



DENTAL BOARD OF CALIFORNIA MEETING MINUTES

Monday, August 26, 2013

Department of Consumer Affairs

Hearing Room, HQ2

1747 North Market Blvd., Sacramento, CA, 95834

Members Present

Huong Le, DDS, President
Fran Burton, Public Member, Vice President
Steven Morrow, DDS, MS, Secretary
Steven Afriat, Public Member
Stephen Casagrande, DDS
Yvette Chappell-Ingram, Public Member
Katie Dawson, RDH
Luis Dominicis, DDS
Judith Forsythe, RDA
Kathleen King, Public Member
Ross Lai, DDS
Meredith McKenzie, Public Member
Thomas Stewart, DDS
Bruce Witcher, DDS

Members Absent

Meredith McKenzie

Staff Present

Karen Fischer, Executive Officer
Jennifer Thornburg, Assistant Executive Officer
Kim Trefry, Enforcement Chief
Dawn Dill, Licensing Manager
Sarah Wallace, Legislative and Regulatory Analyst
Linda Byers, Executive Assistant
Jessica Olney, Licensing Analyst
Spencer Walker, DCA Senior Staff Counsel

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1. **Call to Order/Roll Call/Establishment of Quorum**
Dr. Huong Le, President, called the meeting to order at 1:34 p.m. Dr. Steven Morrow, Secretary, called the roll and a quorum was established.
2. **Approval of the May 16-17, 2013 Board Meeting Minutes**
Lisa Okamoto, CDHA Government Relations Council Co-Chair, asked that the minutes on page 3 of 4, May 16, 2013, be amended to reflect her correct title.

Motion/ Seconded/Carried (M/S/C) (Afriat/Morrow) to approve the May 16-17, 2013 Dental Board meeting minutes as amended. The motion passed unanimously.

3. **Introduction of New Assistant Executive Officer**

Karen Fischer, Executive Officer, introduced and gave a brief biography of the Dental Board's new Assistant Executive Officer, Jennifer A. Thornburg.

4. **President's Report**

Dr. Huong Le, President reported on the meeting with the Dean from the Universidad De La Salle. She stated that the subcommittee will review the submissions from the Dean and report its findings at the November Board meeting.

Dr. Le reported that she was very proud of the Dental Board staff and their booth at the California Dental Association (CDA) Presents event in San Francisco earlier this month.

5. **Update from the Department of Consumer Affairs' Executive Office**

Christine Lally, Board and Bureau Relations Deputy Director, reported on the Department of Consumer Affairs (DCA) focus on improving communications and resource sharing. She gave an overview of the department's information technology project, BreEZe, and the new timelines for implementation.

6. **Examinations**

A. **Report Regarding the Western Regional Examination Board (WREB) Activities**

Dr. Whitcher gave an overview of the report that was provided. There was discussion surrounding WREB statistics.

B. **Portfolio Examination**

i. **Staff Update on Portfolio Examination Development**

Dr. Casagrande introduced staff and legal counsel who have worked so hard on preparing the regulations needed to implement Portfolio. He reviewed what the Portfolio Examination entails. Dr. Morrow recognized Dr. Roberta Chinn, who has worked on Portfolio since it's inception. There was discussion, questions and answers regarding Portfolio.

ii. **Discussion and Possible Action to Consider Initiation of a Rulemaking Relative to Portfolio Examination Requirements**

Dawn Dill, Licensing Manager, reviewed the written regulatory language provided. Questions were asked and answered. M/S/C (Morrow/Afriat) to accept the proposed revised regulatory language relevant to portfolio examination requirements, and 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 a public hearing, and authorizing the Executive Officer to make any non-substantive changes to the

rulemaking package, if after the close of the 45-day public 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 (1) adopt the proposed amendments to California Code of Regulations, Title 16, Sections 1021, 1028, 1028.4, 1028.5, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1033, 1033.1, 1034, 1034.1, 1035; (2) adopt the proposed additions of California Code of Regulations, Title 16, Sections 1032.7, 1032.8, 1032.9, 1032.10, 1032.11; and (3) adopt the proposed repeal of California Code of Regulations, Title 16, Sections 1035.1, 1035.2, 1036.1, 1036.2, 1036.3, 1037, 1038, and 1039; as noticed in the proposed text.

Ladonna Drury Klein, California Association of Dental Assisting Teachers (CADAT), proposed some changes which Spencer Walker, Legal Counsel stated were non-substantive and could be made later by the Executive Officer. There was no further public comment. The motion passed with one abstention.

7. **Legislation and Regulations**

A. **2013 Tentative Legislative Calendar – Information Only**

Sarah Wallace, Legislative and Regulatory Analyst, reviewed the calendars provided.

B. **Discussion and Possible Action on the Following Legislation:**

- **AB 496 (Gordon) Medicine: Sexual Orientation: Gender Identity**

Sarah Wallace, Legislative and Regulatory Analyst gave an overview of this bill. M/S/C (King/Afriat) to support this bill and send a letter of support to the author.

There was discussion surrounding the board's position on this bill. Bill Lewis, CDA, explained the task force and the program differences. The motion passed unanimously.

- **AB 512 (Rendon) Healing Arts: Licensure Exemption**

Ms. Wallace reported that this bill has been chaptered and that the Dental Board has regulations in place. This bill will allow the Board to continue authorizing out-of-state licensed dentists (DDS) to participate in sponsored free health care events until January 1, 2018.

- **AB 836 (Skinner) Dentists: Continuing Education**

Ms. Wallace reported that the Board took a "support" position at its May meeting and a letter of support was sent to the author.

- **AB 1231 (Perez) Regional Centers: Telehealth and Teledentistry**

Ms. Wallace reported that this bill was referred to the suspense file. Bill Lewis, CDA, commented that CDA has taken a “support if amended” position. He stated that the consumers of these telehealth and teledentistry services are regional centers, not the public in general. M/S/C (Burton/Dominicis) to continue to watch this bill. There was no further public comment. The motion passed with one abstention.

- **SB 562 (Galgiani) Dentists: Mobile or Portable Dental Units**

Ms. Wallace gave a summary of the bill. Bill Lewis, CDA, the sponsor of the bill, explained the difference between a mobile dental clinic and a mobile dental unit. Dr. Paul Reggiardo, Public Policy Advocate for the California Society of Pediatric Dentistry (CSPD), commented that CSPD has registered their support of this bill. There was discussion about possible amendments needed in order to support the bill. M/S/C (Casagrande/Dominicis) to support if amended to address the Board’s following concerns:

- (1) The June 18th amended version of the bill deleted the provision that specifies that a licensed dentist may operate mobile or portable dental units. The Board respectfully requests clarifying language be added to the bill to specify who may own and operate mobile and portable dental units; this would provide the Board with clear understanding and authority when it promulgates regulations to implement the provisions of this bill.
- (2) The Board supports, in concept, that the registration requirements pertaining to portable dental units should be required for those who regularly operate portable dental units in the practice of dentistry. An amendment to the bill that provides for this concept would provide the Board with the authority to specify registration requirements for portable dental units used on a regular basis when it promulgates regulations to implement the provisions of this bill.

The motion passed unanimously.

- **SB 821 (Senate BP & ED) Healing Arts**

Ms. Wallace reported that the provisions in this bill, relating to the Board would change any reference to the Board of Dental Examiners to the Dental Board of California. The Board took a “neutral” position on this bill at its May 2013 meeting and sent a letter of thanks to the author. There was no further action on this bill.

C. Discussion and Possible Action to Consider Request from the Dental Hygiene Committee of California to Consider Review of Requirement for Annual Review of Infection Control Guidelines

Sarah Wallace, Legislative and Regulatory Analyst, reported that at the May 2013 Dental Board of California (Board) meeting, Michelle Hurlbutt, RDH, President of the Dental Hygiene Committee of California (Committee), reported that the Committee would like to collaborate with the Board in discussing the possibility of amending Business and Professions Code (Code) Section 1680(ad) to require review of the minimum standards for infection control (California Code of Regulations, Title 16, Section 1005 (Section 1005)) on a biennial basis rather than annually.

M/S/C (Casagrande/Afriat) that moving forward, the Board would make a decision, in collaboration with the Dental Hygiene Committee of California, on an annual basis if a review of Section 1005 is warranted. If the Board and Committee make such a determination, the subcommittee would then be directed to conduct the review of Section 1005. There was discussion surrounding the composition of the subcommittee that was appointed by the Board and the Committee. The motion passed unanimously.

D. 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.

Dr. Whitcher submitted a proposal regarding changes to update Business and Professions Code Sections 1647.10-1647.17 for consistency with “American Dental Association Guidelines for Use of Sedation and General Anesthesia by Dentists” for consideration at a future meeting.

E. Update on Pending Regulatory Packages:

Ms. Wallace gave an update on Uniform Standards for Substance Abusing Licensees, Dentistry Fee Increase and Abandonment of Applications.

F. Discussion and Possible Action Regarding a Special Meeting in October to Consider Any Adverse Comments Received Regarding the Board’s Proposed Dentistry Fee Increase Rulemaking

Ms. Wallace reported that in the event the Board receives adverse comments in response to the proposed language, and in an effort to keep the rulemaking moving expeditiously, the Board would need to hold a special teleconference meeting in October to consider and respond to adverse comments. Although no adverse comments have been received to date, staff recommends setting a date for a special teleconference meeting with the expectation that adverse comments will be received. This will allow Board members, staff, and stakeholders adequate time make preparations for attending a special teleconference meeting. There was discussion surrounding the proposed dates. The majority chose Wednesday, October 9, 2013 at noon for the special meeting.

G. Discussion and Possible Action Regarding the Health and Safety Institute's Request to Amend California Code of Regulations, Title 16, Sections 1016 and 1017 such that a Basic Life Support Certification Issued by the American Safety and Health Institute Would Satisfy the Mandatory Certification Requirement for License Renewal

Ms. Wallace gave an overview of the request by the American Safety and Health Institute (ASHI). Joe Rose, ASHI attorney, and Steve Barnett, Vice President, Brand Management – Emergency Care for ASHI, gave an overview of the ASHI programs and their benefits.

M/S/C (Burton/Afriat) to accept staff's recommendation that the petition to amend California Code of Regulations, Title 16, Sections 1016 and 1017 be considered when the Board establishes its rulemaking priorities. Once prioritized, staff recommends a final review of the ASHI, American Red Cross, and American Heart Association certification requirements for Basic Life Support courses prior to promulgation of a proposed rulemaking in the interest of consumer protection.

8. Public Comment of Items Not on the Agenda

There was no further public comment.

9. Recess

The meeting recessed at 5:15 p.m. to resume at 9:00 a.m. on Tuesday, August 27, 2013.