



## **DENTAL BOARD OF CALIFORNIA**

**April 26, 2007**

**South San Francisco, CA**

### **Full Board Meeting Minutes**

President Turchi called the meeting to order at 9:05am 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 Dominicis, DDS  
Michael Lew, DDS  
Suzanne McCormick, DDS  
Harriet Seldin, DDS

Members Absent:

Joyce Yale, RDH

Staff Present:

Richard J. Wallinder, Jr., Executive Officer  
Donna Kantner, Regulations Analyst  
Greg Salute, Deputy Attorney General  
LaVonne Powell, DCA Legal Counsel

Executive Officer Wallinder reported that the Examination Committee was left open yesterday to contact staff regarding the number of candidates remaining in the Restorative Technique (RT) exam pool, and if there is a way to contact them regarding upcoming RT exams. Wallinder reported that there are approximately 2,000 eligible people remaining in the pool, exam dates will be posted on the board's website as soon as possible, and there will be at least two more RT exams this year, at UOP in August and September at UCLA. He noted that he will also work closely with CDA and the societies to disseminate the information, but a "mass mailing" is not feasible because we do not have candidates' addresses until they apply for an exam. There was no additional comment and the meeting of the Exam Committee closed at 9:10a.m.

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 Executive Officer Wallinder attended the American Association of Dental Examiners (AADE) meeting in Chicago in March, giving him added insight into dental agencies and issues, noting that AADE's 2007 meeting will be held in California. He noted that

the report on the periodontal portion of the California dental exam as it compares to California's Dental Hygiene exam has been delayed due to health and personal issues of subcommittee members. He reported that he had been asked why meeting sites were not posted on the website earlier and had been told that it has to do with the contracting process. Legal Counsel informed the Board that a complaint has been filed against a member of the board's SB 438 Credentialing Committee and the complaint is being handled through the usual Enforcement process. She added that the Board may not receive or hear any information regarding the pending complaint or they may be forced to recuse themselves from considering any disciplinary action.

#### Agenda Item 3 – Executive Officer's Report

Executive Officer Wallinder reported that the Governor has appointed a new director of the Department of Consumer Affairs: Carrie Lopez, who comes from the nonprofit Coro Southern California organization, as well as having experience in state and local government. Another new addition is Nicole Rice, Deputy Director of Strategic Planning, who attended the Board's Strategic Planning session on Wednesday. He reported that the Dental Board staff has also acquired Tony Lum as Budget Analyst, and Lori Hubble returns to the board as Administrative Analyst.

E.O. Wallinder noted that he had been asked to provide statistics on the number of deaths related to dental treatment and reported one death within the past five years.

#### Agenda Item 4 – Budget Report

Executive Officer Wallinder reported the board's budget is in extremely good shape. There were no questions or comments.

#### Agenda Item 5 – Orientation Review: Bagley-Keene Open Meetings Act; Board Member Roles; Executive Officer Responsibilities

Antonette Sorrick, Deputy Director of Board Relations for DCA reviewed the role of Board members and commended the board on its cohesiveness. Member Seldin asked that Member Turchi show respect toward all board members and constituents. Katie Dawson, California Dental Hygienists Association, noted that there are currently 8 dentists, 1 public member and 1 RDH member, asking that the vacancies for 3 public members and 1 RDA be filled. Member Seldin stated that she had brought up this point at the Strategic Planning session on Wednesday, noting that the Board has no control over those appointments, two are Governor's appointments and two are legislative appointments. Dawson understood that the appointments are not controlled by the Board, but felt the Board would be best served if its full complement was in place.

Executive Officer Wallinder reported on executive officer responsibilities, adding that he also performs board member orientation functions for the Department of Consumer Affairs. He stated that the board sets policy, the Executive Officer implements the policy, coordinates meetings according to the Open Meetings Act, and contacts the Committee chairs and the board president for agenda development.

Legal Counsel LaVonne Powell clarified that if less than a majority of a Committee is discussing an issue and it changes to a different Committee's area, it could violate the Open Meetings Act's prohibition of a meeting of a quorum of a Committee without public notice. She noted that this board is very good, but it's best to adhere to a two-person limit, as any more members than that might be a quorum of a particular committee. She reminded the Board that the Open Meetings Act is to enable the public to participate, adding that this board is very good with that. She thanked the Board and commended Dr. Turchi for doing a fine job as chair in efficiently running the meeting while not interjecting his personal views, and being respectful to all.

#### Agenda Item 6 – Report and Possible Action on Strategic Planning Meeting April 25, 2007

E.O. Wallinder reported that the Board met on April 25<sup>th</sup> for strategic planning and developed the framework. He said staff will work on the document and return it for review at a future meeting.

#### Agenda Item 7 – Election of Secretary

Member Mito nominated Member McCormick for the position of Secretary, Member Lew seconded. Member McCormick was elected unanimously.

#### Agenda Item 8 – Report on action implementing the Governor’s veto message on SB 1472 encouraging the board to work with COMDA to provide auxiliaries with a stronger voice on the board

E.O. Wallinder reported that he has attended COMDA’s meetings and has plans to attend the California Dental Hygienists Association (CDHA) conference. He looks forward to the “blue sky” meeting to explore issues with COMDA and open up further dialogue with representatives from auxiliary organizations. President Turchi noted that COMDA Chair Shanda Wallace had invited all of the Board members to the CDHA conference. JoAnn Galliano, CDHA, appreciated the Board’s commitment but noted it has taken 7 months to place this item on the agenda. She stated that there are problems with regulatory action, and the lone hygiene member is not at this meeting, so hygienists have no voice. President Turchi stated that he hoped that the Board would always vote to represent the best interests of the public it serves. Member Seldin asked if Galliano is requesting that more hygiene members be added to the Board. Galliano felt that hygiene would be better served by its own board, as in the provisions of SB 534. Dawson conceded that the Board is willing to listen, but greater voice is given to the concerns of dentists.

#### Agenda Item 9 – Committee on Dental Auxiliaries Report (COMDA)

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

#### Agenda Item 9.1 – Approval/Disapproval of RDA Educational Programs and Radiation Safety Courses

COMDA Chair Shanda Wallace reported that COMDA recommends approval of the new Radiation Safety Course of the Academy of Dental Careers in San Juan Capistrano, the new pit and fissure sealant course of San Bernardino County ROP in Hesperia, the new pit and fissure sealant course of the College of Marin in Kentfield, the new pit and fissure sealant course of Allan Hancock College in Santa Maria, the new pit and fissure sealant course of Dental Pros in Temecula, the new ultrasonic scaler course of San Bernardino County ROP in Hesperia, the new Radiation Safety course of Dental Assisting Institute in Rocklin, the new pit and fissure sealant course in North Orange County ROP in Fullerton. M/S/P(Mito/McCormick) to approve all courses as presented.

#### Agenda Item 9.2 – Approval of draft regulatory language relating to Implementation of SB 1546 and SB 1541

COMDA Chair Wallace thanked COMDA’s Executive Officer and Legal Counsel for all their hard work on these regulations, and all those who have provided input. She noted that requests have been received to defer this item until interested parties have the opportunity to review and provide more input prior to setting a hearing date. President Turchi said he felt that this large mass of material should be deferred to a special stand-alone meeting devoted solely to these regulations depending on staff availability. Wallace asked when that meeting might be scheduled, Wallinder noted that notice will be given once the date and location are set, President Turchi noted that 10 days is required by law. Legal Counsel recommended that prior to such a Board meeting, CDA and the Alliance get together and work out their differences, and come to the meeting with language that both have agreed to. Cathy Mudge, CDA, noted that there may be unresolvable

differences, CDA will provide a rationale for their requests and felt that the Alliance is probably prepared to do the same. She said that the Board must make the final decision. Mudge noted that CDA would be able to send their comments via email by the end of the first week of May.

Kristy Borquez, The Alliance, offered to meet with CDA and thanked the Board for including them in the discussion, adding that The Alliance would be able to offer comments by the first week of May. Mudge explained that active dentists were consulted for input, not only CDA staff. Sharon Adkins, on the job trained RDA and former COMDA member encouraged the Board to include on the job trained assistants and the dentists who train them. Legal Counsel noted that it will be a public meeting of the full Dental Board where anyone may participate. President Turchi said she is more than welcome to come and give input, the meeting date and location will be posted as soon as determined. Earl Johnson, California Association of Orthodontists, said he has been following this for many years, felt this is a huge step backwards and recommended a committee of knowledgeable people to go over these regulations before they come to the board. He stated that these regulations have been edited by a layperson, and need professional input. President Turchi noted that as the Board goes through the regulations, all parties may give input, including those professional experts, adding that it would be difficult to put together a committee, and the regulations still must be approved by the Board. Member Mito noted that there was a committee, COMDA, there was a process, and there was opportunity for input multiple times. Lori Gagliardi, Pasadena City College, said that COMDA, a subcommittee that deals with these specific issues, has gone through these regulations for nearly two years, there has been input from dentists, educators and specialties. All parties may never agree upon some of the issues. Now the regulations will come to the Board, the employers of the auxiliaries, with no representation of the auxiliaries on the Board, and no representation of the educators who will be required to implement the provisions of these new regulations. She urged consideration be given to all the work that has gone into these regulations. Bruce Witcher, California Association for Oral and Maxillofacial Surgeons (CALAOMS), stated that he has personally worked on this project to create a specialty assistant for oral surgery since 1997. He looked forward to attending the meeting to present that point of view. Rich Kao, California Society of Periodontists, noted that as much as COMDA has approached professionals, some of the techniques are out of date. He felt that a meeting of all parties would be beneficial. Shanda Wallace, COMDA Chair, felt that every opportunity has been given for everyone to come and give their input. She agreed with Ms. Gagliardi that some of the issues may not ever be agreed upon, but noted that Legal Counsel has been heavily relied upon in the process for a legal basis. She appreciated the Board taking a proactive stance and having another meeting, but felt that the regulations should be moved forward to hearing as quickly as possible. She added that COMDA has worked very hard, and it has been a very long two years. She reported that COMDA has also voted to increase fees, which will be agendized for the next Board meeting, and also asked to agendize correction of certain courses from "provisional approval" to "approval", as only full RDA programs are provisionally approved.

Elizabeth Ware, COMDA Executive Officer, reported that COMDA had reviewed the fee proposals and noticed that current statute sets specific caps for exam fees, asking that the board consider setting the fee cap as "the actual cost of the examination", rather than a specific dollar amount. Also, the way that the current clean-up legislation is worded, any changes will not go into effect until January 2010, the proposed implementation date for the specialty categories. COMDA asks that the language be altered so that any fee changes not related directly related to the specialties be fee changes that may be implemented upon passage of the bill. She added that relating to the extension of the specialties, there must be a provision to extend the existence of the current RDA licensure program. Cathy Mudge, CDA, has concerns regarding the actual language, which has not yet been seen. E.O. Wallinder noted that he would inform everyone as soon as the language is put into a bill.

#### Agenda Item 10 – Enforcement Committee Report

Chair Seldin reported that the language approved at the last meeting regarding sex offenders has moved forward, SB 252, by Senator Aanestad. She expressed the committee's appreciation to the Senator. She reported that the Committee approved minutes, began review of the Disciplinary Guidelines and will set up a separate meeting of the Enforcement Committee to review the Guidelines. She noted that public protection is the priority adding that Greg Salute, DAG, gave an overview of enforcement issues to the dental school at UCLA. She commended this program and hoped to see its expansion. M/S/P (Lew/ McCormick) to approve the Committee's report.

#### Agenda Item 11 – Continuing Education Committee Report

Chair Lew reported that minutes were approved, the Committee voted to move forward with a regulatory hearing on the proposed changes to Section 1016 and 1017 and agreed that course providers should be reviewed. He noted that the discussion of reviewing course providers would be continued at the next meeting. Steven Morrow, Loma Linda School of Dentistry, felt that the purpose of this board is to provide consumer protection. He thought there should be an audit of courses, to assure that providers are competent. Linda Ngoy, Latino Coalition for a Healthy California (LCHC), stated their support for the inclusion of courses teaching dental communication in a foreign language into the requirements. M/S/P (Seldin/ McCormick) to adopt the report.

#### Agenda Item 12 – Examination Committee Report

Chair Casagrande reported that the minutes were approved, the Law and ethics exam is being given monthly, the WREB liaison was asked to monitor and report back on items of concern. M/S/P(Mito/Lew) to adopt the Committee's report.

#### Agenda Item 13 – Exam Appeals Committee

Chair Turchi reported that four appeals were considered and all were granted. M/S/P (Mito/Baker) to adopt the Committee's report.

#### Agenda Item 14 – General Anesthesia/Conscious Sedation Committee

Chair Mito reported that the Committee looked at the new proposed ADA sedation guidelines and created a subcommittee of Members Bettinger and McCormick to track this issue. Member Seldin noted that the subcommittee will report back in June with is any new information. Member Mito reported that onsite inspection fee increases were explored and appear to be justified, so will be pursued. Dr. Whitcher, California Association of Oral and Maxillofacial Surgeons(CALAOMS), noted that the request was to take the fee to the regulatory maximum of \$350, a \$100 increase, adding that more evaluators are needed. He noted that they must apply to the Board and attend a calibration course. M/S/P (Baker/Dominicis) to adopt the Committee's report.

#### Agenda Item 15 - Licensure, Certification and Permits Committee Report

Chair Casagrande reported that the Committee approved minutes, reviewed legislation, reported on SB 683 implementation, reviewed and took a position of oppose unless amended on SB 1025, directed staff develop language to allow the Board to ask a licensee if they have suffered a conviction since their last renewal, and add language allowing COMDA to approve educational courses into the requested clean up language relating to SB 1541 and SB 1546. Donna Kantner, Legislative Analyst, clarified that Legal Counsel recommended that a statutory change be pursued rather than a regulation, to allow COMDA to approve courses. Legal Counsel noted that any denial must still come to the Board. Chair Casagrande reported that four applications for a license to replace a cancelled license were reviewed, one was granted, one denied, and two were tabled for additional information. Legal Counsel noted that the entire application must be provided for the Committee's consideration. M/S/P (Mito/Bettinger) to adopt the Committee's report.

#### Agenda Item 16 - Foreign Dental Programs Committee Report

Chair Dominicis reported that the February minutes were approved and it was delegated to the Chair to appoint and remove Technical Advisory Group members as the current composition does not conform to regulation. M/S/P(Baker/ Mito) to adopt the report of the Committee.

#### Agenda Item 17 – Report on March 19, 2007 Meeting of the SB438 Credentialing Committee and possible action including approval of Oral and Maxillofacial Surgery Elective Facial Cosmetic Surgery Elective Facial Cosmetic Surgery Permit Application

Secretary McCormick, liaison to the Committee, reported that the Committee reviewed the permit provisions of SB 438, which were directly incorporated into an application for permit. She reported that the Committee voted to approve the permit application as presented. M/S/P(McCormick/Mito) to approve the report and adopt the permit application form. Antonette Sorrick, DCA Board Relations, noted that the Department has a new letterhead format that may alter the form slightly. Legal Counsel said this would not change the form's content. Bruce Witcher, CALAOMS, stated how pleased they are to see this committee up and running, congratulated all on a job well done. McCormick reported that the application will be on the website by next week and the Committee is currently scheduled to meet the second week of May to review applications, which may be a bit premature. She noted that meeting will likely be rescheduled a week or two later, and be noticed on the website.

#### Agenda Item 18 – Progress Report on Comparison of RDH Clinical Exam and Dental Board clinical Periodontal Exam

President Turchi noted that due to the absence of members of the subcommittee, this item will be tabled until the June board meeting. Shanda Wallace, COMDA Chair, said that she was to be part of that committee, and has not been contacted. Turchi noted that the original subcommittee was to be Members Lew and Yale, but Member Lew was unable to serve. Wallace expressed her disappointment in that decision and complimented Dr. Lew in taking an interest in the subject matter, believing that he could still have valuable input. She added that she felt it would be difficult for the subcommittee to proceed without her 20 years of expertise in the hygiene exam process, and looked forward to meeting with Member Yale and Chief Dental Examiner Coragene Savio.

#### Agenda Item 19 – Discussion of Laser Use by Dentists and Dental Hygienists

President Turchi noted that there have been questions regarding the use of lasers by dentists and dental hygienists. Rich Kao, California Society of Periodontists (CSP), said it is used for soft tissue curettage, documentation studies show it is not therapeutic, not a billable service. He stated that misuse results in loss of soft tissue, bone and the tooth itself, CSP has concerns for public safety. He noted that since curettage is an approved technique that may be performed by hygienists, CSP has accepted that, the concern is with misuse. President Turchi said he agendized this because it is a new technique, companies that manufacture devices make many claims to the dental population to buy their products and use them, felt the Board should have the background for when these cases come to them for enforcement. Kao, much is unknown at this time, usage in dental practice is being pushed by the manufacturers, unsure of the therapeutic value. Member Mito asked if there are guidelines from the CSP on the usage of lasers. Kao replied no, there are none at this time.

Cathy Mudge, CDA, felt that the discussion should be directed toward the standard of care, adding that CDA strongly supports hygienists being able to use any piece of equipment for any technique that is allowed within their scope of practice. She would hate to see this Board become enmeshed in an argument about who can use what piece of equipment. She added that

manufacturers of these devices send advertisements to dentists advocating their use for skin rejuvenation, she felt this merits the Board's scrutiny. Wallace noted that the Academy of Laser Dentistry has guidelines, she is very concerned with the standard of care and expansion of the use of these devices outside the practice of dentistry. She felt clarification as to where the laser may be used would be of benefit. JoAnn Galliano, CDHA, noted that it has been 7 years since this issue came before the Board, Dr. Joel Wright at UCSF was used as a resource, there are people out there that can provide that information. She added that the information is very specific, which lasers can be used for which procedures, and that information is available. Member Mito asked if CDHA has guidelines, Galliano noted that there are no guidelines, but CDHA recommends certification before a hygienist uses a laser, the guidelines for that particular certification would come from the Academy of Laser Dentistry. Member Lew felt that adequate training of people in the use of the laser is the concern. Earl Johnson, CAO, noted that lasers are even used in the orthodontic office now for gingival recontouring and replacing what was done with electrosurgery, added that CAO has no guidelines for laser use. Steven Morrow, Loma Linda University, noted that lasers have a place, keep an open mind, but as far as he knows there are no guidelines from the American Association of Endodontics for laser use, but there are guidelines for evidence based dentistry. Tony Pogrel, Chairman of the Department of Oral and Maxillofacial Surgery at UCSF, noted that lasers in dentistry are anything but new, have been around since the early 1980s and there is still little use for them in dentistry. Lasers cut, a scalpel cuts. Both can be misused, he noted, and there are no regulations for using a scalpel. Lasers coagulate tissue, so can electrosurgery. He saw no advantages to the use of lasers, and noted there are no regulations as to the use of electrosurgery. He felt hands-on training is necessary, but there is nothing magic about lasers.

#### Public Comment

There was no public comment. President Turchi thanked staff for their attendance and hard work.

#### Adjournment

The meeting was adjourned at 11:10am.



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## **EXAM COMMITTEE**

April 26, 2007  
South San Francisco, CA

### **Meeting Minutes**

Chair Casagrande called the meeting to order at approximately 2:00pm, called the roll and established a quorum.

#### Members Present:

Stephen Casagrande, DDS, Chair  
John Bettinger, DDS  
Luis Dominicus, DDS  
Michael Lew, DMD  
Suzanne McCormick, DDS  
Ronald S. Mito, DDS  
Lewis Turchi, DDS

#### Members Absent:

none

#### Staff Present:

Richard L. Wallinder, Executive Officer  
Donna Kantner, Regulations Analyst  
Greg Salute, Deputy Attorney General  
LaVonne Powell, DCA Legal Counsel

Agenda Item EX 1 – Approval of February 8, 2007 Exam Committee Meeting Minutes  
M/S/P(Turchi/Mito) to adopt the minutes with the correction on page 2, 1<sup>st</sup> paragraph, last sentence to read “a general survey of program directors was requested annually”.

Agenda Item EX 2 – Law and Ethics Examination Update  
Executive Officer Wallinder reported that the California Law and Ethics examination, required for licensure, is being given monthly. He added that it will be offered online as soon as possible, hopefully by January 2008.

Agenda Item EX 3 – Update on Letter from WREB regarding recruitment of Examiners  
Executive Officer Wallinder reported that the information in the packets has been sent to all California examiners, noting that they may contact WREB if they are interested in working that exam.

Agenda Item EX 4 – Request the California Board representative to WREB Monitor: Periodontal Portion of WREB’s clinical examination, Time limit for Use of a Patient during examination (i.e. , patient safety), Grading System for WREB’s clinical examination  
Chair Casagrande requested that the Board’s Liaison to WREB continue to monitor the listed items and keep the Board apprised of any developments. Member McCormick, Liaison to WREB said she was in close contact with Linda Paul at WREB.



#### Agenda Item EX 5 – Report on outcome of improvements to Clinical Exam process

Chair Casagrande reported that the exam has been made more user friendly, while continuing to be complete, thorough and fair. Member Dominicis expressed his concern at the cancellation of one of the scheduled RT examinations, Chair Casagrande noted that the exam was cancelled due to a lack of candidate applications. Member Dominicis felt that the Board must not be seen as hindering this process. Member McCormick suggested a mass mailing. Executive Officer Wallinder noted that the exam dates and locations will be posted on the website as soon as contracts are final, stating that two additional exam dates have been added this year: University of the Pacific in August and UCLA in September. Executive Officer Wallinder stated that he would contact staff to determine the number of candidates still in the pool and if it is possible to notify them directly of upcoming exams.

#### Agenda Item EX 6 – Exam Statistics

Chair Casagrande reported that the pass rate for the past quarter is 82%, noting that the Restorative Technique (RT) exam also posted a higher pass rate at the last exam.

There was no public comment and the Committee meeting was left open until the following day to hear E.O. Wallinder's report.

On Friday, at 9:05a.m., Wallinder reported that there are approximately 2,000 eligible people remaining in the pool, exam dates will be posted on the board's website as soon as possible, there will be at least two more RT exams this year, at UOP in August and September at UCLA. He noted that he will also work closely with CDA and the societies to disseminate the information, but a "mass mailing" is not feasible because we do not have their addresses until they apply for an examination. There was no additional comment and the meeting of the Examination Committee was closed at 9:10a.m.



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## **ENFORCEMENT COMMITTEE**

April 26, 2007  
South San Francisco, CA  
**Meeting Minutes**

Chair Seldin called the meeting to order at 1:00pm, called the roll and established a quorum.

Members Present:

Harriet Seldin, DDS, Chair  
William A. Baker, Public Member  
John Bettinger, DDS  
Michael Lew, DDS  
Lewis Turchi, DDS

Members Absent:

none

Staff Present:

Richard L. Wallinder, Executive Officer  
Donna Kantner, Regulations Analyst  
Greg Salute, Deputy Attorney General  
LaVonne Powell, DCA Legal Counsel

Agenda Item ENF 1 – Approval of February 8, 2007 Minutes

M/S/P (Turchi/ Lew) to approve the minutes of the February meeting with no changes.

Agenda Item ENF 2 – Update re Revision of Disciplinary Guidelines

Chair Seldin reported that the draft of the Disciplinary Guidelines is in the Committee's packet. Legal Counsel Powell noted that one of the uses of the Disciplinary Guidelines is to have documentation of the rationale behind disciplinary actions that go to Administrative Law Judges. Chair Seldin recommended a separate meeting of the Enforcement Committee to review the Guidelines, depending on staff availability, and asked for the Deputy Attorney General's involvement.

Agenda Item ENF 3 – Legislative update on proposed Statutory language relative to Unlicensed Practice and Registered Sex Offenders and Probationary Monitoring Costs

Executive Officer Wallinder reported on the progress of seeking legislation to require the statutory language that the Board had approved, noting that the language regarding Registered Sex Offenders appears in SB 252.

There was no public comment and the Enforcement Committee adjourned at 1:30pm.



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## **CONTINUING EDUCATION COMMITTEE**

April 26, 2007  
South San Francisco, CA

### **Meeting Minutes**

Chair Lew called the meeting to order at 1:35pm.

Members Present:

Michael Lew, DMD, Chair  
John Bettinger, DDS  
Harriet Seldin, DMD

Members Absent:

Joyce Yale, RDH

Staff Present:

Richard L. Wallinder, Executive Officer  
Donna Kantner, Regulations Analyst  
Greg Salute, Deputy Attorney General  
LaVonne Powell, DCA Legal Counsel

Agenda Item CE 1 – Approval of February 8, 2007 Minutes

M/S/P (Bettinger/Seldin) to approve the minutes of the February 8, 2007 meeting minutes.

Agenda Item CE 2 – Report on Notice of proposed Public Hearing date of June 13, 2007 for Proposed Amendments to Regulation Sections 1016 and 1017 relating to Continuing Education to Include Courses that Teach Dental Communication in a Foreign Language in Category II courses and other amendments recommended by staff

LaDonna Drury-Klein, California Dental Association (CDA), asked for clarification to the language relating to correspondence courses and their acceptance for no more than half of a licensee's renewal units. Chair Lew felt that the regulatory process should not be stopped, and that clarification could be made at the scheduled regulatory hearing. The Committee's consensus was to proceed with the public hearing.

Agenda Item CE 3 – Review of Regulations for approval of Continuing Education Providers

Member Seldin reported that approved providers are giving courses in illegal functions, stating that this is confusing to licensees. JoAnn Galliano, California Dental Hygiene Association, noted that she attends courses outside her scope of practice for information, even though not allowed to perform the function. She felt this could be addressed in the audit process. Cathy Mudge, CDA, felt that courses should make clear who may legally perform the function. Member Bettinger suggested that it be printed on course materials. Legal Counsel agreed that a disclaimer might be useful. Member Seldin asked that this be agendaized for a future meeting.

There was no public comment and the meeting adjourned at 1:55p.m.

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**GENERAL ANESTHESIA/CONSCIOUS SEDATION COMMITTEE**

April 26, 2007  
South San Francisco, CA

**Meeting Minutes**

Chair Mito called the meeting to order at 2:30 p.m.

Members Present:

Ronald S. Mito, DDS, Chair  
John Bettinger, DDS  
Luis Dominicis, DDS  
Suzanne McCormick, DDS  
Harriet Seldin, DMD

Members Absent:

none

Staff Present:

Richard L. Wallinder, Executive Officer  
Donna Kantner, Regulations Analyst  
Greg Salute, Deputy Attorney General  
LaVonne Powell, DCA Legal Counsel

Agenda Item GA/CS 1 – Approval of February 8, 2007 Minutes

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

Agenda Item GA/CS 2 – Discussion of American Dental Association's Proposed Sedation guidelines

Member McCormick noted that the Board's current statutes have no requirement for emergency equipment and training for oral conscious sedation permit holders, as the proposed ADA guidelines require. Member Bettinger noted that the ADA includes codes for anxiolysis that are not in the Board's regulations. Member Mito thought ADA's proposal may include a number of conflicts with California's regulations, asking Members McCormick and Bettinger to act as a subcommittee on this issue. Member Seldin asked if the Board needed to give input or take a position on the proposal. Member Bettinger said that as an independent board, we need not adopt the exact guidelines proposed by the ADA.

Agenda Item GA/CS 3 – Discussion and Possible Action regarding increasing the fees paid for onsite inspection of dental offices for General Anesthesia and Conscious Sedation Permits

Chair Mito noted that the current fee is \$75 for an onsite inspection, adding that there are only a few individuals who do this. Rich Kao, California Society of Periodontists (CSP), felt this fee is too low. Legal Counsel noted that a fee increase was attempted in the past, but thought a contract might be feasible. Member Dominicis felt the possibility of a fee increase should be explored. M/S/P (Seldin/Dominicis) to direct staff to investigate and report at the next meeting.

There was no public comment and the meeting adjourned at 3:00p.m.

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**LICENSING, CERTIFICATES, AND PERMITS COMMITTEE**

April 26, 2007

**South San Francisco, CA  
Meeting Minutes**

Chair Casagrande called the meeting to order at 3:10p.m.

Members Present:

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

Members Absent:Staff Present:

Richard L. Wallinder, Executive Officer  
Donna Kantner, Regulations Analyst  
Greg Salute, Deputy Attorney General  
LaVonne Powell, DCA Legal Counsel

Agenda Item LCP 1 – Approval of February 8, 2007 Minutes

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

Agenda Item LCP 2 – Legislation - Discussion and Possible Action

AB 17 - Dental Corps Loan Repayment Program, would allow dentists to contribute a voluntary \$50 fee upon license renewal to be specifically designated toward this program. Member Dominicis asked if this bill would be an impact on staff. Executive Officer Wallinder noted that this is an extension of the existing program, staff is already in place and he did not feel that the bill would result in a substantial increase in workload.

AB 269 – Dentists License Renewal would require dentists to report any specialty board certification and their practice status, which would be posted on the Board's website. It would also allow dentists and auxiliaries to report their cultural background and foreign language proficiency by the zip code of their primary practice and requires the Board to tabulate the reported information and make it available on the Board's website by October 1 of each year. Linda Ngoy, Latino Coalition for Health Care (LCHC) noted that there is little information about dentists practicing in California, no comprehensive assessment of the availability and distribution of dentists. She stated that this valuable information would be provided to the Legislature and other governmental agencies. E.O. Wallinder noted that staff concerns have been addressed by amendments to the bill. It was mentioned that this information may be collected by local dental societies. Member Dominicis noted that about 25% of dentists do not belong to any society or organization.

SB 387 – This bill, sponsored by the California Dental Association, would allow the spouse,

estate or conservator or a deceased or sole-practitioner dentist to hire or contract with a

licensed to continue care to the practice's patients for a period not to exceed 12 months while the practice is sold. Member Mito asked how a dental corporation might be affected. Legal Counsel stated that confidentiality issues need to be addressed for dental practices of deceased and incapacitated dentists. Cathy Mudge, CDA, said that this bill is an attempt to allow a survivor to own the practice for one year either to run it or to transition it to another person, rather than simply closing the doors. She noted a great deal of research has gone into this bill to address confidentiality issues and continuity of care. Greg Salute, DAG, noted that this bill imposes several requirements on the Board regarding a hearing, issues to be sorted out. Mudge noted that suggestions would be accepted.

SB 534- Wallinder noted that this is essentially the same bill as SB 1472 from last year.

SB 620 – This bill eliminates the sunset requirement from existing law governing administration of general anesthesia.

AB 1025 – This bill was introduced to eliminate barriers to licensure, however criminal convictions that have been expunged cannot be considered. Legal Counsel noted that the Department feels that all convictions should be scrutinized prior to issuance of a license and discretion should be allowed. The board M/S/P (Turchi/McCormick) to oppose the bill unless amended to allow the Board to consider all convictions, even those expunged, prior to issuance of a license.

#### Agenda Item LCP 3 –Report on Implementation of Provisions of SB 683 – Licensure by Residency Program

Executive Officer Wallinder reported that staff is working with the Office of Examination Resources to assist in implementation, noted that he will keep the Board advised of progress. Member Mito asked for clarification regarding school-based programs. Cathy Mudge noted that programs not affiliated with a dental school, such as federal and military programs, require students to obtain their license either before or during their residency program. Mito noted that VA based CODA-accredited programs do not require licensure for the first year, but after the first year, there is a requirement for licensure. Mudge noted that CDA is informing callers to be very careful when choosing a residency program, look carefully at the requirements. E.O. Wallinder noted that additional staff was a component of the bill.

#### Agenda Item LCP 4 –Review and adoption of regulatory language language allowing the board to ask a licensee if they have suffered a conviction since their last renewal and to hold up renewal of a license if a licensee doesn't answer the question

Wallinder noted that this item was considered under LCP 2 – Legislation. SB 1025 (Bass), would provide that a person may not be denied licensure or have his or license suspended or revoked based on a criminal conviction that has been dismissed on specified grounds. It would require the board to provide an applicant a copy of his or her criminal history record. Legal Counsel noted that if a board asks the licensee this question, regulations to do so should be in place. M/S/P (McCormick/Turchi) to request staff to put into regulatory language requiring licensees to report convictions on their renewal forms and hold up renewals if the licensee does not answer the question.

#### Agenda Item LCP 5 –Review proposed regulations and Consideration of Legislative Proposal as part of clean-up for SB 1546 and SB 1541 re: Delegation of Approval authority for COMDA's Programs and Courses

Executive Officer Wallinder noted that the regulations have been reviewed by COMDA and have been discussed at length at several Dental Board and COMDA meetings, asking that comments be kept to two minutes. He added that the regulations would be noticed for a Public Hearing at a later date. Cathy Mudge, CDA, believed that there are still major issues to be resolved, Dental Board intervention required. Asked that the Dental Board convene a meeting to air some of the significant differences to make some of those decisions prior to the regulatory hearing. Staff Analyst Kantner clarified that this item refers to a current regulatory action regarding Section 1001 that the board approved, however Legal Counsel felt that OAL would not approve the regulation and it should be addressed statutorily. M/S/P(Turchi/Mito) to ask the author of the clean-up legislation to add language allowing COMDA to approve educational programs and courses into the clean-up language for SB 1546 and SB 1541.

Agenda Item LCP 6 – Licensure by Credential (LBC) Program Statistics  
Information item only.

The Board decided to leave this Committee meeting open and continue forward with the Foreign Dental Programs Committee meeting and go into closed session when that item is completed.

Public Comment

Cathy Mudge and JoAnn Galliano reported that the California Primary Care Association, CDA and CDHA are jointly sponsoring SB 238 to allow patients at federally qualified health clinics to see a hygienist without seeing a dentist at the same visit. The problem is that a Registered Dental Hygienist is not a billable provider. Member Bettinger asked if this would allow a hygienist to bill for an examination. Mudge said no, that it does not affect the scope of practice, but adds hygienists to the list of billable providers so that the dentist does not have to directly provide the cleaning or services as part of the visit.

Agenda Item LCP 7 – **\*CLOSED SESSION\*** Replacement of a Cancelled License

The board considered applications for replacement of cancelled license in closed session.

The meeting adjourned at 4:25p.m.



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## **FOREIGN DENTAL PROGRAMS COMMITTEE**

April 26, 2007  
South San Francisco, CA

### **Meeting Minutes**

Chair Dominicis called the meeting to order at 4:00p.m.

Members Present:

Luis Dominicis, DDS, Chair  
John Bettinger, DDS  
Stephen Casagrande, DDS  
Lewis Turchi, DDS

Members Absent:

none

Staff Present:

Richard L. Wallinder, Executive Officer  
Donna Kantner, Regulations Analyst  
Greg Salute, Deputy Attorney General  
LaVonne Powell, DCA Legal Counsel

Agenda Item FOR 1 – Approval of February 8, 2007 Minutes

M/S/P(Turchi/Bettinger) to approve the minutes as presented.

Agenda Item FOR 2 – Delegate to Chair to Appoint and Remove Technical Advisory Group (TAG) Members

Executive Officer Wallinder reported that in the process of appointment of a new TAG member, upon reviewing the statute, the TAG must consist of two members from the school's list and two others selected by the Board. Currently, of the remaining three members on the TAG, none are from the list submitted by Manipal College. M/S/P(Turchi/Casagrande) to delegate the appointment and removal of Technical Advisory Group members to the Chair to correct the alignment of the TAG to statutory requirements. Dominicis asked that the school be notified.

Public Comment

CDA representative Mudge noted that the Commission on Dental Accreditation (CODA) of the American Dental Association is now accepting applications from foreign schools to receive CODA accreditation. This may lead to a more national method of foreign school approval. There was no further public comment and the meeting adjourned at 4:10p.m.