

**DENTAL BOARD OF CALIFORNIA**

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Board of Professional Engineers & Land Surveyors
Conference Room
2535 Capitol Oaks Drive, Suite 300
Sacramento, California

December 13, 2002
Board Meeting
Minutes

Board President, Alan Kaye, DDS, called the meeting to order at 9:15 am. Roll was called and a quorum established.

Members Present

*David Baron, Public Member
Newton Gordon, DDS
*Lawrence Hundley, DDS
Alan Kaye, DDS
LaDonna Drury-Klein, RDA
Michael Pinkerton, Public Member
George SooHoo, DDS
*Ariane Terlet, DDS
Chester Yokoyama, DDS

*Via Teleconference

Absent

Patricia Osuna, RDH

Staff Present

Gladys Mitchell, Interim Executive Officer
Lynn Thornton, Chief of Enforcement
Norine Marks, Legal Counsel
Errol Chisom, Legislative Coordinator
Irene Gonzales, Budget Analyst
Anita Dowty, Enforcement Unit
La Rita Abdul-Rahman, Secretary

AGENDA ITEM 3**Examination Appeals Committee Report**

Committee Chair, Dr. Lawrence Hundley reported the appeal results of the November 8, 2002 meeting. Thirty-Three Dental Licensure Exam appeals were submitted and five were granted. Seven Restorative Technique Exam appeals were submitted and two were granted.

It was m/s/c to approve (Pinkerton/Gordon) to approve as presented.

AGENDA ITEM 5

Proposed Modified Language to Section 1021 Fees—LBC

At the August 9, 2002 meeting, the board adopted regulatory language setting a fee of \$365 for Licensure by Credential. However, the language did not characterize the fee; i.e., whether it was an application and/or licensing fee. As a result, staff proposed that the board add clarifying language to the rulemaking file indicating the board's intent to charge an application fee for processing and that applicants who meet the criteria will be assessed an initial licensing fee.

Dr. George SooHoo expressed his concern regarding the Licensure by Credential Legislation as it is currently written. Legal Counsel, Ms. Norine Marks, advised the board that Dr. George SooHoo's concerns could not be addressed at this meeting since the meeting was noticed to only discuss the fees. Dr. SooHoo was asked to reserve his comments until the issue was agendized appropriately. Mr. Michael Pinkerton, the chair of the Legislative Committee asked Dr. SooHoo if it was acceptable to address his concerns before the Legislative Committee at the January 2003 meeting. Board President, Dr. Alan Kaye suggested that Dr. SooHoo and Mr. Pinkerton arrange a meeting with the author of the bill (Sen. Anaestad) to clarify his intent of this bill.

In an effort to expedite mailing out applications for Licensure by Credential, Legal Counsel, Norine Marks recommended a 3 course track:

1. Send out a new 15-day notice with the modified regulatory language specifying that the application fee is \$283 – based on the revised fiscal analysis.
2. Direct staff to pursue Emergency Regulations for the application fee for LBC at \$283.00.
3. Direct staff to begin processing the applications as soon as they were ready and charge a fee application of \$250, since that is a basic application fee for the Restorative Technique exam, a process similar to that of processing LBC applications.

It was m/s/c (Terlet/Hundley) to adopt the proposed modified language.

It was m/s/c (Pinkerton/SooHoo) that the board deem the LBC regulations to be of an urgent nature and that staff take all appropriate steps to present them so that they will be considered emergency regulations.

It was m/s/c (Pinkerton/) that the board use a stop-gap fee of \$250 for applying for LBC and that staff go forward with mailing out applications as soon as the applications are approved by Legal Office.

AGENDA ITEM 6

Repeal of Statutorily Required Peace Officer Study

Enforcement Committee Chair, Mr. Michael Pinkerton, stated that at the November 8, 2002 board meeting, the board voted to seek legislation relation to various

enforcement issues arising out of the Enforcement Monitor's Initial Report. The issue relation to the required peace officer study was inadvertently omitted from the agenda item.

In his initial and summary reports, the Enforcement Monitor recommended that the Board seek legislation to repeal the statutory requirement to perform a \$75,000 follow-up study on the use of sworn peace officer investigators. As a result, Mr. Pinkerton requested to board's approval to seek legislation to repeal the current statute requiring the study.

It was m/s/c (SooHoo/Klein) to repeal the current statute.

PUBLIC COMMENT

Dr. Dugguid of San Diego offered to be used as a test pilot for the Licensure by Credential program.

Ms. Rosa Lee of Senator Anaestad's office expressed the senator's desire for the board to expedite mailing out the applications and get the program up and running.

Ms. Teri Ciau of the Department of Consumer Affairs, encouraged the board to use the Department as a resource to assist with processing BCPs and getting exemptions for staffing needs.

Dr. Fred Reynolds questioned the similarities of the Restorative Technique Exam and the LBC. It was clarified that the processing of the applications were similar.

The meeting was adjourned at 10:30 am.