



LICENSING AND EXAMINATION SUBCOMMITTEE MEETING MINUTES

**Embassy Suites – San Diego Downtown
Topeka Room
601 Pacific Highway
San Diego, CA 94101
Monday, April 16, 2012**

LIC/EXAM - 1 Roll Call

The Licensing and Examination Subcommittee Chair Michelle Hurlbutt called the meeting to order with roll call at 1:15 p.m. With four subcommittee members present, a quorum was established.

Subcommittee members present: Cathy DiFrancesco, RDH, Michelle Hurlbutt, RDH Educator, William Langstaff, DDS, and Evangeline Ward, RDH.

Subcommittee members absent: None.

Staff present: Lori Hubble, Executive Officer, Anthony Lum, Administration Analyst, and Traci Napper, Legislative/Regulatory Analyst.

Department of Consumer Affairs' (DCA) legal representative present: Claire Yazigi.

LIC/EXAM - 2 Public Comment for Items Not on the Agenda

Ms. Hurlbutt asked for any public comment for items not on the subcommittee's agenda.

There was no public comment.

LIC/EXAM - 3 Approval of December 12, 2011 Minutes

Ms. Hurlbutt asked for a motion to approve the December 12, 2011 Licensing and Examination Subcommittee meeting minutes.

- **Motion: William Langstaff moved to approve the December 12, 2011 Licensing and Examination Subcommittee meeting minutes.**

Cathy DiFrancesco seconded the motion.

Ms. Hurlbutt asked for any public comment to approve the December 12, 2011 subcommittee meeting minutes.

Kim Laudenslager, Director of Dental Hygiene Examinations of the Central Regional Dental Testing Services (CRDTS) requested to add her title of Director of Dental Hygiene Examinations after CRDTS in item two and requested to have an agenda item for the consideration of CRDTS for initial licensure in California.

- **Motion: Cathy DiFrancesco moved to amend the comments from Kim Laudenslager in the December 12, 2011 subcommittee meeting minutes.**

William Langstaff seconded the motion.

Ms. Hurlbutt asked for any final comments prior to the subcommittee's vote on the minutes. There were no additional comments.

Ms. Hurlbutt called for the vote to approve the December 12, 2011 subcommittee meeting minutes as amended.

Vote: The minutes were approved unanimously (4-0) as amended.

LIC/EXAM - 4 Chairperson's Report

Ms. Hurlbutt reported that there has been one Registered Dental Hygienist (RDH) clinical examination administered under the current exam cycle and commended staff for the work completed to make the exam successful.

Ms. Hurlbutt reported that Dental Hygiene Committee of California (Committee) has not appointed the taskforce to investigate alternative, non-clinical licensure in California. She indicated that staff will notify the subcommittee of the appropriate time to pursue the issue and appoint the taskforce at that time.

LIC/EXAM - 5 Clinical and Written Exam Statistics

Ms. Hurlbutt deferred to Ms. Hubble to present the agenda item. Ms. Hubble stated that in the meeting packet are the results of the clinical exam administration held in March 2012 at the University of California, San Francisco. She reported that there were only 33 applicants for the exam and 29 of those actually tested. She indicated that the overall pass rate for the exam was 86%. She presented examination pass rates from 2008 to 2012 and indicated that the pass rate has been consistent over this time period with a passing range between 75% – 86%.

She reported that for the written law and ethics exam, the pass rate for RDH in Alternative Practice (RDHAP) is 87% while the RDH pass rate is 89%.

Ms. Hurlbutt asked for public comment on the clinical and written exam statistics. There was no public comment.

LIC/EXAM - 6 Licensure Statistics

Ms. Hurlbutt deferred to Ms. Hubble to present the agenda item. Ms. Hubble indicated that there is a breakdown of license types in the meeting packet that shows the total population of licensees from the time dental auxiliaries began accepting applications for licensure. She reported that the current total number of licensees is 29,707 and within this total, the number of cancelled and deceased licenses are also included.

Ms. DiFrancesco asked for an explanation of a cancelled license. Ms. Hubble explained that a cancelled license occurs when a licensee has not paid the license renewal fee for a period of five years. Ms. Hurlbutt inquired as to whether the Committee knows if the individuals with cancelled licenses are continuing to practice dental hygiene, whether they are aware that their license has cancelled, or where these individuals are located. Ms. Hubble indicated that the Committee has no way of knowing.

Ms. Hurlbutt asked whether the Committee follows-up with the cancelled licensees. Ms. Hubble stated that when the Committee was fully staffed, the enforcement staff attempted to contact the individuals whose license was about to cancel. She indicated that there was a very small percentage that responded so their licenses cancelled. Ms. Yazigi added that for a license to cancel, the licensee had chosen not to renew their license for a

period of five years which is two and a half biennial renewal cycles where renewal notices are sent to their latest address of record twice during that time.

Mr. Langstaff inquired whether an individual is allowed to practice on a delinquent license. Ms. Hubble indicated that a licensee is not allowed to practice with a delinquent license. She said that it is unlawful to practice as the license is not considered valid.

Ms. Hurlbutt inquired whether the Committee's enforcement staff could follow-up with a notice sent to the delinquent licensees indicating that they cannot practice with a delinquent license and to renew it immediately if they are practicing. Ms. Napper indicated that two notices are sent to the licensee. Ms. Hubble indicated that the number of delinquent licensees may be high because of the additional retroactive fingerprint requirement. She said that licensees may be delaying their license renewals until they have completed the fingerprinting live scan requirement. She continued that the Committee, as a regulatory agency, has the responsibility to notify the licensee of their renewal, but it is up to the licensee to abide by the law and notify the Committee of any changes including their license status and address of record.

Ms. Ward stated that she understood the efforts to reach out to delinquent licensees to make them aware of the fact that it is illegal for them to work on a delinquent license; however, she believed the responsibility for their license should be with the licensee and the dentist they work for. She inquired as to whether a list of delinquent licensees could be posted on the Committee's website. Mr. Lum stated that the status of a license could be checked through the Committee's online license verification. He explained that a user could simply query by license number or by name of the licensee and their license status would be indicated on their online record.

Ms. Hurlbutt asked for any public comment on licensure statistics.

Ms. Galliano suggested to post a notice on the Committee website's home page explaining that it is illegal to practice with a delinquent and/or expired license and if a licensee holds one of these licenses, they should immediately cease and desist from practicing until the license is renewed and made current because there are some licensees that do not realize they cannot practice with a delinquent license. She stated that this is a topic that should be addressed and taught in the California dental hygiene law courses.

Ms. Hubble continued with the statistics and showed the number of licenses that were issued between April 1, 2011 and March 31, 2012. Ms. Hurlbutt commended staff for their efforts through this time period especially being heavily understaffed for part of the time.

Ms. Hurlbutt asked whether there were further questions from the subcommittee members or the public on the licensure statistics. There were no further comments.

LIC/EXAM - 7 Update Regarding the Selection Process for the RDH Clinical Chief Examiner

Ms. Hurlbutt gave a brief history of what the subcommittee and full committee decided upon in regard to an RDH Clinical Chief Examiner at the December 2011 meeting. She stated that the decision was made to change from the rotational method of people rotating in to be chairs of the examiner, but instead, the Committee approved to hire a Chief Examiner. She deferred to Ms. Hubble to present the agenda item.

Ms. Hubble stated that there are three individuals that have been assigned to the interview panel for the process of hiring a Chief Examiner. She indicated that the three

individuals are Shanda Wallace, who was a prior Chief Examiner, Lori DeCaro who is the current examiner statistician, and Cathy Ninomiya, who is an RDH educator, will sit on the panel. She stated that her goal is to have all of the work completed in order to introduce a new Chief Examiner at the December 2012 meeting.

Ms. Hurlbutt asked for any comments from the subcommittee members or the public. There were no comments from the subcommittee members or the public.

LIC/EXAM - 8 Discussion Concerning Acceptance of Dental Hygiene Regional Testing Agencies in addition to Western Regional Examination Board (WREB) for purposes of Dental Hygiene Licensure in California

Ms. Hurlbutt stated that this issue arose from comments to the Committee from CRDTS (Ms. Laudenslager) regarding the Committee's acceptance of regional testing agency exam results for licensure. She indicated that some research was conducted on the possibility for the Committee to consider the acceptance of other testing agency's exam results for California licensure. Ms. Hubble stated that Rick Wallinder conducted some research of the five regional testing agencies [CRDTS, WREB, NERB (North East Regional Board of Dental Examiners), CITA (Council on Interstate Testing Agency), and SRTA (Southern Regional Testing Agency)] whose exams are accepted by State licensing agencies for their dental hygiene license. She indicated that Mr. Wallinder provided a chart showing 14 states that accepted the clinical exams given by all five testing agencies.

Ms. Hubble stated that currently, California only accepts the California clinical and WREB examinations for dental hygiene licensure and that it could be the appropriate time for the Committee to discuss the possibility of accepting other clinical exams as well. She indicated that in an indirect way, California does accept the exam results from all five testing agencies if a candidate pursues the method of licensure by credential (LBC). She explained that LBC requires that a candidate has already practiced in another state for five years prior to applying to California, so there is a confidence that the individual has demonstrated a level of proficiency in practice with no enforcement issues against their license.

Ms. DiFrancesco inquired that if the Committee should decide to continue with oversight on the testing agencies, can the Committee have a review of any changes to the testing agency's examination to ensure the changes are in alignment with the California examination. Ms. Hubble stated that this process would involve an examination comparison where the Committee would incur additional expenses and need to contract with the DCA Office of Professional Examination Services (OPES) or other outside entity to compare the exams. Ms. DiFrancesco asked whether any changes made by a testing agency on a future examination would be required to be reported to the Committee. Ms. Hubble indicated that having the testing agencies report any changes to their exams to the Committee could be done depending upon how the Committee structures its agreement with them.

Ms. Hurlbutt inquired whether the Committee staff could obtain the regional examinations and present them to the Committee for comparison and an exam requirement analysis. Ms. Hubble indicated that staff could try to obtain samples of the regional examinations for the Committee. She believed that staff would need assistance from a Committee member to acquire the regional exam information from other agencies and what specific areas the Committee wants to focus on.

Ms. DiFrancesco would like to see information that demonstrates how other exams measure up to the California exam requirements in addition to the numerical statistics for

the other regional exams. Ms. Hurlbutt clarified that in the Dental statutes, there are specific requirements with regard to WREB and asked whether the Committee's statute could be modified to mimic what Dental Board statutes require. Ms. Yazigi stated that the current issue presents more questions at this time and would need to research the issue further before presenting a response. Her understanding of what the Committee is requesting is how to make the regional examination agencies comply with the Committee's request for examination requirements and statistical information.

Joanne Galliano stated that some information on this issue is available in Lori Gallardi's Master's thesis and Doctoral dissertation, as the topic was regarding each of the regional examinations. She indicated that the information may need to be updated, but the general information on this subject is contained in the thesis and all of the structured information the Committee desires.

Ms. Yazigi responded to the question raised regarding mandating WREB to provide the examination statistics requested by the Committee. She stated that in Business and Professions Code (BPC) section 1917(b), since WREB is written into statute there are two options either to write them out of the statute altogether or add specific language that requires them to report to the Committee and provide the information that is requested. She continued that the specific language for compliance would need to be addressed through new legislation to change or amend the existing language.

Ms. Hurlbutt inquired as to whether the Committee could remove WREB from the statute, but include WREB in regulations. Ms. Yazigi indicated that it could be done and suggested to start with the statute because when presenting regulations, they refer to a specific statute, so it would need to be changed first. She continued that ideally if the Committee is pursuing approval of exams, it needs regulatory criteria with approving guidelines so that the specifics are stated as to what criteria are needed in order for an exam to be approved. She stated that the Committee could begin to work on the regulations because the statute [BPC section 1917(b)] is in place.

Ms. DiFrancesco inquired as to why the Committee has not pursued the acceptance of the CRDTS examination for licensure. Ms. Hurlbutt stated that the issue has not risen for formal discussion by the Examination Subcommittee and to date the Committee has only had a few informative presentations by CRDTS. She believed the Committee should obtain additional information about CRDTS before any discussion on examination acceptance occurs.

Ms. Hurlbutt asked whether there was any recommendation from the Subcommittee to direct staff to obtain additional examination information. Both Mr. Langstaff and Ms. DiFrancesco requested the information assembled by ADHA and CRDTS for review.

- **Motion: Cathy DiFrancesco moved to direct Committee staff to collect the following examination information:**
 - 1) **Lori Gagliardi's dissertation;**
 - 2) **Copy of the complete ADHA information on regional testing agencies;**
 - 3) **Copy of the grid submitted to the Committee by CRDTS;**
 - 4) **A letter sent to all of the other regional testing agencies requesting the information that is in the grid and dissertation is submitted to the Committee for review.**

William Langstaff seconded the motion.

Vote: The motion was passed unanimously (4 – 0) to direct Committee staff to obtain the above listed items.

Ms. Hurlbutt asked for any further comment from the Subcommittee members or public. There was no further comment on this agenda item.

Public Comment:

Ms. Laudenslager inquired as to whether California maintained its travel restrictions because she wanted to invite the members to view a CRDTS testing session. Both Ms. Hubble and Mr. Lum responded that California still maintains its travel restrictions.

LIC/EXAM - 9 Adjournment

Time: 2:28 p.m.