



ENFORCEMENT COMMITTEE

Meeting Minutes

Thursday, May 17, 2012

Embassy Suites SFO Airport Waterfront
150 Anza Blvd., Burlingame, CA 94010

Members Present

Chair – Rebecca Downing, Public Member
Vice Chair – Huong Le, DDS
John Bettinger, DDS
Suzanne McCormick, DDS
Bruce Whitcher, DDS

Members Absent

Steven Afriat, Public Member

Staff Present

Richard DeCuir, Executive Officer
Denise Johnson, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Jocelyn Campos, Enforcement Coordinator
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

Rebecca Downing, Chair, called the Enforcement Committee meeting to order at 7:07 p.m. Roll was called and a quorum was established.

ENF 1 – Approval of the February 23, 2012 Enforcement Committee Meeting Minutes

M/S/C (Bettinger/Le) to approve the February 23, 2012 Enforcement Committee meeting minutes. The motion passed unanimously.

ENF 2 – Staff Update Regarding Enforcement Unit Projects and Improvements

Kim Trefry, Enforcement Chief, reported that in March, the Board began a 90 day test period to determine whether issuance of probationary licenses at the Board level (pursuant to Business and Professions Code section 1628.7) could result in cost and time savings. She stated that as of 2010, a Statement of Issues case averaged 606 days from denial to resolution. More recently that average increased to over 700 days. Since March, the Board has stipulated to probationary licenses for 10 RDAs and 1 DDS applicant who, due to their previous criminal convictions, were not acceptable candidates for a full and unrestricted license. One additional applicant declined the board's stipulated offer of probation and requested a hearing. Ms. Trefry stated that the Board conducted a random audit of 10 Statement of Issues cases at various stages at the Attorney General's office. The time spent on these cases thus far had averaged 22.75 hours, and cost the board \$3,863.25 each. Presently, of the

76 cases involving RDAs at the Attorney General's Office; 32 or 42% are Statement of Issues cases. Given the limited RDA budget for disciplinary matters, this will be a beneficial alternative in certain circumstances. She reported that other process improvements include sworn staff partnering with Medical Board and participating in quarterly arrest/control training to maintain their proficiency levels. In conjunction with the Governor's Executive order (B-2-11), the enforcement program has been providing travel data to the Department of General Services as they conduct utilization surveys regarding the Board's vehicle fleet. In response to the DGS analysis, the board has had to provide additional justification to avoid decreases to the existing fleet. Currently there are 15 vehicles shared between 14 sworn Investigators, 2 sworn Supervising Investigators, 2 Inspectors and 4 non-sworn Special Investigators to conduct their field work. Three vehicles have already been converted to pool cars to address this imbalance between supply and demand. In 2010, staff drove in excess of 153,000 miles, an average of over 11,000 miles driven per employee per year. If the vehicle fleet is further reduced – we anticipate negative impacts to our ability to travel and work cases efficiently.

ENF 3 – Enforcement Program – Statistics and Status

Ms. Trefry reported that the complaint unit is averaging about 293 incoming complaints per month, a 25% increase. They are closing about 220 per month. There are approximately 738 open cases averaging about 164 cases per Analyst. Ms. Trefry pointed out that the number of cases referred to the Attorney General's office has increased. In April of 2011 there were less than 200 cases at the Attorney General's office. As of the end of last month that number had risen to 273, a 30% increase. The average number of days for a disciplinary case to be completed is 1,056. Mr. DeCuir asked Ms. Trefry to split this report for the next meeting into Sworn versus non-sworn investigators.

ENF 4 – Review of Third Quarter Performance Measures from the Department of Consumer Affairs

Ms. Trefry reported that the Performance measures are pre-set by DCA and are reported quarterly on the website. She gave an overview of the statistics. Greg Salute, Deputy Attorney General, reported that they are not able to get hearing dates for 4-5 months which contributes to the high number of days reported for Formal Discipline.

ENF 5 – Discussion and Possible Action Regarding Recommendations for the Appointment of a Southern California Diversion Evaluation Committee Member

Mr. DeCuir reported that the Dental Board of California Diversion Program utilizes two Diversion Evaluation Committees (DECs), one North and one South, consisting of six members each: three licensed dentists, one licensed dental auxiliary, one public member, and one licensed physician or psychologist. The Southern California DEC had one dental auxiliary and one public member vacancy. Three candidates were interviewed by a DEC Panel. The Panel is recommending appointment of Janis Thibault, MFT to fill the public member vacancy on the Southern California Diversion Evaluation Committee. Ms. Thibault has established that she has the experience and knowledge in the evaluation or management of persons who are impaired due to alcohol or drug abuse. M/S/C (Bettinger /McCormick) to accept the Interview Panel's recommendation and recommend that the full Board appoint Ms. Janis Thibault, MFT to fill the public member vacancy on the Southern California Diversion Evaluation Committee on May 18, 2012. The motion passed unanimously.

There was no further public comment

The committee adjourned at 7:29 p.m.