



BOARD MEETING MINUTES
August 25-26, 2014
Courtyard by Marriott Cal Expo
1782 Tribute Road, Sacramento, CA 95815

Members Present

Fran Burton, MSW, Public Member, President
Bruce Whitcher, DDS, Vice President
Judith Forsythe, RDA, Secretary
Steven Afriat, Public Member
Stephen Casagrande, DDS
Katie Dawson, RDH
Luis Dominicus, DDS
Kathleen King, Public Member
Ross Lai, DDS
Huong Le, DDS, MA
Meredith McKenzie, Public Member
Steven Morrow, DDS, MS
Thomas Stewart, DDS
Debra Woo, DDS, MA

Members Absent

Yvette Chappell-Ingram, Public Member

Staff Present

Karen Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Michael Placencia, Legislative and Regulatory Analyst
Linda Byers, Executive Assistant
Spencer Walker, Senior Legal Counsel

Monday, August 25, 2014

1. **Call to Order/Roll Call/Establishment of Quorum**
Fran Burton, President called the meeting to order at 8:18 a.m. Judith Forsythe, Secretary, called the roll and a quorum was established.
2. **Approval of the May 29-30, 2014 Board Meeting Minutes**
Motioned/Seconded/Carried (M/S/C) (Casagrande/Afriat) to accept the May 29-30, 2014 Board meeting minutes. The motion passed with McKenzie abstaining.
3. **President's Report**
Fran Burton, President of the Dental Board gave an overview of her activities since the May Board meeting. She recognized retiring Enforcement Manager Nancy Butler in absentia. Ms. Burton also thanked Dr. Stewart for his contribution to the successful completion and printing of the latest Dental Board newsletter. President Burton assigned Dr. Debra Woo to the Prescription Drug Abuse Committee.

4. **Update from the Dental Hygiene Committee of California (DHCC)**

Michelle Hurlbutt, Chair of the Dental Hygiene Committee of California gave an overview of the DHCC activities. She announced that Anthony Lum has been promoted to Assistant Executive Officer of the DHCC. Ms. Hurlbutt gave an overview of the regulatory packages that the DHCC is currently working on. She announced that the next DHCC meeting will be December 5-6, 2014 in Sacramento.

5. **Staff Update on the Dental Hygiene Committee of California's (DHCC) Rulemaking Proposals**

Sarah Wallace, Assistant Executive Officer, reviewed the DHCC's Rulemaking proposals.

6. **COMMITTEE/COUNCIL MEETINGS**

7. **Discussion and Possible Action Regarding 2015 Board Meeting Dates**

There was discussion regarding the proposed dates for the 2015 Dental Board meetings.

M/S/C (Afriat/King) to accept the February 26-27, 2015 meeting date. The motion passed unanimously.

M/S/C (McKenzie/Dominicis) to accept the May 14-15, 2015 meeting date. The motion passed unanimously.

M/S/C (King/Morrow) to accept the August 27-28, 2015 meeting date. The motion passed unanimously.

M/S/C (Afriat/King) to accept the December 3-4, 2015 meeting date. The motion passed unanimously.

8. **Discussion and Possible Action Regarding Fiscal Year 2014/15 Regulatory Priorities**

Sarah Wallace, Assistant Executive Officer, gave an overview of the possible regulatory priorities for fiscal year 2014-15. There was discussion regarding the priority order. The consensus was:

- 1) Update of Continuing Education Requirements
- 2) Mobile Dental Unit Regulations
- 3) Elective Facial and Cosmetic Surgery Permit Regulations
- 4) Comprehensive Package of Dental Assisting Regulations

In addition, staff continues work on the following regulatory packages:

Portfolio Examination Requirements (Cal. Code of Regs., Title 16, Sections 1028 to 1039) **Status: Pending Review by Agency**

Abandonment of Application Requirements (California Code of Regulations, Title 16, Section 1004) **Status: Pending initial rulemaking documents filing**

Licensure by Credential Application Requirements **Status: Pending Board action to initiate a rulemaking**

Revocation for Sexual Misconduct (California Code of Regulations, Title 16 Section 1018) **Status: Pending Review by Agency**

Delegation of Authority to the Board's Executive Officer (California Code of Regulations, Title 16 Section 1001 of Division 10) **Status: Pending initial rulemaking documents filing**

M/S/C (King/Forsythe) to accept the regulatory priorities as listed. The motion passed unanimously.

9. **Discussion and Possible Action Regarding Western University Dental School Approval**

President Burton assigned Dr. Morrow and Dr. Le to a subcommittee to further study this issue.

10. **Public Comment of Items Not on the Agenda**

There was no public comment.

11. **Recess**

The Board recessed at 5:26 p.m. until Tuesday, August 26, 2014 at 8:00 a.m.

Tuesday, August 26, 2014

12. Call to Order/Roll Call/Establishment of Quorum

Fran Burton, President, called the meeting to order at 8:12 a.m. Judith Forsythe, Secretary, called the roll and a quorum was established.

CLOSED SESSION – FULL BOARD

CLOSED SESSION – LICENSING, CERTIFICATION, AND PERMITS COMMITTEE

RETURN TO OPEN SESSION – FULL BOARD

13. Executive Officer's Report

Karen Fischer, Executive Officer, gave a staffing update. She gave an overview of the many projects that staff has been working on including the Portfolio implementation, BreZE, the Maximus contract, newsletter, Strategic Plan and Sunset Review. She mentioned that an application from a foreign dental school was received but incomplete and would have to be addressed at a future meeting. Dr. Dominicus recused himself and left the room for this discussion.

14. Budget Report

Karen Fischer, Executive Officer, gave an overview of the statistics provided. She mentioned that fiscal year 2013/14 closed on June 30, 2014. She has requested a fee audit report which should be completed by March 2015. Ms. Fischer stated that she will be seeking increased spending authority for the Attorney General line item for the Dental Assisting Fund.

15. Update from the Department of Consumer Affairs' Executive Office

Corinne Fishman from the Executive Office of the Department of Consumer Affairs gave an overview of the staff changes throughout the Department.

16. Report on the July 9, 2014 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits

Dr. Whitcher gave a report regarding the July 9, 2014 EFCS Committee meeting. At the meeting, the EFCS committee discussed that Code Section 1638.1(a)(2) does not expressly provide the requirements a permit-holder must meet to establish continuing competency, and that it has become necessary to promulgate a regulation to implement, interpret, and make specific the provisions of Code Section 1638.1 for the purpose of clarifying the necessary requirements that would establish continuing competency for the EFCS permit. Additionally, the Committee considered an application from Michael P. Morrissette, DDS. The Committee made the following recommendation regarding issuance of an EFCS permit to Dr. Morrissette: Applicant: Michael P. Morrissette, DDS, applied for an EFCS permit with unlimited privileges for Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited to, rhinoplasty and otoplasty) and Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation). Dr. Morrissette currently holds an EFCS

permit for Category II limited to submental liposuction, Botox and fillers, and chemical peels.

Based on consideration of the application at its July 9, 2014 meeting, the Committee recommends the Board issue a permit for Category I procedures limited to facial implants and Category II procedures limited to upper and lower blepharoplasties in addition to the privileges already granted to Dr. Morrissette. M/S/C (Burton/Dominicis) to accept the EFCS committee report. The motion passed unanimously. M/S/C (Morrow/Stewart) to accept the committee recommendation to issue a permit for Category I procedures limited to facial implants and Category II procedures limited to upper and lower blepharoplasties in addition to the privileges already granted to Dr. Morrissette. The motion passed unanimously.

17. **Discussion and Possible Action Regarding the Dental Board of California Sunset Review Report**

Karen Fischer, Executive Officer, provided background on the Sunset Review process and invited comment on Section 10 – Prior Issues. Fran Burton, President requested that on Issue #4, it be stated that the relationship is a work in progress. Issue #5, spell out PPACA. Dr. Morrow stated that diversity is met through the CODA site visit portion of the accreditation process in Issue #6. Issue #7, there are no specialty licenses in California. Regarding Issue #19, Dr. Morrow suggested a monthly repayment plan instead of an annual fee. Dr. Le mentioned that the loan is taxable so recipients don't get the full amount. Possibly make the loan non-taxable. #23 needs a budget proposal for new staff in order to enhance the Dental Board website. Dr. Casagrande asked if it were possible to gain authority to mediate for remuneration and settlements with regards to Issue #27.

18. **Licensing, Certification and Permits Committee Report**

Dr. Whitcher, chair, gave a report on the committee meeting. The results of Closed Session were that the committee recommended that the Board grant a license to replace cancelled license to applicant SL. M/S/C (Stewart/Dominicis) to accept the committee recommendation to grant a license to replace cancelled license to applicant SL. The motion passed unanimously. Closed Session also resulted in the committee recommending that the Board deny the request by MN for a third General Anesthesia/Conscious Sedation evaluation. M/S/C (Morrow/Dominicis) to accept the committee recommendation to deny the third evaluation for MN and deny the permit. The motion passed unanimously.

19. **Legislative and Regulatory Committee Report**

Fran Burton, chair, gave a report on the committee meeting. Sarah Wallace, Assistant Executive Officer gave an update on 2013/14 regulations. M/S/C (Casagrande/Afriat) to accept the report. The motion passed unanimously.

20. **Prescription Drug Abuse Committee Report**

Dr. Stewart, chair, gave a report on the committee meeting. He stated that a subcommittee, to be determined, would gather information to determine the action plan and mission statement of the committee. Dr. Guy Acheson commented that a clearer picture of true opioid prescribing would be shown if the numbers were reported by units prescribed per provider not prescriptions per provider. M/S/C (Le/Woo) to accept the committee report. The motion passed unanimously.

21. **Enforcement Committee Report**

Steve Afriat, chair, gave a report on the committee meeting. The committee recommended that the Board approve the appointment of two new Northern Diversion Committee members Drs. Podolsky and Shaw. M/S/C (Afriat/Burton) to accept the committee's recommendation to appoint Dr. Podolsky and Dr. Shaw to the Northern Diversion Evaluation Committee. The motion passed unanimously.

22. **Examination Committee Report**

Dr. Casagrande, chair, gave a report on the committee meeting. He stated that the committee suggested possibly including the acceptance of the North Eastern Regional Board (NERB) and the American Board of Dental Examiners (ADEX) as additional pathways to licensure during the Sunset Review process. M/S/C (King/Forsythe) to send a letter to the Senate Business and Professions committee regarding the Dental Board's concerns surrounding AB 2750 (Hernandez, R.) Dentistry, with the caveat that the Board has not taken a position on this bill. Gayle Mathe, California Dental Association (CDA), commented that CDA has sent a letter to the Senate B & P committee as well. CDA has not taken a position on AB 2750. The motion passed unanimously.

During the Public Comment section, President Burton introduced Frank Castillo, a student from De La Salle Dental School in Mexico. He thanked the Board for their assistance in resolving the De La Salle issues.

23. **Access to Care Committee Report**

Dr. Le, chair gave a report on the committee meeting. She stated that the mission of the Access to Care Committee has been deferred to the November meeting. M/S/C (Afriat/Stewart) to accept the committee report. The motion passed unanimously.

24. **Dental Assisting Council Report**

Teresa Lua, chair, gave a report on the Council meeting. She stated that the May 2014 Dental Assisting Council minutes are being held for further review. Ms. Lua reported that the Council recommended that the Dental Assisting regulations be done in one comprehensive package through workshops. After review of their resumes for qualifications, the Council recommended that the Board reappoint the following examiners for the Registered Dental Assistant practical examination:

Tamera Anderson, RDA Allison Aspell, RDA Beverly Darm, RDA Dawn Deering, RDA Donna Doerksen, RDA Corinne Fernando, RDA Monica Harris, RDA Flordeliza Herrera, RDA William Kushner III, DDS	Jennifer Cowley-Martin, RDAEF Shirley McFadden, RDA Susan Porrazzo, RDA Fariba Rouhizadeh, RDAEF Cheryl Vanderhoff, RDA Sheronda Walton, RDA Diane Walters, RDAEF Eric Wong, DDS
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M/S/C (Afriat/Whitcher) to accept the Councils recommendation to reappoint these examiners for the Registered Dental Assistant practical examination. The motion passed unanimously.

The Council requested that the Board consider including a statutory change to amend Business and Professions Code Section 1753.4 to permit the restorative procedure in the Registered Dental Assistant in Extended Functions Examination be performed on a posterior composite restoration rather than a posterior amalgam restoration during the Sunset Review process.

The Council requested that the Board consider its rulemaking priority when the Board develops its regulatory priorities for FY 2014-15 including development of one comprehensive rulemaking package relative to dental assisting, which would include requirements for: dental assisting educational programs and courses; application and examination requirements; and, duties and settings.

M/S/C (Afriat/King) to accept the Council report in full. The motion passed unanimously.

25. **Public Comment of Items Not on the Agenda**

Tina Yee, California Society of Periodontists asked to be notified of any issues relating to advanced training in sedation for Dental Assistants.

26. **Future Agenda Items**

There were no requests for future agenda items.

27. **Board Member Comments for Items Not on the Agenda**

Steve Afriat commented that he would like to see a survey of the Board members about their preferences for Board meeting locations.

28. **Adjournment**

President Burton adjourned the meeting at 1:48 p.m.