



DENTAL BOARD OF CALIFORNIA

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Embassy Suites – San Francisco Airport
150 Anza Blvd
Burlingame, CA 94010

**May 14, 2004
Board Meeting
Minutes**

The meeting convened at 11:00 am. Roll was taken and a quorum established.

Members Present:

Newton Gordon, DDS
George SooHoo, DDS
La Donna Drury-Klein, RDA
Lawrence Hundley, DDS
Alan Kaye, DDS
Patricia Osuna, RDH
Michael Pinkerton, Public Member
Kamran Sahabi, DDS
Ariane Terlet, DDS
Chester Yokoyama, DDS

Members Absent:

David Baron, Public
Richard Benveniste, DDS
Kevin Biggers, Public
Brandon Hernandez, Public

Agenda Item 1 - Approval of Minutes:

The minutes of the March 12, 2004 board meeting and the April 2, 2004 teleconference meeting were approved (Kaye/SooHoo) as written.

Agenda Item 2 - President's Report:

Dr. Newton Gordon appointed Drs. Lawrence Hundley and Alan Kaye to the Legislative Committee, Mr. Brandon Hernandez to the Foreign Dental School Committee and himself to the Special Licensing and Permit Committee. The Dental Materials Fact Sheet Ad-Hoc Committee was disbanded due to the completion of the Consumer-Friendly Fact Sheet.

Dr. Gordon thanked Drs. SooHoo and Terlet for their outstanding presentation at the CDA Spring Scientific Session in Anaheim, CA.

Agenda Item 3 - Executive Officer's Report:

Ms. Cynthia Gatlin reported on the following:

- Budget Report – Ms. Gatlin informed the members that the budget is projected to be at a zero balance by June 30, 2004. As a result, she requested all members to restrict travel, phone calls, etc. to only the most essential business.
- Requested members to submit articles for an upcoming newsletter. Although the new budget will be tight, she will be working with the Communication and Education Division to at least place a newsletter on the website until such time as the board has money to distribute to all licensees.
- A Budget Change Proposal was submitted in order to fund a 1-800 telephone line for constituents outside of CA. 75% of calls received at the Dental Board are from outside of the 916 area code.
- The Department of Consumer Affairs will be conducting Ethics Training for new board members June 9th and December 8th in Sacramento, and September 8th in Los Angeles.
- Approval of Draft Strategic Plan: It was m/s/c (Osuna/Hundley) to approve the Strategic Plan as presented.

Agenda Item 4 - Enforcement Chief's Report

Enforcement Chief, Ms. Lynn Thornton, gave a brief overview of the final report of the Enforcement Monitor and the Board's response. Ms. Thornton also provided the Mid-Year Enforcement Statistics as information only.

Agenda Item 5 – Request to Amend 16 CCR § 1064(b) – Acupuncture Training

Dr. Greg Goddard, Associate Clinical Professor in the Oral and Maxillofacial Surgery Department at the University of California, San Francisco, submitted a written request and addressed the board requesting a regulation change with regard to the number of hours for didactic and clinical instruction as it relates to acupuncture procedures. The section currently requires 30 hours of didactic instruction and 50 hours of clinical training. Dr. Goddard is asking that it be reduced to 10 hours of clinical training and 5 hours of didactic training.

This request was referred to the General Anesthesia Committee for review and recommendation to the full board at its August Board Meeting.

Agenda Item 6 – COMDA Report

6.1 – Approval of Educational Programs and Courses – It was m/s/c (Pinkerton/Terlet) to grant provisional approval of Silicon Valley College, Fremont, as recommended.

6.2 – Required Coronal Polishing and radiation Safety Courses for RDAs – Affidavit in Lieu of Certificate – This item was tabled at the request of Ms. Karen Wyant, Executive Officer of COMDA.

6.3 – Proposed Changes to 16 CCR §§ 1041 and 1014.1 – Approval of Radiation Safety Programs – It was m/s/c (Osuna/Terlet) to approve the proposed changes and set for hearing as recommended by COMDA.

6.4 – Review of Necessity/Desirability of RDHAP Prescription Requirement – This item was provided as information only.

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

Agenda Item 7 – Final Adoption of the Consumer-Friendly Fact Sheet

It was m/s/c (Hundley/Terlet) to accept the edits and format of the April 2, 2004 Facts About Fillings as the updated fact sheet to be distributed to patients.

Dr. Yokoyama made the following statement for the record:

“I still have grave concerns and would like to read a brief statement for the record. I know that we are limited to structure of sentences and words. I am concerned about the sentence in the Toxicity section, page 3, 4th paragraph and it has to do with the scientific evidence. Questions have been raised about the safety of pregnant women, children and diabetics. Then we go on to say however, scientific evidence and research literature suggest that otherwise healthy women, children, and diabetics... I would just like to state that I think that is an incorrect sentence structure in the fact that it should read - if we're talking about questions raised about pregnant women and then changing it to otherwise healthy women, to me doesn't make sense. I would just like to point that out as a faulty or misleading sentence structure and I wish that would have been corrected or amended by the Department of Consumer Affairs. The second part is, in the same area, we're talking about the Food and Drug Administration (FDA) and again, I am going to say that there are three flaws in that: The FDA does not have jurisdiction over the mixed amalgam. They state that they do not regulate the practice of medicine or dentistry and they have never finished or they have failed to classify encapsulated amalgam. All three of these points point to the faulty justification by using the FDA and I say that merely because as a governing body, we do not want to send out something that doesn't have factual information.”

Ms. Gatlin informed the board that staff was working on getting the Fact Sheet translated in Spanish and Mandrin, as previously requested by the board.

Ms. Cathy Mudge of California Dental Association commented that they believe this version of the fact sheet is not an update. There is no new scientific information in this fact sheet, it is simply a voluntary response to the legislature that is now be given to all patients.

Agenda Item 8 – Diversion Evaluation Committee Liaison Report

8.1 – Removal of DEC member – It was m/s/c (Osuna/Terlet) to remove Ms. Rita Weisberg. Dr. Alan Kaye recused himself from voting.

8.2 – Reappointment of DEC Members – It was m/s/c (Pinkerton/Terlet) to approve Leslie Fleuti, RDAEF and Bill Moore, CCS, NCACII, for a second four year term.

Agenda Item 9 – Continuing Education Committee Report

- 9.1 The minutes of the March 11, 2004 meeting were approved with an amendment.
- 9.2 Proposed Changes to 16 CCR § 1016 was accepted with changes and set for hearing.
- 9.3 Proposed Changes to 16 CCR § 1017 was approved and set for hearing.
- 9.4 Approval of Course in Advanced Cardiac Life Support – This item was tabled for further review of materials.

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

Agenda Item 10 – Examination Committee Report

- 10.1 The minutes of the March 11, 2004 meeting were approved as written.
- 10.2 The job description for the Exam Chair was approved with amendments.
- 10.3 The policy on Board Members Roles at Exams was approved with amendments.
- 10.4 Drs. Campaigniac, Maldonado, Patel, Richmond and Nederman were approved as new Dental Examiners.
- 10.5 The following individuals were approved as Examiners:

<u>RDA</u>	<u>RDH</u>
Kristie Nunes	Christine Dawson
Mary Holm	Ann Havlik
Mary Jenkins	Lisa Galasso
Sheronda Walton	Paulina Jo Attebery
- 10.6 Appointment of a subcommittee to review the RDH and RDHAP Law and Ethics Exam as requested by COMDA.
- 10.7 Ms. Tracy Ferrel of the Department of Consumer Affairs' Office of Exam Resources, did a PowerPoint presentation on how and why an Occupational Analysis is conducted.
- 10.8 Proposed changes to 16 CCR § 1033.1 was tabled (Terlet/Kaye) due to other pending legislation that will affect the exam process.
- 10.9 Auxiliary Exam Stats were provided as information only.
- 10.10 Dental Exam Stats for March were provided as information only.
- 10.11 Dr. Joe Rossa of the Western Regional Examination Board gave a presentation on Curriculum Integrated Format (CIF).
- 10.12 Dr. SooHoo informed the board that the Governor signed AB 1467 April 13, 2004. As a result, a Restorative Technique Exam has been scheduled for November 13-15, 2004 at USC.

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

Agenda Item 11 – Legislative Committee Report

Committee Chair, Dr. Ariane Terlet, provided a brief overview of the bills and the positions taken by the committee.

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

Agenda Item 12 – Licensing Committee Report

- 12.1 The minutes of the March 11, 2004 committee meeting were approved as written.
- 12.2 The Extramural Facility Application for Laguna Honda Hospital in San Francisco was approved.
- 12.3 The Statistics for Licensure by Credential (LBC) from January 1, 2003 through April 7, 2004, were provided as information only.

The following items were discussed in closed session:

- 12.4 The request for Replacement of a Cancelled License was denied.
- 12.5 All LBC applications reviewed by the committee were approved.

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

Agenda Item 13 – Foreign Dental School Ad Hoc Committee Report

- 13.1 Selection of On-Site Inspection Team for Site Visit to Manipal, India – Due to lack available participants, the committee was unable to select a team for the Manipal site visit. As a result, Dr. Terlet requested the board delegate her the authority to appoint the on-site inspection team. It was m/s/c (Sahabi/Hundley) to delegate to Dr. Ariane Terlet the authority to recruit and appoint the on-site team for the Manipal site visit.
- 13.2 Oral Report on Revisit to LaSalle University in Mexico – Dr. Ariane Terlet reported on the May 5-8, 2004 Mexico trip. She gave a brief overview on the improvements that had taken place since the first inspection and recommended provisional certification be granted.

It was m/s/c (Klein/Osuna) to accept the report as given.

Agenda Item 14 – Anesthesia Committee Report

- 14.1 The minutes of the March 11, 2004 meeting were approved as written.

14.2 The committee discussed and accepted the following recommendations of the Blue Ribbon Panel:

- To establish an Anesthesia Review Committee
- The review of Anesthesia/Sedation Emergency Protocols
- Preparation for an Onsite Inspection and Evaluation
- Amendments to B&P Code Sections 1646 and 1647

Due to time constraints, the recommendation to amend CCR § 1043 and new legislation for regulation of Oral Conscious Sedation in Adults were postponed until the August meeting.

14.3 Course Approval for Certification in Oral Conscious Sedation for Minor Patients – this item was also postponed until the August board meeting.

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

Regulatory Hearings

The following regulatory hearings were held at 1:30pm:

16 CCR § 1005 – Infection Control Guidelines

16 CCR § 1041 – Examination Requirements for Graduates of a Foreign Dental School –
Changes to Restorative Technique Exam

16 CCR § 1043.2 – Composition of GA/CS On-Site Inspection and Evaluation Teams

16 CCR § 1070.3 – Pit and Fissure Sealant Approved Courses

16 CCR § 1072.1 – Requirements for Registered Dental Hygienist (RDH) Educational Programs

Minutes of these hearings are kept as part of the official regulation package.

No public comments were given and the meeting was adjourned at 3:45pm.



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Special Licenses and Permits Committee Meeting
Thursday, May 13, 2004
San Francisco, California

Members Present

LaDonna Drury-Klein, RDA, Chair
Newton Gordon, DDS
George SooHoo, DDS
Ariane Terlet, DDS

Staff Present

Peggy Bagdasarian, Enforcement Coordinator
Cynthia Gatlin, Executive Officer
Gladys Mitchell, Staff Manager
La Rita Abdul-Rahman, Secretary
Lynn Thornton, Enforcement Chief
Alan Mangels, Attorney General Liaison
Norine Marks, Legal Counsel

The meeting was called to order at approximately 9:50 a.m. All members of the committee were present and a quorum was established.

Item 12.1 - Minutes - The minutes of the March 11, 2004 meeting were approved as written.

Item 12.2 - Approval of Extramural Facility

UOP School of Dentistry requested approval of Laguna Honda Hospital as an extra mural facility. It was m/s/c to grant approval.

Item 12.3 - Licensure by Credential (LBC) Statistics - This was an informational item only.

There was no public comment and the Committee went into closed session as authorized by Government Code § 11126(c)(2). When the meeting reconvened in open session public comment was solicited again, and there being none, the meeting was adjourned.



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Examination Committee Meeting
May 13, 2004
Burlingame, CA

Minutes

Members Present:

George SooHoo, DDS, Chair
LaDonna Drury-Klein, RDA
Newton Gordon, DDS
Alan Kaye, DDS
Ariane Terlet, DDS
Chester Yokoyama, DDS

Staff Present:

Cynthia Gatlin, Executive Officer
Gladys Mitchell, Manager
La Rita Abdul-Rahman, Secretary
Norine Marks, Legal Counsel

The meeting was called to order at 1:15 pm. All members of the committee were present and a quorum was established.

AGENDA ITEM 10.1 - The minutes of the March 11, 2004 meeting were approved as written.

AGENDA ITEM 10.2 – Final Approval of Job Description of Exam Chair

It was m/s/c (Kaye/Klein) to approve the job description for Exam Chair with the following amendments:

The Examination Committee Chairperson is primarily responsible for ensuring that the Examination Committee makes recommendations to the Board regarding examination issues and policies; he/she is bounded by the content of the Board Member Handbook and the laws referenced therein; ensure that Ad hoc committees are established when necessary are established when necessary to address special projects and related issues.

The following are specific responsibilities:

Board members shall work in cooperation and consultation with the Exam Chair during the exams. If the Exam Chair is not present, an acting chair will be appointed.

AGENDA ITEM 10.3 – Final Approval of Policy on Board Member Roles at Exams

It was m/s/c to approve the policy on board member roles at exams with the following amendments:

- Board members shall notify the Examination Chair of his/her planned attendance. Should the Exam Chair deny admission of a board member from attending an examination, the reason(s) for the denial shall be stated in writing to the Board president and board member.
- Board members shall work in cooperation and consultation with the Exam Chair during the exams. If the Exam Chair is not present, an acting chair will be appointed.
- Board members shall receive proper orientation and calibration, which includes one full day of examiner orientation.

AGENDA ITEM 10.4 – Appointment of New Dental Examiners

The following dentists were approved as new examiners:

Hugo A. Campaigniac, DDS

Philip B. Maldonado, DDS

Sanjay Patel, DDS

Howard C. Richmond, DDS

Board Member, LaDonna Drury-Klein, recused herself from voting on this item.

AGENDA ITEM 10.5 – Appointment of RDA and RDH Examiners

The following individuals were approved at Examiners as recommended by COMDA:

RDA Examiners

Kristie Nunes – North

Mary Holm – North

Mary Jenkins – North

Sheronda Walton – South

RDH Examiners

Christine Dawson – South

Ann Havlik – North

Lisa Galasso – South

Paulina Jo Attebery – South

AGENDA ITEM 10.6 – Appointment of Subcommittee to Review RDH and RDHAP Law and Ethics Examinations

As a result of two regulatory change proposals, one that would require that RDH applicants complete examinations in law and ethics as a condition of licensure and the other would replace the current examination for RDHAPs with examinations in law and ethics only, COMDA recommended appointment of a subcommittee to review the final

products. COMDA requested the subcommittee consist of two Board members, one of them the RDH member.

It was m/s/c (Gordon/Kaye) to appoint the subcommittee as recommended by COMDA.

AGENDA ITEM 10.7 – Presentation on Occupational Analysis

Ms. Tracey Ferrel of the Department of Consumer Affairs' Office of Examination Resources did a presentation on Occupational Analysis.

AGENDA ITEM 10.8 - Proposed changes to 16 CCR § 1033.1 - tabled (Terlet/Kaye) due to other pending legislation that will affect the exam process.

AGENDA ITEM 10.9 - Auxiliary Exam Stats were provided as information only.

AGENDA ITEM 10.10 - Dental Exam Stats for March were provided as information only.

AGENDA ITEM 10.11 - Dr. Joe Rossa of the Western Regional Examination Board gave a presentation on Curriculum Integrated Format (CIF).

AGENDA ITEM 10.12 – Update on AB 1467 - Dr. SooHoo informed the committee that the Governor had signed AB 1467 April 13, 2004. As a result, a Restorative Technique Exam has been scheduled for November 13-15, 2004 at USC.

No public comments were given and the meeting adjourned at 3:55pm.



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Continuing Education Committee Meeting
May 13, 2004
Burlingame, CA

Minutes

Members Present:

Ariane Terlet, DDS, Chair
LaDonna Drury-Klein, RDA
Patricia Osuna, RDH
Michael Pinkerton, Public Member

Staff Present:

Cynthia Gatlin, Executive Officer
Gladys Mitchell, Staff Manager
La Rita Abdul-Rahman, Executive Secretary
Norine Marks, Legal Counsel

The meeting was called to order at 11:30 am. All members of the committee were present and a quorum was established.

AGENDA ITEM 9.1 – Approval of Minutes

It was m/s/c (Pinkerton/Klein) to approve the March 11, 2004 minutes with the following correction:

Kristie Menage Bernie should be Kristy Menage Bernie.

AGENDA ITEM 9.2 – Proposed Changes to 16 CCR § 1016 – Providers and Courses

It was m/s/c (Pinkerton/Osuna) to accept the following changes and set for hearing:

- Change licentiate to licensee
- Remove the word "scientific" from (1)
- Section (D) is new proposed language and should be underlined
- Section (F) was reworded to include HIPAA, workplace and environmental
- Sections (2)(F) and (I) were consolidated into one section

AGENDA ITEM 9.3 – Proposed Changes to 16 CCR § 1017 – Units Required for Renewal

It was m/s/c (Pinkerton/Klein) to approve the proposed language and set for hearing.

AGENDA ITEM 9.4 – Request for Approval of Course in Advanced Cardiac Life Support

This item was carried-over from the March 11, 2004 meeting. At the March meeting, Dr. Terlet appointed Dr. Kaye to work with staff to determine if this course is equivalent to that of the American Heart Association's course. In turn, Dr. Kaye requested that Dr. Margaret Delmore review the materials submitted by the American Safety and Health Institute and determine if the courses were equivalent. As a result, Dr. Delmore submitted a letter for the May board meeting stating that the courses appear to be similar, but she did not have adequate time to review the materials to determine if they were identical.

This item was tabled once again in order to allow Dr. Margaret Delmore sufficient time to review all the materials.

No public comments were given and the meeting adjourned at 12:45 pm.



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ANESTHESIA COMMITTEE

Thursday, May 13, 2004
San Francisco, California

Members Present

Alan Kaye, DDS, Chair
Richard Benveniste, DDS
Newton Gordon, DDS
Lawrence Hundley, DDS

Absent

Kevin Biggers, Public Member

Staff Present

Cynthia Gatlin, Executive Officer
Alan Mangels, Attorney General Liaison
Norine Marks, Legal Counsel
Anita Dowty, Board Staff

The meeting was called to order at approximately 8:45 a.m. by Dr. Alan Kaye. Roll was taken and a quorum was present.

Item 14.1 - Minutes of the January 2004 Anesthesia Committee Meeting

It was m/s/c (Gordon/Hundley) to accept the minutes as presented.

Item 14.2 - Recommendations from the Blue Ribbon Panel

Dr. Kaye stated dentistry was well represented by those on the Panel. He read their names and the organization each represented and gave a brief overview of the work of the Panel.

Item 14.2A - Recommendation to Establish an Anesthesia Review Committee

There was much discussion of the role such a committee might play in the evaluation of anesthesia-related incidents and legal counsel's concerns for legalities and compromise of confidential information. It was m/s/c (Gordon/Hundley) to accept, in concept, the recommendation to establish an Anesthesia Review Committee as a sub-committee, and over the next three months, determine functionality.

Item 14.2B - Recommendation to Review Emergency Protocols

It was m/s/c (Hundley/Benveniste) that Dr. Yagiela be asked to define expected responses for proper management of emergencies separately for GA and for CS. This will be used by the evaluators in conducting in-office evaluations to assure consistencies.

Item 2C - Recommendation for Preparation for an Onsite Inspection and Evaluation

It was m/s/c (Benveniste/Gordon) to require that prior to an onsite inspection, the examinee provide a list of his or her emergency medications.

Dr. Benveniste asked what would be the result if the information were not provided. After brief discussion staff was directed to bring to the August meeting, suggested language to implement this requirement.

Item 14.2D - Recommendation to Amend § 1646 and 1647

It was m/s/c (Hundley/Gordon) to change the frequency of the general anesthesia onsite inspection and evaluation from at least once every six years, to at least once every five years (1646.4). Dr. Gordon pointed out a reference to the frequency of evaluations in § 1646.9 that will also need to reflect the change.

It was m/s/c (Hundley/Benveniste) to change the number of continuing education hours required for renewal of a general anesthesia permit from 15 hours to 24 hours (1646.5).

It was m/s/c (Hundley/Benveniste) to accept the changes recommended, but in 1647.1(b), to use the ADA definition instead of the language proposed (1647.1).

Ms. Marks suggested the Committee review and discuss all of the remaining suggested changes and vote on them together, unless there was an objection to any one of the changes.

The remaining proposed changes were reviewed with little or no discussion. As stated in the recommendations of the Panel, changes, for the most part, will match California law better with national standards and definitions and remove outdated grandfather clauses. The following sections are affected: 1647.2, 1647.3, 1647.4, 1647.10, 1647.12, 1647.14.

It was m/s/c (Benveniste/Hundley) to accept the changes as proposed.

Item 14.2E - Recommendation to Amend § 1043 and 1044

Discussion was initiated on the proposed amendments. Due to time constraints and the need for thorough discussion of the proposed changes, it was m/s/c (Benveniste/Gordon) to hold a public meeting prior to the August Board meeting, to consider this item and the remaining recommendations of the Panel.

The Committee did not consider the approval of a course for certification in oral conscious sedation for minor patients when it was determined it could be deferred to the August meeting.

There was no public comment and the meeting was adjourned.