



BOARD MEETING MINUTES

March 3-4, 2016

Humphreys Half Moon Inn & Suites
2303 Shelter Island Drive
San Diego, CA 92106

Board Members Present

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

Board Members Absent

Steven Afriat, Public Member, Secretary

Staff Present

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Teri Lane, Enforcement Chief
Lusine Sarkisyan, Legislative and Regulatory Analyst
Spencer Walker, Senior Legal Counsel

Thursday, March 3, 2016

9:00 A.M. FULL BOARD MEETING – OPEN SESSION

1. Call to Order/Roll Call/Establishment of Quorum.

Dr. Steven Morrow, President, called the meeting to order at 9:04 a.m. Judith Forsythe, Vice President, called the roll in the absence of the Secretary and a quorum was established. The Board immediately went into Closed Session.

CLOSED SESSION – FULL BOARD

CLOSED SESSION – LICENSING, CERTIFICATION, AND PERMITS COMMITTEE

Dr. Dominicis recused himself as he knew the individual.

RETURN TO OPEN SESSION – FULL BOARD

2. **Licensing, Certification and Permits Committee Report on Closed Session**

Dr. Whitcher, Chair, gave a report on the results of Closed Session. The Committee recommended that the Board grant a license to replace cancelled license to applicant A.I. upon successful completion of payment of required fees, continuing education units and the Law and Ethics examination.

Motioned/Seconded/Carried (M/S/C) (Whitcher/Le) to accept the committee's recommendation.

Support: Morrow, Forsythe, Burton, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Stewart, Whitcher, Woo. **Oppose:** 0 **Abstain:** 0

The motion passed.

3. **Approval of the December 3-4, 2015 Board Meeting Minutes.**

M/S/C (King/Woo) to approve the December 3-4, 2015 minutes as amended on page six.

Support: Morrow, Forsythe, Burton, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Stewart, Whitcher, Woo. **Oppose:** 0 **Abstain:** 0

The motion passed.

4. **President's Report.**

Dr. Steven Morrow, Dental Board President, gave an overview of his Board related activities. In compliance with a request from Senator Jerry Hill, Dr. Morrow appointed a subcommittee consisting of Dr. Whitcher and Meredith McKenzie to review the safety parameters of pediatric anesthesia.

5. **Executive Officer's Report.**

Karen Fischer, Executive Officer of the Dental Board of California reported on her activities since the last Board meeting as well as the status of each of the Dental Board's units.

6. **Report from the Dental Hygiene Committee of California.**

Noel Kelsch, RDHAP, Dental Hygiene Committee President gave a report on the Committee's staffing, activities and goals.

7. **Oral Health Program Advisory Committee Report.**

Fran Burton gave a report reviewing the goals and objectives set at the last Committee meeting.

8. **Update on the Implementation of the BreZze Online Licensing and Enforcement System.**

Karen Fischer, Executive Officer gave an overview of the benefits and challenges of the new licensing system. Gayle Mathe, California Dental Association (CDA) commented that staff has been quickly responsive to any issues that she has brought to their attention. Communications remain open and strong.

JOINT MEETING OF THE DENTAL BOARD AND DENTAL ASSISTING COUNCIL

RETURN TO FULL BOARD OPEN SESSION

COMMITTEE MEETINGS

RETURN TO OPEN SESSION – FULL BOARD

RECESS

Friday, March 4, 2016

8:00 A.M. OPEN SESSION – FULL BOARD

9. **Call to Order/Roll Call/Establishment of Quorum.**

Dr. Steven Morrow, President, called the meeting to order at 8:04 a.m. Judith Forsythe, Vice President, called the roll in the absence of the Secretary and a quorum was established.

10. **Discussion and Possible Action to Initiate a Rulemaking to Amend California Code of Regulations, Title 16, Section 1049 Relating to Mobile and Portable Dental Unit Registration Requirements.**

Lusine Sarkisyan, Legislative and Regulatory Analyst gave an overview of the information provided.

M/S/C (Whitcher/McKenzie) to accept the proposed regulatory language relative to the registration requirements for mobile and portable dental units.

Gayle Mathe, CDA thanked staff and the Board for their collaboration and consideration regarding CDA's concerns. Lisa Okamoto, California Dental Hygienists Association (CDHA) commented that they have received concerns from the public regarding registration and information about the mobile and portable units in operation. She asked that the Board look into ways to provide information about these units and their operators while the lengthy regulatory process is continuing. Dr. Casagrande raised the issue of requiring Automated External Defibrillators (AED).

Support: Morrow, Forsythe, Burton, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Stewart, Whitcher. **Oppose:** 0 **Abstain:** 0

The motion passed.

M/S/C (Whitcher/McKenzie) 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 a 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 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 adopt the proposed amendments to California Code of Regulations, Title 16, Section 1049 as noticed in the proposed text.

Support: Morrow, Forsythe, Burton, Casagrande, Chappell-Ingram, Dawson, Dominicus, King, Lai, Le, McKenzie, Stewart, Witcher. **Oppose:** 0 **Abstain:** 0

The motion passed.

11. **Report on the Little Hoover Commission Hearing on Occupational Licensing**
Karen Fischer, Executive Officer gave an overview of the information provided.

12. **Examinations:**

A. **Western Regional Examination Board (WREB) Update**

Dr. Huong Le gave a report about the information she received from her attendance at the last WREB meeting.

B. **Staff Update on Portfolio Pathway to Licensure**

Dr. Morrow gave a report on the continued success of the Portfolio Pathway to Licensure.

13. **Licensing, Certifications and Permits:**

A. **Review of Dental Licensure and Permit Statistics**

Sarah Wallace, Assistant Executive Officer gave an overview of the statistics provided.

B. **Request Received from Senator Jerry Hill Regarding Appointment of a Subcommittee to Investigate Whether California's Current Laws, Regulations, and Policies Relating to Pediatric Anesthesia Provide Sufficient Consumer Protection**

This item was discussed during agenda item four, the president's report.

14. **Budget Report**

Ms. Fischer provided an overview of the current budget and the Governor's budget for fiscal year 2016/17.

15. **Discussion and Possible Action to Initiate a Rulemaking to Amend California Code of Regulations, Title 16 Sections 1021 and 1022, Dentistry and Dental Assisting Licensing and Permitting Fee Increase.**

Ms. Wallace gave an overview of the information provided.

16. **Enforcement Committee Report**

Dr. Witcher gave a report on the Enforcement Committee meeting.

M/S/C (Burton/Dominicus) to approve the Enforcement Committee's recommendation to appoint to the Southern Diversion Evaluation Committee, George Shinn, DDS to fill the Dentist vacancy and Shannon Chavez, MD to fill the Public Member vacancy.

Support: Morrow, Forsythe, Burton, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Stewart, Whitcher. **Oppose: 0 Abstain: 0**
The motion passed.

M/S/C (Burton/Domicis) to approve the Enforcement Committee's request to direct staff to work with Legal Counsel to prepare proposed regulatory language to define "filing" and "discovery" in California Code of Regulations, Title 16, and Division 10 to bring to the Board for consideration of initiation of a rulemaking at a future meeting.

Support: Morrow, Forsythe, Burton, Casagrande, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Stewart, Whitcher. **Oppose: 0 Abstain: 0**

The motion passed.

Public comment: Cara Myasaki, Foothill College commented that some schools do background checks prior to admittance into their programs. Gayle Mathe, CDA, commented that many licensees obtain continuing education credit at the Law and Ethics class that CDA presents. She suggested collaborating with Teri Lane the Enforcement Chief on enforcement trends. Dr. Lori Gagliardi, California Association of Dental Assisting Teachers (CADAT) commented that one problem may be unlicensed dental assistants. People who may have gone through a dental assisting program but never obtained a Registered Dental Assisting (RDA) license. She encouraged all dental offices to do background checks prior to employment. Lisa Okamoto, California Dental Hygienists Association (CDHA) commented that they encourage licensees to report violations of the Dental Practice Act. Clarifying and making law and ethics easier to understand may be a solution. Zena Delling, JNZ, commented that licensees report that what they are taught and what their employer dentist wants them to do are not always the same. They feel that they must do what the doctor wants. Dr. Lori Gagliardi further commented that the required signage that states that dentists are licensed by the Dental Board of California doesn't include that Registered Dental Assistants are also licensed by the Dental Board.

17. **Legislative and Regulatory Committee Report**

Fran Burton gave a report on the legislative and Regulatory Committee meeting. Catherine Scott, American Board of Dental Examiners (ADEX), provided clarification regarding the changes to the proposed language.

M/S/C (Burton/Le) to accept the Legislative Committee report and recommendation to "Watch" all of the bills mentioned.

Support: Morrow, Forsythe, Burton, Chappell-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Stewart, Whitcher. **Oppose: 0 Abstain: 0**

The motion passed.

18. **Public Comment on Items Not on the Agenda.**

Dr. Eric Wong, Academy of General Dentistry (AGD), commented that he would like to open a dialogue regarding acceptance of the AGD transcript for continuing education credit.

19. **Board Member Comments on Items Not on the Agenda.**

Kathleen King requested a future agenda item regarding the 1115 waiver. Ms. Fischer stated that staff is already working on this issue.

20. **Adjournment.**

The meeting was adjourned at 12:40pm.