

DENTAL BOARD OF CALIFORNIA

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**DENTAL BOARD OF CALIFORNIA
MEETING MINUTES
February 6-7, 2025**

Pursuant to Government Code section 11123.2, the Dental Board of California (Board) met by teleconference/WebEx Events on February 6-7, 2025, with the following location available for Board and public member participation:

Department of Consumer Affairs
1625 N. Market Blvd., Hearing Room #102
Sacramento, CA 95834

Board Members Present:

Steven Chan, DDS, President
Alan Felsenfeld, MA, DDS, Vice President
Lilia Larin, DDS, Secretary
Kevin R. Cheng, JD, Public Member
Robert P. David, Public Member (February 6 only)
Joni Forge, DDS (remote participant)
Angelita Medina, MHS, Public Member
Rosalinda Olague, PhD(c), RDA
Yogita Thakur, DDS, MS (remote participant)
James Yu, DDS, MS

Staff Present:

Tracy A. Montez, Ph.D., Executive Officer
Christy Bell, Assistant Executive Officer
Ryan Blonien, Enforcement Chief (North)
Jodi Ortiz, Chief of Licensing and Examination Division
Paige Ragali, Chief of Administration and Compliance
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
Jerry Fuhrman, Investigator
Brant Nelson, Legislative and Regulatory Specialist
Mirela Taran, Administrative Analyst
Joseph Tippins, Investigator
Catherine Bachiller, Appointments and Recruitment Specialist, Office of Human Resources (OHR), Department of Consumer Affairs (DCA) (February 6 only)
Melissa Gear, Deputy Director, Board and Bureau Relations, DCA
Sarah Irani, Facilitator and Strategic Planner, SOLID, DCA
Stephanie Louie, Section Chief, OHR, DCA (February 6 only)

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Bryce Penney, Television Specialist, Office of Public Affairs, DCA
Kristy Schieldge, Regulations Counsel, Attorney IV, Legal Affairs Division, DCA (February 6 only)
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

10:00 a.m., Thursday, February 6, 2025

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

The Board President, Dr. Steven Chan, called the meeting to order at 10:50 a.m. Board Members Joni Forge, DDS, and Yogita Thakur, DDS, MS, participated remotely and confirmed there were no individuals 18 years of age or older present in the room at their remote locations in compliance with Government Code section 11123.2, subdivision (j)(4).

The Board Secretary, Dr. Lilia Larin, called the roll; 10 Board Members were present, and a quorum was established.

Agenda Item 2: Public Comment on Items Not on the Agenda

There were no public comments made on items not on the agenda.

Agenda Item 3: Discussion and Possible Action on November 7-8, 2024 Board Meeting Minutes

(M/S/C) (David/Yu) to approve the November 7-8, 2024 meeting minutes.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Olague, Thakur, Yu.

Nays: None.

Abstentions: Medina.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Chan, on behalf of the Board Members and the entire working crew of the Board, extended condolences and sympathies for the survivors of the catastrophic events of the firestorms in Southern California. He voiced that he has had the benefit of weekly briefings since November 2024 with Executive Officer Dr. Tracy Montez and Assistant Executive Officer Christy Bell, as well as Vice President Dr. Alan Felsenfeld. He thanked the Board Members for accepting their committee assignments for 2025

and applauded Secretary Larin for accepting the appointment to the vacancy on the Dental Assisting Council (DAC). He extended his thanks to past Board Members Joanne Pacheco, Meredith McKenzie, and Dr. Sonia Molina who have completed their terms of appointment to the Board for their service. On behalf of the Board, he recognized Dr. Montez's service and leadership as Executive Officer of the Board.

President Chan requested public comment on this item. The Board received public comment.

Shari Becker, Tooka Zokaie, Dr. Bruce Witcher, Gary Cooper, Leslie Canham, Susan McLearn, Joanne Pacheco, and Anthony Lum congratulated Dr. Montez on her retirement and expressed their appreciation.

Agenda Item 5: Assistant Executive Officer Report

Christy Bell shared that she first joined the Board in December of 2022 but has been with DCA for over 10 years holding various positions. She noted that the Board's 2022-2025 Strategic Plan is concluding, and strategic planning will be discussed further at the May Board meeting. Additionally, she stated the 2025 Dental Practice Act (DPA) will be available to order soon; there will be additional information on the Board's webpage on how to order it.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 6: Report on Department of Consumer Affairs Activities, which may include updates on the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters

Melissa Gear provided a departmental update, which included the following.

Ms. Gear congratulated President Yu on his reappointment to the Board and his continued commitment to protecting the consumers of California and thanked Dr. Molina, Ms. McKenzie, and Ms. Pacheco for their service and commitment to the Board and California's consumers. Additionally, she thanked Dr. Montez for her service to the Board and the consumers of California. Ms. Gear noted that on January 29, 2025, Governor Newsom issued Executive Order N-15-25 to provide quick recovery relief for local businesses by deferring renewal fees and waiving other fees for DCA licensees in the Los Angeles wildfire areas. She noted that specific DCA provisions include DCA licensees whose licenses expire between January 1 and July 1, 2025, will be granted a one-year extension to pay their renewal fee if their business or residence address is in certain zip codes impacted by the fires. Licensees will still need to renew their licenses, but their fees will be postponed for one year. In addition, duplicate or replacement licenses or wall certificates will be provided free of charge until January 7, 2026, and delinquency fees are suspended until July 1, 2025, for those in the impacted areas. Ms. Gear stated that after the Governor's Executive Order was issued, DCA met with board

and bureau leadership on January 29 to discuss the Executive Order and its implementation. DCA is providing messaging to the boards and bureaus for dissemination to the impacted licensees, as well as consistent messaging for use on all board and bureau websites. In addition, DCA has a specific disaster help center webpage accessible at www.dca.ca.gov that includes information on the Executive Order, frequently asked questions, and other important resources that may be helpful as licensees and survivors navigate the rebuilding process. DCA also has a dedicated tollfree number 1-800-799-8314 and email cafires@dca.ca.gov available for fire survivors needing assistance.

Ms. Gear reported that Governor Newsom released his proposed 2025-26 state budget on January 10, which included eight budget change proposals for DCA's boards and bureaus. Additionally, DCA's vacancy reduction and government efficiency plans were approved by the Department of Finance and may be made official in the spring revisions. She conveyed that the Governor remains committed to funding resources to address California's housing and homelessness crisis. Included in the Governor's proposed budget is the creation of a dedicated California Housing and Homeless Agency. DCA and their regulators currently under the Business, Consumer Services and Housing Agency would form a consumer protection agency. Ms. Gear voiced that this is an extraordinary opportunity for DCA to better align with other consumer protection entities as one consumer protection agency. With a consumer protection agency secretary within the Governor's cabinet, this is an exciting opportunity that will only strengthen the mission, momentum, and delivery of services to California. She added that the Governor's reorganization proposal will be reviewed by the nonpartisan Little Hoover Commission and the Legislature in the spring.

Ms. Gear provided updates on the new Form 700 filing with the Fair Political Practices Commission (FPPC) and addressed upcoming trainings for Board members, which include the annual President's Training and Board Member Orientation Training (BMOT).

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 7: Budget Report

Wilbert Rumbaoa provided a report on the Board's budget for fiscal year (FY) 2024-2025. Mr. Rumbaoa conveyed that on January 10, the Governor's Budget was released, and the new appropriation for the Board is \$20,272,000, and revenue is reported at \$23,883,000. He added that in the finalization for the budget letters for the control section 4.12 and 4.05, the Board will be losing approximately two positions, and the reduction from the Board has been identified as \$147,000, which should be finalized by spring. Mr. Rumbaoa stated that the Board is projected to revert roughly \$1.5 million; from that will be \$4 million in personnel services that are projected and \$5 million in Operating Expense & Equipment (OE&E). Additionally, the projected revenues for the year are \$20.3 million to the end of the FY.

Board Member Robert David inquired what the funds would be reverted to. Mr. Rumbaoa responded they would be reverted to the Dental Board's State Dentistry Fund. He added that the Board has a set amount that it can spend each year and if it does not spend the entirety of that amount, it goes back into the Board's funds.

Regarding the statement "the \$5 million repayment will be coordinated as part of any future regulatory and/or statutory fee increase proposals," Secretary Larin inquired whether that is renewal fees for dentists. Mr. Rumbaoa responded that it would be the fee increase for any licensing fees. Secretary Larin noticed in the meeting materials there are increases for other items not related to licensure renewal and inquired whether that includes all of the fees or just the licensure renewal. Ms. Bell responded that the fees in that legislative proposal are not new but existing fees and merely being moved into statute so that the information is captured.

Secretary Larin asked whether that means the repayment has to be coordinated only when there is an increase in renewal fees. Mr. Rumbaoa responded that in regard to fees, they are typically set via statute, and regulations clarify how much those fees are going to be. He added that the Board is not at the statutory cap on all of its fees; for those that have been identified, Board staff is clarifying what those fees are going to be set at. He expressed that the keyword here is existing fees versus new fees and noted the \$5 million would not come into play unless there are any new fees for the Board and dental assistants being pursued.

Board Member Robert David noted there was a loan made from the Board's fund to the General Fund and before any fee increases are anticipated, that money has to be repaid to the Board. Mr. Rumbaoa responded that is correct.

Tara Welch conveyed there are fee changes submitted to the Board under agenda item 11.c. Applications for Dentist Licensure; there is the dental assisting program and course fees that is a legislative proposal, but that is not actually any increase in fees and is merely reflective of what the Board has been charging under regulation. Separately, there is a regulatory package that would change the dentist licensure fees.

President Chan requested public comment on this item. There were no public comments made on this item.

*Agenda Item 8: Presentation from DCA, Strategic Organizational Leadership and Individual Development (SOLID) on Strategic Planning

Sarah Irani provided a verbal presentation on initiating the new strategic planning process.

Dr. Montez added it is anticipated this will come back at the May Board meeting for the next phase; there will be an update on the current Strategic Plan, and many of those goals and objectives have been achieved.

Vice President Felsenfeld asked if there is a financial implication for the Board or whether this is being supplied through DCA. Ms. Irani responded that as far as she is aware, this is covered by pro rata, so there is no additional cost to this.

Ms. Welch asked when it is anticipated for the environmental scan to be completed for presentation to the Board. Ms. Irani responded that when she spoke with Dr. Montez and Ms. Bell, the strategic planning would begin around June or July. Typically, that means the survey will go live and will be open for about four weeks. Depending on the number of responses received on that survey, SOLID would need another four to six weeks to analyze and compile that information.

Ms. Welch noted the next Board meetings are scheduled for May, August, and November. She stated if the process does not begin until June or July, it did not appear [the environmental scan] would be ready for the August meeting, so the Board would either need to hold a meeting scheduled outside of the quarterly meetings or have a third day of the November meeting.

Dr. Montez stated that for the May Board meeting, the Board will have an update on the current Strategic Plan. She encouraged the Board to have a third day of the November meeting.

Vice President Felsenfeld asked how much of the work is going to be done by the Board's Members versus through DCA. Ms. Irani responded that the Board Members are included for providing feedback, and during the actual strategic planning process, they will be given that report ahead of time to read and write down their thoughts. During that session, SOLID will go through each goal area, highlighting the weaknesses, and the Board Members would have the opportunity to divulge what they believe are important issues from that feedback. Ms. Irani stated that after that meeting, she will do the refinement offline, and the Board Members will receive a draft copy. Then, at the next Board meeting, the Board Members will have a chance to review, approve, and make edits.

Ms. Bell added for the Board Members' awareness, if a third day is added to the November Board meeting, it would be November 5.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 9: Report on Dental Hygiene Board of California Activities

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

President Chan requested public comment on this item. The Board received public comment.

Leslie Canham, a certified and registered dental assistant (RDA), certified in dental infection prevention and control, and authorized by the federal government as an Occupational Safety and Health Administration (OSHA) outreach trainer, is a provider of continuing education for the Board and the Academy of General Dentistry (AGD), and authorized to provide the infection control two-hour course for license renewal and the eight-hour infection control course for unlicensed dental assistants. Ms. Canham raised concern with the draft regulation for the minimum standards for infection control. She stated there are a variety of flaws and inconsistencies with OSHA regulations and with Center for Disease Control (CDC) recommendations, both the 2003 recommendations for infection control and dental healthcare settings and the 2016 update, as well as other discussion for future changes to CDC guidelines for dental settings. She is extremely concerned with the lack of information or requirements on the infection control regulations for dental unit water lines and inconsistencies with CDC's recommendations for treatment, testing, and monitoring and strategies to improve water quality, purging, and flushing. She stated the document has been identified in the infection control minimum standards as it was in 2011, which CDC states that purging and flushing dental unit water lines does not address monitoring of water quality and can be a safety issue for patient care. Ms. Canham offered her assistance to the Board or the working committees on the infection control regulation guidelines to provide her insight and input.

Agenda Item 10: Dental Assisting Council Meeting Report

DAC Chair, De'Andra Epps-Robbins, provided a verbal report on the February 6, 2025 DAC meeting. Ms. Epps-Robbins advised the Board regarding DAC discussion of DAC meeting agenda items.

Ms. Welch clarified the motion that came out of the DAC meeting for agenda item 9.b. was a motion to amend Business and Professions Code (BPC) sections 1725, 1753.52, 1754.5, and 1755.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 11: Update, Discussion, and Possible Action on Proposed Regulations

Agenda Item 11.a.: Status Update on Pending Regulations

Brant Nelson provided the report, which is available in the meeting materials.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 11.b.: Discussion and Possible Action to Initiate a Rulemaking to Amend California Code of Regulations (CCR), Title 16, Section 1005 Regarding Minimum Standards for Infection Control

Mr. Nelson provided the report, which is available in the meeting materials.

Kristy Schieldge conveyed that during the DAC meeting, they received about eight adverse comments about the proposed text, which Board staff had recommended the Board adopt in Attachment 2 of the meeting materials and includes the issue the California Dental Association (CDA) had flagged at the Dental Hygiene Board of California (DHBC) meeting. The CDA issue had been addressed, but there were about eight additional adverse comments, one of which the Board heard in public comment under a prior agenda item. She added that the DAC is recommending this text be brought back to the working group for consideration. She noted the Board lost Ms. Pacheco, who was on the initial working group, and Board Member Rosalinda Olague agreed to replace her and help staff work through consideration of all the comments that have been received. Ms. Schieldge stated Board staff are recommending no Board action on the item at this time. Ms. Schieldge requested Board or public comment on Attachment 2 for additional consideration by the working group, so they can get as much input as possible on this proposal and avoid bringing the item back over and over again.

Board Member Olague encouraged stakeholders to submit, in writing, any thoughts, comments, or feedback to Mr. Nelson so the working group can have those on hand.

Secretary Larin stated she would like to follow the recommendations of the DAC, especially where it says that certain things have to be done immediately, which is not feasible, and to provide feedback on the motor comment and whether it should be sterilized.

President Chan requested public comment on this item. The Board received public comment.

Ms. Canham, RDA and certified in dental infection prevention and control, volunteered her services on the working group for the draft regulations and submission of information for the infection control minimum standards. She has a great deal of access to information, on top of her resources, that she can provide. Ms. Canham is particularly concerned about the dental unit waterline issues and how that would affect the safety of the California consumer.

Vice President Felsenfeld sought clarification on the DAC actions on this proposal. He heard during the DAC meeting there was agreement that the “top shield” requirement was removed, and that was the motion to have been passed through. The problem was there were at least half a dozen other concerns with the proposal. Then the DAC made a motion to refer the proposal back to the working group. Vice President Felsenfeld discussed parliamentary procedure and noted the DAC sent the rulemaking back to the working group to work through everything. He noted there is nothing before the Board for action. He moved to accept the DAC recommendation and refer the comments and original motion for motion work by the working group. Ms. Schieldge clarified the prior Board motion to send the rulemaking to the working group is still in play. Ms. Welch said the Board does not have anything to act on; the rulemaking was referred by the Board

to the DAC, which referred the rulemaking to the working group. So there is nothing for the Board to do at this time. Vice President Felsenfeld noted there was no second to his motion, so the motion died.

Board Member Olague commented that the word “immediately” came up in two situations. She wants the working group to look at that language. In her mindset, if [personal protective equipment (PPE)] becomes soiled or saturated, for example, during a pediatric OS procedure, that is an immediate need for the PPE to be changed. Board Member Olague requested the working group to look at the history of that language and use of the word before going to a different pathway. She wants the working group and stakeholders to discuss the word and come to some collaboration with the word, as that was how she always understood the term in the history of knowing this language. She also echoed the importance of the working group looking at the dental water unit lines.

Agenda Item 11.c.: Discussion and Possible Action to Initiate a Rulemaking to Amend CCR, Title 16, Sections 1021, 1028, 1028.4, 1028.5, 1030, and 1035, and Repeal Sections 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1032.7, 1032.8, 1032.9, 1032.10, 1033.1, 1034, and 1036.01 Regarding Applications for Dentist Licensure and Fees

Jodi Ortiz provided the report, which is available in the meeting materials.

Regarding the initial license fee proposal to move from \$400 to \$490, Board Member David asked when it was last raised. Ms. Schieldge responded that it has been more than a decade since the Board has raised any of the license application fees. She added the Board is required by the Department of Finance, which also reviews the Board’s regulatory proposals, to do either a fee study or a desk audit to justify any increase. She noted that was done by staff back in 2023 with rate calculators that were projections. She stated that now that Board staff have the actual numbers, Board staff revisited that calculator they used and used actual numbers. Use of the revised, updated staff hourly rate calculators are based upon the budget year in which these fees would probably be adopted, if approved at this meeting, and are therefore a more accurate calculation of the Board’s costs. Ms. Schieldge noted that number is actually \$10 lower than originally projected based on actual hourly rate calculators.

Secretary Larin inquired whether this fee increase is tied into the loan repayment. Ms. Schieldge was not sure if a license application fee increase would trigger repayment or if it would be the renewal fee that would trigger it; Board staff would need to get back to Secretary Larin on that. Ms. Schieldge added the Board is required by state policy and the State Administrative Manual to recover the actual costs for any service provided by the Board, which is why Board staff had to re-evaluate whether the application being updated would cause services to be more costly. She confirmed it is more expensive to process an application, and currently, the Board is absorbing this cost. The Board has the authority to increase the fee to recover those costs that the Board has been losing money on. The proposal would be to increase it to \$490 to recover the cost that the Board has been losing on the application.

Secretary Larin asked that when they say the loan has to be repaid when you have a fee increase like this, would it be because this fee is under the statutory fee cap authority. Ms. Schieldge responded that is something Board staff would have to work with the Budget Office to find out.

(M/S/C) (Larin/Medina) to rescind the Board's prior November 9, 2023 motion approving prior text for this item, and instead approve the proposed regulatory text in Attachment 1, including the repeal of the forms incorporated by reference in Attachments 2 through 6. I further direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as noticed for CCR, title 16, for amendments to sections 1021, 1028, 1028.4, 1028.5, 1030, and 1035, and for the repeal of sections 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1032.7, 1032.8, 1032.9, 1032.10, 1033.1, 1034, and 1036.01.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

At 12:11 p.m., the Board recessed for a break.

At 1:15 p.m., the Board reconvened.

Agenda Item 12: Licensing, Certifications, Permits, and Examinations

Agenda Item 12.a.: Update on Dental Licensure and Permit Statistics

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

Ms. Ortiz noted that moderate sedation permit holders who apply for an under seven pediatric endorsement are also approved for an under 13 pediatric endorsement.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 12.b.: Report on Commission on Dental Competency Assessment, Western Regional Examining Board, and Council of Interstate Testing Agencies (CDCA-WREB-CITA)

Dr. Guy Champaine, Senior Advisor to CDCA-WREB-CITA, provided a verbal report on their activities.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 13: Anesthesia and Sedation

Agenda Item 13.a.: General Anesthesia and Sedation Permits: Inspections and Evaluations Statistics

Jessica Olney provided the report, which is available in the meeting materials.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 13.b.: Discussion and Possible Action Regarding Appointment of General Anesthesia, Medical General Anesthesia, and Moderate Sedation Permit Evaluators

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

(M/S/C) (Felsenfeld/Yu) to appoint Dr. Karen Baghdasaryan as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/David) to appoint Dr. Amandeep Bhullar as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Medina) to appoint Dr. Devan Dalla as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: David.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Cheng) to appoint Dr. Eric Driver as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Olague) to appoint Dr. Mario Flores as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Chan) to appoint Dr. Hamed Javadi as an evaluator for the moderate sedation onsite inspection and evaluation program.

Yogita Thakur noted that Dr. Javadi's type of practice is dental public health and asked whether that is specialty training he has and how that qualifies him as an evaluator for general anesthesia. Vice President Felsenfeld responded that dental public health is a recognized specialty, and individuals can become board certified in it and be a dental public health dentist by training. He added it is not impossible that part of the training would include moderate sedation.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to appoint Dr. Anthony Lizano as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Cheng) to appoint Dr. Joseph Miller as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Olague) to appoint Dr. Omonlegbo Briana Ovbude as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.
Absent: None.
Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/David) to appoint Dr. Sireesha Penumetcha as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.
Nays: None.
Abstentions: None.
Absent: None.
Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to appoint Dr. Aarti Puri as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.
Nays: None.
Abstentions: None.
Absent: None.
Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Medina) to appoint Dr. Jose David Sanchez as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Cheng) to appoint Dr. Krikor Simonian as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Medina) to appoint Dr. Harjinder Singh as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Olague) to appoint Dr. James C. Standing as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to appoint Dr. Yusuke Suzuki as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Cheng) to appoint Dr. Ann Wei as an evaluator for the moderate sedation onsite inspection and evaluation program.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.
Abstentions: None.
Absent: None.
Recusals: None.

The motion passed.

Agenda Item 14: Enforcement

Agenda Item 14.a.: Presentation of “Attorney General’s Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies, Business and Professions Code Section 312.2, January 1, 2025”

Carl Sonne, Senior Assistant Attorney General, Office of the Attorney General (OAG), Department of Justice, provided a verbal update and presentation on the Attorney General’s Annual Report.

Board Member David asked what the Board can do to help drive continuous improvement in the measures that Mr. Sonne went over. Mr. Sonne responded that staffing is always an issue that he knows their clients are seeking, which is to have the adequate number of personnel to evaluate and investigate cases. He added that is not unique to the Board and is true for all agencies. Mr. Sonne stated that getting the very best can sometimes be a lot of effort. When the OAG hires and interact with client agency personnel, they are high quality people. When there is a retirement, it can take time to fill those positions. He noted all of the evaluators the Board approved in the prior agenda item and stated it is that type of work to make sure staffing is complete as best as you can do. He stated that really helps their work, seeing the client has all the resources it needs to send their cases to the OAG for evaluation.

Ms. Welch conveyed that the Board’s Deputy Attorney General (DAG) Liaison, Daniel McGee, is outstanding. She noted that Mr. McGee’s institutional knowledge of OAG and Board procedures is extremely helpful, especially when the Board goes through Executive Officer transitions. She added that his willingness to assist the client is also outstanding. She noted recent instances where Mr. McGee had to quickly pivot to represent the Board on an expeditious manner, and she appreciated his abilities and the assistance he provides to the Board.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 14.b.: Review of Statistics and Trends

Ryan Blonien provided the report, which is available in the meeting materials. Mr. Blonien expressed that Board staff is currently in the process of hiring two sworn peace officers and two special investigators.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 15: Substance Use Awareness

Agenda Item 15.a.: Diversion Program Report and Statistics

Ms. Bell provided the report, which is available in the meeting materials. Ms. Bell noted a correction to the table from the November 2024 Board meeting memorandum. The number of participants was incorrect, and this has been corrected in the current table. She added that as of January 1, 2025, the Board has a new program administrator, Premier Health Group.

President Chan requested public comment on this item. There were no public comments made on this item.

At 2:45 p.m., the Board recessed for a break.

At 3:01 p.m., the Board reconvened.

Agenda Item 16: Executive Officer Recruitment and Selection Process

Agenda Item 16.a.: Presentation from DCA, Office of Human Resources on Executive Officer Recruitment and Selection Process

Catherine Bachiller provided a verbal report on the EO recruitment and selection process.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 16.b.: Discussion and Possible Action on Process for Recruitment and Selection of an Executive Officer

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

Ms. Bachiller reported that Dr. Montez has reviewed the duty statement and recruitment announcement, and her edits have been incorporated. She added that the OHR has also reviewed the documents to bring standard language current.

Board Member David asked whether this is similar to how other health licensing boards do recruitments for executive officers. Ms. Bachiller responded that the process is essentially the same.

(M/S/C) (Chan/Felsenfeld) to delegate to the DCA Office of Human Resources the authority to advertise the position of Executive Officer and coordinate and set interviews of candidates for the position.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 16.c.: Review and Possible Action on Revised Executive Officer Duty Statement and Recruitment Announcement

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

(M/S/C) (Felsenfeld/Medina) to adopt the Executive Officer Duty Statement, as shown in the meeting packet.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Yu) to approve the Recruitment Announcement, as shown in the meeting packet.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, David, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 16.d.: Discussion and Possible Action on Appointment of an Executive Officer Selection Committee

President Chan recommended that he and Vice President Felsenfeld populate the Executive Officer Selection Committee.

Agenda Item 17: Recess Open Session Until February 7, 2025, at 8:30 a.m.

President Chan recessed Open Session at 3:17 p.m.

Agenda Item 18: Convene Closed Session

At 3:25 p.m., the Board convened Closed Session

Agenda Item 19: Pursuant to Government Code Section 11126(a)(1), the Board will Meet in Closed Session to Discuss and Take Possible Action on Appointment of an "Acting" or "Interim" Executive Officer

The Board convened in Closed Session to discuss and take possible action on the appointment of an Acting or Interim EO.

Agenda Item 20: Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

The Board convened in Closed Session to discuss disciplinary matters.

Agenda Item 21: Adjourn Closed Session

President Chan adjourned Closed Session at 4:35 p.m.

8:30 a.m., Friday, February 7, 2025

Agenda Item 22: Reconvene Open Session – Call to Order/Roll Call/Establishment of a Quorum

President Chan called the meeting to order at 8:35 a.m. Board Members Joni Forge, DDS, and Yogita Thakur, DDS, MS, participated remotely and confirmed there were no individuals 18 years of age or older present in the room at their remote locations in compliance with Government Code section 11123.2, subdivision (j)(4).

Secretary Larin called the roll; nine Board Members were present, and a quorum was established. Board Member David was absent.

Agenda Item 23: Board President's Report on Closed Session Items

President Chan provided a verbal report regarding Closed Session items. He reported that the Board voted to appoint an Interim Executive Officer effective on the retirement

date of the current Executive Officer. An announcement regarding who the appointed person is will be made after the confirmation of the satisfaction of all Executive Officer appointment requirements. Additionally, the Board voted to reject and submit a counteroffer to a stipulated settlement. The Board also voted to adopt a proposed decision, adopt a proposed decision with a reduced penalty, reject and remand a proposed decision, and grant a motion to vacate a default decision.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 24: Presentation from California Northstate University, College of Dental Medicine

Dr. Kevin Keating, Dean and Professor at California Northstate University (CNU), College of Dental Medicine (CDM), provided a verbal presentation on the status of accreditation and development of CNU CDM.

Vice President Felsenfeld noted the school has 180 chairs and 150 students and asked whether all of the clinical experiences are going on at the school or whether they are going out into the community into underserved areas to help fulfill some of their needs with the students getting that experience. Dr. Keating responded that to be able to go out into the community, you have to have a level of competence. Therefore, before they are there, they had to get to that phase before being released. CNU has its D4 cohort do eight weeks of community rotation, which is nonacademic and experiential learning where they do get frequency. Additionally, they are also doing volunteer programs and have been working with Adventist Health and going out to their church communities to provide free clinics, going around with Adventist Health using their D3s, D4s, and then D2s that can then come in and have reached a certain level of safety as they now are sharps trained.

Vice President Felsenfeld asked how many faculty members CNU has for its 150 students. Dr. Keating responded they have 68 faculty at the moment. Of the 12 specialties that exist, Vice President Felsenfeld asked how many of them are being taught by those specialists within the school. Dr. Keating responded that the Commission on Dental Accreditation (CODA) expectation is to have the expertise in order to do that. As CNU is a general dental program with no residencies, that does mean they have specialists teaching along with general dentists. He added that it is a challenge at all the colleges around the United States with shortages in the specialty category. However, they do have faculty that cover all the areas of expertise.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 25: Update, Discussion, and Possible Action on Legislative Proposals
Agenda Item 25.a.: Legislative Proposal to Amend Business and Professions Code (BPC) Section 1638.1 Regarding Elective Facial Cosmetic Surgery Permits

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

(M/S/C) (Felsenfeld/Yu) to approve for submission to the California State Legislature the legislative proposal to amend BPC section 1638.1 regarding elective facial cosmetic surgery permits.

President Chan requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David.

Recusals: None.

The motion passed.

Agenda Item 25.b.: Legislative Proposal to Amend BPC Sections 1725, 1750, and 1753.52, and Repeal BPC Sections 1754.5 and 1755 Regarding Dental Assisting Courses

Mr. Nelson provided the report, which is available in the meeting materials.

Ms. Welch reviewed the new legislative proposal handout and stated that regarding page 2, the proposed amendments to BPC section 1725 would insert a new subdivision (l), this new provision establishes Board approval application fees in the amount of \$300 for the interim therapeutic restoration (ITR) course. She added that at the moment, the ITR statute refers to the application fees established in regulation, but there is no such regulation establishing that fee. So that this ITR course can be quickly provided and approved by the Board, the fee would be set at \$300, which is consistent with all other application fees for these types of courses. She stated the fee was already contemplated in the new ITR statute, and Board staff is merely changing the citation to the statute instead of the regulation. This provision would also establish the approval application fee for the radiation safety and infection control courses added by Senate Bill (SB) 1453 and similarly set those fees at \$300. The radiation safety course and regulatory infection control course [application fees] are already established at \$300 in the regulation, and Board staff is merely establishing those fees in statute as these are effectively new courses. Ms. Welch stated that for the radiation safety course, Board staff is proposing amendments to that statute [BPC section 1754.5] with the intent of repealing the existing radiation safety course regulations, [CCR, title 16, sections] 1014 and 1014.1. If those regulations are ultimately repealed because the Board has done a good job of incorporating consumer protection measures into the statute, the regulation setting the \$300 fee for the existing radiation safety course would need to be in statute.

That is what this legislative proposal does. As far as the infection control course fee, that is going to be added here. Ms. Welch noted the infection control course in new BPC section 1755 applies only to certain individuals; it does not apply to certain RDA license applicants. Otherwise, those folks have to refer to the infection control course established in regulation. Because these are two different courses, the Board is going to establish a \$300 application fee for that BPC section 1755 infection control course. Regarding the amendments to BPC section 1753.52 on page 2, Ms. Welch conveyed that this is where the change would be made to no longer cite to a fee established in regulation for the ITR course as it currently does not exist in regulation. Instead, it would refer to BPC section 1725, so the ITR course approval application fee is in statute not regulation.

Regarding amendments to BPC section 1754.5 on page 7, Ms. Welch noted that Board staff is adding some additional clarifying language so that the Board, in lieu of conducting its own investigation regarding an application to offer a radiation safety course, could accept the findings of any commission or accreditation agency approved by the Board and adopt those findings as its own. She added that a lot of the changes contemplated in this statute were previously reviewed and approved by the Board in the dental assisting course rulemaking. She believed those materials are posted on the Board's August 2023 Board meeting. She voiced that this reflects the changes the Board previously reviewed and approved with the understanding that the dental assisting education program and course rulemaking is currently on hold pending revisions by the Board's Regulations Counsel. Ms. Welch stated the amendments are intended to reflect the modernization of those regulations previously requested by the Board. Ms. Welch noted the proposed amendments also establish laboratory and clinical instruction facility requirements, which are also modeled on the language previously approved by the Board for that dental assisting education program and course rulemaking. She stated that on page eight of the handout, the proposed amendments clarify what laboratory instruction is, and this language reflects what is currently the definition for laboratory instruction in regulation. Similarly, amendments would be made to clarify the meaning of clinical instruction based on the Board's existing regulatory definition for clinical instruction. On page nine, the amendments would establish some protocol for offering the didactic instruction portion of the course through electronic distance learning. This is intended to protect prospective students of the course so they are aware of the computer technology requirements to successfully complete the didactic instruction through electronic distance learning modalities and also provide them with technological assistance if they are having trouble connecting to the course. Ms. Welch noted this language would be inserted into the statute for student protection with the understanding that the Board is not an educational oversight entity; the Board is primarily a licensing and regulatory body. The language attempts to provide some protection for students taking these courses through electronic distance modalities.

Ms. Welch stated Board staff is also proposing to make some additional clarifying amendments in that section based upon existing regulation and/or the Board's

previously approved amendments to the regulatory provisions. On page 10 of the new proposal, the amendments to BPC section 1755 would better clarify this new infection control course statute made effective through SB 1453. The proposed amendments to subdivision (b) are intended to allow a dental assistant, who previously took or wants to take a Board-approved education program's infection control course currently authorized in regulation or an eight-hour infection control course currently authorized in regulation, to be able to use any of those infection control courses to satisfy this requirement under BPC section 1755, in effect grandfathering in those individuals who have already completed the infection control course. She noted that as it stands, BPC section 1755 sets up a new requirement for dental assistants to take a six-hour didactic and two-hour laboratory instruction course; courses taken through an education program or regulatory infection control course would not satisfy the new statutory requirement. The language is intended to accommodate dental assistants who have already completed the infection control course, so they are not waiting, trying to get access to the new eight-hour course of six hours of didactic instruction and two hours of laboratory instruction.

Additionally, the amendments on page 10 establish clarifying amendments for how to apply to offer the infection control course. Ms. Welch stated page 11 continues those clarifying amendments to establish the information that needs to be provided in the application. As these provisions related to the course director requirements are based on existing regulation, this would establish requirements for course documentation modeled on the regulations. Similar to the radiation safety control course protections for electronic delivery of instruction, the proposed amendments would add the same student protections for delivery of the infection control course electronically. She stated that page 12 better clarifies the didactic instruction requirements and establishes laboratory instruction requirements. On page 13, the amendments would require the student to pass a written examination reflecting the infection control course curriculum. In subdivision (d), the amendments would add an additional requirement for infection control course certificates of completion to state the statutory authority for which the course has been approved. This would assist Board staff in understanding how the individual satisfied the requirement for the infection control course under BPC section 1755, whether they satisfied the requirement by taking a course through an educational program, regulatory infection control course, or electronic course as established in BPC section 1755. The amendments in subdivision (e) would establish a process for Board approval, denial, or withdrawal. These amendments would also better direct the infection control course to what Board staff understands is the real need to get unlicensed dental assistants access to infection control courses now that SB 1453 amended BPC section 1750 to require an unlicensed dental assistant to take an infection control course before providing any dental services that involve infection control. She stated what Board staff has heard is dental offices in rural areas have limited access to the infection control courses provided by an education program and infection control courses offered under regulation. The purpose of BPC section 1755 was to provide better access to those rural communities through electronic delivery of the infection control course. Board staff have done what they can [in this proposal] to

maintain that electronic delivery for unlicensed dental assistants to assist dental offices in hiring individuals. For consumer protection purposes, the proposed amendments would remove the ability for only some RDA license pathway applicants to take the electronic infection control course while other RDA license pathway applicants are unable to fulfil the infection control course requirement utilizing the electronic course. She noted that RDAs have expanded duties above what unlicensed dental assistants can do. Board staff understand the real issue is electronic access for unlicensed dental assistants. The statute [BPC section 1755] unfortunately set up a situation where some RDA license applicants can take the electronic course but other license applicants have to take the course that includes clinical instruction. Board staff heard from stakeholders that clinical instruction better protects consumers because the students are receiving better information on exactly how to protect patients from infection. The amendments would direct the electronic courses solely to unlicensed dental assistants, so that all RDA license, orthodontic assistant, and dental sedation permit applicants would continue to take the eight-hour infection control course offered by an education program or infection control course provider under regulation, and all RDA license and permit applicants are better prepared, have better knowledge, and practical experience to protect dental patients from infection. It does not make sense to have some RDA license pathway applicants receive clinical instruction, while other RDA license pathway applicants can do it electronically [without clinical instruction]. Because of the information received from stakeholders that the real issue is improving access for unlicensed dental assistants to infection control courses, the amendments would direct the new electronic course to those individuals who have fewer duties involving infection.

Secretary Larin stated the [University of California, San Diego (UCSD)] Pre-Dental program is the biggest dental program in the country run by the pre-dental students offering four or five clinics around San Diego. She stated the UCSD Pre-Dental program students are worried about the eight-hour infection control [course], because these pre-dental students volunteer at those clinics and the students are not full-time [employees] but volunteer. The students are prepared for infection control; they get two hours of infection control training, OSHA training, and basic dental assisting training. The pre-dental students want to know if the eight-hour infection control [course requirement] applies to them. Secretary Larin told them the requirement would apply to the pre-dental students. The pre-dental students think the course requirement would be a burden for them because of the cost. Secretary Larin wondered if the Board could at some point create an online course or something that would not cost as much. The pre-dental students said the course requirement would be prohibitive and they would not be able to volunteer. Secretary Larin noted this issue probably applies in other volunteer situations, such as CDA Cares.

Tina Vallery responded that the hard part is that in those situations, it is unclear to Board staff if they are working in their capacity as a student under a dental program or if they are working as just strictly a volunteer and what duties they are performing. She voiced that this infection control course is required strictly for those working as an unlicensed dental assistant, and therefore they would be performing the duties of an

unlicensed dental assistant. Ms. Vallery indicated that she is unsure where these students or volunteers fall under. If they are performing the duties of an unlicensed dental assistant and working just strictly as a volunteer, then this course technically would apply to them. She suggested that if those organizations reach out, she can provide some guidance.

Ms. Welch believed it was important to discuss the legislative proposal in the meeting materials. She said initially Board staff were talking with stakeholders, after the November meeting presentation on the practical and implementation problems with BPC section 1755. After the stakeholder conversations, Board staff tried to figure out how to amend the radiation safety and infection control course statutes [BPC sections 1754.5 and 1755]. Board staff thought about the limitations of the Board in coming up appropriate educational course requirements. She acknowledged the urgent issue with BPC section 1755, which is in effect, and noted that as explained during the November meeting, Board staff is unable to implement BPC section 1755 because there are no implementing regulations for that statute. That process is going to take years and involves the dental assisting education program and course rulemaking that the Board has been working on for years and continues to be on hold. Ms. Welch noted the Board is receiving a lot of communication from practitioners on how to comply with the new law. To quickly resolve the issues, it seemed best to repeal the radiation safety and infection control course statutes; that way, existing regulations [for those courses] would continue to control while Board staff worked with stakeholders to flesh out the issues with the understanding that unlicensed dental assistants need access to the courses. Following additional conversations the week of this Board meeting, Board staff understood the Legislature has just created these two new statutes, so it would be better to flesh out the existing statutes with appropriate revisions to resolve the Board's concerns and maintain electronic delivery of the infection control course. These are the reasons why Board staff is recommending the Board approve the legislative proposal distributed on Wednesday [handout].

President Chan clarified the issue for the Board is whether to repeal the statutes or amend them. Ms. Welch noted that Option 1 in the meeting materials does not reflect the new legislative proposal distributed on Wednesday. She stated if the Board desires to move the new legislative proposal with amendments to BPC sections 1754.5 and 1755, but no amendments to BPC section 1750, Ms. Welch could provide that motion language. But if the Board desires to move the legislative proposal in the meeting materials to repeal BPC sections 1754.5 and 1755, that motion is reflect on page 353 of the meeting materials [Option 1].

Ms. Welch also clarified the amendments in the first legislative proposal to BPC section 1750 would have delayed the requirement for unlicensed dental assistants to complete the infection control course within 60 days of hiring. Board staff offered that amendment because stakeholders said if the Board tried to resolve the implementation issues with the radiation safety and infection control course statutes by repealing the statutes, and then work on better fixes to the statutes, then practitioners needed a way to access the

courses and would need a delay of implementation. So, Board staff initially recommended changes to BPC section 1750 to respond to that concern, but since the new recommendation from Board staff is to amend the radiation safety and infection control statutes [BPC sections 1754.5 and 1755], so that process would be completed this year rather than in a year or two, Board staff believe changes to BPC section 1750 are no longer necessary to respond to the [delayed implementation] concern. She also noted the Legislature has already determined that unlicensed dental assistants need to take the infection control course prior to performing basic supportive services on patients involving infectious material.

Dr. Forge requested information on delay for implementation for clinicians and unlicensed dental assistants, and since some of the provisions moot each other, is it better to work on amending or repealing the statutes. Ms. Welch responded Board staff received information that the preference is to amend the existing statutes rather than repealing the statutes that were just made effective and confirmed that amending the statutes would mean the Board moving the new legislative proposal to the Legislature.

Dr. Felsenfeld inquired which of the two proposals would be more facilitating of getting people doing things appropriately. He noted Ms. Welch said one of the proposals would be faster than the other, but he needed clarification on the proposals. Ms. Welch responded that in terms of success and efficiency, the new legislative proposal likely will have better success at the Legislature. She understood there may be some additional things to work out; the Board could authorize its Executive Committee to work with stakeholders and the Legislature to resolve any issues that come up on the legislative proposal. She stated that for efficiency and to resolve the concerns quickly, but also move something that likely will have a greater success, that would be the new proposal. Mr. Nelson also noted the new legislative proposal was recommended by the DAC to the Board.

(M/S/C) (Cheng/Felsenfeld) to approve the recommendation for submission to the California State Legislature the legislative proposal to amend Business and Professions Code sections 1725, 1753.52, 1754.5, and 1755 regarding dental assisting courses, and authorize the Executive Committee to work with the Legislature and stakeholders to resolve any concerns with the legislative proposal.

Secretary Larin inquired whether the legislative proposal would include the amendment for the extension of the period for implementation. Ms. Welch responded no and explained that if [the implementation] is still a problem, stakeholders who raised that concern can work with the Legislature to make that change. She did not recommend that change because it is existing law and Board staff was only trying to accommodate the concern raised in response to the initial recommendation to repeal [BPC sections 1754.5 and 1755]. The new direction is to better resolve the issues by amending [BPC sections 1754.5 and 1755]. At this point, she did not know what would be the Board's justification for proposing the [delayed implementation] amendment to BPC section 1750.

President Chan requested public comment before the Board acted on the motion. The Board received public comment.

Melodi Randolph, representing the Alliance, stated that overall, with the compromises that have gone back and forth with CDA, the Alliance believes the new recommendation is the best compromise and achieves the best of what needs to be achieved. She communicated they are encouraged by the changes in [the new legislative proposal] and the delineation between the virtual being only for unlicensed dental assistants and the existing eight-hour infection control for anyone seeking licensure. She stated that was a great improvement. She pointed out that BPC section 1754.5 on the radiation safety courses is not addressing any information on who the qualifications for the director or the faculty and is in the infection control course [statute amendments]. She believes that needs to be added, and vice versa, BPC section 1754.5(c) regarding the re-evaluation process is in the X-ray [statute] but not in the infection control [course amendments]. She noted that if the Board is trying to make these courses reflective and include the same information, then that needs to be reviewed. Ms. Randolph added that the tone of BPC section 1754.5(e), on page 8 of the handout, where it says “supervised experience performing procedures using study models “and then again in the last sentence “supervised experience in performing procedures,” suggests that the student is doing this on their own with supervision. She noted there is general supervision for X-rays, so the doctor does not even have to be in the building. Ms. Randolph suggested that the word “experience” should be changed to “instruction” as this is a class, and it should be instruction. Additionally, Ms. Randolph voiced they agree with not including the allowance for 60 days to get the virtual course done. She reiterated that if an eight-hour virtual course is approved, the person could be hired on Monday, complete the virtual course on Tuesday, and begin working on Wednesday.

Ms. Zokaie, representing CDA, stated she is thankful for diving into this significant concern for CDA members. As she shared at the DAC meeting the day before, CDA is seeing a 25% increase in concerns related just to this issue. While there are no proposed amendments in the legislative proposal to BPC section 1750(c), it is part of the agenda item, and that is where it talks about the course needing to be taken before exposure to blood and saliva. CDA strongly recommends amending that language to 90 days. One of the reasons for this is that they heard from their members that when they hire someone to be an unlicensed dental assistant, there is not a course available, and while there is language about an online course being acceptable, currently one does not exist. The reality at this time is the language is inaccessible because before exposure to blood and saliva, especially in rural areas which is the most necessary area to have these unlicensed dental assistants working and helping support patients and the dental offices. If [the dental assistants] are not able to take the course, they cannot start. CDA asks the Board to consider amending BPC section 1750(c) to 90 days and provide guidance to dentist employers who are unable to get new unlicensed dental assistants enrolled in a course in a timely manner. She explained if there is not a course available, if they have looked and are in an area where an in-person course is not available, how can they

document that they are not able to take a course and there is not a course close enough to the practice or where the employee lives to take the course. CDA would appreciate guidance on what to tell their dentists who are hiring unlicensed dental assistants and want them to work and protect patient safety.

Dr. Whitcher echoed Ms. Zokaie's comments and added that everyone who has been in clinical practice understand there has to be an onboarding interval where new hires are brought on; they are not just turned loose, or at least they should not be. They are paired up with an experienced assistant who shows them around. At the end of the point where they have reached some degree of competency, then they get sent off for training at that point, because this represents a significant investment, both in their time and the employer's time and money. Dr. Whitcher voiced there needs to be this delayed implementation. From a practical standpoint, to have an abrupt entry point where you are not eligible to do anything until you take this course, he believes is going to cause problems.

William Kushner, representing California AGD as well as Academy General Dentistry as a Regional Director, conveyed they support properly trained staff, including dental assistants and non-licensed dental assistants, for their safety. However, he believes for their members this is a challenge with getting enough of those staff members trained properly to meet the criteria of the legislation timely. He agreed with CDA with respect to extending that time frame to 90 days. Speaking as an individual, regarding the legislation of BPC section 1755, he would like to see some changes with respect to the American Society for Testing and Materials (ASTM) mask levels and use of respiratory protection as part of a respiratory protection plan included in that training.

Ms. Becker, representing the Alliance, concurred with Ms. Randolph's previous comments and reminded everyone that the DAC brought this forward at their meeting, and that was proposed and brought forward. She added the unlicensed dental assistant has needed to be trained in an infection control course since January 1, 2010, and that that allowed 120 days of employment and gave the employer 12 months to get their dental assistants in compliance. Ms. Becker expressed they see a lot of unlicensed dental assistants, who have been currently practicing and have not been compliant with [the infection control course requirement, come through and take their courses.

Ms. Canham concurred with Ms. Randolph and Ms. Becker with regard to the availability of the courses and the fact that dentists have known since 2010 that their unlicensed dental assistants need to take this eight-hour infection control course. When dentists take their DPA course biannually to renew their license, their memory is refreshed of this requirement. She added there has been knowledge out there, and it has been in existing law since 2010. Ms. Canham noted the other thing that would make it more easily accessible to dentists is the list of 170 providers of the eight-hour infection control course, and the PDF on the Board's website does not delineate between the standalone programs and the dental assisting programs that only offer this eight-hour infection control course to their own students. She recommended that when the new provider list is made

available, there is some information that helps to direct dental assistants to which is a standalone program and which is not.

Dr. Montez reminded the Board this legislative proposal is an alternative being brought to the Board in response to stakeholder comment and is in addition to what was seen in the Board meeting packet. The intent of this proposal is to clarify certain sections that would allow the Board to implement this provision of its Sunset bill that the Board clearly stated at its November meeting it could not do. She conveyed Board staff recognize that all of the details may still need some regulatory work. She reiterated in response to stakeholder concerns, this was the most immediate and best approach to take at this time, and the intent here is not to vet it and change it but rather to do that as this proposal goes through the legislative process and/or through the regulatory process. Dr. Montez added Board staff is trying to recognize the intent here was for a virtual option of this course, as well as it being taken immediately for unlicensed dental assistants; those were the key public or consumer patient protections. She stated comments can continue to be included as the proposal works through the process, but the goal at this meeting was not to pick apart each section or element of that to stay true to what the Legislature approved in SB 1453, which was echoed by Ms. Randolph and Ms. Welch. She encouraged the Board to consider that the DAC recommended the Board approve the proposal as presented.

President Chan called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Cheng, Felsenfeld, Forge, Larin, Medina, Olague, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David.

Recusals: None.

The motion passed.

Agenda Item 26: Update, Discussion, and Possible Action on Legislation Impacting the Board, DCA, and/or the Dental Profession

Agenda Item 26.a.: 2025 Tentative Legislative Calendar – Information Only

Mr. Nelson provided an overview of the 2025 Tentative Legislative Calendar, which is available in the meeting materials.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 26.b.: Legislation of Interest

Mr. Nelson provided the report, which is available in the meeting materials.

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 27: Public Comment on Future Agenda Items

President Chan requested public comment on this item. There were no public comments made on this item.

Agenda Item 28: Adjournment

President Chan adjourned the meeting at 10:12 a.m.

*Agenda item heard out of order; the meeting minutes reflect the order of business as noticed in the Board meeting Agenda