



Infection Control Committee Meeting Minutes
Thursday, February 25, 2010
San Diego, CA

Members Present:

Huong Le, DDS, Chair
Judith Forsythe, RDA, Vice Chair
John Bettinger, DDS
Thomas Olinger, DDS
Bruce Whitcher, DDS

Members Absent:

Staff Present:

Richard DeCuir, Executive Officer
Denise Johnson, Assistant Executive Officer
Nancy Butler, Acting Enforcement Chief
Teri Lane, Supervising Investigator 1, Southern California
Dawn Dill, Dental Assisting Unit Manager
Donna Kantner, Licensing & Examination Unit Manager
Jocelyn Campos, Enforcement Coordinator
Karen Fischer, Licensing Analyst
Kristy Schieldge, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

Dr. Le, Chair, called the committee meeting to order at 4:21 p.m. Roll was called and a quorum was established.

INF 1 – Acceptance of the November 9, 2009 Infection Control Committee Meeting Minutes

M/S/C (Forsythe/Whitcher) to accept the November 9, 2009 Infection Control Committee meeting minutes. The motion passed unanimously.

INF 2 – Report and Review of Recommendations from the Subcommittee and Possible Action to Accept Recommendations to Initiate a Rulemaking to Amend Infection Control Regulations as Required by Title 16, CCR Section 1005(d).

Donna Kantner, former Legislative and Regulatory Analyst reported that existing law, California Code of Regulations (CCR), Title 16, Section 1005 requires the Board to review and, if necessary, adopt new regulations annually to ensure minimum standards for infection control adequately address patient safety in the dental office. The current regulations were last amended in 2005.

A two-person Subcommittee (Dr. Le and Ms. Forsythe) was appointed to review the regulations and made recommended amendments to Section 1005. These amendments are attached and are presented in regulatory format, with strikeout text indicating existing sections of the regulation that are recommended for elimination, and underlined text indicating additions to the existing regulatory language.

Pursuant to Section 1680(ad) of the Business and Professions Code, staff contacted the Medical Board, Board of Registered Nursing, Board of Podiatry, and the Board of Vocational Nursing and Psychiatric Technicians for their input. The Board of Podiatry deferred to the Medical Board, and the Board of Vocational Nursing and Psychiatric Technicians had no comment. The Dental Hygiene Committee of California, the California Dental Hygiene Association, California Dental Assisting Association, the hygiene community, dental assisting communities and other interested parties have been sent the amended text, who may have comments to make to the Committee prior to adoption.

Once the language has been accepted by the Committee and recommended for action by the Board, the Board must accept the language and direct staff to initiate a rulemaking by noticing a public hearing. In addition to the notice for public hearing, staff must prepare an Initial Statement of Reasons that describes the purpose and necessity for each of the proposed amendments. The regulatory process takes approximately 12 months to complete.

Judy Forsythe, Committee member asked that the word “disinfected” be deleted from the section on Lab Areas: (20) on the last page of the proposed regulations. Kristy Schieldge, legal counsel recommended that the Committee accept public comment before there was any further discussion. Dr. Le requested public comment.

PUBLIC COMMENT

Dr. Lori Gagliardi, representing California Association for Dental Assisting Teachers (CADAT) commented that her organization had submitted written comments that were not included in the Board’s packet. She distributed her written comments. In addition to her written comments she requested that the Board add “healthcare provider” to the definitions. She feels the definition should refer to all individuals in the direct care, service, or treatment of a patient in a dental healthcare setting. This would include employees as well as the employer. Noelle Kelsch, representing the California Dental Hygienist Association is concerned about several items in the proposed regulations. Her organization is not comfortable moving forward with the proposed language. Dr. Le asked that Ms. Kelsch submit her recommendations in writing today. Leslie Canham, Dental Assisting Alliance (Alliance) pointed out that there is a spelling error under the “Standard precautions” section, paragraph (1) – last line. It should be “or” not “of”.

Dr. Le asked Ms. Kelsch to outline her key concerns. Ms. Kelsch’s concerns were: Hand hygiene regulations should include hands washed before and after removing gloves; misstatement in #9 definitions regarding sterilization – not free from all forms of viable microorganisms; #11 all hand pieces must be sterilizable or removed from service; #11 remove the word “intraorally”; #12 add dental carpiels to single use items; #16 barrier protection should be changed between every patients, not just routinely.

Leslie Canham, Alliance, said that there is confusion regarding the definition of dental healthcare worker, personnel, provider and she supports Dr. Gagliardi’s request that the definition be clarified. Additionally, she commented that #9 and #10 are also confusing and should be clarified. She went on to say that the word “should” be replaced with “shall” in #9 and #10.

Earl Johnson, Orthodontic Association doesn’t think this document is ready to go. He would like to see the suggested changes incorporated before moving forward.

Richard DeCuir, Executive Officer clarified the regulatory process. He suggested that the Committee direct staff to notice a regulatory hearing and to complete the initial statement of reasons.

Dr. Le, Committee Chair, indicated that she wanted to move the process forward in order to start the regulatory process. She suggested four changes: #1 – Standard precautions, last line of paragraph change word “of” to “or”; #9, #10 Sterilization and Disinfection - change word “should” to “shall”; deletion of the word “disinfected” in the Lab Areas section (20). M/S/C (Bettinger/Forsythe) to accept the recommended changes stated above. The motion passed unanimously. M/S/C (Olinger/Whitcher) to accept the amended language and direct staff to take all steps necessary to initiate the formal rulemaking process, authorize the Executive Officer to make any non-substantive changes to the rulemaking package, and set the proposed regulations for a hearing. The motion passed unanimously.

Kristy Schieldge, legal counsel clarified for the public that there will be additional opportunities to comment on this regulatory package. Once the regulations are noticed, the public will have 45 days to submit it's concerns. The Board will have to respond to each concern in writing.

ADJOURNMENT

The meeting adjourned at 4:49 p.m.