



**DENTAL BOARD OF CALIFORNIA
MEETING MINUTES
November 18-19, 2021**

NOTE: In accordance with Government Code Section 11133, the Dental Board of California (Board) met on November 18-19, 2021, via teleconference/WebEx Events, and no public locations or teleconference locations were provided.

Members Present:

Joanne Pacheco, RDH, MAOB, President
Rosalinda Olague, RDA, BA, Vice President
Alan Felsenfeld, DDS, MA, Secretary
Fran Burton, MSW, Public Member
Steven Chan, DDS
Lilia Larin, DDS
Meredith McKenzie, Esq., Public Member
Angelita Medina, Public Member
Mark Mendoza, Public Member
Sonia Molina, DMD, MPH
Alicia Montell, DDS
Steven Morrow, DDS, MS
Thomas Stewart, DDS
James Yu, DDS, MS

Members Absent:

None

Staff Present:

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Carlos Alvarez, Chief of Enforcement Field Offices
Bernal Vaba, Chief of Regulatory Compliance and Discipline
Tina Vallery, Chief of Administration and Licensing
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
Kayla Surprenant, Dentistry Licensing and Examination Unit Manager
Emilia Zuloaga, Complaint and Compliance Unit Manager
Daniel Rangel, Supervising Special Investigator I
Mirela Taran, Administrative Analyst
Tara Welch, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

1:00 p.m., Thursday, November 18, 2021

Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum

The Board President, Ms. Joanne Pacheco, called the meeting to order at 1:12 p.m. The Board Secretary, Dr. Alan Felsenfeld, called the roll; 14 Board Members were present, and a quorum was established.

Agenda Item 2: Public Comment on Items Not on the Agenda

Dr. Maura Tusso voiced her intention on mailing out a correction action plan that will showcase her proposal to reinstate her California dentist license.

Agenda Item 3: Discussion and Possible Action on August 19-20, 2021 Board Meeting Minutes

Board Member, Dr. Steven Morrow, requested an amendment to the meeting minutes on page 6, Agenda Item 18, first paragraph, second line, to strike and replace “statue” with “statute.” Board Member, Dr. James Yu, questioned as to why his name is listed as absent in the recording of the votes for the motion in place on Agenda Item 25(b), on page 14 of the meeting minutes. Board staff have noted that Dr. Yu’s WebEx connection dropped off during that portion of the discussion; therefore, he was noted as absent.

Motion/Second/Call (M/S/C) (Medina/Chan) to approve the August 19-20, 2021 meeting minutes as revised.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 4: Board President Report

President Pacheco reported that she continues to meet with the Board’s Executive Officer on a weekly basis to discuss Board business, as well as attend meetings pertinent to Board business. As this was her last meeting as Board President, President Pacheco stated that she is thankful for the privilege of serving as the Board President and is proud of the work accomplished during the pandemic. She verbalized that the members of the Board individually, as well as collectively, are dedicated to the legislative mandate that protection of the public shall be its highest priority.

There were no public comments made on this item.

Agenda Item 5: Executive Officer Report

Ms. Karen Fischer, Executive Officer, provided an update on the Board's staff vacancies, Subject Member Expert (SME) training, and COVID-19 vaccination and testing requirements. The Board received resignations from Dental Assisting Council Members Ms. Michele Jawad and Ms. Melinda Cazares. Both Members were unable to continue with their positions due to their jobs. A recruitment notice has been posted on the Board's website with the application deadline being December 15, 2021.

Ms. Fischer advised that the Board was saying goodbye to three Board members: Dr. Ross Lai; Dr. Thomas Stewart; and Ms. Fran Burton. Ms. Burton served as Board President three times, was Vice President in 2013, and held the position as Chair of the Legislative & Regulatory Committee during her entire term. Dr. Lai was Chair of the Licensing, Certification, and Permits Committee, and Dr. Stewart served as Board President twice.

In addition, Board President Pacheco was recognized for serving as Board President in 2021. President Pacheco was Board Secretary in 2021; she was the first dental hygienist to serve as Board President.

Board Member, Dr. Alicia Montell, asked whether the 16% staff vacancy was of the norm. Ms. Fischer replied that historically the Board tends to have a 10-17% staff vacancy rate, and the Board is never fully staffed.

Board Members, Dr. Lilia Larin, Dr. Morrow, Dr. Yu, Dr. Montell, and Ms. Rosalinda Olague, expressed their gratitude for the outgoing Board Members and President Pacheco. Dr. Stewart and Ms. Burton expressed their gratitude toward their colleagues and team.

The Board received public comment. Anthony Lum, Executive Officer of the Dental Hygiene Board of California (DHBC), stated that he appreciated the communication he has had with the outgoing Board Members and will miss the discussions that have occurred over the past years.

Dr. Tuso asked whether sworn peace officers are licensed under the State of California and whether they would be mandated reporters under that licensure. Ms. Fischer replied that Board staff would be happy to answer questions by email.

Dr. Bruce Whitcher thanked all outgoing Board Members and agreed with Dr. Morrow that Ms. Burton ought to be given a honorable dental degree of some sort.

Dr. Lai verbalized that it was an honor to be on the Board for eight years and expressed his appreciation for the Board Members. He stated that it was a great learning experience and thanked Ms. Fischer and Board staff for their time with him.

Ms. Susan McLearn, California Dental Hygienists' Association (CDHA), noted that she is very proud of President Pacheco for her careful consideration with which she presented issues, her leadership and expertise, and the selflessness with which she fulfilled her office.

Agenda Item 6: Report on Department of Consumer Affairs (DCA) Activities

Ms. Brianna Miller, Board and Bureau Relations Manager, provided a departmental update. She recognized the outgoing Board Members and Ms. Fischer. She expressed appreciation for all Board Members, Committee Members, and staff who continue to serve through the pandemic that has affected all of us in many ways. To combat the spread of COVID-19, California has implemented an enhanced safety measure for State employees and workers in public settings. State workers must show proof of COVID-19 vaccination or be subject to weekly testing. As the law stands today, remote meetings are allowed until January 31, 2022; DCA continues to encourage utilizing remote meetings as there are numerous benefits. Furthermore, DCA has been made aware of various scam alerts; information regarding these scams have been shared on the DCA website and social media. Ms. Miller emphasized that 2021 is a mandatory sexual harassment prevention training year. As a result, all employees and Board Members are required to complete training during the year. Board Members can access this training through DCA's training portal, Learning Management System (LMS).

The Board received public comment. Dr. Tuso stated that she is curious as to what is the DCA and Board plan regarding protecting the public's interest in terms of fraud.

Agenda Item 7: Budget Report

Agenda Item 7(a): Presentation from DCA on Need for Potential Fee Increase

Mr. Matt Nishimine, Research Data Specialist I, provided a report on the State Dentistry Fund, which the Board manages, for fiscal year (FY) 2020-21. Mr. Nishimine recognized Ms. Fischer for her service and leadership. He mentioned that as the administrators of the Fund, Board Members and the Executive Officer have a fiduciary responsibility for ensuring spending does not exceed the annual budget limit and that the Fund remains solvent. Mr. Nishimine reported that savings can primarily be attributed to the high vacancy rate and that travel costs dropped nearly to zero as travel was curtailed last year. He noted that there is enough room within the Board's statutory authority to eliminate its structural imbalance. If the Board were to raise various fees to the statutory maximum, its structural imbalance could be dissipated.

Board Member, Dr. Steven Chan, expressed that the assumption is that if the Board is fully funded, the revenue would still exceed the expenditures due to the fact that it is not expended. He asked what happens to the gap of the unexpended revenue in terms of whether it goes into reserves to help smooth out the shortfall in the future. Mr. Nishimine replied that any unspent money remains in the Fund. Ms. Wallace added that the Board typically shoots for the 3-6 months in reserve based on work with the Budget Office. She stated that historically, the Board has underspent every year in the appropriation, which has helped push out the need to raise an increase.

Ms. Wallace mentioned that Board staff is working through a workload and revenue analysis assuming certain fees are increased to statutory caps that are currently in place. The Board will most likely need to do a fee study over the course of the next year; at the moment, the Board is in a good position.

Board Member, Ms. Angelita Medina, thanked Mr. Nishimine for his presentation. Dr. Larin inquired about the merger of the dental assisting fund and main fund. Ms. Wallace responded that the combination of the dental assisting fund and the State Dentistry Fund has not impacted the Board's revenue or its potential for structural imbalance. Mr. Nishimine stated that the dental assisting fund will be abolished and will be transferred into the Dentistry Fund at the end of the current FY. He conveyed that in the immediate future, the Board is very healthy. Dr. Larin asked whether there is any money owed to the Board from the State and if so, whether it will be repaid. Mr. Nishimine replied that it will be repaid in the future with interest (approximately \$25, 000 for every 12-month period). Ms. Wallace asked whether the general loan must be repaid before the Board can implement those fee increases if the Board did move forward with the regulatory proposal later this year to increase the cap. Mr. Nishimine replied that if the Board had a statutory fee increase, the general loan would have to be returned.

The Board received public comment. Dr. Witcher stated there was some discussion regarding increases at the Attorney General's Office (AG's Office) and Office of Administrative Hearings (OAH). A couple of years ago, it was not combined with C/P services (external); it was its own line item. Dr. Witcher stated it might be helpful to have a separate line item available in the budget report if that is something the Board is going to have future interest in regard to its cost. Dr. Witcher further stated that the licensing population does increase over time, and he is not certain whether the Board wants to rely on that increase; it would be interesting to predict whether that is going to affect the Board's income enough over the year to make much of a difference.

Agenda Item 8: Report on Dental Hygiene Board of California (DHBC) Activities

Dr. Timothy Martinez, President of the DHBC, provided a verbal report on their activities.

The Board received public comment. Dr. Tusso asked why she was the sole licensee whose license was acted upon and revoked in regard to a particular fraud case. Dr. Tusso was advised that her comments did not pertain to the agenda item.

Agenda Item 9: Discussion and Possible Action to Update the Board's Strategic Plan

Ms. Fischer provided the report, which is available in the meeting materials. Ms. Fischer requested an amendment to goal 1.3 of the Strategic Plan to include the following verbiage: "Identify and partner with stakeholders to examine problems and challenges in dental assisting, determine whether there is a workforce shortage, and work toward removing barriers to licensure for RDA/RDAEF and expand access to care."

Dr. Montell inquired whether goals 1.3 and 1.4 are specifically referencing RDAs and RDAEFs and whether the Board will include unlicensed dental assistants in goal 1.3. Ms. Fischer responded that the Board could add unlicensed dental assistants to this objective and recommended to strike “RDA/RDAEF” and replace those terms with “dental assisting community.”

Dr. Morrow questioned whether goal 3.1 fit into the purpose, duties, and responsibilities of the Board. He asked what are the action items that the Board might be involved with in promoting outreach to underserved communities. Ms. Fischer indicated the management team would be working with the DCA Office of Strategic Planning, Leadership and Individual Development (SOLID), to request whether action items can be defined. Staff will not move forward with implementing these objectives without first informing the Board what the plan is.

Dr. Larin noted the Access to Care Committee is not active because there was not much the Board can do without funding for the programs to outreach to underserved communities. She asked whether the Board will examine if it has enough funds to implement free clinics/healthcare events and support access to care to underserved communities to be able to perform goal 3.1. Dr. Felsenfeld noted, in relation to goal 3.1, that if the Board can provide good oral health to people that otherwise do not have access to it, that is protecting the public and is within the Board’s overall mission. He mentioned that this goal is a broad reach, overall objective to the plan and would allow the Board to look at specific objectives to see if the Board can do more things, if possible. Dr. Montell agreed with Dr. Felsenfeld’s comments.

President Pacheco suggested that the Board use the term “support” in lieu of “implement” in goal 3.1. Ms. Burton noted that the Board will not be able to raise private funds to address the issue of funding in goal 3.1. Ms. Fischer listed topics that were discussed that are not required to be in the Strategic Plan.

(M/S/C) (Chan/Molina) to accept the Strategic Plan as amended.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Olague.

Recusals: None.

The motion passed. The Board received public comment. Ms. Melodi Randolph, Dental Assisting Educator’s Group (DAEG) representative, disagreed with the underlying premise that the extreme shortage of dental assistants is due to barriers to licensure, as stated in goals 1.3 and 1.4. DAEG does, however, agree that the pass rate of the RDA exam is unacceptable and are in support of trying to figure out the issues around these pass rates. Ms. Randolph verbalized that there are many strategies that can be

implemented to help alleviate the shortage, such as encouraging more course providers and making the application process for course providers less cumbersome.

Agenda Item 10: Discussion and Possible Action Regarding Executive Officer (EO) Salary Level Increase

Ms. Fischer provided the report, which is available in the meeting materials.

Ms. Burton commented that most Board Members were not around when the Board last attempted to adjust the EO salary level, and she feels very strongly that there is an inequity among boards, particularly in regard to Board responsibilities and the amount of discipline within the Boards. Ms. Burton encouraged Board members to support a salary level increase. Board Member, Dr. Sonia Molina, suggested research be conducted on the salary levels of other EOs and how they compare in terms of level of responsibility. Ms. Fischer suggested that the Board move forward to put the salary level information together and report back at the February meeting and show how the staff levels have increased, at the same time the Board recruits to fill the EO position. It would be up to the Board to decide to if they would want to wait to hire to fill the permanent position until this decision is made. Dr. Chan commented that it is inconceivable that there have been no changes to the EO compensation in two decades, and a low EO salary will affect the pool of people looking at applying for the EO position.

(M/S/C) (Burton/Chan) to approve moving forward to request an EO salary level increase and direct staff to work with OHR to draft the Exempt Position Request (EPR) for Board discussion and possible action at the February 10-11, 2022 meeting.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Olague.

Recusals: None.

The motion passed. The Board received public comment. Dr. Witcher stated the salary scale for EOs across state government probably is available on the California Department of Human Resources (CalHR) website. He agreed with Dr. Chan's comments that the private sector EO salary is substantially higher than the public sector EO salary. Dr. Tuso asked when Ms. Fischer will be retiring. Ms. Fischer replied that she will be retiring by the end of the year. Mr. Lum agreed with prior comments that it is time to move the EO salary to its appropriate scale.

Agenda Item 11: EO Recruitment and Selection Process

Agenda Item 11(a-b): Presentation, Discussion, and Possible Action Regarding Process for Recruitment and Selection of the Executive Officer

Ms. Olivia Trejo, DCA, Office of Human Resources, provided a verbal report on the EO recruitment and selection process. Ms. Trejo congratulated Ms. Fischer on her

upcoming retirement. Ms. Trejo stated that the EO selection and recruitment process will require two Board Members who have the time and interest to participate in the selection process. The Board will select two of its members to be part of the Selection Committee to assist with the entire recruitment activities. Ms. Trejo noted that the salary shown on the announcement located in the meeting materials is the current EO salary. Ms. Trejo explained the recruitment is typically advertised for 30 days and is advertised on the CalHR platform and can also be advertised externally.

(M/S/C) (Medina/Yu) to delegate to the Office of Human Resources the authority to advertise the position of Executive Officer and coordinate and set interviews of candidates for the position.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Olague.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 11(c): Discussion and Possible Action on Appointment of EO Selection Committee

Ms. Fischer provided the report, which is available in the meeting materials.

Ms. Burton mentioned that when the Board was searching for an EO in 2009, she saw the importance of an intimate relationship between the Board President and the EO. She suggested that the two-person Selection Committee be comprised of two former presidents. Dr. Molina verbalized that as there are new Members of the Board, she believed those new Members should interview the new EO. Ms. Fischer replied that the Selection Committee will be conducting the initial interviews. However, the full Board ultimately makes the final decision, and each individual Board Member will be allowed to weigh in on the selection of the EO. Ms. Burton indicated that she has heard Board Members express a lack of the understanding of Board Member roles compared to that of the EO in addition to the EO's authority over staff.

(M/S/C) (Burton/Chan) to appoint Dr. Morrow and President Pacheco to the Selection Committee for the Executive Officer appointment.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Olague.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 11(d): Review and Possible Action on Revised EO Duty Statement and Recruitment Announcement

Ms. Fischer provided the report, which is available in the meeting materials.

Ms. Trejo clarified that the recruitment flyer will be decided with the Selection Committee.

(M/S/C) (Felsenfeld/Yu) to adopt the EO duty statement.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Olague.

Recusals: None.

The motion passed. There were no public comments made on this item.

Dr. Chan expressed that he participated in a number of EO searches for nonprofits, as well as for profit companies, and has seen no more than two pages for the statement of qualifications. Dr. Morrow suggested that the Board consider rewording the number of pages so as not to exceed more than three pages.

(M/S/C) (Morrow/Burton) to approve the recruitment announcement with the statement of qualifications not to exceed three pages.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Olague.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 12: Recess Open Session

President Pacheco recessed the Open Session at 4:32 p.m.

Agenda Item 13: Convene Closed Session

At 4:45 p.m., the Board convened Closed Session.

Agenda Item 14: Pursuant to Government Code Section 11126(a)(1), the Board Will Meet in Closed Session to Discuss and Take Possible Action on Selection Process and Appointment of “Acting” or “Interim” EO

The Board convened in Closed Session to discuss and take possible action on the appointment of an Interim EO.

Agenda Item 15: Pursuant to Government Code Section 11126(c)(2), the Board Will Meet in Closed Session to Deliberate and Vote on Applications for Issuance of New License(s) to Replace Cancelled License(s)

The Board convened in Closed Session to discuss Applications for Issuance of New License(s) to Replace Cancelled License(s).

Agenda Item 16: Pursuant to Government Code Section 1126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

The Board convened in Closed Session to discuss disciplinary matters.

Agenda Item 17: Adjourn Closed Session

President Pacheco adjourned Closed Session at 5:52 p.m.

9:00 a.m. Friday, November 19, 2021

Agenda Item 18: Reconvene Open Session– Call to Order/Roll Call/Establishment of a Quorum

President Pacheco called the meeting to order at 9:05 a.m. Secretary Felsenfeld called the roll; 13 Board Members were present, and a quorum was established. Ms. Burton joined the meeting at 9:06 a.m.

Agenda Item 19: President’s Report on Closed Session Items

President Pacheco provided a verbal report to the Board regarding closed session items. She noted that the Board voted to appoint an Interim EO effective upon the retirement date of the current EO. An announcement regarding who the appointed person is will be made after approval is received from the director of DCA. She reported the Board approved the Issuance of New License(s) to Replace Cancelled License(s) applications for the following candidates:

1. SC
2. JG
3. RS

There were no public comments made on this item.

Agenda Item 20: Dental Assisting Council (DAC) Meeting Report

Ms. Jeri Fowler, Vice Chair of the DAC, provided a verbal report on the November 18, 2021 DAC meeting.

(M/S/C) (McKenzie/Larin) to approve the RDAEF Occupational Analysis.

Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Burton.

Recusals: None.

The motion passed. The Board received public comment. Dr. Huong Le inquired whether there is any plan to encourage EF1s to become EF2s.

Agenda Item 21: Discussion and Possible Action on Draft Report to the California State Legislature Regarding Findings Relevant to Inform Dental Anesthesia and Sedation Standards as Required by Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018) and Business and Professions Code Section 1601.4, subdivision (a)(2)

Dr. Felsenfeld provided the report, which is available in the meeting materials. The Anesthesia Committee met on September 30, 2021. A quorum was established, and the previous meeting minutes were approved. There was only one item of business before the Committee. As required by SB 501, the Board was tasked with providing a report to the Legislature by January 1, 2022. The draft report was reviewed by the Committee and found to have formatting and syntax issues. However, there were no substantive changes to the report. A motion to accept the suggested changes and send it to staff to complete and move it to the full Board was made, seconded, and approved.

Dr. Chan commented that as a past member of this Committee, this report represents a lot of work, discovery, and digestion.

(M/S/C) (Chan/Yu) to approve the *Report to California State Legislature Regarding Findings Relevant to Inform Dental Anesthesia and Sedation Standards* as reviewed by the Board and submit the final report to the California State Legislature before the January 1, 2022 deadline.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. The Board received public comment. Bryan Huong, dentist and anesthesiologist, stated that it was interesting that adverse events were not separated by anesthesia provider and believed it should be examined. Dr. Witcher, speaking as an individual licensee, expanded on his comments that he had submitted to the Anesthesia Committee months ago. He relayed that he had a discussion with stakeholders and other interested parties, and they were frustrated by the lack of clinical date details of the adverse outcomes. Dr. Witcher noted that as a licensing Board report, most of the information included is reporting data collected for enforcement actions and was never intended as a clinical research document. Gary Cooper, representing California Association of Oral & Maxillofacial Surgeons (CALAOMS), noted that the American Association of Oral and Maxillofacial Surgeons (AAOMS) letter delineated three concerns they had regarding the following: lack of provider specificity; absence of information on patient sedation level; and omission of AAOMS anesthesia standards.

Agenda Item 22: Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend Title 16, California Code of Regulations Sections 1021, 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1044, 1044.1, 1044.2, 1044.3, and 1044.5, 1070.8, Adopt sections 1017.1, 1043.8.1, 1043.9, 1043.9.1, 1043.9.2, and Repeal section 1044.4 (SB 501 Anesthesia and Sedation) and a Regular Rulemaking to Amend Title 16, California Code of Regulations Sections 1016 and 1017, and Adopt Section 1016.2 (Consolidated Continuing Education)

Ms. Sarah Wallace, Assistant Executive Officer, presented the agenda item. At its May 2021 meeting, the Board consolidated amendments to California Code of Regulations (CCR) sections 1016, 1016.2, and 1017 into a single rulemaking (consolidated package) and voted to initiate a rulemaking to make amendments related to SB 501 (Glazer, Chapter 929, Stats. of 2018). Amendments to CCR section 1017 in the consolidated package included amendments to subdivisions (v) and (w) relating to SB 501 to enact continued competency requirements for licensees with general anesthesia and moderate sedation permits with pediatric endorsements.

Since the May 2021 meeting, Board staff have worked with Board Regulatory Legal Counsel to develop and obtain approval of the initial rulemaking documents required to accompany proposed language for the consolidated package for submission to the Office of Administrative Law (OAL) for publication and 45-day public comment. During that review, counsel determined that a clarity issue existed as a result of the inclusion of certain SB 501 related amendments to CCR section 1017 in the consolidated package.

Ms. Wallace explained the clarity issue. Subdivision (v) in CCR section 1017 refers to CCR section 1043.8.1, which would create new requirements for renewal of pediatric general anesthesia and moderate sedation permits contained in the SB 501 rulemaking package. However, those requirements in CCR section 1043.8.1 are currently being submitted in the SB 501 package, so it makes more sense to locate that section 1017 subdivision in the SB 501 package. Otherwise, there will be cross-references to

sections in the proposals for both packages that do not currently exist in law or regulation, thus creating a clarity problem. Moving these provisions of CCR section 1017 back into the SB 501 package would remove the clarity issue by having all new proposed sections that refer to one another in the same regulatory package.

To resolve this clarity issue, the Board was requested to authorize: (1) the addition of previously approved text for subdivisions (v) and (w) of CCR section 1017 from the consolidated package into the SB 501 rulemaking package; (2) the creation of a new section 1017.1 in the SB 501 package to include former subdivisions (v) and (w) as new subdivisions (a) and (b) of section 1017.1; (3) the amendment of CCR section 1043.8 in the SB 501 package to include a reference to new section 1017.1; and (4) amend Form PE-1 to add a reference to section 1017.1, which currently refers only to section 1017. The consolidated proposed language of the SB 501 rulemaking package and the language of the consolidated package were enclosed in the meeting materials for the Board's review and consideration. The meeting materials were also made available to the public on the Board's website.

Motion/Second/Call (M/S/C) (Chan/Molina) to approve consolidation of the text and the changes to the proposed text as provided in the meeting materials, and reauthorize a regular rulemaking as follows: Direct staff to submit this text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.

Ayes: Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Burton.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 23: Discussion and Possible Action Regarding Board Implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018) and Legislative Proposal to Add Section 1646.12 to Article 2.75, Amend Section 1646.10 of Article 2.7, Section 1646.11 of Article 2.75, Section 1647.9.5 of Article 2.8, Section 1647.10 of Article 2.84, Section 1647.17.15 of Article 2.85, Section 1647.35 of Article 2.87, and Section 1724 of Article 6, and Repeal Section 1646.13 of Article 2.75, Section 1647.12 of Article 2.84, and Section 1647.36 of Article 2.87, of Chapter 4 of Division 2 of the Business and Profession Code

Ms. Wallace provided the report, which is available in the meeting materials. Ms. Wallace explained that Board staff is working closely with DCA on the related SB 501 rulemaking to move that package through the approval process and subsequent

BreEZe implementation. However, there are a number of factors, described in detail in the meeting materials, that affect the timeline for approval of the rulemaking file, BreEZe implementation, and Board issuance of the new SB 501 sedation and general anesthesia related permits. Ms. Wallace also noted the chart in the meeting materials that show the number of old permits that will begin to expire beginning on January 1, 2022. Ms. Wallace explained that Board staff have prepared a legislative proposal to address the gap between the expiration of the old sedation and general anesthesia permits and the implementation of the new permits enacted under SB 501.

Ms. Wallace explained the two legislative proposal options to the Board to ensure the Board can issue and renew the old permits until the Board can implement the provisions of the regulatory proposal. Option 1 would extend issuance and renewal of the old permits until a time uncertain but upon completion of the rulemaking package and implementation of the BreEZe component. Option 2 would extend issuance and renewal of the old permits until January 1, 2024 and would provide a time certain for implementation. Ms. Wallace further explained that the SB 501 rulemaking will continue to move through the process through early 2022, but the BreEZe component is unknown. These implementation concerns were reported in the fiscal impact analysis when SB 501 was moving through the legislative process. The Board will need to contract with an outside vendor to implement the BreEZe component. While Ms. Wallace is confident the Board will implement the SB 501 permits as soon as possible, any unknown technical problems experienced during the BreEZe testing could delay implementation of the permits. To accommodate any unintended delays, Board staff recommended Option 1. Ms. Wallace also described additional issues with the SB 501 statutes, and the legislative proposals would resolve those issues, as well. Ms. Wallace also noted the legislative proposal selected by the Board should be submitted as urgency legislation.

Dr. Chan stated that there are many moving parts moving at different rates, and if the Board can accomplish some of those parts before January 1, 2024 (Option 2), the Board has less risk of untoward events by not having permit holders. Dr. Chan also stated SB 501 represented a good evolution on sedation practice and thanked staff and stakeholders for moving this forward for the safety of the public.

Dr. Felsenfeld asked for clarification whether the Board was moving forward with the amended Agenda Item 23, sent out on November 15, 2021, which included the blue text. Ms. Wallace confirmed that the amended Option 1 distributed on November 15, 2021, replaced the version previously posted in the meeting materials.

Ms. Welch reiterated that although amended Option 1 does not contain urgency text, amended Option 1 is intended to be submitted as urgency legislation, so that if the Legislature agrees with the proposal, the bill would be enacted as soon as possible on the basis of protection of the health and safety of consumers.

(M/S/C) (Chan/Felsenfeld) to approve Option 1, as updated, to be submitted as urgency legislation regarding general anesthesia and sedation permit extension.

Ayes: Chan Felsenfeld, Larin, McKenzie, Medina, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Burton, Mendoza.

Recusals: None.

The motion passed. The Board received public comment. Dr. Witcher, representing himself as an individual, stated that if the Board is going to do a statutory cleanup, it would be wise to look at the lack of provision for continuing education for the pediatric minimal sedation permit. As the liaison between the CDA's Government Affairs Council and the Board, Dr. Witcher stated that the CDA strongly supports Option 1.

Brian Huong, California Dental Society of Anesthesiology (CDSA) representative, stated that since the Board is going to clean up SB 501, they do not think that Pediatric Advanced Life Support (PALS) training is the best course for the airway management training. Second, if there is a separate anesthesia provider, CDSA does not feel there should be a need for the dentist to also be PALS certified. Third, they do not feel it is necessary to have PALS for oral moderate sedation for kids as it seems to be a barrier to care. And fourth, they do not feel that precordial stethoscope is necessary for intubated general anesthesia as the MD [Doctor of Medicine] counterparts do not use it. Mr. Huong requested that for the next agenda, CDSA can collaborate to create a course approved by the Board in lieu of PALS for airway training.

**The Board moved to Agenda Item 26.*

Agenda Item 24: Enforcement - Review of Statistics and Trends

Carlos Alvarez, Chief of Enforcement Field Offices, provided the report, which is available in the meeting materials.

Dr. Chan asked what happens when a complaint comes to the Board and what the processes are that can lead up to disciplinary action. In addition, he asked how the public goes through resolution on that and whether it is appropriate for the Board to track if there is going to be or if there is an uptick of cases. Mr. Alvarez responded that with any complaint, whether mailed, emailed, or referred, the Board opens a file, and if there is no authority to release records, the Board reaches out to the patient. Once the Board has all necessary documents, the file moves forward to a dental consultant for review. If a case is closed, the patient is notified; if the case moves forward because the consultant has identified a possible violation, the case is further investigated and moved to a dental expert for review. If violations are found, the case is moved forward to the AG's Office. Dr. Chan noted a shift in the dental marketplace because the marketplace is no longer performing peer review. As a result, Dr. Chan wondered if there is an uptick

in complaints being reported to the Board. Mr. Alvarez advised the Board has ways to collect that data.

Dr. Morrow noted that as of September, there are 216 cases pending at the AG's Office. He asked whether this number of cases pending is normal. Mr. Alvarez advised this case number is normal and noted it may take months or years to adjudicate a case. The AG's Office controls the schedule on those cases.

The Board received public comment. Dr. Witcher referenced the December 4, 2020 enforcement report. To answer Dr. Morrow's question, Dr. Witcher stated that as of October 31, 2020, the Board had a total of 112 cases pending at the AG's Office. There now is double that, which illustrates that cases tend to pile up at the AG's Office. Examining the statistics from December 4, 2020, on page 4, as of October 31, 2020, there were 414 open cases for investigation in the Investigative Analysis Unit (IAU), which went up to 1,217 around the same time this year. Dr. Witcher also noted the case aging for IAU open cases. As of October 31, 2020, the cases that are 2-3 years old were 22%. As of September 30, 2021, that number had gone up 83%, which indicates that cases are aging in the 2-3 year category. Furthermore, there were more investigations closed last year, about 450, to 225 at the same time this year.

At 11:59 a.m., the Board recessed for lunch.

At 12:45 p.m., the Board reconvened. Secretary Felsenfeld called roll; 13 members were present. Ms. Burton was absent.

Agenda Item 25: Substance Use Awareness

Agenda Item 25(a): Diversion Program Report and Statistics

Mr. Bernal Vaba, Chief of Regulatory Compliance and Discipline, provided the report, which is available in the meeting materials. Mr. Vaba mentioned that the next Diversion Evaluation Committee Meeting is scheduled for January 5, 2022.

There were no public comments made on this item.

Agenda Item 25(b): Controlled Substance Utilization Review and Evaluation System (CURES) Report

Mr. Alvarez provided the report, which is available in the meeting materials.

Dr. Morrow inquired whether the 35,099 currently active licensed dentists are all physically located and practicing in California. If they are not, he inquired how many of them have a license in California, but their primary practice is in another state. Mr. Alvarez replied that the number provided is the total number of licensees in California. Dr. Morrow stated that in the future, it would be beneficial to identify the difference in those numbers.

There were no public comments made on this item.

Agenda Item 25(c): New Prescribing Laws Taking Effect January 1, 2022

Mr. Alvarez provided the report, which is available in the meeting materials.

Dr. Chan inquired whether an out-of-state pharmacy can recognize a California license to dispense. Mr. Alvarez replied that a licensee who is licensed in California but is out-of-state is still required to follow all of the requirements of CURES and report to CURES. Dr. Chan asked whether a licensee that is in California, but their patient and pharmacy is out-of-state, would have the ability to dispense out-of-state. Mr. Alvarez replied that if the pharmacy is out of California, there is no need to report to CURES. Dr. Chan inquired whether a paper script would be acceptable if the out-of-state pharmacist does not require an electronic e-script. Mr. Alvarez noted that paper, telephone, or fax script will be sufficient, but it would depend on the laws and regulations of other states.

Dr. Larin asked whether an electronic e-script can go directly to CURES. Mr. Alvarez replied that the licensee has to review CURES before writing the prescription, and whoever releases the prescription is responsible to report it to CURES. Dr. Larin inquired who will be enforcing this law. Mr. Alvarez replied that the pharmacy or pharmacist could report this to the Board of Pharmacy, who would refer the matter to the Board, or the pharmacy of the pharmacist can contact the Board directly to file a complaint. The pharmacy is not obligated to report to the Board.

Dr. Chan asked how the Board would handle the vendor using the national practitioner data bank number when registering their product in the software instead of the California license. Mr. Alvarez replied when it comes to the vendor, the Board has no control on the applications or apps that dentists are using.

There were no public comments made on this item.

*Agenda Item 26: Examinations

Agenda Item 26(a): Report from Commission on Dental Competency Assessment and Western Regional Examining Board (CDCA-WREB)

Dr. William Pappas, President of ADEX, Dr. Guy Champagne, Vice President of ADEX, Ms. Shayna Overfelt, Director of School Programs for CDCA-WREB, and Dr. Bruce Horn, Director of Dental Examinations for WREB, provided a verbal report on their activities.

Dr. Morrow stated that presently in California, only three dental schools offer the ADEX exam. The goal of having every dental school in the U.S. offer the CDCA-WREB examination by 2023 is very optimistic. Dr. Morrow asked whether the current WREB policy on onsite retakes will be carried on to the CDCA-WREB exam and if so, whether an explanation for the policy and how it works can be provided. Dr. Pappas responded that this policy will not be continued. Dr. Champagne added that retakes at any given school after an initial exam typically includes one to two retakes scheduled. Their goal is

to give the retakes at the original school throughout the process, until graduation if possible.

Dr. Morrow read the WREB exam retake policy from the WREB website and verbalized that he did not understand the rationale regarding a retake of a failed section without recording that section was failed and subsequently retaken and passed. Dr. Pappas noted the ADEX exam does not do that; they have candidates who will pursue remediation between the initial examination they take to correct the exam candidate's errors/deficiencies and then retake examination. Dr. Morrow inquired whether the retake onsite policy will continue with the ADEX examination. Dr. Pappas replied that the ADEX exam does not have this policy, never has had this policy, and will not adopt this policy. Dr. Champagne stated that ADEX never had a provision where a student can retake a section during the same exam session; the candidate can only retake the section after remediation.

Dr. Morrow inquired whether the submission of a report to a licensing agency regarding an applicant's history from the examination process, specifically if they have failed a section of the exam and have to retake it, would be reported to the licensing agency. Dr. Morrow further inquired whether a candidate's history from the exam process will be noted in the report to licensing agencies. Dr. Champagne responded that it is noted within the context of how the failure occurred, so every attempt is in the transcript and no attempts can be removed. The outcome of all attempts are in the transcript. The transcript will also tell the licensing board whether that attempt was taken in school or after graduation, so the licensing authority knows every attempt, every location of the attempt, and the conditions of the attempt.

Dr. Morrow asked what the percent of pass rates historically are for the ADEX examination on the first attempt and which section is failed most often and has to be retaken. Dr. Champagne replied that the pass rate per section each varies. The most difficult psychomotor section seems to be endodontics. Ms. Overfelt indicated that there are only eight dental schools in the U.S. that do not offer ADEX. With the merger of CDCA-WREB, there are hopes that those eight schools will transition.

There were no public comments made on this item.

At 10:33 a.m., the Board recessed for a break.

At 10:45 a.m., the Board reconvened.

*Agenda Item 26(b): Presentation from DCA, Office of Professional Examination Services (OPES) Regarding Use of Dentist Licensing Examinations

Dr. Heidi Lincer, Ph.D., DCA Chief of OPES, and Dr. Tracy Montez, Ph.D., DCA Division Chief of Programs and Policy Review, provided the report, which is available in the meeting materials.

Dr. Morrow commented regarding the prioritization of different exams. In regard to the Portfolio exam, Dr. Morrow stated that he was involved with the conception and implementation of this exam. The Portfolio exam can only be taken by graduates from dental schools located in California, which limits the number of potential licensees. The Portfolio exam also is not being widely utilized by schools in California, and is accepted in a limited number of states. Dr. Morrow has met with deans from different schools to discuss what changes can be made to implement a better utilization, although there has been no effective communication with the deans. As result of the limited number of candidates that can take the exam, there are a limited number of states that will accept the exam. The two exams OPES is suggesting the Board look at puts the DLOSCE as being the other choice. The potential number of possible licensees is significantly greater from the DLOSCE, than it is for the Portfolio, because it is given at multiple testing centers, such as prometric, and does not have to be taken at a dental school. It is a computerized exam and can be administered as significantly less cost.

Dr. Morrow moved to have OPES review the DLOSCE and report to the Board as to whether it meets the state's requirements for licensing examinations. Dr. Larin seconded the motion. This motion is reflected under Agenda Item 26(b).

Dr. Lincer responded that she is concerned with reviewing the Portfolio exam as it is currently in limited use and has not been reviewed for a long time. Dr. Morrow noted there are very few states that accept the Portfolio exam, so the portability of the Portfolio exam is very limited. Ms. Fischer commented the Board may need to decide whether it is appropriate to have OPES review the DLOSCE before it is accepted in statute.

Dr. Montell asked for an explanation of the timeline for reviews of all three exams. Ms. Wallace stated that the earliest for review to begin would be FY 2022/2023, beginning in July, and would take 12-18 months to complete one exam review, while OPES continues to perform other exam activities for the Board. Dr. Lincer pointed out that the DLOSCE does not measure psychomotor skills, which the other exams do, and could change the definition of minimum competence across the different examinations.

Dr. Montez reiterated OPES's suggestion that to be compliant with Business and Professions Code section 139, it would be a better use of the Board's resources to first review the INBDE and the Portfolio examinations. As those reviews occur along with the other work with the Board, there is an expectation that there will be additional data for the DLOSCE in which the Board can use to revisit the examination. The Board should first meet the initial mandates of the first two exams and then look at other options.

Dr. Morrow indicated that dental school deans are strongly in favor of pursuing the possibility of the DLOSCE being accepted for licensure in California. To Dr. Morrow, an establishment of the DLOSCE meeting state requirements would precede putting the acceptance of that exam into statute.

Dr. Montell inquired whether reviewing the DLOSCE before obtaining additional data would have any detrimental effect on the review itself. Dr. Lincer responded that they have concerns because the exam is fairly new as it was recently implemented in 2020. Not a lot of states are accepting the exam; so there will not be a lot of data, such as the number of candidates and pass rates. The occupational analysis, examination development, and subject matter experts will be available, but OPES will not have as much data as they usually do and that they like to have. Dr. Morrow noted he believed the Board probably has an equal amount of data related to the implementation of both the Portfolio exam and the DLOSCE.

Dr. Larin stated that she is concerned that psychomotor skills is not included in DLOSCE, which was why she accepted review of it; she thinks that is an important part of any exam. But she would like to review the DLOSCE before it goes into regulation.

Dr. Morrow stated his high concern for dentists to have well-developed psychomotor skills upon graduation from their dental education. With the implementation of the Commission on Dental Accreditation (CODA), which sets very rigorous standards as far as assessment of students' psychomotor skills in the process of competency examinations, there is evidence to support that upon graduation, CODA has required that the dental schools that are approved by CODA have graduated students that meet that level of psychomotor skills necessary to enter into the unsupervised practice of dentistry. In that respect, Dr. Morrow asked the dentist Board Members who graduated from a CODA-approved dental school if they thought and felt that upon graduation, they had sufficient psychomotor skills to enter into the unsupervised practice of dentistry, which is CODA's definition of competency. If they did, then do those skills need to be tested again, or is it acceptable to say clinical judgment should be more the focus of the licensing examination than psychomotor skills. If the Board Members do not think they had sufficient psychomotor skills, then they would have an issue with their dental school.

Ms. Fischer advised the Board the agenda item asks the Board in what order they want OPES to review the examinations. The Board has a statutory obligation to review the Portfolio exam because it is an exam the Board accepts. The question is not whether the DLOSCE will be reviewed, but whether the DLOSCE should be reviewed after the Portfolio exam.

The Board received public comment. Dr. David Waldschmidt, Director of the Joint Commission on National Dental Examinations (JCNDE) and Senior Director of the ADA's Department of Testing Services (DTS). He encouraged the Board to consider the DLOSCE as soon as possible. He stated that the JCNDE feels that psychomotor skills are extremely important. Psychomotor skills are not directly measured by the DLOSCE; however, it predicts them far better than existing clinical measures. Dr. Waldschmidt stated that when you look at the standards, it indicates that evidence of the validity of a given interpretation of test scores for specified use is a necessary condition for the justifiable use of an examination. Dr. Waldschmidt provided statistics regarding

candidates and clinical performance. He encouraged everyone to compare the validity of existing exams to the DLOSCE, which will help everyone understand the importance this examination holds for dentistry and the public.

Dr. Pappas asked the Board to reconsider Dr. Morrow's question and think in terms of people they went to school with and whether they possessed the necessary psychomotor skills.

*Agenda Item 26(c): Discussion and Possible Action of Prioritization of Examination Reviews to be Conducted by DCA, OPES

Discussion on this item is reflected under Agenda item 26(b), above.

(M/S/C) (Morrow/Larin) to have OPES review and report on the DLOSCE meeting state requirements for dental licensure.

Ayes: Chan, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco.

Nays: Felsenfeld, Stewart, Yu.

Abstentions: Burton.

Absent: None.

Recusals: None.

The motion passed. Public comments on this item are reflected under Agenda Item 26(b), above.

The Board returned to Agenda item 24.

Agenda Item 27: Licensing, Certifications, and Permits

Agenda Item 27(a): Review of Dental Licensure and Permit Statistics

Ms. Kayla Surprenant, Licensing and Examination Unit Manager, provided the report, which is available in the meeting materials.

There were no public comments made on this item.

Agenda Item 27(b): General Anesthesia and Conscious Sedation Permit Evaluations Statistics

Jessica Olney, Anesthesia Unit Manager, provided the report, which is available in the meeting materials.

There were no public comments made on this item.

Agenda Item 28: Legislation – Update, Discussion, and Possible Action on:

Agenda Item 28(a): 2022 Tentative Legislative Calendar – Information Only

Ms. Burton provided an overview of the 2022 Tentative Legislative Calendar, which is available in the meeting materials.

There were no public comments made on this item.

Agenda Item 28(b): End of Year Legislative Summary Report

Ms. Burton provided the report, which is available in the meeting materials. Ms. Burton mentioned that prior to coming on the Board, this type of report did not exist. She verbalized that she takes a lot of pride that the Board is at a point where it has the ability to track legislation.

M/S/C) (Burton/Yu) to adopt the attached *Legislative Summary for End of 2021 Legislative Session* and direct staff to post the report on the Board's web site.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 28(c): Discussion on Prospective Legislative Proposals

Ms. Burton provided the report, which is available in the meeting materials.

Dr. Morrow mentioned that Assembly Bill (AB) 526 provides that the educational requirements for dentists and registered dental hygienists to be qualified to provide vaccinations will also be counted as continuing education towards license renewal.

Dr. Chan mentioned that the courses that were offered for the emergency authorization for dentists to give vaccinations were done by the Centers for Disease Control and Prevention (CDC). He asked how that works with identifying CDC as a provider of a continuing education in California. Ms. Wallace replied that she anticipates that this topic will be covered at the February Board meeting.

There were no stakeholder proposals presented to the Board and no public comments made on this item.

Agenda Item 29: Update on Pending Regulatory Packages

Wilbert Rumbaoa, Administrative Services Unit Manager, provided the report, which is available in the meeting materials. Mr. Rumbaoa reported that the Board is working on 10 regulation packages. Board staff have been working with the DCA Legal Affairs Division and DCA Director's Office in conjunction with OAL.

The packages are in several different phases of review. Mr. Rumbaoa stated that it is the Board's intention to move more packages by the February meeting.

There were no public comments made on this item.

Agenda 30: Election of 2022 Board Officers

Ms. Fischer facilitated the election.

Ms. Fischer opened the floor for nominations for the position of Secretary. Dr. Larin nominated Dr. Sonia Molina. Dr. Molina accepted the nomination. There were no additional nominations.

Vote for Dr. Molina as Secretary:

Ayes: Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Molina, Morrow, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: Burton.

Absent: Mendoza.

Recusals: None.

The vote passed. Dr. Molina was elected Secretary.

Ms. Fischer opened the floor for nominations for the position of Vice President. President Pacheco nominated Dr. James Yu. Dr. Yu accepted the nomination. In addition, Dr. Molina nominated Dr. Lilia Larin. Dr. Larin accepted the nomination.

Vote for Dr. Yu as Vice President:

Ayes: Burton, Chan, Felsenfeld, McKenzie, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: Molina.

Abstentions: Larin, Medina.

Absent: Mendoza.

Recusals: None.

The vote passed. Dr. Yu was elected as Vice President.

Ms. Fischer opened the floor for nominations for the position of President. Ms. McKenzie nominated Dr. Felsenfeld. Dr. Felsenfeld accepted the nomination. In addition, Dr. Stewart nominated Dr. Chan. Dr. Chan accepted the nomination.

Vote for Dr. Felsenfeld as President:

Ayes: Burton, Felsenfeld, Larin, McKenzie, Medina, Molina, Montell, Morrow.

Nays: Chan, Olague, Pacheco.

Abstentions: Stewart, Yu.

Absent: Mendoza.

Recusals: None.

The vote passed. Dr. Felsenfeld was elected President.

Agenda Item 31: Executive Officer Closing Remarks

Ms. Fischer provided closing remarks at her last meeting as EO.

Ms. Fischer mentioned that on September 1, 2021, she notified the Board Members that she would be retiring. She served as the Board's EO for 9 years and reiterated that she had no words to express the gratitude that she received while employed with the Board.

Board Members thanked Ms. Fischer for her dedication and work for the Board.

The Board received public comment. Mary McCune, Dr. Witcher, and Mr. Lum expressed their gratefulness for being able to work alongside Ms. Fischer and honored her for the work that she has carried out at the Board.

Agenda Item 32: Adjournment

President Pacheco adjourned the meeting at 2:04 p.m.

**Agenda items for this meeting were taken out of order. The order of business conducted herein follows the publicly noticed Board meeting Agenda.*