible Action Regarding the Dental School Application from the Republic of Moldova and Appointments to the Site Evaluation Team**

Dr Dominicis recused himself and left the room. Ms. Fischer gave an overview of the information provided.

M/S/C (Morrow/King) to accept the Moldova Dental School application as complete.

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

The motion passed.

M/S/C (Afriat/Chappell-Ingram) to appoint Dr. Octavia Plesh as the fourth member of the Site Evaluation Team.

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

The motion passed.

M/S/C (Afriat/McKenzie) to delegate authority to the Executive Officer and Dr. Morrow to select an alternate member of the Site Team if necessary.

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

The motion passed.

Retired Senator Polanco thanked the Board for their approval of the application.

14. **Examinations:**

Dr. Le gave an update on the Western Regional Examinations Board (WREB). Dr. Joe Zayas , past President of WREB gave additional updates on WREB.

15. **Budget Report**

Ms. Fischer gave an overview of the information provided. Olivia Chavez, Veterans Awareness Project asked how many witnesses were veterans.

16. **Report on the October 14, 2015 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits**

Dr. Whitcher gave an overview of the information provided.

M/S/C (Dominicis/Afriat) to accept the Elective Facial Cosmetic Surgery Committee report.

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

The motion passed.

M/S/C (Morrow/Afriat) to accept the Committee's recommendation to issue Michael P. Morrissette, DDS an Efcs permit for unlimited Category I and Category II privileges.

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

The motion passed.

17. **Dental Assisting Council Report**

Judith Forsythe, Chair, gave a report on the Dental Assisting Council meeting.

18. **Access to Care Committee Report**

Dr. Le, Chair, gave a report on the Access to Care Committee meeting.

19. **Prescription Drug Abuse Committee Report**

Dr. Stewart, Chair, gave a report on the Prescription Drug Abuse Committee meeting.

20. **Election of Board Officers for 2016**

Dr. Whitcher, former Dental Board President, presented Ms. Burton a plaque in recognition of being the first public member to serve as President and in appreciation for her service as President of the Dental Board for the past two years.

Dr. Stewart nominated Dr. Morrow for President. Dr. Morrow accepted the nomination.

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

The motion passed.

Ms. Burton nominated Ms. Forsythe for Vice President. Ms. Forsythe accepted the nomination.

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

The motion passed.

Ms. Forsythe nominated Dr. Woo for Secretary. Dr. Le nominated Mr. Afriat for Secretary. Dr. Woo accepted the nomination. Mr. Afriat accepted the nomination.

Vote for Dr. Woo for Secretary.

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

Vote for Mr. Afriat for Secretary.

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

The vote was tied.

Second vote for Dr. Woo for Secretary.

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

Second vote for Mr. Afriat for Secretary.

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

Dr. Woo received five aye votes and Mr. Afriat received six aye votes. Mr. Afriat is elected Secretary.

21. **Public Comment on Items Not on the Agenda**

Ms. Olivia Chavez, Founder and CEO of the Veterans Awareness Project spoke on behalf of Tina Gomes. She is advocating for the patients right to be notified when a licensee is on probation. Mr. Ken Phillips spoke as an advocate for Tina Gomes. He commented that he feels that Ms. Gomes case was not adjudicated properly. Ms. Tina Gomes spoke on her own behalf commenting that she advocates the notification of patients when a licensee is placed on probation. She also commented that public protection should be the most important goal of the Board.

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

There were no Board member comments.

23. **Adjournment**

The Board adjourned at 2:33 p.m.