



## DENTAL BOARD OF CALIFORNIA

1432 HOWE AVENUE, SUITE 85, SACRAMENTO, CA 95825-3241  
TELEPHONE: (916) 263-2300  
FAX: (916) 263-2140  
www.dbc.ca.gov



Embassy Suites La Jolla  
4550 La Jolla Village Drive  
San Diego, CA

### January 28, 2005 Board Meeting Minutes

The meeting convened at 8:50 am. Roll was taken and a quorum established.

#### Members Present:

Newton Gordon, DDS  
George SooHoo, DDS  
David Baron, Public  
Kevin Biggers, Public  
Lawrence Hundley, DDS  
Alan Kaye, DDS  
Patricia Osuna, RDH  
Kamran Sahabi, DDS  
Chester Yokoyama, DDS

#### Members Absent:

La Donna Drury-Klein, RDA  
Brandon Hernandez, Public

#### Agenda Item 1 - Approval of Minutes:

It was m/s/c (Biggers/Kaye) to approve the minutes of the November 5, 2004 board meeting with the following amendments:

As part of the Executive Officer's Report, Ms. Cynthia Gatlin reported she had the opportunity to visit Dr. Terlet's clinic in the Fruitvale area in Oakland, CA.

Agenda Item 9.4 – Ms. Osuna's motion was to set the fee at \$475.

#### Agenda Item 2 - President's Report:

- Dr. Gordon gave kudos and congratulations to the outgoing members.
  - Dr. Richard Benveniste for his significant contribution to the DMFS.
  - Mr. Michael Pinkerton for his contributions in Legislation as well as Enforcement. Mr. Pinkerton has accepted a position with the Office of Attorney General.
  - Dr. Ariane Terlet who did a yeoman's job for the Dental Board. Her input was tremendous and it goes along for the protection of consumers.
- Dr. Gordon discussed the plan proposed by Governor Arnold Schwarzenegger to eliminate boards.
- Dr. Gordon discussed the growing concern about the validity of the dental examination.

- Dr. Gordon appointed Dr. Alan Kaye as chair of the Legislative Committee and as a member of the Licensing and Permits Ad-Hoc Committee.
- Dr. Gordon thanked Ms. Norine Marks for her hard work and dedication as the Legal Counsel for the board. Ms. LaVonne Powell will be rejoining the board as Legal Counsel.

### Agenda Item 3 – Executive Officer’s Report:

Ms. Cynthia Gatlin gave a brief overview of the Executive Officer’s Report provided in the board packet.

- Ms. Gatlin informed the board of the General Anesthesia Evaluator Training that will be held March 2, 2005 in Costa Mesa and March 9, 2005 in San Jose. The March 10-11, 2005 board meeting will be held in San Jose, CA in conjunction with the Evaluator Training. By doing so, the board will save approximately \$900.
- Staff is working with the Communication and Education Division to have the newsletter online by April 2005.
- Staff is also working to redesign the Dental Board’s website to make it more user friendly.
- Ms. Gatlin asked the board to consider adding a strategic planning session to one of the scheduled board meetings in the fall.
- Ms. Gatlin informed the board that the American Association of Dental Examiners Annual Meeting will take place March 20-22, 2005 in Chicago, IL. Dr. SooHoo will be attending as the California representative.

### Agenda Item 4 – Budget Report

Assistant Executive Officer, Mr. Richard DeCuir provided a brief overview of the current budget and expenditures.

### Agenda Item 5 –Diversion Evaluation Committee Liaison Report

The 4<sup>th</sup> Quarter Statistics for the Diversion Program was provided as information only.

### Agenda Item 6- COMDA Report

#### 6.1 – Approval of RDA Educational Programs and Radiation Safety Courses

COMDA Chair, Ms. Shanda Wallace, requested approval of the following Pit and Fissure Sealant Courses:

Dental Professionals of California/ Barbara Blade, RDAEF  
 J Productions, Dental Seminar/ Joan Greenfield, RDAEF  
 Sacramento City College

It was m/s/c (Osuna/Biggers) to approve the above courses contingent upon the effectiveness of the regulation as written and re-reviewed if there are any substantive changes to the regulation.

#### 6.2 – Adoption of Text: 16 CCR § 1014 and 1014.1

COMDA Chair, Ms. Shanda Wallace, recommended adoption of the modified text and issue a 15-day notice. The changes were identified in bold to address concerns from the Department of Consumer Affairs.

Dr. Earl Johnson expressed his concern about new material being brought before the board at the last minute and not being allowed to review the changes and prepare comments.

It was m/s/c (Osuna/Biggers) to approve the modified text for a 15-day notice and delegate to the Executive Officer the authority to adopt the regulation if there are no negative comments received within that time period.

#### 6.3 – Approval of Dental School Courses for Soft Tissue Curettage, Local Anesthetic and Nitrous Oxide

COMDA Chair, Ms. Shanda Wallace requested this item be tabled.

### Agenda Item 7 – Dental Hygiene Prescription Ad Hoc Committee Report

Mr. Biggers requested the following report be part of the official minutes:

“Let me first say that I have been very honored to have chaired this Prescription Ad Hoc Committee. I have found it very fascinating and enlightening to learn so much about Dental Hygiene and all of its characteristics involved in the profession of the Dental Hygienists in Alternative Practice.

I would like to, on behalf of RDHAP’s in California, request from the board the removal of the prescription requirement from a licensed dentist or a physician /surgeon in order to perform services to the state’s most vulnerable patients.

There are many people in the state that do not have a dentist or physician, making it virtually impossible for them to get a prescription. Also, doctors and dentists are not often prompt in responding to an AP’s request for a prescription to provide Dental Hygiene services for patients they do not know, thus leaving the patient with no dental care at all.

In California, approximately 3 million residents suffer from a lack of access to care. This number is startling. Californians must have the ability to get basic Dental Hygiene care without having the extra burden of going to a dentist / physician /surgeon to obtain a prescription for this care. The prescription requirement is a barrier which affects the entire industry. Lifting the requirement will allow for Californians in need of dental

hygiene services to receive services promptly. It will also enhance the dental profession as a whole because of the hundreds of referrals dentists will receive from RDHAP's due to the limited scope of practice which allows only the performance of duties under their license scope of practice.

Under the Health Manpower Pilot Project, it is well noted and documented that for 16 years, there has been absolutely no documented evidence showing harm to the public. For 16 years, the pilot project has lived up to its expectations mandated by the state and therefore the prescription requirement should be removed. I can say as a public member of this board, protecting the public is my number one reason for being here. By lifting this requirement, I firmly believe the public safety aspect is in tact. RDHAP's are licensed professionals who deserve the opportunity to get out from under the cloud of having to plead with a dentist or doctor or negotiate with a professional association to allow them to perform their duties under their scope of practice.

In the past year as a board member, I have seen countless dentists who have done harm to the public. In the past year, I have yet to see one RDHAP up for disciplinary action. This tells me that RDHAP's take their profession seriously, and can be trusted to perform their duties in a safe and appropriate manner.

I trust the board has taken the time to read all of the letters the RDHAP's have sent to us, that each of you feel the passion these professionals hold in regards to being able to give care, listened to them at the November meeting in Sacramento and understand that they are committed to doing what they love to do while following the requirements of their scope of practice.

State Law has given enabling legislation to RDHAP's under the Business and Profession Code. RDHAP's are empowered to perform under their scope of practice and it serves the state well to have RDHAP's perform their services in underserved communities, as well as for home bounds, nursing homes, and assisted living arrangements. It is a win-win for the citizens of our state. Those who oppose this action are in my opinion keeping the interest of public health from being met. This is an opportunity for a dentist to have a real partnership with RDHAP's instead of a subordinate type relationship that continues to build barriers.

After studying this particular item for the past few months, I am positive that public safeguards are in place and the people of the state of California are in good hands.

Thank you for your participation on this committee.

I move to recommend removal of the RDHAP prescription requirement. Is there a second?"

Mr. Kevin Biggers recommended the board's support of COMDA seeking a legislative change to have the prescription requirement uplifted.

It was voted 5/4 not support the recommendation of the committee.

COMDA Chair, Ms. Shanda Wallace requested a letter of justification for denial of support on this issue.

## Agenda Item 8 - Foreign Dental School Ad Hoc Committee Report

Committee Chair, Dr. George SooHoo reported on the following actions:

- 8.1 The minutes of the November 4, 2004 were approved as written.
- 8.2 Mr. Richard DeCuir gave a brief update on the trip to Manipal, India. The funds in the amount of \$23,500 has been deposited in a special account. Tentative dates in April were provided by the school. Mr. DeCuir requested additional dates later in the year be submitted. Once the board makes its final selection for the on-site team, visas will be processed. The request for an Out of Country Trip will not be forwarded to the Governor's Office until the final member of the on-site team has been selected.

It was m/s/c (Kaye/Hundley) to accept the report as presented.

## Agenda Item 9 – Examination Committee Report

Committee Chair, Dr. George SooHoo reported on the following actions:

- 9.1 The minutes of the November 4, 2004 were approved with amendments.
- 9.2 Proposed Infection Control Policy for Exams was tabled.
- 9.3 Discussion on Use of Minor Patients for Exams was also tabled.
- 9.4 Statistics for the Restorative Technique Exam were provided as information only.
- 9.5 COMDA Statistics were provided as information only.
- 9.6 The Western Regional Examination Board (WREB) Regulation was set for hearing.

Public Comments were given by Ms. JoAnn Galliano, Ms. Cathy Mudge, Dr. Bonnie Morehead, Dr. Earl Johnson, and Ms. Gladys Mitchell.

It was m/s/c to accept the report.

## Agenda Item 10 – Legislative Committee Report

Mr. Richard Decuir reported on the following actions:

- 10.1 Board staff prepared the following legislative proposals for review by the Legislative and Regulatory Review Division within the Department of Consumer Affairs for possible inclusion in Department legislation. However, the Department did not feel that these proposals were appropriate for the Administration to carry.

- 1) Use of Oral Conscious Sedation for Adult Patients;
- 2) Modification to existing laws which would allow the Board to charge either a felony or a misdemeanor for the unlicensed practice of dentistry;
- 3) Modifying existing law to allow the Board to require remedial education where a dentist has had 2 complaints of negligence within three years

10.2 Update on pending regulations - The following regulations will be heard at 1:30pm:

- 1070.4 – Approval of Coronal Polishing Courses
- 1070.5 – Approval of Ultrasonic Scaling Courses
- 1070.6 and 1070.7 – Teaching Methodology
- 1043 – General Anesthesia and Conscious Sedation
- 1044 – Oral Conscious Sedation (in minor patients)
- 1064 – Acupuncture Training.

The following are in various stages of the regulatory process:

- 1005 – Infection Control Guidelines
- 1041 – Restorative Technique Examination
- 1070.3 – Pit and Fissure Sealant Approved Courses
- 1016/1017 – Continuing Education
- 1014 – Radiation Safety Approved Courses
- 1021 – Increase of Fees for Conscious Sedation Permit

It was m/s/c (Baron/SooHoo) to accept the report as presented.

## Agenda Item 11 – Licensing Committee Report

Dr. Alan Kaye reported on the following actions:

- 11.1 The minutes of the November 4, 2004 meeting were approved with amendments.
- 11.2 An Extramural Facility for Baldy View Regional Occupational Program was approved.
- 11.3 Statistics for Licensure by Credential programs were provided as information only.
- 11.4 Issuance of a New License to Replace a Cancelled License for Dr. Earl Clark was denied.

It was m/s/c (Yokoyama/SooHoo) to accept the report as presented.

## Agenda Item 12 – Exam Appeals Committee Report

Committee Chair, Dr. Lawrence Hundley reported the following actions:

1027 – granted  
984 – granted  
1150 – granted  
1199 – denied

It was m/s/c (Hundley/Yokoyama) to accept the report.

## Agenda Item 13 – Relationship Between American Dental Association and American Association of Dental Examiners

On behalf of Consumers for Dental Choice, Mr. Kevin Biggers requested the board to submit a letter requesting the AADE to break all financial ties with ADA within 6 months. Ms. Tricia Osuna informed the board that speaking with officers and members of AADE two years ago, that the AADE does not want to be housed with ADA. Their lease is up soon and they are looking to move.

It m/s/c (Osuna/Biggers) that a letter from the Dental Board of California go to AADE supporting their incorporation with the American Association of Dental Exams.

### Public Comment:

Ms. Nancy Hall of Department of Consumer Affairs Board Relations answered questions regarding the Governor's Plan to eliminate boards.

### Regulatory Hearings:

The following hearings were held at 1:45 pm:

§ 1043 – General Anesthesia and Oral Conscious Sedation  
§ 1044 – Oral Conscious Sedation in Minor Patients  
§ 1064 – Acupuncture Training  
§ 1070.4 –Approval of Coronal Polishing Courses  
§ 1070.5 –Approval of Ultrasonic Scaling Courses  
§ 1070.6 –Teaching Methodology

The meeting was adjourned at 4:00 pm.



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Examination Committee Meeting  
January 27, 2005  
San Diego, CA

### Minutes

**Members Present:**

George SooHoo, DDS, Chair  
Newton Gordon, DDS  
Alan Kaye, DDS  
Chester Yokoyama, DDS

**Member Absent:**

LaDonna Drury-Klein, RDA

**Staff Present:**

Cynthia Gatlin, Executive Officer  
Gladys Mitchell, Staff Manager  
La Rita Abdul-Rahman, Secretary  
Norine Marks, Legal Counsel  
LaVonne Powell, Legal Counsel

The meeting was called to order at 1:45pm. All members of the committee except for Ms. Klein were present and a quorum was established.

AGENDA ITEM 9.1 - The minutes of the November 5, 2004 were approved with the following amendments:

14.7 – states that Ms. Mitchell will be working with Legal on establishing a ~~Parental Consent Policy~~. Ms. Marks clarified that the issue is much broader than developing a parental consent form. The policy is for the Use of Minor Patients for Exams.

It was m/s/c (Kaye/Gordon).

AGENDA ITEM 9.2 – Proposed Infection Control Policy for Exams

Ms. La Donna Drury-Klein requested this agenda item be tabled until the March 2005 meeting.

### AGENDA ITEM 9.3 – Discussion on Use of Minor Patients

This issue was tabled until the March 2005 meeting in order to allow staff to discuss with the board's new legal counsel.

### AGENDA ITEM 9.4 – Dental Exam Statistics

The Pass/Fail Statistics for the November 13<sup>th</sup> and 14<sup>th</sup>, 2004 Restorative Technique Exam were provided as information only.

### AGENDA ITEM 9.5 – Auxiliary Exam Statistics

The historical examination statistics for each of the auxiliary examination programs were provided as information only.

Dr. Gordon requested the Committee on Dental Auxiliaries (COMDA) provide the committee with a report as to the underline reasons for the low pass rates. Ms. Karen Wyant, Executive Officer of COMDA, informed the committee that a report was submitted last year stating some of the underline reasons for the failure rate, but to come up with a definitive reason would be very difficult. COMDA has ensured that their exams are valid, the examiners are extremely well trained, and that the exams are consistent and fair.

Ms. JoAnn Galliano expressed her concern with Dr. Gordon's request. She stated that the dental exam statistics are just as low as the auxiliaries and that the committee should be looking at the reason for low pass rates across the board and not just for auxiliaries.

Ms. Cathy Mudge representing the California Dental Association (CDA) believes Dr. Gordon asked a fair question. The passage rate for dental exams and the hygienists exam have gone up. Looking at the RDA's pass rate, you have to ask some simple questions, i.e., why is it that only half of the candidates are passing exam. Is it the quality of the candidates? Is it the quality of the exam? Or is it something else. We would like to see as many RDAs pass the exam as possible.

AGENDA ITEM 9.6 – Review of Western Regional Examination Board (WREB) Regulation

Ms. Cynthia Gatlin informed the committee of the status of the Occupational Analysis that is being conducted by the Office of Examination Resources (OER) as part of SB 1865. To date, OER has conducted approximately 12 interviews with dentists practicing in CA. The OER anticipates conducting a total of 20 interviews by the end of January. The next phase is to conduct workshop-style meetings to review the background information collected. The OER is presently recruiting subject matter experts (licensed dentists) to participate in these workshops.

Mr. Richard Decuir explained the fee estimates for WREB candidates to apply for CA Dental License and the CA Law and Ethics exam.

It was m/s/c (Gordon/Kaye) to set for regulatory hearing.

Public Comments were given by Ms. JoAnn Galliano of CDHA, Ms. Cathy Mudge of CDA, Dr. Bonnie Morehead, Dr. Earl Johnson, and Ms. Gladys Mitchell.

The meeting adjourned at 2:40 pm.



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Special Licenses and Permits Committee Meeting  
Thursday, January 27, 2005  
San Diego, CA

**Minutes**

**Members Present:**

Alan Kaye, DDS  
George SooHoo, DDS

**Member Absent:**

LaDonna Drury-Klein, RDA, Chair

**Staff Present:**

Cynthia Gatlin, Executive Officer  
La Rita Abdul-Rahman, Secretary  
Lynn Thornton, Enforcement Chief  
Alan Mangels, DAG  
Norine Marks, Legal Counsel  
LaVonne Powell, Legal Counsel

The meeting was called to order at 3:15 pm. All members of the committee were present except Ms. La Donna Drury-Klein. A quorum was established.

AGENDA ITEM 11.1 – The minutes of the November 4, 2004 meeting were approved with the following amendment:

Agenda Item 12.4 -It was m/s/c (Terlet/Gordon) to deny the replacement license to Monica M. Dubkoff, RDA because she has not established that she was qualified.

It was m/s/c (SooHoo/Kaye) to approve.

AGENDA ITEM 11.2 -Approval of Extramural Facility

Loma Linda University requested approval of the following Extramural Facility:

Baldy View Occupational Program  
8265 Aspen Ave, Suite 100  
Rancho Cucamonga, CA 91730

It was m/s/c (SooHoo/Kaye) to approve.

AGENDA ITEM 11.3 – Licensure by Credential (LBC) Statistics

The LBC statistics were provided as information only for January 1, 2003 through December 31, 2004 for Dentists and RDHs.

No public comments were given and the Committee convened in closed session as authorized by Government Code § 11126(c)(2).

AGENDA ITEM 11.4 – Issuance of a New License to Replace a Cancelled License

It was m/s/c (SooHoo/Kaye) to deny the issuance of a replacement license to Dr. Earl Clark.



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Foreign Dental School Ad-hoc Committee Meeting  
Thursday, January 27, 2005  
San Diego, CA

### **Minutes**

**Members Present:**

George SooHoo, DDS - Chair  
Kamran Sahabi, DDS

**Member Absent:**

Brandon Hernandez, Public

**Staff Present:**

Cynthia Gatlin, Executive Officer  
La Rita Abdul-Rahman, Secretary  
Lynn Thornton, Enforcement Chief  
Alan Mangels, DAG  
Norine Marks, Legal Counsel  
LaVonne Powell, Legal Counsel

The meeting was called to order at 1:05 pm. All members of the committee were present except Mr. Brandon Hernandez. A quorum was established.

AGENDA ITEM 8.1 - The minutes of the November 4, 2004 meeting were approved as written.

AGENDA ITEM 8.2 – Update on Trip to College of Dental Surgery, Manipal, India

Mr. Richard DeCuir gave a brief update on the trip to Manipal, India. The funds in the amount of \$23,500 has been deposited in a special account. Tentative dates in April were provided by the school. Mr. DeCuir requested additional dates later in the year be submitted. Once the board makes its final selection for the on-site team, visas will be processed. The request for an Out of Country Trip will not be forwarded to the Governor's Office until the final member of the on-site team has been selected.

**PUBLIC COMMENT;**

Dr. Ariane Terlet provided clarification of who was appointed to the On-site and Technical Advisory Group teams. She has a list of names of other people available to participate.

The meeting adjourned at 1:20 pm.