



LEGISLATIVE AND REGULATORY COMMITTEE

Meeting Minutes

Thursday, August 16, 2012

Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

Members Present

Vice Chair – Steve Afriat, Public Member
Huong Le, DDS
Steve Morrow, DDS
Thomas Olinger, DDS

Members Absent

Chair – Fran Burton, Public Member
Stephen Casagrande, DDS

Staff Present

Richard DeCuir, Executive Officer
Denise Johnson, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Nancy Butler, Supervising Investigator
April Alameda, Investigative Analysis Unit Manager
Dawn Dill, Licensing and Examination Unit Manager
Lori Reis, Complaint and Compliance Unit Manager
Jocelyn Campos, Enforcement Coordinator
Sarah Wallace, Legislative and Regulatory Analyst
Karen Fischer, Special Assistant to the Executive Officer
Linda Byers, Executive Assistant
Spencer Walker, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

ROLL CALL AND ESTABLISHMENT OF QUORUM

Steve Afriat, Vice-Chair, called the meeting to order at 3:00 p.m. Roll was called and a quorum established.

LEG 1 - Approval of the May 17, 2012 Legislative and Regulatory Committee Meeting Minutes

M/S/C (Le/Olinger) to approve the minutes of the May 17, 2012 meeting of the Legislative and Regulatory Committee of the Dental Board of California (Board). The motion passed with one abstention.

LEG 2 - 2012 Tentative Legislative Calendar – Information Only

Mr. Afriat reviewed pertinent items on the Legislative calendar. Sarah Wallace, Legislative and Regulatory Analyst, pointed out that August 18, 2012 is the last day for fiscal committees

to meet and report bills to the floor and August 31, 2012 is the last day for each house to pass bills.

LEG 3 - Discussion and Possible Action on the Following Legislation:

Ms. Wallace reported that the Board is currently tracking 38 bills, the majority of which pertain to the Administrative Procedure Act, government accountability, and military licensing. The majority are bills that should be watched at this time. In the interest of time the Committee only discussed the following five bills that are the most relevant to the Board's programs.

AB 1588 (Atkins) Professions and Vocations: Reservist Licensees

Ms. Wallace reported that this bill would require boards within the Department of Consumer Affairs to waive the renewal fees and continuing education requirements of any licensee or registrant who is a reservist called to active duty. At the May 2012 meeting the Board took a position of "Support if Amended". The Board requested amendments to this bill to clarify that only those licensees with current and active licenses may apply and to establish the parameters by which the waiver would be obtained. Additionally, the Board requested amendments to provide express rulemaking authority to implement the provisions of the bill. After the May meeting, the author accepted all of the Board's proposed amendments. The Board mailed a letter of support in July. No further action was taken on this bill.

AB 1976 (Logue) Licensure and Certification: Military Experience

Ms. Wallace reported that this bill would establish the Veterans Health Care Workforce Act of 2012 and imposes requirements on healing arts boards within the Department of Consumer Affairs and on the Department of Public Health to facilitate the licensing or certification of veterans with appropriate health-care related education, training, or experience. The Board's existing licensure requirements would allow most, if not all, military officers who serve as Dentists to become licensed in the State of California. Enlisted soldiers trained as "Dental Specialists" would qualify for licensure as Registered Dental Assistants with the work experience gained during military service. Ms. Wallace reported that this bill has not been amended since April 2011. The Board took a "watch" position on this bill at the May 2012 meeting. Dr. Morrow asked if these qualified veterans would still have to take the appropriate examinations. Ms. Wallace responded yes, the work experience would merely qualify them to take the examination for licensure. M/S/C (Morrow/Le) recommended the Board change to a position of "support". Dr. Morrow stated that the questions the Board posed have been answered. Ms. Wallace stated that it would promote entry into the workforce. Dr. Morrow stated that the examination assures competency. The motion passed unanimously.

SB 694 (Padilla) Dental Care

Ms. Wallace reported that this bill is sponsored by The Children's Partnership and is intended to begin addressing the lack of dental health care access in California, especially its impact on children. This bill was held in the Assembly Appropriations Suspense file on August 16, 2012. As a result, it is unlikely the bill will move forward.

The sponsors of the bill will be in contact with Board staff to provide further information once they are able to determine the bill's future. Board staff will continue to share any information with the Board.

The committee recommended maintaining a "watch" position on this bill in light of these events.

SB 1202 (Leno) Dental Hygienists

Ms. Wallace reported that this bill makes a number of changes to the provisions of the Dental Practice Act governing the licensure and regulation of dental hygienists by the Dental Hygiene Committee of California (DHCC). Dr. Olinger asked if the provision in this bill that would allow a Registered Dental Hygienist in Advanced Practice (RDHAP) to operate a mobile dental hygiene clinic would expand their scope of practice. Dr. Morrow stated that he does not think that changing location of practice would change the scope of practice. Dr. Olinger stated that it was his understanding that the DHCC is not allowed to promulgate regulations relating to scope of practice. He stated that he would oppose this bill if it included changes to the RDHAP scope of practice. Mr. Afriat asked Ms. Wallace to seek clarification from the author before the fall Board meeting as to Dr. Olinger's question regarding scope of practice. The Board took a "watch" position on this bill at its May 2012 meeting.

SB 1575 (Senate B.P. & E.D. Committee) Professions and Vocations

Ms. Wallace reported that this bill makes several non-controversial, minor, non-substantive, or technical changes to various provisions of the Business and Professions Code (Code) pertaining to healing arts boards within the Department of Consumer Affairs. Specifically, this bill makes changes to provisions within the Dental Practice ACT relating to the Dental Board of California (Board) and the Dental Hygiene Committee of California (DHCC). Ms. Wallace stated that the Board took a position of "Oppose unless Code sections 1715.5 and 1950.5 are Amended" at its May 2012 meeting. Since the May meeting, the Senate Committee on Business, Professions, and Economic Development worked with Board staff and both sections were amended. M/S/C (Afriat/Morrow) to recommend changing the Board's position to "watch". The motion passed unanimously.

LEG 4 - Update Regarding Delegation of Authority to Accept the Findings of any Commission or Accreditation Committee Approved by the Board and Adopt Those Findings as its Own for Foreign Dental Schools

Ms. Wallace reported that at the February 25, 2011 meeting, the Board voted to seek statutory amendments to California Business and Professions Code Section 1636.4 to accept the findings of any commission or accreditation agency and adopt those findings as its own for foreign dental schools. The Board proposed to add the following language to Section 1636.4:

The board may, in lieu of conducting its own independent investigation, accept the findings of any commission or accreditation agency approved by the board and adopt those findings as its own.

This language would allow the Board to defer to commissions or accreditation agencies that are equipped with the experience, education, and resources necessary to conduct evaluations of foreign dental schools.

Board staff delayed seeking an author to carry the proposed amendments until the review and approval process of University De La Salle Bajio School of Dentistry's renewal application had been completed. Now that the renewal application has received Board approval, staff will move forward with seeking an author for the Board's proposed statutory amendments.

This was an informational item only. No further action was taken.

LEG 5 – Discussion Regarding the Need for Background Checks of Out-of-State and Foreign Trained Dental School Instructors

Dr. Morrow reported that there is a concern that the faculty in dental schools who are licensed out-of-state, and who do not have a special permit from the Board, are not required to register with the Board or receive adequate background checks. He stated that this means that the Dental Board has no knowledge of these individuals; the status of their license, or any information regarding their background. Dr. Morrow requested that the Board better manage its risk by knowing every dentist that is practicing dentistry including those individuals that are teaching in our universities and dental schools. He feels that the public interest is best served by knowing that these individuals hold valid, current licenses and by having a background check on record. M/S/C (Morrow/Olinger) recommend that staff review the feasibility of proposing statutory or regulatory change to require that dentists who are exempt from licensure in the state of California for purposes of performing as an instructor or clinician in a dental school, register with the Dental Board and provide specified information. Dr. Earl Johnson, staff at UCSF, commented that he thinks that this is a good idea. The motion passed unanimously.

**LEG 6 - Discussion of Prospective Legislative Proposals:
Stakeholders Are Encouraged to Submit Proposals in Writing to the Board Before or During the Meeting for Possible Consideration by the Board at a Future Meeting**

The committee did not receive any legislative proposals for future meetings.

PUBLIC COMMENT

Dr. Earl Johnson, representing the California Association of Orthodontists, commented that he really likes the layout of the legislative bills and analyses. He would also like to see copies of any letters sent to the author of a bill regarding amendments that the Board requests.

Mr. Afriat requested that the agenda include an item for “Board Member Comments” for items not on the agenda. Spencer Walker, legal counsel, stated that the Board may add it to the agenda, but there could not be any discussion. Mr. Afriat stated that he understood but it would give Board Members an opportunity to either direct staff on a public comment or initiate their own comments and allow the Board to direct items to staff. Mr. Walker stated that the president would have to give the direction. Mr. Afriat agreed and said that it would be a broader item than just future agenda items wherein the Board could direct staff to conduct research or other pertinent requests.

The Committee adjourned at 3:25 p.m.