



**Enforcement Committee Meeting Minutes
Wednesday, July 22, 2009
San Francisco, CA**

Members Present:

John Bettinger, DDS, Chair
Luis Dominicis, DDS
Rebecca Downing, Public Member
Judith Forsythe, RDA

Members Absent:

William Baker, Public Member
Stephen Casagrande, DDS
Thomas Olinger, DDS

Staff Present:

Cathleen Poncabare, Executive Officer
Richard DeCuir, Assistant Executive Officer
Dawn Dill, Licensing & Exam Unit Manager
Sarah Wallace, Administrative Analyst
Donna Kantner, Legislative & Regulatory Analyst
Jocelyn Campos, Enforcement Coordinator
Jessica Olney, Examination & Licensing Analyst
LaVonne Powell, DCA Senior Staff Counsel
Kristy Schieldge, DCA Senior Staff Counsel
Gregory Salute, Deputy Attorney General

Dr. John Bettinger called the meeting to order at 1:59 p.m. and established a quorum.

ENF 1: Enforcement Statistics

Nancy Butler, Interim Enforcement Chief, reported that between April 22, 2009 and July 13, 2009 the Dental Board received 681 complaints; 693 complaints were closed in the complaint unit; 153 complaints were sent to investigation. During that period of time 172 investigations were assigned to investigators; 155 investigations were closed; and there are 668 investigations pending. During the same period of time there were 38 inspections opened; 34 inspections completed; and 75 inspections pending.

ENF 2: Presentation on How Complaints are Received (Sources) and of Procedures of Complaint Intake, Investigation, and How the Process Evolves Including Average Time Frames

Dental Board staff gave a presentation to the Dental Board regarding the complaint and investigative process that they follow. The Board receives complaints via mail, email, fax, and anonymously by telephone. Egregious or criminal allegations that warrant extreme concern are sent to the investigative unit immediately for review. Non-egregious complaints are processed through the complaint unit by a Customer Services Analyst (CSA). The CSA requests records and Dental Consultants hired by the Board review complaints to determine if there is a violation of the Dental Practice Act. If the Dental Consultant finds that a complaint warrants continued oversight, it moves to the investigative unit for further review.

ENF 3: Recommendation from the Subcommittee to Adopt the Amendments to Title 16, CCR Section 1018 (Disciplinary Guidelines Regulations)

Dr. Luis Dominicis reported that a subcommittee was formed to review the Disciplinary Guidelines and the California Dental Association's (CDA) comments. Dr. Thomas Olinger and Dr. Luis Dominicis recommended that the Disciplinary Guidelines and the CDA comments should be reviewed by the full Board because of the number of new members that have not had an opportunity to be involved in the process.

Dean Chalios, California Dental Association, questioned if there would be enough time to review the Disciplinary Guidelines before the rulemaking file expired.

Cathleen Poncabare, Executive Officer, stated that the Disciplinary Guideline rulemaking file is set to expire on January 9, 2010. Donna Kantner, Legislative and Regulatory Analyst, reported that if the file expires, the regulatory package will have to be filed again with the Office of Administrative Law. The regulatory process would start over with notice of the proposed language.

M/S/C (Dominicis/Forsythe) to table the review of the Disciplinary Guidelines until the next Board meeting. The motion passed unanimously.

Public Comment

There was no public comment.

Adjournment

The meeting adjourned at 2:40 p.m.