

**DENTAL BOARD OF CALIFORNIA**

1432 HOWE AVENUE, SUITE 85, SACRAMENTO, CA 95825-3241
TELEPHONE: (916) 263-2300
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**Minutes of the Meeting of the Full Board
August 19, 2005**

**Double Tree Hotel
835 Airport Blvd., Burlingame
650-344-5500**

Present

Newton Gordon, DDS
Lawrence Hundley, DDS
Alan Kaye, DDS
Patricia Osuna, RDH
Harriet Seldin, DMD
George SooHoo, DDS

Absent

David Baron, Public
Kevin Biggers, Public
Brandon Hernandez, Public
Kamran Sahabi, DDS
Lewis Turchi, DDS

Staff Present

Georgetta C.-Griffith, Interim Executive Officer
Richard DeCuir, Assistant Executive Officer
Alan Mangels, Attorney General Liaison
Greg Salute, Deputy Attorney General
LaVonne Powell, Legal Counsel
Anita Dowty, Board Staff

Dr. Gordon called the meeting to order at 1:10 p.m. and took roll, establishing that those members present would be acting as a committee of the Board due to lack of a quorum.

Agenda Item 1 - Approval of Minutes: The following corrections need to be made to the minutes of the meeting held May 5, 2005:

Page 2, insert "not" into last line of first paragraph so it reads "...assure we are not putting incompetent dentists into the market place."

Page 2, third paragraph, correct the name of the organization to which Dr. Kaye has been appointed as a member of their Board of Directors. The organization is the American Dental Society of Anesthesiology.

After correcting, the minutes will be brought back to a future meeting for approval.

Agenda Item 2 - President's Report Dr. Gordon announced two new appointments to the Board, Dr. Harriet Seldin and Dr. Lewis Turchi. He said Dr. Chester Yokahama and LaDonna Drury-Klein are no longer on the Board and he expressed his appreciation for the contributions they had made.

Regarding the search for an Executive Officer, he said the process, which involved 30 applicants, resulted in two being interviewed earlier today. The Board expects a quorum at the meeting scheduled for August 31st, and the Board's selection will be forwarded to the Department for approval.

Dr. Gordon commended Dr. SooHoo for his concerns and efforts in the examinations, and said the exam must be very fair, based upon the few exam appeals that are received.

Agenda Item 3 - Interim Executive Officer Report Georgetta Coleman-Griffith reported on the Dental Loan Repayment Program. She said that although implementation had been delayed, applications are now being reviewed in anticipation of the first pay outs in October.

Agenda Item 4.1 - End-of-Year Fiscal Report Assistant Executive Officer Richard DeCuir reviewed the item in the packet. He said the Board ended with a reversion into our Special Fund of \$328,825.

Cathy Mudge, CDA commented on savings due to staff openings and asked about the status of vacant positions. Mr. DeCuir said we are aggressively trying to fill all of the positions and noted Donna Kantner has been hired for the legislative analyst position. He said two rounds of interviews for the executive secretary's position resulted in no suitable candidates. He said filling the supervising investigator position is a very long process and we currently have 3 candidates. Ms. Mudge expressed concern for the overall performance of the Board and offered CDA's assistance.

Agenda Item 4.2 - Current Year Budget Augmentations Mr. DeCuir reviewed the information in the packet. In response to Dr. SooHoo, he said changes to the exam as a result of the occupational analysis were built in. He said that by statute, the analysis must be completed by September 30, 2005.

Agenda Item 5 - Board Meeting Dates for 2006 No action taken. Dr. Gordon recommends keeping dates as close as possible to those held this year and reminded members of the importance of spacing the dates to avoid the situation where more than 100 days would elapse between meetings, which might cause problems in disciplinary matters.

Agenda Item 6.1 - COMDA Report Approval of RDA Educational Programs and Radiation Safety Courses It was pointed out by a representative of COMDA that the coronal polishing course of Lisa Klockenteger, Paso Robles should be pulled from the list. It was m/s (Osuna/Kaye) to accept the recommendation for approval by COMDA and take the item to the August 31st meeting for full board approval.

Ms. Rosalee Thompson, representing Senator Aanestad, presented for the record a letter from him to make clear his desire that educational requirements that are currently being considered will not result in negatively impacting local regional occupational programs, and similar avenues of education and training.

Agenda Item 7.1 - Reappointment of Diversion Evaluation Committee Members - Tabled to August 31st meeting.

Agenda Item 7.2 - Quarterly Statistics - Information only.

Agenda Item 8 - Possible Modification of Regulations Pending Final Review and Approval by DCA/OAL

8.1 - CCR 1043 et. Seq. - LaVonne Powell pointed out that no discussion or action on these regulations is required. They appear on the agenda as an update only.

8.2 - Ms. Osuna provided background information for the proposed changes to CCR 1016 & 1017 which will establish Category I and Category II for continuing education. The proposed regulations will be considered at the August 31st meeting.

8.3 - CCR 1044 et. Seq. - No discussion or action on these regulations is required. They appear on the agenda as an update only.

Agenda Item 9 - Approval to Notice WREB & Licensure Application Regulations Possibly as Emergency in All or Part - Item tabled to August 31st when it is expected a quorum will be present.

Agenda Items 10 thru 15 - Committee Reports - Tabled to August 31st.

Public Comment

Dr. Clelen C. Tanner addressed the Board with his concerns over the loss of one of the Board's laptop computers and the possibility that some sensitive information concerning him had been compromised. Dr. Gordon told Dr. Tanner he would look into the matter and try to address his concerns.

Dr. Alan Felsenfeld, Professor in oral and maxillofacial surgery at UCLA addressed the Board on recent information concerning bis-phosphonate osteonecrosis of bone which may be a side effect of certain drug therapies for the management of metastatic disease to the bone and in the treatment of osteoporosis.

Letters from Dr. Felsenfeld and Dr. Michael Cadra were provided to Board members and included a request to have this issue placed on a future agenda.

The meeting was adjourned at 2:20 pm.



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CONTINUING EDUCATION COMMITTEE MEETING

Thursday, August 18, 2005
Doubletree Hotel, 835 Airport Blvd., Burlingame, 94010

Members Present

Patricia Osuna, RDH, Chair
Louis Turchi, DDS

Members Absent

Brandon Hernandez, Public
Kamran Sahabi, DDS

Staff Present

Georgetta Coleman-Griffith, Interim Executive Officer
Richard DeCuir, Assistant Executive Officer
Alan Mangels, Attorney General Liaison
Gregory Salute, Deputy Attorney General
LaVonne Powell, Legal Counsel
LaRita Abdul-Rahman, Executive Assistant

The meeting was called to order at 1:30 p.m. by Ms. Osuna, who was the only committee member present when roll was called. Dr. Turchi arrived during discussion of the May minutes. Ms. Osuna asked for clarification from legal counsel with regard to the lack of a quorum. Ms. Powell said she could still, as a sub-committee of 1, make recommendations to the Board for when it is next able to meet.

10.1 Approval of Minutes. The following corrections were made to the minutes of the May 5, 2005 meeting:

- Item 11.2 – Proposal to Allow CE for GA/CS Onsite Evaluations - Delete the last sentence that says CALAOMS would be asked to address the Committee on the issue.
- 11.3 – Consideration of Mandatory CE Course on Dental Professionals Against Violence – Correct the name of the expert that addressed the Committee to Dr. Kathleen Shanel-Hogan. Also, the last sentence should reflect that the Committee will ask for input from all interested parties.

Ms. Osuna recommended the Board accept the minutes as corrected.

10.2 Proposal to Allow CE for GA/CS Onsite Evaluations

Ms. Osuna reported that the CE Committee did not meet on July 6th as scheduled, due to the resignation of member LaDonna Drury-Klein, RDA. Ms. Osuna said staff has been asked to contact COMDA for the number and frequency of CE credits given to the RDH examiners

and also obtain that information for Dental Board examiners. She pointed out that the evaluators are provided with CE credits when they take the Evaluator Training Course, which provides the tools for them to be competent evaluators. She recommended this item be carried over to the November meeting.

10.3 Consideration of Mandatory CE Course on Dental Professionals Against Violence

This item was also slated for discussion on July 6, 2005, but as previously noted, that meeting did not take place. Ms. Osuna invited any interested parties to address the group, and recognized Kathleen Shanel-Hogan. Dr. Shanel-Hogan distributed information to Board members and staff present, which included draft regulations.

Dr. Shanel-Hogan said the proposal is that it be a one-time mandatory course of two units, required for the first renewal of a new license. She also spoke of proposed required curriculum for the dental schools, but Ms. Osuna pointed out that the discussion here today could only be about the proposed mandatory CE for licensees. Ms. Osuna said this item will be on the agenda the next time the Committee meets.

Kathy Mudge, CDA, said they continue to oppose this subject as a mandatory CE course, although they very much recognize the importance of the issue and said their Foundation works on the issue.

Joanne Galliano, representing CDHA, said they also support the concept of training, but do not support a mandatory course. She pointed out that there are already laws requiring reporting.

Dr. Shanel-Hogan said that as this item appeared on the agenda, it appeared the Board was being asked to considering a specific CE course, and wanted to clarify that is not the case.

10.4 Discussion of CE Audits

Ms. Osuna suggested for discussion that license renewal forms, including the online form, be changed to require a licensee list all CE courses taken by date, course number and title. This would make it easier for staff to conduct audits. Dr. Turchi asked if we had the staff to do this. There was brief discussion of random audits, and Ms. Coleman-Griffith said that although we have the authority to conduct audits, we are not doing random audits now due to staff resources. Audits are done as part of an investigation. She said what is being proposed would provide the opportunity to scan the information, whether or not there is staff available to verify it now. She offered to look into how this might be incorporated into the renewal application.

With no additional public comment, the meeting was adjourned at 1:50 p.m.



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ANESTHESIA COMMITTEE MEETING

Thursday, August 18, 2005

Doubletree Hotel, 835 Airport Blvd., Burlingame, 94010

Members Present

Alan Kaye, DDS – Chair
Newton Gordon, DDS
Lawrence Hundley, DDS

Members Absent

Kevin Biggers, Public

Staff Present

Georgetta Coleman-Griffith, Interim Executive Officer
Richard DeCuir, Assistant Executive Officer
Alan Mangels, Attorney General Liaison
LaVonne Powell, Legal Counsel
LaRita Abdul-Rahman, Board Staff

The meeting was called to order. Roll was taken and a quorum established.

13.1 Approval of Minutes - It was m/s/c (Hundley/Gordon) to approve the minutes of the May 5, 2005 meeting, after correcting a typographical error. The third line from the bottom of the page should read: "It was m/s/c to adopt the language, with a 15-day notice and *to* direct the Executive Officer to...".

13.1 On-Site Inspection Pass/Fail-Pursuant to CCR § 1043. Dr. Kaye reviewed action taken at the March 10, 2005 meeting which resulted in a proposal to delete § 1043.6(b). This subsection would have clarified that a pass/fail split recommendation would be an automatic fail.

Dr. Gordon pointed out several non-substantial changes needed for consistent language.

LaVonne Powell addressed the pass/fail and the fail that trigger a reevaluation or the suspension of a permit, and said a thorough discussion of options is needed in light of due process for the permittee.

Kathy Mudge, spoke of CDA's concern for any decision that would result in an outcome determined by other than those with direct knowledge of anesthesia and sedation. Dr. Paul Reggiardo also voiced that concern. Dr. Earl Johnson said a split decision should be a non-decision and two more evaluators should be sent.

In response to a suggestion that three evaluators conduct every onsite, Dr. Gordon said it's only the occasional case that is a problem and Ms. Mudge pointed out that when the Board proposed increasing the inspection fee, the Department questioned why even two evaluators are needed.

After much discussion, it was m/s/c (Gordon/Hundley) to accept the language in the packet that deletes 1043.6(b), make non-substantive changes for consistency by substituting "applicant" for "dentist", do a 15-day notice on the regulation, and bring to a future Board meeting the issue of pass/fail for discussion.

13.3 - CS Evaluation

Dr. Kaye reviewed this request for the Board to reverse the recommendations of the evaluators and declare an onsite a pass. Information provided by the permittee was discussed at length. It was m/s/c (Gordon/Hundley) to allow another evaluation and the Board will absorb the cost. The decision was based upon the fact that the licensee did notify CALAOMS that he felt that the evaluators would be biased against him, however, the licensee's concerns did not come to the attention of Board staff. The Committee determined that there was nothing in the evaluations that would question the bias of the evaluators, however, in light of the Board's staff not knowing that the licensee had contacted CALAOMS, the Committee voted to allow another evaluation at no cost to the licensee. The evaluation will remain a fail, and the permit will continue to be suspended unless another onsite is successfully completed.

There being no further public comment, the Committee adjourned at 3:35 pm..



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LICENSING COMMITTEE

Thursday, August 18, 2005
Doubletree Hotel, 835 Airport Blvd., Burlingame, 94010

Members Present

Alan Kaye, DDS
George SooHoo, DDS

Staff Present

Georgetta Coleman-Griffith, Interim Executive Officer
Richard DeCuir, Assistant Executive Officer
Alan Mangels, Attorney General Liaison
Gregory Salute, Deputy Attorney General
LaVonne Powell, Legal Counsel
LaRita Abdul-Rahman, Executive Assistant

The meeting was called to order at 2:55 p.m. by Dr. Kaye. Roll was called and a quorum established.

12.1 Approval of minutes. It was m/s/c (SooHoo/Kaye) to approve the minutes as presented. LaVonne Powell pointed out the minutes did not reflect that the extramural facilities were all approved. There was unanimous agreement that the facilities had been approved; the motion was amended/seconded as amended/carried to approve the minutes with this correction.

12.2 Approval of Extramural Facilities. It was m/s/c (SooHoo/Kaye) to approve San Mateo Medical Center as an extra mural facility for UOP, and to approve the Student Health Center at CSU Northridge and the Mission Community Hospital in San Fernando, as extramural facilities for UCLA.

12.3 Proposed Changes to Business and Professions Code Section 1701.5

After a brief discussion of Section 1701.5 (c), and with supportive input from Edmond Carralon, representing CDA, it was m/s/c (SooHoo/Kaye) to proceed with a statutory change to eliminate the requirement to include one of the descriptive terms "group," "practice," or "office" when applying for a business name permit from the board. Language will still require the word "dental" in the name.

12.4 Registered Dental Hygienist LBC Statistics and Dentist LBC Statistics Informational only.

In response to a question from Dr. Ariane Terlet, it is not known how many hygienists licensed by credential are actually practicing in California at this time.

There was no public comment and the meeting was adjourned at 3:05 p.m.



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LEGISLATIVE COMMITTEE MEETING

Thursday, August 18, 2005
Doubletree Hotel, 835 Airport Blvd., Burlingame, 94010

Members Present

Alan Kaye, DDS, Chair
Patricia Osuna, RDH
George SooHoo, DDS
Louis Turchi, DDS

Members Absent

David Baron, Public

Staff Present

Georgetta Coleman-Griffith, Interim Executive Officer
Richard DeCuir, Assistant Executive Officer
Alan Mangels, Attorney General Liaison
Gregory Salute, Deputy Attorney General
LaVonne Powell, Legal Counsel
LaRita Abdul-Rahman, Board Staff

The meeting was called to order at 3:35 pm by Dr. Kaye; roll call established a quorum.

14.1 Approval of Minutes

It was m/s/c (Turchi/SooHoo) to approve the minutes as presented.

14.2 Review of Current Legislation

Bills were reviewed with regard to their current status in the legislative process. The committee took the following action:

SB 248 (Figueroa) – This is the Board's sunset bill; the status of the bill is inactive and per Mr. Carolan, CDA, the future of the bill is unknown. No recommendation to change support position.

SB 299 (Chesbro) – Licensure by Credential – modifies LBC to allow dentists with less than five years clinical experience to obtain a license restricted to the practice setting for which the license was obtained. There was a lengthy discussion of the restriction being lifted after two years with regard to the board's ability to proceed with discipline, and the effect that lifting the restriction might have on those proceedings. The committee will make no recommendation to change the current support if amended position, although the author has refused amending the bill.

SB 438 (Migdon) – Cosmetic Surgery – will allow specifically qualified oral and maxillofacial surgeons to perform specified elective cosmetic procedures. No recommendation to change the current support position.

SB 683 (Aanestad) – PGY1 – in its original format allowed licensure based on completion of ADA recognized specialty programs, or a CODA accredited one-year general dentistry program. No recommendation to change the current oppose position.

AB 205 (Ruskin) – Denture Identification – Board previously opposed this bill since it is a duplication of existing law. The bill has been amended to require only the last four digits of the SSN be put on dentures. It was m/s/c (Osuna/Turchi) to recommend the board change it's position to watch.

AB 319 (Chan) – Children's products containing phthalates and/or bisphenol-A. No recommendation to change the current watch position.

AB 929 (Oropeza) – Radiology technology – No recommendation to change the current watch position.

AB 1077 (Chan) – Dental Exams for School Children – No recommendation to change the current support position.

AB 1143 (Emmerson) – Special Permits – No recommendation to change the current support if amended position.

AB 1268 (Oropeza) – Advertising – No recommendation to change current watch position.

AB 1334 (Salinas) – RDHAP Scope of Practice. After discussion of the incorrect summary, and instruction to staff for a review of future legislative summaries by a Committee member, there was no recommendation to change the current oppose position.

AB 1386 (Laird) – Adult Oral Conscious Sedation – No recommendation to change current support and co-sponsor position.

AB 966 (Saldana) – Dental Amalgam – After discussion of the amendments since the board took a support position, it was m/s/c to recommend changing to a watch position.

There being no public comment, the committee adjourned at 5:00 pm.



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EXAMINATION COMMITTEE MEETING

Thursday, August 18, 2005
Doubletree Hotel, 835 Airport Blvd., Burlingame, 94010

Members Present

George SooHoo, DDS, Chair
Newton Gordon, DDS
Alan Kaye, DDS – Chair
Harriet Seldin, DDS

Members Absent

Chester Yokoyama, DDS

Staff Present

Georgetta Coleman-Griffith, Interim Executive Officer
Richard DeCuir, Assistant Executive Officer
Alan Mangels, Attorney General Liaison
Gregory Salute, Deputy Attorney General
LaVonne Powell, Legal Counsel
LaRita Abdul-Rahman, Board Staff

The meeting was called to order at 1:55 pm by Dr. SooHoo, who introduced new member, Dr. Harriet Seldin. Roll was taken and a quorum was present.

11.1 Approval of Minutes It was m/s/c (SooHoo/Gordon) to approve the minutes as presented.

11.2 Appointment of New Dental Examiners It was m/s/c (Kaye/Gordon)(Seldin recused on Lee) to appoint Dr. Aben Art Kaslow and Dr. Darryl L. Lee as new examiners. Dr. SooHoo spoke in full support of both appointments, and Dr. Gordon reminded members present of the continuing need for examiners.

11.3 Consideration of Support/Funding for ADEX (American Dental Exam)

Dr. SooHoo asked Dr. Terlet to speak on this issue, noting he and Dr. Terlet have participated in national meetings and discussions. Dr. Terlet explained that each state acts independently to accept the exam, and that 44 states have written letters of support for the ADEX. The exam is in a curriculum integrated format, with different sections taken over the senior year. A section failed can be retaken after remediation, and the end result can be that with the completion of the senior year a student may have passed the exam. The written portion is computer based. The clinical consists of a three-unit bridge that is a simulation, an amalgam, a composite, a class II amalgam, and class III composite. There is also an endo portion that we do not have.

She said that for California the exam must first be audited, and to proceed, the Board should pursue legislation to fund an audit of the exam.

In response to a question from Dr. Turchi, Dr. Terlet provided information on the makeup of ADEX, which will have representatives from each of the participating states. The schools do not administer the exam; that will still be done by the board, but rather than administering the exam once, it will be done in sections.

Dr. Gordon asked about the integration of the regional board exams and ADEX. Dr. Terlet said there is no integration; the ADA recognizes each as a national exam. Dr. Gordon asked what effort had been made by ADEX to get the California deans on board, and she said she and Dr. SooHoo had been doing this. She said that they had also been participating in a CDA licensure task force, looking at our own exam in terms of splitting it up. The group will meet again August 30th.

Dr. Gordon asked about the cost. She said ADEX has asked any state that is able to give money either to the continued development of the exam or a loan to ADEX for funding. A portion of the exam fee will go into ADEX so that it will be self-funded. Amounts from \$10,000 to \$40,000 have been given by various states.

In response to Dr. Turchi, Dr. Terlet said it is up to the state to recognize the results of the exam, just as we do now with the National Board exam and regional boards. California will need to determine to accept the ADEX and then to either discontinue our own exam or keep it. Dr. Terlet pointed out that in California, if any of the accepted testing agencies were to change their exam, another audit would have to be conducted.

LaVonne Powell pointed out that the contract negotiation process through DCA and the Dept. of General Services will take an inordinate amount of time. Dr. Terlet said that if we started now with getting the audit, it is expected the complete process would take 2 to 5 years.

Dr. Seldin asked what ADEX is asking of the Board now. Dr. Terlet said the Board needs to support ADEX as an ongoing national exam and go forward with legislation to fund it.

Dr. Terlet pointed out that by accepting the ADEX, our workload will be greatly reduced, citing that we now graduate 500 students but administer the exam to 1800. With ADEX, students can be tested in their own schools. She said the foreign trained can also take the exam, but will first need a letter from California stating it is okay for them to take it. California can retain the law and ethics exam and establish any other requirements.

Dr. SooHoo said WREB is in the process of developing their national exam and that we have not been asked for input, although we did input to the regional exam that is being audited now and that we will accept the WREB if the Board accepts that audit.

Kathy Mudge, CDA, said they have no position on this now; CDA has a task force on licensure. She recognized the efforts by Dr. SooHoo and Dr. Terlet, but said that if California pursues funding of ADEX, CDA will want to know why the Board feels ADEX is superior to any other national exam being developed. She said California does have the option of participating in the development of other national exams.

It was determined that additional information should be obtained, and Dr. Seldin agreed to contact WREB, ask to be a consultant, and report back to the Board. Karen Wyant, Executive Officer of COMDA, said it would be beneficial for a member of COMDA and herself to participate.

11.4 Funding for Additional RT Examinations in 2006

Georgetta Coleman-Griffith reported that funding has been allocated for two additional RT exams in 2006. This took into account all exams scheduled. Dr. SooHoo expressed the Board's sensitivity to the needs of the RT candidates.

Mr. Carralon, CDA, voiced support for the additional exams, and Dr. SooHoo asked CDA to advertise the need for examiners.

With clarification that the Board has also added another clinical exam, Dr. Terlet asked the Board to consider instituting a "penalty" for not showing up for a scheduled clinical exam. Ms. Coleman-Griffith said there would need to be a change in the law to authorize that.

Three speakers addressed the Committee, all on the issue of late notification of RT exam candidates, and expressed appreciation for the additional RT exams and CDA's support of them. One speaker spoke at length on the problem of getting all of those tested who are waiting and asked for the opportunity to submit proposals to the Board for handling the scheduling; Ms. Coleman-Griffith will advise him on the submission of proposals for future discussion at Board meetings. Dr. SooHoo said he is working with staff on ways to provide earlier notification to those scheduled for an exam.

11.5 Discussion of Segmented Licensure Examination Format

Dr. SooHoo reported this is one of many formats being looked at by the task force.

11.6 Auxiliary Examination Statistics Information only.

11.7 Dental Exam Statistics Information only.

11.8 Discussion of Infection Control Policy for Examinations

This item has been tabled due to the resignation of the member responsible for this issue.

There being no other public comment, the meeting was adjourned at 3:00 pm.