



Dental Board of California Meeting Minutes

Friday, March 1, 2013

Holiday Inn on the Bay
1355 North Harbor Drive, San Diego, CA, 92101

Members Present:

Huong Le, DDS, President
Fran Burton, Vice President
Steve Afriat, Public Member
Luis Dominicus, DDS
Judith Forsythe, RDA
Kathleen King, Public Member
Suzanne McCormick, DDS
Steven Morrow, DDS
Thomas Stewart, DDS
Bruce Whitcher, DDS President

Members Absent:

Stephen Casagrande, DDS

Staff Present:

Karen Fischer, Interim Executive Officer
Kim Trefry, Enforcement Chief
April Alameda, Investigative Analysis Unit and Dental Assisting Unit Manager
Lori Reis, Complaint and Compliance Unit Manager
Jocelyn Campos, Enforcement Coordinator
Linda Byers, Executive Assistant
Spencer Walker, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

Dr. Le, Dental Board President, called the meeting to order at 8:30 a.m. Roll was called and a quorum established.

Dr. McCormick reported that during Closed Session, the Licensing, Certification and Permits Committee considered two (2) applications for a license to replace a cancelled license. One was for a dentist with the initials MLE, the other was for a Registered Dental Assistant (RDA) with the initials RMK. The LCP committee asked that the Board accept their recommendation to grant licenses to replace cancelled licenses to both applicants. M/S/C (Afriat/Forsythe) to accept the LCP Committee's recommendation to grant new licenses to applicant MLE and applicant RMK. The motion passed unanimously.

AGENDA ITEM 11: INTERIM EXECUTIVE OFFICER'S REPORT

Karen Fischer, Interim Executive Officer, thanked the Board for the opportunity and stated that she is enjoying the challenge. Ms. Fischer reviewed some of her background. She reported that there are three (3) new Board members; Dr. Ross Lai, who will be attending the next Board meeting, Dr. Thomas Stewart and Ms. Kathleen King. She went on to say that in the absence of an assistant Executive Officer and someone to fill her role, Managers have taken on additional projects and rallied to keep the Board running as efficiently as

possible during the transition. Ms. Fischer gave an update on the many other items that management and staff are working on. She reported on the two (2) new regulations that recently went into effect. Ms. Fischer mentioned the possibility of going paperless for the Board meeting packets. She also gave an update on the phone situation and solutions that are being implemented.

AGENDA ITEM 12: BUDGET REPORTS: DENTAL FUND & DENTAL ASSISTING FUND

Karen Fischer, Interim Executive Officer, reported that the Board has spent roughly \$5.1 million of its current year Dentistry budget appropriation. Approximately \$2.6 million was spent for Personnel Services; and roughly \$2.5 million for Operating Expense & Equipment (OE&E). Based on these expenditures, the Board is projected to revert back to the Dentistry Fund approximately \$600,000.

The Board has spent roughly \$822,000 of its current year Dental Assisting budget appropriation. Approximately \$258,000 was spent for Personnel Services; and roughly \$563,000 for Operating Expense & Equipment (OE&E). Based on these expenditures, the Board has projected an over expenditure, *due to the increase in Attorney General (AG) costs*, of \$104,836.

Ms. Fischer reported that she and the former Executive Officer, Richard DeCuir, have submitted a request for augmentation of the Dental Assisting Fund to cover the additional, ongoing costs. There has been a temporary suspension of the AG's low priority Registered Dental Assistant (RDA) enforcement cases since December 1, 2012.

Janice Shintaku-Enjokli, Fiscal Officer for the Department of Consumer Affairs, reported that the request for augmentation by the Dental Board is currently being reviewed at the Department of Finance. The outcome should be known and related to Ms. Fischer within a week.

Ms. Shintaku-Enjokli answered questions regarding the budget.

AGENDA ITEM 13(A): DISCUSSION AND POSSIBLE ACTION TO RECONSIDER STAFF'S RECOMMENDATION FOR APPROPRIATE FEE INCREASE TO DENTISTRY TO SUSTAIN BOARD EXPENDITURES

Karen Fischer, Interim Executive Officer remarked that staff met with the Budget Office and it was determined that instead of fee increases to all categories of Dental licensure, the fee increase would apply only to initial and renewal Dental license fees. Janice Shintaku-Enjokli explained that Ms. Fischer and the Budget Office reviewed the information previously provided to validate the need for a fee increase.

AGENDA ITEM 13(B): DISCUSSION AND POSSIBLE ACTION TO RECONSIDER INITIATION OF A RULEMAKING TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 16, § 1021 RELEVANT TO LICENSE FEES FOR DENTISTS

M/S/C (Afriat/Dominicis) to recall the Board's previous action taken on August 17, 2012 to initiate a formal rulemaking to increase all of the licensure, examination, and permit fees listed in Section 1021; and, to instead move forward with a formal rulemaking to only increase the initial licensure and renewal fees to \$450; and, to direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day comment period and public regulatory hearing, no adverse comments are received,

authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to California Code of Regulations, Title 16, Section 1021 as noticed in the proposed text.

Steve Afriat asked if retired, inactive, and delinquent fees are being considered as well. Ms. Shintaku-Enkojli explained that these fees are calculated as percentages of the renewal fee.

Dr. Alan Felsenfeld, California Dental Association (CDA) speaking as a licensed dentist in this state and on behalf of my colleagues, stated that the need for the fee increase was understood but with that increase is the hope for an even better Dental Board with better service to its members and enforcement stepped up.

Kathleen King asked if the motion they were about to vote on meant that there would be a fee increase this year and maybe an increase next year also or are we going to the max? Dr. Le stated that we are going to the maximum so if any more increases are needed there would have to be statutory change to increase the maximum fee.

Mr. Walker restated motion. The motion passed unanimously.

AGENDA ITEM 14: UPDATE FROM THE DENTAL HYGIENE COMMITTEE OF CALIFORNIA (DHCC)

Michelle Hurlbutt, newly elected President of the Dental Hygiene Committee of California (DHCC), reported that as a new Committee, DHCC does not have any regulations so they have been working on their regulatory packages since 2009. They are awaiting implementation of the BreEZe project to streamline their operations. She stated that they will be meeting in May and updating their Strategic Plan. She invited Dr. Le to attend their meeting on May 3, 2013. Ms. Hurlbutt reported that the DHCC has launched the inaugural issue of their newsletter which is posted on their website.

AGENDA ITEM 15: UPDATE FROM THE DEPARTMENT OF CONSUMER AFFAIRS EXECUTIVE OFFICE

There were no representatives available from the Department of Consumer Affairs to provide an update.

PUBLIC COMMENT:

Bill Lewis, California Dental Association (CDA), reported that CDA will not be pursuing the issue of Dental Labs legislatively this year. He stated that there were a couple of resolutions that came out of CDA's House of Delegates meeting last November. CDA would like to have some discussion with the Board and/or staff regarding the legality of Dentists participating in Groupon. He went on to state that the second resolution that was passed had to do with student participation at Sponsored Free Health Care events specifically CDA Cares. Dr. Morrow commented that students being supervised by faculty may participate in these events.

Michelle Hurlbutt, Dental Hygiene Committee of California (DHCC) commented that DHCC would like the Board to look into the possibility of adding Dentists to the list of providers who can supervise staff at CLIA waiver facilities.

M/S/C (Afriat/Morrow) to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 9:42 a.m.