

DENTAL BOARD OF CALIFORNIA

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DENTAL BOARD OF CALIFORNIA
Full Board Meeting Minutes
March 6, 2008
Culver City, CA

President Turchi called the meeting to order at 8:10 a.m. and established a quorum.

Members Present:

Lewis Turchi, DDS, President
Ronald S. Mito, DDS, Vice President
John Bettinger, DDS
Stephen Casagrande, DDS
Luis Dominicus, DDS
Suzanne McCormick, DDS
Larry Sheingold, Public Member
Joyce Yale, RDH

Members Absent:

William A. Baker, Public Member
Michael Lew, DDS
Harriet Seldin, DDS

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 January 24, 2008 Minutes

M/S/C (Casagrande/Yale) to approve the minutes as presented.

Agenda Item 2 – President’s Report

Dr. Turchi reported his attendance at CDA’s Advocacy Conference with all 32 components in attendance. He reported their sympathy at the Board’s sunset. Dr. Turchi said he has heard there may be emergency legislation that will extend the sunset date to July 1, 2011.

Dr. Turchi reported that he and Dr. Mito met with the Director of DCA, Carrie Lopez and others regarding the transition. Dr. Turchi provided Ms. Lopez with information on appointments she will have to make so there will be no problems with appointment authority for individuals to continue functioning in their respective capacities, such as members of committees. Dr. Turchi said Ms. Lopez will be sending a letter to each Board member inviting them to continue in an advisory capacity. Ms. Lopez said if the Board is reconstituted in the future, there is no guarantee that current members would be re-appointed.

Dr. Turchi said he will represent the Board at the AADE meeting in Chicago, and Dr. Mito is being sent by UCLA. The meeting will focus on the question of a need for a fifth year in school, and on ethics. In April he will attend a meeting of the CDA Council on Education and will attend the CDA Annual Convention in Anaheim in May. He stated that a Board meeting is scheduled for June 26-27 to wrap up any final business before the sunset date of July 1st.

Agenda Item 3 – Executive Officer’s Report

Rick Wallinder reported on the move of the board office scheduled for March 21 – 23, to the new location at 2005 Evergreen, approximately a mile and a half from the current location. He called attention to the Board’s new website, adding that the qualifications and application for Licensure by Residency are on the

website. He announced two student assistants have been added to the staff, and that Sara Wallace will be replacing Lori Hubble as Executive Assistant. He reported that on April 25th he will give a presentation to the Contra Costa Dental Society and staff will again participate in the Festival de la Familia on April 29th.

Agenda Item 4 – Budget Report

Mr. Wallinder reviewed the budget report for the Board, noting the purchase of two new cars for investigators. He said that new equipment has been purchased and commended Budget Analyst Anthony Lum for his management of the budget. There were no questions on this item.

Agenda Item 5 – Update on Board’s Sunset Date

Dr. Turchi said that to date, there has been nothing to change in the Board’s sunset date of July 1st.

Agenda Item 6 – Draft regulatory language to implement SB 1546, SB 1541 and related bills and statutory language as needed

Gayle Mathe, CDA reported that they took the Board’s brief discussion at the January meeting very seriously, and have begun the process of analysis and structure of the dental assisting profession with stakeholders towards revamping that structure. She noted that the stakeholders are looking very positively at this issue and consensus is there is a need to come back to the drawing table. Ms. Mathe said that the question is what problems were trying to be solved when this process began, adding that there needs to be consensus. Her sense from the stakeholders is that the current scheme would be too difficult to implement. Legal counsel Powell voiced that any proposal produced by the discussion be brought to COMDA and the Board for input before legislation is introduced.

Dr. Reggiardo, California Society of Periodontists, gave historical perspective, stating that the issue arose from the legislature during the Board’s sunset review; the Board was not following its own Strategic Plan with the career ladder for dental assisting. In 1998, a task force was created, and that’s where the concept originated, as a career ladder. He stated that this process has created many problems for current licensees, that would only be compounded with these regulations, which have created a very convoluted system. He commended the board for taking a step back. Lori Gagliardi, Pasadena City College, encouraged the addition of an educator to the discussion, noting that there are certain requirements in law for educational programs that must be considered. Ms. Mathe said that an educator from Sacramento City College is included. Dr. Earl Johnson, California Orthodontic Society stated his involvement, and that he supports the discussion. Dr. Casagrande said that he is also participating as a practicing dentist, believing there is a good chance to solve this problem. He noted a new spirit of cooperation to resolve the problems.

Agenda Item 7 – Committee on Dental Auxiliaries’ Report

Lori Hubble, COMDA Executive Officer, reported that COMDA recommends that the Board grant full approval of the following programs: San Joaquin Valley College in Sacramento
Maric College in Bakersfield
Maric College in Fresno

M/S/C (Dominicis/Casagrande) to grant full approval to all of the courses.

Agenda Item 8 – Exam Appeals –

Dr. Turchi reported that the Committee met in closed session to consider six appeals. Three candidates were denied, two can take a portion of the exam with no fee, and one can take the entire exam with no fee. It was M/S/C (Bettinger/Mito) to accept the report.

Agenda Item 9 – Licensure, Certification and Permits Committee Report

Dr. Casagrande reported that the board approved January’s minutes, elected to support AB 2210 and SB 1178 with amendments, and to oppose SB 1633 as written. Ms. Mathe noted that AB 2637 extends the date for RDA application. Dr. Casagrande reported that SB 683 has come to fruition and the Committee voted to adopt staff recommendations for modified language and forms and notice for public hearing, if necessary. He noted that the Committee approved the report to the Legislature on the Licensure by Credential program, adding that the board has the authority for a similar report on the WREB exam. He stated that the report found that 60% of licensees who received a license by credential are not currently

practicing in California, and only 3% are practicing in underserved areas. He felt this is a disappointing result for the intent of the bill.

Dr. Casagrande reported that the Committee reviewed licensure statistics and in closed session, denied issuance of a license to replace a cancelled license based on the lack of clinical practice within the last nine years. Ms. Mathe asked for clarification regarding whether a "no show" on the WREB exam is considered a "fail" for candidates applying for licensure by residency. The board clarified that a no show is not considered a fail for any examination. M/S/C (Dominicis/Yale) to accept the Committee's report.

Agenda Item 10 – Examination Committee Report

Dr. Casagrande reported that the Exam Committee approved the January minutes, heard a report on the Law and Ethics exam, noted there are no new exam statistics and that Examination Coordinator Jessica Olney is doing a great job. He reported that there are a dwindling number of candidates for the restorative technique (RT) exam and felt this shows that the exam has served foreign graduates. He added that the RT is due to expire at the end of 2008 if there is no legislative action to extend it.

Dr. Casagrande reported that the Committee voted to move ahead with the first study of the portfolio exam concept using current resources. Mr. Wallinder said that a contract could be in place by January, if not sooner. President Turchi asked how the second study to develop the exam would proceed. Mr. Wallinder said that the report of the first study could be taken to the Legislature as the basis for the second study. Legal counsel Powell noted that a statutory change is needed to change the exam. Mr. Wallinder noted that this is also on CDA's list for legislation. Dr. Casagrande said that the Committee is proceeding with the portfolio concept because it believes in it, and asked the board to ratify the decision. Dr. Turchi noted that CDA was coordinating a legislative day to educate legislators about dental education in California. Katy Dawson, CDHA, asked if the board has the same intent toward dental hygiene. Dr. Turchi said that this is the board's intent, he has spoken with Shanda Wallace regarding the portfolio concept for hygiene. Ms. Dawson felt that RDHAPs have a problem with dentists questioning their education. Dr. Turchi said that the Board had agreed to pursue this same goal for hygiene once it is in place for dentists. Dr. Eugene Sekiguchi complimented the Board for moving forward with this.

Dr. Dominicis asked when computerization of the exam will take place. Mr. Wallinder reported that the Department is still negotiating the contract for the service. M/S/C (Mito/McCormick) to accept the report.

Agenda Item 11 – Diversion Committee Report

Dr. Bettinger reported that the Diversion Committee approved the January minutes, discussed the progress of the program, and Mr. DeCuir presented statistics. He noted that seven dentists were terminated from the program, six were still practicing while being monitored. He reported that staff is working to provide information for the Disciplinary Guidelines Review Committee's meeting and that three Diversion Evaluation Committee members were re-appointed. He noted that staff gave a report on legislation relating to the diversion program and there was public comment by Katy Dawson of her personal experience working with a dentist who was a drug user. He suggested that a link be put on the board's website defining impairment to increase licensees' awareness. M/S/C (Mito/Yale) to adopt the report.

Agenda Item 12 – Enforcement Committee Report

The Enforcement Committee had no quorum.

Agenda Item 13 – Continuing Education Committee Report

Dr. Bettinger reported that the Continuing Education Committee approved the January minutes, discussed recognition of PACE and CERP approval, and directed staff to bring back language for the board's approval. He noted that the intent is to make it easier to have continuing education units count. Dr. Turchi questioned the two-category system. Dr. Dominicis felt that the system works. Dr. Casagrande felt that taking courses that result in a good practice benefit the patient, would like to revisit this. M/S/C (McCormick/Dominicis) to adopt the report.

Agenda Item 14 – General Anesthesia/Conscious Sedation Committee Report

Dr. Mito reported that the Committee approved the January minutes and heard the report of the subcommittee on the ADA's new guidelines that recommended continuing to watch the progress and table the item. He reported that Mr. Wallinder had reported on the progress of the contract for general anesthesia/conscious sedation site inspections and received information on the upcoming calibration course on May 7th. M/S/C (Dominicis/Bettinger) to accept the Committee's report.

Agenda Item 15 – Discussion and possible action on Legislation relating to Diversion Program Section 1695 et seq. of the California Business and Professions Code

Mr. Wallinder reported that Mr. Baker, who is absent today, requested this item. He reported that the language has been given to the author. Ms. Powell noted that any amendments can be given to the author. Dr. Bettinger noted that dentists in diversion are in a rehabilitation program and are monitored. No action taken.

Agenda Item 16 – Report and possible action re proposed amendments to CCR Sections 1016 and 1017 relating to Continuing education

Staff analyst Donna Kantner reported that no action is required at this time.

Agenda Item 17 – Report and possible action re proposed amendments to CCR Section 1079.2 relating to RDHAP licensure

Staff analyst Donna Kantner reported that no action is required at this time.

Agenda Item 18 – Discussion and possible action re petition requesting a change to CCR Section 1041(b)(2) relating to Restorative Technique Examination Equipment

Mr. Wallinder reported that at the time the regulation took effect, it was impossible for candidates to obtain the typodont specified in the regulation. He noted that a regulatory change could be pursued to amend the regulations by including all typodonts allowed for the California clinical examination. M/S/C (Dominicis/Mito) to direct staff to bring back regulatory language for the Board's adoption.

Agenda Item 19 – Discussion and possible action re the request of the Dental Organization for Conscious Sedation to obtain retroactive course recognition for attendees of their course in Adult Oral Conscious Sedation prior to course approval on December 21, 2007

John Bitting, DOCS attorney, said that 323 dentists completed the course prior to its approval, asking the Board to address the issue. Legal counsel Powell stated that after the regulatory hearing, staff recommended amending the proposed language to allow retroactive approval and the Board members rejected this recommendation at its Board meeting in July 2006. She also stated that she had spoken with DOCS representative Eugene Fester at that time and made it clear that the proposed regulations did not allow for retroactive course approval and that dentists should not take the course with the expectation of obtaining a permit to administer oral conscious sedation to adult patients until the course was approved.

Member Dominicis moved to amend the regulations to allow retroactive course approval, the motion was not seconded. Dr. Turchi asked if this was specifically stated in course advertisements. Mr. Wallinder said that investigative staff will scrutinize the advertising used by DOCS for their courses prior to approval. Dr. Turchi believed there were some critiques of the course. Dr. McCormick said that she and other Board members had some concerns with the course, particularly with the safety factor and airway management. She noted that these concerns could be life threatening and added that DOCS is presenting an approved course in the next week or so, those people could be accommodated. She believed that someone who took the course a year ago may not have the skills. Mr. Bitting affirmed that the next course in California will be held in two weeks. Member Dominicis withdrew his motion.

Public Comment

Dr. Turchi thanked Ms. Abdul-Rahman, Ms. Kantner, and Ms. Powell for all their work. The meeting adjourned at 10:00a.m.

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**CONTINUING EDUCATION COMMITTEE
MEETING MINUTES
March 6, 2008
Culver City, CA**

In the absence of Chair Lew, Dr. Bettinger called the meeting to order at approximately 11:45a.m. and established a quorum.

Members Present:

John Bettinger, DDS
Harriet Seldin, DMD
Larry Sheingold, Public Member
Joyce Yale, RDH

Members Absent:

Michael Lew, DMD, Chair

Staff Present:

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

Agenda Item CE 1 – Approval of January 24, 2008 Minutes

M/S/C (Seldin/Yale) to approve the minutes of the January 24, 2008 meeting as presented.

Agenda Item CE 2 – Discussion relating to amending regulations to allow CE credit for CERP and PACE courses by their approved providers

Dr. Bettinger reported that California is currently the only state that does not recognize the Academy of General Dentistry's Program Approval for Continuing Education (PACE) program and the American Dental Association's Continuing Education Recognition Program (CERP) automatically. M/S/C (Seldin/Yale) to direct staff to come back with regulatory language that conjoins with the current regulatory action for a new action to recognize PACE or CERP approval of continuing education providers. LaDonna Drury-Klein, CDA, asked if a two-tier system is being established. Dr. Seldin stated that is not the intent. Dr. Earl Johnson believed that these groups should not have to apply for approval.

Agenda Item CE 3 – Discussion relating to amending regulations to allow board members to obtain CE units for attending board meetings

Executive Officer Wallinder reported that staff researched the issue and found no other Boards that allow their members to gain CE credit for attendance at Board meetings. Dr. Bettinger felt that continuing education should be in the areas of direct patient care. There was no action on the item.

Public Comment

The meeting adjourned at 11:55 a.m.



**LICENSURE, CERTIFICATION AND PERMITS COMMITTEE
MEETING MINUTES
March 6, 2008
Culver City, CA**

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

Members Present:

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

Members Absent:

Staff Present:

Richard L. Wallinder Jr., Executive Officer
Richard DeCuir, Assistant Executive Officer
Shirley Moody, Enforcement Chief
Donna Kantner, Regulations Analyst
Jessica Olney, Examination Coordinator
LaVonne Powell, DCA Legal Counsel
Greg Salute, Deputy Attorney General
Karyn Dunn, Enforcement Staff

Agenda Item LCP 1 – Approval of January 24, 2008 Minutes

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

Agenda Item LCP 2 – Update on SB 797, SB 1178 and any other bills of interest

Staff analyst Donna Kantner reported on bills of interest to the Board.

AB 2210 allows licensees to provide emergency medical care consistent with their dental education and emergency training for the duration of a declared state of emergency. Gayle Mathe, CDA, noted that CDA had worked with DCA Legal counsel Powell on this language, but Legislative Counsel changed the language. M/S/C (McCormick/Turchi) to support the bill with the language as originally submitted.

SB 1178 makes corrections to last year's SB 252 relative to sex offenders. Ms. Kantner noted that the language originally submitted was changed prior to the bill's passage. Legal counsel Powell noted that the language in the bill is still not exactly as submitted, on page 2, line 34 should read "new proceeding", an important correction. M/S/C (Turchi/Mito) to support the bill and ask the author for corrections.

SB 1633 (Kuehl) would prohibit a dentist or his or her agent or employee from charging to a line of credit, or accepting payment from loan funds for services that the patient or client has not yet received, and would prohibit any arrangement or referral of a patient under any form of anesthesia. Dr. Mito noted that many patients, particularly disabled patients cannot be properly evaluated without anesthesia. Chair Casagrande felt the bill needs the ability to reimburse the patient for treatment. Dr. Bettinger felt the bill is too broad. M/S/C (Turchi/Bettinger) to oppose the bill.

Mr. Wallinder reported on AB 1545 and SB 797. Gayle Mathe, CDA, noted that AB 2637 extends the application dates for registered dental assistants to apply under the current system.

Agenda Item LCP 3 – Report on Emergency Regulatory Language re implementation of SB 683 – Licensure by Residency Program and Possible action if necessary and review and approval of licensing by residency program normal Office of Administrative Law process

Mr. Wallinder reported that the Office of Administrative Law (OAL) approved emergency regulations on February 1, 2008 for implementation of the provisions of SB 683. Ms. Kantner noted that emergency regulations expire in 120 days, giving the board approximately 90 days to hold the public hearing and complete the file. Ms. Kantner said that staff recommends amendments to Section 1028.2 that specify exactly what proof of graduation and non-failure of WREB's clinical exam that the applicant must provide. She noted that the hearing could not take place before mid-May. Legal counsel Powell suggested noticing the proposed language and forms for hearing upon request. Dr. Paul Reggiardo asked if someone who had completed a residency program in the past would qualify. Legal counsel Powell clarified that the statute does not specify a date, so anyone who completed the required residency program could qualify.

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

This item is informational only. There was no discussion.

Agenda Item LCP 5 – Report to the Legislature re Licensure by Credential

Mr. DeCuir reported that this report was presented to the Legislature in December, 2007, as required. He noted that there appears to be a small number of dentists practicing in dental shortage areas in comparison to the total number licensed by credential. M/S/C (McCormick/Bettinger) to ratify the report.

Agenda Item LCP 6 – Licensure Statistics

Chair Casagrande noted that there must be a substantial number of unlicensed dental assistants, as the statistics show 34,000 active licensed dentists, but only 23,000 active registered dental assistants and 13,000 active hygienists.

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

In closed session the Board denied replacement of a cancelled license due to the licensee's length of time out of clinical practice.

Public Comment

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

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**GENERAL ANESTHESIA/CONSCIOUS SEDATION COMMITTEE
MEETING MINUTES
March 9, 2008
Culver City, CA**

Chair Mito called the meeting to order at approximately 11:55a.m. and established a quorum.

Members Present:

Ronald S. Mito, DDS, Chair
John Bettinger, DDS
Luis Dominicus, DDS
Suzanne McCormick, DDS
Harriet Seldin, DMD
Larry Sheingold, Public Member

Members Absent:

Staff Present:

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

Agenda Item GA/CS 1 – Approval of January 24, 2008 Minutes

M/S/C (Bettinger/McCormick) to approve the minutes of the January 24, 2008 meeting as presented. Dr. Whitcher noted that the course mentioned in the minutes is actually scheduled for May, not March.

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 the Subcommittee is continuing to monitor the ADA's progress, noting that the goal is to have the airway course by January 2009. She said that the subcommittee intends to evaluate all the components at once. There was no action on the item.

Agenda Item GA/CS 3 – Update on General Anesthesia/Conscious Sedation Contract

Mr. Wallinder reported that Anthony Lum, the board's budget and contract analyst, will meet with CALAOMS regarding the request for proposal.

Public Comment

Dr. Bruce Whitcher noted that a calibration course will be held on May 7th. The meeting adjourned at 12:10 p.m.

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**EXAMINATION COMMITTEE
MEETING MINUTES
March 6, 2008
Culver City, CA**

Chair Casagrande called the meeting to order at approximately 11:10a.m. and established a quorum.

Members Present:

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

Members Absent:

Michael Lew, DDS

Staff Present:

Richard L. Wallinder Jr., Executive Officer
Richard DeCuir, Assistant Executive Officer
Donna Kantner, Regulations Analyst
Jessica Olney, Examination Coordinator
LaVonne Powell, DCA Legal Counsel
Greg Salute, Deputy Attorney General
Karyn Dunn, Enforcement Staff

Agenda Item EX 1 – Approval of January 24, 2008 Minutes

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

Agenda Item EX 2 – Law and Ethics Exam Update

Mr. Wallinder reported that the law and Ethics Exam is given twice each month, and will continue to be. Dr. Dominicis asked when computer-based testing will begin. Mr. Wallinder noted that the Department of Consumer Affairs is working on the contract for computerization of the exam.

Agenda Item EX 3 – Examination Statistics

Mr. Wallinder reported that the statistics are the same as presented at the January meeting, noting that the restorative technique (RT) exam was just given February 23-24, and statistics are not yet available. Jessica Olney, Examination Coordinator, reported that although RT exam has a capacity for 250 candidates, there were only 24 total candidates. She reported that the next RT exam is scheduled for May 17th and 18, and has been posted on the website for several months. Ms. Olney reported that the pass rate for the Law and Ethics exam is consistent. She reported that the next clinical exam will be held March 27-30th, 2008.

Chair Casagrande expressed concern that only half of candidates pass the RDA written exam. Lori Hubble, Executive Officer, stated her intent to perform a review of the exam as soon as possible. Legal counsel Powell noted that with the expectation that the examination would be eliminated, no resources were devoted to exam development. Chair Casagrande commended Ms. Hubble for her action.

Agenda Item EX 4 – Update and possible action on Portfolio Licensure concept

Chair Casagrande reported that perhaps the proposed legislation is premature. Executive Officer Wallinder noted that a study could be conducted to establish that a legally defensible and comparable examination process could be conducted through a portfolio assessment so that this is determined before seeking legislation to amend the existing requirements for examination. He added that this could be accomplished within the Board's budget. M/S/P (Casagrande/McCormick) to go forward with a study.

Agenda Item EX 5 – Appointment of New Examiners

There were no applications to consider.

Public Comment

There was no public comment and the meeting adjourned at 11:20 a.m.

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**ENFORCEMENT COMMITTEE
MEETING MINUTES
March 6, 2008
Culver City, CA**

In the absence of Chair Lew, Dr. Turchi called the meeting to order at approximately 10:05a.m. and established that there was not a quorum.

Members Present:

John Bettinger, DDS
Lewis Turchi, DDS

Members Absent:

Michael Lew, DDS, Chair
William A. Baker, Public Member

Staff Present:

Richard L. Wallinder Jr., Executive Officer
Richard DeCuir, Assistant Executive Officer
Shirley Moody, Enforcement Chief
Donna Kantner, Regulations Analyst
Jessica Olney, Examination Coordinator
LaVonne Powell, DCA Legal Counsel
Greg Salute, Deputy Attorney General
Karyn Dunn, Enforcement Staff

Agenda Item ENF 1 – Approval of January 24, 2008 Minutes

No action could be taken in the absence of a quorum.

Agenda Item ENF 2 – Update on Revision of Disciplinary Guidelines

Mr. Wallinder reported that Legal counsel and Deputy Attorney General Greg Salute will meet next month to work on the guidelines.

Agenda Item ENF 3 – Enforcement Statistics

Enforcement Chief Shirley Moody reported on Enforcement statistics.

Public Comment

The meeting adjourned at 10:10 a.m.

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**DIVERSION COMMITTEE
MEETING MINUTES
March 6, 2008
Culver City, CA**

Chair Bettinger called the meeting to order at approximately 11:30a.m. and established a quorum.

Members Present:

John Bettinger, DDS
Ronald S. Mito, DDS
Harriet Seldin, DMD
Joyce Yale, RDH

Members Absent:

Michael Lew, DMD, Chair

Staff Present:

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

Agenda Item DIV 1 – Approval of January 24, 2008 Minutes

M/S/C (Mito/Yale) to approve the minutes of the January 24, 2008 meeting as presented.

Agenda Item DIV 2 – Diversion Committee Chair Report

Dr. Bettinger reported that he is happy that the Board approved the statutory language relating to information sharing with enforcement. He felt it important for public safety to look at the Enforcement and Diversion programs.

Agenda Item DIV 3 – Diversion Program Statistics

Assistant Executive Officer Richard DeCuir reported that these statistics are the same as presented in January. He noted that Dr. Seldin had questioned the location of practice, and he reported that the categories were set up by Maximus for the Registered Nursing program, so did not exactly fit the needs of the Dental Board. He stated that a new contract is being negotiated and the fields will be adjusted. Chair Bettinger noted that 7 individuals have been terminated from the Diversion program and referred back to Enforcement. Dr. Seldin questioned if these individuals are on probation. Mr. DeCuir answered that even though terminated from the Diversion program, they are still on probation, possibly inpatient, or if not, they must call in on a daily basis for potential screening. Dr. Bettinger asked if there was any evidence of patient harm. Mr. DeCuir said that Enforcement would have that information.

Agenda Item DIV 4 – Update on Disciplinary Guidelines

Mr. Wallinder reported that Legal counsel Powell and DAG Greg Salute will meet with Dr. Bettinger and Mr. Baker next month to work on the guidelines.

Agenda Item DIV 5 – Appointment/Reappointment of Diversion Evaluation Committee members

Mr. DeCuir reported that three Diversion Evaluation Committee (DEC) members terms are expiring. M/S/C (Seldin/Mito) to re-appoint them.

Agenda Item DIV 6 – Update on Legislation relating to Diversion Program

Mr. Wallinder reported that he is working with the Department to obtain an author for the proposed statutory amendments.

Public Comment

Katy Dawson, CDHA, said that the question regarding evidence of patient harm was not answered. She said that she has personal experience of working with a drug user. Dr. Bettinger suggested that staff place a link on the Board's website giving information on impairment. The meeting adjourned at 11:55 a.m.