



**Diversion Committee Meeting Minutes
Wednesday, July 22, 2009
San Francisco, CA**

Members Present:

John Bettinger, DDS, Chair
Luis Dominicus, DDS
Rebecca Downing, Public Member
Judith Forsythe, RDA
Huong Le, DDS

Members Absent:

William Baker, Public Member
Stephen Casagrande, DDS

Staff Present:

Cathleen Poncabare, Executive Officer
Richard DeCuir, Assistant Executive Officer
Dawn Dill, Licensing & Exam Unit Manager
Sarah Wallace, Administrative Analyst
Donna Kantner, Legislative & Regulatory Analyst
Jocelyn Campos, Enforcement Coordinator
Jessica Olney, Examination & Licensing Analyst
LaVonne Powell, DCA Senior Staff Counsel
Kristy Schieldge, DCA Senior Staff Counsel
Gregory Salute, Deputy Attorney General

Dr. John Bettinger, Chair, called the meeting to order at 1:19 p.m. and established a quorum.

DIV 1: Diversion Program Statistics

Richard DeCuir, Assistant Executive Officer, reported that the statistics provided are derived from the diversion program contractor Maximus. They report quarterly statistics to the Board. The statistics presented included a breakdown of the ending quarter, the year-to-date, and the program-to-date. The statistics were presented as an informational item.

Dr. John Bettinger requested that a statistics regarding how many diversion cases are a result of a probationary referral be presented to the Board at a future meeting. He pointed out that if licensees enter into the diversion program through a probation referral, then they are taken out of practice, thus protecting the public from any harm.

DIV 2: Status Report on AB 456 – Diversion Program Legislation

Richard DeCuir, Assistant Executive Officer, reported that AB 456 was a bill that was initially adopted by the Dental Board in January 2008, but was just introduced into the Legislature this year through Assembly Member Bill Emerson. The bill is currently being held over until next year.

If an individual was placed into the diversion program as a condition of his/her probation, and then decided to drop out of the program, this bill would allow any and all information to be used in further discipline. Currently, the law does not provide for any information to be used unless the individual is a public threat.

When the Senate Business and Professions Committee reviewed the bill, there were some issues that were raised. The Committee wants to have AB 456 comply with the standardized criteria that was set forth in SB 1441. The criteria will not be fully developed until January 2010, so AB 456 was unable to comply with incomplete criteria. Assemblymember Emmerson was going to request Legislative Counsel's opinion on the potential conflict between the American's with Disabilities Act and the Open Meeting Act regarding the notice of meetings. . The Committee also felt that rehabilitation should not be included in the bill because they felt that the Board should be only in the business of monitoring individuals. However, Business and Professions Code Section 1695 states that it is the intent that the Dental Board "seek ways and means to identify and rehabilitate licentiates whose competency may be impaired due to abuse of dangerous drugs or alcohol, so that licentiates so afflicted may be treated and returned to the practice of dentistry in a manner which will not endanger the public health and safety".

LaVonne Powell, DCA Legal Counsel, stated that she did not understand why there would be a potential conflict between the Americans with Disabilities Act and the Open Meeting Act regarding the notice of meetings. She believed there was a miscommunication and requested that a meeting be set up to clarify the situation.

DIV 3: Status Report on SB 1441 and Progress of the Substance Abuse Committee

Richard DeCuir, Assistant Executive Officer, reported that SB 1441 is a bill that had provisions introduced late in the legislative session. The bill instructs the Diversion Evaluation Committees to report directly to the Diversion Program Managers. It also creates a Substance Abuse Coordination Committee (SACC) within the Department of Consumer Affairs (DCA). The SACC includes the Executive Officers from the healing arts boards within DCA. This committee is charged with developing a set of sixteen standardized criteria. There is also a workgroup that reports background information to the SACC. Mr. DeCuir is a member of the work group.

DIV 4: Recommendations for Appointment/Reappointment of Diversion Evaluation Committee members

Staff recommended that the Board appoint Dr. Stephen Supancic to the dentist member position on the Southern Diversion Evaluation Committee.

M/S/C (Downing/Dominicis) to appoint Dr. Stephen Supancic to the Southern Diversion Evaluation Committee. The motion passed unanimously.

Public Comment

There was no public comment.

Adjournment

The meeting adjourned at 1:58 p.m.