

**DENTAL BOARD OF CALIFORNIA**

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**DENTAL BOARD OF CALIFORNIA**

August 3 - 4, 2006
San Diego, CA

Full Board Meeting Minutes

President Turchi called the meeting to order at 9:35am, roll was taken and a quorum established.

Members Present:

Lewis Turchi, DDS, President
Ronald S. Mito, DDS, Vice President
William A. Baker, Public
David Baron, Public
Kevin Biggers, Public
Stephen Casagrande, DDS
Luis Dominicis, DDS
Michael Lew, DDS
Suzanne McCormick, DDS
Harriet Seldin, DDS
Nora Vargas, Public
Joyce Yale, RDH

Members Absent:

Kamran Sahabi, Secretary

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Shirley Moody, Enforcement Chief
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Agenda Item 1 – Approval of Minutes

M/S/P(Lew/ Mito) to approve the minutes of the Board's April 2006 meeting with no changes.

Agenda Item 2 – President's Report

President Turchi reported on the Board's presence at the meeting of the American Association of Dental Examiners (AADE), noting that this is an opportunity to come to the table with other dental examiners across the country. He reported that Members McCormick and Dominicis currently represent the Board with WREB, advising representation to AADE.

Agenda Item 3 – Executive Officer's Report

Executive Officer Hedrick reported that Licensing Unit has a new position to handle LBC applications, adding that the backlog in General Anesthesia/Conscious Sedation permits, renewals, and CE approvals is being processed. He reported that the WREB application

process was delayed until March due to the slow movement of the regulation package at the Department and Agency level. This impacted Exam staff's clinical exam, as the 2 1/2 member exam staff was traveling in May and June to give exams while the WREB applications were arriving. Exam results are also a priority, so the estimated turnaround time for applications grew from 30 to 60 days. He reported that the Law & Ethics exam is now given at the WREB exam, to hopefully reduce the number of incomplete license applications. He noted that this has taken a linear process and converted it to a multiple review process. He added that this transition has resulted in many phone calls, and each call diverts staff from processing applications. He intends to clarify application instructions to reduce the number of incomplete applications. He reported that a new exam has been rewritten by OER and will be in place by 2007, but computer based testing is at least a year off. He reported that enforcement is the bright spot, continuing to zip along, with a BCP submitted to increase the size of the staff for probation monitoring. He noted that the budget is in good shape. Member Biggers noted that it sounds like staff is working very hard, asked if the WREB application process is backlogged due to an increase in the number of applicants. Hedrick replied that the number of license applications through the exam process is about the same, but LBC applications are 3 – 4 times what they were at this time last year. Member Seldin asked if the LBC applicants' ability to practice in underserved areas and clinics accounted for the increase. Hedrick reported that the statistics in Item LCP 4 show that of 120 LBC applications received, only one applied by contracting with a clinic. Member Mito asked if the Board would have the opportunity to discuss future budgets, changes and augmentations, Hedrick noted that the Board may do so at any time, and it will be on the November agenda.

Agenda Item 4 – Set Board Meeting Dates for 2007

Member Lew suggested Friday-Saturday meeting dates, Hedrick noted that staff overtime and religious concerns make Saturday a less ideal choice. Member Casagrande suggested midweek dates. The Board voted to continue the Thursday-Friday schedule, with COMDA meeting on Wednesday. The Board adopted the following meeting dates for 2007: February 8-9, April 26-27, June 12-13, August 23-24, and November 15-16.

Agenda Item 5 – Committee on Dental Auxiliaries Report

COMDA Chair Shanda Wallace introduced Elizabeth Ware, COMDA's new Executive Officer, and Lorie Kiley, who replaced Dyna Leonard performing RDA educational and course evaluations and other duties. She reported that COMDA had no quorum, so acted as a subcommittee of the Board, noting that another meeting had been scheduled for August 16.

Agenda Item 5.1 – Approval/Disapproval of RDA Educational Programs and Radiation Safety Courses

No action could be taken on the three programs awaiting approval due to lack of a quorum.

Agenda Item 5.2 – Discussion of Comments Received on Proposed Regulation to Amend Section 1001 (delegation to Executive Officers) and Possible Modification of Text

COMDA Chair Wallace reported that this modification will prevent programs from being delayed in their approval for the lack of a quorum as happened today. She noted that any schools that were not approved would still be moved forward to the Board for consideration. She reported that if the Board accepts the proposed modified language, there must be a 15 day notice of the modified text before proceeding. M/S/P(Mito/Biggers) to adopt the modified language and proceed with the regulatory action.

Agenda Item 5.3 – Report on COMDA’s Implementation Plan for SB 1546 (dental assisting scopes of practice) and Request to Seek Legislation to (1) Delay the Current Implementation Date of January 1, 2008 and (2) Obtain Sufficient Personnel to Implement and Maintain the Provisions of the Bill

Wallace reported that since there was no quorum at COMDA’s meeting, no action could be taken on this item. Member Seldin commended the thorough and detailed report and thanked COMDA for making the information available to the Board. Wallace noted that COMDA is concerned about not having the time or staff to implement the provisions of the bill, and stated that COMDA’s intent is to have six to ten regulations for the Board’s review in November. E.O. Ware reported that she will develop a draft framework to be reviewed by the task force, to have a good package to bring to the Board in November. She noted that there is no time to waste.

Agenda Item 6 – Education Committee Report

Chair McCormick reported that after discussion, the Committee voted to accept the proposed language for Section 1016 and 1017 with minor modifications that the providers indicate whether their courses are Category I or Category II. She noted that she had reported on her attendance at the Senior Summit, concerning elder abuse, identity theft and focus on the elderly. She reported that the Infection Control Subcommittee had met and completed the annual review of regulation Section 1005 regarding Minimum Standards for Infection Control and accepted without revision. She reported that the Student Loan Repayment Program information was reviewed and accepted by the Committee. M/S/P(Lew/Casagrande) to accept the report of the Education Committee except the portions regarding the Continuing Education and Infection Control Subcommittees, and revisit those items again in November.

Agenda Item 7 – Licensure, Certification and Permits Committee Report

Chair Casagrande reported that the Committee had appointed five new examiners, three from the south and two from the north, discussed the proposed changes to the dental board clinical exam and voted to move forward, discussed the restorative technique (RT) exam and approved proposed changes to Section 1041 to make that exam more effective, with minor modifications to incorporate the rules of conduct and clarify Section 1041(b)(1)(A) as to the procedures that may be required.

Member Baron reported that the Exam Appeals Subcommittee granted one RT candidate a retake of the Composite procedure at no fee, and granted a pass score on the Cast Restoration procedure to another RT examinee. He also asked that examiners provide more and better notes on the grading sheets to enable the Board to better understand the rationale behind the grading of each procedure when considering appeals.

Member Mito reported that the General Anesthesia/Conscious Sedation Subcommittee had reviewed the comments received at the regulatory hearing held on May 31 on Section 1044 et seq. regarding Oral Conscious Sedation and agreed with the majority of the comments, but not the elimination of the live patient experience, replaced by 20 videotaped experiences nor a reduction in the 25 hour course requirement. He reported that there were no appeals of onsite inspections or evaluations.

Rolando Castillo, Welcome Back hosted by Grossmont College in San Diego, who addresses the issues of foreign-trained dentists. He supported the inclusionary measures to allow foreign trained and out of state dentists to test within the California dental board exam.

Chair Casagrande reported that the Committee recommended to table the discussion of SB 299 to the November meeting, discussed legislation of interest to the Board, taking a position of support on SB 438, SB 683, SB 1541, and opposing SB 1472. Chair noted that Closed Session Item LCP 5, Issuance of New License to Replace Cancelled License was not addressed in Subcommittee yesterday due to the lateness of the hour, and would be considered today. M/S/P (Mito/McCormick) to accept the report of the Licensing, Certification and Permits Committee with the exception of Item 5.

Audience member Dr. Fuller thanked the Board for supporting the on the job training for orthodontic assistants, noting that he trains assistants all the time and it's a great pathway.

Following the Closed Session of the Licensing, Certification and Permits Committee, Chair Casagrande reported that the Committee considered three applications for a license to replace a cancelled license. The Committee decided to grant a new Registered Dental Hygiene license and a new Registered Dental Assistant license to two applicants, and requested that the dentist applicant provide further information clarifying the reason for the lapse in license and a more detailed accounting of the required CE units. If the information is provided, the Committee will reconsider this applicant in November. M/S/P (Casagrande/Turchi) to accept the report of the Committee regarding Item LCP 5.

Agenda Item 8 – Enforcement Committee Report

Chair Seldin thanked the Committee members and reported that the Enforcement Committee had asked that Disciplinary Guidelines go on the website, noting that they are currently being revised for the Committee's consideration. Member Dominicis asked that unlicensed practice be added as an agenda item for the next meeting.

Agenda Item 9 – Diversion Committee Report

Chair Biggers reported that the Committee had appointed James Tracy, DDS and re-appointed Sandra Schlageter, DDS to the Diversion Evaluation Committee. M/S/P (Biggers/McCormick) to accept the report of the Diversion Committee.

Agenda Item 10 – Presentation by the University of San Diego, Physician Education and Clinical Education (PACE) Program

Member Seldin introduced Elizabeth Becker from the PACE program, used by the Medical Board for remediation and disciplinary actions of physicians. Ms. Becker noted that her area of expertise is anger management and professional boundaries. She stated it is a nonprofit group, and the largest organization that provides assessment for clinical competency and remediation of physicians in the U.S. PACE addresses problems with sexual harassment and sexual misconduct much more effectively than individual counseling. The program is a three-day intensive psychoeducational program, not treatment or therapy. It teaches people their risk factors. She noted that clients are motivated, they want to preserve their career, they care about their patients, and they want to do better. She reported that the program has a one-year follow-up with quarterly contact via questionnaires, and coaching is provided. She felt that the program is unique and effective. She noted that the client cannot be in the midst of legal charges or a civil suit, and that the program can be part of a stipulation, reports are available to probation monitors. Medical Board requires a "PACE equivalent program", and that the physician complete the program successfully, including the 1-year follow up. She stated that a stipulated agreement is not required, pre-emptive is better, if no legal charges are pending, requiring only a copy of the accusation and a copy of the stipulated agreement. Member Biggers felt this should be a part of the curriculum, rather than after the fact.

Member Mito noted that UCLA requires this training. The Board thanked Ms. Becker for her presentation.

Agenda Item 11 – Discussion of Proposed Regulation to Amend Business and Professions Code Sections 1021 and 1028 Relating to WREB and Possible Modification of Text

E.O. Hedrick noted that this is one step in dealing with the logistics in processing WREB applications, we are currently operating under Emergency Regulations, but issues have been raised as to how the applications are processed. He stated that the substance of the modifications relate to the requirement of either a pass card or that the date and location that the applicant has been scheduled for the WREB exam, which allows the applicant to sit for the Law and Ethics exam at their WREB exam. He stated that this has been done at USC in July and worked very well, and is convenient for candidates. He noted that the application is needed to enable staff to schedule applicants for the Law and Ethics exam, which is required of all candidates, and is currently given at each clinical exam. Member Casagrande asked when that exam would be available on computer at various testing sites. Hedrick reported that would be at least a year away, the contract is currently being negotiated by the Department, in the meantime, this is an interim solution. Carolan, CDA, felt that the separate application for the Law and Ethics exam would address most of the issues that students have. He felt that other issues may require a change in the law. Shirley Moody, Enforcement Chief, noted that an applicant cannot be issued a license until their fingerprint clearances have been received from DOJ. M/S/P (Lew/McCormick) to accept the proposed changes as presented in Item 11.

Public Comment

Barbara Cabes, an endodontist from San Diego county, informed the Board that she had difficulty finding university-based continuing education programs to renew her pediatric oral conscious sedation license. She added that UCLA is the only university that offers it this year.

Adjournment

The meeting was adjourned at 12:40pm.

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**ENFORCEMENT COMMITTEE**

August 4, 2006
San Diego, CA

Meeting Minutes

Chair Seldin called the meeting to order at 9:15am, called the roll and established a quorum.

Members Present:

Harriet Seldin, DDS, Chair
David Baron, Public
Michael Lew, DDS
Lewis Turchi, DDS

Members Absent:Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Shirley Moody, Enforcement Chief
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Agenda Item ENF 1 – Review of Disciplinary Guidelines

Greg Salute, Deputy Attorney General, reported that Enforcement staff are currently working with his office to review the Guidelines, with the intent to have a revised copy to bring to the Board's November meeting. Chair Seldin asked if the current Disciplinary Guidelines are on the Dental Board's website. Shirley Moody, Enforcement Chief, noted that in the past, DCA had monitored website content, adding that the new IT staff member was working on updates to the website. Cathy Mudge, CDA, asked that the current Guidelines be accessible, irrespective of future modifications.

Chair Seldin asked what the guidelines are for remediation. Salute replied that they are determined on a case by case basis in conjunction with a Dental Board consultant, depending on the allegations. Member Lew felt that more distinct Guidelines are needed, with remediation tailored to the issue. Moody stated that the new Guidelines will be more direct. Chair Seldin noted that the Committee will look forward to the revised Guidelines at the next meeting.

There was no further public comment and the meeting adjourned at 9:30am.