



LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETINGS

Tuesday, December 12, 2011
Evergreen Hearing Room
2005 Evergreen Street 1st Floor
Sacramento, CA 95815

LEG - 1 Roll Call

Dental Hygiene Committee of California (DHCC) Legislative and Regulatory Chairperson, Alex Calero, called the subcommittee to order at 9:53 a.m. Roll was called and a quorum was established.

Subcommittee members present: Alex Calero, Public Member; Miriam DeLaRoi, RDHAP; Michelle Hurlbutt, RDH; and William Langstaff, DDS. Staff present: Lori Hubble, Executive Officer; and Traci Napper, Legislation and Regulatory Analyst.

LEG - 2 Public Comment for Items Not Listed On The Agenda.

Mr. Calero asked if there were any comments from the members or the public.

There was no public comment.

LEG - 3 Approval of April 29, 2011 Minutes

William Langstaff moved to approve the April 29, 2011, subcommittee meeting minutes.

Michelle Hurlbutt seconded the motion.

Mr. Calero asked for any public comment. There was no public comment. He called for the vote for the approval of the subcommittee meeting minutes.

The motion passed (4-0).

Leg - 4 Chairperson Report

Mr. Calero reported that by statute DHCC needed to submit a report regarding Licensure By Credential to the Legislature and other stakeholders by January 1, 2012. He directed staff to present the report to the subcommittee by the April 2012 meeting. He asked if there was any public comment. There was no public comment.

LEG - 5 Tentative Legislative Calendar–First Year 2011-12 Biennial Session

Traci Napper provided a calendar that indicated important dates of holidays and legislative deadlines for submitting statutory changes to the legislature.

Mr. Calero stated that the subcommittee worked diligently on the proposed regulations and statutory changes and indicated that the legislative calendar is important for the subcommittee to be aware of in the event that the full committee locates a sponsor to author legislation to enact the proposed statutory changes.

LEG - 6 California Regulatory Notice Register Schedule

Ms. Napper provided an information only report of the Regulatory Notice Register Schedule she stated that this schedule is followed to ensure proposed regulatory packages are submitted to The Office of Administrative Law in a timely manner. She informed the subcommittee that DHCC has scheduled a regulatory hearing on January 6, 2012, for public comment on the Sponsored Free Health Care bill.

LEG - 7 Report on 2011 End of Year Legislative Session Summary

Ms. Napper provided a review of all the bills that DHCC followed throughout the 2011 legislative session and included a list of them that have become two-year bills and bills the Governor signed into law that will take effect January 1, 2012.

Ms. Napper reported that Senate Bill (SB) 943 (DCA Omnibus Bill) and SB 540 (Dental Board's Sunset Bill) included non-substantive language for DHCC that will be effective January 1, 2012. She also reported that Assembly Bill (AB) 1088 requires additional demographic information from licensees; therefore the renewal notice will be revised. She reported that AB 1424 requires that a license be suspended if a licensee has outstanding tax obligations in an excess of \$100,000. She stated that the information is currently on DHCC website.

Mr. Calero asked for any public comments. Joann Galliano stated that SB 540 eliminates the Registered Dental Hygienist member from the Dental Board in 2016.

Ms. Hurlbutt inquired as to how the term limits for the committee members will be determined since the legislative language was not clear?

Ms. Hubble stated that she had a discussion with DCA legal counsel and explained that every member will roll over to 2012, but after that time, there will be new appointments with the exception of the RDH educator, HAP member, and one public member.

Ms. Hurlbutt asked how it will be determined which public member stays when there is more than one public member.

Ms. Hubble responded that they would be considered re-appointments, and the members would have to express an interest to continue on DHCC.

Norine Marks, DCA Legal Counsel; stated that they would have to look at the legislative language to make a determination.

Mr. Calero asked for any public comment. Ms. Galliano suggested utilizing a 1-year grace period and if the member chooses to continue, the grace period could have an impact on which members move forward.

There were no further public comments.

LEG - 8 Update on plan to proceed with rulemaking for Articles 1-12

Ms. Napper reported that at the December 2010 subcommittee meeting, staff was directed to move forward with the rulemaking process for Articles 1-12. She reported that due to staffing limitations and the regulatory package being so large, it was suggested to implement the process in phases. She provided the members with a list showing the three phases. She stated that the phases are: Phase 1 - existing regulations from the Dental Practice Act with zero or minor revisions (non-substantive changes); Phase 2 - regulations that have been revised with substantive changes that DHCC will have to justify for this regulatory package; and Phase 3 - new regulations that DHCC does not currently have statutory authority to implement but will require legislation to complete the process.

Mr. Langstaff asked if there was a time frame for the process. Ms. Napper stated that Phase 1 should be completed in 2012.

Mr. Calero asked about the Phase 2 time frame. Ms. Napper stated that in 2012, staff will begin phase two. She added that staff would like to have phase 3 started as well but needs a sponsor of a bill for this process.

Ms. Hurlbutt reminded the subcommittee that all the language for Articles 1-12 has been written for the regulatory process. She moved to recommend to the Full Committee that the current proposed regulations, Article 1-12, be separated into three phases and that staff begin implementing phases 1 and 2.

Miriam DeLaRoi seconded.

Mr. Calero asked for any public comment. There was no public comment.

Mr. Calero called for the vote. Motion passed (4-0).

LEG - 9 Adjournment

The meeting adjourned at 10:11 a.m.