



ENFORCEMENT COMMITTEE MEETING MINUTES
Thursday, February 24, 2011
San Diego

Members Present:

Rebecca Downing, Public Member, Chair
John Bettinger, DDS, Vice Chair
Stephen Casagrande, DDS
Huong Le, DDS
Thomas Olinger, DDS

Members Absent:

Steven Afriat, Public Member

Staff Present:

Richard DeCuir, Executive Officer
Donna Kantner, Licensing & Examination Unit 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

ROLL CALL AND ESTABLISHMENT OF QUORUM

Ms. Rebecca Downing, Chair, called the committee meeting to order at 10:42 a.m. Roll was called and a quorum was established.

ENF 1 – Approval of the November 4, 2010 Enforcement Committee Meeting Minutes

M/S/C (Bettinger/Olinger) to approve the Enforcement Committee meeting minutes of November 4, 2010. The motion passed unanimously.

ENF 2 – Investigator Activity Reporting (IAR) Computer System Implementation Update

Kim Trefry, Enforcement Chief reported that the IAR system has been implemented. Training was conducted in November 2010. The system went live on December 2, 2010. We have begun running end-of-the-month reports and gathering preliminary data on case activity. Rebecca Downing asked when the Board might be able to see some useful data. Ms. Trefry stated that it will be about 6 months before we will have enough data to indicate any trends.

ENF 3 – Enforcement Statistics

Kim Trefry stated that the reports from the Complaint and Compliance Unit, provided by Lori Reis, regarding cases received, cases closed and average number of days to close a complaint all showed significant improvement. Ms. Trefry reported that the case closures for the Investigative Unit for Fiscal Year 2010-2011 are 423 so far showing an 11% increase from the previous fiscal year.

ENF 4 – Report on New Contract for Probation Monitoring Drug Testing (Information Only)

Kim Trefry reported that the Dental Board entered into a new contract with Phamatech, a biological fluid testing provider. There are 55 licensee's who are subject to drug testing as probationers. These are exclusive of any requirements of those in the Diversion program. Dr. Bettinger asked what the

plan is for probationers who plan to be unavailable due to vacations out of the country etc. Ms. Trefry reported that probationers must provide 72 hours notice and must seek out a testing facility where they will be staying. In addition, Phamatech can work with the probation monitors to alter the testing schedule if deemed necessary.

ENF 5 – Diversion Statistics

Kim Trefry reported that the Diversion Statistics were put together by Lori Reis. Dr. Bettinger noted that the number of participants in the Diversion Program has dropped from 100 to 42 since he became a Board member. Mr. DeCuir stated that speculation has it that there are fewer self referrals due to fear of consequences.

ENF 6 – Report on Dental Consultant Calibration Course for Complaint and Compliance Unit

Kim Trefry reported that they have met with the 2 lead consultants on the complaints side and have developed and planned a training day for all Dental consultants on Thursday, April 14, 2011 in Sacramento. They will be working with the Attorney General's office on this training.

ENF 7 - Update on Enforcement Process Improvements

Ms. Downing reported that she and Dr. Casagrande met with staff to discuss what proactive steps could be taken to continue to improve the Enforcement program. Ms. Trefry stated that at the January meeting, they agreed to look at a sampling of many different cases and outcomes to see if they could define some common elements. Ms. Trefry reported that they are planning 6-7 training dates for the Subject Matter Experts. Due to the current shortage of Expert Reviewers, they are planning on reaching out to specialty dentists to get assistance with the Expert Reviews. Dr. Le asked how often training is given. Mr. Salute, from the Attorney General's office stated that the last time the training was done was 2007. Initially, all experts must go through training before they even see a case. This would be in addition to that initial training. Dr. Casagrande stated that this endeavor takes a lot of time, resources and effort but is well worth it for the viability and defensibility of the reports received. Ms. Trefry stated that one other area that was discussed was Cite and Fine. Currently citations remain posted on the website indefinitely. Other Boards have language that limits the amount of time a citation remains on the website. Ms. Trefry stated that this would require legislation so the committee discussed asking the Board to seek an author for this legislation. Ms. Trefry stated that the necessity for this change is that almost all citations result in requests for informal hearings because no one wants the citation posted indefinitely. Mr. DeCuir stated that most of these issues will come up in Sunset Review and his hope is that that will be the opportunity to enhance the enforcement arsenal by making some of these changes. Ms. Downing requested that we agendaize the Cite and Fine issue at the next meeting if not addressed through Sunset Review. Ms. Downing commended Kim Trefry on a job well done especially considering the fact that she has only been on the job for 6 months and she's been treated like she's a 20 year veteran. Kudos to Kim.

PUBLIC COMMENT

There was no further Public Comment.

ADJOURNMENT

The committee adjourned at 11:18 a.m.