



**Legislative and Regulatory Committee
Meeting Minutes**

Monday, November 7, 2011

Upon Conclusion of Dental Assisting Committee Meeting
Sportsmen's Lodge, 12825 Ventura Blvd.
Studio City, CA 91604

Members Present:

Fran Burton, Public Member, Chair
Stephen Casagrande, DDS, Vice Chair
Steven Afriat, Public Member
Luis Dominicus, DDS
Huong Le, DDS
Steven Morrow, DDS

Members Absent:

Suzanne McCormick, DDS

Staff Present:

Richard DeCuir, Executive Officer
Kim Trefry, Enforcement Chief
Dawn Dill, Dental Assisting Program Manager
Teri Lane, Supervising Investigator I
Jocelyn Campos, Enforcement Coordinator
Adrienne Mueller, Enforcement Analyst
Sarah Wallace, Legislative and Regulatory Analyst
Karen Fischer, Associate Analyst
Linda Byers Executive Assistant
Kristy Shellans, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

Roll Call and Establishment of Quorum:

Chair Fran Burton called the meeting to order at 3:33 p.m. and established a quorum.

LEG 1 - Approval of the August 11, 2011 Legislative and Regulatory Committee Meeting Minutes:

M/S/C (Afriat/Le) to approve the August 11, 2011 Legislative and Regulatory Committee meeting minutes. The motion passed unanimously.

LEG 2 - 2011 Tentative Legislative Calendar – Information Only:

Fran Burton, Public Board Member, reported that this year's Legislative Session had concluded, and the 2012 Tentative Legislative Calendar had not yet been available for this Board meeting. Ms. Burton noted that the Legislature reconvenes on January 4, 2012.

LEG 3 - 2011 End-of-Year Legislative Summary:

Sarah Wallace, Legislative and Regulatory Analyst, reported that Board Members and staff had actively participated in the 2011 Legislative Session by attending hearings, communicating with Legislators and their staff and taking positions on bills. Ms. Wallace reported that the Committee and the Board had followed ten bills throughout 2011, five of which had been signed by Governor Brown. Those five bills are as follows:

AB 1088 (Eng) - State Agencies: Collection of Demographic Data

AB 1088(Chapter 689, Statutes of 2011) requires state agencies to update survey forms to use separate collection categories for other identified Asian, Native Hawaiian, and Pacific Islander groups. This bill will affect the Dental Board of California, the Medical Board of California and the Dental Hygiene Committee of California, as these agencies are currently collecting demographic data via surveys. This bill will not affect the revenues of these agencies and the expected fiscal impact is minor and absorbable. This statute will become effective on January 1, 2012.

AB 1424 (Perea) - Franchise Tax Board: Delinquent Tax Debt

AB 1424 (Chapter 455, Statutes of 2011) requires the State Board of Equalization, quarterly, and the Franchise Tax Board, at least twice each calendar year, to make available a list of the 500 largest tax delinquencies in excess of \$100,000. This bill requires the Franchise Tax Board to include additional information on the list with respect to each delinquency, including the type, status, and license number of any occupational or professional license held by the person or persons liable for payment of the tax and the names and titles of the principal officers of the person liable for payment of the tax if that person is a limited liability company or corporation. This bill requires a person whose delinquency appeared on either list and whose name has been removed, as provided, to comply with the terms of the arranged resolution, and would authorize the State Board of Equalization and the Franchise Tax Board, if the person fails to comply with the terms of the arranged resolution, to add the person's name to the list without providing prior written notice, as provided.

This bill requires a state governmental licensing entity, other than the Department of Motor Vehicles, State Bar of California, and Alcoholic Beverage Control Board, as provided, that issues professional or occupational licenses, certificates, registrations, or permits, to suspend, revoke, and refuse to issue a license if the licensee's name is included on either list of the 500 largest tax delinquencies described above. This bill would not include the Contractors' State License Board in the definition of "state governmental licensing entity." This bill also requires those licensing entities to collect the social security number or federal taxpayer identification number of each individual applicant of that entity for the purpose of matching those applicants to the names on the lists of the 500 largest tax delinquencies, and would require each application for a new license or renewal of a license to indicate on the application that the law allows the State Board of Equalization and the Franchise Tax Board to share taxpayer information with a board and requires the licensee to pay his or her state tax obligation and that his or her license may be suspended if the state tax obligation is not paid. This bill authorizes the State Board of Equalization and the Franchise Tax Board to disclose to state governmental licensing entities identifying information, as defined, of persons on the list of the 500 largest tax delinquencies, as specified. This bill authorizes a motor carrier permit of a licensee whose name is on the certified list of tax delinquencies to be suspended, as provided. The bill requires the State Board of Equalization and the Franchise Tax Board to meet certain requirements and would make related changes. This statute will become effective on January 1, 2012.

SB 540 (Price) - Dentistry

SB 540 (Chapter 385, Statutes of 2011) extends the operation the Dental Board of California until January 1, 2016, and specifies that the board would be subject to review by the appropriate policy

committees of the Legislature. The bill changes the membership of the board to include one additional public member, to be appointed by the Governor. The bill creates a Dental Assisting Council of the board, to be appointed by the board, to consider matters relating to dental assistants and make recommendations to the board and standing committees of the board, as specified. This bill contains other related provisions and other existing laws. This statute will become effective on January 1, 2012.

SB 541 (Price) – Regulatory Boards: Expert Consultants

SB 541 (Chapter 339, Statutes of 2011), sponsored by the Medical Board of California and the Contractors State License Board, is an urgency measure that authorizes any board, within the Department of Consumer Affairs, the State Board of Chiropractic Examiners, and the Osteopathic Medical Board of California to enter into an agreement with an expert consultant to do any of the following:

- Provide an expert opinion on enforcement-related matters, including providing testimony at an administrative hearing.
- Assist the board as a subject matter expert in examination development, examination validation, or occupational analyses.
- Evaluate the mental or physical health of a licensee or an applicant for a license as may be necessary to protect the public health and safety.

An executed contract between a board and an expert consultant shall be exempt from the State Contract Act. Each board is required to establish policies and procedures for the selection and use of expert consultants. Nothing in this bill should be construed to expand the scope of practice of an expert consultant providing services pursuant to this section.

This statute became effective immediately.

SB 943 (Senate BP&ED Committee) - Healing Arts

SB 943 (Chapter 350, Statutes of 2011) makes several non-controversial, minor, non-substantive or technical changes to various miscellaneous provisions pertaining to healing arts boards of the Department of Consumer Affairs and professions regulated under the Business and Professions Code, including the Dental Hygiene Committee of California. This statute will become effective on January 1, 2012.

LEG 4 - Dental Board of California Legislative Proposals for 2012:

Richard DeCuir, Executive Officer reported that in September 2011, the Department of Consumer Affairs Division of Legislative and Policy Review contacted boards and bureaus requesting 2012 legislative proposals. The Governor’s Office requested that the legislative proposals to be submitted either have no cost or be absorbable, save money, meet Federal compliance, or contain unopposed technical clean-up language.

Mr. DeCuir directed Board staff to submit two legislative proposals to DCA that the Board had pursued in the 2011 legislative session. Those legislative proposals related to SB 540 and the addition of 3 new enforcement tools and the modification that would apply to foreign dental schools.

The new enforcement tools would allow the Board to address minor to moderate violations of the Dental Practice Act. The additional methods include specific time limitations on public disclosure for citations issued for less egregious violations, a Notice of Correction and a Letter of Admonishment.

The Foreign Dental School Proposal would allow the Board to accept the findings of any commission or accrediting agency, approved by the Board, and adopt the findings as its own for approval of foreign dental schools.

Mr. DeCuir was notified by DCA that it is the Board's responsibility to pursue authors for both proposals for the 2012 Legislative Session.

Fran Burton asked if anyone on the Committee would like to bring up a Legislative proposal.

Dr. Morrow asked for clarification on *Business & Professions Code 1626* regarding the California licensure exemption for foreign trained dentists and out of state dentists who are teaching in dental schools. He asked how the Dental Board is notified of these exemptions and if anyone is requiring proof that these licenses are being maintained.

Kristy Shellans, Legal Counsel, stated that Boards don't require proof of exemption.

Mr. DeCuir pointed out that it is the school's responsibility to maintain Board standards or risk not having their license re-approved.

There was discussion surrounding mailing a notice to the schools reminding them of their responsibility to insure that each of their instructors maintains a current license.

M/S/C (Casagrande/Morrow) to table this discussion regarding sending a letter to the schools about instructor licensing and bring it back at the next Board meeting in the LCP Committee. The motion passed unanimously.

Public Comment:

There was no further public comment.

ADJOURNMENT:

The committee adjourned at 4:01 p.m.