



**Enforcement Committee Meeting Minutes
Thursday November 4, 2010
El Segundo, CA**

Members Present:

Rebecca Downing, Public Member, Chair
John Bettinger, DDS, Vice Chair
Steven Afriat, Public Member
Huong Le, DDS
Thomas Olinger, DDS

Members Absent:

Stephen Casagrande, DDS

Staff Present:

Richard DeCuir, Executive Officer
Denise Johnson, Assistant Executive Officer
Donna Kantner, Licensing & Examination Unit Manager
Lori Reis, Complaint & Compliance Manager
Kim A. Trefry, Enforcement Chief
Jocelyn Campos, Enforcement Coordinator
Karen Fischer, Administrative Analyst
Sarah Wallace, Legislative/Regulatory Analyst
Linda Byers, Executive Assistant
Kristy Shellans, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

Ms. Rebecca Downing, Chair, called the committee meeting to order at 10:10 a.m. Roll was called and a quorum was established.

ENF 1 – Approval of the May 5, 2010 Enforcement Committee Meeting Minutes

M/S/C (Bettinger/Le) to approve the Enforcement Committee meeting minutes of May 5, 2010. The motion passed with Mr. Afriat abstaining.

ENF 2 – Enforcement Program Improvement Status: Investigator Activity Reporting (IAR) Computer System Implementation

Kim Trefry, Enforcement Chief reported that of the 3 sworn enforcement positions in the Orange Field Office, 2 are on the verge of being filled and the third needs to be re-advertized. The single vacancy in the Sacramento Field Office found no eligible candidates, because of the current hiring freeze that only allows lateral transfers. The Department is researching the possibility of using a postage-paid postcard as the web-based survey has not been well received. Half of the staff has been trained for the new IAR computer System

Public Comment

Kim Kirchmeyer, DCA, reported that the Department is complying with the hiring freeze which at this time only allows lateral transfers. DCA is working with the HR Department so that we will be ready to move forward when the freeze is lifted.

ENF3A – Complaint and Compliance Unit Case Statistics

Lori Reis, Complaint and Compliance Manager, reported that the total number of cases received for the six (6) month period was **1655**. The total number of cases closed was **1546** and the average case closure time was **134** days. This represents a 93% satisfied closure of actual cases opened and actual cases closed.

ENF 3B – Investigation Unit Enforcement Statistics Case Closure and Aging Data

Kim Trefry, Enforcement Chief, reported the total number of investigation files closed, filed with the Attorney General or filed with the District/City Attorney for FY 2009/10 were 655. The Investigative Unit is completing an average of 38 investigations per month. This is a 21% decrease from the previous fiscal year. The average number of days an investigation took to complete within the last fiscal year was 539 days. This is a 10% decrease from the average reported in May of this year. It has taken an average of 18 months from the receipt of the complaint to the closure of the investigation file. Quarterly case audits continue to take place. This process ensures staff is focusing on our priority cases, monitoring statute of limitations, and meeting the Department's mission.

ENF 4 – Probation Monitoring Drug Testing – New Contract

Kim Trefry, Enforcement Chief, reported that effective June 2010, the Department of Consumer Affairs (DCA) had entered in to a contract with Phamatech, Inc. to provide for the scheduling, observing, collecting, processing and analysis for all drug testing services for licensees designated by the DCA. The vendor provides Substance Abuse and Mental Health Services Administration (SAMHSA), California Clinical Laboratory and Clinical Laboratory Improvement Act (CLIA) certified laboratory services nationwide. Dr. Bettinger asked if the new drug called "Spice" can be tested for? Ms. Trefry replied that she will ask Phamatech. Greg Salute, DAG, stated that even if a drug can't be tested for, if a licensee appears "impaired", we have the right to do an examination to determine if they are deemed "safe to practice". Mr. Afriat asked if there should be a list of "banned substances." Mr. Salute responded that "impaired" is the key and covers any substance. Kristy Shellans, legal counsel, cautioned that the Board cannot place conditions on ALL licensees, only probationer's who have agreed to it as a condition of their probation.

ENF 5 – Diversion Statistics

Lori Reis, Complaint and Compliance Manager, stated there were no intakes into the Diversion Program during the months of July and August, 2010. However, during September, 2010 there were two (2) intakes, one (1) Investigative referral and one (1) Probation referral.

ENF 6 – Analysis of SB 1172 Impact on the Board's Diversion and Probation Programs

Lori Reis advised that on September 29, 2010, Senate Bill 1172 (Negrete McLeod) became law. This bill incorporated into law three (3) of the 16 uniform standards regarding substance-abusing healing arts licensees established in SB 1441 (Ridley-Thomas). There is no direct impact on the Dental Board's (Board) current Diversion and Probation Programs as this practice was previously implemented by the Board. The Board will need to review the DCA's recommendations of the Substance Abuse Coordination Committee for the Dental Diversion Program (SB 1441) to decide which of the criteria it wishes to adopt into regulation.

Public comment

There was no public comment

Adjournment

The committee meeting adjourned at 10:50a.m.