

**DENTAL BOARD OF CALIFORNIA**

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**DENTAL BOARD OF CALIFORNIA**

February 9, 2007
Los Angeles, CA

Full Board Meeting Minutes

President Turchi called the meeting to order at 9:10am and introduced newly appointed Board member Dr. John Bettinger. Vice Chair Mito called the roll and established a quorum.

Members Present:

Lewis Turchi, DDS, President
Ronald S. Mito, DDS, Vice President
William A. Baker, Public Member
John Bettinger, DDS
Stephen Casagrande, DDS
Luis Dominicus, DDS
Michael Lew, DDS
Suzanne McCormick, DDS
Harriet Seldin, DDS
Joyce Yale, RDH

Members Absent:

none

Staff Present:

Richard J. Wallinder, Jr., Executive Officer
Donna Kantner, Regulations Analyst
Teri Lane, Supervising Investigator, Tustin Office
Shirley Moody, Enforcement Chief
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Agenda Item 1 – Approval of Minutes

M/S/P(Seldin/Lew) to adopt the minutes of the Board's November 2006 meeting as presented.

Agenda Item 2 – President's Report

President Turchi reported that the American Association of Dental Examiners 2007 meeting will be held in California.

Agenda Item 3 – Executive Officer's Report

Executive Officer Wallinder reported that communication is key, noting that the phone system has both hardware and software issues, which are currently being addressed and will be taken into consideration when exploring a new phone system. He is working with COMDA on auxiliary matters and reported on website updates including posting the current disciplinary guidelines and the schedule of 21 Law and Ethics exams to be held in 2007.

Agenda Item 4 – Budget Report

Executive Officer Wallinder reported that the board is well within its budget, noting there are a number of vacancies he anticipates filling by May 1. Member Baker felt that membership in professional organizations and to out of state conferences should be included in the budget and asked for an audit of the funds paid to the Attorney General's office for their services.

Agenda Item 5 – Discussion of the WREB Clinical Exam

Member McCormick reported that she and Member Dominicis attended the WREB meeting in Tempe, Arizona, where the WREB budget was reviewed. She reported that WREB is a non-profit organization with several sub-corporations, and it was interesting to see how all of the components worked separately and together. She reported that California comprises a large percentage of WREB's tested population, and that WREB completes background checks for several other states. She reported discussion of two areas of the WREB examination that differ from the California clinical exam: remaining caries and prosthetic crown and bridge. She reported that a clause was added to the WREB exam that if there was remaining caries, it would result in a failure. She reported that WREB will not have typodont or simulated testing of the prosthetic crown and bridge, that would be completed in an integrated format. She noted that the presence of two California members allowed for a balanced perspective. President Turchi asked if there is a conflict with the WREB exam and California law as there will be no testing of prosthetics. Member McCormick noted that there will be a disparity between the two examinations, however a provision could be made in regulation to substitute another procedure. Legal counsel noted that the WREB exam need only be comparable, not identical, to California's exam.

Dr. Woods, WREB President, noted that one component of WREB performs background checks. Regarding the typodont issue in testing the prosthetic crown and bridge procedure, he noted that this is normally a sophomore exercise in dental schools, and graduates have not cut plastic teeth in two years, adding that no practicing dentist uses plastic teeth. He reported that all dental schools in the United States were surveyed and 60% felt there was no correlation between performance and the cutting of plastic teeth. He added that WREB is focusing on public protection by piloting an exam that eliminates the use of live patients by 2008. Member Casagrande felt that simulators have not worked well in California's exam process. Dr. Woods noted that different schools use different types of simulators, resulting in many different student experiences. Member Casagrande noted that the board had offered to test in California dental schools' sophomore year, but there was no interest. Dr. Woods agreed that their experience is that schools find this intrusive, adding that WREB does not solicit their exam, they are invited by dental schools. He noted that many students from the western states study in the eastern states with the intent of returning to practice in the west. He reported that there are so many candidates for testing that WREB is becoming stressed to provide examiners. He noted that one examiner from California had contacted WREB, however a letter from the examiner's home board is necessary. Wallinder said he had no knowledge of any examiner request for such a letter. Member Seldin asked if California examiners could be vetted as WREB examiners, and if so, how would appeals be managed. Dr. Woods replied that appeals are considered by other examiners who were not present at the site, adding that he would review the list of examiners and if the board wishes to allow them to examine for WREB, the list could be sent with a letter of authorization. Member Mito perceived that this could pose conflicts in exam dates and times.

Member Casagrande asked how foreign-trained candidates are handled. Dr. Woods noted that they are proceeding one step at a time, there is a master plan. If there is a non-student, or

a foreign candidate, there is a different process. Dr. Woods also reported that the Executive Committee had voted to retain the 2½-day exam, rather than the two day exam recommended at the meeting. He added that the hygiene exam has been restructured to eliminate live patients, it is a computer-oriented exam.

Member McCormick applauded the enhanced communication with WREB. Dr. Woods asked if California board members would ever be allowed out-of-state expenses for WREB exams or conferences.

Agenda Item 6 – Strategic Plan

E.O. Wallinder reported that he is in the process of obtaining a contract for services and has scheduled April 25th for strategic planning, preceding the April 26-27th Board meeting.

Agenda Item 7 – Administrative Procedure Manual

Legal counsel had an editorial correction, on page 5 it was noted that COMDA meets on the day prior to the Board's meeting. She stated that COMDA has accommodated the Board, but sets its own meeting dates, so this should perhaps be qualified by inserting "traditionally". She added that COMDA's April meeting date will be one week prior to the Board's meeting.

Cathy Mudge, CDA, noted that the manual refers to a legislative committee on page 11, but that there is currently no legislative committee of the board. Wallinder suggested a two-person subcommittee to be appointed by the President. President Turchi asked Member Mito and Member Baker to serve on the Legislative Committee. Wallinder noted that the manual states that elections be held at the end of the calendar year, or at the pleasure of the board. M/S/P (Seldin/Lew) to postpone the election of officers until the end of the year, and agendaize the election of a Secretary for the Board's April meeting to fill the current vacancy.

Agenda Item 8 – Committee on Dental Auxiliaries Report (COMDA)

COMDA Chair Shanda Wallace reported on the meeting of the Committee on Dental Auxiliaries.

Agenda Item 8.1 – Approval/Disapproval of RDA Educational Programs and Radiation Safety Courses

COMDA Chair Shanda Wallace reported that COMDA recommends provisional approval of the new Registered Dental Assisting programs of Maric College in Modesto and Sacramento, and Heald College in Concord and Hayward. M/S/P (Mito/Lew) to approve the programs.

Wallace reported that COMDA recommends provisional approval for the Radiation Safety Course of the Dental Assisting Institute in Rocklin. M/S/P (Casagrande/Mito) to approve.

Wallace reported that COMDA recommends provisional approval of the pit and fissure sealant courses of Dental Pros in Temecula, North Orange County ROP, and full approval of the course of City College of San Francisco. M/S/P(McCormick/Lew) to approve.

Wallace reported that COMDA recommends provisional approval of the ultrasonic scaler course given by San Bernardino County ROP in Hesperia. M/S/P(McCormick/Lew) to approve.

Agenda Item 8.2 – Discussion and possible action on Proposed regulations for Implementation of SB 1546 and SB 1541

COMDA Chair Wallace reported that there was good work and much progress made on these difficult regulations at COMDA's meeting on Wednesday. She noted that the regulations had been reviewed and commented on at length, and COMDA requested that any further comment be submitted in writing for the final proposed regulations to be presented at COMDA's April meeting and included in the Board's April meeting packet. McCormick reported that a great job was done by COMDA, Cathy Mudge, CDA, agreed, thanking COMDA for its hard work. Mudge added that the Alliance is requesting additional changes that CDA believes are unnecessary and would require statutory changes. She noted that the regulations have received input from stakeholders and COMDA gave consideration to all comments.

Agenda Item 8.3 – Proposed Statutory clean up language to address Fee Issues, i.e., elimination of RDA program and course approval fee exemptions

Chair Wallace reported that COMDA asks that the Board seek legislation to extend the deadline for implementation of the provisions of SB 1546 from January 1, 2008 to January 1, 2010. Legal counsel noted that as of 1/1/08, the RDA exam is eliminated. Mudge, CDA, believed that SB 1111 extended the RDA exam. Wallace stated that the Board should ensure inclusion of the concept that the RDA exam continues, otherwise the three specialty programs would have an exam, but the full RDA program would not. COMDA Executive Officer Elizabeth Ware reported that current statute makes the new specialties effective 1/1/08, and eliminates the RDA exam after 1/1/08. SB 1541 provides for on the job training of dental assistants, but eliminated the section referring to the RDA exam. She asked the Board's consent to move forward with this clean up legislation and ask staff to add the provision for an RDA exam for those completing an educational program while extending the implementation of the three specialty categories until January 1, 2010 to allow for curriculum development.

M/S/P(Seldin/Mito) to adopt the proposed language and allow staff to add the requested provisions and allow COMDA to pursue legislation.

Agenda Item 8.4 – Approval of RDA and RDH Examiners

M/S/P (Mito/Yale) to approve RDA Examiners. Tamera Anderson, Kim Dinsmore, Marcella Moya, and Michelle Perry. M/S/P (Mito/Yale) to approve RDH examiner Karen Asti.

Agenda Item 9 – Enforcement Committee Report

Chair Seldin thanked Executive Officer Wallinder for putting the current disciplinary guidelines on the board's website and reported that the proposed revisions to the guidelines will be available at the April meeting. She reported that the Committee had approved minutes of the November, 2006 meeting and moved to adopt language and seek a legislative sponsor for 3 pieces of legislation: allowing unlicensed practice to be prosecuted as a misdemeanor or a felony, prohibiting sex offenders from licensure, and requiring probationers to bear the costs of their monitoring. M/S/P(Seldin/Lew) to approve the statutory language relating to unlicensed practice as adopted by the Committee and seek legislation. M/S/P (Seldin/Yale) to approve the statutory language prohibiting licensure of sex offenders as adopted by the Committee and seek legislation. M/S/P(Seldin/Mito) to approve the statutory language requiring probationers to bear the costs of their monitoring as adopted by the Committee and seek legislation.

Deputy Attorney General Greg Salute reported that outside experts have recently undergone training in Sacramento and the Bay Area for report writing skills, the hearing process, administrative procedures, and report samples. He felt this to be useful and informative both to new recruits and current experts. He reported plans to do the same in southern California as soon as new experts are recruited. Wallinder added that the training is already successful and thanked Salute, noting the increased quality of reports. He further reported that the Potts case

regarding dental advertising in specialties has been reversed and the case remanded back to the district court.. M/S/P(Seldin/Yale) to accept the report.

Agenda Item 10 – Continuing Education Committee Report

Chair Lew reported that meeting minutes had been corrected to add drug abuse and dependency issues to Category I courses, proposed regulatory language for Sections 1016 and 1017 had been amended with clarification to be done by staff of Section 1016(c)((3)(k) regarding cosmetic procedures and moving courses on dependency issues from Category II to Category I courses, and approved to be noticed for hearing. M/S/P (Lew/Seldin) to delegate staff to proceed with amendments and notice the regulations for hearing. M/S/P (Lew/Seldin) to approve the report.

Agenda Item 11 – Examination Committee Report

Chair Casagrande reported that the Committee had approved the November minutes as presented, reviewed the Clinical Examination Handbook and heard staff's report on the progress for implementation of SB 683, licensure through a residency program. He noted the scheduling of 21 law and ethics examinations for 2007. M/S/P (Casagrande/Mito) to approve the report. Member Lew offered himself and Ms. Yale to meet with COMDA Chair Wallace to research the differences between the RDH exam and the periodontal section of the dental exam. Chair Turchi approved and appointed them to do so.

Agenda Item 12 – Exam Appeals Committee

Chair McCormick reported that the Committee considered 8 appeals and granted 6. M/S/P(McCormick/Mito) to accept the report.

Agenda Item 13 – General Anesthesia/Conscious Sedation Committee

Chair Mito reported that the minutes of November 2006 had been approved as presented. McCormick noted that there are new proposed ADA Guidelines for sedation and recommended that those be discussed at the April meeting. Site inspector compensation will also be agendaized for the next meeting. M/S/P (Mito/Yale) to approve the report.

Agenda Item 14 - Licensure, Certification and Permits Committee Report

Chair Casagrande reported that the Committee had approved the November 14, 2006 minutes, and discussed legislation. McCormick reported on the process of forming the credentialing committee required by SB 438 that will be considered under Item 16, noting that candidates license status was reviewed, they were interviewed regarding their background and experience and their willingness to serve. The Board agreed to discuss Item 16 at this point.

Upon resuming the discussion of Item 14, Chair Casagrande reported that other legislation had been discussed by the Committee. SB 683 discussion revealed that residency programs are school based, not hospital based, and staff is moving ahead with the Department's Office of Examination Resources to identify the core competencies. Regarding SB 1541, COMDA will revise the regulations toward the comments received and bring the proposed language to the Board's April meeting for approval.

Chair Casagrande reported that the Committee reviewed LBC statistics and denied issuance of a new license to replace a cancelled license. M/S/P (Bettinger/Lew) to accept the report.

Agenda Item 16 – Discussion and Possible Action re: Appointment of Credentialing Committee

The Board reviewed the curriculum vitae of the candidates and agreed to the appointment of the credentialing committee. M/S/P (Bettinger/Casagrande) to appoint Robert Hardesty, MD, Jonathan Sykes, M.D., Nestor Karas, DDS, MD, David Gilbert, DDS and Tim Silegy, DDS to the credentialing committee. Legal counsel noted that each must be oriented regarding ethics, and when they will need to recuse themselves to ensure that they are operating within the law. M/S/P (Turchi/Yale) that Member McCormick act as the Board's liaison to the credentialing committee. President Turchi applauded McCormick for her work and timeliness on this project. Cathy Mudge, CDA, commended the Board's work to implement SB 483.

Agenda Item 15 Foreign Dental Programs Committee Report

Chair Dominicis reported that the November minutes were approved and the Committee delegated to Rick Wallinder, Executive Officer the authority to appoint a new Technical Advisory Group member. M/S/P(Dominicis/ McCormick) to accept the report of the Committee.

Public Comment

COMDA Chair Shanda Wallace noted that regulation Section 1079.2 had been delayed. Staff Analyst Donna Kantner apologized for the delay, stating that the regulation would be re-noticed at the earliest opportunity.

Dr. Paul Reggiardo requested morbidity/mortality statistics, noting that an agenda item had been requested for this meeting. He asked that 1680 incidences be given, any disciplinary actions taken, and any disciplinary actions that failed.

Adjournment

The meeting was adjourned at 11:45am.



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LICENSING, CERTIFICATES, AND PERMITS COMMITTEE

February 8, 2007
Los Angeles, CA

Meeting Minutes

Chair Casagrande called the meeting to order at 2:05p.m.

Members Present:

Stephen Casagrande, Chair
Luis Dominicus, DDS
Suzanne McCormick, DDS
Ronald S. Mito, DDS
Lewis Turchi, DDS

Members Absent:

none

Staff Present:

Richard L. Wallinder, Executive Officer
Donna Kantner, Regulations Analyst
Shirley Moody, Enforcement Chief
Teri Lane, Supervising Investigator, Southern California office
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Agenda Item LCP 1 – Approval of August 3, 2006 Minutes

M/S/P (McCormick/Mito) to approve the minutes as presented.

Agenda Item LCP 2 – Summary of Legislation - Discussion and Possible Action

SB 438 – McCormick reported that applications were reviewed and interview questions were developed by Legal counsel. She reported that telephone interviews were conducted and applicants who meet the criteria and have indicated the willingness to devote time to the credentialing committee have been brought forward. This item will be considered by the full board tomorrow, as well as a liaison between the Board and the credentialing committee. She noted that the application was being developed.

SB 683 – Chair Casagrande noted that a report was given in Exam Committee.

SB 1541 – Executive Officer Wallinder reported that the Committee on Dental Auxiliaries had met at length yesterday to consider statutory clean up language and regulations regarding this item and would have recommendations at the full board meeting tomorrow.

AB 17 - Wallinder noted that this is an extension of the Dental Corps Loan

Repayment Program, allowing the board to assess a voluntary \$50 fee upon all dentists' license renewal.

AB 164 – Wallinder reported this bill allows a parent who has joint legal custody to have access to health records. Legal counsel reported that this is currently the state of the law, but there are still problems for some non-custodial parents who have joint legal custody from gaining access to medical records.

Cathy Mudge noted that CDA had sponsored AB 17 to continue the Dental Loan Repayment Program by creating an ongoing source of funding. She reported that CDA is pursuing other legislation, permitting medical doctors to administer anesthesia for dental procedures in a hospital or dental office, which is currently allowed, but due for sunseting, and to allow a spouse or partner to operate a dental practice for one year upon the death or incapacity of the dentist, to ensure continuity of care and record keeping concerns. Legal counsel asked if confidentiality concerns were being addressed in the bill because of state and federal laws (HIPAA) regarding access to confidential information. Ms. Mudge said that the bill did not address this issue but they are open to any suggestions. Another bill CDA is sponsoring will address inequities in dual coverage patients with third party insurance payers, noting that some third party payers collect premiums but do not provide coverage.

Agenda Item LCP 4 – ***CLOSED SESSION*** Replacement of a Cancelled License

The board considered one application for replacement of a cancelled dental license in closed session. The application was denied.

Public Comment

There was no further public comment.

The meeting adjourned at 2:25p.m.