



**DENTAL BOARD OF CALIFORNIA  
DENTAL ASSISTING COUNCIL  
MEETING MINUTES**

**May 12, 2022**

Sheraton Garden Grove  
12221 Harbor Blvd., Emerald/White Diamond Room  
Garden Grove, CA 92840

**Members Present:**

Jeri Fowler, RDAEF, OA, Chair  
Traci Reed-Espinoza, RDAEF, Vice Chair  
De'Andra Epps-Robbins, RDA  
Cara Miyasaki, RDA, RDHEF, MS  
Rosalinda Olague, RDA, BA  
Joanne Pacheco, RDH, MAOB  
Kandice Rae Pliss, RDA

**Staff Present:**

Sarah Wallace, Interim Executive Officer  
Tina Vallery, Chief of Administration and Licensing  
Jessica Olney, Anesthesia Unit Manager  
Wilbert Rumbaoa, Administrative Services Unit Manager  
David Bruggeman, Legislative and Regulatory Specialist  
Mirela Taran, Administrative Analyst  
Tara Welch, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

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

Council Chair, Ms. Jeri Fowler, called the meeting to order at 9:03 a.m.; seven members of the Council were present, and a quorum was established.

**Agenda Item 2: Introduction of New Council Members**

Chair Fowler introduced the oncoming Council Members, Ms. Kandice Rae Pliss, RDA, and Ms. De'Andra Epps-Robbins, RDA, to the Council and gave a brief summary of their professional experience.

**Agenda Item 3: Public Comment on Items Not on the Agenda**

There were no public comments made on this item.

**Agenda Item 4: Discussion and Possible Action on January 28, 2022 Meeting Minutes**

Motion/Second/Call the Question (M/S/C) (Miyasaki/Reed-Espinoza) to approve the January 28, 2022 Meeting Minutes.

Chair Fowler requested public comment before the Council acted on the motion. There were no public comments made on the motion.

Chair Fowler called for the vote on the proposed motion. Ms. Mirela Taran, Administrative Assistant, took a roll call vote on the proposed motion.

Ayes: Epps-Robbins, Fowler, Miyasaki, Olague, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed and the minutes were approved.

Agenda Item 5: Update on Dental Assisting Examination Statistics

Ms. Tina Vallery, Chief of Administration and Licensing, provided the report, which is available in the meeting materials.

Chair Fowler requested public comment on this item. There were no public comments made on this item.

Agenda Item 6: Update on Dental Assisting Licensing Statistics

Ms. Vallery provided the report, which is available in the meeting materials.

Chair Fowler requested public comment on this item. There were no public comments made on this item.

Agenda Item 7: Update on Dental Assisting Educational Program and Course Applications and Re-Evaluations

Ms. Vallery provided the report, which is available in the meeting materials.

Chair Fowler requested public comment on this item. There were no public comments made on this item.

Agenda Item 8: Discussion and Possible Action Regarding Recommendations of Council Working Group on RDAEF Administration of Local Anesthesia and Nitrous Oxide

Ms. Vallery provided background information on the report, which is available in the meeting materials.

Chair Fowler stated that there are two surveys, one that should be taken separately by RDAEFs and the other by their supervising dentists, who are responsible for administering additional local anesthesia and nitrous oxide to their patients. Regarding the survey questions that asked about the average amount of time, Council Member Cara Miyasaki asked if it should be limited to within the last year or to the average time

that a patient has waited for local anesthesia. Chair Fowler responded that at this point in time, it would be beneficial to keep it general. For awareness purposes, Council Member Rosalinda Olague stated that the State of Oregon recently did a survey in which they surveyed all dentists on what procedure they would want to add to the dental assisting scope.

(M/S/C) (Miyasaki/Olague) to delegate authority to the two-member working group to work with [the DCA Office of Professional Examination Services (OPES)] to finalize the surveys and distribute to stakeholders.

Chair Fowler requested public comment before the Council acted on the motion. There were no public comments made on the motion.

Chair Fowler called for the vote on the proposed motion. Ms. Taran took a roll call vote on the proposed motion.

Ayes: Epps-Robbins, Fowler, Miyasaki, Olague, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

#### Agenda Item 9: Update Regarding Administration of New RDAEF Written Examination

Ms. Vallery provided the report, which is available in the meeting materials.

Chair Fowler reviewed the January, February, and March 2022 pass rates. She asked what the procedure or process is for modifying an exam or determining if questions should be revised or reworded. Additionally, she asked if candidates who failed the new exam are allowed to retake the exam, that is if questions are determined invalid. Ms. Vallery replied that once OPES performs their analyses and determines that there were questions that were deemed not fair or scorable, they will make adjustments and notify the candidates that were affected. Ms. Sarah Wallace, Interim Executive Officer, mentioned that Board staff met with OPES prior to the Board meeting, and they advised against making any interpretations regarding pass rates or the examination performance as the number of candidates are insufficient to provide reliable results. They continue to monitor the examination and will perform additional analyses once a sufficient number of candidates have taken the examination. Ms. Wallace mentioned that OPES will be attending the August 2022 Board meeting to provide additional information regarding the examination performance.

Chair Fowler requested public comment on this item. The Council received public comment. Tooka Zokaie, California Dental Association (CDA), asked if there was an area of consistent failure amongst low pass rates or if there was a section in which

failure is predominant. Ms. Wallace replied that OPES is consistently reviewing examination results, and the number of candidates is low; therefore, it is difficult to provide reliable results. Ms. Wallace stated that OPES does take that into consideration as they perform their analyses.

Agenda Item 10: Update Regarding Dental Assisting Comprehensive Rulemaking (California Code of Regulations, Title 16, Sections 1067-1081.3)

Ms. Wallace provided the report, which is available in the meeting materials. She mentioned that previously, the Council had formed work groups over several years to develop amendments to the Board's regulations relating to dental assisting examination application and educational program and course requirements, which culminated in the Board reviewing a comprehensive rulemaking package at its December 2019 meeting and initiating a rulemaking. Ms. Wallace continued that through this time, Board staff have been working with Legal Counsel on the language and formulating the initial rulemaking documents that need to be submitted to the Office of Administrative Law (OAL). Ms. Wallace stated that in working with the Board's Regulatory Counsel, the Board has determined that there are several issues with the proposed text that may necessitate it being re-referred back to the Council. For rulemaking packages to pass OAL, they have to meet several standards leading to necessity, clarity, consistency, and avoiding duplication within the regulations. Throughout the review, there were several areas deemed to be potential issues if the rulemaking was to go on to OAL review. Ms. Wallace mentioned that Board staff would request assistance from Council Members on the development of the language to ensure that the Board is capturing the requirements accurately and reorganizing the language so that it is clear to applicants, educators, and licensees.

Chair Fowler requested public comment on this item. The Council received public comment. Ms. Melodi Randolph, California Association of Dental Assisting Teachers (CADAT) and the Alliance representative, asked what the picture of the rulemaking package going back to the Council would look like. Ms. Wallace replied that the policy and the requirements that were involved in the rulemaking development are not necessarily up for discussion; it is the organization of the requirements and condensing to avoid duplication among several sections to make it as clear as possible and to ensure that it has been demonstrated clearly what the necessity of each amendment is.

Agenda Item 11: Discussion and Possible Recommendation on Pending Legislation  
a. Assembly Bill (AB) 2276 (Carrillo, 2022) Dental assistants.

Mr. David Bruggeman, Legislative and Regulatory Specialist, provided the report, which is available in the meeting materials. He noted that AB 2276, as it was currently written, would add a new section to the Business and Professions Code that would allow dental assistants (DAs) to conduct coronal polishing or pit and fissure sealing if certain requirements were met. Mr. Bruggeman stated that the Board would like an amendment to the bill to reduce the impact to the Board.

Ms. Miyasaki inquired as to who can propose legislation. Mr. Bruggeman noted that interested parties have the ability to encourage a legislator to sponsor a bill supporting their interests. Legislators would be the individuals writing the bills with input from relevant stakeholders that would be contributing to the process. Ms. Wallace added that the Board has not sponsored this bill, and the Council had the opportunity to make a recommendation to the Board.

Chair Fowler asked how DAs, if they were allowed to place pit and fissure, would adjust occlusion on sealants when they are unable to use hand instrumentation as it is not in their allowable duties. She stated that if this bill went forward, the existing coronal polishing and pit and fissure sealant courses would need to be modified to include additional training. Chair Fowler added that she does not agree with the statement that Board staff anticipate unlicensed DAs, who seek to complete these courses to perform these procedures, would be more inclined to seek RDA licensure. Regarding the statement "Board staff recommend requesting an amendment to require the supervising dentist be responsible for ensuring successful completion of the applicable Board-approved courses, rather than require the Board to track such completions," Chair Fowler pointed out that if the Board does this, there would be no mechanism to check if the DA had completed those courses.

Ms. Miyasaki agreed with Chair Fowler's comments and with the points from the letter provided by the Alliance. Council Member Kandice Pliss agreed with Chair Fowler's comments that DAs would not pursue their RDA license if they were capable of doing certain procedures in the office. She believed it would be limiting the RDAs coming into the workforce as well as their value. Ms. Olague verbalized her support of the bill and believed that elevating the scope of what a DA can perform in communities to help with access to care is something the Council would need to consider. Ms. Olague added that she agreed there needed to be a conversation around how the auditing would work and how the Board would be able to see certifications come in.

Council Member De'Andra Epps-Robbins stated there needed to be an opportunity of having the expansion of timing for the education of this procedure. She believed that this needed to be expanded in an educational setting. She questioned how the Board would have the checks and balances of direct supervision in a heavily busy practice. Ms. Wallace pointed out that there are currently three pathways to licensure. She added that taking into consideration that these candidates who are already fulfilling their on-the-job training experience are completing these courses, Board staff recommended a support if amended position. She added that the Board had researched its enforcement data, and there had been no complaint history to indicate a consumer protection risk associated with coronal polishing or pit and fissure.

Chair Fowler requested public comment on this item. The Council received public comment. Ms. Mary McCune, CDA, stated that CDA is the sponsor of the bill and informed the Council that the language of the bill is heavily in flux. Although they have strong support in the Legislature, they are trying to work with other stakeholders on the

bill, including those that submitted an opposition letter. They were looking at taking out sealants, so the bill would only be focused on coronal polishing, looking at the patient safety and how things can be enforced, and looking at how direct supervision can be squared in on the coronal polishing for unlicensed DAs through mechanisms of looking at the medical record for that service.

Dr. Bruce Witcher, CDA, believed the Board would see many amendments that would address many of the Council's concerns.

Claudia Pohl, California Dental Assistants Association (CDAA) and the Alliance, stated that they were taking an opposed position but were working on amendments and anticipated collaborating to address their concerns as outlined in their letter.

Ms. Randolph reiterated that as a DA educator for over 30 years, she did not see how the bill would encourage people to become an RDA and believed it was destroying the career ladder as opposed to helping build it. They were in favor of a permit and had the understanding that if the coronal polishing became a permit, applicants would have to submit an application to get the permit from the Board and pay a fee, and the fees for the permit would support and cover the costs of the administration of the permit.

Dr. Witcher, speaking as a practicing dentist who works in an access clinic, stated that the additional duties of the RDA are significant and believed that it is not quite accurate to state that the bill would destroy the incentive to become an RDA.

Ms. Olague moved to support the bill if amended to remove the requirement for the certificates of completion of the applicable Board-approved courses to be submitted by the applicant to the Board. There was no second on the motion, so the motion failed.

Ms. Miyasaki asked if the Council could see the final amendment of the bill before it went to the Board. Ms. Wallace noted that the published version of the amendments was in the meeting materials, so at this point, the Council would need to consider the version that was in the Board meeting packet before making a recommendation to the Board.

Ms. Miyasaki moved, and Ms. Pliss seconded a recommendation that the Board oppose the bill.

Ms. Miyasaki stated that she had identified problems with the language. Chair Fowler verbalized that she felt uncomfortable with approving the current amendments. Ms. Wallace reiterated that the Board did not have access to the amendments. Ms. Olague inquired whether the Council could support the bill with additional amendments in lieu of what Board staff had recommended. Ms. Wallace responded that the Council could determine what amendments they would recommend that the Board consider.

Ms. Epps-Robbins stated that being an educator, it was of utmost importance to be able to move the DA forward to the RDA status and to be able to still have clarity of an RDA function and a DA function. She wanted to see a little bit more information before making a final determination. Ms. Miyasaki believed the amendments looked at by CDA and educators were much more comprehensive than those mentioned in the meeting materials. Ms. Wallace noted the Council could recommend to the Board a watch position with listed concerns, and Chair Fowler could include those specific concerns in her report to the Board.

Ms. Olague asked if Council Members were able to retract a motion that was made. Ms. Welch responded that the members could retract, or they can revise their motion as long as the member who seconded the motion agrees to the revision.

Ms. Miyasaki retracted her motion to oppose, and Ms. Pliss agreed with the retraction.

Chair Fowler sought clarification of a watch position on a bill. Ms. Welch stated that watch letters are neutral and that they do not necessarily give any weight either way; at times, they are disregarded by the stakeholders and the author. Ms. Welch added that if the Council had an idea of the concept that they could agree with, the position could be support if amended to address the concerns; this would allow the Board to stake out a position that it liked the concept of the bill but concerns needed to be addressed before full support could be given. Ms. Welch continued that another path would be to oppose unless amended to address specific concerns, which authors have a tendency to look at more closely.

Chair Fowler moved to oppose unless amended. Chair Fowler requested discussion from the Council.

Ms. Miyasaki asked if all of the Council Members had to agree on the entire list of amendments to the bill or whether it could be forwarded to the full Board, which would allow them to see the number of members that were or were not favor of each amendment listed. Ms. Welch responded that it was better to list what the concerns are generally; that way, more support for the position can be obtained. Ms. Reed-Espinoza stated concerns with having the DA do isolation properly to handle a sealant versus coronal polishing, supervision, and fees. Ms. Epps-Robbins agreed to oppose unless amended because she strongly believed that the bill needed amendments and disclosed her concerns regarding supervision, responsibility, and accountability over a DA if there was something missed when the patient was released. Ms. Epps-Robbins seconded Chair Fowler's motion to oppose unless amended.

Chair Fowler stated her concerns to be addressed by amendments to the bill. She was in favor of the pit and fissure sealant being taken off the table and the checks and balances after the DA completes the course. Chair Fowler noted that current law only requires the supervising dentist to keep track of the DA coursework. Chair Fowler noted a third concern regarding the pit and fissure training and a means to adjust occlusions.

Ms. Miyasaki agreed with Chair Fowler's comments to remove pit and fissure sealants from the bill, accountability requirements, establishing fees for an issued permit, and that there should be required two-hour infection control and Dental Practice Act courses for renewal. Ms. Reed-Espinoza agreed to separate the sealant versus the coronal polishing and with issuing a permit for accountability rather than issuing certification. She suggested that the Council add that a hygienist could aid in supervising coronal polishing.

Ms. Miyasaki asked whether the Council would be open to supervision by a licensed dental professional for the coronal polishing. Chair Fowler responded that she is in favor. Ms. Miyasaki requested that the Council have a discussion regarding direct or general supervision. Ms. Epps-Robbins and Ms. Pliss both stated that they were in favor of the supervision being direct.

Ms. Welch read the list of bill amendments to be added to the motion: remove pit and fissure sealant; permit application and renewal with corresponding fees; continuing education (CE) of two-hour infection control and Dental Practice Act at renewal; and direct supervision by a licensed dental professional. Ms. Miyasaki asked to include Basic Life Support (BLS) in the CE requirement.

Ms. Wallace noted that by issuing a permit to unlicensed DAs, it becomes an enforcement aspect. Unlicensed DAs are supervised by the dentist; therefore, if the Board received a complaint and the DA was found to be in violation, ultimately the dentist is responsible, and the Board would take administrative action on that license. She mentioned that it was possible, and there would be parity with, what is in existing law for unlicensed DAs for the supervising dentist to be responsible for ensuring that the certificate of completion is on file in their office. Ms. Wallace asked if that is an option that the Council would want to consider, rather than creating a permitting structure for the Board. Ms. Miyasaki inquired whether it would be possible to ask the dentist to certify when they renew their license. Ms. Wallace responded that the dentist is perpetually responsible for the supervision of their DAs and for ensuring that they have complied with all their CE requirements for renewal. Therefore, she did not believe that it would be necessary to go that extra step. She verbalized that when permitting structures are created, it is important that the Board identifies the necessity for doing so and what the end result would be. She stated that the Board has the option of requiring the supervising dentist to be that "checks and balances" and that it is possible to define it as unprofessional conduct if a dentist does not ensure that the certificates of completion are on file in their office.

Ms. Miyasaki raised concern that the unlicensed DA does not receive the background check which would enable them to work in a dental office and could possibly have a felony connection conviction. Ms. Welch recommended that if the bill does not go toward permitting, it could include some provision to specify the disciplinary or enforcement action the Board could take against an unlicensed DA and adding that unprofessional conduct provision for discipline against the dentist.



Chair Fowler raised concern regarding enforcing supervision and asked how the Council felt about saying no to certification or renewal for the coronal polishing. Ms. Miyasaki noted that there could be a provision that the Board could urge for a certification or permit; however, if that was not something the Board was likely to look at, perhaps there could be provisions in the bill for some sort of enforcement action and the unprofessional conduct.

Ms. Reed-Espinoza opposed not having a certification or permit for the DA. Ms. Miyasaki agreed with the certification with the caveat that if that is something the Board did not agree with, to include a recommendation for the enforcement action and the provision for unprofessional conduct and citation. Ms. Ologue replied that she leaned toward not requiring that additional certification or that permit route, since DAs are practicing under direct supervision of that licensed dentist. Ms. Reed-Espinoza agreed with Ms. Miyasaki's comment.

Chair Fowler requested public comment before the Council acted on the motion. The Board received public comment. Anthony Lum, Executive Officer of the Dental Hygiene Board of California (DHBC), commented on the proposed amendments regarding dental hygienists overseeing the coronal polishing aspect. He informed the Council that dental hygienists are not able to supervise DAs or RDAs and that is reserved for the registered dental hygienist in alternate practice (RDHAP) category. Dental hygienists are limited to hiring DAs; under this bill, the direct supervision would come from the licensed dentist only.

Ms. Randolph reminded the Council of the definition of direct supervision and stated that the Council had to be careful in using the terms "permit" and "certification" interchangeably and provided clarification on the distinguishment between the two terms.

Dr. Lori Gagliardi, representing the Foundation for Allied Dental Education (FADE), concurred with the statements brought up by the Council. She provided two suggestions, educational and clinical work experience requirements, that she encouraged the Council to look at if they were going to oppose and amend the bill. She asked why an individual would maintain their RDA license if there happened to not be any additional renewal requirements for the DA. She did not believe the pit and fissure should be a requirement.

Ms. Miyasaki agreed with Dr. Gagliardi's points about the minimum clinical work experience and that the RDA could let their license lapse and continue to do coronal polishing as a DA. Ms. Wallace mentioned that 15 months of on-the-job training is required to become licensed as an RDA. Ms. Reed-Espinoza stated that it would be good to have a required time in regard to clinical time. Ms. Miyasaki suggested the Council keep it to requiring a minimal number of clinical work experience hours or months or length of time and letting the organizations who are involved with the

amendments hash that out. Ms. Reed-Espinoza suggested that 120 days of on-the-job training, after probationary period is met, could be a start. Ms. Pliss verbalized that the Council should go no less than 120 days. Ms. Epps-Robbins was in favor of not going under 120 days and suggested the Council set a precedence of number of patients versus hours of patients. She stated that 15 months seemed a little extensive and suggested the Council extend that out to a four-month period of time. Ms. Olague stated that in partnering with clinicians and licensed dentists and training DAs, she leaned toward 30 days. Chair Fowler clarified her motion.

(M/S/C) (Fowler/Epps-Robbins) to recommend to the Board to oppose AB 2276 unless amended to: remove the pit and fissure sealant component; require certification and renewal with CE requirements of coronal polishing, BLS, infection control, and disciplinary action against the supervising dentist and the DA if the DA does not maintain certification, direct supervision by a dentist; and 120 days of work experience as a DA before taking the coronal polishing course.

Chair Fowler requested additional public comment before the Council acted on the amended motion. The Board received additional public comment. Dr. Gagliardi encouraged the Council to look at hours instead of days of work experience, since it could be unclear how many hours constituted a day of work. Ms. Randolph suggested the Council add wording in the motion that the hours be in direct patient care procedures instead of merely 120 hours in the office.

Chair Fowler considered adding to the motion working with patients in a clinical setting for the 120-day DA work experience requirement. Ms. Wallace noted that 120 working days equaled 960 hours. Ms. Miyasaki proposed 500 hours of direct patient care versus 960 hours. Ms. Reed-Espinoza proposed to reduce the 500 hours to 320 hours, as not a lot of people work eight hours a day and five days a week. Ms. Miyasaki asked if the hours could be raised to 400. Chair Fowler amended the motion to require 400 hours of clinical DA work experience before taking the coronal polishing course. Ms. Epps-Robbins seconded the amended motion.

Amended (M/S/C) (Fowler/Epps-Robbins) to recommend to the Board to oppose AB 2276 unless amended to: remove the pit and fissure sealant component; require a permit to perform coronal polishing as a DA; payment of a permit fee; permit renewal with CE requirements of coronal polishing, BLS, infection control; disciplinary action against the supervising dentist and the DA if the DA does not maintain the permit; direct supervision of the DA by a dentist; and 400 hours of direct patient care work experience before taking the coronal polishing course.

Chair Fowler requested additional public comment before the Council acted on the amended motion. There was no additional public comment on the amended motion.

Chair Fowler called for the vote on the proposed motion. Ms. Taran took a roll call vote on the proposed motion.

Ayes: Epps-Robbins, Fowler, Miyasaki, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: Olague.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 12: Adjournment

Chair Fowler adjourned the meeting at 11:07 a.m.