



DENTAL BOARD OF CALIFORNIA
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Red Lion Sacramento Hotel
 1401 Arden Way
 Sacramento, CA

**January 30-31, 2003
 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
 Patricia Osuna, RDH
 Michael Pinkerton, Public Member
 George SooHoo, DDS
 Ariane Terlet, DDS
 Chester Yokoyama, DDS

Staff Present

Gladys Mitchell, Interim Executive Officer
 Alan Mangels, Attorney General Liaison
 Norine Marks, Legal Counsel
 Lynn Thornton, Chief of Enforcement
 Peggy Bagdasarian, Enforcement Coordinator
 Errol Chisom, Legislative Coordinator
 Anita Dowty, Enforcement Unit
 La Rita Abdul-Rahman, Secretary
 Traci Napper, CE Coordinator

Agenda Item 3 – Approval of Minutes

Ms. LaDonna Drury-Klein submitted the attached written amendments on behalf of COMDA. She also submitted the following amendment on behalf of Ms. JoAnn Galliano of CDHA:

"Addition to minutes, page 4, after paragraph #2: Joann Galliano, Med, RDH, representing the California Dental Hygienists' Association, asked Ms. Lynn Thornton if cases involving an RDA coronal polishing and the DDS billing it out as an oral prophylaxis (code 0110) would be referred to the Insurance Commission for investigation? With the new insurance codes, a coronal polish can be billed out as an oral prophylaxis; however, the new law effective January 1, 2003, makes it illegal - unprofessional conduct - for any allied health professional other than an RDH to perform an oral prophylaxis. Ms. Thornton, and the Chair of the Enforcement Committee Michael Pinkerton, assured Ms. Galliano that such cases would not be referred and the Board's Enforcement staff would handle enforcement in such cases."

Ms. Norine Marks had the following addition to agenda item 9 – Dental Referral Programs:

The board was advised that it would need statutory authority to regulate these types of businesses or to issue permits.

The minutes of the November 8, 2002 meeting were approved (Hundley/Baron) with the amendments. Ms. Judy Babcock of CDA asked that the revised minutes be distributed to all interested parties.

The minutes of the December 13, 2002 meeting were approved (SooHoo/Baron) with the following amendments:

Agenda Item 5

1. Begin processing applications using the application fees for the RT Exam as a general application fee.
3. Direct staff to continue with the regular rulemaking file, setting the fee for applications for LBC at \$283, approving 15-day notice for the fee and new data.

Agenda Item 4 – President’s Report

Board President, Dr. Alan Kaye, announced Ms. Cynthia Gatlin as the newly appointed Executive Officer of the Dental Board. Ms. Mitchell was asked to provide a brief overview of Ms. Gatlin’s background. Ms. Gatlin has worked for the Department of Consumer Affairs for a number of years in several managerial positions. Currently she is the Director of the Consumer Information Center.

Dr. Kaye reported that he requested Dr. Yagiela, Chair of the Blue Ribbon Panel on Anesthesia, to include Oral Conscious Sedation for Adults as part of his report.

Dr. Kaye commented that he thinks the board is in good health. He believes the board is doing very well and has come together in a very good working relationship and that everyone is on the same page, very proactive in its thinking. He is very interested in seeing this board turn into a model board.

Dr. Kaye acknowledged Mr. Errol Chisom will be leaving the Dental board to accept a position working for Assemblyman Horton. He thanked him for his time, effort and expertise in handling the regulations and legislative issues for the dental board over the years.

The issue of Dental Insurance Coverage and Billing Practices was tabled at the advice of Legal Counsel until further notice.

Agenda Item 5 – Interim Executive Officer’s Report

Interim Executive Officer, Ms. Gladys Mitchell, gave a brief report on the Sunset Hearing held November 19, 2002. The focus of the hearing was the Enforcement Program. Of the 40 recommendations made in the Initial Report of the Enforcement Monitor, approximately one-third have been implemented; one-third are still in progress, and one-third have been deferred due to budget constraints. In addition to the enforcement program, the monitor touched on the board’s internal operations, such as the lack of BCPs – an infrastructure that has not kept up over time. As a result, current staff has submitted 5 BCPs and a current year augmentation to lay the framework for the incoming EO and to propel the board forward. She also reported that freeze exemptions have been submitted in an effort to fill current vacancies. She encouraged the stakeholders to submit letters of support on the board’s behalf to the Department of Finance to possibly get some of the above-mentioned funding request approved.

Mr. Michael Pinkerton provided a brief update on his involvement with working with Ms. Lynn Thornton, Chief of Enforcement, as well as with the Enforcement Monitor; to address the issues outlined in the monitor’s report. Mr. Pinkerton believes the greatest issue faced by the board is the fiscal crisis of the State and the hiring freezes. Mr. Frank has been made aware of these impediments that this brings to Ms. Thornton’s abilities to deal with the issues before her and the board’s efforts to deal with enforcement issues. Mr. Pinkerton acknowledged that the board and staff are doing the best they can under the circumstances.

Ms. Mitchell informed the board of status of the Strategic Plan Development Contract. Because the bid amounts came in extremely high, well over the budgeted amount, the Contracts Unit advised staff to submit a re-bid based on a scaled down scope of work.

The new Dental Practice Act was mailed to all licensees last week and copies provided to all board members. Legal Counsel, Ms. Norine Marks, recommended that staff provide a supplement to include the number of laws that were chaptered while the DPA was still being published.

Agenda Item 6 – Budget Report

Budget Analyst, Ms. Irene Gonzales, reported that \$10m have been taken from the Dental Board’s reserve as a loan to the General Fund. Ms. Gonzales pointed out that the current fund condition and next fiscal year will have \$1m taken out for the new loan repayment program. Ms. Gonzales also stated that we were tightening up on spending in the areas of supplies, training and travel.

Dr. George SooHoo asked about the \$150,000 designated for the occupational analysis. Ms. Gonzales stated that that amount was a budgeted number and that the board might be able to afford this. The previous analysis cost \$172,000.

Ms. Judy Babcock of CDA requested that an analysis of the budget be done that would include what would happen to the dental board budget if the licensing fees were reduced, so that the reserves would not increase at a rate that would continue to draw the Governor's attention. CDA is interested in seeing if the board believes that a reduction in the dental licensure fee would be appropriate and at what rate. They would like to see these fees reduced so that the reserve does not get to 15.4 months again and become a target for additional loans to the general fund.

Agenda Item 7 – Approval of RDA Educational & Radiation Safety Programs

The following courses were approved as recommended by COMDA Committee Chair, Ms. Rhona Lee:

Radiation Safety Course – Career Care Institute, Lancaster
Coronal Polishing Course – Career Care Institute, Lancaster
Ultrasonic Scaling Course – Dental Specialties Institute, Inc., Los Gatos

Agenda Item 8 – Oral and Maxillofacial Surgery Scope of Practice

Dr. Kaye withdrew this agenda item until further notice.

Agenda Item 9 – Proposed Regulatory Language for AB 982

This is the Dental Corps Loan Repayment Program that is to be instituted by July 2003. Mr. Errol Chisom stated that he and Ms. Norine Marks worked together on the proposed regulatory language, a lot of which was taken from the Medical Board's regulation. Mr. Chisom informed the members that there will be a taskforce meeting held on this issue on February 27th from 11am to 1pm at the dental board office. It was m/s/c for Drs. SooHoo and Terlet to serve on the committee to review applications and make selections.

It was m/s/c (Gordon/Hundley) to adopt the proposed language and set for hearing. Dr. William Heisler, Professor of Restorative Dentistry at Loma Linda University commented that the proposed language appears to be directed at applicants currently holding a CA license. There are rural health care dental clinics going unstaffed. The easiest way to get these clinics staffed is to get young dentists or newly trained dentists out of dental school and the time to get them is right when they get their license, not after they have gone to work for Western Dental in Beverly Hills. The carrot of repayment of student loans is a wonderful and very sweet enticement, but if you are already settled someplace else with another organization, it is much more difficult to move. If the board could somehow develop a system where concurrent with applying to take the CA boards this application could accompany it and upon receiving their CA license they could contract with organizations in the rural areas that are understaffed.

Dr. George SooHoo commented that during a previous meeting, this issue was addressed and it was decided that by the time the applicant start work they would have to have had a license.

Ms. Cathy Mudge of CDA commented on paragraph E on the first page where it refers to full-time status. She asked the board to look at this closely and model it very similar to the National Health Service Corp, aka the State Loan Repayment Program that defines carefully how much clinical time verses paperwork time qualifies you to work in this program.

Agenda Item 10 – Diversion Evaluation Committee Liaison Report

Ms. LaDonna Drury-Klein gave a brief explanation of the purpose of the Diversion Evaluation Committee Manual. She asked that the board approve the handbook and give the committee the authority to continue with changes without having to come back before the board. The Northern and Southern Evaluation Chairs gave tremendous input. Input was also provided directly by Probation Monitors.

The 4th Quarter Statistics were submitted as information only.

Agenda Item 11 – Continuing Education Committee Report

Committee Chair, Ms. Tricia Osuna reported that the CE Committee met January 30, 2003. The items were submitted as information only and will be discussed in more detail at the April board meeting.

No action was taken.

Agenda Item 12 – Enforcement Committee Report

It was m/s/c (Hundley/Osuna) to accept the report as presented.

Agenda Item 13 – Examination Committee Report

It was m/s/c (Klein/Pinkerton) to accept the report as presented.

Committee Chair, Dr. SooHoo, asked the full board to address the issue of assisting the AADE in hosting its Annual Meeting in San Francisco, CA, October 21-22, 2003. Ms. LaDonna Drury-Klein and Ms. Tricia Osuna volunteered to be a part of AADE's arrangements committee.

Dr. Hundley, Chair of the Exam Appeals Committee, reported the following results:

Dental Licensure Exam

1447 – Denied

1511 – Granted retake of Perio

1520 – Granted retake of Perio

1523 – Granted retake of Amalgam

1837 – Denied

Restorative Technique Exam

968 – Denied

991 – Denied

1072 – Denied

It was m/s/c to accept as presented.

Agenda Item 14 – Legislative Committee Report

Committee Chair, Mr. Michael Pinkerton, reported that there was a fairly robust discussion about LBC. The author of the bill, Senator Aanestad, was present and did clarify his intent of the bill. As a result of the discussion, the board concluded that the only thing that could be done at this time was to wait until the board's report to the Legislature was completed and any recommendations to amend

the statute would be considered at that time.

Dr. Alan Kaye added that Senator Aanestad mentioned he appreciated the opportunity of being able to discuss the LBC legislation with the board and was rather impressed with the level of interest and questioning that took place.

No action was taken.

Agenda Item 15 – General Anesthesia/Conscious Sedation Committee Report

Dr. Alan Kaye provided a brief overview of some of the issues the committee has asked the Blue Ribbon Panel to research and asked the panel to include consideration of regulating the administration of oral conscious sedation for adult patients.

No action was taken.

Agenda Item 16 – Dental Materials Fact Sheet Committee Report

Committee Chair, Dr. Chester Yokoyama, read a statement updating the board on recent amalgam issues. Taking these issues into consideration, the committee will present a proposed Consumer Friendly Fact Sheet at the April meeting. Dr. Kaye did clarify the charge of the committee was to use the existing fact sheet to create a simplified version for consumer use.

Agenda Item 17 – Regulatory Hearing – 16 CCR § 1073.2 to Eliminate Dental School Affiliation for RDHAP Educational Programs

It was m/s/c (Baron/Hundley) to adopt the proposed regulatory language.

Agenda Item 18 - Public Comment

No public comment was given.

New Business – Future Agenda Items

(Ms. Drury-Klein) The RDA and RDH members of the board would like to work with Chief Lynn Thornton and COMDA to review and/or development competency exams for all licentiates. Also to ask staff to review allocation of funds for the Annual AADE Meeting in the event funds are needed to host that meeting.

(Gordon) Update the CE language for General Anesthesia. The language currently states American Heart Association 1983 ACLS.

The meeting was adjourned at 10:55 am.



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Examination Committee Meeting
January 30, 2003
Sacramento, CA

Minutes

Members Present:

George SooHoo, DDS, Chair
Newton Gordon, DDS
Patricia Osuna, RDH
Ariane Terlet, DDS
Chester Yokoyama, DDS

Staff Present:

Gladys Mitchell, IEO
La Rita Abdul-Rahman, Secretary
Norine Marks, Legal Counsel

The meeting was called to order at 3:00 pm. All members of the committee were present and a quorum was established.

AGENDA ITEM 3 – Approval of Minutes

The minutes of the November 8, 2002 meeting were amended to state that Dr. Benjamin Braziel's application to become a Dental Examiner was not considered.

It was m/s/c to approve the minutes as amended.

AGENDA ITEM 4 – Recommendation on Appointment of Examiners

Dr. Benjamin Braziel's application to become a Dental Examiner was held over from the November meeting to receive additional information.

It was m/s/c to approve Dr. Braziel as a dental examiner.

AGENDA ITEM 5 – Discussion of American Association of Dental Examiners' Annual Meeting in CA

Dr. SooHoo asked this item be tabled and presented to the full board for suggestions.

AGENDA ITEM 6 – Use of Ultrasonic Scalers at the RDH Examination

Committee Chair, Dr. SooHoo, asked that this issue be tabled until clarification is received from the Dean at USC as to why WREB candidates are allowed to use ultrasonic scalers without an assistant.

It was m/s/c to have Dr. Yokoyama serve as the spokesperson with the Dean on this issue and to report at the next meeting.

No public comment was given.

The meeting was adjourned at 3:35 pm.