



**DENTAL BOARD OF CALIFORNIA
QUARTERLY BOARD MEETING MINUTES**

May 15-16, 2019

Hilton Anaheim
777 W Convention Way
Anaheim, CA, 92802

Members Present:

Fran Burton, MSW, Public Member, President
Steven Morrow, DDS, MS, Vice President
Steven Chan, DDS, Secretary
Yvette Chappell-Ingram, MPA, Public Member (**Absent May 15-16, 2019**)
Ross Lai, DDS
Lilia Larin, DDS
Huong Le, DDS, MA
Meredith McKenzie, Public Member
Abigail Medina, Public Member
Rosalinda Olague, RDA, BA (**Absent May 16, 2019**)
Joanne Pacheco, RDH, MAOB
Thomas Stewart, DDS
Bruce Witcher, DDS
James Yu, DDS, MS

Staff Present:

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Carlos Alvarez, Enforcement Chief
Tina Vallery, Dental Assisting Manager
Wilbert Rumbaoa, Administrative Services Manager
Jocelyn Campos, Associate Governmental Program Analyst
Norine Marks, Legal Counsel
Michael Kanotz, Legal Counsel (**Absent May 15, 2019**)

WEDNESDAY MAY 15, 2019

Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum

The meeting was called to order by President Fran Burton at 9:20 a.m. Dr. Steve Chan, Board Secretary, called the roll and a quorum was established.

Agenda Item 2: Approval of February 7-8, 2019 Board Meeting Minutes

M/S/C (Morrow/Burton) to approve the minutes with no changes. There was no public comment.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed, and the minutes are approved with no changes.

Agenda Item 3: Board President Welcome and Report

Executive Officer, Karen Fischer, provided announcements on: presentation from ADEX to be considered for the August Board Meeting, sexual harassment preventions policy and acknowledgement forms are due at the end of the year for board members, and introduction of new Administrative Services Manager, Wilbert Rumbaoa.

President Burton welcomed attendees and acknowledged Dr. Paul Reggiardo’s, American Academy California Society of Pediatric Dentistry Executive Director, attendance in the audience. She mentioned that the board is still focused on the sunset review, legislation, regulations, enforcement, examinations, and other emerging issues as they present themselves. She reminded members that the highest priority of the board is protection of the public. She asked that members continue to come prepared to every meeting to ensure a robust discussion prior to making decisions on agenda items. Ms. Burton reported on four meetings she attended after the February meeting: The Sunset Review hearing March 5, 2019; a meet and greet breakfast with leadership of CalAOMS; conference calls with committee chairs regarding emerging issues; and The Dental Hygiene Board of California meeting.

President Burton mentioned she will provide updates on the Oral Health Advisory Meeting in August.

Ms. Burton announced that Executive Officer, Karen Fischer, will be recognized as an honorary fellow in the American College of Dentistry in September 2019.

Agenda Item 4: Public Comments on items not on the Agenda

None

Agenda Item 5: Report of Department of Consumer Affairs (DCA) Staffing and Activities

Christopher Castrillo, Deputy Director of the Office of Board and Bureau Services with the DCA, gave a report: Director, Dean Grafilo, resigned from office on April 19, 2019. The Executive Office and Governor are working together to prepare for new leadership at Department of Consumer Affairs. The department is in the final stages of The Executive Officer Salary Study. The DCA Executive Office will host a conference call for Executive Officer's and Presidents to run through the report at a high level on program details. The first Technology Advisory Council meeting was held on March 7, 2019 by Deputy Director of Information Services, Jason Piccione, to discuss trends and development and provide guidance and general direction to innovative technological efforts for the department. The department launched an open data portal in January accessible to the public providing trends on licensing and enforcement data going back three (3) years. Data will be collected quarterly from every board/bureau to update to the department's website. Board Member Orientation Training will be held in Southern California in Riverside at the Department of General Services (DGS) Building on June 19, 2019.

Executive Officer Fischer questioned if the open data portal is reported in real time. Christopher Castrillo responded that the open data portal provides updated data quarterly.

Executive Officer Fischer asked if the Executive Officer Salary Study will be distributed prior to the conference call. Christopher Castrillo confirmed it would be.

Agenda Item 6: Budget Report

Administrative Services Manager, Wilbert Rumbaoa, provided a report on two separate funds that the Board manages: State Dentistry Fund and Dental Assisting Fund. A documented expenditures report was provided for July 1, 2018 to February 28, 2019.

The board spent approximately \$7.6 million dollars or 54% of its total Dentistry Fund appropriation to date.

The state dental assisting fund spent approximately 1.4 million dollars or 54% of its total dental assisting fund appropriation to date.

Dr. Whitcher expressed concern for the downward trend in *months in reserve* from the dental assistant fund report. Mr. Rumbaoa responded that the department closely monitors the dental board and dental assisting programs to ensure they are compliant to current laws and regulations.

Dr. Lai questioned if there should be a surplus in the report since the board does not administer the dental exam since it's suspension.

Assistant Executive Officer, Sarah Wallace, responded that there is no surplus because the candidate fees for the exam covers the administration of the exam.

Agenda Item 7: Report on the April 10, 2019, Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits

Dr. Whitcher provided a verbal report and overview of the Elective Facial Cosmetic Surgery Permit Credentialing Committee.

The committee recommended for issuance of permits for two applicants who were reviewed at the April meeting:

M/S/C (Whitcher/Le) To issue permit to Jeremy May, DDS, 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) privileges.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed. There was no public comment.

M/S/C (Whitcher/Le) To issue permit to Jay Fedorowicz, DDS 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) limited to blepharoplasty, facial skin resurfacing, or lip augmentation privileges.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				

Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed. There was no public comment.

RECESSED FOR A BREAK

Agenda Item 8a: Update on the March 5, 2019 Sunset Review Oversight Hearing

Ms. Fischer, provided the Board with an update on the Sunset Review Oversight Hearing on March 5, 2019. The dental board was asked to comment on four (4) items regarding the background report:

- Issue #5 - The Registered Dental Assistant Practical Examination
- Issue #6 - The Portfolio Pathway Licensure
- Issue #7 - Foreign Dental Schools
- Issue #10 - Opioid Crisis

Ms. Fischer reported a Committee member asked if the Board had considered a statutory requirement for oral and maxillofacial surgeon (OMS) to be one of the eight dentists on the Board appointed by the Governor. President Burton responded that there was no previous discussion on it; and expressed her opinion that the oral surgeon for the Pediatric and Anesthesia project was invaluable to the Board.

A Committee member was asked about the timeframe of the complaint process and Ms. Fischer responded that the Board is working to innovatively improve the process to make it more efficient and quicker as it is important to the consumers.

Ms. Fischer reported that Senator Pan, physician by profession, asked and expressed his concerns about continuing education and conflict of interest for dental continuing education providers. Ms. Fischer had a brief follow up meeting with Senator Pan's legislative aid regarding his concern.

Ms. Fischer recognized and thanked the California Dental Association and California Association of Oral and Maxillofacial Surgeons (CaIAOMS) for their continued support at the Sunset Review Oversight Hearing and efforts in working collaboratively with the Dental Board.

There was no public comment

Agenda Item 8b: Update on Response to the Legislative Oversight Committees' Background Paper and Current Sunset Review Issues for the Dental Board of California, Submitted Electronically April 3, 2019

The Legislative identified fourteen (14) issues to which the Board responded on April 3, 2019. Most of the issues that required a response had been discussed by the Board in open public meetings. Ms. Fischer walked members through each issue and response. Refer to the board meeting materials on the Board’s website for this information.

M/S/C (Stewart/Whitcher) to accept the report on Response to the Legislative Oversight Committees’ Background Paper and Current Sunset Review Issues for the Dental Board of California, Submitted Electronically April 3, 2019

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed. There was no public comment.

Agenda Item 8(c): Discussion and Possible Action Regarding Senator Pan’s Questions Relating to Continuing Education Providers and Conflict of Interest

At the March 5, 2019 Sunset Review Oversight Hearing, the Dental Board of California (Board) provided an overview of its functions and addressed specific issues identified by the Committees. Senator Pan had comments and questions regarding the Board’s continuing education program.

Specifically, the Board was asked if there is an entity responsible for reviewing continuing education providers for conflict of interest, if there is a conflict of interest policy in place to ensure approved providers are offering relevant continuing education courses and not marketing sessions, and what percentage of providers the Board audits for conflict of interest.

The response to Senator Pan has been provided in the meeting material and follows this memo. The board has not received any complaints regarding conflict of interest of continuing education providers. However, it is staff’s recommendation that the Board consider whether to established standards and criteria designed to ensure separation of promotional activities from continuing dental education activities in the following ways:
 1) providers must demonstrate that all educational activities offered are independent of

commercial influence, either direct or indirect, and 2) providers must ensure that all financial relationships between the provider and commercial entities, as well as all financial relationships between course planners and faculty and commercial entities are fully disclosed to participants. This could be accomplished through the regulatory process.

Dr. Larin expressed her support for a policy for conflict of interest. She believes that meetings do sound commercialized and questioned if there was a process for complaints. Ms. Fischer responded to Dr. Larin that the complaint process is the same as how any other complaint is filed with the Board. Dr. Stewart commented that sponsorships financially support lectures at the Kern County Dental Society Meeting for mentioning the products but not endorsing it. Dr. Morrow questioned the process of continuing education provider renewal audits. Ms. Wallace responded that a renewal fee is collected every two years from the continuing education providers with a biannual report of their courses which the Board audits. There have been no complaints to date for any of the continuing education providers.

Dr. Lai commented about disclosure for endorsements at meetings and symposiums he has attended. He expressed his concern of public protection and questioned continuing education’s qualification and relevancy to dentistry.

Dr. Yu commented that dentistry is doing well compared to medical’s continuing education courses.

M/S/C (Burton/Stewart) to bring this item back for discussion at a future meeting.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed. There was no public comment.

Agenda Item 8(d): Discussion and Possible Action Regarding
Assembly Bill 1519 (Assembly Business & Professions Committee)
Healing Arts: Dental Board of California

Ms. Fischer provided a summary of the Assembly Bill 1519 which is available in the meeting materials published on the Board's website.

There was no public comment.

Agenda Item 8(e): Discussion and Possible Action Regarding Issue #12 Relating to Dynamex Identified in the Legislative Oversight Committees' Background Paper and Current Sunset Review Issues for the Dental Board of California and the Impact on AB 5 (Gonzalez) and AB 71 (Melendez)

Norine Marks, Legal Counsel, provided a verbal presentation regarding the Dynamex issue and outlined the elements of AB 5 (Gonzalez) and AB 71 (Melendez) and the impact of this legislation on the dental profession.

Dr. Lai commented that the Dynamex is more of an accounting issue and not a public protection issue for the Board and for the Dental Hygiene Board of California.

Dr. Chan questioned the responsibility of independent contractor's work in the provider's office and the protection of the consumers.

Dr. Le commented that the issue is a labor law issue and not a dental board issue.

Dr. Stewart commented it would be an important discussion in the future.

Public Comment:

Mary McCune, California Dental Association, provided a legislative update on AB 5 seeking an amendment that exempts dentists and doctors; and AB 71 never received a policy hearing and died in the labor and employment committee.

Anthony Lum, Executive Officer of Dental Hygiene Board of California, commented that the Dental Hygiene Board of California is taking a watch position on both AB 5 and AB 71. Mr. Lum stated that a registered dental hygienist in alternative practice can be an independent contractor while a registered dental hygienist cannot.

Dr. Suzanne McCormick, oral surgeon in San Diego, expressed that it is an important topic for the Board moving forward, for transparency and public protection, to have itinerants self-identify themselves within a practice.

M/S/C (Burton/Morrow) to take no position on AB 5 (Gonzalez).

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				

McKenzie	✓				
Medina		✓			
Morrow	✓				
Olague	✓				
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed. There was no public comment.

RECESSED FOR LUNCH AT 11:52 a.m.

Reconvened at 1:38 p.m.

Agenda Item 9: Update and Discussion Regarding the Response Received from the State University of Medicine and Pharmacy “Nicolae Testemitanu” of the Republic of Moldova’s Faculty (School) of Dentistry.

Mr. Daniel Branzai from Hanna Interpretive Services was present to translate for Moldova Representatives, Dr. Mikhail Gavriluic and Dr. Sergiu Ciobanu.

Dr. Morrow questioned the provisions identified in the collaboration agreement between the University of Moldova and the University of Moldova, USA, Inc. and other programs not approved by the Dental Board.

Dr. Mikhail Gavriluic, Vice Vector of the school in Moldova, responded that University of Moldova, USA, Inc. does not make any decisions, provide training and education, and control policies for University of Moldova. It is a separate entity which provides “Nicolae Testemitanu” marketing, branding, and collaboration with potential students.

Dr. Whitcher commented that Dr. Gavriluic’s response is not consistent with what is written in the collaboration agreement.

It was identified in the discussion that there was a confusion with the translation in Collaboration Agreement and a third party. It was recommended by Ms. Fischer for the representatives to review the Collaboration Agreement with University of Moldova, USA for a clearer understanding of what it states. She mentioned that the representatives can present it to the Board in another language, other than English, to identify the issues. Translation services will be provided to review the presentation.

No action was taken on this item. There was no public comment.

Agenda Item 10(a): Review of Enforcement Statistics and Trends Carlos Alvarez, Enforcement Chief, provided report of the enforcement statistics. The information is available in the meeting material published on the Board’s website. There was no public comment.

Ms. Burton questioned the pace of adjudicating cases; and the average number of probationers per investigator.

Chief Alvarez responded that the attorney general gives directive with the cases to speed up the process. On average, Investigators manage approximately ten (10) probationers while simultaneously working on other cases.

Dr. Witcher commented on the progress of *Cases Pending* at the *Office of Attorney General (AG)* from FY 15-16 compared to FY 18-19.

Agenda Item 10(b): Update on Controlled Substance Utilization Review and Evaluation System (CURES) Report

Chief Alvarez provided the report which is available in the meeting material published on the Board's website. There was no public comment.

Dr. Chan questioned what happens if a provider tries to write a script after the registration date for CURES. Mr. Alvarez provided a response that disciplinary action can be taken towards the provider who is not registered with CURES.

Agenda Item 10(c): Update on Implementation of AB 149 (Cooper) Relating to Controlled Substance Security Prescription Forms

Chief Alvarez provided the report which is available in the meeting material published on the Board's website. There was no public comment.

Dr. Lai questioned how AB 149 integrate with E-Scripts.

Dr. Witcher provided a response that he believes it will be a requirement in 2023.

Dr. Larin questioned if it's for only opioid prescriptions.

Chief Alvarez responded that it's primarily for opioids.

Dr. Lai questioned the criteria of the prescription quantity.

Mr. Alvarez responded that prescriptions for opioids will still need to be accessed through CURES.

Public Comment:

Mary McCune, California Dental Association, made a comment that there is an exemption for providers to report to CURES if it was prescribed five (5) days or less directly after an oral procedure. Ms. McCune provided a report that there was a thirty-four (34) percent increase in CURES registration with The Dental Insurance Company (TDIC).

Agenda Item 11: Discussion and Possible Action Regarding Meeting Dates for 2020

Wilbert Rumbaoa, Administrative Services Manager, provided proposed meeting dates for 2020:

- February 27-28, 2020
- May 13-14, 2020
- August 13-14, 2020
- December 3-4, 2020

No public comment was made.

RECESS TO CLOSED SESSION at 4:00 p.m.

Returned to Open Session and Recessed Until Thursday, May 16, 2019

Thursday, May 16, 2019

Agenda Item 12: Call to Order/Roll Call/Establishment of a Quorum

The meeting was called to order by President Fran Burton at 9:15 a.m. Dr. Steve Chan, Board Secretary, called the roll and a quorum was established.

Agenda Item 13: Executive Officer's Report

Executive Officer, Karen Fischer, reported on: policies and acknowledgement forms, DCA Pro Rata Workgroup meeting, Director's Quarterly meeting, Diversion Request for Proposal meeting, Sunset Review Hearing, CalAOMS meeting, California Association of Orthodontists meeting, Dental Hygiene Board of California Meeting, recruitment for DAC and the resignation of former council member Pamela Davis-Washington, EFCS recruitment, facilities expansion update, online voting for discipline, positions for SB 501, and a staffing report – which included expansion of new management positions, vacancies, and new hires. Ms. Fischer thanked Board members for nominating her to be an honorary fellow in the American College of Dentistry.

Ms. Burton appointed Dr. Witcher and Rosalinda Olague as subcommittee to review applications and conduct interviews for the Dental Assisting Council (DAC) recruitment.

No public comment was made.

Agenda Item 14: Report of the Dental Hygiene Board of California (DHBC) Activities

Anthony Lum, Executive Officer of the DHBC, reported on their activities. The DHBC had its first Board meeting in April of 2019. There will be three (3) meetings per year beginning in 2020. Mr. Lum thanked Executive Officer, Karen Fischer, and President Burton for attending the DHBC meeting. DHBC is promulgating new regulations: retired license, mobile dental clinics for registered dental hygienist in alternative practice (RDHAP), convictions for applications for licensure (AB 2138), RDM and ITR, appeal process for dental hygiene educational programs, probation and citations and fines. Mr. Lum provided an update on budget change proposal approval and DHBC personnel and educational program evaluations. DHBC has been authorized for unannounced school

site visits as of January 1, 2019. Mr. Lum congratulated the Board for the Sunset Review and thanked the Board for continued collaboration with DHBC.

Dr. Morrow questioned why the Hygiene Board conducts unannounced school visits.

Mr. Lum responded that the schools would be notified weeks in advance to ensure the school is complying with the law. DHBC would only do unannounced visits, if warranted at school sites with complaints. There have been no unannounced visits to date.

Dr. Lai asked how many applicants from foreign countries to practice in California. Mr. Lum responded that applicants must graduate from a Board approved school or CODA approved hygiene program to practice. Ms. Burton asked how many licensees does the DHBC have. Mr. Lum responded that there has been an issuance of approximately 33,000 licenses and 24,000 active licenses. Dr. Morrow asked if the DHBC accepts candidates from Canada. Mr. Lum responded that CODA approved programs from Canada are accepted.

Agenda Item 15: Discussion and Possible Action Regarding the DHBC's Proposed Draft Educational Regulatory Language for California Code of Regulations, Title 16, Section 1109 Relating to Radiographic Decision Making and Interim Therapeutic Restoration Courses for the Registered Dental Hygienist (RDH), Registered Dental Hygienist in Alternative Practice (RDHAP), and Registered Dental Hygienists in Extended Functions (RDHEF) – Approval; Curriculum Requirements; Issuance of Approval

Anthony Lum, Executive Officer of the Dental Hygiene Board of California, presented the proposed regulations for Radiographic Decision Making (RDM) and Interim Therapeutic Restoration (ITR).

Assembly Bill 1174, Statutes of 2014, provided additional authority for dental hygienists to determine which radiographs to perform on a patient who hasn't initially been examined by the supervising dentist for the purpose of the dentist making a diagnosis and treatment plan for the patient. This is identified as Radiographic Decision Making (RDM).

The bill also provided authorization for dental hygienists to place protective restorations identified as Interim Therapeutic Restorations (ITR) and defined them as a direct provisional restoration placed to stabilize a tooth until a licensed dentist could diagnose the need for further treatment.

Pursuant to Business and Professions Code section 1910.5, the DH Board was to adopt regulations to establish requirements for courses of instruction for the procedures authorized for an RDH, RDHAP, and RDHEF using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development (OSHPD). The mandate states that any subsequent amendments to the RDM/ITR curriculum regulations that differed from the HWPP and promulgated by the DH Board shall be agreed upon by both the Dental Board and DH Board.

When creating the regulations, the DH Board identified three (3) additional amendments to include in its regulatory language:

- 1) The RDM and ITR course curriculum was split into two courses so they could be taught separately. This parallels how Dr. Paul Glassman currently teaches his CE courses to licensees enrolled in them.
- 2) Utilize the term “interim adhesive protective restorations” in place of ITR to clarify that the intent of this procedure is a temporary intervention and not intended for a long-term solution.
- 3) The follow-up appointment schedule was too frequent for the patients receiving these services to adhere to. Rather than the original follow-up examination schedule of one week, three months, six months, and one year to check on the ITR, the schedule was amended to two (2) follow-up examinations within a twelve-month period. This was determined to be a more realistic schedule for a majority of the treated patients to follow.

A number of Dental Board members expressed concern with the proposed amendments. The first concern related to the amendment addressing a change in terminology from “adhesive protective restorations” to “interim adhesive protective restorations”. Members felt the change was unnecessary and confusing. A second concern expressed by members related to the amendment addressing follow-up examination schedules. The consensus was that patients might misunderstand that the ITR was not a permanent solution and would not seek additional follow-up. There was a lengthy discussion among members about both amendments. Dr. Stewart expressed support for the regulations and believes the proposed three amendments are non-substantive. He hoped the regulations could be moved forward.

Public Comment:

Mary McCune, California Dental Association (CDA) commented the CDA is concerned with the change in terminology from “adhesive protective restorations” to “interim adhesive protective restorations”. She consulted with Dr. Paul Glassman who believes the proposed language would expand the types of material used (beyond glass ionomer) that would be inappropriate for ITR. Ms. McCune also mentioned that the mandate states that any subsequent amendments to the RDM/ITR curriculum regulations that differed from the HWPP and promulgated by the DH Board shall be agreed upon by both the Dental Board and DH Board.

Dr. Paul Reggiardo, Pediatric Dentist, also expressed concern with the proposed language and felt it was unnecessary and confusing.

CONTINUE WITH FIRST VOTE THAT FAILED AND SECOND VOTE.

M/S: (Burton/Whitcher) to accept the language and work with Executive Officer, Karen Fischer

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan		✓			
Chappell-Ingram				✓	
Lai			✓		
Larin	✓				
Le		✓			
McKenzie			✓		
Medina		✓			
Morrow		✓			
Olague				✓	
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu		✓			

The motion failed for lack of majority.

M/S/C (Burton/Whitcher) to take no position and send concerns to Executive Officer, Karen Fischer, to transmit to DHBC.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie			✓		
Medina		✓			
Morrow	✓				
Olague				✓	
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed.

Ms. Burton appointed Dr. Stewart and Dr. Le as subcommittee to work with Ms. Fischer on collaborating with DHBC on the concerns.

**RECESSED FOR A BREAK AT 11:00 a.m.
Reconvened at 11:50 a.m.**

Agenda Item 16(a): Update on the Portfolio Pathway to Licensure

Tina Vallery, Dental Assisting Licensing Manager, provided this report. Refer to the board meeting materials on the Board's website. There was no public comment.

Agenda Item 16(b): Western Regional Examination Board (WREB) Report

Huong Le, DDS, MA, provided a verbal report regarding the WREB examination. There have been no updates since WREB changed the DERB meetings from two (2) meetings per year to one (1) meeting.

Dr. Norm Magnuson, former president of WREB, provided a verbal update of the examinations. Mr. Magnuson reported: 75% of the exams are completed with 90% of the candidates passing the exam on their first attempt, 93% passed the operative section on the first attempt, no updates on endodontic and prosthetic exam, and qualification of licensure for candidates who scored a three (3) or higher on restorative exam. There was no public comment.

Agenda Item 17(a): Review of Dental Licensure and Permit Statistics

Ms. Vallery provided this report which is available in the meeting materials published on the Board's website. Ms. Burton questioned if delinquent licenses would be adjudicated much quicker through breeze. Ms. Vallery provided a response that the process is quicker through Breeze as it is instantly update online. There was no public comment.

Agenda Item 17(b): General Anesthesia and Conscious Sedation Permit Evaluation Statistics

Ms. Vallery provided this report which is available in the meeting materials published on the Board's website.

Dr. Lai questioned the renewal process for conscious sedation permit evaluation. Dr. Whitcher responded to the question by providing the processes for the permit categories.

Ms. Fischer commented that there are two calibration courses that will be held by Dr. Whitcher scheduled for May 22, 2019 and May 29, 2019. There was no public comment.

Agenda Item 18(a): Presentation on California Association of Oral and Maxillofacial Surgeons (CALAOMS) 2019 Opioid Education Project

Dr. Alan Kaye, Oral & Maxillofacial Surgeon, gave a presentation on the 2019 Opioid Education Project. Dr. Yu commented that acupuncture is a good practice for pain management. The Board requested for the presentation to be disseminated to members. Dr. Kaye stated he can contact CalAOMS Executive Director, Pamela Congdon, to provide the presentation materials to Board members.

Agenda Item 18(b): Diversion Program Report and Statistics

Chief Alvarez provided this report which is available in the meeting materials published on the Board's website. There was no public comment.

Agenda Item 18(c): Update Regarding the February 26, 2019 and April 23, 2019 Statewide Opioid Safety Workgroup Meetings

Chief Alvarez provided this report which is available in the meeting materials published on the Board’s website. There was no public comment.

Agenda Item 19(a): 2019 Tentative Legislative Calendar – Information Only

There was no public comment.

Agenda Item 19(b): Discussion and Possible Action Regarding Legislation

Sarah Wallace, Assistant Executive Officer, and Wilbert Rumbaoa, Administrative Services Manager, provided a summary of legislation the Board is currently tracking. Refer to the Board meeting material for additional information and the specific bill language. The Board discussed the bills.

M/S/C (Burton/Stewart) to watch the following legislation:

- Watch AB 193 (Patterson) Professions and Vocations
- Watch AB 544 (Brough) Professions and Vocations: Inactive License Fees
- Watch AB 768 (Brough) Professions and Vocations
- Watch AB 1622 (Carillo) Family Physicians
- No position on SB 653 (Chang) Registered Dental Hygienist in Alternative Practice
- Support if Amended on AB 613 (Low) Professions and Vocations: Regulatory Fees

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina				✓	
Morrow	✓				
Olague				✓	
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed. There was no public comment.

Agenda Item 19(c): Discussion of Prospective Legislative Proposals

President Fran Burton led this discussion. Stakeholders were encouraged to submit proposals in writing to the Board before or during the meeting for possible consideration by the Board at a future meeting. There was no public comment.

Agenda Item 20(a): Update on Pending Regulatory Packages

Sarah Wallace, Assistant Executive Officer, provided this report which is available in the meeting materials published on the Board’s website. Regulatory packages are in the process of being reviewed by legal counsel. The only regulatory package that is not complete is the Dental Assisting Comprehensive Rulemaking. Board Staff will schedule a meeting in Sacramento in June or July to discuss rulemaking language and present it at a future Board meeting. No additional proposals were submitted. There was no public comment.

Agenda Item 21: Licensing, Certifications, and Permits Committee Report on Closed Session

Dr. Lai, Chair of the LCP Committee, reported that the Committee met in closed session regarding applications for issuance of new license(s) to replace cancelled license(s) and whether to grant, deny, or request further evaluation for a CS Permits as it relates to an onsite inspection and evaluation failure. Dr. Lai request that the Board accept the recommendations of the LCP Committee.

Dr. Lai reported the LCP committee recommends issuance of a new dental license to replace a cancelled dental license with the condition of successfully passing of the California Dentistry Law and Ethics Written Examination for the following candidates:

1. LTM
2. BJR

M/S/C (Whitcher/McKenzie) to accept issuance of a new dental license to replace a cancelled dental license for LTM and BJR.

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai	✓				
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague				✓	
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed. There was no public comment.

Dr. Lai reported the LCP committee recommends issuance of a new RDA license to replace a cancelled RDA license with the condition of successfully passing of the Combined California Registered Dental Assistant Law and Ethics/ Written Examination for the following candidates:

1. LDAB
2. MVC

- 3. PVG
- 4. TDL
- 5. GDM
- 6. NMB
- 7. MYP

Dr. Whitcher questioned the qualification of applicant NMB since she has not practiced since 2013. Dr. Lai responded that the applicant was a foreign trained dentist and worked in a medical office for five (5) years and wanted to practice dental assisting which is why the applicant needed to show qualification to receive license to practice.

M/S/C (Burton/McKenzie) to accept issuance of a new RDA license to replace a cancelled RDA license for LDAB, MVC, PVG, TDL, GDM, NMB, and MYP

Board Member:	Aye:	Nay:	Abstain:	Absent:	Recusal:
Burton	✓				
Chan	✓				
Chappell-Ingram				✓	
Lai					✓
Larin	✓				
Le	✓				
McKenzie	✓				
Medina	✓				
Morrow	✓				
Olague				✓	
Pacheco	✓				
Stewart	✓				
Whitcher	✓				
Yu	✓				

The motion passed. There was no public comment.

LCP Committee’s recommendations are accepted.

Agenda Item 22: Board Member Comments on Items Not on the Agenda

Dr. Larin made a comment on the need for clarification on the scope of dentistry practice for the phlebotomy part in platelet rich plasma procedures.

Ms. Fischer commented that she will contact the Board President to gather more information to have the issue be a possible agenda item for future meetings.

Agenda Item 23: Adjournment

The meeting adjourned at 1:35 p.m.