

**DENTAL BOARD OF CALIFORNIA**

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**DENTAL BOARD OF CALIFORNIA**

Friday, January 27, 2006
South San Francisco, CA

Full Board MinutesMembers Present:

George SooHoo, DDS, President
Alan Kaye, DDS, Vice President
Kamran Sahabi, Secretary
Luis Dominicis, DDS
Lawrence Hundley, DDS
Ronald S. Mito, DDS
Harriet Seldin, DDS
Lewis Turchi, DDS

Members Absent:

David Baron, Public
Kevin Biggers, Public
Tricia Osuna, RDH
Nora Vargas, Public

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

President SooHoo called the meeting to order at 9:04am and Secretary Sahabi called the roll, establishing a quorum.

Agenda Item 1 – Approval of Minutes of November 17, 2005 Meeting

Member Seldin noted that on page 4 of the minutes under Agenda Item 9 in the discussion of the WREB examination the minutes do not state that the passing score for the WREB is 75% overall, requesting that correction. M/S/P (Turchi/Sahabi) to accept the minutes as corrected.

Agenda Item 2 – President's Report

President SooHoo welcomed new Board members Luis Dominicis and Ronald Mito. He expressed confidence in the new Executive Officer and Legal Counsel. He stressed the importance of communication and expressed his excitement at moving forward with the CIF/SLE Pilot Project. He added that the board will become a member of WREB and thereby have input into that examination process, and that the WREB exam will be an additional avenue to licensure. He announced Committee appointments with the exception of the Licensing Committee.

Agenda Item 3 – Executive Officer’s Report

Executive Officer Hedrick reported that it has been a quick four months, adding that some new processes and procedures are in place, and some are before the board today. He reported he is looking at workload allocations, backup and cross training for each staff member. He reported that a new Enforcement Chief has been selected, and will be announced as soon as certain Personnel Board requirements are completed. He noted that the two April RT exams should clear the current applicants, allowing for a new application period to open. He added that this is the first year with WREB as a pathway to licensure, and that the staff will be watching what impact that will have on applications for the California clinical exam. He reported that staff is working on documentation, institutional memory and record keeping, also proceeding with WREB membership. He reported that regarding the WREB Emergency regulation package, the board voted to accept the language on November 18, Friday afternoon, and staff filed the package on November 23, Thanksgiving week, at three working days possibly the quickest movement on any regulation package in the Board’s history. He reported that applications and instructions are ready to go as soon as the regulations are in place. He added that there is also information on the website regarding the changes to the RT exam, and although some equipment problems have come up the intent is to proceed with the existing exam dates if at all possible. He believes that the board is more responsive and in a better place than four months ago. Member Seldin asked about the planning session, Hedrick noted that he had communicated with the planners and expects to have details by the April meeting.

Agenda Item 3.1 – Presentation of Board Administrative Procedure and Consideration of Policy Regarding Board Task Forces

Executive Officer Hedrick reported that the document in the board’s packet contains pertinent information regarding policies and procedures, but there is no section or policy regarding the appointment of ad hoc committees, task forces or other such entities. Hedrick noted that he had included the existing policy document for the board’s review and comment. Legal Counsel clarified that any such group or panel appointed by the board and given direction by the board is subject to the Bagley-Keene Open Meeting Act. M/S/P (Turchi/Seldin) to include the policy regarding board task forces in the board Administrative Procedure Manual.

Agenda Item 4 – Budget Report

Executive Officer Hedrick presented the budget report, noting that some assumptions have been made regarding staffing and filling vacancies. This budget will enable us to operate effectively and complete the board’s work while filling the vacant positions. He noted that exam costs are projected on the second page of the report, and these are dependent upon the impact of WREB candidates who do not apply for California’s exam. He added that currently the clinical exam scheduled for March has 87 applicants for 200 slots, although the WREB exam openings for Loma Linda, USC and Nevada/Las Vegas filled in only one hour. Member Mito asked if the exam is self-funded by exam fees, Hedrick replied no, looking at WREB’s exam fees it is clear that our exam costs are not covered by exam fees. Member Mito noted that a reduction in exams would result in a net savings in the budget, Hedrick agreed. President SooHoo asked what the budget impacts of WREB membership or other memberships would be to the board. Hedrick noted that there would be no cost to the board or to board members for attending WREB meetings or exams, but that may not be the case for other memberships, adding that out of state travel is normally denied.

Agenda Item 5 – Committee on Dental Auxiliaries (COMDA) Report

COMDA Chair Shanda Wallace introduced herself and reported that COMDA had held elections and she is COMDA's Chairperson and Dr. Sonia Molina is Vice Chair. She reported that recruitment of a new Executive Officer is in process to replace Karen Wyant, who will be retiring May 2nd.

Agenda Item 5.1 – Approval of Auxiliary Educational Programs and Courses

COMDA Chair Wallace reported that COMDA recommends that the board grant provisional approval to the RDA educational program of San Joaquin Valley College, Rancho Cordova. Member Mito asked if the facility had met all of the regulatory requirements, Wallace responded that there was a site visit of the facility to determine that. M/S/P (Turchi/Seldin) to grant provisional approval to the program.

Agenda Item 5.2 – Status of SB 1546 Implementation

COMDA Chair Wallace asked if all members had an opportunity to review the handout that COMDA's Executive Officer had prepared and distributed to members yesterday. Wallace gave a brief background on the history of the bill and the Legislature's instruction to place all auxiliary duties in statute as are the dental hygiene duties. She noted that due to the timelines involved, COMDA requests that legislation be sought to delay the implementation of the bill until January 1, 2009 and that one member be selected from the Board and from COMDA to work on those issues. COMDA requests that a provision of that bill seek an appropriation for a staff person to handle the increasing workload of courses and programs that are currently applying and soon will increase exponentially as the provisions of the bill take effect. Vice-Chair Kaye asked for an update on the Oral Surgery Assistant, which seems to be an area of contention with regard to training as well as having a fiscal impact.

Edmund Carolan, CDA, felt that new legislation will have no impact on the regulations, need to move forward with the proposed regulations. He noted that the oral surgery regulations are very intensive, but did not feel that an extension was necessary. Legal Counsel Powell reminded the Board that the bill's provisions go into effect on January 1, 2008, thinking it unlikely that 10 regulatory packages would be completed and the schools time to incorporate the new requirements into their curriculum. Cathy Mudge, CDA, noted that an extension can be requested next year if necessary, but that she saw no reason to make that request now.

Lana Wright, The Alliance, stated that there is an impasse, many issues remain and believed this extension is required. Earl Johnson, California Association of Orthodontists, believes it is time to take control of this, and stakeholders should be represented in the process. M/S/P (Kaye/Hundley) that Member Mito work with COMDA Chair Wallace on the regulations.

Agenda Item 5.3 – Proposal that Board Delegate Auxiliary Education Program Approvals to Executive Officer

COMDA Chair Wallace noted that regulations are very specific for programs seeking Board approval, and neither the Board nor COMDA has denied staff's recommendation for program approval over the past twenty years. COMDA recommends that the Board formally delegate this authority to the Board's Executive Officer to approve programs instead of delaying

approval until the next Board meeting. Wallace noted that COMDA requests a regulatory change to Section 1001 to formally delegate this authority as reflected in the handout. Member Hundley asked if the Board would continue to have the authority to deny a program. COMDA's Executive Officer, Karen Wyant stated that yes, this is only an attempt to speed up the process in advance of the numerous programs that will apply for approval under the provisions of SB 1546. M/S/P (Turchi/Seldin) to accept the proposed regulatory language, with Member Hundley opposed.

Agenda Item 5.4 – Request by 4-D College to Reconsider COMDA Staff's Disapproval of Sole Use of Dental Offices as Clinical Facilities in Proposed RDA Educational Program

COMDA Chair Wallace summarized the issue by reporting that 4-D College had appeared at COMDA's last meeting to appeal the disapproval of their use of dental offices as the sole clinical facility utilized in their educational program. She reported that this is the legal opinion that COMDA has received: current regulations require that an educational program have an onsite clinical facility. COMDA Executive Officer Karen Wyant clarified that this is not an appeal of the denial of the program, noting that there are other issues under discussion with the program, but historically every program approved within the past thirty years has been required to have an on-site operatory for instruction. She noted that most programs contain an externship, in which students who have received a certain amount of instruction go to a dental office to work. COMDA has scheduled an informational hearing at its April meeting to explore if this might be an alternative.

Member Seldin asked if CODA had the same requirements. Lori Gagliardi, CODA Site Evaluator, RDA Program Educator, reported that CODA has the same requirement that a program must have an on-site clinical teaching facility. Earl Johnson, CAO, felt that a dental office most accurately replicates a dental office.

Linda Smith, CEO, 4-D College, provided a handout to the Board and wished to address the effort they have put forward to become an approved program. 4-D has submitted application a number of times and commented on the significant delays encountered. She felt their program is excellent and provides wonderful training and community outreach.

Member Mito asked if this is the only deficiency with the program. COMDA Chair Wallace noted that she had made a concerted effort to resolve the issues, however each deficiency has not been addressed with every application. Member Hundley asked why 4-D has not responded sufficiently and why COMDA has not responded sufficiently. Danetra Ray, who developed the curriculum, stated that she had addressed every issue COMDA had asked for.

Joel Virick, Southern California dentist, Chair of Hygiene Educational Board, asked why both CODA and California would consider a standard that is different from the national standard. Lori Gagliardi, clarified that certain online and distance learning programs approved by CODA do utilize outside facilities which require specific regulation, and urged the Board to support COMDA's recommendation as well as the staff work involved in the approval process. She added that the regulations are in place to protect the public and set the criteria for program evaluation and that must be respected.

M/S/P (Mito/Seldin) to table the discussion until COMDA holds an Informational Hearing, with a report to the Board.

Agenda Item 6 – Legislative Committee Report

Chair Kaye reported that Executive Officer Hedrick had reported on all of the bills in the packet. M/S (Seldin/Turchi) to change the Board's position on AB 1334 eliminating the prescription requirement for RDHAPs to an oppose position. Member Seldin felt it a critical issue in standards of care and quality of dental care, and believed that the Board had an oppose position on this bill.

JoAnn Galliano, CDHA, stated that the Board had never opposed this bill, COMDA had recommended that the Board seek legislation to remove the prescription requirement, which had been recommended by the Legislative Task Force and by practicing RDHAPs as restrictive to care. She noted that the Board rejected the Task Force report. This bill was not written at that time. She reported that CDHA sponsored this bill in January, and at the March meeting there was no position taken on the bill although the minutes reflected that there was a position taken on the bill. This was corrected in the minutes. She stated that at the May meeting this Board voted to support the bill if amendments specifying that direct supervision duties by RDHs remain direct supervision duties by RDHAPs. The Board agreed to support the bill with those amendments, which have been taken. She noted that there have been no patient safety issues to date, this law was enacted in 1998, and the Legislature's Task Force and the Board's Task Force have found it to be restrictive. M/S/P (Seldin/Turchi) to change the Board's position on AB 1334 to oppose.

Chair Kaye reported on the status of pending regulations, Section 1043 has been filed with OAL on January 11, Section 1044 Oral Conscious Sedation pertaining to minors is currently under review at DCA, additional language pertaining to adults will be heard in March. Section 1079.2, the 15-day Notice of Modified Language has been completed and the package will be sent to DCA for review. He reported that Section 1005, Minimum Standards for Infection Control, must be reviewed annually, and it was last reviewed in 2005.

He reported there was no public comment. The Board voted to accept the report.

Agenda Item 7 – Diversion Program Report

This item is informational only.

Agenda Item 8 – Licenses and Permits Ad Hoc Committee Report

Chair Kaye reported that the minutes were approved as presented, there were no Extramural Facilities to be considered, and informational statistics regarding Licensure by Credential were reviewed. He reported that in Closed Session the Committee considered one appeal, and that appeal was granted. He reported that there were no applications for reissuance of a cancelled license, and no public comment. The Board voted to accept the report.

Agenda Item 9 – Foreign Dental School Certification Ad Hoc Committee Report

Chair Sahabi reported that the appointment of Dr. Mito to the Board left a vacancy on the Technical Advisory Group (TAG). He reported that it was M/S/P (Sahabi/SooHoo) to delegate the responsibility to the Executive Officer to choose one of the four names with the preference being a general dentist. The Board voted to accept the report.

Agenda Item 10 – Continuing Education Committee Report

Acting Chair Sahabi reported that it was M/S/P(Turchi/Sahabi) to accept the proposed regulatory language incorporating the mandatory reporting requirements for abuse reporting, recognition and responsibility into Section 1016 into the existing California Dental Practice Act mandatory course requirement . The Board voted to accept the report.

Edmund Carolan, CDA, noted that the request for additional requirements in mandatory reporting of abuse did not come from any deficiency within the system, but from someone who is very passionate about the issue, and though this is a very important requirement, CDA would be opposed to anything further.

Agenda Item 11 – General Anesthesia/Conscious Sedation Ad Hoc Committee Report

Chair Kaye reported that the minutes were approved as presented, there was an update on the status of pending regulations: Section 1043 has been filed with OAL, Section 1044 Oral Conscious Sedation pertaining to minors is currently under review at DCA, and additional language pertaining to adults will be heard in March. He reported that adult Oral Conscious Sedation information and applications are currently on the website. He reported that in Closed Session one appeal was granted. The Board voted to accept the report.

Agenda Item 12 – Examination Committee Report

Member Mito reported that the minutes were approved as presented, auxiliary and dental exam statistics were reviewed.

Executive Officer Hedrick noted that several RT candidates who were not aware of the Committee meeting yesterday would like to ask questions about the new procedures. President Soo Hoo stated that the reason for the change in the exam format is to test more candidates than the previous exam allowed. He stated that there will be an orientation for all candidates with full instruction. Member Mito asked that the candidates write down their questions and staff will respond to them. Member Seldin appreciated the questions and comments and hoped there would be clear criteria given and put on the website.

Member Mito reported that the Curriculum Integrated Format/Segmented Licensing Exam (CIF/SLE) Pilot Project had been discussed and the Board would like to thank the dental schools and CDA for their efforts to collaborate with the board to design a pilot testing program to allow candidates to take different segments of their exam prior to actual graduation, with the potential of being licensed upon graduation.

Chair SooHoo reported that the Task Force on the Occupational Analysis would meet soon with the Department's Office of Examination Resources to review the examination subject to the Occupational Analysis.

Member Mito reported that there is a discrepancy between the assistant that is allowed during the WREB exam and the California clinical exam. He reported the Executive Officer will consult with OER to determine if this is a significant difference requiring a regulatory change. He reported that the Board had been invited to ADEX membership and ADEX will make a presentation at a future meeting. The Board voted to accept the report.

Agenda Item 13 – Exam Appeals Committee Report

Chair Hundley reported that there was a quorum of the Exam Appeals Committee, who considered five appeals, two for the clinical exam and three for the RT examination. He reported that of the two appeals of the clinical exam, one was denied and one was granted a passing grade. He reported that of the RT exam appeals, all three were denied. The Board voted to accept the report.

Agenda Item 14 – Enforcement Committee Report

Chair Hundley reported that the Committee recommends that the remediation policy be reviewed in conjunction with staff's review and revision of disciplinary guidelines. He noted that this issue arose with a letter from Dr. Arthur Dugoni, Dean and Professor of Orthodontics at UOP indicating his belief that 150 hours of remediation is insufficient for the practice of orthodontics. The Board voted to accept the report

Agenda Item 12 – Infection Control Committee Report

Acting Chair Seldin reported that she was the only member of this two-person committee in attendance. She reported that the review of Section 1005, Minimum Standards for Infection Control, would be agendaized for the next meeting. The Board voted to accept the report.

Public Comment

None.

The meeting adjourned at 12:07p.m. President SooHoo noted that the Board would hold its regulatory hearing on the WREB regulations at 1:30pm.



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FOREIGN DENTAL SCHOOL CERTIFICATION AD HOC COMMITTEE

Thursday, January 26, 2006
South San Francisco, CA

Minutes

Members Present:

George SooHoo, DDS, Chair
Kamran Sahabi, DDS

Members Absent:

None

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Chair Kaye called the meeting to order at 1:30p.m., and called the roll, establishing a quorum.

Agenda Item 9.1 – Recommendation re Appointment of TAG Team Member

After discussion, it was M/S/P (Sahabi/SooHoo) to delegate to the Executive Officer to forward one of the four names for consideration with preference given to a general dentist.

Public Comment

None.

The meeting adjourned at 1:35p.m.



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EXAMINATION COMMITTEE

Thursday, January 26, 2006
South San Francisco, CA

Minutes

Members Present:

George SooHoo, DDS, Chair
Alan Kaye, DDS
Ronald S. Mito, DDS
Harriet Seldin, DDS

Members Absent:

None

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Chair SooHoo called the meeting to order at 2:45p.m., and called the roll, establishing a quorum.

Agenda Item 12.1 – Approval of Minutes of November 17, 2005 Meeting

M/S/P (Kaye/Mito) to accept the minutes as presented.

Agenda Item 12.2 – Auxiliary Exam Statistics

This item informational only, there was no discussion.

Agenda Item 12.3 – Dental Exam Statistics

This item informational only, there was no discussion.

Agenda Item 12.4 – RT Examination Update

Executive Officer Hedrick reported that three RT exams have been scheduled, an additional exam is planned. The objective is to test the 500 current applicants during the two April exam dates, opening a new application period after that time. He noted that the changes to the exam have also been posted to the website to inform candidates as quickly as possible.

Edmund Carolan, CDA, asked how large the RT candidate pool may be. Hedrick responded that of the 2800 candidates who have qualified, it is difficult to determine how many may still have an interest in taking this exam.

Agenda Item 12.5 – CIF/SLE Pilot Project

Chair SooHoo reported that there was a meeting of the Examination Committee in December to discuss moving forward with the pilot project, adding that UCSF has taken it on as a research project.

Agenda Item 12.6 – Occupational Analysis Update

Chair SooHoo reported that he has appointed a Task Force to contribute to the analysis, including private practitioners, the Chief Examiners, current and former Dental Board members and educators.

Agenda Item 12.7 – Consideration of Proposed Changes Regarding Who May Assist Candidates During the Clinical Examination

Executive Officer Hedrick noted that this issue was raised briefly in the Public Comment period at the November board meeting and briefly discussed at the Examination Committee meeting in December. He reported due to the acceptance of the WREB exam, there have been questions of consistency in who may assist candidates during the California clinical examinations. He noted that portions of the Handbook for both WREB and California's clinical examinations are in the board's packet for information. Chair Soo Hoo noted that the major difference is that WREB allows assistants to be first and second year dental students, or first year hygiene students, while California does not. M/S/P (SooHoo/Mito) to delegate to the Executive Officer to meet with Tracy Montez of the Department's Office of Examination Resources to determine if there are concerns regarding this issue, and if so, develop regulations to mitigate them. Ariane Terlet, former board member, said that she had raised those concerns, however believed that through the course of OER's audit of the WREB exam that was no longer the case. Member Mito wished to amend the motion to add that if OER had no concerns, that there be a regulatory change M/S/P (Mito/Kaye).

Agenda Item 12.8 – Discussion of ADEX Membership and Recognition of ADEX Examination

Ariane Terlet, speaking as Secretary of the ADEX Board, noted that currently there is a membership form that the board may consider to become a member of ADEX. She reported that at the next meeting ADEX would like to make a presentation on membership and their examination.

Public Comment

None.

The meeting adjourned at 3:07p.m.

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**ENFORCEMENT COMMITTEE**

Thursday, January 26, 2006
South San Francisco, CA

MinutesMembers Present:

Lawrence Hundley, DDS, Chair
Kamran Sahabi, DDS
Harriet Seldin, DDS
George SooHoo, DDS

Members Absent:

None

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Chair Hundley called the meeting to order at 3:10p.m. and called the roll. Member Sahabi completed the quorum at 3:12p.m.

Agenda Item 14.1 – Consideration of Remediation Policies

Executive Officer Hedrick reported that the attached letter was received from Dr. Dugoni, Dean of Orthodontics, UOP Arthur A. Dugoni School of Dentistry, indicating the impossibility of teaching a general practitioner to competence in orthodontics within a 150 hour remediation program. Hedrick stated that this information was brought to the full board in November, who delegated it to the Enforcement Committee. Legal Counsel Powell noted that she would be attending the Medical Board meeting next week, and she offered to bring back information on the PACE program used by that board to incorporate with the current revision of Disciplinary Guidelines.

Chair Hundley noted that the board had discussed the issue in November and reiterated that any general dentist may practice any specialty he chooses to, as long as it is practiced to the standard of that specialty. Legal Counsel Powell noted that medical doctors have these same issues, if not practicing to the standard of the specialty then the license is suspended or revoked. She stressed that a license may only be restricted while the licensee is on probation, and once the probation is over so is any restriction.

Cathy Mudge, CDA, reported that 80% of their general practice membership practice a specialty with no problems. CDA would object to revocation of a general license if the practitioner was unable to be remediated to the specialty. Member SooHoo agreed.

Earl Johnson, CAO, UCSF Professor of Orthodontics, felt that people in this situation are in violation and should demonstrate competence or remain on probation.

Member Seldin noted that the concept of remediation is different than a specialty program, its goal is not to train someone to be a specialist. Chair Hundley stated that any general dentist may practice any specialty to competence, questioning if the board should dictate a specific number of hours. The Board agreed that staff bring recommendations for disciplinary guidelines for the board's review

The meeting adjourned at 3:30p.m.



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CONTINUING EDUCATION COMMITTEE

Thursday, January 26, 2006
South San Francisco, CA

Minutes

Members Present:

Kamran Sahabi, DDS
Lewis Turchi, DDS

Members Absent:

Tricia Osuna, RDH, Chair

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

In absence of Chair Osuna, Member Sahabi called the meeting to order at 1:33p.m., and called the roll, establishing a quorum.

Agenda Item 10.1 – Approval of Minutes of November 17, 2005 Meeting:

M/S/P (Turchi/Sahabi) to accept the minutes as presented.

Agenda Item 10.2 – Review of Regulatory Proposal Regarding Mandatory Reporting

Member Sahabi reported that the Board had voted to include recognition of the signs and symptoms of abuse, and California mandated reporting responsibilities, procedures, penalties, legal rights of immunity and for child abuse, neglect and domestic violence within the current mandatory two hour California Dental Practice Act and Ethics course. He asked about the reference to Chapter 2 of title 1 of Part 4, and E.O. Hedrick noted that this is the Penal Code provision which sets forth the mandatory reporting requirements.

Edmund Carolan, CDA, noted that CDA has historically supported mandatory education only for and identified deficiency. He felt that this mandate does not meet that criteria, and feared that other aspects of the mandatory Dental Practice Act course could be lost if the focus of the course were on reporting responsibilities and procedures. JoAnn Galliano, CDHA, added that CDHA is also opposed to the change, believing it should be dealt with more in depth.

Member Sahabi stated that the Board has voted to include the requirements within the current mandatory course, all that is being considered here today is the regulatory language. M/S/P (Turchi/Sahabi) to accept the language as proposed.

Public Comment

None.

The meeting adjourned at 1:45p.m.



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GENERAL ANESTHESIA/CONSCIOUS SEDATION AD HOC COMMITTEE

Thursday, January 26, 2006
South San Francisco, CA

Minutes

Members Present:

Alan Kaye, DDS, Chair
Lawrence Hundley, DDS

Members Absent:

Kevin Biggers, Public Member

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Chair Kaye called the meeting to order at 1:45p.m., and called the roll, establishing a quorum.

Agenda Item 11.1 – Approval of Minutes of November 17, 2005 Meeting

M/S/P (Hundley/Kaye) to accept the minutes as presented.

Agenda Item 11.2 – Appeals of Onsite Inspection and Evaluation

Chair Kaye noted that the appeal would be dealt with in closed session.

Agenda Item 11.3 – Adult Oral Conscious Sedation Update and Report on Implementation in Advance of the Regulations

Edmund Carolan, CDA, thanked the board for its timely action in moving these regulations forward. Executive Officer Hedrick noted that the information is on the website and applications for qualifying by the 10 cases method are being accepted for review. In response to Carolan's question if permits are being issued to those individuals, Hedrick reported that upon review of the 10 cases, if they meet the standard, they will get a permit.

Agenda Item 11.4 – Appeals of Onsite Inspection and Evaluation - **CLOSED SESSION**

Upon consideration of the documents presented, M/S/P (Hundley/Kaye) to grant a pass to the appellant.

Public Comment

None.

The meeting adjourned at 1:45p.m.



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REGULATORY HEARING

Friday, January 27, 2006
South San Francisco, CA

Minutes

Members Present:

George SooHoo, DDS, President
Alan Kaye, DDS, Vice President
Kamran Sahabi, Secretary
Luis Dominicus, DDS
Lawrence Hundley, DDS
Ronald S. Mito, DDS
Harriet Seldin, DDS
Lewis Turchi, DDS

Members Absent:

David Baron, Public
Kevin Biggers, Public
Tricia Osuna, RDH
Nora Vargas, Public

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Title 16, California Code of Regulations, Amend Sections 1021, 1028, 1034 and add 1034.1 –
Application for Dental Licensure by WREB Candidates

President SooHoo called the regulatory hearing to order at 1:32p.m., Secretary Sahabi called roll and reported that there was not a quorum. President SooHoo read the opening statement explaining the hearing process and opened the hearing for testimony. Member Kaye entered to complete the quorum at 1:34p.m.

Edmund Carolan, CDA, spoke in support of the regulations and thanked the Board for including their letter of support in the regulatory packet.

No other persons wished to testify and President SooHoo closed the hearing at 1:37p.m.

M/S/P (Turchi/Seldin) that the regulations be approved to go forward. The meeting was adjourned at 1:39p.m.



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LICENSES AND PERMITS AD HOC COMMITTEE

Thursday, January 26, 2006
South San Francisco, CA

Minutes

Members Present:

Alan Kaye, DDS, Chair
George SooHoo, DDS
Lewis Turchi, DDS

Members Absent:

None

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Chair Kaye called the meeting to order at 12:06p.m., and called the roll, establishing a quorum.

Agenda Item 8.1 – Approval of Minutes of November 17, 2005 Meeting:

It was M/S/C (Turchi/SooHoo) to accept the minutes as presented.

Agenda Item 8.2 – Approval of Extramural Facilities Pursuant CCR 1025

None.

Agenda Item 8.3 – Licensure by Credential Statistics

Chair Kaye noted that this item is for information only. Edmund Carolan, CDA, asked for consistency in the reports provided, noting that COMDA's report on hygienists was easier to read than the board's. Executive Officer Hedrick agreed to make that change.

Agenda Item 8.4 – Application for Issuance of New License to Replace Cancelled License

None.

Public Comment

None.

The meeting adjourned at 12:13p.m.



DENTAL BOARD OF CALIFORNIA

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Legislation Committee Meeting
Thursday, January 26, 2006
South San Francisco, CA

Minutes

Members Present:

Alan Kaye, DDS, Chair
George SooHoo, DDS
Lewis Turchi, DDS

Member Absent:

David Baron, Public
Tricia Osuna, RDH

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, Legal Counsel

The meeting was called to order at 11:50 pm. And a quorum was established.

Agenda Item 6.1 Update on Legislation

Executive Officer Hedrick reported on the current status of bills of interest to the Board:

- SB 248 – This bill extending the Board's Sunset date to January 1, 2009 was signed into law by the Governor on October 7, 2005.
- SB 299 – This bill allowing expansion of the licensure by credential program has passed and was enrolled on January 19, 2006. Staff is working on a fiscal impact analysis.
- SB 438 – This bill would allow dentists to perform elective facial cosmetic surgeries under a permit. A required occupational analysis is due in approximately 60 days.
- SB 683 – Also known as PGY-1, this bill would allow postgraduate candidates to be granted licensure after meeting specified education and residency requirements and successful completion of a national exam and the California law and ethics exam. This bill is currently on the Assembly inactive file.
- AB 205 – This bill updating Denture Identification became law on September 30, 2005.
- AB 319 – This bill relating to components used in children's products may have unintended impacts to the dental profession. It remains in the Assembly.
- AB 929 – This bill relating to radiology technology had no impact on the dental profession and became law on September 30, 2005.
- AB 1077 – This bill supporting Dental Exams for School Children is supported by the Board.
- AB 1143 – This bill regarding Special Permits became law on October 5, 2005 and staff is working on implementation.
- AB 1268 – This bill would require that a dentist advertising as a specialty practitioner must list a disclaimer if the ADA does not recognize that specialty.
- AB 1334 – This bill regarding the RDHAP Scope of Practice in May, the Board took a position of support if amended, and the requested amendment will be transmitted to the

author with a letter of explanation if approved by the Board. The Committee agreed that this be done by the Executive Officer.

AB 1386 – This bill regarding Oral Conscious Sedation became law on October 10, 2005. Executive Officer Hedrick reported that staff is implementing the provisions of that bill while pursuing regulations that will provide for full implementation.

AB 966 – This bill proposed to mandate amalgam separators in all dental offices, however new amendments should minimize the amount of amalgam released into the wastewater stream without requiring the installation of separators in each office. Hedrick noted that it is somewhat of a stretch from the Board's core function of consumer protection to an oppose position on this bill. He felt it prudent for the Board to consider consumer impact and the operation and functions of the Board before any other concerns. He urged the board to consider carefully before taking a position on any bill.

Cathy Mudge, CDA, agreed with the Executive Officer's assessment of SB 683. She noted that AB 1077 is a dead bill, since it needed to move from the Assembly by January 30, 2006, and is not expected to do so. CDA remains committed to the concept of dental exams for school children and will seek similar legislation again. She reported that CDA remains opposed to AB 1334 as premature. She thanked the Board for its efforts in the regulatory process for AB 1336, noting that staff has done a great job in moving those regulations quickly. She apologized for the problems in timing and hoped to work more closely with Board staff when co-sponsoring any future legislation to prevent such problems by taking the regulatory process into account. She noted that AB 966 is being amended, and she appreciated his comments about not taking a position on this bill, since CDA will also wait for the amendments to be printed to take any position. She noted that AB 1268 will probably move soon, and a disclaimer will be required for any non-recognized specialty.

AGENDA ITEM 6.2 - Other Bills of Interest to the Board – none.

AGENDA ITEM 6.3 – Update on Regulations

Executive Officer Hedrick reported the status of current regulatory actions:

Section 1043 – General Anesthesia and Conscious Sedation - filed with OAL on 1/11/06.

Section 1044 – Oral Conscious Sedation – Amended language to this Section for minor patients is currently under review by DCA. Additional language pertaining to Oral Conscious Sedation for adult patients will be heard in March.

Section 1079.2 – RDHAP Licensure – The Board approved modified language at its November meeting, and a 15-day notice was done.

Section 1005 – Infection Control Guidelines – Regulations are required to be reviewed annually.

Executive Officer Hedrick noted that the WREB regulations are on two tracks, one is at Agency for review, the regular filing is scheduled for hearing tomorrow.

Public Comment

None.

The meeting adjourned at 12:05 pm.



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INFECTION CONTROL COMMITTEE

Thursday, January 26, 2006
South San Francisco, CA

Minutes

Members Present:
Harriet Seldin, DDS

Members Absent:
Tricia Osuna, RDH

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

In the absence of Chair Osuna, Member Seldin called the meeting to order at 3:32pm, and noted that no action could be taken by the Infection Control Committee due to no quorum.

Agenda Item 15.1 – Consideration of Actions for the 2006 Annual Review

Member Seldin noted that in light of the fact that the minimum standards for infection control must be reviewed annually, but no action can be taken today, she requested that this item be agendaized for the next meeting and input be sought from interested parties. Executive Officer Hedrick noted that historically the Committee has been comprised of two board members as well as subject matter experts.

Earl Johnson, California Association of Orthodontists, noted that the board has chosen to accept regulations for infection control that go above and beyond what the CDC has recommended. Part of this, he stated, is the mandatory wrapping of instruments and whether that is medically necessary.

Board member SooHoo noted that the current regulations do not address radiation safety.

Public Comment

None.

The meeting adjourned at 3:45p.m.