



DENTAL BOARD OF CALIFORNIA

**August 24, 2007
San Francisco, CA**

Full Board Meeting Minutes

President Turchi called the meeting to order at 11:27 a.m. and a quorum was established.

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
Joyce Yale, RDH

Members Absent:

None

Staff Present:

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

Agenda Item 1 – Approval of April 26, 2007 Minutes

M/S/C (Seldin/Baker) to approve the minutes.

Agenda Item 2 – President's Report

Dr. Turchi reported that at the Board's next meeting the members will conduct an evaluation of the Board's Executive Officer. The Department's standard appraisal form will be mailed to all members within the next month. Dr. Turchi also reminded the Board that the AADE meeting to be held in San Francisco is scheduled on September 26-30, 2007 and that Board members wishing to attend will be reimbursed according to the State's allowable amounts.

Agenda Item 3 – Executive Officer's Report

Mr. Wallinder provided information to the members about the state hiring process. He explained that it is a tedious and involved process that takes a minimum of 90 days to complete. If a position is vacant for a period of 180 days, the position is eliminated. Once a position is eliminated it can take up to three years to get another position through the BCP process.

Mr. Wallinder also summarized the travel reimbursement rules as established by the State Administrative Manual.

On July 13th and 14th, Wallinder attended the Western Conference of Dental Examiners and Dental School Deans. This was an opportunity to meet examiners and dean's from other states and share information about the California Dental Board.

Agenda Item 4 – Budget Report

Wallinder reported there is no budget information to report at this time since the Governor has not yet signed the State budget.

Agenda Item 5 – Report on August 23rd Joint COMDA and Board meeting

Dr. Turchi reported that this was a beneficial meeting for all parties involved and that the Board intends to have more of these meetings. Elizabeth Ware and Rick Wallinder will establish a list of interested parties who may wish to attend future meetings and provide the information to Dr. Turchi and Ms. Wallace. They will decide the date and time of the next meeting to be held at DCA Headquarters in the near future.

Agenda Item 6 – Report on August 23rd meeting re draft regulatory language to implement provisions of SB 1546, SB 1541 and related bills

Donna Kantner reported the Board made a certain amount of progress in reviewing the draft regulations. Staff will make changes and submit the language for review at the November Board meeting.

Agenda Item 7 – Committee on Dental Auxiliaries Report

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

Agenda Item 7.1 – RDA Educational Programs and Courses

M/S/C (Bettinger/Lew) to approve the following RDA Programs:

American Career College – Costa Mesa – Provisional approval

Everest College – AKA National Education Center, Bryman – San Bernardino – Full approval

M/S/C (Lew/Dominicis) to give full approval the following **Pit and Fissure Sealant** courses:

Orange Coast College – Costa Mesa

Foothill College - Los Altos Hills

The request for a Pit and Fissure Sealant course at Cypress College in Cypress California was withdrawn by COMDA.

M/S/C (McCormick/Casagrande) to give full approval of the following Coronal Polishing courses:

Heald College – Stockton

Heald College – Concord

Heald College – Hayward

California Dental Certifications – Pacific Beach

Agenda Item 7.2 – Report and Recommendations re: Western Career College – Sacramento

Ms. Wallace reported that COMDA conducted a follow-up site visit at Western Career College in Sacramento on July 27, 2007. The site visit revealed the school had addressed all areas of concern and they are diligently working on getting the RDA program in compliance. At this time, the school is remodeling the dental laboratory, classrooms, and they are purchasing new equipment. The remodeling of the facility is scheduled for completion by the end of this year. Once the facility is in order, the school will submit their curriculum for review and request another site visit.

Ms. Wallace stated that COMDA decided to maintain the school's current approval status for the RDA program and place the school on probation. Once the review of the RDA program has been completed, a recommendation may be brought forward to COMDA and the Board to discontinue probation.

M/S/C (Casagrande/Yale) The Board will discontinue seeking revocation of approval for Western Career College in Sacramento and will maintain the school's current approval status and place the school on probation.

Agenda Item 8 – Exam Appeals Committee Report

There were no appeals to consider at this time.

Agenda Item 9 – Diversion Committee Report

Dr. Bettinger reported the committee voted to recommend that the Board accept Dr. Curtis Vixie to the Southern Diversion Evaluation Committee. M/S/C (Casagrande/Lew) to accept the Committee's recommendation to appoint Dr. Curtis Vixie to the Southern Diversion Evaluation Committee.

The committee tabled discussion of the proposed disciplinary guidelines until the November meeting.

A presentation was given by Richard DeCuir, Assistant Executive Officer, Sandra Meadows, Maximus Representative and Dr. Bill Hooker, Chair of the Southern Diversion Evaluation Committee. The presentation was informative and appreciated by all.

The committee decided to add an RDH member to the northern and southern Diversion Evaluation Committees. Staff will develop language and bring it to the November Board meeting for adoption.

It was also approved in concept, to draft statutory language regarding information sharing from the Diversion Committee to the enforcement unit for probationers. This language will be submitted for the Board's approval and will then be included in the next legislative session.

M/S/C (Casagrande/Lew) to adopt the report.

Agenda Item 10 – Enforcement Committee Report

Mr. Baker reported progress has been made regarding the review of the disciplinary guidelines. Staff is making edits to the guidelines that were decided at the subcommittee's last meeting. The committee recommended that it would be appropriate to add a COMDA representative to the subcommittee.

Baker stated that SB 1048, regarding extending the RDA specialties implementation date and etc. is quickly moving through the legislature and should become law soon.

It was decided that staff prepare statutory language to amend the Board's statute of limitations to allow for tolling while the licensee is in the Diversion Program.

It was also decided to direct staff to prepare statutory language for the following four proposed legislative actions in 2008:

1) Amend the Dental Practice Act (DPA) to require automatic removal from practice whenever a participant in the Diversion Program tests positive or misses a drug test.

Consensus was that it would depend upon whether the licensee was self-referred or referred by the Board as a condition of licensure.

2) Amend the DPA to require sharing of information between the Diversion and Enforcement Programs for those participants who have been ordered into the program via a Disciplinary Order.

Legal counsel explained that this would separate probationary referrals out so that only those referred by a Disciplinary Order would be affected.

3) Amend the DPA to require licensees retain all patient records for a specified period of time.

The Board requested that staff research other boards as to their policies regarding the retention of patient records.

4) Amend the DPA to require all licensees include their license number after all chart entries.

Enforcement staff requested this change to make their investigations proceed more easily by identifying which dental staff member performed which procedure.

M/S/C (McCormick/Mito) to adopt the Committee's report.

Agenda Item 11 – Continuing Education Committee Report

Dr. Lew reported that Dr. Seldin and Joyce Yale met to review regulations 1016 and 1017 relating to the approval of continuing education providers and the audit process for providers. Discussions have begun but no decisions have been made at this time.

Dr. Morrow representing LLU, asked if graduate students in advanced educational programs will be granted continuing education credit towards their existing dental license. Legal counsel advised that currently there is no provision in the law to count post-graduate education towards the continuing education requirement for renewal of a dental license. However, the Board has a policy that it will accept as CE hours from licensees in advanced educational programs. The Board has been informed by its Legal Counsel that it needs to put that policy into regulation. Dr. Morrow also stated that he recently found out from Board staff that a certain Registered Provider was giving continuing education credit for CPR not approved by the American Heart Association or Red Cross. He questioned what happens to those licensees who took the course. Legal counsel advised that licensees who took the course in good faith would not be penalized if audited, but they should retake the course from an approved provider to ensure public protection.

M/S/C (Mito/McCormick) to adopt the Committee's report.

Agenda Item 12 – Examination Committee Report

Dr. Casagrande reported the law and ethics examination continues to be given twice each month in addition to being given at the WREB and California clinical exams. In the near future it is expected that the examination will be available at computer-based testing centers throughout California.

The Committee reviewed the examination statistics that were provided as informational. Dr. Casagrande requested COMDA provide more detailed information in November regarding their RDA written statistics. The committee is interested to know what portion of the population is having the greatest difficulties in passing the RDA written examination. Specifically, are they individuals from RDA Educational Programs, those with English as a second language, or those trained on-the-job.

The committee discussed Portfolio Licensure. It was determined that the subcommittee will need to continue having meetings to further develop details of this new concept. Staff has been directed to contact OER for specific information needed to provide an analysis and evaluation that models the current sections of the WREB and the Board's clinical exam. The Exam Committee voted to recommend the Board support the concept.

M/S/C (Bettinger/McCormick) to accept the concept of Portfolio Licensure.

It was also determined there is no need to raise exam fees at this time.

M/S/C (Bettinger/Lew) to adopt the Committee's report.

Agenda Item 13 – General Anesthesia/Conscious Sedation Committee Report

Dr. Mito reported that at the June meeting, the Committee appointed a subcommittee to review recent revisions of the ADA guidelines. The ADA guidelines are still being worked on therefore the Committee had no action to propose. The ADA is scheduled to meet in late September.

The Committee also discussed the need to increase fees for onsite inspections of dental offices for General Anesthesia and Conscious Sedation Permits. It was decided that the fees could not be determined until a contract is in place. The committee voted to recommend to the Board that we increase the fees once the contract is completed. It was m/s/c (Dominicis/Bettinger) to increase the GA/CS onsite inspection fees based on the outcome of the contract.

M/S/C (Lew/Seldin) to adopt the Committee's report.

Agenda Item 14 – Licensure, Certification and Permits Committee Report

Dr. Casagrande reported that no new positions were taken on any of the Assembly or Senate bills.

Staff is making every effort to have a contract in place for implementation of Licensure by Residency. The Board will need to develop emergency regulations to put this program in place.

Licensure by Credential program statistics were reviewed and provided as an informational item.

University of the Pacific submitted four extramural facilities for approval and these were approved by the Committee. The Committee also decided that these requests no longer need to go before the Board for approval because the review is a staff function much like the review of other types of Board applications. It was M/S/C (Mito/Bettinger) to approve Southeast Health Center, Bill Graham Civil Auditorium, City of San Francisco Mobile Vans, and Tom Waddell Health Clinic submitted by University of the Pacific and to allow staff to approve Extramural applications in the future.

Casagrande also informed the Board that the Committee considered two requests for issuance of a new license to replace a cancelled license in closed session. Both requests were denied.

M/S/C (Mito/Bettinger) to adopt the Committee's report.

Agenda Item 15 – Foreign Dental Programs Committee Report

Dr. Dominicus reported that he was unable to establish a TAG. Mr. Wallinder is hoping to meet with the Dean of Manipal in August as the Dean will be in the United States. It was requested that staff contact CODA to obtain a representative to provide a presentation to the Board on criteria for International Dental School approval.

M/S/C (Casagrande/Turchi) to adopt the Committee's report.

Agenda Item 16 – Report on August 13, 2007 Meeting of Elective Facial Surgery Permit, and appointment of Credentialing Committee Member(s)

Dr. McCormick reported that Dr. Timothy Silegy was voted the chairperson for the credentialing committee. She thanked staff for the development of the application check-list that summarizes information each applicant provides. The Credentialing Committee began discussions on the application approval process and determined that regulations may be needed.

The next meeting is scheduled for November 6, 2007 in Sacramento.

M/S/C (Bettinger/Mito) to accept the Credentialing Committee's recommendation to grant permit approval without limitation to David Gilbert.

M/S/C (Mito/Bettinger) to adopt the Committee's report.

Agenda Item 17 – Progress Report on Comparison of RDH Clinical Exam and Dental Board clinical Periodontal Exam

Shanda Wallace stated there was a miscommunication regarding the meeting date set on August 6, 2007. She said she called both Ms. Yale and Mr. Wallinder on Sunday, August 5th regarding the meeting date stating she was unable to meet with the Committee on such short notice. She said she thoroughly regretted this because she wanted to be a participant at the meeting. Further, when she received the meeting packet, she found her comments she had faxed over to the Committee in the packet, along with a response entitled "Reply to Ms. Wallace's concerns". She stated she was greatly disappointed in the fact that the Dental Board released a report that was a response from the Committee in which she had no prior knowledge. She said the response should not have been allowed to go into public record. She was in hopes to have had an opportunity to lend her expertise at the meeting.

Ms. Wallace stated that the planning of this meeting should have been initiated from staff at the Board office. The EO should have sent out a memo indicating the time, place and included her as a participant. She said Ms. Yale sent an email which revealed a series of email messages and she was left out. She said it would have been nice if she could have attended the meeting. Ms. Wallace asked the Board how they would like to proceed at this point. It was M/S/C (McCormick/Lew) to table this item until the next meeting. Ms. Yale offered to work with Dr. Savio and Ms. Wallace's schedule to find another meeting date.

It was M/S/C (McCormick/Lew) to table this item until the next meeting.

Agenda Item 18 – Adoption of modifications to proposed amendments to the California Code of Regulations Sections 1016 and 1017 relating to continuing education subsequent to regulatory hearing June 13, 2007.

The Board agreed to the following modifications to the proposed amended text:

Clarify requirements for approval of mandatory basic life support course.

Add "selection of " in Section 1016(a)(1)(G) relative to office instrument sterilization systems.

Section 1016(a)(1)(L) add "behavior guidance and patient management for all populations".

Add letter (M) – to allow Category I credit for courses in "selection, incorporation, and use of current technologies such as intraoral laser devices, digital radiographic equipment and computer-based diagnostic equipment", as this directly relates to patient care.

Strike Item "E" as it will be contained in item L.

M/S/C (McCormick/Bettinger) to return letter "(K)" to the text as originally proposed.

Changes to the enforcement and availability of records for clarity by separating existing text and re-numbering and re-lettering section (d), and specify that records be kept for three years.

Strike the word "registered" throughout the text for clarity –the term is simply "provider".

Retain 1016(g)(3) as new (5) as originally proposed, to specify that only providers who have submitted course outlines to the Board for mandatory Infection Control and the Dental Practice Act as required, may issue continuing education verification slips for these courses.

Add new text 1016(g)(7) which specifies that duplicate certificates may only be issued to course attendees and must be clearly marked duplicate so that only course attendees receive credit.

M/S/C (Seldin/Lew) that the application for continuing education provider contain the requirements of the regulations and update the biennial report to add course classifications for each subject.

1017(a)(1) was edited to clearly specify the mandatory units of continuing education for licensees.

Retain item (h) and clarify that no more than 50% of the units be through correspondence. Item (i) clarifies that up to 100% of the total units can be obtained through live interactive course study.

1016(j) specifies the units to be granted in Category 1 rather than Category II.

M/S/C (Seldin/Lew) to accept all changes and delegate staff to proceed with the rulemaking file and delegate to Legal Counsel and the Board's Executive Officer to make any non-substantive changes requested by DCA, Agency or OAL.

LaDonna Drury-Klein thanked the Board for continuing to work on the regulations and thanked staff for their good work.

Agenda Item 19– Adoption of forms and modifications to proposed amendments to the California Code of Regulations Section 1044 et.seq relating to Oral Conscious Sedation subsequent to disapproval of regulatory file by the Office of Administrative Law

Donna Kantner explained to the Board that the oral conscious sedation regulation packet submitted to OAL was disapproved for a number of reasons. She said she is working with the OAL attorney and believes that the file can be approved if the Board addresses all issues that have been identified thus far. She said that the Board must:

1. Adopt the language in the packet
2. Delegate to legal counsel and the Board's Executive Officer, authority to make any non-substantive changes that OAL requires to correct the deficiencies in the rulemaking file.
3. Address comments received from the public about following ADA guidelines instead of the proposed regulations. We need the rationale behind the decision.
4. Adopt the forms

Dr. Bettinger stated the ADA is still in the process of revising their guidelines, therefore we cannot consider them at this time. Their next meeting is scheduled for late September.

Dr. McCormick explained that a clinical experience will far exceed the viewing of a video or non-interactive learning opportunity. In this particular situation, it does require a fast response as it is an emergency situation. That particular skill set is best facilitated with a patient situation for which there is no substitute currently available.

Cathy Mudge said CDA was the sponsor of both bills for oral conscious sedation to children and adults. CDA strongly supports that the course include a live patient clinical experience. Also, it was with public safety in mind, that the Blue Ribbon Panel recommended requiring use of a live patient in the course.

M/S/C (Bettinger/McCormick) to adopt the language in the packet and to adopt the forms as provided and to delegate to legal counsel and the Board's Executive Officer, the making of any non-substantive changes to correct any deficiencies.

M/S/C (Bettinger/McCormick) to accept the rationale for public protection as articulated by Dr. McCormick, Cathy Mudge and the Blue Ribbon Panel, regarding the requirement for a live patient for instruction.

Agenda Item 20 – Adoption of modification of proposed amendments to the California Code of Regulations Section 1079.2 relating to RDHAP licensure

M/S/C (McCormick/Bettinger) to approve the language and forms and to delegate to the Board's Executive Officer, the making of any non-substantive changes, and to adopt the forms.

Agenda Item 21 – Review of Strategic Plan

M/S/C (Bettinger/Dominicis) to adopt the Strategic Plan.

Agenda Item 22 – Proposed 2008 Meeting Dates

Listed below are the proposed meeting dates:

January 24-25, 2008 (N)

March 6-7, 2008 (S)

May 15, 16, 2008 (S)

August 21, 22, 2008 (N)

November 6-7, 2008 (S)

M/S/C (Seldin/Lew) to accept the meeting dates as presented.

Public Comment

Cathy Mudge, CDA thanked the Board for the experience and continued support she receives in supporting the dentists of the State of California.

Dr. Turchi thanked Dr. Coragene Savio for her support and dedication to dentistry. He also thanked Lori Hubble, Donna Kantner and LaVonne Powell for all their hard work.

Adjournment

The meeting was adjourned at 2:45 p.m.



GENERAL ANESTHESIA/CONSCIOUS SEDATION COMMITTEE

**August 23, 2007
San Francisco, CA
Meeting Minutes**

Chair Mito called the meeting to order at 10:15 a.m. and established a quorum.

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 Jr., Executive Officer
Lori Hubble, Administrative Analyst
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Agenda Item GA/CS 1 – Approval of June 12, 2007 Minutes

M/S/C (Dominicis/Bettinger) to approve the minutes as amended.

Agenda Item GA/CS 2 – Subcommittee Report re American Dental Association's Proposed Sedation guidelines and possible action on any recommendations

Dr. McCormick reported that she and Dr. Bettinger attended the AGD Town Hall meeting on June 30, 2007 in San Diego. Prior to that meeting they met with Dr. Shampaine who chairs the ADA Committee on Anesthesiology. No action was proposed at this time since the ADA guidelines have not been finalized.

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.

Dr. Mito stated this topic has been discussed at several different meetings. The Committee recommended the Board develop a contract to determine what the onsite inspection fees should be.

M/S/C (Dominicis/Bettinger) to recommend a fee increase to the Board, based on the outcome of the contract.

Public Comment

John Lytle stated that CALAOMS is in support of increasing the fee for an onsite inspection and evaluation. Cathy Mudge stated that CDA is also in support of a fee increase.

The meeting adjourned at 10:18 a.m.



LICENSING, CERTIFICATES, AND PERMITS COMMITTEE
August 23, 2007
San Francisco, CA
Meeting Minutes

Chair Casagrande called the meeting to order at 10:20 a.m. and established a quorum.

Members Present:

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

Members Absent:

None

Staff Present:

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

Agenda Item LCP 1 – Approval of June 12, 2007 Minutes

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

Agenda Item LCP 2 – Legislation - Discussion and Possible Action

Dr. Casagrande summarized the bills listed and no new positions were considered at this time.

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

Executive Officer Wallinder reported this bill was signed into law in 2006. Staff is making every effort to have a contract in place by January 1, 2008. Donna Kantner, stated the Board will need to develop and implement emergency regulations.

Agenda Item LCP 4 – Licensure by Credential (LBC) Program Statistics

Informational Item

Agenda Item LCP 5 – Approval of Extramural Facilities pursuant to CCR Section 1025

It was m/s/c (Turchi/Mito) to recommend the Board approve Southeast Health Center, Bill Graham Civil Auditorium, City of San Francisco Mobile Vans, and Tom Waddell Health Clinic submitted by University of the Pacific, and to recommend the Board allow staff to review and approve future applications.

Agenda Item LCP 6 – *CLOSED SESSION* Replacement of a Cancelled License

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

Public Comment

There was no public comment.

The meeting adjourned at 11:15 a.m.



FOREIGN DENTAL PROGRAMS COMMITTEE

**August 23, 2007
San Francisco, CA
Meeting Minutes**

Chair Dominicis called the meeting to order at 11:00 a.m.

Members Present:

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

Members Absent:

None

Staff Present:

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

Agenda Item FOR 1 – Approval of April 26, 2007 Minutes

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

Agenda Item FOR 2 – Update on Manipal College of Dental Sciences, Manipal, India

Dr. Dominicis reported that at this time there is no TAG and that he is working on establishing a team. Mr. Wallinder contacted the Dean at Manipal and hopes to speak with him while he is in the United States to discuss pending issues.

It was mentioned that CODA has criteria regarding International Dental School approval. Staff was asked to contact CODA and invite a representative to speak at the next meeting in November.

There was no public comment and the meeting adjourned at 11:10 a.m.



EXAM COMMITTEE
August 23, 2007
San Francisco, CA
Meeting Minutes

Chair Casagrande called the meeting to order at approximately 8:50 a.m. and established a quorum.

Members Present:

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

Members Absent:

None

Staff Present:

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

Agenda Item EX 1 – Approval of June 12, 2007 Exam Committee Meeting Minutes

M/S/C(Bettinger, Dominicis) to approve the minutes as provided.

Agenda Item EX 2 – Law and Ethics Examination Update

Richard Wallinder, Executive Officer stated the law and ethics examination continues to be well attended. As of July 2007, the Board tested 314 candidates in the north and 654 in the south. Also, the exam continues to be given at the WREB Examinations administered in California and at the California Clinical Examinations.

Agenda Item EX 3 – Examination Statistics

Informational item.

Agenda Item EX 4 – Report on Discussion Concerning Portfolio Licensure

Dr. Casagrande reported that the Portfolio concept began at a Dean's meeting in January when the Board presented the idea of a segmented exam designed to be user-friendly. At that time, the representatives of the five dental schools expressed non-support of the new suggested exam. Since then, there have been several meetings and the discussions focused on how the Board could effectively test minimum competency.

We had the opportunity to learn about the process of educational assessment. One issue we heard from the dental students was that the clinical exam is a traditional high stakes exam that does not necessarily have a consistent best performance. Another issue is that patients are being selected only for the licensure exam. This is where the concept over a period of time made more sense. It didn't take long before we embraced this alternative method of licensure.

Dr. McCormick reported that the biggest challenge for the committee has been the development of the model and implementation of this process. The Portfolio concept consists of assessments to have exams

integrated into the school year and to have an opportunity for students to be evaluated and assess more functions. This would be a more comprehensive evaluation of skill set and this would truly hallmark the concept of comprehensive care for all patients.

She said that Portfolio Licensure may not be for every student as one may not meet requirements set forth by the Board. If a student did not meet the eligibility requirements for Portfolio Licensure, the student could still take either the WREB or Clinical exam. We feel that a model for Portfolio can be developed and the logistics worked out.

Portfolio licensure is a better way to assess a candidate for minimum competency and to protect the public. We would have the opportunity to meet with instructors, school representatives and Deans on a regular basis to evaluate junior and senior students in an academic setting to make sure the students are on track. The applicant must still go through an application process, submit their portfolio and competency evaluations that were completed throughout the year. The student would be provided with information of what the Portfolio needs to contain. For example, they will be required to present a certain number of clinical cases for each specific area of clinical experience.

Dean Slavkin from USC thanked the Board for considering Portfolio Licensure. He said that this is not a new concept since Dean Ameritis has been lecturing about this topic for at least five decades. In the late 1990's, ADEA organization brought in nationally recognized ethicists and legal experts to look at the phenomenon of students graduating from dental school and working on patients who are not patients of record of the institution who are being bought, sold and traded as merchandise. It has been clearly established that this is unethical. The dental students at the five dental schools of California are conditioned around ethics, professionalism and comprehensive patient care. Students become prey from predators when they graduate from dental school and spend as much as 15-20 thousand dollars to take the WREB and Clinical examinations on a patient they may never see again.

Slavkin stated that Dr. David Chambers at University of the Pacific has published a room full of papers clearly showing there is no correlation between the current licensure examinations and the ethical behavior of practicing dentists. We need to do a better job internally at the universities modeling the best of the human condition and then licensure should be in reasonable alignment with that behavior.

Dr. Coragene Savio, Chief Examiner applauded the committee for their efforts and expressed her appreciation for all the work involved. She suggested that the language be changed in two areas on the draft of "Portfolio Mechanics. Under the heading "Schools Competency Instructors" change the language to either Evaluators or Assessors. She also suggested to strike the word live patients as the word patients by definition are human subjects. She suggested replacing the word live patients with either "live subject" or "clinical patient".

Cathy Mudge, CDA also applauded the Board for considering Portfolio Licensure. She said that CDA appreciates the Board's pursuit in seeking different ways for dentist's to become licensed in this state and that CDA will provide full support. She commented that the Board may want to prepare themselves for scrutiny of this change especially where competency evaluators may be school educators. It will be said that the dental schools have a motivation for getting the students graduated. The legislature will be looking at protecting the public.

Dr. Steve Morrow stated that he was given the privilege from Dean Goodacre to represent Loma Linda University at the meetings. He complimented the Board, Examination Committee, Dr's. Turchi, Casagrande and McCormick for their diligence, courage and foresight in working on this difficult process. He said we have re-established working relationships and a level of communication between the Board and dental educators in California.

Dr. Dominicis expressed concern that it will take a great amount of time, energy and money to develop this new method of licensure and questioned how this would benefit and protect the public. Also, a licensee

who became licensed by Portfolio would have a barrier for licensure in another state unless they took the WREB or Clinical Examination.

Lavonne Powell, legal counsel stated that from a legal and procedural standpoint, the Board needs to contact OER or contract with a Psychometric Specialist to do a comprehensive analysis and evaluation before legislation can be pursued.

M/S/C (Turchi/Bettinger) to recommend to the Board to support the concept of Portfolio Licensure Examination.

Agenda Item EX 5 – Report of School Costs to Administer Clinical Examinations

At the June Board meeting it was requested that staff provide actual exam costs of the Board's examinations. The information provided by staff supports that costs are covered, therefore there is no need to increase exam fees at this time.

Public Comment

Cathy Mudge commented that even though the Board may have received a limited amount of Restorative Technique applications, the Board should not consider canceling an examination. It is very important to provide access to applicants for the Restorative Technique Examination.

Meeting adjourned at 10:00 a.m.



ENFORCEMENT COMMITTEE

August 23, 2007
San Francisco, CA

Meeting Minutes

Chair Baker called the meeting to order at 3:35 p.m.; he called the roll and established a quorum.

Members Present:

William A. Baker, Chair
John Bettinger, DDS
Michael Lew, DDS
Lewis Turchi, DDS

Members Absent:

None

Staff Present:

Richard L. Wallinder Jr., Executive Officer
Richard DeCuir, Assistant Executive Officer
Donna Kantner, Regulations Analyst
Lori Hubble, Administrative Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Agenda Item ENF 1 – Approval of June 12, 2007 Meeting Minutes

M/S/C (Turchi/ Lew) to approve the minutes of the June meeting with the correction that specific language and concerns regarding SB 252 were submitted to Senator Aanestad's office, not OAL.

Agenda Item ENF 2 – Update re Revision of Disciplinary Guidelines

Chair Baker reported on the August meeting in Tustin with enforcement staff and legal counsel, to discuss revising disciplinary guidelines. He reported having recommended a representative from COMDA be added to the subcommittee. He also reported that staff is editing the guidelines prior to the next subcommittee meeting, and that is anticipated in October.

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 that changes proposed by legal counsel will be submitted to amend language relative to registered sex offenders in the next legislative session. He noted that SB 1048 is moving through the legislature and should be passed before the end of the session. The bill contains language to allow unlicensed activity to be prosecuted as either a misdemeanor or a felony and the requirement that probationers bear the cost of their monitoring.

Agenda Item ENF 4 – Staff Recommendations for Proposed Legislation 2008

Staff recommended Board approval of four items for legislative action in 2008.

1) Amend the Dental Practice Act (DPA) to require automatic removal from practice whenever a participant in the Diversion Program tests positive or misses a drug test.

The consensus was that it would depend upon whether the licensee was self-referred or referred by the Board as a condition of licensure.

2) Amend the DPA to require the sharing of information between the Diversion and Enforcement Programs for those participants who have been ordered into the program via Disciplinary Order.

Legal counsel explained that this would separate probationary referrals out so that only those referred by Disciplinary Order would be affected.

3) Amend the DPA to require licensees retain all patient records for a specified period of time.

The Board requested that staff research other boards as to their policies regarding the retention of patient records.

4) Amend the DPA to require all licensees include their license number after all chart entries

Enforcement staff requested this change to make their investigations proceed more easily by identifying which dental staff member performed which procedure. An audience member believed this would require changes to existing software used by dental offices. Another audience member felt that any software concerns could be easily corrected.

M/S/C (Lew/Turchi) that staff prepare statutory language for legislative action in 2008.

Agenda Item ENF 5 – Amend the Board’s statute of limitations so that when a licensee is in the Diversion Program, the statute of limitations is tolled

Staff noted that it is possible for the statute of limitations for a particular violation to run out while the licensee is in the Diversion Program. This prevents the Board from prosecuting the violation. Staff recommends amending the law to allow the statute of limitations on all violations be tolled while the licensee is in the Diversion Program, so as not to limit the Board’s authority. M/S/C (Bettinger/Turchi) that staff prepare statutory language to amend the Board’s statute of limitations to allow for tolling while the licensee is in the Diversion Program.

There was no public comment.

The Enforcement Committee adjourned at 4:10 p.m.