

**Dental Hygiene Committee of California**

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**DENTAL HYGIENE FULL COMMITTEE MEETING MINUTES**

**DHCC Headquarters  
Evergreen Hearing Room  
2005 Evergreen Street, 1<sup>st</sup> Floor  
Sacramento, CA 95815  
Tuesday, December 4, 2012**

**Roll Call** – The Dental Hygiene Committee of California (Committee) President called the meeting to order with roll call at 9:19 a.m. With eight Committee members present, a quorum was established.

Committee members present:

Alex Calero, Public Member  
Rita Chen Fujisawa, Public Member  
Michelle Hurlbutt, RDH Educator  
Joyce Noel Kelsch, RDHAP  
Timothy Martinez, DMD  
Nicolette Moultrie, RDH  
Evangeline Ward, RDH  
Andrew Wong, Public Member

Committee members absent:

None

Staff present:

Lori Hubble, Executive Officer (EO)  
Nancy Gaytan, Enforcement Coordinator  
Thomas Jurach, Program Analyst  
Anthony Lum, Administrative Analyst  
Traci Napper, Program Analyst  
Eleonor Steiner, Examination Analyst

Claire Yazigi, Department of Consumer Affairs' (DCA) Legal Representative

Public present:

Cindy J. Callaghan, DHCC Subject Matter Expert Consultant  
Brian Clifford, DCA Legislative and Regulatory Review Manager  
Katie Dawson, California Dental Hygienist Association (CDHA)  
JoAnne Galliano, Program Director, Chabot College

Laura Jacob, Central Regional Dental Testing Service (CRDTS)  
Sharon Langness, Dental Board of California (DBC)  
Kim Laudenslager, Director of Dental Hygiene Examinations, CRDTS  
Nadhe Lavdl, CDHA  
Gayle Mathe, California Dental Association (CDA)  
Jessica Olney, DBC  
Jennifer Tannehill, Legislative Advocate, Aaron Read & Associates

President's Announcement –

President Calero welcomed three new Committee members (Timothy Martinez, Noel Kelsch, and Nicolette Moultrie) and congratulated Michelle Hurlbutt on her reappointment to the Committee. He announced that there will be opportunities throughout the meeting for the public to comment on the agenda items and for the public participants that address the Committee, to identify themselves and the entity they represent, if applicable, on a voluntary basis. He stated that the Committee would prefer to limit public comment to two minutes per individual, unless there is a consensus by the Committee to extend the time.

President Calero stated that the Committee had dealt with and completed many issues and projects within the prior year and thanked the Committee's Executive Officer (EO) and staff for their diligent work. He thanked Committee public members, Rita Chen Fujisawa and Andrew Wong, for their continued efforts on Committee issues. He stated that the public members, including him, may or may not be reappointed depending upon the Governor's decisions. Finally, he thanked the public for their participation in the Committee's meetings.

**FULL 1 – Public Comment for Items Not on the Agenda**

President Calero asked for any public comment.

Kim Laudenslager addressed the Committee and stated that she has been attending Committee meetings for years as a representative of CRDTS to inform and persuade the Committee to accept CRDTS as a regional testing agency. She indicated that the Committee could accept CRDTS as a clinical exam administrator as many other states already do; however, she also stated that the Committee could join CRDTS as a member state. She explained that the advantage of becoming a member state is that the Committee would have a voice in the development of the CRDTS examination and would have a full voice on the steering and development committees. She stated that she would gladly respond to any request for information or response from CRDTS for the Committee's survey of regional testing agencies.

President Calero asked for any further public comment. There was no further public comment.

**FULL 2 – Approval of April 17, 2012 Meeting Minutes**

President Calero asked for a motion to approve the April 17, 2012 Committee Meeting minutes.

- **Andrew Wong moved to approve the April 17, 2012 Committee Meeting Minutes.**

**Michelle Hurlbutt seconded the motion.**

President Calero asked for any comments from the Committee members or the public. There was no comment.

**Vote: The motion passed unanimously 4 – 0 – 4 (Noel Kelsch, Timothy Martinez, and Nicolette Moultrie abstained as they were not appointed members at the time of the April 17, 2012 meeting, and Rita Chen Fujisawa abstained because she was not present at the meeting) by the members that were present at the meeting.**

### **FULL 3 – Approval of the July 9, 2012 Teleconference Meeting Minutes**

President Calero asked for a motion to approve the July 9, 2012 Teleconference Meeting minutes.

- **Andrew Wong moved to approve the July 9, 2012 Committee Teleconference Meeting Minutes.**

**Evangeline Ward seconded the motion.**

President Calero asked for any comments from the Committee members or the public. There was no comment.

**The motion passed 3 – 0 – 1 (Michelle Hurlbutt abstained because she was not present at the meeting).**

### **FULL 4 – President’s Report**

President Calero reported that the Committee has three new Committee members who have complied with the DCA New Member Orientation Training and will be updated on any new member requirements that need to be completed. He indicated that he spoke to the new members to gauge their interest in participating on subcommittees and what goals they may have as members. He reported that the Committee was approached by the Dental Board of California to create an Ad-hoc Committee consisting of members from the Committee and Dental Board to address and review infection control guidelines. He stated that Noel Kelsch was appointed as the Committee’s representative for the Ad-hoc Committee for infection control.

President Calero announced that after consulting with DCA Legal Counsel, the subcommittee reports that will be presented later in the meeting and contain action recommendations would be addressed by the Full Committee on an individual basis rather than all of the subcommittee’s recommendations combined.

Ms. Hurlbutt inquired that after the Committee voted on a particular subcommittee action item, then the Full Committee would vote on the Chair’s report with the subcommittee recommendations. Claire Yazigi indicated that if the Committee decided to vote on the subcommittee action items, it can, but it is not required to

because the Chair's report is the result of a workgroup reporting to the Full Committee as to the subcommittee's actions. She stated that the important vote is on the subcommittee action items that are recommendations for the Full Committee's vote. She continued that the Full Committee can accept the Chair's report in its entirety understanding that it is not a standard yes or no vote on the recommendations, but an acknowledgement and thank you for the subcommittee's services. Ms. Hurlbutt asked the Committee President as to what his pleasure is on the issue. President Calero indicated that a lesser amount of voting is his preference to minimize the amount of voting necessary for the meeting.

President Calero asked for any additional member or public comment on his report. There was no further comment.

#### **FULL 5 – Executive Officer's Report**

Ms. Hubble indicated that her report would be brief and stated that staff is continuing to experience furloughs one day per month. She reported that:

- The Committee is fully staffed for the first time in over a year and a half;
- She attended the dental hygiene examinations in June, July, and October of 2012;
- The EO was delegated some additional responsibility to approve travel when deemed mission critical for investigations, inspections, probation monitoring, exam development and administrations, statutorily mandated training, and board and Committee meetings, etc. She indicated that a travel exemption by DCA is still required in order to attend outreach events;
- There is one final group of retroactive fingerprint clearances that will be contacted for the clearance of current fingerprints;
- With the passage of recent legislation [Senate Bill 1202 (Ch. 331, Statutes of 2012)], the Committee may be considering a move to a larger office in the same building to accommodate additional staff required to fulfill new and future legislative mandates.

Ms. Hubble stated that in a recent newspaper article, a Registered Dental Hygienist in Alternative Practice (Diane Azevedo, RDHAP) was featured and copies were distributed to the members prior to the meeting.

Ms. Hubble reported that there is new legislation that allowed the expedited processing of license applications for spouses of military servicemen and women. She indicated that the new law went into effect as of January 1, 2013, and that there are additional questions pertaining to the issue on the application for licensure.

President Calero asked for any public or member comments on the agenda item. There were no comments.

#### **FULL 6 – Update on the BreEZe Project**

President Calero asked Tom Jurach to present the agenda item.

Mr. Jurach stated that the BreEZe system would provide an efficient digital workflow for staff to utilize. He explained that the new computer system is an internet based system that can be accessed through any computer with access to the internet and the DCA network. He stated that the system would allow applicants and licensees the opportunity to provide their information (i.e., application, questionnaire, etc.) to DHCC and provides a means for applicants to apply for licensure online. He continued that once an individual is licensed, the system makes it easy to renew the license since they can pay and renew online instantaneously with a credit card. He added that if a licensee preferred to download the application and pay via check, that was an option as well. He indicated that the BreEZe system should eliminate any delay for a licensee to renew their license because they will no longer have to wait for a license renewal application to be sent to them should their original be lost. He stated that as long as the licensee could pay their license renewal with a credit card, they will have the ability to renew immediately.

Ms. Hurlbutt inquired as to when the BreEZe project would be implemented. Mr. Jurach indicated that the project team divided the implementation into three phases and that DHCC was in Phase two of the project which has a projected implementation date of August 2013.

Ms. Hurlbutt asked whether the license renewal application will be available through email. Mr. Jurach stated that the current mail process where the renewal is sent to the licensee approximately 90 days prior to their license expiration would continue; however, if the licensee does not possess it to submit the renewal to DCA in time prior to the license expiration date, the renewal will be available online through an online account that the licensee would sign up to register for. He added that once the renewal is available online, the licensee has the option to renew early through the website rather than waiting to submit the renewal and check through the mail. Ms. Hurlbutt said that since DHCC is now requiring an email address for licensees, that maybe it could be used to receive the license renewal. Mr. Jurach stated that the email feature is a part of the system and could be incorporated to be used for that purpose should the Committee decide to utilize it.

President Calero asked whether there was any further comments or questions. There was no further comments or questions.

## **FULL 7 – Budget Report**

President Calero asked Anthony Lum to present the agenda item.

Mr. Lum stated that his report would provide a fiscal status for the Committee's budget as the report would review both expenditures and revenue. He indicated that he has reviewed and explained the budget documents the past few meetings for any new members appointed to the Committee and would do so again because of the newly appointed members (Noel Kelsch, Timothy Martinez, and Nicolette Moultrie). He reviewed the expenditure projection sheet that is used to estimate the Committee's expenditures through the end of the fiscal year (FY). He explained that for ease of use, all of the documents that would be presented in

the budget report could be viewed column by column to correspond to an individual issue or FY rather than attempting to decipher what all of the numbers and titles represent in the document. He explained that the first two columns showed what was spent in the previous year, while the remaining columns reflect the Committee's current year budget allotment, the amount of the current year budget that has been spent to date, the projected amount that may be spent through the end of the FY, and the remaining balance in the Committee's yearly budget after all of the current year expenditures.

Mr. Lum asked whether there were any questions about the expenditure projection document.

Ms. Hurlbutt asked for an explanation about the line items that are overspent. Mr. Lum explained that the individual expenditure line item where the Committee has or is projected to overspend the budget is due to calculations that are completed in a comparison to what is spent in prior FYs. He stated that the calculations reflect what had been spent in prior years to project what the Committee may spend in the current and next fiscal year. He explained that one or several line items may overspend its budget; however, the Committee's overall annual budget is not necessarily overspent because there are line items where there is a surplus and the net remaining balance of the budget is positive.

Ms. Kelsch inquired as to why the Temp Help line item was highly overspent. Mr. Lum explained that the Temp Help line item usually does not reflect a large budgeted amount because the cost for it can fluctuate immensely from one year to the next.

Mr. Wong inquired as to whether there have been any savings to the Committee's printing costs from converting the meeting packets to an electronic format. Mr. Lum stated that the projection sheet may not indicate a great amount of savings from printing costs because the resources that were previously used for one printing project may have been redirected to fund a second project that may have previously added to the printing cost. He cited the example of the meeting packets being changed to an electronic format saved on printing costs; however, the savings may be redirected and used for another printing project.

Mr. Lum stated that the over-expenditure on the Expert Examiners line item is due to the fact that the Committee can now create its own contracts for examiners, so the budgeted amount from previous years is not adequate to indicate a positive net balance. He continued that this is the first year that the Committee has been delegated the authority to create contracts with examiners or Subject Matter Experts for the Committee to conduct its business.

Mr. Lum indicated that for future meetings, he will reallocate the funds per line item so that there is less over-expenditures for each. He reminded the Committee that the projection document is only utilized in-house and by the DCA Budget Unit to monitor the yearly expenditures. He stated that the only time the projection document is exposed to the public is for the meeting packet.

Mr. Lum next explained what the Committee's fund condition is and that it incorporates the totals of both revenues and expenditures over multiple FYs. He

explained that the top portion of the fund condition lists the Committee's revenues while the bottom half is the expenditures. He continued that on a column basis, the prior year are actual numbers that are reported to the State Controller's Office, that Current Year (CY) shows the numbers listed at a specific point and time for the year and can fluctuate throughout the year, and the Governor's Budget which is the projected anticipated amount for the next FY.

Ms. Hurlbutt asked to clarify for the new members when a fiscal begins and ends. Mr. Lum stated that a fiscal year begins July 1<sup>st</sup> of each year and ends on June 30<sup>th</sup> of the following year. Mr. Lum stated that on the current fund condition, it is anticipated that the Committee's fund would be insolvent by FY 2014-15, so new revenues will need to be identified before then to maintain fund solvency. Ms. Hurlbutt asked whether the fund condition included the new fees that are being proposed at today's meeting. Mr. Lum stated that the fund condition does include the new fees; however, the revenue that will be generated by the new fees will not be enough to sustain the fund's solvency, so additional revenue will be needed. Ms. Hurlbutt asked for a plan by the next meeting to be presented to the Committee to avoid fund insolvency by FY 2014-15.

Mr. Lum presented the next fiscal attachment that was a chart of the total revenue the Committee has received separated by FY since the Committee was formed in FY 2009-10. He explained that the chart showed the Committee's total yearly revenue in yellow and the exam revenue totals in green. He stated that the exam revenue has been declining due to an increase in the number of candidates opting to take the Western Regional Examination Board's (WREB) examination instead of the California Clinical examination.

President Calero asked if there were any further questions or comments on the Budget Report. There were no further questions or comments.

## **FULL 8 – Establishment of Fees**

President Calero asked Mr. Lum to present the agenda item.

Mr. Lum stated that as a result of Senate Bill (SB) 1202 (Ch. 331, Statutes of 2012) passing the Legislature and signed by the Governor, its mandates would be effective as of January 1, 2013. He indicated that part of the mandates provided in SB 1202 included the establishment of certain fees that allowed:

- A charge for an original RDH license;
- Special Permit for out-of-state licensees to come to California to teach;
- Educational institutions to establish extramural clinics for their students to obtain additional work hours and experience;
- A new dental hygiene program application fee;
- An RDHAP to operate an additional office or mobile dental hygiene clinic; and
- Raising the RDH license renewal fee ceiling to \$160.

Mr. Lum stated that Committee staff request a motion to approve by resolution the establishment of fees at the recommended levels to be enacted as of January 1, 2013.

Mr. Wong inquired as to what the current RDH license renewal fee is set at. Mr. Lum stated that the current RDH license renewal fee is at \$80 and that it is at the statutory maximum the Committee may charge for the RDH license renewal fee. He continued that this was the reason the request was placed in SB 1202 to raise the RDH license renewal fee ceiling to \$160 so that it would give the Committee the flexibility to raise revenue, if warranted, to maintain fund solvency. Mr. Wong inquired as to what the fee pays for. Mr. Lum indicated that the fee primarily pays for the following:

- Staff and departmental time to process applications,
- Data received from applicants and licensees to enter into the DCA databases,
- Addressing phone calls or email licensure inquiries from applicants and licensees,
- Departmental costs such as accounting, cashiering, and maintaining the Committee's website, and
- The new BreEZe computer system.

Mr. Wong inquired as to whether there are any third-party contracted costs that are paid from the fees. Mr. Lum indicated that there were no third-party vendors that are routinely or directly paid from the fees specifically, but all contracted vendors are paid from the Committee's budget which derives from the revenue it generates.

Dr. Martinez inquired as to the definition of 'mobile dental hygiene' as opposed to portable services (i.e., taking equipment to a hygiene service site). Ms. Hurlbutt indicated that the terms 'mobile dental hygiene' refer to a mobile vehicle similar to a van that can travel to underserved areas and provide dental hygiene services – a mobile clinic. She continued that it is not in reference to portable equipment packed into a vehicle and moved from place to place to provide hygiene services. She stated that it may need to be further defined in regulation so that there is delineation from a mobile vehicle clinic as compared to an RDHAP who places portable equipment in the car for use at a skilled nursing facility to provide hygiene services.

Ms. Hurlbutt inquired as to why the RDH Original Licensure Fee is requested at \$100, as it seemed low. Mr. Lum stated that currently, the Committee does not charge an Original Licensure Fee and the amount for the fee was calculated based upon the amount of staff time including cashiering that is required to review all of the documentation needed to process and issue the license. Ms. Hurlbutt inquired as to whether the calculation considered the WREB applicant because she believed that the WREB applicant's review of the necessary documentation would take a longer review than a California exam applicant. Ms. Hubble clarified that the RDH Original Licensure Fee of \$100 was based upon the issuance of the license only whether the candidate is a WREB applicant or a California exam applicant for licensure. She continued that there is an additional \$50 fee that WREB candidates must pay in order to apply for licensure with the Committee.

President Calero asked for a motion on the Committee staff's recommendation to approve by resolution the establishment of fees.



- **Michelle Hurlbutt moved to approve by resolution the establishment of fees at the recommended levels to be enacted as of January 1, 2013.**

**Rita Chen Fujisawa seconded the motion.**

President Calero asked for any further discussion from the Committee members or the public.

Katie Dawson inquired as to whether the Original Licensure fee applied to all license categories (i.e., RDH, RDHAP, and RDHEF). Ms. Hubble responded by indicating that the fee is specifically for RDHs, as RDHAPs already pay for their original license and the fee has been established for some time. Ms. Dawson inquired about the Fictitious Name Permit (FNP) fee and if a change to it is requested, would it need to be a future agenda item. Ms. Hubble stated that if there is a change needed to the FNP fee, the issue would need to be presented at a future meeting.

JoAnne Galliano asked about the Course Renewal Fee for continuing education (CE) and whether the Committee has worked with the Dental Board (DBC) to ensure that the fees are paid to the Committee rather than to the DBC since the CE provider license was granted by DBC. Ms. Hubble stated that the new CE fee is targeted for CE courses themselves such as the new Soft Tissue Curettage, Nitrous Oxide, and Local Anesthesia, and not for the CE provider. Ms. Galliano commented that the Committee should research a mechanism for dental hygiene CE providers to work with DBC to ensure that the provider's fee is paid to the Committee and not DBC. Ms. Hubble stated that with the addition of future staff, she is planning to begin to look into such issues.

Ms. Galliano inquired as to the actual definition of the Extramural Clinic and how the Committee is going to interpret its' definition. She stated that the definition is detailed in Business and Professions Code (BPC) § 1942(a), but had a concern with the term 'instruction.' She explained that many educational institutions use public health venues to rotate the students not for instruction, as the students do not receive any instruction at these facilities, but for experience under supervision. She asked whether such a scenario would be considered an Extramural Facility subject to the new fee. Ms. Hurlbutt opined that she believe it would be a service learning experience for the students since there is no instructor and the students are not receiving instruction onsite. She said that as described, it would be service learning as per the Commission on Dental Accreditation for the experiences that they want the students to have. Ms. Yazigi stated that she would need to research the definition issue more and inquired for clarification that if the students are not being instructed at the site, what is their role at the facility. Ms. Galliano indicated that the students are providing supervised dental hygiene services under the supervision of a licensed dentist at the site, but that no instruction is being rendered.

Ms. Hurlbutt clarified an earlier discussion on the definition of a mobile clinic as opposed to portable equipment. She stated that the definition indicated that the clinic could be transported or towed, but definitely does not include portable equipment as defined in California Code of Regulations § 1026.

Gayle Mathe stated that CDA has been working with the DBC on the issue and indicated that there are many portable dental services out in the community and are concerned with the continuity of care, comprehensive care, patient records, etc., and a number of other issues that both entities (CDA and DBC) have been silent on, but is currently being processed with the DBC.

President Calero asked for any further comments from the Committee or public. There was no further comment.

President Calero asked for the vote on the agenda item.

**Vote: The motion passed 7 – 1 (Andrew Wong opposed).**

**FULL 9 – Regulations Update, Review, and Action as Necessary**

President Calero deferred to Donna Kantner to present the agenda item.

**a) DHCC Uniform Standards Related to Substance Abuse and Disciplinary Guidelines – §1138, Title 16 of California Code of Regulations**

Ms. Kantner provided a brief history of the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines regulatory proposal. She indicated that a committee was formed through DCA by law a few years ago to establish standards and guidelines on how to treat substance abusing licensees with respect to discipline. She stated that the DHCC decided to pursue the issues together since they did not have any disciplinary guidelines of their own. She continued that the DCA committee established 16 standards and disciplinary guidelines and staff have been working to notice the rulemaking on the issue. She stated that a document with the background history and current status on this regulation proposal is in the meeting packet.

Ms. Kantner explained that the initial rulemaking process consists of creating the Initial Statement of Reason (ISR) which describes the reason and necessity for each provision of the law and sets the actual guidelines for the regulation. She stated that once the ISR is approved by DCA Legal, it will be set for a 45-day hearing notice to allow for public comment.

Ms. Hurlbutt inquired as to the length of time that is needed for DCA legal to review the regulatory package since the Committee has been working on this issue for some time. Ms. Yazigi indicated that a rough time estimate would be about a month. She explained that the Committee has two very substantive topics of the Uniform Standards and Disciplinary Guidelines and combined them into one large regulation package request. She stated that the base for the regulation is the ISR, which is now 60 pages, where each provision of the regulatory proposal must be proven as being necessary. She continued that in addition to the extensive writing that created the ISR, the Office of Administrative Law (OAL) has new ISR requirements that went into effect as of January 1, 2013. She indicated that her review will also need to incorporate any of the OAL changes to the ISR, if applicable.

President Calero asked for any comments from the Committee or public.

There was no comment.

**b) Cite and Fine - §1139 – 1144, Title 16 of California Code of Regulations**

Ms. Kantner gave a brief history of the Cite and Fine regulatory proposal and indicated that there is a summary of the background up to the regulation proposal's current status in the meeting packet. She indicated that the latest information on this regulatory proposal is that the request was approved by OAL on November 4, 2012 and will go into effect on December 14, 2012.

President Calero asked for any comments from the Committee or public.

Ms. Moultrie asked if there was a flow chart that displayed the regulatory process. Ms. Hubble indicated that there is a general flow chart that displayed the regulatory process, but she and Ms. Kantner are working on a Committee specific flow chart that will show the Committee's specific regulatory proposals and their status.

**c) Sponsored Free Health Care Clinics - §1149 – 1153, Title 16 CCR**

Ms. Kantner gave a brief history of the Sponsored Free Health Care Clinics regulatory proposal and indicated that there is a summary of the background up to the regulation proposal's current status in the meeting packet. She indicated that the latest information on this regulatory proposal is that the Committee requested an extension of the one-year rulemaking deadline due to some delays that was encountered during the processing of the file.

Mr. Calero asked for any comments from the Committee members or the public. There was no comment.

**d) Retroactive Fingerprint Requirements - §1132, Title 16 of California Code of Regulations**

Ms. Kantner gave a brief history of the Retroactive Fingerprint regulatory proposal and indicated that there is a summary of the background up to the regulation proposal's current status in the meeting packet. She indicated that the latest information on this regulatory proposal is that the request is currently under review by DCA Legal, DCA Executive Office, and the State and Consumer Services Agency.

President Calero asked for any comment from the Committee members or the public. There was no comment.

**FULL 10 – Update on Strategic Plan**

President Calero asked Mr. Lum to present the agenda item.

Mr. Lum stated that the Committee staff has been focused and diligent in their efforts to initiate or complete many projects such as regulation request packages, the Committee newsletter, testing board survey, and the work earlier in the year to progress SB 1202 through the Legislature and the Governor for approval. He

indicated that there were hurdles Committee staff had to work around such as furloughs, staff shortages, travel restrictions, and project time constraints, but many strategic plan items were completed. He referred to the Strategic Business Plan in the meeting packet to identify the latest information and current status of many strategic plan items. He stated that because it had been awhile since the Committee reviewed its Strategic Plan, staff recommended to schedule a new strategic planning session to re-evaluate the plan's priorities and determine whether an extension of the current due dates are warranted.

President Calero asked whether staff is requesting any action on the agenda item by the Committee. Ms. Hubble requested a consensus by the Committee as to whether to schedule a meeting between January and May 2013 to discuss the Strategic Plan and whether to extend the plan. She added that it would be a valuable piece of information in preparation for the Committee's Sunset Review.

President Calero asked whether the Committee would grant a consensus to meet to review the Committee's Strategic Plan. All members gave their consensus to a Strategic Plan meeting.

#### **FULL 11 – Education and Outreach Subcommittee Report**

President Calero reminded the subcommittee chairs that if there are any recommendations from the subcommittees to the Full Committee for action, they will be proposed as motions, seconded, discussed, and voted upon separately.

President Calero deferred to Chair Wong for the Education and Outreach Subcommittee report.

Chair Wong reported that the subcommittee met on December 3, 2012, where a quorum was established and addressed the following:

- a) April 16, 2012 subcommittee meeting minutes were accepted;
- b) Committee staff presented the website statistics, specifically locations used and frequency of website use;
- c) Update on outreach events including the calendar of events and those that were attended by the EO;
- d) Discussion on continuing the outreach efforts despite the existing travel restrictions.

- **Andrew Wong moved to approve the Education and Outreach Subcommittee's Report.**

**Nicolette Moultrie seconded the motion.**

President Calero asked for any comments from the Committee members or the public. There was no comment.

**The motion passed unanimously (8 – 0).**

## **FULL 12 – Enforcement Subcommittee Report**

President Calero deferred to Chair Fujisawa for the Enforcement Subcommittee Report.

Chair Fujisawa reported that the subcommittee addressed the following:

- a) Accepted the April 16, 2012 subcommittee meeting minutes;
  - b) Reviewed the DCA's Enforcement Performance Measures;
  - c) Updated on the Enforcement statistics where they indicated that the Committee is completing its enforcement tasks within the expected timelines.
- **Rita Chen Fujisawa moved to approve the statutory language regarding the issuance of initial probationary license for applicants.**

**Noel Kelsch seconded the motion.**

President Calero indicated that both the Enforcement Subcommittee and the Legislation and Regulatory Subcommittee reviewed the statutory language that was adopted for a recommendation to the Full Committee regarding this issue on probationary licenses; however, the language presented to the Legislation and Regulatory Subcommittee was different than the language that was presented to the Enforcement Subcommittee and inquired as to how the Committee wanted to proceed on the issue.

- **Ms. Hurlbutt moved to amend the proposed text presented by the Enforcement Subcommittee by the following:**

**Line (a) – insert “or its designee” and striking “in its sole discretion”**

**Line (d) – line (d) is stricken and substituted with “The terms of a probationary license shall include, but not limited to, the following:”**

Mr. Calero indicated that Ms. Hurlbutt's motion is a friendly amendment if Chair Fujisawa accepts the motion. Chair Fujisawa accepted the friendly amendment.

President Calero asked for any comment from the members or the public. There was no further comment.

**Vote: The motion passed unanimously (8 – 0).**

Chair Fujisawa reported that there were no future agenda items presented to the Enforcement Subcommittee.

- **Rita Chen Fujisawa moved to approve the Enforcement Subcommittee report.**

**Nicolette Moultrie seconded the motion.**

President Calero asked for any comment from the Committee members and the public. There was no comment.

**Vote: The motion passed unanimously (8 – 0).**

### **FULL 13 – Legislation and Regulatory Subcommittee Report**

President Calero deferred to Chair Martinez for the report.

Chair Martinez reported that the subcommittee addressed the following:

- a) Accepted the April 16, 2012 subcommittee meeting minutes;
- b) Received a statutory update by the EO on AB 1588, SB 694, SB 1202, SB 1575, and SB 1099;
- c) Received an update on the five recommended proposals to be included in the DCA's Omnibus Bill;
- d) Voted to amend sections A and D of the statutory language for inclusion in DCA's Omnibus Bill that would allow the Committee to issue a probationary license to applicants;
- e) Voted to approve staff recommendations to move sections 1129, 1133, and 1146 into Phase I of the Committee's regulatory plan and to move section 1108 to Phase II;
- f) Discussed potential regulations regarding military reservist licensees concerning their fees and continuing education requirement (staff is to present samples of language from other programs on this issue at the next meeting).

Chair Martinez indicated that there is a recommendation for the Full Committee to adopt the amendments to the initial probationary license statutory language.

- **Timothy Martinez moved to accept the statutory language with the five provisions for inclusion in the DCA Omnibus Bill.**

**Michelle Hurlbutt seconded the motion.**

President Calero asked for any comments from the Committee members and the public.

Ms. Mathe had concerns of unintended consequences by creating RDH and RDHEF as paid rendering providers. Ms. Kelsch stated that many RDHs are working in independent environments where they are allowed in a public health setting or have independent contracts where they have the ability to bill for services rendered. Ms. Hurlbutt referenced BPC 1911 for the statutory authority that allows an RDH working in a local, state, or federal entity unsupervised to bill for the services rendered to any insurance or third-party claim.

President Calero asked for any comments from the Committee members and the public. There was no further comment.

Chair Martinez indicated that the subcommittee approved staff's recommendation to move sections 1129, 1133, and 1146 into Phase I of the Committee's

regulatory plan and to move section 1108 to Phase II and now presents the recommendation to the Full Committee for consideration.

- **Timothy Martinez moved to accept the subcommittee's recommendation to move sections 1129, 1133, and 1146 into Phase I of the Committee's regulatory plan and to move section 1108 to Phase II.**

**Michelle Hurlbutt seconded the motion.**

President Calero asked for any comments from the Committee members and the public. There was no further comment.

**Vote: The motion passed unanimously (8 – 0).**

Ms. Yazigi stated that she had information regarding how the Medical Board handles licensees that are in the military. She explained that military licensees are not provided with a proration of their fees or CE hours by the Medical Board and must complete the full number of CE hours required and pay the full fee in order to renew their license. She continued that she will present other board's military information at the next meeting. She also defined the term of "active duty" as per the federal definition in that it pertains to individuals in the military who are working fulltime. She added that the National Guard where an individual works on a part-time basis does not qualify under the definition.

Ms. Moultrie inquired as to whether the Committee should follow the Medical Board's method of addressing the military licensee issue or is there other board or committee methodologies that the Committee should follow. Ms. Yazigi indicated that the Committee should follow other board's methodology and not the Medical Board's.

- **Alex Calero moved to accept the Legislative and Regulatory Subcommittee report.**

**Michelle Hurlbutt seconded the motion.**

President Calero asked for any comments from the Committee members and the public. There was no comment.

**Vote: The motion passed unanimously (8 – 0).**

#### **FULL 14 – Licensing and Examination Subcommittee Report**

Chair Hurlbutt reported that the Licensing and Examination Subcommittee met on Monday, December 3, 2012 where it addressed:

1. Public comment;
2. Acceptance of the April 16, 2012 subcommittee meeting minutes as presented;
3. Chair's report to update the subcommittee members on events since the April 2012 meeting;
4. Updated on the following:

- a) Clinical and written examination statistics;
- b) Licensure statistics;
- c) Selection process for the California Clinical Chief Examiner and personnel regarding the clinical exam; and
- d) Survey sent to regional testing agencies.

Chair Hurlbutt indicated that the subcommittee deliberated in closed session and was updated on examiner performance, orientation, calibration, and validation regarding the California clinical examination. She stated that future agenda items were requested and noted and there was one recommendation from the subcommittee for the Full Committee to consider the two applications for course approval in periodontal soft tissue curettage, administration of nitrous oxide, and oxygen analgesia, and administration of local anesthetic agents. She indicated that the subcommittee had determined that the two courses were acceptable.

Chair Hurlbutt stated that the subcommittee recommends approval of courses from Chabot College and Southwestern College in local anesthetic, Nitrous Oxide and Oxygen analgesia, and periodontal soft tissue curettage; however, she elected to recuse herself from the subcommittee recommendation to the Full Committee and requested Evangeline Ward to forward the recommendation.

- **Evangeline Ward moved to approve the courses from Chabot College and Southwestern College in local anesthetic, nitrous oxide and oxygen analgesia, and periodontal soft tissue curettage.**

**Nicolette Moultrie seconded the motion.**

President Calero asked for any comments from the Committee members or the public.

Chair Hurlbutt recused herself from any discussion or vote on the issue.

President Calero requested clarification of an issue where the Committee has the statutory authority to approve educational programs and that there are currently no regulations in place to approve education programs and inquired as to the standard the Committee is applying in the absence of regulations. Ms. Yazigi indicated that BPC section 1905 states that courses may operate on approval by the Committee. She stated that there is no statutory requirement that the Committee is required to have regulations in place prior to approving a course which is different from the statutory authority requirement for the Committee's approval of programs where it is built into the statute that regulations must be in place prior to approval. She advised the Committee to obtain regulations on this issue in the future so that there is a reference to approve any future course application request. She explained that once regulations are in place that the task of approval can be delegated to staff so there is no independent judgment and the requirements to be approved are specific. She explained that in the absence of regulations, the Committee must review each application on a case-by-case basis which requires a Subject Matter Expert who is qualified to review each application to determine a recommendation whether the course is appropriate to practice on California consumers and ensure a minimum level of competency to protect the public.



President Calero inquired as to whether other programs approve courses without regulations. Ms. Hubble stated that DBC reviews elective cosmetic surgery permits on a case-by-case basis without regulations.

**Vote: The motion passed 7 – 0 – 1 (Michelle Hurlbutt recused herself from the discussion and vote).**

- **Michelle Hurlbutt moved to approve the Legislative and Regulatory Subcommittee report.**

**Evangeline Ward seconded the motion.**

President Calero asked for any comments from the Committee members or the public. There was no comment.

**Vote: The motion passed unanimously (8 – 0).**

#### **FULL 15 – Elections of Officers**

President Calero stated that the Committee has three officers consisting of a President, Vice-President, and Secretary and each serves a one-year term and that currently, there is only a President because the Vice-President and Secretary were removed from the Committee. He stated that in the past, the election of officers has been addressed by a slate of officers and then voted upon or the offices can be addressed individually through separate motions.

- **Michelle Hurlbutt moved to nominate Alex Calero for the office of President.**

**Nicolette Moultrie seconded the motion.**

President Calero asked for any comments from the Committee or public.

Mr. Wong stated that due to the recent removal and turnover of some Committee members, it would be important to have Mr. Calero continue to serve as President not only due to the great job that he has performed over the past year, but due to the institutional memory, continuity, and to maintain stability for the Committee to progress.

**Vote: The motion passed 7 – 1 – 0 (Alex Calero abstained).**

President Calero indicated that the next office to fill is the Vice-President.

- **Alex Calero moved to nominate Michelle Hurlbutt for the office of Vice-President.**

**Nicolette Moultrie seconded the motion.**

President Calero asked for any comment from the Committee or public. There was no comment.

**Vote: The motion passed unanimously (8 – 0).**

President Calero stated that the final office remaining to fill is the Secretary.

- **Michelle Hurlbutt moved to nominate Evangeline Ward for the office of Secretary.**

**Alex Calero seconded the motion.**

**Vote: The motion passed unanimously (8 – 0).**

President Calero asked for any comment from the Committee or the public. There was no comment.

**Vote: The motion passed unanimously (8 – 0).**

#### **FULL 16 – Proposed DHCC 2013 Meeting Calendar**

President Calero deferred to Ms. Hubble for the agenda item.

Ms. Hubble indicated that there were two dates that were identified for the 2013 meeting calendar. She stated that the first meeting would be in May 2013 and the second in December 2013 and would be conducted over a Friday and Saturday to accommodate the member's schedules.

President Calero asked for any comment from the Committee or the public.

Ms. Galliano commented that conducting meetings over a weekend has shown a decrease in the number of members participating in the past and there is a difficulty in establishing a quorum, but applauded the idea of the Committee's dedication to work on the weekends. Ms. Hubble indicated that the Committee is planning the meetings on the weekends to better accommodate the members' work schedules and hopefully improve participation not only from the members, but from the public as well.

Mr. Wong stated that he has no objection to moving the meeting to a weekend day if allowed an increase in the amount of public participation the Committee received.

Multiple members were in agreement to have the next meeting in the Los Angeles area instead of the San Diego area because the Committee had met there in the prior year. Staff was directed to find a new meeting location in the Los Angeles area.

President Calero asked for any further comment from the Committee or the public. There was no comment.

## **FULL 17 – Closed Session**

There was no closed session at the meeting. As such, President Calero opened the meeting to public comment.

### **Public Comment:**

President Calero stated that since there was no closed session for this meeting, he opened the meeting to public comment for items not on the agenda or for future agenda items.

Ms. Dawson stated that BPC 1926(d) that deals with practice in alternative settings and indicated that underserved areas are qualified as such under a census program to determine whether there is actually a shortage area. She stated that RDHAPs initially go into an underserved area for practice, but then the population changes and the area is no longer deemed an underserved area for the RDHAP to work. She said that the problem arises when the RDHAP that has worked in the designated underserved area for years is then unable to work because the area has been reclassified as no longer underserved. She requested to have the issue placed upon a future meeting agenda.

Ms. Hurlbutt inquired for clarification that the issue is for RDHAPs that set up a permanent practice in the underserved areas, but then cannot practice due to the reclassification of the area as no longer underserved. Ms. Dawson agreed that this was her issue.

Ms. Dawson also requested to change the nomenclature of the Committee to a board, possibly during the Sunset Review process, as the Committee has been operating similarly to a board.

President Calero asked for any further comment from the Committee or the public. There was no further comment.

## **FULL 18 – Adjournment**

President Calero asked for any further comments from the Committee members or the public. There was no further comment.

The Full Committee meeting adjourned at 12:08 p.m.