



**Dental Board of California**  
**Meeting Minutes**  
**Tuesday, November 8, 2011**  
Sportsmen's Lodge, 12825 Ventura Blvd.  
Studio City, CA 91604

**Members Present:**

John Bettinger, DDS, President  
Bruce Witcher, DDS, Vice President  
Luis Dominicis, DDS, Secretary  
Steven Afriat, Public Member  
Fran Burton, Public Member  
Stephen Casagrande, DDS  
Rebecca Downing, Public Member  
Judith Forsythe, RDA  
Huong Le, DDS  
Suzanne McCormick, DDS  
Steven Morrow, DDS  
Thomas Olinger, DDS

**Members Absent:**

**Staff Present:**

Richard DeCuir, Executive Officer  
Kim Trefry, Enforcement Chief  
Dawn Dill, Dental Assisting Program Manager  
Teri Lane, Supervising Investigator I  
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

President Bettinger called the meeting to order at 8:09 a.m. Secretary Dominicis called the roll and established a quorum.

**AGENDA ITEM 9: Approval of the Full Board Meeting Minutes from August 11-12, 2011**

M/S/C (Afriat/Le) to approve the minutes from the August 11-12, 2011 Board Meeting. The motion passed unanimously with one abstention.

**AGENDA ITEM 10: President's Report**

Dr. Bettinger thanked Mr. Afriat and Karen Fischer for arranging the accommodations. He remarked that the trials of last year's Sunset Review are now over and the Board will continue on in its mission to protect the health and safety of consumers. In its effort to maintain transparency and act responsibly, the Board must sometimes deal with sensitive issues and clarify policies and interpret statutes so that all stakeholders are correctly informed. Dr. Bettinger stated that being President was a humbling experience and truly a great honor. Dr. Bettinger presented awards to Richard DeCuir, Executive Officer and Karen Fischer, Special Assistant to the Executive Officer thanking them for their invaluable assistance and dedication. Dr. Bettinger stated that at the end of this

meeting there will be a new executive team but we will all continue to work as one Board and address issues as we move seamlessly into next year. He thanked the Board for allowing him to be President for the past 2 years.

#### **AGENDA ITEM 11: Executive Officer's Report**

Richard DeCuir, Executive Officer reported that Sarah Wallace, Legislative and Regulatory Analyst was recognized as one of six Outstanding Employees of the Department of Consumer Affairs. He stated that we are working on a 2012 Dental Practice Act. Sarah is working on a contract for a new Legislative and Regulatory tracking system. The Department of General Services is proposing to cut our state vehicles down to only 4 cars for use by our 44 investigative staff. Kim Trefry and Teri Lane are working on an appeal. Mr. DeCuir reported that after the first of the year we will be going out to bid for our teleconferencing equipment for use between the Sacramento and Orange Dental Board offices, stakeholders and Board members. We are in the process of updating and revitalizing the Dental Board website. CADAT has been assisting the Dental Board with the Dental Assisting website. Mr. DeCuir thanked Teri Lane and Greg Salute for giving a presentation at the University of the Pacific (UOP) School of Dentistry in San Francisco regarding the Dental Board's Enforcement Programs. Mr. DeCuir reported that we have been told that the hiring freeze at the Department of Consumer Affairs is being lifted. There will still be some type of appeal process to go through before hiring can begin. Mr. DeCuir thanked Dr. Bettinger for his service.

#### **AGENDA ITEM 12: Update on Dental Hygiene Committee of California (DHCC) Activities**

Lori Hubble, Executive Officer of the Dental Hygiene Committee of California (DHCC) reported that she is standing in for Rhona Lee, President of the Dental Hygiene Committee who is recovering from surgery. Ms. Lee sent a message with a standing invitation to attend the DHCC Committee meetings to help forge a constructive and collaborative relationship in addressing overlapping and/or common issues. She thanked the Board for allowing DHCC a forum to update their activities. Ms. Hubble reported that personnel has been a real challenge for her over the past several months. She has 5 vacancies. Ms. Hubble reported that regarding the hiring freeze; although it has been lifted there is still an exemption process to go through. The next DHCC meeting is December 12-13, 2011 in Sacramento at the Evergreen Hearing office and they will be electing new officers.

#### **AGENDA ITEM 13: Budget Reports: Dental Fund & Dental Assisting Fund**

Richard DeCuir, Executive Officer reviewed the budget report provided. Mr. DeCuir stated that without an approved budget from the Department of Finance we do not know what our approved allotment is yet. Several contracts have been renewed. We were able to purchase replacement copiers and printers for those that had outlived their usefulness. We are working on several other significant purchases as well as updating our Dental Practice Act for 2012. Fran Burton asked about the Legislative Tracking contract. Sarah Wallace reported that the contract had not been awarded yet but they are working on getting a vendor that provides tracking of State and Federal legislation as well as regulations. Ms. Wallace stated that she will have more to report at the next meeting.

#### **AGENDA ITEM 14: Election of Dental Board of California Officers**

M/S/C (Afriat/Forsythe) to nominate Dr. Bruce Whitcher for the office of President. The motion passed unanimously. M/S/C (Whitcher/Burton) to nominate Dr. Huong Le for the office of Vice-President. The motion passed unanimously. M/S/C (Casagrande/Downing) to nominate Fran Burton for the office of Secretary. The motion passed unanimously. M/S/C (Afriat/Le) to have the new officers begin their term of office at 5 p.m. November 8, 2011. The motion passed unanimously. Dr. Whitcher the new President presented the out-going President, Dr. Bettinger, an award as a token of the Board's appreciation for his service.

#### **AGENDA ITEM 15: Update Regarding SB 540 (Chapter 385, Statutes of 2011) Dental Board of California's Sunset Review**

Karen Fischer, Associate Analyst, gave a summary of what has occurred regarding Sunset Review over the past 18 months culminating with, Governor Brown signing into law Senate Bill 540

(Chapter 385, Statutes 2011), authored by Senator Curren Price Jr. on September 30, 2011, extending the licensing, regulatory, and enforcement authority of the Dental Board of California (Board) until January 1, 2016, changing the composition of the Board from fourteen (14) members to fifteen (15), establishing a Dental Assisting Counsel, and making several changes to the provisions of the Dental Practice Act. The legislation will take effect January 1, 2012.

Bill Lewis, California Dental Association (CDA) wanted to take a moment on behalf of CDA to thank the Board for its diligence in working on this. He particularly wanted to thank all the Board members who attended the hearings showing how dedicated they are to the Board. CDA would like to recognize everyone involved for a job well done.

Tamara McNeely, CADAT, thanked Dr. Bettinger for his service and the Board members for their support and service.

#### **AGENDA ITEM 16: Examination Committee Report**

Dr. Casagrande, Chair of the Examination Committee reported that a quorum was established and the minutes of the August 11, 2011 meeting were approved. Dr. Casagrande reported progress in the statistics for the Dental Assisting Programs. He stated that Dawn Dill, Dental Assisting Program Manager will continue to search for new examination sites in Sacramento and San Diego. The contract for the Orthodontic Assistant Written Examination was recently awarded. Review of the exam should begin early in 2012 with completion estimated in 12 months. Dr. Dominicis gave a thorough review of the WREB exam to the committee. Dr. Dominicis suggested inviting the President of WREB to give a report at one of the Dental Board meetings. Dr. Casagrande requested staff send an invitation to WREB to give a report at a future meeting.

Tamara McNeely, CADAT wanted to remind the Board that candidates taking the RDA exam in January 2010 did not have a candidate guide or blueprint so those pass rates may be a little low for lack of preparation materials.

Dr. Earl Johnson, California Association of Orthodontists thanked the committee for hearing the public and taking a look at the Orthodontic Assistant Examination.

M/S/C (Afriat/Dominicis) to accept the committee report. The motion passed unanimously.

Dr. McCormick arrived at 8:54 a.m.

#### **AGENDA ITEM 17: Licensing, Certification & Permits Committee Report**

Dr. Whitcher, Chair of the Licensing, Certification and Permits Committee reported that a quorum was established and the minutes of the August 11, 2011 meeting were approved. He reported that the statistics were reviewed showing that Dental licenses have increased while RDA licenses have decreased. There was discussion regarding delinquent licenses. There was discussion about the need for an additional status when a permit holder does not want to renew. Dr. Dominicis requested that an additional option be put on the renewal forms to cancel a permit for those who do not want to renew their permit. Kristy Shellans, legal counsel, stated that the forms cannot be changed on I-licensing per the internet team. Dawn Dill, Dental Assisting Program Manager stated that the Department of Consumer Affairs (DCA) has placed a moratorium on changes. She will look into adding that option in the future. Dr. Dominicis suggested posting on the Dental Board website how and what to do if you "choose not to renew". He thinks the public is getting the wrong idea when a permit says "inactive". Dr. Earl Johnson suggested "retired" instead of inactive. General Anesthesia/Conscious Sedation Permit Evaluation statistics were reviewed. The fingerprinting process is running smoothly. The Board will notify those who will need to go in for a LiveScan. During the committee's Closed Session, they considered applications from 1 dentist and 2 RDA's for licenses to replace cancelled licenses and 1 General Anesthesia/Conscious Sedation (GA/CS) permit Onsite Inspection and Evaluation failure. M/S/C (Afriat/Casagrande) to adopt the Licensing,

Certification, and Permit Committee's recommendation to deny the issuance of a license to replace a cancelled license to the Dental applicant due to failure to demonstrate competency to practice. The motion passed unanimously. M/S/C (Burton/Forsythe) to adopt the Licensing, Certification, and Permit Committee's recommendation to approve the issuance of new licenses to replace the cancelled licenses of the 2 RDA applicants. The motion passed unanimously. M/S/C (Afriat/McCormick) to adopt the Licensing, Certification, and Permit Committee's recommendation to deny the request for re-evaluation and revoke the permit of the GA/CS applicant. The motion passed unanimously. M/S/C (Afriat/Casagrande) to accept the Licensing, Certification, and Permit Committee report. The motion passed unanimously.

#### **AGENDA ITEM 18: Dental Assisting Committee Report**

Judith Forsythe, Chair, reported that a quorum was established and the August 11, 2011 meeting minutes were approved. Ms. Forsythe reported that the Dental Assisting Educational Programs and Course Regulations will become effective November 11, 2011. Ms. Forsythe reported on the progress of the RDAEF survey and the best avenue of deployment. M/S/C (Dominicis/Le) to adopt the Dental Assisting Committee's recommendation to direct staff to conduct outreach to course providers to insure that students have evidence that instructors of Basic Life Support courses provide suitable documentation of American Red Cross or American Heart Association certification. The motion passed unanimously. Guy Atchison, DDS stated that the regulations are not clear. He would like clarity about what qualifies.

Ms. Forsythe gave a summary of what the committee discussed regarding splitting the RDAEF exam into two parts. She stated that she had received an email from Karen Wyant stating that we already have a time limitation in place in California Code of Regulations (CCR) 1004 regarding abandonment of applications. There was discussion surrounding California Code of Regulations (CCR) Section 1004 regarding Abandonment of Applications. Ms. Forsythe recommended going ahead with splitting the exam because there is already the 2 year time limitation in place with CCR 1004. Dr. Whitcher commented that this is new information and he would like to see more research into what constitutes abandonment. Kristy Shellans, Legal Counsel, stated that it would be hard to apply CCR 1004 to exam splitting. She queried if the whole application would be abandoned or just the failed portion. She suggested making the regulation more clear. Dr. Morrow pointed out that the statute reads "take" not "pass". M/S/C (Whitcher/Forsythe) to postpone any action until the next meeting. The motion passed unanimously.

Ms. Forsythe reported that legal counsel advised the committee that a statute change would be required in order to accept DANB's Orthodontic Assistant Examination as an acceptable alternative for the Orthodontic Assistant permit. She stated that the Board has awarded a contract to revise the current Orthodontic Assistant examination.

Ms. Forsythe reported that Dr. Whitcher created an application for the Dental Assisting Council appointment process. The committee suggested additional expectations to be added and changes to language in the Conflict of Interest question. The application will be sent to legal for approval prior to posting on the website or being sent to stakeholders. Dr. Earl Johnson commented that down the road he would like to see dental assisting licensure in all categories more like dental licensure i.e. if you are licensed in another state by a nationally approved program then you can practice in California under a residency type license. M/S/C (Afriat/Morrow) to accept the Dental Assisting Committee report. The motion passed unanimously.

#### **AGENDA ITEM 19: Legislative and Regulatory Committee Report**

Fran Burton, Chair, reported that a quorum was established and the August 11, 2011 minutes were approved. Ms. Burton stated that the committee reviewed the past year's bills. It was mentioned that the Board will need to seek its own authors for the two new Legislative Proposals. Ms. Burton stated that the issue of licensing exemptions for dental school instructors should be referred to the

LCP committee. M/S/C (Afriat/McCormick) to accept the committee's report. The motion passed unanimously.

### **AGENDA ITEM 20: Enforcement Committee Report**

Rebecca Downing, Chair, reported that a quorum was established and the August 11, 2011 minutes were approved. Ms. Downing highlighted some of the enforcement statistics. The complaint Unit closed more complaints than it took in. The number of cases over 3 years old is down from 38 a year ago to just 7 now with an overall increase of 75% in case closures. Ms. Downing recognized Teri Lane and Nancy Butler for their leadership in working with their teams to achieve the previous statistics as well as a 96% decrease in the number of unassigned cases. M/S/C (Afriat/McCormick) to accept the committee's report. The motion passed unanimously.

### **Public Comment**

Brian Hong, DDS, Korean American Dental Association, made a public comment regarding unlicensed activity and false and misleading advertising that he feels is going on in the Korean community. He reported that they have filed a complaint with the Dental Board of California and wanted to bring this to the Boards attention. He stated that the Korean American Dental Association is willing to assist in any way needed to investigate these activities.

Agenda items were taken out of order to accommodate speakers.

### **AGENDA ITEM 22(A): Presentation by Dr. Howard Katz Regarding the Use of Botox and Dermal Fillers in Dentistry**

Dr. Suzanne McCormick, Board member recused herself from this presentation and left the dais. Dr. Katz introduced himself. In addition to being a dentist and teacher, he has participated in the clinical development of Botox use and has his name on a number of use patents.

Dr. Katz began his presentation by saying that Botox was a powerful muscle relaxant that relaxes chewing muscles. It is a safe treatment that reduces severe pain for heavy clenching. He said that the injection treatments are easy to learn and are part of every dental school curriculum. In his view, both botulinum neurotoxins and hyaluronic acid fillers are safe injections that should be considered in the scope of the practice of dentistry and are not special surgeries. He reported that there are many clinically necessary and effective dental treatments using Botox, such as clenching and smile aesthetics, dental disease, prolonged TMD, or migraines to name a few. He went on to say that the goal of dentistry should be to protect patients by using the most conservation treatment possible.

Dr. Katz understands that the Dental Board of California has never regulated the use of a specific FDA approved muscle relaxant or facial filler; and he believes there is no need to do so now.

A number of Board members asked general questions about Botox and its use in dentistry. Dr. Katz responded that Botox is a legal prescription drug regulated by the FDA. It is used in very small doses and repeated if problems persist, as needed. He mentioned that in the treatment of TMD, for example, because it is a transient condition related to stress, oftentimes treatment will be a one-time injection. He went on to say that Botox injections have been used since the late 1980's and the incidence of adverse effects is minimal. However, deaths have occurred in children with cerebral palsy who had other unknown underlying health problems. There have been no reported deaths from dental or cosmetic procedures.

Dr. Katz reported that 47 states allow the use of botulinum neurotoxins and hyaluronic acid fillers by dentists in a range of allowable procedures, most of which are dental procedures. Texas, Massachusetts, and Nevada restrict its use. Dr. Bettinger asked about the toxicity of Botox v. local anesthesia. Dr. Katz responded that there is no comparison. Local anesthesia is much more dangerous. He went on to say that Botox only works on a neuromuscular junction. If injected into a

vein or artery there is no adverse reaction. The lethal dose of Botox is 20 vials. This would cost a dentist approximately \$18,000.

Dr. Katz was asked to speak about facial fillers. He reported that there are many types of hyaluronic acid fillers, which are inert safe materials used to occupy or fill space. These products are used in dentistry for lip aesthetics and lip function.

There was no additional public comment.

**AGENDA ITEM 22(B): Discussion and Possible Action Regarding Subcommittee Recommendations on the Use of Botox and Dermal Fillers in Dentistry**

Dr. Suzanne McCormick, Board member continued to recuse herself from this discussion.

At the August Board meeting, Dr. Bettinger had appointed a subcommittee of Drs. Dominicus and Olinger to research the use of Botox and derma fillers in dentistry and to report back to the Board.

Dr. Dominicus reported that he and Dr. Olinger conducted a review of the literature and internet relating to Botox use in dentistry. He reported that Botox is an FDA approved drug, used by injection for the purpose of relaxing muscles. In dentistry it can be used, but is not limited to, prevent damage to hard tissue and dental restoration, for occlusion problems, excessive drooling, and orofacial pain. Botox is considered a non surgical safe procedure and there have been no reports of deaths of healthy adult patients with treatment around the mouth. A Botox injection lasts approximately 3-6 months.

Dr. Olinger summarized that dentists are the most qualified professionals to be using injectables. He went on to say that California has been a leader in dental care and that the Board should not limit the use of new drugs or agents as long as the use falls within the scope of the practice of dentistry.

M/S (Olinger/Afriat) to post the following language on the Board website:

*The diagnostic and therapeutic use of Botulinum neurotoxins and Hyaluronic acid fillers can be used within dentistry as defined in Business & Professions Code Section 1625. If Botulinum neurotoxins and Hyaluronic acid fillers are used purely for cosmetic or aesthetic purposes, not related or adjunctive to permitted dental procedures, the provider must have an Elective Facial Cosmetic Surgery Permit issued by the Board and comply with Business & Professions Code Section 1638.1.*

Ms. Rebecca Downing, Public Board member, does not agree that there is a necessity for this motion. If the language conflicts with what is already in statute, the Board cannot legally pass it. If it states what is already in statute, it is not necessary. She would not be in favor of the motion.

Dr. Bettinger, Board President, responded that there is a need to clarify under what circumstances general dentists can use Botox. He said that the prior explanation on the website limited the use of Botox to TMD. He said that staff has never been given direction as to the Board's interpretation and that the current Board has never discussed the issue. He would like to post clarification.

Ms. Kristy Shellans, Legal Counsel, commented that the subcommittee was asked to work with her on this language and that this was the first time she had seen it. She expressed concern that the proposed language is inconsistent with statute and that the term "therapeutic" is not in statute. She also questioned the use of the phrase "not related or adjunctive...". Ms. Shellans went on to say that any legally prescribed drug or agent, including Botulinum neurotoxins and Hyaluronic acid fillers, can be used by dentists as long as the procedure can be tied to one of the purposes described in Business & Professions Code Section 1625. Her recollection about prior discussions related specifically to cosmetic procedures, unrelated to dentistry such as treatment of crows feet

around the eyes and laugh lines. In those cases, the procedures are not related to dentistry and would be prohibited unless the licensee holds an Elective Facial Cosmetic Surgery Permit. Ms. Shellans suggested that language be drafted that is legally defensible and will maintain the integrity of the Elective Facial Cosmetic Surgery Permit. She believes that the website language should not re-interpret or add to the statute.

Dr. Steven Morrow, Board member, asked if the intent of the motion was to develop a position statement for the use of Botulinum neurotoxins and Hyaluronic acid fillers that would be used by staff to answer questions on the issue. If so, legal counsel and staff need to be given adequate time to draft language. Ms. Downing, Board member, does not believe that the Board needs to take a position. She recommends that staff work with legal counsel to draft website language. Dr. Olinger, Board member, agreed. He believes that the prior language posted on the website improperly restricted the use of Botox and that the scope of practice was interpreted too tightly. He believes that it was important for the Board to have this discussion.

Dr. Olinger withdrew his motion, however his second, Mr. Afriat, did not agree to withdraw the motion and tried to offer friendly amendments to the language. After lengthy discussions, Mr. Afriat offered a friendly amendment/substitute motion that was eventually withdrawn. However, after continued discussion, there was consensus by the Board that staff would work with legal counsel to draft language to clarify the use of Botulinum neurotoxins and Hyaluronic acid fillers in dentistry. Dr. Casagrande emphasized that he would like to see a warning about performing cosmetic procedures outside of the practice of dentistry without an Elective Facial Cosmetic Surgery (EFCS) Permit. Ms. Fran Burton, Public Board member, suggested that staff put together a Fact Sheet.

M/S (Olinger/Afriat) to direct staff to draft language for the website and a Fact Sheet relating to the use of medications within the scope of practice for dentistry as outlined in Business & Professions Code Section 1625. After public comment noted below, the motion passed unanimously. (Dr. McCormick recused herself from the discussion and vote.)

**Public Comment:**

Dr. Larry Lytle is President. California Association of Oral and Maxillofacial Surgeons, has an oral and maxillofacial surgery practice in Pasadena, CA, and is EFCS permit holder #7. He is a dual degreed oral and maxillofacial surgeon who would be authorized to use Botox through his medical license, however he chose not to apply for an EFCS permit to use Botox because he had no training. He cautioned the Board not to interpret or re-interpret the existing statute relating to the use of injectables and neurotoxins for use by general dentists. He feels that the best way to screen for these privileges is through application for an EFCS permit. He feels it is a public safety issue.

Dr. Earl Johnson, an orthodontist representing himself was surprised to hear that there had been language posted on the website relating to the use of Botox by general dentists. He has attended many Board meetings and has never heard a Board discuss this issue. He feels a clear definition of use needs to appear on the website.

Dr. Guy Atchison, Academy of General Dentistry, commented that his primary concern was the grey area between what is therapeutic and what is purely cosmetic. He said that dentists have a tremendous skill set. He does not know how the Board will interpret the statute except on a case by case basis. His additional concern is that he does not want to see dentists being “caught” using the medication improperly. Dr. Dominicus, Board member, commented that it will be up to each individual dentist to determine the definition of appropriate treatment within Business & Professions Code Section 1625. He advised everyone to document procedures. The Board agreed with Dr. Dominicus.

Bill Lewis, California Dental Association (CDA), expressed concern with where this discussion may be going. CDA was co-author with CALAMOS of the EFCS permit legislation – legislation that

allows oral and maxillofacial surgeons to apply for a permit from the Board to perform certain elective facial cosmetic procedures. In negotiations with the legislature and governor, a strong case was made for limited use of the elective facial cosmetic surgery permit privileges. Mr. Lewis asked the Board to move cautiously and to uphold the intent of the existing statute. He expressed additional concern with the Board interpreting or re-interpreting the statute more broadly than was intended.

Dr. Louis Malcmacher, dentist and educator provides courses in Botox and dermal fillers throughout the country. He said that these courses meet national standards. He reported that 35 states allow general dentists to use Botox for cosmetic and therapeutic procedures. He went on to say that training in Botox and dermal filler injections is available at major dental meetings and concluded his remarks by saying that these injections, in his view, are accepted aesthetic and therapeutic procedures in dentistry.

Mr. Scott Clark, California Medical Association, asked the Board to honor the legislative intent of both Business & Professions Code Sections 1625 and 1638.1. He asked the Board to refrain from making too broad an interpretation.

There was no further public comment.

#### **AGENDA ITEM 21: Discussion of Prospective Legislative Proposals:**

Richard DeCuir, Executive Officer, requested that the Board consider moving ahead with the two Legislative Proposals that were previously adopted which were the three new enforcement measures and the foreign school equivalency issues. There was discussion regarding talking to the Senate Business and Professions Committee to see where they are with these two items and whether or not we need to find new authors. Mr. DeCuir stated that he and Ms. Burton will make an appointment to speak to the original authors to see if they are still interested in sponsoring these proposals.

#### **AGENDA ITEM 23: Update on Portfolio Licensure Examination for Dentistry (AB 1524, Stats 2010 ch 446)**

Richard DeCuir, Executive Officer, reported that two psychometricians for the primary Portfolio contractor Comira have left the company for other jobs. However, Comira has negotiated with a subcontractor to fill this void and will be sending out letters to set up a teleconference with all of the schools. Dr. Casagrande reported that Comira had previously met with all of the schools and they have come to a consensus on the six different areas to be tested. They will meet next to develop a standard grading sheet and the six different calibration courses. The final stages will include the auditing process by the Board and staff and the regulations.

#### **AGENDA ITEM 24: Update on Actions Taken to Implement the Patient Protection and Affordable Healthcare Act**

Sarah Wallace, Legislative and Regulatory Analyst, provided a report to keep the Board informed of any activities that have transpired relative to the Dental Board of California and the implementation of the Patient Protection and Affordable Healthcare Act. Ms. Wallace reported that representatives from a select group of healing arts boards met with staff from the Legislative Analyst's Office (LAO) for a briefing relating to the Patient Protection and Affordable Healthcare Act. Representatives from the Department of Consumer Affairs, Medical Board of California, Board of Registered Nursing, Dental Board of California, Board of Optometry, Psychology Board, and Board of Vocational Nursing and Psychiatric Technicians attended the meeting. The LAO is conducting a self-generated report regarding the bifurcated processes of the Department of Insurance and the Department of Managed Health Care (Departments) and called the briefing for the purposes of learning more

about the current interactions the healing arts boards have with the Departments of Insurance and Managed Health Care.

Ms. Wallace stated that each healing arts board provided background information for their programs and explained current interactions with the Departments. With the exception of Medical Board of California and Board of Registered Nursing, the only interaction the healing arts boards have with the Departments occur when investigating insurance fraud cases or misconduct in managed healthcare facilities. The Medical Board of California and the Board of Registered Nursing typically deal with the Departments regarding Medi-Cal.

Currently, the Dental Board of California staff does not see any foreseeable interaction with the California Health Benefits Exchange (Exchange) in the wake of federal health care reform. Ms. Wallace reported that The Exchange is still promulgating regulations to establish qualifications and requirements. Ms. Wallace stated that Board staff will continue to study the impact of the health care reform may have on the functions of the Board.

Dr. Witcher, Board member, asked whether or not the California Dental Association (CDA) had been involved in formulating regulations for the exchanges that are being formed via the California Affordable Healthcare Act. Bill Lewis, CDA responded that there is tremendous complexity between the federal and state roles in the federal healthcare reform. He went on to say that CDA has provided comments to the federal agency which will be providing guidelines to states. In those comments, CDA asked that a closer look be given to utilizing plans within the exchange and that there should be a clear role for stand-alone dental plans. Mr. Lewis indicated that CDA will be watching closely as the process develops.

Dr. Paul Reggiardo, California Society of Pediatric Dentistry, commented that the American Association of Pediatric Dentistry along with the American Dental Association are working with the Department of Health and Human Services (HHS) to determine a dental benefit package for children. Currently the language is very broad and requires a dental benefit but does not specify the benefit. Final language may be available by the end of the year.

There was no additional public comment.

**AGENDA ITEM 25: Report on the October 12, 2011 meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action Regarding the Subcommittee Recommendation for Appointment of an Elective Facial Cosmetic Surgery Permit Credentialing Committee Member**

Dr. McCormick, Board Liaison, reported that the EFCS Permit Credentialing Committee met on October 12, 2011 by teleconference in five locations. This was Dr. Gallia's first Committee meeting where he was sworn in and welcomed by the Committee. She reported that the Committee reviewed two applications in closed session and tabled both pending receipt of additional information. She also asked the Board to reconsider prioritizing the development of regulations for the EFCS permit process. She went on to say that lack of the regulatory language is inhibiting the process of permit application review and may be potentially creating barriers.

Additionally, with regard to the vacancy on the Committee created when Dr. Jonathan Sykes resigned, Dr. McCormick reported that she and Dr. Witcher were appointed by Dr. Bettinger as a subcommittee to review applications and to conduct telephone interviews for this position. Dr. Witcher reported that the statutory requirements for filling the position had been met and that two candidates were considered. The Medical Board of California recommended Dr. Brian Wong who currently practices at UC Irvine. The California Association of Oral and Maxillofacial Surgeons recommended Dr. Michael Schwartz who currently is in private practice in Pasadena. Both applicants are highly qualified for the position. The California Society of Plastic Surgeons, the California Medical Association, and the California Dental Association replied that they had no

recommendation at this time. After review of each candidates curriculum vitae and telephone interviews, the subcommittee recommended Dr. Brian Wong be appointed to the EFCS Permit Credentialing Committee. M/S/C (Afriat/Le) to accept the subcommittee's recommendation to appoint Dr. Brian Wong to fill the vacancy on the Elective Facial Cosmetic Surgery Permit Credentialing Committee. The motion passed unanimously. There was no additional public comment.

### **PUBLIC COMMENT**

Dr. Casagrande wanted to say a few things about his friend Dr. John Bettinger, outgoing Board President. He recognized Dr. Bettinger's steady leadership during trying times, and the respect he showed for fellow Board members, staff, stakeholders, and the public. He asked everyone to stand with him to give Dr. Bettinger a round of applause in appreciation for his service to the Board.

### **ADJOURNMENT**

Dr. Bettinger thanked Dr. Casagrande for his kind words and adjourned the meeting at 12:49 pm.