



*NOTICE OF PUBLIC MEETING – Notice is hereby given that a public meeting of the Enforcement Committee of the Dental Board of California will be held as follows:*

**NOTICE OF ENFORCEMENT COMMITTEE MEETING**

**Thursday, November 4, 2010**

Upon Conclusion of Licensing, Certification and Permits Committee Meeting  
Embassy Suites LAX/South  
1440 E. Imperial Avenue  
El Segundo, CA 90245  
1-310-640-3600

**AGENDA**

**ENFORCEMENT COMMITTEE**

Chair – Rebecca Downing, Public Member  
Vice Chair – John Bettinger, DDS  
Steven Afriat, Public Member  
Stephen Casagrande, DDS  
Huong Le, DDS  
Thomas Olinger, DDS

CALL TO ORDER

ROLL CALL AND ESTABLISHMENT OF QUORUM

ENF 1 – Approval of the May 5, 2010 Enforcement Committee Meeting Minutes

ENF 2 – Enforcement Program Improvement Status

A. Investigator Activity Reporting (IAR) Computer System Implementation

ENF 3 – Enforcement Statistics

ENF 4 – Probation Monitoring Drug Testing – New Contract

ENF 5 – Diversion Statistics

ENF 6 – Analysis of SB1172 (Stats 2010 ch 517) Impact on the Board's Diversion and Probation Programs

PUBLIC COMMENT

ADJOURNMENT

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. 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 Web Site at [www.dbc.ca.gov](http://www.dbc.ca.gov). This Committee 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 Richard DeCuir, 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.



**Enforcement Committee Meeting Minutes  
Wednesday, May 5, 2010  
South San Francisco, CA  
DRAFT Meeting Minutes**

**Members Present:**

Rebecca Downing, Public Member, Chair  
John Bettinger, DDS, Vice Chair  
Stephen Casagrande, DDS  
Thomas Olinger, DDS

**Members Absent:**

Huong Le, DDS

**Staff Present:**

Richard DeCuir, Executive Officer  
Teri Lane, Interim Enforcement Chief  
Nancy Butler, Supervising Investigator 1, Northern California  
Dawn Dill, Dental Assisting Unit Manager  
Donna Kantner, Licensing & Examination Unit Manager  
Lori Reis, Complaint & Compliance Manager  
Jocelyn Campos, Enforcement Coordinator  
Karen Fischer, Administrative Analyst  
Sarah Wallace, Legislative/Regulatory Analyst  
Kristy Schieldge, DCA Senior Staff Counsel  
Greg Salute, Deputy Attorney General

Ms. Rebecca Downing, Chair, called the committee meeting to order at 4:31 p.m. Roll was called and a quorum was established.

**ENF 1 – Approval of the February 25, 2010 Enforcement Committee Meeting Minutes**

M/S/C (Casagrande/Olinger) to approve the Enforcement Committee meeting minutes of February 25, 2010. The motion passed unanimously.

**ENF 2- A – Enforcement Program Improvement Status: Enforcement Activity Reporting (EAR) Computer System**

Executive Officer Richard DeCuir reported that the Enforcement Activity Reporting system (EAR) is a monitoring system for investigators to track the cases. It will show time management on the investigations and is scheduled to begin migration to the Dental Board on the 15<sup>th</sup> of May. The Board will migrate the investigations first as the complaint unit has about 3,800 pending complaints and about 841 investigations. Because this is a new system it will have to be manually migrated from the Board's existing system and it will be time consuming. Currently it is estimated that one person can input about 25 cases per day. The computer program started out from the Medical Board and migrated to the Division of Investigation and on to the Dental Board.

Teri Lane, Interim Enforcement Chief advised that she, along with Supervising Investigator Nancy Butler and Complaint and Compliant Supervisor Lori Reis attended a training session on the new program and upon completion of the course are now considered trainers. Teri Lane stated there are things that would need to be changed to fit this program to the Dental Board's needs but in general it will be a great asset to the Board in tracking cases and help with case management.

Chair Downing asked about the features and benefits other than the standardization for all Boards. Teri Lane reports that the system currently in place is antiquated for the investigations. The program currently used is in the Microsoft Access format and the new program is web based, making access to all staff a lot easier. The staff will be able to input the hours worked on an investigation into the program from the beginning to end of the investigation and is pretty comprehensive. Richard DeCuir mentioned that the EAR program will allow tracking of an investigator's productivity like time spent on a case, how many cases have been closed, how many cases have been referred. Teri Lane also commented that modifications can be made to the EAR Program as requested by the Dental Board. This program will be used for tracking investigator's production and reporting our statistics to DCA on an annual basis.

**ENF 2- B – Enforcement Program Improvement Status: Cite & Fine Program Update**

Lori Reis, Complaint and Compliance manager, reported that the total number of cite and fines issued as of February 1, 2010 is seven (7). Of the seven (7) issued, one (1) Dentist returned the records and also requested an informal conference. During the conference, the subject dentist explained that due to a serious medical condition, he was out of the office and unable to provide the records. The Executive Officer is following the appeal process as set forth in California Code of Regulations (CCR), section 1023, therefore, his fines which totaled \$10,000.00 were dismissed and no further action will be taken by the Board. No response was received from three (3) dentists, so a renewal hold has been placed on each of their licenses. Dentists that have an outstanding fine will be notified by letter that their license will not be renewed until the fines have been paid. The remaining dentist is still in the time frame allowed to respond to the Board on submission of the records so this case is pending.

Chair Downing asked if subjects of these fines are objecting to the request for records or just failing to respond. Lori Reis answered that that the subjects are failing to respond. Notices are sent via courier, California Overnight, with a confirmation signature required on receipt. The Board is also looking into alternative enforcement options to require payment of fines.

Teri Lane reported that the total number of citation and fines issued by the Enforcement Unit, as of April 26, 2010, is seventeen (17). Of the seventeen (17) issued, two (2) are for quality of care complaints, issued by the Investigation unit. Each of the dentists has paid the fines but requested informal conferences.

Five (5) of the citations that were issued were issued from the Inspection Unit during office inspection. Thirteen (13) citations were issued for failure to provide records and were issued from our investigation unit, those cases are still pending.

Supervising Investigator Nancy Butler discussed that a subject dentist can also be fined in a quality of care investigation.

**ENF 2- C – Enforcement Program Improvement Status: Substance Abuse Coordination Committee Update (SB 1441 & SB 1172)**

Richard DeCuir stated that on January 1, 2009, SB1441 was introduced. It established a Substance Abuse Coordination Committee that was made up of Executive Officers from the fourteen (14) healing arts offices. The bill set out sixteen (16) criteria by which diversion programs and disciplinary actions involving substance abuse were to follow. Parts of these criteria have been used to write the legislation for SB1172.

Gil DeLuna with the DCA Executive Office, discussed SB1441. DCA has finalized the proposed legislative language needed to implement SB 1441. SB1172 will carry the language to provide the legal authority to implement portions of standards #2, 8, 9, 10, 14, and 15. It may be necessary for the Board to promulgate regulations to implement all aspects of the standards. Gil DeLuna asked that the full Board work with Legal Counsel and the Executive Officer to determine what is needed to implement these standards. The Department encourages the Board to place an agenda item on the next agenda indicating which standards require regulation and which can be implemented with policy change. M/S/C (Bettinger/Olinger) to have legal counsel work with staff to explore the final recommendations outlined in SB 1441 and to determine what can be implemented through regulations and/or policy. The motion passed unanimously.

### **ENF 3 – Enforcement Statistics**

Lori Reis discussed the case aging statistics for a two (2) month period beginning February 1, 2010 through March 31, 2010. The total number of cases received for the two (2) month period was 576. The total number of cases closed was 539 and the average case closure time was 174 days.

From the time period of April 1, 2009 through March 31, 2010, a significant improvement has been shown. The streamlining and continued improvement of the average processing days to complete a case in April, 2009 has decreased from 323 days to the current 161 days. Although the number of complaints received has remained substantially the same, the total number of pending cases has been tremendously reduced from 1875 total cases in April, 2009, to the current 1211.

Lori Reis also reported that the Board now has new consultants to assist with reviewing our cases. The Board currently has one (1) permanent full time civil service general practice consultant and 13 honorarium consultants, which includes eight (8) general practitioners, one (1) oral surgeon, one (1) prosthodontist, one (1) orthodontist, one (1) periodontist, and one (1) endodontist.

Chair Downing noted improvement in complaint processing. The average processing days to complete in the complaint unit is down by half in about one year's time. Pending complaints are down by thirty percent.

Teri Lane reviewed the investigation statistics. From March, 2009 to the present, the total number of investigation files closed, filed with the Attorney General or filed with the District/City Attorney is 696. The Investigative Unit is completing an average number of 58 investigations per month.

The average number of days the investigations took to process was about 19 ½ months from the receipt of the complaint to the closure of the investigation file. The Investigative unit has about 841 open cases. There are about 409 unassigned investigations. If all cases were assigned, that would average out to over 100 per investigator. Other Boards average about 20 cases per investigator.

Case audits are in the process of being completed in both regions. Teri Lane reports that they continue to identify the cases that are a priority and are very aware of the case aging concerns. They are optimistic that with the additional staff and the lifting of the Governors mandated furloughs that the case aging statistics will continue to diminish.

Interviews for the three (3) vacant positions in the Southern Region Enforcement Unit were conducted in March and we currently have candidates in background for those positions. It is anticipated that these candidates will be with the Board within the next few months.

Teri Lane further reports that the Northern Region Enforcement Unit currently has two (2) openings for Investigators. They are currently in the process of the final stages of the background for one position and it is anticipated that the investigator will be on board starting sometime in June. The Board is in the process of recruitment for the other position.

The Southern Region Enforcement Unit has finally relocated to the new office in the City of Orange. This was a large move and they are still working on getting furniture for the office. The office is in a good location, central to three (3) freeways and is large enough to accommodate the increasing staff members.

A public member commented that the one specialty missing from the consultant base was pediatric. Teri Lane advised that an outside pediatric consultant has not been sought as our internal consultant is a pediatric dentist and he reviews all pediatric complaints.

#### **ENF 4 – Diversion Program Update**

Richard DeCuir commented that Diversion Program Update has been covered under the other items.

LaDonna Drury Klein with CADAT commented that CADAT would like to thank Mr. DeCuir and staff, particularly Lori and Abby. At CADAT's Annual Conference, for the first time in our 50 year history, the Dental Board was there and the enforcement and complaint units were represented. The Board provided a great deal of information to everyone there. We hope the Board will be part of our conference every year.

#### **ENF 5 – SB 1111 – Effects on Enforcement and Diversion Programs**

Gil DeLuna advised that SB1111 covers three main areas: administrative improvements, staffing and I.T. resources, and legislative changes. An update on these areas includes the Department's Management Academy and BCP's to increase staffing for the healing arts Boards.

SB 1111, which carried the CPEI goals, was in part, to improve the time frames for the completion of all complaints to 12 to 18 months. SB 1111 was heard before the Senate and the bill did not pass. The Department is determined to adopt some of the provisions of the original bill and the Department's Legislative Unit will be assisting the Boards in adopting some of the provisions into regulations. Mr. DeLuna distributed a list of nine items that the Department feels can be accomplished through regulation. M/S/C (Bettinger/Casagrande) to have legal counsel work with staff to determine which standards can be met with policy and or regulatory changes. The motion passed unanimously.

The Department launched its first Enforcement Academy where 40 staff members are attending the academy. They will be working on enforcement processes, time processing and interaction with the Department to develop the best practices with all healing arts Boards. The Department is receiving enforcement statistics and improvement plans for all Boards and Bureaus. Paul Riches is meeting with all Boards and discussing the improvements to be made. A future agenda item is requested to explore the final recommendations to ensure compliance with SB1441.

#### **Public Comment**

There was no additional public comment.

#### **Adjournment**

The committee meeting adjourned at 5:20 p.m.



## MEMORANDUM

<b>DATE</b>	October 21, 2010
<b>TO</b>	Enforcement Committee Members Dental Board of California
<b>FROM</b>	Kim A. Trefry, Enforcement Chief Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 2: Enforcement Program Improvement Status</b> <b>A. Investigator Activity Reporting (IAR) Computer System Implementation</b>

Following is a brief summary of the Board's Enforcement Program improvements and activities since our last report on July 26, 2010:

### **Consumer Protection Enforcement Initiative (CPEI)**

Two of the nine non-sworn CPEI positions have been advertised to fill the vacancies. April Alameda, the new Staff Services Manager I, is working with Enforcement staff to develop threshold training, as well as a policy and procedure manual.

### **Staffing**

The Orange Field Office has one Investigator position which has cleared background and a job offer has been accepted. A second candidate has entered the last phase of background and could be cleared as early as December 2010. A third position remains vacant and will be re-advertised.

The Sacramento Field Office still has one vacancy. Although it was advertised, there were no eligible candidates (per the current hiring freeze only lateral transfers can be considered).

### **Customer Satisfaction Survey**

This survey tool was implemented August 1, 2010. To date, the Board has received an insufficient number of response to begin charting. The Department is researching whether a postage-paid post card may be a viable alternative to encourage more participation from consumers.

### **Employee Training**

In October and November 2010, Southern and Northern investigators will again be partnering with Medical Board staff for Arrest and Control training.

## Investigator Activity Reporting (IAR) System

- **Test Environment** Three Dental Board staff were provided access to a test environment to ensure the system would perform adequately for our needs. Tables, drop-down menus and other features were modified to reflect Dental Board investigative activity. Operating speed in Southern California was also tested and found to be sufficient.
- **Access and Data Migration** DCA technical staff have completed assigning static IPs to all potential IAR users to allow access through the Medical Board's firewall. Data from the Board's existing program was migrated to the new (production) system. Records requiring cleanup have been identified.
- **Memorandum of Understanding** An agreement between Medical Board and Dental Board has been written to provide training and ensure ongoing technical support for the program.
- **Training** Medical Board staff will be providing Dental Board staff with user training in November.
- **Implementation** The production system is now available. All open cases will be entered into the system as staff begin entering their case activities. Users are anticipated to be trained and able to use the new system on or before December 1, 2010.



## MEMORANDUM

<b>DATE</b>	October 21, 2010
<b>TO</b>	Enforcement Committee Members Dental Board of California
<b>FROM</b>	Lori Reis, Complaint and Compliance Manager Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 3: Complaint and Compliance Unit Case Statistics</b>

Attached please find case aging statistics for a six (6) month period beginning April 1, 2010 through September 30, 2010. Each month is listed separately and indicates the following:

- Complaints received
- Case aging completed data from 0-90 days, 91-180 days, 181 days-1 year, 1-2 years, 2-3 years and over 3 years
- Average days to process a complaint from date received to date closed

The total number of cases received for the six (6) month period was **1655**. The total number of cases closed was **1546** and the average case closure time was **134** days. This represents a 93% satisfied closure of actual cases opened and actual cases closed.

In addition to the six (6) month case aging statistics, also included is a graph which indicates the following:

- Average Processing Days
- Complaints Received
- Complaints Closed
- Total Pending Complaints

The graph reflects activity for a 12 month time period beginning October 1, 2009 and ending September 30, 2010. As a result of the streamlining and continued improvement in the Complaint Unit, the average processing days to process a case has decreased from **256** days in October, 2009 to the current **138** days. This represents a 54% completion ratio. Although the number of complaints received has remained relatively the same, the total number of pending cases has been tremendously reduced from **1558** total cases in October, 2009, to the current **905**, which reflects a 58% decrease from the prior year.



**AVERAGE AGE OF COMPLETED COMPLAINTS**

**4/1/2010 TO 4/30/2010**

	COMPLAINTS RECEIVED	0-90 DAYS	91-180 DAYS	181-365 DAYS (1 YR)	366-730 DAYS (1-2 YRS)	731-1095 DAYS (2-3 YRS)	OVER 1095 DAYS (OVER 3 YRS)		TOTAL RECORDS
<b>RECORDS BREAKDOWN</b>		<b>129</b>	<b>79</b>	<b>66</b>	<b>29</b>	<b>0</b>	<b>0</b>	=	<b>303</b>
<b>CATEGORIES</b>								<u>TOTAL</u>	
FRAUD (F)	8	10	1	7	2	0	0		20
NON-JURISD. (J)	28	43	0	0	0	0	0		43
COMP/NEGLIGENCE (N)	154	35	66	44	20	0	0		165
OTHER (O)	14	7	1	3	1	0	0		12
UNPROFSS CONDUCT (R)	30	12	6	7	4	0	0		29
SEXUAL MISCONDUCT (S)	0	0	0	0	0	0	0		0
UNLICENSED/UNREGSTR (U)	10	4	0	0	0	0	0		4
DRUG RELATED OFFENSES (D)	3	0	0	0	0	0	0		0
CRIMINAL CHARGES (V)	14	10	5	5	2	0	0		22
UNSAFE/UNSANITARY CONDITIONS (E)	8	6	0	0	0	0	0		6
DISCIPLINE BY ANOTHER STATE (T)	0	2	0	0	0	0	0		2
SUB.ABUSE,MENTAL/PHYSICAL IMPAIRMENT (A)	2	0	0	0	0	0	0		0
<b>TOTAL RECEIVED</b>	<b>271</b>								
<b>CATEGORY TOTALS</b>		<b>129</b>	<b>79</b>	<b>66</b>	<b>29</b>	<b>0</b>	<b>0</b>		<b>303</b>
							<b>AVERAGE DAYS</b>		<b>154</b>

**AVERAGE AGE OF COMPLETED COMPLAINTS**

**5/1/2010 TO 5/31/2010**

	COMPLAINTS RECEIVED	0-90 DAYS	91-180 DAYS	181-365 DAYS (1 YR)	366-730 DAYS (1-2 YRS)	731-1095 DAYS (2-3 YRS)	OVER 1095 DAYS (OVER 3 YRS)		TOTAL RECORDS
<b>RECORDS BREAKDOWN</b>		<b>86</b>	<b>24</b>	<b>32</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>=</b>	<b>149</b>
<b>CATEGORIES</b>								<b>TOTAL</b>	
FRAUD (F)	15	5	0	1	0	0	0	6	
NON-JURISD. (J)	21	9	2	6	1	0	0	18	
COMP/NEGLIGENCE (N)	143	42	18	21	3	1	0	85	
OTHER (O)	13	7	0	1	0	0	0	8	
UNPROFSS CONDUCT (R)	30	6	3	1	1	0	0	11	
SEXUAL MISCONDUCT (S)	2	0	0	0	0	0	0	0	
UNLICENSED/UNREGSTR (U)	9	2	0	0	0	0	0	2	
DRUG RELATED OFFENSES (D)	1	0	0	0	0	0	0	0	
CRIMINAL CHARGES (V)	15	12	1	2	1	0	0	16	
UNSAFE/UNSANITARY CONDITIONS (E)	6	3	0	0	0	0	0	3	
DISCIPLINE BY ANOTHER STATE (T)	1	0	0	0	0	0	0	0	
SUB.ABUSE,MENTAL/PHYSICAL IMPAIRMENT (A)	1	0	0	0	0	0	0	0	
<b>TOTAL RECEIVED</b>	<b>257</b>								
<b>CATEGORY TOTALS</b>		<b>86</b>	<b>24</b>	<b>32</b>	<b>6</b>	<b>1</b>	<b>0</b>		<b>149</b>
							<b>AVERAGE DAYS</b>		<b>130</b>

AVERAGE AGE OF COMPLETED COMPLAINTS									
6/1/2010 TO 6/30/2010									
	COMPLAINTS	0-90	91-180	181-365 DAYS	366-730 DAYS	731-1095 DAYS	OVER 1095 DAYS		TOTAL
	RECEIVED	DAYS	DAYS	(1 YR)	(1-2 YRS)	(2-3 YRS)	(OVER 3 YRS)		RECORDS
<b>RECORDS BREAKDOWN</b>		<b>145</b>	<b>80</b>	<b>58</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>=</b>	<b>292</b>
<b>CATEGORIES</b>								<b>TOTAL</b>	
FRAUD (F)	15	4	7	1	1	0	0		13
NON-JURISD. (J)	34	30	3	2	0	0	0		35
COMP/NEGLIGENCE (N)	160	71	62	47	6	0	0		186
OTHER (O)	20	10	2	3	1	0	0		16
UNPROFSS CONDUCT (R)	34	17	4	4	1	0	0		26
SEXUAL MISCONDUCT (S)	1	0	0	0	0	0	0		0
UNLICENSED/UNREGSTR (U)	5	2	0	0	0	0	0		2
DRUG RELATED OFFENSES (D)	3	0	0	0	0	0	0		0
CRIMINAL CHARGES (V)	7	2	1	1	0	0	0		4
UNSAFE/UNSANITARY CONDITIONS (E)	6	9	1	0	0	0	0		10
DISCIPLINE BY ANOTHER STATE (T)	1	0	0	0	0	0	0		0
SUB.ABUSE,MENTAL/PHYSICAL IMPAIRMENT (A)	0	0	0	0	0	0	0		0
<b>TOTAL RECEIVED</b>	<b>286</b>								
<b>CATEGORY TOTALS</b>		<b>145</b>	<b>80</b>	<b>58</b>	<b>9</b>	<b>0</b>	<b>0</b>		<b>292</b>
							<b>AVERAGE DAYS</b>		<b>115</b>

AVERAGE AGE OF COMPLETED COMPLAINTS									
7/1/2010 TO 7/31/2010									
	COMPLAINTS RECEIVED	0-90 DAYS	91-180 DAYS	181-365 DAYS (1 YR)	366-730 DAYS (1-2 YRS)	731-1095 DAYS (2-3 YRS)	OVER 1095 DAYS (OVER 3 YRS)		TOTAL RECORDS
RECORDS BREAKDOWN		130	59	52	16	0	0	=	257
<u>CATEGORIES</u>								<u>TOTAL</u>	
FRAUD (F)	11	3	5	4	2	0	0		14
NON-JURISD. (J)	31	45	2	2	0	0	0		49
COMP/NEGLIGENCE (N)	139	45	44	34	9	0	0		132
OTHER (O)	24	12	0	2	1	0	0		15
UNPROFSS CONDUCT (R)	26	8	6	7	4	0	0		25
SEXUAL MISCONDUCT (S)	3	0	0	0	0	0	0		0
UNLICENSED/UNREGSTR (U)	16	8	0	0	0	0	0		8
DRUG RELATED OFFENSES (D)	2	0	0	0	0	0	0		0
CRIMINAL CHARGES (V)	25	7	2	3	0	0	0		12
UNSAFE/UNSANITARY CONDITIONS (E)	4	0	0	0	0	0	0		0
DISCIPLINE BY ANOTHER STATE (T)	2	2	0	0	0	0	0		2
SUB.ABUSE,MENTAL/PHYSICAL IMPAIRMENT (A)	0	0	0	0	0	0	0		0
TOTAL RECEIVED	283								
CATEGORY TOTALS		130	59	52	16	0	0		257
								AVERAGE DAYS	123

**AVERAGE AGE OF COMPLETED COMPLAINTS**

**8/1/2010 TO 8/31/2010**

	COMPLAINTS RECEIVED	0-90 DAYS	91-180 DAYS	181-365 DAYS (1 YR)	366-730 DAYS (1-2 YRS)	731-1095 DAYS (2-3 YRS)	OVER 1095 DAYS (OVER 3 YRS)		TOTAL RECORDS
<b>RECORDS BREAKDOWN</b>		99	68	67	18	1	0	=	253
<b>CATEGORIES</b>								<b>TOTAL</b>	
FRAUD (F)	22	0	2	6	2	0	0		10
NON-JURISD. (J)	31	18	3	4	0	0	0		25
COMP/NEGLIGENCE (N)	129	46	55	49	11	1	0		162
OTHER (O)	16	8	1	1	2	0	0		12
UNPROFSS CONDUCT (R)	38	14	4	6	2	0	0		26
SEXUAL MISCONDUCT (S)	1	0	0	0	0	0	0		0
UNLICENSED/UNREGSTR (U)	12	2	0	0	0	0	0		2
DRUG RELATED OFFENSES (D)	1	1	0	0	0	0	0		1
CRIMINAL CHARGES (V)	21	6	2	1	0	0	0		9
UNSAFE/UNSANITARY CONDITIONS (E)	8	4	1	0	0	0	0		5
DISCIPLINE BY ANOTHER STATE (T)	2	0	0	0	1	0	0		1
SUB.ABUSE,MENTAL/PHYSICAL IMPAIRMENT (A)	0	0	0	0	0	0	0		0
<b>TOTAL RECEIVED</b>	<b>281</b>								
<b>CATEGORY TOTALS</b>		99	68	67	18	1	0		253
							<b>AVERAGE DAYS</b>		146

AVERAGE AGE OF COMPLETED COMPLAINTS									
9/1/2010 TO 9/30/2010									
	COMPLAINTS RECEIVED	0-90 DAYS	91-180 DAYS	181-365 DAYS (1 YR)	366-730 DAYS (1-2 YRS)	731-1095 DAYS (2-3 YRS)	OVER 1095 DAYS (OVER 3 YRS)		TOTAL RECORDS
RECORDS BREAKDOWN		120	80	79	11	1	0	=	291
<u>CATEGORIES</u>								<u>TOTAL</u>	
FRAUD (F)	14	4	9	2	0	0	0		15
NON-JURISD. (J)	21	9	2	2	0	0	0		13
COMP/NEGLIGENCE (N)	130	69	57	63	11	1	0		201
OTHER (O)	5	8	2	2	0	0	0		12
UNPROFSS CONDUCT (R)	35	15	10	8	0	0	0		33
SEXUAL MISCONDUCT (S)	1	0	0	0	0	0	0		0
UNLICENSED/UNREGSTR (U)	9	3	0	0	0	0	0		3
DRUG RELATED OFFENSES (D)	5	0	0	0	0	0	0		0
CRIMINAL CHARGES (V)	47	7	0	0	0	0	0		7
UNSAFE/UNSANITARY CONDITIONS (E)	9	5	0	2	0	0	0		7
DISCIPLINE BY ANOTHER STATE (T)	1	0	0	0	0	0	0		0
SUB.ABUSE,MENTAL/PHYSICAL IMPAIRMENT (A)	0	0	0	0	0	0	0		0
TOTAL RECEIVED	277								
CATEGORY TOTALS		120	80	79	11	1	0		291
							AVERAGE DAYS		138

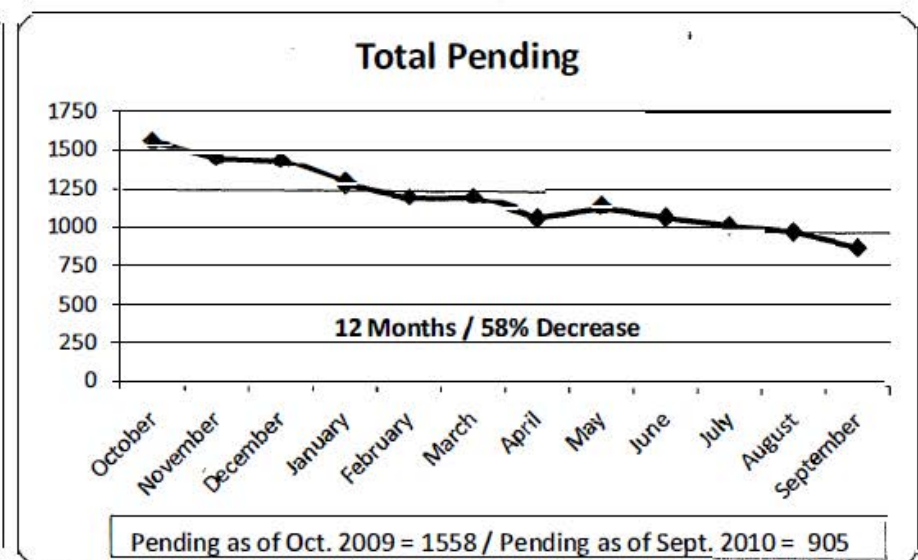
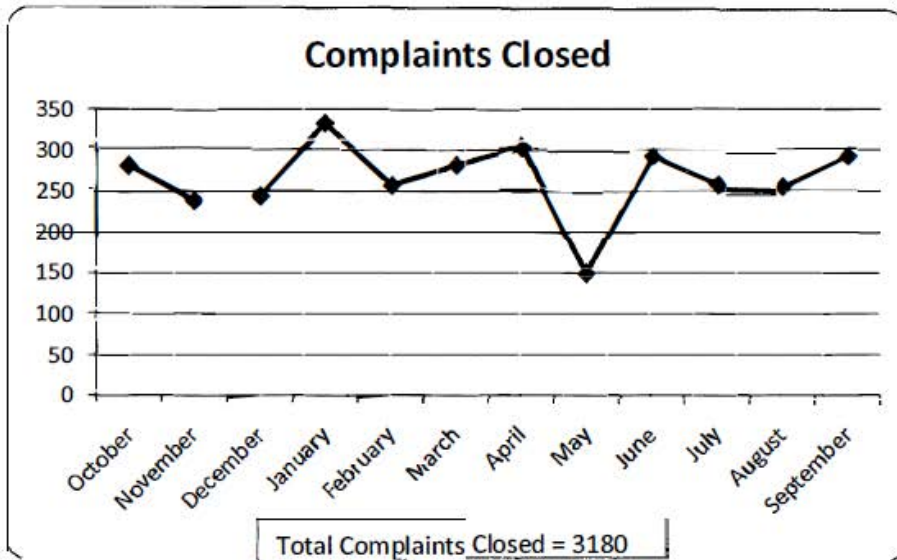
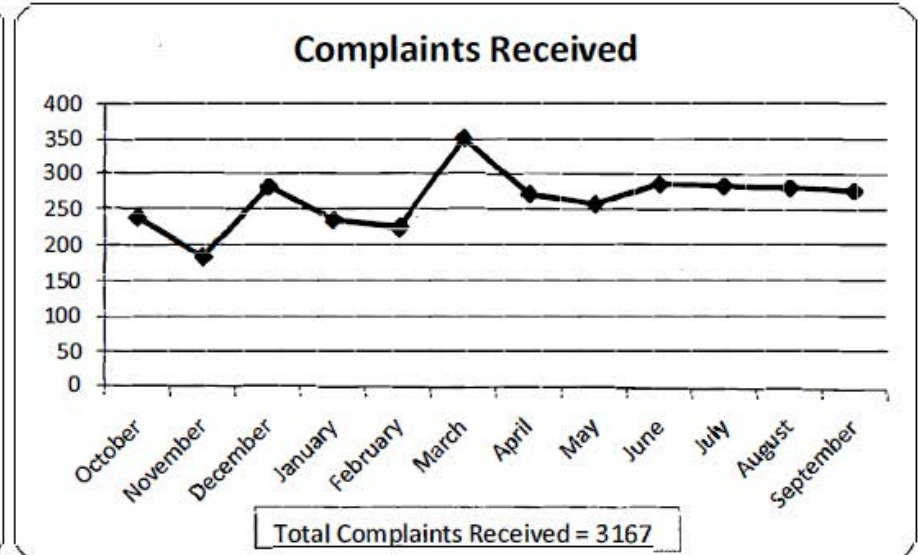
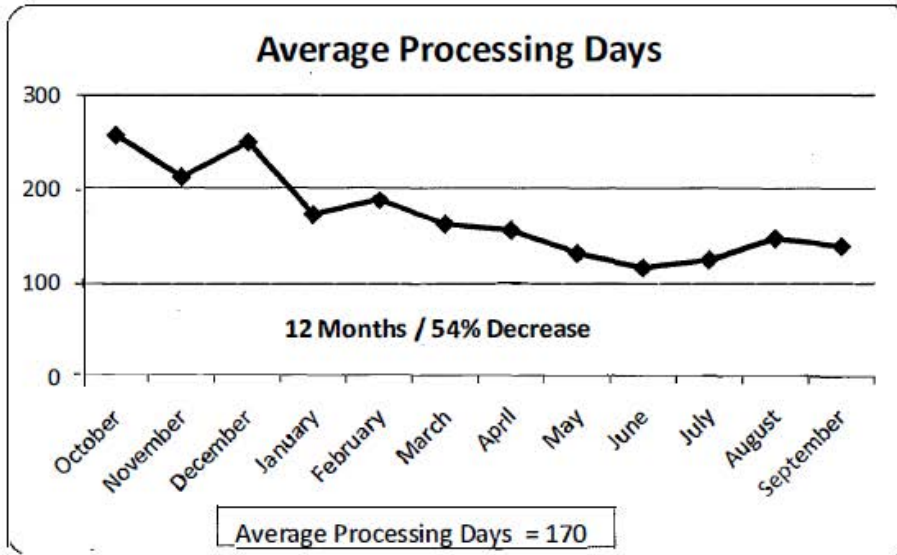
**Complaint and Compliance Unit**  
**October 1, 2009 - September 30, 2010**

	<b>average processing days</b>	<b>complaints received</b>	<b>complaints closed</b>	<b>total pending</b>
<b>October</b>	256	238	282	1558
<b>November</b>	211	183	239	1451
<b>December</b>	249	281	244	1436
<b>January</b>	171	234	330	1292
<b>February</b>	187	224	257	1204
<b>March</b>	161	352	282	1211
<b>April</b>	154	271	303	1081
<b>May</b>	130	257	149	1144
<b>June</b>	115	286	292	1091
<b>July</b>	123	283	257	1040
<b>August</b>	146	281	254	1006
<b>September</b>	138	277	291	905

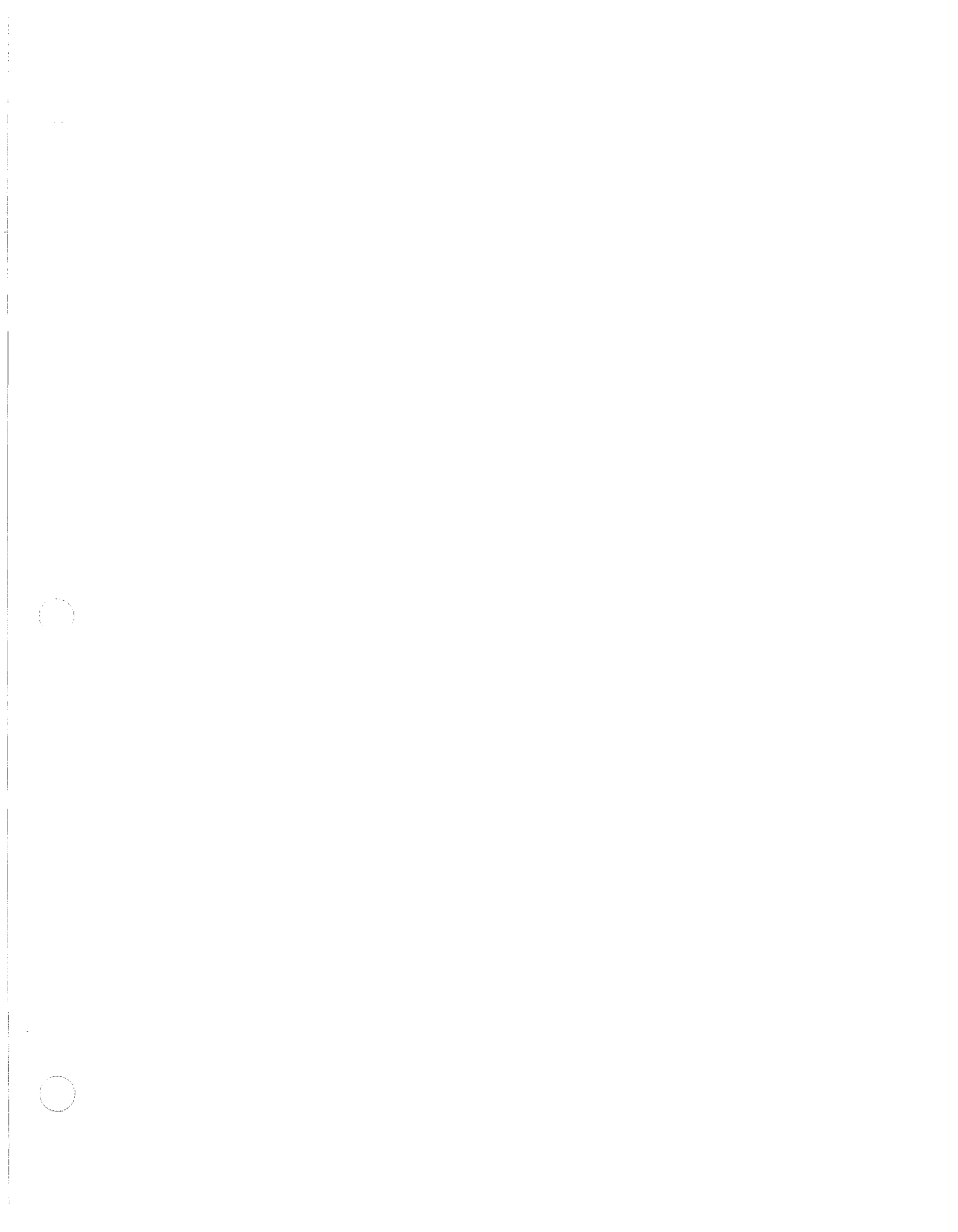
# 12 Month Review

## Complaint and Compliance Unit

### October 1, 2009 - September 30, 2010









## MEMORANDUM

<b>DATE</b>	October 21, 2010
<b>TO</b>	Enforcement Committee Members Dental Board of California
<b>FROM</b>	Kim A. Trefry, Enforcement Chief Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 3: Investigation Unit Enforcement Statistics Case Closure and Aging Data</b>

Attached please find tables and charts showing the case closure and aging statistics for FY 2009/10 and first quarter FY2010/11(July – September).

A review of the data reveals the following:

The total number of investigation files closed, filed with the Attorney General or filed with the District/City Attorney for FY 2009/10 were 655. The Investigative Unit is completing an average of 38 investigations per month. This is a 21% decrease from the previous fiscal year.

The average number of days an investigation took to complete within the last fiscal year was 539 days. This is a 10% decrease from the average reported in May of this year. It has taken an average of 18 months from the receipt of the complaint to the closure of the investigation file.

Factors affecting these rates include current vacancies, caseloads and mandated furloughs. The Sacramento Field Office currently has one vacancy for Investigator/Senior Investigator. A recent advertisement for the position did not return with any qualified applicants (based upon current hiring freeze guidelines.) An additional investigator is currently attending the academy and will not be carrying a caseload until his graduation in mid-December.

In May, three candidates were placed in background for vacancies in the Orange Field Office. Two candidates have received conditional job offers, and the third candidate was ineligible.

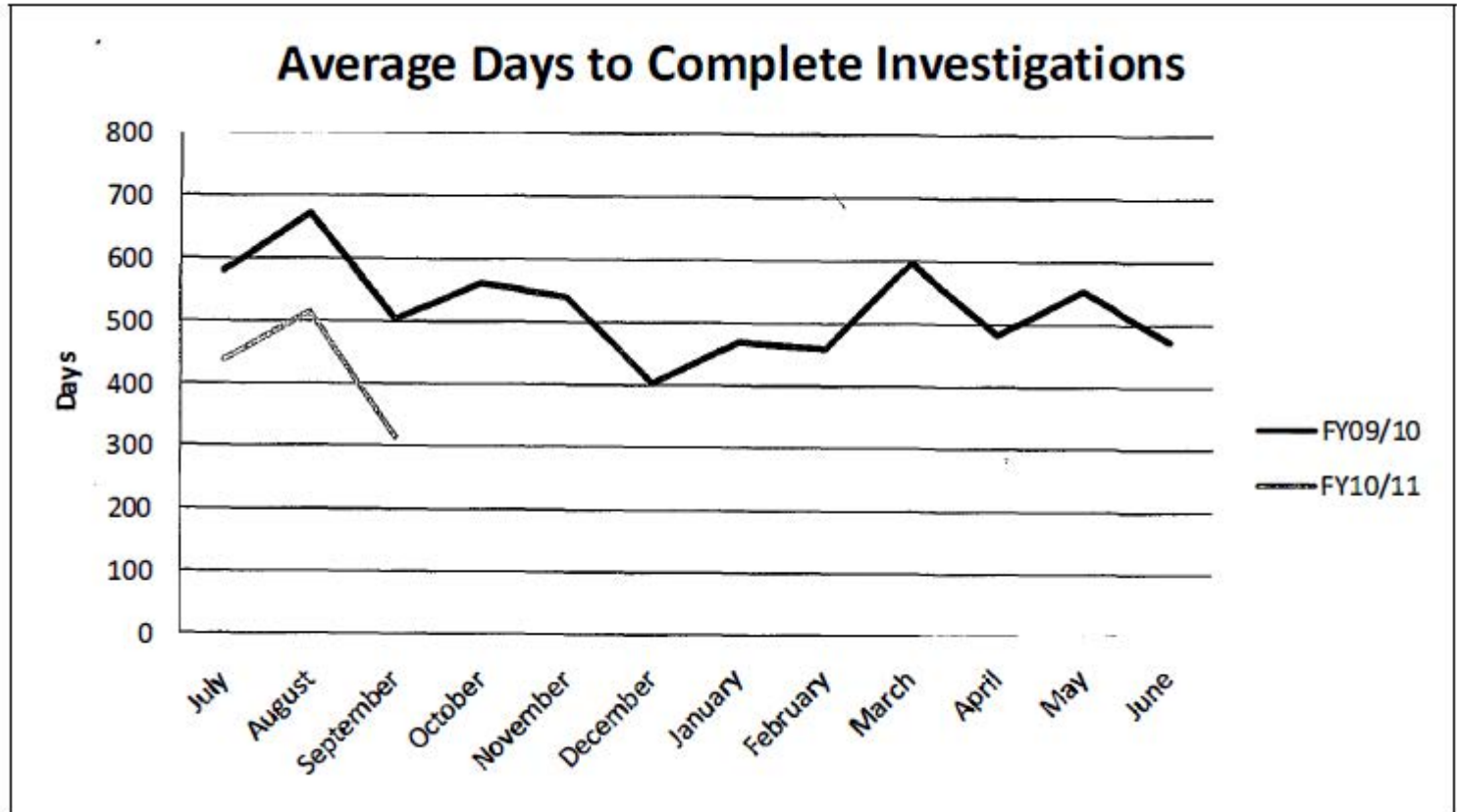
Quarterly case audits continue to take place. This process ensures staff are focusing on our priority cases, monitoring statute of limitations, and meeting the Department's mission.

I will be available during the Board meeting to answer any questions or concerns you may have.

**Investigation Unit**  
*July 1, 2009 - June 30, 2010*  
*and*  
*July 1, 2010 - September 30, 2010*

**Average Days  
to Complete Investigation**

	FY09/10	FY10/11
July	580	438
August	671	514
September	503	315
October	561	
November	539	
December	403	
January	469	
February	459	
March	597	
April	483	
May	553	
June	473	



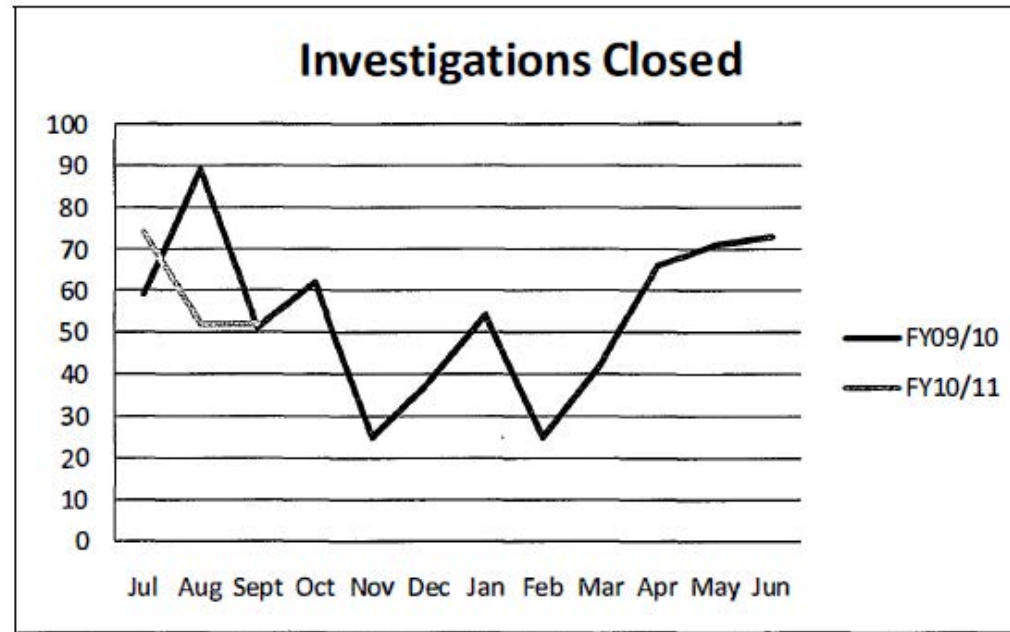
## Investigation Unit

*July 1, 2009 - June 30, 2010 and*

*July 1, 2010 - September 30, 2010*

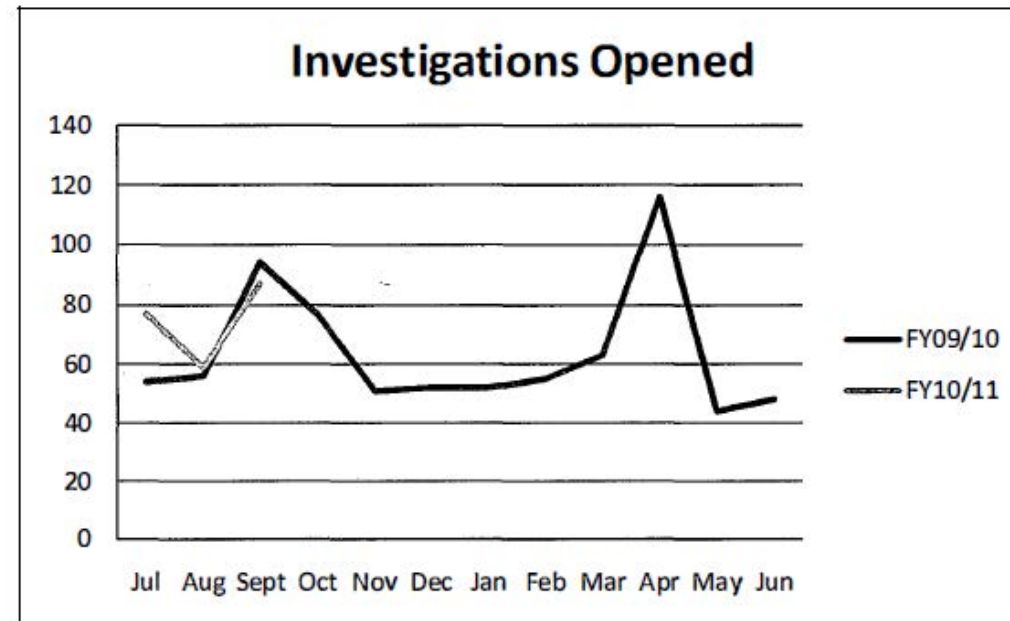
### Case Closures

	FY09/10	FY10/11
Jul	59	74
Aug	89	52
Sept	51	52
Oct	62	
Nov	25	
Dec	38	
Jan	54	
Feb	25	
Mar	42	
Apr	66	
May	71	
Jun	73	
<b>Total</b>	<b>655</b>	<b>178</b>



### New Case Referrals

	FY09/10	FY10/11
Jul	54	77
Aug	56	59
Sept	94	87
Oct	77	
Nov	51	
Dec	52	
Jan	52	
Feb	55	
Mar	63	
Apr	116	
May	44	
Jun	48	
<b>Total</b>	<b>762</b>	<b>223</b>



## Investigation Unit

*Average Time from Complaint Receipt to Completed Investigation*

*July 1, 2009 - June 30, 2010 and*

*July 1, 2010 - Septmeber 30, 2010*

Jul-10

<b>Allegation</b>	<b>0-90 Days</b>	<b>91 - 180 Days</b>	<b>181 - 365 Days</b>	<b>366 - 730 Days (1 - 2 Yrs)</b>	<b>731 - 1095 Days (2 - 3 Yrs)</b>	<b>Over 1095 Days (Over 3 Yrs)</b>	<b>Total Records</b>	<b>Average Days</b>
Fraud		1	1	2		1	5	533
Health & Safety	0	0	0	0	0	0	0	
Non-Jurisdictional	0	0	0	1	0	0	1	679
Incompetence/Negligence	0	2	7	14	3	2	28	541
Other	5	1	7	11	0	0	24	347
Personal Conduct	0	0	0	0	0	0	0	
Unprofessional Conduct	1	1	2	3	0	0	7	299
Sexual Misconduct	1	1	3	3	1	0	9	379
<b>Total Closed</b>	<b>7</b>	<b>6</b>	<b>20</b>	<b>34</b>	<b>4</b>	<b>3</b>	<b>74</b>	<b>437</b>

Aug-10

<b>Allegation</b>	<b>0-90 Days</b>	<b>91 - 180 Days</b>	<b>181 - 365 Days</b>	<b>366 - 730 Days (1 - 2 Yrs)</b>	<b>731 - 1095 Days (2 - 3 Yrs)</b>	<b>Over 1095 Days (Over 3 Yrs)</b>	<b>Total Records</b>	<b>Average Days</b>
Fraud	0	0	0	0	1	0	1	787
Health & Safety	0	0	0	0	0	0	0	
Non-Jurisdictional	0	0	0	1	1	0	2	565
Incompetence/Negligence	0	2	2	9	7	2	22	647
Other	3	2	4	5	0	0	14	322
Personal Conduct	0	0	0	0	0	0	0	
Unprofessional Conduct	1	0	0	3	3	0	7	541
Sexual Misconduct	1	0	2	0	0	0	3	203
<b>Total Closed</b>	<b>5</b>	<b>4</b>	<b>8</b>	<b>18</b>	<b>12</b>	<b>2</b>	<b>49</b>	<b>511</b>

## Investigation Unit

*Average Time from Complaint Receipt to Completed Investigation*

*July 1, 2009 - June 30, 2010 and*

*July 1, 2010 - Septmeber 30, 2010*

Sep-10

Allegation	0-90 Days	91 - 180 Days	181 - 365 Days	366 - 730 Days (1 - 2 Yrs)	731 - 1095 Days (2 - 3 Yrs)	Over 1095 Days (Over 3 Yrs)	Total Records	Average Days
Fraud	0	0	2	0	0	1	3	539
Health & Safety	0	0	0	0	0	0	0	
Non-Jurisdictional	0	0	0	0	0	0	0	
Incompetence/Negligence	1	0	2	3	8	0	14	691
Other	10	0	7	3	0	0	20	173
Personal Conduct	0	0	0	0	0	0	0	
Unprofessional Conduct	4	1	1	1	0	0	7	128
Sexual Misconduct	5	2	1	0	0	0	8	100
<b>Total Closed</b>	<b>20</b>	<b>3</b>	<b>13</b>	<b>7</b>	<b>8</b>	<b>1</b>	<b>52</b>	<b>316</b>

FY 09/10

Allegation	0-90 Days	91 - 180 Days	181 - 365 Days	366 - 730 Days (1 - 2 Yrs)	731 - 1095 Days (2 - 3 Yrs)	Over 1095 Days (Over 3 Yrs)	Total Records	Average Days
Fraud	5		5	12	8	2	32	547
Health & Safety	0	0	0	0	0	0	0	
Non-Jurisdictional	0	2	0	0	0	0	2	145
Incompetence/Negligence	3	8	20	86	101	36	254	751
Other	48	38	47	56	21	11	221	364
Personal Conduct	0	0	0	0	0	0	0	
Unprofessional Conduct	13	6	9	7	18	5	58	518
Sexual Misconduct	17	15	25	15	10	6	88	389
<b>Total Closed</b>	<b>86</b>	<b>69</b>	<b>106</b>	<b>176</b>	<b>158</b>	<b>60</b>	<b>655</b>	<b>539</b>



## MEMORANDUM

<b>DATE</b>	October 25, 2010
<b>TO</b>	Enforcement Committee Members Dental Board of California
<b>FROM</b>	Kim A. Trefry, Enforcement Chief Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 4: Probation Monitoring Drug Testing – New Contract</b>

Effective June 2010, the Department of Consumer Affairs (DCA) has entered in to a contract with Phamatech, Inc. to provide for the scheduling, observing, collecting, processing and analysis for all drug testing services for licensees designated by the DCA.

The vendor provides Substance Abuse and Mental Health Services Administration (SAMHSA), California Clinical Laboratory and Clinical Laboratory Improvement Act (CLIA) certified laboratory services nationwide.

### **Background**

Currently, Dental Board enforcement staff may collect a urine sample for drug testing as a condition of probation, or when investigating allegations of substance abuse. In either setting, staff must physically accompany the subject into a location where they can observe the collection process. Staff are then responsible for maintaining the chain of custody of the sample until it is delivered to a testing facility. Results may be available from days to weeks later, and transmitted via mail, fax, or available online depending on the facility.

The board has utilized a series of vendors based upon location, fees, and the services offered (different testing thresholds, fees, and hours of operation).

### **Services**

The Phamatech agreement will provide the following:

- Collection facilities located throughout California, 24-hours a day, seven (7) days a week.
- Allow the Board to determine the specific testing panel and frequency of testing for each licensee.
- Random testing. As a condition of probation, licensees are required to contact Phamatech's drug testing notification system (either by toll free telephone or dedicated Web site check-in), daily to ascertain if a test is required.
- Observed collection of urine drug testing at each collection site.
- Screenings will include testing for adulterants.

- Results will be made available online using a secured website.
- The contractor shall store positive specimens for a specified time period, maintain chain of custody on test results, and provide expert testimony in administrative hearings.

### **Benefits**

This contract is anticipated to provide a number of benefits to the Board's enforcement program:

- An efficient method of testing probationers on a regular basis without requiring staff time and travel to collect a sample.
- Allow probationers the flexibility of reporting to a test site close to home or work when randomly selected to provide a sample.
- Cost savings to the Board, by passing along the testing costs to the probationer. The probationer will be responsible for paying for the cost of their test at the time they register with the vendor.
- Provide reliable and consistent test results based on identified thresholds.
- Allow enforcement staff to utilize a broad network of collection sites in the field.

### **Costs**

Licensees enrolling in the testing program will be required to pre-purchase testing forms at an estimated cost of \$29 each. In order to comply with the terms and conditions of their probation, a licensee must present a pre-purchased test form at the time they arrive for testing or they will be turned away. Additional test forms are purchased by the licensee from the vendor depending on the required testing schedule.





## MEMORANDUM

<b>DATE</b>	October 21, 2010
<b>TO</b>	Enforcement Committee Members Dental Board of California
<b>FROM</b>	Lori Reis, Manager Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 5: Diversion Statistics</b>

Attached are the Diversion Program statistics for quarter ending 09/30/2010. These statistics reflect the participant activity in the Diversion (Recovery) Program and are presented for information purposes only.

These statistics are derived from the MAXIMUS reports and are approximated numbers.

**NOTE:** There were no intakes into the Diversion Program during the months of July and August, 2010. However, during September, 2010 there were two (2) intakes, one (1) Investigative referral and one (1) Probation referral.

**Dental Board of California  
Diversion Program  
Statistical Summary  
As of 09/30/2010**

	Current Month	Fiscal Year To Date	Program To Date
<b>I INTAKES INTO PROGRAM</b>			
1. Self Referral	0	0	25
2. Investigative Referral	1	1	56
3. Probation Referral	1	1	49
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>130</b>
<b>II APPLICANTS INTERVIEWED BY EACH DEC</b>			
1. DBC Northern CA	1	1	48
2. DBC Southern CA	1	1	63
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>111</b>
<b>III APPLICANTS ACCEPTED BY EACH DEC</b>			
1. DBC Northern CA	1	1	43
2. DBC Southern CA	1	1	50
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>93</b>
<b>IV STATUS CHANGES IN PROGRAM</b>			
1. Closed	2	NA	NA
2. Post DEC	6	NA	NA
3. Post DEC / Transition	2	NA	NA
4. Pre DEC	3	NA	NA
<b>V CLOSED CASES</b>			
1. Applicant Not Accepted by DEC	0	0	18
2. Applicant Public Risk	0	0	1
3. Applicant Withdrawn - Pre DEC	0	0	14
4. Clinically Inappropriate - Post DEC	0	0	6
5. Clinically Inappropriate - Pre DEC	0	0	7
6. Completed	1	1	60
7. Terminated - Expired	0	0	3
8. Terminated - Failure to Receive Benefit	0	0	5
9. Terminated - Non Compliant	1	1	16
10. Terminated - Public Risk	0	0	14
11. Withdrawn - Post DEC	0	0	10
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>154</b>
<b>VI PARTICIPANT POPULATION TOTALS</b>			
1. Active Participants at Beginning of Month	42		
2. Active Participants served this Month	44		
3. Active Participants at the End of the Month	42		
<b>VII RECIDIVISM INTAKE OF KNOWN PRIOR PARTICIPANTS</b>			
Intake of Known Prior Participants	0	0	15
<b>VIII GENDER AT INTAKE</b>			
1. Female	0	0	41
2. Male	2	2	87
3. Unknown	0	0	2
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>130</b>

	Current Month	Fiscal Year To Date	Program To Date
<b>IX AGE CATEGORY AT INTAKE</b>			
1. 20 - 24	0	0	2
2. 25 - 29	0	0	5
3. 30 - 34	0	0	12
4. 35 - 39	0	0	17
5. 40 - 44	1	1	23
6. 45 - 49	1	1	25
7. 50 - 54	0	0	19
8. 55 - 59	0	0	16
9. 60 - 64	0	0	7
10. 65 +	0	0	4
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>130</b>

<b>X WORKSITE OF PRACTICE SETTING AT INTAKE</b>			
1. Dental	2	2	55
2. Doctor's Office	0	0	5
3. Group Practice - profit	0	0	1
4. Lab	0	0	1
5. Other	0	0	4
6. Private Practice	0	0	9
7. Undetermined	0	0	23
8. Unemployed	0	0	32
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>130</b>

<b>XI SPECIALTIES AT INTAKE</b>			
1. Doctor's Office	2	2	52
2. HMO	0	0	1
3. Medical Surgical	0	0	1
4. Other	0	0	43
5. Undetermined	0	0	33
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>130</b>

<b>XII PRESENTING PROBLEM AT INTAKE</b>			
1. Alcohol	2	2	25
2. Alcohol and Mental Illness	0	0	7
3. Alcohol and Mono Drug	0	0	18
4. Alcohol and Poly Drug	0	0	16
5. Alcohol, Mono Drug and Mental Illness	0	0	1
6. Alcohol, Poly Drug and Mental Illness	0	0	5
7. Mental Illness	0	0	2
8. Mono Drug	0	0	29
9. Mono Drug and Mental Illness	0	0	7
10. Poly Drug	0	0	12
11. Poly Drug and Mental Illness	0	0	6
12. Undetermined	0	0	2
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>130</b>

<b>XIII SUBSTANCE USED DURING 12 MONTHS PRIOR TO INTAKE</b>			
Collection of statistical information for Substance began September 2004			
1. Coumadin	0	0	1
2. Aciphex	0	0	1
3. Advair Diskus	0	0	1
4. Alcohol	0	0	53
5. Aleve	0	0	10

	Current Month	Fiscal Yr To Date	Program To Date
6. Alprazolam (Xanax)	0	0	3
7. ASA	1	1	2
8. Aspirin	0	0	1
9. Atenolol (Tenormin)	0	0	3
10. Ativan	0	0	3
11. Benadryl (Diphenhydramine HCL)	0	0	3
12. Benazepril (Lotensin)	0	0	2
13. Benzodiazepenes Unspecified	0	0	1
14. Butalbital (Fiorinal, Esgic)	0	0	1
15. Celexa	0	0	1
16. Chlordiazepoxide (Librium)	0	0	1
17. Claritin	0	0	1
18. Cocaine	0	0	8
19. Codeine (Various Names)	0	0	2
21. Diazepam (Valium)	0	0	4
22. Folic Acid	0	0	1
23. Hydrocodone (Vicodin / Lortabs / Hycodan)	0	0	11
24. Ibuprofen	0	0	4
25. Lexapro	0	0	1
26. Lorazepam (Ativan)	0	0	1
27. Marijuana	0	0	7
28. Maxalt	0	0	1
29. Methadone and/or Metabolite	0	0	1
30. Methamphetamine	0	0	10
31. Morphine	0	0	2
32. Motrin	0	0	1
33. Nazoril	0	0	1
34. None	1	1	5
35. Norco	0	0	2
36. Other Opiates	0	0	1
37. Oxycodone (Oxycontin)	0	0	1
38. Oxycodone (Percodan, Percocet)	0	0	2
39. Percocet	0	0	1
40. Prevacid	0	0	1
41. Undetermined	0	0	12
42. Wellbutrin	0	0	1
43. Zolpidem Tartrate (Ambien)	0	0	3

**XIV MARITAL STATUS AT INTAKE**

1. Divorced	0	0	26
2. Married	0	0	56
3. Remarried	0	0	3
4. Separated	0	0	4
5. Significant Other	0	0	3
6. Single	2	2	35
7. Undetermined	0	0	2
8. Widowed	0	0	1
<b>Group Totals</b>	<b>2</b>	<b>2</b>	<b>130</b>



## MEMORANDUM

<b>DATE</b>	October 21, 2010
<b>TO</b>	Enforcement Committee Members Dental Board of California
<b>FROM</b>	Lori Reis, Manager Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item ENF 6: Analysis of SB 1172 Impact on the Board's Diversion and Probation Programs</b>

On September 29, 2010, Senate Bill 1172 (Negrete McLeod) became law. This bill incorporated into law three (3) of the 16 uniform standards regarding substance-abusing healing arts licensees established in SB 1441 (Ridley-Thomas). The items included:

1. Individuals or entities contracting with the department or any board within the department for the provision of services relating to the treatment and rehabilitation of licentiates impaired by alcohol or dangerous drugs are required to retain all records and documents pertaining to those services for 3 years and kept confidential and are not subject to discovery or subpoena unless otherwise expressly provided by law.

There is no direct impact on the Dental Board's (Board) current Diversion and Probation Programs as this practice was previously implemented by the Board.

2. A healing arts board is required to order a licensee to cease practice if the licensee tests positive for any prohibited substance under the terms of the licensee's probation or diversion program.

Currently, if there is a confirmed positive Random Body Fluid Test, the Board's Diversion Program Manager (DPM) is notified by MAXIMUS, Inc. via fax and/or phone within one business day. The applicant participant is contacted by phone within one hour of notification and is ordered to immediately cease practice until further notice. In addition, the licensee's license is placed on inactive status and the licensee's employer, if any, and worksite monitor, if any, is notified that the licensee may not work.

3. The bill authorizes the Board to adopt regulations authorizing it to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation, as specified.

The Board will need to review the DCA's recommendations of the Substance Abuse Coordination Committee for the Dental Diversion Program (SB 1441) to decide which of the criteria it wishes to adopt into regulation.