



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting
Agenda



NOTICE OF PUBLIC MEETING - TELECONFERENCE

February 27, 2013

12:00 p.m. – 1:00 p.m.

Department of Consumer Affairs
2005 Evergreen Street, Silverwood Lake Room
Sacramento, CA 95815
916-263-1978

DENTAL HYGIENE COMMITTEE OF CALIFORNIA TELECONFERENCE AGENDA

1. Call to Order – Roll Call and Establishment of a Quorum.
2. Public Comment for Items Not on the Meeting Agenda.
3. Discussion and Possible Action to Adopt Modifications to Proposed Amendments to Title 16, Division 11 of the California Code of Regulations (CCR), § 1149 et. seq Relating to Sponsored Free Health Care Events Subsequent to the Disapproval of the Regulatory File by the Office of Administrative Law.
4. Discussion and Possible Action to Approve the December 3, 2012 DHCC Enforcement Subcommittee Meeting Minutes.
5. Discussion and Possible Action to Approve the December 3, 2012 DHCC Licensing and Examination Subcommittee Meeting Minutes.
6. Discussion and Possible Action to Approve the December 3, 2012 DHCC Legislative and Regulatory Subcommittee Meeting Minutes.
7. Discussion and Possible Action to Approve the December 3, 2012 DHCC Education and Outreach Subcommittee Meeting Minutes.
8. Discussion and Possible Action to Approve the December 4, 2012 DHCC Full Committee Meeting Minutes.

TELECONFERENCE SITES:

Michelle Hurlbutt, RDH, President
Center for Dental Research
24876 Taylor Street
Loma Linda, CA 92350

Nicolette Moultrie, RDH
597 Center Avenue, Suite 315
Martinez, CA 94553

Timothy Martinez, DMD
Western University Health Education Center
701 East Second Street
Pomona, CA 91766

Evangeline Ward, RDH
179 Elmira Road, Suite H
Vacaville, CA 95687

Noel Kelsch, RDHAP
Holiday Inn Lobby
412 State Route 3
Plattsburg, NY 12901

One or more Dental Hygiene Committee of California (DHCC) Member(s) will participate in this meeting at the teleconference sites listed above. Each teleconference location is accessible to the public and the public will be given opportunity to address the DHCC at each teleconference location. The public teleconference sites are noticed on the agenda. Public comments will be taken on the agenda items at the time the specified item is raised. The DHCC may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, contact Anthony Lum at 916-576-5004 or access the DHCC Web Site at www.dhcc.ca.gov

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at 916-576-5004 or email Anthony.lum@dca.ca.gov or send a written request to the DHCC at 2005 Evergreen Street, Suite 1050, Sacramento, CA 95815. Providing your request at least five business days prior to the meeting will help to ensure availability of the requested accommodation.



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting

Agenda Item 1

Call to Order – Roll Call and Establishment of Quorum



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting

Agenda 2

Public Comment for Items Not on the Meeting Agenda



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting
Agenda 3

Discussion and Possible Action to Adopt Modifications to Proposed Amendments to Title 16, Division 11 of the California Code of Regulations (CCR), § 1149 et. seq Relating to Sponsored Free Health Care Events Subsequent to the Disapproval of the Regulatory File by the Office of Administrative Law.

(Includes Memorandum and Regulatory Language)



MEMORANDUM

DATE	February 27, 2013
TO	DHCC Committee Members
FROM	Donna Kantner DHCC Staff
SUBJECT	Agenda Item 3 - Discussion and Possible Action to Adopt Modifications to Proposed Amendments to Title 16, Division 11, California Code of Regulations § 1149 et. seq Relating to Sponsored Free Health Clinics Subsequent to the Disapproval of the Regulatory File by the Office of Administrative Law

Background

On December 20, 2012, staff submitted the regulatory file pertaining to Sponsored Free Health Clinics to the Office of Administrative Law (OAL). On February 1, 2013 staff was notified of OAL's pending disapproval of the package for concerns relating to the necessity and clarity of the regulations, as well as certain non-substantive changes needed. All non-substantive corrections were made, and the Staff Counsel at OAL was contacted several times in effort to clarify the two remaining issues, however OAL disapproved the file on February 6, 2013. By law, the Committee has 120 days to address the concerns identified by OAL and resubmit the rulemaking package.

Staff has drafted amendments to the text (in red) that address OAL's concerns as communicated by OAL's Staff Counsel and contained in the Decision of Disapproval. The Committee must consider these modifications and, if acceptable, adopt the proposed language and direct staff to take all necessary steps to complete the rulemaking, including a 15 day public comment period. The Committee may authorize the Executive Officer to make any non-substantive changes to complete the rulemaking process if no adverse comments are received during the 15 day public comment period.

Committee Action Requested

☐ Approve modified regulatory language with amendments and direct staff to take all necessary steps to complete the rulemaking process including noticing the modified text for a 15 day comment period which includes the amendments accepted by the committee at this meeting. If no adverse comments are received during the 15 day public comment period, 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 Sections 1149 – 1152.

Title 16. Dental Hygiene Committee of California
Department of Consumer Affairs
THIRD MODIFIED TEXT

Changes to the initially proposed text are shown by double underline for new text, and double ~~strike through~~ for deleted text. Changes to the modified text are shown in **bold italics** with single underline for new text and ~~***bold italics***~~ with single strikeout for deleted text.

Changes to the recent modified text are shown in **RED *bold italics*** with double underline for new text and ~~**RED *bold italics***~~ with double strikeout for deleted text.

Adopt Sections 1149, 1150, 1151 and 1152 of Division 11 of Title 16 of the California Code of Regulations, to read as follows:

Article 13.

Sponsored Free Health Care Events—Requirements for Exemption.

§1149. Definitions.

For the purposes of section 901 of the Code:

(a) "Community-based organization" means a public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

(b) "Out-of-state practitioner" means a person who is not licensed in California to engage in the practice of dental hygiene but who holds a current ~~valid and active~~ and valid license or certificate in good standing in another state, district, or territory of the United States to practice dental hygiene.

(c) The term "in good standing" means the applicant:

(1) Has not been charged with an offense for any act substantially related to the practice of dental hygiene for which the applicant is licensed by any public agency;

(2) Has not entered into any consent agreement or been subject to an administrative decision that contains conditions placed upon the applicant's professional conduct or practice, including any voluntary surrender of a license;

(3) Has not been the subject of an adverse judgment resulting from the practice for which the applicant is licensed that the Committee determines constitutes evidence of a pattern ~~of~~ of negligence or incompetence.

NOTE: Authority cited: Sections 901 and 1906, Business and Professions Code. Reference: Section 901, Business and Professions Code.

§1150. Sponsoring Entity Registration and Recordkeeping Requirements.

(a) Registration. A sponsoring entity that wishes to provide, or arrange for the provision of, health care services at a sponsored event under section 901 of the code shall register with the Committee not later than 90 calendar days prior to the date on which the sponsored event is scheduled to begin. A sponsoring entity shall register with the Committee or its delegate by submitting to the Committee a completed "Registration of Sponsoring Entity Under Business & Professions Code Section 901," ~~Form DHCC Form 901-A (04DCA/2011)~~, which is hereby incorporated by reference.

(b) Determination of Completeness of Form. The Committee may, by resolution, delegate to the Department of Consumer Affairs the authority to receive and process "Registration of

Sponsoring Entity Under Business & Professions Code Section 901, "Form 901-A (DCA/2011) on behalf of the Committee. The Committee or its delegate~~e~~ shall inform the sponsoring entity within 15 calendar days of receipt of "Registration of Sponsoring Entity Under Business & Professions Code Section ~~Form~~ 901, "Form 901-A (DCA/2011) in writing that the form is either complete and the sponsoring entity is registered or that the form is deficient and what specific information or documentation is required to complete the form and be registered. The Committee or its delegate~~e~~ shall reject the registration if all of the identified deficiencies have not been corrected at least 30 days prior to the commencement of the sponsored event.

(c) Recordkeeping Requirements. Regardless of where it is located, a sponsoring entity shall maintain at a physical location in California a copy of all records required by section 901 as well as a copy of the authorization for participation issued by the Committee to an out-of-state practitioner. The sponsoring entity shall maintain these records for a period of at least five years after the date on which a sponsored event ended. The records may be maintained in either paper or electronic form. The sponsoring entity shall notify the Committee at the time of registration, as to the form in which it will maintain the records. In addition, the sponsoring entity shall keep a copy of all records required by section 901(g) of the code at the physical location of the sponsored event until that event has ended. These records shall be available for inspection and copying during the operating hours of the sponsored event upon request of any representative of the Committee.

(d) Requirement for Prior Committee Approval of Out-of-State Practitioner. A sponsoring entity shall not permit an out-of-state practitioner to participate in a sponsored event unless and until the sponsoring entity has received written approval from the Committee.

(e) Report. Within 15 calendar days after a sponsored event has concluded, the sponsoring entity shall file a report with the Committee summarizing the details of the sponsored event. This report may be in a form of the sponsoring entity's choosing, but shall include, at a minimum, the following information:

- (1) The date(s) of the sponsored event;
- (2) The location(s) of the sponsored event;
- (3) The type(s) and general description of all health care services provided at the sponsored event; and
- (4) A list of each out-of-state practitioner granted authorization pursuant to this article who participated in the sponsored event, along with the license number of that practitioner.

NOTE: Authority cited: Sections 901 and 1906, Business and Professions Code. Reference: Section 901, Business and Professions Code.

§1151. Out-of-State Practitioner Authorization to Participate in Sponsored Event.

(a) Request for Authorization to Participate. An out-of-state practitioner ("applicant") may request authorization from the Committee to participate in a sponsored event and provide such health care services at the sponsored event as would be permitted if the applicant were licensed by the Committee to provide those services. An applicant shall request authorization by submitting to the Committee a completed "Request for Authorization to Practice Without a License at a Registered Free Health Care Event" Form DHCC 901-B (04/2011 ~~04/2012~~ 07/2012), which is hereby incorporated by reference, accompanied by a nonrefundable, non-transferable processing fee of ~~\$558~~**\$586**.00. The applicant shall also furnish electronic fingerprints to establish the identity of the applicant and to permit the Committee to conduct a criminal history record check. The applicant shall pay any costs for furnishing the fingerprints and conducting the criminal history record check.

(b) Response to Request for Authorization to Participate. Within 20 calendar days of receiving a completed request for authorization, the Committee shall notify the sponsoring entity or local government entity administering the sponsored event whether that request is

approved or denied.

(c) Denial of Request for Authorization to Participate.

(1) The Committee shall deny a request for authorization to participate if:

(A) The submitted "Request for Authorization to Practice Without a License at a Registered Free Health Care Event" Form DHCC 901-B **(07/2012)** is incomplete and the applicant has not responded **timely within seven calendar days** to the Committee's request for additional information.

(B) The applicant does not possess a current ~~valid and~~ active and valid license in good standing.

(C) The applicant has not satisfactorily completed a course of instruction, approved by the committee **in accordance with Business and Professions Code section 1909**, in the following procedures, if these procedures are to be performed, **and/or** the sponsoring entity will not be providing an appropriately licensed or authorized dentist for direct supervision of these procedures:

(i) Periodontal Soft-tissue curettage.

(ii) Administration of local anesthetic agents.

(iii) Administration of nitrous oxide and oxygen, whether administered alone or in combination with each other.

(D) The applicant has failed to comply with a requirement of this article or has committed any act that would constitute grounds for denial of an application for licensure by the Committee.

(E) The Committee has been unable to obtain a **timely** report from a criminal history records check **at least seven working days before the event**.

(F) The applicant was previously denied an application to practice dentistry, dental hygiene, or dental assisting in this state.

(2) The Committee may deny a request for authorization to participate if:

(A) The request is received less than 20 calendar days before the date on which the sponsored event will begin.

(B) The applicant has been previously denied a request for authorization by the Committee to participate in a sponsored event.

(C) The applicant has previously had an authorization to participate in a sponsored event terminated by the Committee.

(D) The applicant has participated in three (3) or more sponsored events during the 12 month period immediately preceding the current application.

(d) Appeal of Denial. — An applicant requesting authorization to participate in a sponsored event may appeal the denial of such request by following the procedures set forth in section 1152 **(d)-(e)**.

NOTE: Authority cited: Sections **144**, 901 and 1906, Business and Professions Code. Reference: Section 901, Business and Professions Code.

§1152. Termination of Authorization and Appeal.

(a) Grounds for Termination. The Committee may terminate an out-of-state practitioner's authorization to participate in a sponsored event for any of the following reasons:

(1) The out-of-state practitioner has failed to comply with any applicable provision of this article, or any applicable practice requirement or regulation of the Committee.

(2) The out-of-state practitioner has committed an act that would constitute grounds for discipline if done by a licensee of the Committee.

(3) The Committee has received a credible complaint indicating that the out-of-state practitioner is unfit to practice at the sponsored event or has otherwise endangered consumers of the practitioner's services.

(b) Notice of Termination. The Committee shall provide both the sponsoring entity or a local government entity administering the sponsored event and the out-of-state practitioner with a written notice of the termination, including the basis for the termination. If the written notice is provided during a sponsored event, the Committee may provide the notice to any representative of the sponsored event on the premises of the event.

(c) Consequences of Termination. An out-of-state practitioner shall immediately cease his or her participation in a sponsored event upon receipt of the written notice of termination. Termination of authority to participate in a sponsored event shall be deemed a disciplinary measure reportable to the national practitioner data banks. In addition, the Committee shall provide a copy of the written notice of termination to the licensing authority of each jurisdiction in which the out-of-state practitioner is licensed.

(d) Appeal of Termination. An out-of-state practitioner may appeal the Committee's decision to terminate an authorization in the manner provided by section 901(j)(2) of the Code. The request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act.

(e) Agency Conference Option. In addition to requesting a hearing, the out-of-state practitioner may request an agency conference with the executive officer regarding the reasons for the termination of authorization to participate. The executive officer shall, within 30 days from receipt of the request, hold an agency conference with the out-of-state practitioner. At the conclusion of the agency conference, the executive officer may affirm or dismiss the termination of authorization to participate. The executive officer shall state in writing the reasons for his or her action and mail a copy of his or her findings and decision to the out-of-state practitioner within ten days from the date of the agency conference. The out-of-state practitioner does not waive his or her request for a hearing to contest a termination of authorization by requesting an agency conference. If the termination is dismissed after the agency conference, the request for a hearing shall be deemed to be withdrawn.

NOTE: Authority cited: Sections 901 and 1906, Business and Professions Code. Reference: Section 901, Business and Professions Code.

§1153. Additional Practice Requirements for Out-of-State Practitioners Authorized to Participate in Sponsored Free Health Care Events.

(a) Each out-of-state practitioner authorized to participate in a sponsored event and provide dental hygiene services at the sponsored event pursuant to Section 1154 shall provide a written notice to each patient or prospective patient prior to performing any services. This notice shall be in at least 12 point font, and include, at a minimum, the following information:

- (1) The state, district, or territory where the out-of-state practitioner is licensed in good standing;
- (2) The name of each governmental agency that has issued the out-of-state practitioner a license to practice dental hygiene and the effective dates of each license;
- (3) The out-of-state practitioner's license number(s);
- (4) The dates the out-of-state practitioner is authorized to practice by the Committee; and,
- (5) A disclosure that states: "The Dental Hygiene Committee of California has only authorized me to provide services under my license from another state and only at this free health care event for a period not to exceed ten (10) days."

(b) This notice required by this Section shall be provided separate and apart from all other notices or authorizations that a patient may be given or required to sign and shall be retained by the patient.

NOTE: Authority cited: Sections 901 and 1906, Business and Professions Code. Reference: Section 901, Business and Professions Code.



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting

Agenda 4

Discussion and Possible Action to Approve the December 3, 2012
DHCC Enforcement Subcommittee Meeting Minutes.

Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
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DRAFT - ENFORCEMENT SUBCOMMITTEE MEETING MINUTES

**Department of Consumer Affairs Headquarters
El Dorado Room
1625 North Market Street, 2nd Floor North, Room 220
Sacramento, CA 95834
Monday, December 3, 2012**

ENF - 1 Roll Call

The Enforcement Subcommittee Chair, Rita Chen Fujisawa, called the meeting to order with roll call at 10:45 a.m. With four members present, the quorum was established.

Subcommittee members present

Alex Calero, Public Member
Rita Chen Fujisawa, Public Member
Noel Kelsch, RDHAP
Nicolette Moultrie, RDH

Subcommittee members absent

None.

Staff present

Lori Hubble, Executive Officer
Nancy Gaytan, Enforcement Analyst
Donna Kanter, Retired Annuitant
Anthony Lum, Administration Analyst
Traci Napper, Program Analyst
Eleonor Steiner, Examination Coordinator
Rick Wallinder, Retired Annuitant

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

ENF - 2 Public Comment for Items Not on the Agenda

Chair Fujisawa asked for any public comment for items not on the agenda.

There was no public comment for items not on the agenda.

ENF - 3 Chairperson's Report

Chair Fujisawa reported that the Committee now has a full-time staff member to focus on enforcement. She welcomed and introduced Nancy Gaytan.

ENF - 4 Approval of April 16, 2012 Minutes

Chair Fujisawa asked for a motion to approve the April 16, 2012 Enforcement Subcommittee meeting minutes.

Ms. Yazigi indicated that because Mr. Calero was the only person present at the last meeting, they could move to accept the minutes as written.

- **Alex Calero moved to accept the April 16, 2012 Enforcement Subcommittee meeting minutes as presented. Noel Kelsch seconded the motion.**

Chair Fujisawa asked for any additional comments from the public or Enforcement Subcommittee members. There were no additional comments.

Chair Fujisawa called for the vote to accept approve the April 16, 2012 subcommittee meeting minutes.

Vote: The motion passed unanimously (4 – 0).

ENF - 5 Consideration and Possible Action of Statutory Language Regarding Issuance of Initial Probationary License for Applicants

Chair Fujisawa deferred to Ms. Gaytan. Ms. Gaytan explained that the proposed addition to the code would allow the Committee to issue an initial probationary license to an applicant that has broken the law. She stated that currently, the Committee can only issue a clear and unrestricted license, or not issue a license at all. She continued that when an applicant has been denied a license and requests a hearing before an Administrative Law Judge, the process can be long and time consuming; however, with the addition to the code for a probationary license, the Committee could offer a qualified applicant a three to five year probationary license with standard terms and conditions without going through the statement of issues process.

Chair Fujisawa asked if there were any comments.

Ms. Yazigi stated that because it is less than a full unrestricted license, the applicant will have the ability to appeal the initial probationary license; however, not every case will go to a hearing as with a denial. Mr. Calero stated that it could result in a cost savings and asked how many other boards or committees issue initial probationary licenses. Staff indicated that Medical Board, Speech-Language Pathology & Audiology & Hearing Aid Board, Physical Therapy Board, Structural Pest Control Board, and Physician Assistant Committee issue initial probationary licenses.

Chair Fujisawa called for a motion for recommendation to adopt this language.

- **Nikki Moultrie moved to adopt the proposed statutory language to issue an initial probationary license to applicants. Noel Kelsch seconded the motion.**

Chair Fujisawa asked for any further public or subcommittee member comments. There were no further comments.

Vote: the motion passed unanimously (4-0).

ENF - 6 Enforcement Statistics

Chair Fujisawa deferred to Ms. Gaytan for the Enforcement Statistics. Ms. Gaytan reported that currently, the Committee has 26 open investigations and that six are from complaints submitted, four are due to working outside the scope of practice, and two pertained to fraud. She indicated that there were 20 convictions or arrests and that of those, 16 pertained to drugs and alcohol, one was a petty theft, and three were related to

corporal injury or assault. She stated that nine cases were referred to the Attorney General's office of which seven are in a preliminary status and have been assigned to a Deputy Attorney General and two have been filed and are currently pending. She continued that the Committee currently has 10 probationers of which five are active (three are drug and alcohol related, one is from unlicensed practice, and one is subversion of the exam) and the remaining five are tolling probationers.

Ms. Hubble explained that the subversion of examination was the written examination that was copied and put on a blog on the internet.

Chair Fujisawa asked if there was any public comment regarding the enforcement statistics. There were no comments.

ENF - 7 Department of Consumer Affairs Performance Measures

Chair Fujisawa stated that the next agenda item for the Enforcement Subcommittee is the DCA Performance Measures. She explained that the performance measures are based upon enforcement information data forwarded to DCA from the Committee on a quarterly basis. Ms. Fujisawa deferred to Ms. Gaytan for the agenda item.

Ms. Gaytan reported that the first performance measure indicated the total number of complaints and convictions received for the quarter. She stated that the Committee received a total of 40 complaints and/or convictions between July and September 2012 that consisted of six complaints and 34 convictions which is a monthly average of 13.

Ms. Gaytan reported that for the complaint intake, which is the average time to receive and assign a complaint to an investigator, the recommended target time is 30 days and that the Committee's average is two days.

Ms. Gaytan reported that for the intake and investigation, which is from the time the complaint is received until the closure of the investigation process, the recommended target time is 120 days and the Committee's average is 45 days.

Ms. Gaytan reported that for the formal discipline cases, which includes intake and forwarding for prosecution by the Attorney General's (AG) office, the recommended target time is 540 days and the Committee's average is 846 days. Mr. Calero asked if this average is consistent with other boards and committees. Ms. Gaytan stated that it is consistent with other boards and committees and that cases are taking longer due to the AG's heavy workload and loss of staff. Gregory Salute, Supervising Deputy Attorney General, added that the Office of Administrative Hearings is backed up and lost some staff as well. He stated that currently, there is a 4 to 5 month window to set a hearing date. Mr. Calero asked if the Committee received communication from DCA if it does not meet the recommended target of 540 days. Ms. Hubble said that typically we do not hear from DCA about meeting the recommended 540 day target time.

Chair Fujisawa asked if DCA sets the target dates for all the different boards and committees or is it specific to each one. Ms. Hubble stated that it is an equivalent recommended time frame for all boards and committees.

Chair Fujisawa asked for any public or further subcommittee member comments. There were no further comments.

ENF - 8 Future Agenda Items

Chair Fujisawa asked for any future agenda items from the public or subcommittee members. There were no future agenda items suggested.

ENF - 9 Adjournment

The Enforcement Subcommittee meeting adjourned at 11:00 a.m.



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting

Agenda 5

Discussion and Possible Action to Approve the December 3, 2012
DHCC Licensing and Examination Subcommittee Meeting
Minutes.

Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov

DRAFT - LICENSING AND EXAMINATION SUBCOMMITTEE MEETING MINUTES

Monday, December 3, 2012

**Department of Consumer Affairs Headquarters
El Dorado Room
1625 North Market Street 2nd Floor North, Room 220
Sacramento, CA 95834**

LIC/EXAM - 1 Roll Call

The Licensing and Examination Subcommittee Chair Michelle Hurlbutt called the meeting to order with roll call at: 11:05 a.m. With four subcommittee members present, a quorum was established.

Subcommittee members present

Michelle Hurlbutt, Registered Dental Hygienist (RDH)
Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP),
Timothy Martinez, Doctor of Medical Dentistry (DMD)
Evangeline Ward, RDH

Subcommittee members absent

None.

Staff present

Lori Hubble, Executive Officer
Nancy Gaytan, Enforcement Analyst
Donna Kantner, Retired Annuitant
Anthony Lum, Administration Analyst
Traci Napper, Program Analyst
Eleonor Steiner, Examination Analyst
Rick Wallinder, Retired Annuitant.

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

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

Chair Hurlbutt asked for any public comment for items not on the agenda.

There was no public comment for items not on the agenda.

LIC/EXAM - 3 Approval of April 16, 2012 Minutes

Chair Hurlbutt requested a motion to accept the April 16, 2012, Licensing and Examination Subcommittee meeting minutes.

- **Motion: Noel Kelsch moved to accept the minutes as presented.**

Evangeline Ward seconded the motion.

Chair Hurlbutt asked for discussion of the subcommittee regarding the April 16, 2012 subcommittee meeting minutes. There was no discussion.

Chair Hurlbutt asked for public comment or questions on the April 16, 2012 subcommittee meeting minutes.

There was no public comment.

Chair Hurlbutt called for the vote to accept the the April 12, 2012 subcommittee meeting minutes as presented.

Vote: The minutes were accepted unanimously (4-0).

LIC/EXAM - 4 Chairperson's Report

Chair Hurlbutt reported that since the April 2012 meeting, the June, July, and October 2012 RDH clinical examinations were held and she commended examiners and staff for doing an outstanding job administering the clinical exam.

She reported that in June 2012, a formalized calibration session for examiners was held and went very well.

Chair Hurlbutt commended Chief Examiner Kerri Brumbaugh and PJ Atteberry, Assistant Chief Examiner, for doing an outstanding job at the clinical examinations. She formally thanked and acknowledged Stephanie Lemos for her 30 years of service at the exams. She indicated that since 2006, Ms. Lemos served as Clinical Supervisor in the exam candidate clinic. Vicki Fershin will replace Ms. Lemos as Clinical Supervisor starting with the June 2013 exam.

Chair Hurlbutt stated that this is the first exam cycle that the Committee will not be utilizing Loma Linda University and indicated that the March 2013 RDH clinical examination will be eliminated due to a decrease in the number of applicants for the exam.

Chair Hurlbutt reported that a letter was received from the Western Regional Examining Board (WREB) informing the Committee that we must accept their examination criteria and passing grade "as is," otherwise, the Committee cannot become a member board. In addition, She reported that because California is not a WREB member, all of the California examiners were dismissed from the WREB examiner pool. She continued that this issue is not on the current agenda, but the topic may be re-examined in the future.

Chair Hurlbutt informed the new members of the subcommittee that at the April 2011 meeting, it was decided that she assign educators to write a "white paper" regarding the investigation of alternative pathways for initial licensure. She indicated that the project was delayed in the past due to travel and budgetary restrictions; however, the Committee has decided to proceed despite the restrictions. She stated that in the near-future, she will appoint subject matter experts to create the "white paper" to help support the strategic plan for alternate pathways of initial licensure. She indicated that copies of an article on the ethics of using live patients in clinical hygiene exams were distributed to the subcommittee members for their review.

Chair Hurlbutt reported that since Senate Bill (SB) 1202 (Ch. 331, Statutes of 2012) passed, a newsletter would be created to inform the public and dental hygiene programs of the changes and will be posted on the website. She stated that one important issue is that if a candidate fails the clinical exam three times, whether in combination of failing WREB or conducts gross trauma during an exam, remedial education is required.

Chair Hurlbutt attended the Office of Statewide Health Planning and Development (OSHDP) Health Workforce Pilot project evaluation that involved teledentistry. She explained that the project reviewed whether or not the RDA, RDH, or RDHAP has the ability to choose the correct radiograph to take under the circumstances, the way that the patient presents, as well as if the interim restorative technique is conducted safely. She indicated that she attended three evaluations where the sites were also evaluated. She reported that the evaluations were positive and informative. She continued that the goal of the evaluation team is to evaluate four out of the six sites before a final report is submitted. She added that she will be attending another evaluation in May 2013.

Chair Hurlbutt announced that there will be an upcoming instrumentatation calibration meeting and training held for the examiners in January 2013.

Chair Hurlbutt asked if there were any questions or public comment on her report. There was no public comment.

LIC/EXAM - 5 Clinical and Written Exam Statistics

Chair Hurlbutt asked Ms. Steiner to present the agenda item. Ms. Steiner reported that the results of the RDH clinical exams in 2012 had an 88% pass rate. She indicated that the 2012 pass rate is consistent with the previous year's pass rate. She reported that for the written law and ethics exam, the pass rate for RDHAP was 75%, while the RDH written law and ethics exam pass rate was 84%.

She reported that the Committee licensed 305 applicants through the WREB.

Chair Hurlbutt asked for any questions or public comment on the clinical and written exam statistics

Ms. Kelsch inquired as to why the pass rate for the RDHAP written law and ethics exam is lower than the newly licensed RDH written law and ethics exam. Ms. Hubble answered that the committee does not know why the RDHAP written law and ethics is pass rate is lower than the RDH. Chair Hurlbutt stated that the RDHAP written law and ethics exam is different than the RDH law ethics exam.

Ms. Kelsh asked when the last time the Committee looked at the RDHAP curriculum. Ms. Hubble answered that the RDHAP directors are aware that their pass rate on the exam is lower. Chair Hurlbutt inquired when was the last time we looked at the RDHAP written Law and Ethics Exam? Ms. Hubble answered that a new form of the RDHAP exam was recently developed. She further stated that with the recent passage of SB 1202, the Committee will be looking at the RDHAP written law and ethics exam again and new questions will be added.

LIC/EXAM - 6 Licensure Statistics

Chair Hurlbutt asked Ms. Napper to present the agenda item. Ms. Napper reported by the individual breakdown of license types. She stated that there are 18,521 active,

3,565 inactive, 2,189 delinquent, and 42 deficient RDHs. The overall current total of licensees for the RDH is 30,381, and that figure includes cancelled and deceased licenses.

Ms. Napper reported that the Registered Dental Hygienist in Extended Functions (RDHEF) license population has not increased because there have not been any RDHEF examinations administered. She pointed out that the RDHAP and the Fictitious Name Permits have increased since her last report. Ms. Napper provided the statistical information for licenses issued in 2011 in the meeting packet for the Committee's review.

Chair Hurlbutt asked for an explanation of a delinquent license versus a deficient license. Ms. Napper explained that a delinquent license indicates that a licensee has not paid their renewal fee, versus a deficient license indicates that a licensee may not have completed all of their renewal requirements such as certifying the required continuing education or any enforcement issue. Ms. Hurlbutt asked which category does a fingerprint issue fall into. Ms. Napper answered that a fingerprinting issue falls into a deficient license category.

Chair Hurlbutt asked for any comments from the subcommittee members. There was no comment from the subcommittee.

Chair Hurlbutt asked for any questions or comments from the public. A member of the public asked why the report reveals only 200 new licensees from December 2011 through November 2012. Ms. Napper answered that there is a lag time between when licenses are issued until they actually appear on a documented statistical report.

Chair Hurlbutt asked for any other questions or comments from the public. There were no further comments.

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

Chair Hurlbutt asked Ms. Hubble to present the agenda item. Ms. Hubble reported that in June 2012, an Ad-hoc committee met to establish a permanent Chief Examiner application, duty statement, interview questions, and interview dates. She stated that in July and October 2012, the Chief Examiner applications were given to the examiners and only one individual expressed interest in the position. She indicated that at this time, the Committee will continue utilizing Kerry Brumbaugh as Chief Examiner, PJ Atteberry as Assistant Chief Examiner, and Lori DeCaro as the Examiner Statistician until more applications are submitted.

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

LIC/EXAM - 8 Update on Examination Personnel Regarding Clinical Supervisor and New Examiners

Chair Hurlbutt explained the process in selecting examiners for training prior to Ms. Steiner presenting the agenda item. She stated that an examiner first serves as a recorder for a minimum of two years. She explained that a recorder assists the examiner during the evaluation process by recording the examiner's findings. She continued that typically there are two ways in which a recorder can be moved into an examiner in training position:

- 1) After serving for two or more years, a recorder may express interest be moved into an examiner position to staff, the Chief Examiner, Assistant Chief Examiner, or Examiner statistician; or
- 2) The Chief Examiner, Assistant Chief Examiner, or Examination Statistician may approach a recorder who has shown commitment and ask if they are interested in serving as an examiner.

The recorder is then invited to the examiner orientation and calibration sessions and is evaluated by the educators, Chief Examiner, Assistant Chief Examiner, and Examination Statistician.

Chair Hurlbutt asked Ms. Steiner to present the agenda item.

Ms. Steiner reported that the following recorders expressed interest in becoming examiners: Kelly Leisten, Laura Stevens, Rebecca Stoll, and Stephanie Zannotto. She stated that they will be attending the upcoming instrumentation calibration course in January 2013. She continued that Stephanie Lemos retired as the Clinic Supervisor and will be replaced by Vicki Fershin.

Chair Hurlbutt asked for any comments from the subcommittee or the public. There were none.

LIC/EXAM - 9 Update on Consideration Course Approval in Soft Tissue Curettage, Administration of Nitrous Oxide and Oxygen and Administration of Local Anesthetic Agents

Chair Hurlbutt informed the Committee members that the Committee received a letter concerning whether it has authority to approve courses without specific regulations. She deferred to Ms. Yazigi to explain the subcommittee's position. Ms. Yazigi explained that the Committee has the authority to approve courses under Business and Professions Code Section 1905. She continued that in absence of a regulation, the Committee is authorized to approve courses on a case by case basis.

Chair Hurlbutt asked if the subcommittee had any questions or comments. There were none.

Chair Hurlbutt asked if there were any public comments. Ms. Joan Greenfield commented that there was significant disagreement in the discussions with respect to minimum competency at the December 10, 2009 Committee meeting to create new regulations to deal with the three expanded duties. She said these issues were never presented again in a public setting. She urged the Committee to pass regulations to judge all expanded duty courses to protect the public.

Chair Hurlbutt recused herself from the discussion, as she has worked with one applicant on creating other regulatory language for the DHCC, so Ms. Hubble conducted the discussion on the issue.

Ms. Kelsh asked Ms. Yazigi if it is accurate for the Committee to move forth with the course applicants on a case by case basis or do regulations have to be in place prior to the Committee acting. Ms. Yazigi answered that it is costly to review the courses on a case by case basis. She said it is advisable to have a regulation in place; however, in the absence of regulation, the Committee has the authority to look at the applicants on a case by case basis. Ms. Kelsh asked Ms. Hubble where the draft regulatory language is and whether the Committee can approve the two course applicants. Ms.

Hubble answered that the Committee has the statutory authority to approve the courses under Business and Professions Code section 1905. She added that an Ad-hoc committee will convene in January 2013 to discuss the specific regulatory language and then a Committee teleconference meeting will be conducted to review the language as it will be included in an upcoming regulatory request.

Ms. Cindy Callaghan, RDH, subject matter expert, explained how she evaluated the courses of the two applicants based on her professional judgment in terms of the depth of the curriculum. She reviewed Chabot's and Southwestern College's applications and made recommendations that the courses be accepted and utilized. She reviewed and analyzed the courses, syllabus, methodology, materials, objectives, and didactic and clinical competency levels as a part of her evaluation. She asked if there were any questions about her evaluation. Ms. Greenfield asked what standardized method was used to evaluate the courses and whether it would be better to have regulations and guidelines in place prior to approving the applications.

Ms. Kelsh asked how the courses were approved in the past. Ms. Hubble answered that in the past, the Dental Board approved the course on a case by case basis and that Ms. Greenfield's course was evaluated by the Dental Board of California years ago. Ms. Greenfield disagreed and stated that regulations were in place 30 years ago. Ms. Hubble responded that there were course guidelines indicated, but no regulations in place to approve Ms. Greenfield's course.

JoAnne Galliano, Program Director, Chabot College, stated that Chabot and Southwestern Colleges are accredited institutions and modified their programs to create a continuing education program that emphasizes skill competency. Ms. Greenfield commented that Ms. Galliano's educational program is a Commission on Dental Accreditation (CODA) approved school and CODA does not review expanded duties for individual states. Ms. Galliano responded that she is a CODA examiner and CODA does look at expanded function courses. Ms. Kelsh asked if the curriculum is the same for all of the three schools and how long is the curriculum. Ms. Callahan stated that Chabot and Southwestern's curriculum is similar and that their course is approximately 60 hours in length.

Katie Dawson commented that Ms. Greenfield's expanded duties program is the only one currently offered in the state. Ms. Yazigi stated that an important point is to review whether the Chabot and Southwestern courses will adequately educate licensees to work on and protect the public. She indicated that the Committee is to vote on the recommendation of approving the courses at this meeting.

Ms. Hubble asked if the subcommittee or public had any further questions. There were no additional questions or comments.

Ms. Hubble asked for a motion on the recommendation.

- **Ms. Kelsh motioned to move forward on the recommendation to approve the applications for the expanded duties courses at Chabot and Southwestern colleges.**

Timothy Martinez seconded the motion.

Vote: The motion passed 3-0-1

(Chair Hurlbutt recused from the discussion and vote).

LIC/EXAM - 10 Update on Survey Sent to Regional Testing Agencies Regarding Their Respective Examination Criteria

Chair Hurlbutt asked Rick Wallinder to present this agenda item. Mr. Wallinder reported that the Committee survey was sent to the various testing agencies around the country for a response. He distributed copies of the survey to the Committee members that was sent to the five regional testing agencies [i.e., Council of Interstate Testing Agencies (CITA), Central Regional Dental Testing Service (CRDTS), Northeast Regional Board of Dental Examiners (NERB), Southern Regional Testing Agency (SRTA), and the Western Regional Examining Board (WREB)]. He stated that there were 45 questions on the survey for the testing agencies to complete and it was mailed to them on September 27 2012 for their response. He reported that to date, a complete set of responses from all of the regional testing agencies have not been received.

Chair Hurlbutt asked for any public comments. Laura Jacob, Executive Director, CRDTS introduced herself to the Committee, and Kim Laudenslager, Director of Dental Hygiene Examinations, CRDTS, indicated that CRDTS did respond to the Committee's survey. She added that CRDTS tests a large number of California candidates. She asked if California would accept CRDTS in the future, adding that California would be welcomed as a member state.

Chair Hurlbutt asked for other public comment. There was no further public comment.

LIC/EXAM - 11 Closed Session

Chair Hurlbutt reported that the subcommittee was adequately informed of the performance, orientation, calibration, and validation of the clinical examiners during the closed session.

LIC/EXAM - 12 Future Agenda Items

Chair Hurlbutt asked for any future agenda items for the subcommittee. She indicated that the "white paper" on the alternative pathways for initial licensure should be a future agenda item for discussion.

Ms. Kelsh asked when the Committee might see specific language to deal with the approval of expanded duty courses. Ms. Hubble answered that the Ad-hoc committee will meet in January 2013 and that a teleconference meeting would be conducted soon thereafter to discuss the issue.

Chair Hurlbutt asked for any further public comment on future items. Ms. Galliano asked whether the subcommittee will report on remediation. Ms. Hubble answered that the Legislation and Regulatory Subcommittee will look at remediation under Business and Professions Code section 1202.

Ms. Laudenslager commented on whether the Committee would add consideration of accepting CRDTS for California licensure to a future agenda item. Chair Hurlbutt answered that surveys were sent out to all regional testing agencies asking specific questions on what testing agencies are examining for and the survey results will be compiled and considered at a future meeting.

Chair Hurlbutt asked for any other member or public comments or recommendations for future agenda items for the subcommittee. There were no further comments or recommendations.

LIC/EXAM - 13 Adjournment

The Licensing and Examination Subcommittee meeting adjourned at 1:44 p.m.



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting

Agenda 6

Discussion and Possible Action to Approve the December 3, 2012
DHCC Legislative and Regulatory Subcommittee Meeting Minutes.



DRAFT - LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING MINUTES

Monday, December 3, 2012
Department of Consumer Affairs Headquarters
El Dorado Room
1625 North Market Blvd., Room 220
Sacramento, CA 95834

LEG - 1 Roll Call

The Legislative and Regulatory Subcommittee Chair, Timothy Martinez, called the meeting to order with roll call at 1:45 p.m. With all four subcommittee members present, a quorum was established.

Subcommittee members present

Michelle Hurlbutt, RDH Educator
Noel Kelsch, RDHAP
Timothy Martinez, DMD
Evangeline Ward, RDH.

Subcommittee members absent

None.

Staff present

Lori Hubble, Executive Officer
Nancy Gaytan, Enforcement Analyst
Donna Kantner, Retired Annuitant
Anthony Lum, Administration Analyst
Traci Napper, Program Analyst
Eleonor Steiner, Examination Analyst

Claire Yazigi, Department of Consumer Affairs' (DCA) legal representative

LEG - 2 Public Comment for Items Not on the Agenda

Chair Martinez asked for any public comment for items not on the agenda.

There was no public comment for items not on the agenda.

LEG - 3 Approval of April 16, 2012 Minutes

Chair Martinez asked for a motion to accept the April 16, 2012 Legislative and Regulatory Subcommittee meeting minutes.

- **Michelle Hurlbutt moved that the Subcommittee accept the April 16, 2012 Legislative and Regulatory Subcommittee meeting minutes as presented.**

Evangeline Ward seconded the motion.

Chair Martinez asked for any comments from the public, staff, and subcommittee members on the April 16, 2012 subcommittee meeting minutes. There were no comments from the public, staff, or subcommittee members.

Chair Martinez called for the vote to accept the April 16, 2012 Legislative and Regulatory Subcommittee meeting minutes as presented.

Vote: The motion passed unanimously (4- 0).

Leg - 4 Chairperson's Report

As Chair Martinez is newly appointed, there was none.

LEG - 5 Statutory Update

Ms. Hubble reported that regulations to implement statutory changes to the law regarding the waiver of renewal fees and continuing education for licensees on active military duty will be considered by the Subcommittee in item LEG 8 later in the agenda.

She reported on statutory changes coming from SB 1575 that require dental hygiene licensees to provide an email address and any address changes must be made within 30 days, clarified the survey requirements that formerly were part of the Dental Board's statutes, and other technical changes.

She reported that SB 1202 utilized an immense amount of staff time and resources to move the bill through the Legislature and thanked CDHA for all of their efforts in sponsoring it. She reported that the bill contained multiple provisions for DHCC that made a number of statutory changes as follows:

- Allows DHCC to issue Special permits for out of state hygienists to teach in California dental hygiene programs either full or part time;
- Clarifies the requirement for all applicants to complete courses in soft tissue curettage, administration of local anesthesia, and administration of nitrous oxygen that are approved by the DHCC;
- Requires that the practice hours for Licensure by Credential applicants must be immediately preceding the application, and allows for the Committee to recognize other clinical dental hygiene examinations;
- Requires registration with the DHCC of mobile clinics operated by Registered Dental Hygienists in Alternative Practice (RDHAPs);
- Requires remedial education for applicants who have failed the clinical examination three times or caused gross trauma during the exam;
- Requires RDHAPs to register their place of practice and any additional office;
- Defines as unprofessional conduct an RDHAP's failure to obtain a prescription within 18 months of the initial visit and provides for penalty;
- Requires registration with DHCC of extramural dental hygiene facilities;

- Requires new dental hygiene educational programs to provide a feasibility study demonstrating the need for a new program prior to seeking approval for initial accreditation; and
- Addresses various fee changes and other technical clean up.

Ms. Hubble noted that regulations will be needed to implement some of these new provisions and staff will be working on drafts.

Member Kelsch stated that some RDHAPs who have set up and been practicing in underserved areas, however those areas are no longer underserved. She asked if the Committee could address this issue. Ms. Hubble said this would require a future agenda item in order to be discussed.

Ms. Kantner reported on changes to the law according to SB 1099 that will change the effective dates of regulations from 30 days after the date of approval to quarterly, January 1, April 1, July 1 or October 1, subsequent to approval. Ms. Kantner noted that regulations will take longer to be effective.

Chair Martinez asked whether there was any comment from the public or subcommittee members regarding the statutory update. There was none.

LEG - 6 Statutory Language for Inclusion in DCA's Omnibus Bill

Ms. Kantner reported that each year, the Department submits an omnibus bill that contains various technical and noncontroversial changes requested by individual boards. Staff has submitted five proposals hoping to be included in the omnibus bill this session. She reported that staff proposed a technical change to correct the license type listed in Business and Professions Code Section 1915 from "registered dental hygienist in alternative functions" to "registered dental hygienist in alternative practice" stating that there is no such category of licensee and it is a typographical error.

Ms. Kantner reported that another proposed technical change would correct the Sections of statutory law referenced in Business and Professions Code Section 1926.2(b) from "Article 3.5" to "Article 9" and "Section 1658" to "Section 1925" to conform the Code to existing law. She noted these sections are incorrectly referenced because they formerly existed in the sections of law relating to dentists and now are located in the statutes governing dental hygiene licensees.

Ms. Kantner reported that another technical change requested by Mr. Lum, who handles budgeting functions, combines two appropriations for the DHCC budget, one for the main budget and a separate legislative licensing appropriation in the amount of \$264,000, into a single budget act appropriation for easier management.

She reported that a proposed addition to the Code discussed in the Enforcement Subcommittee would allow the Committee to issue a probationary license to a new applicant. Currently, the Committee only has the power to issue applicants a clear and unrestricted license or none at all. At this time, probationary licenses can only be issued to individuals who hold a California dental hygiene license.

She reported that the final proposal would allow an RDH who works in a public health setting to bill and be paid for their services. She noted that currently, only RDHAPs are allowed by the Welfare and Institutions Code to do so, although Section 1911 of

the Business and Professions Code allows a registered dental hygienist working in a public health setting to bill and be paid for services. She noted that this change would conform the Welfare and Institutions Code with existing dental hygiene law.

She stated that staff requests a motion to approve these legislative proposals as presented, or to suggest any changes to the language, as appropriate.

Legal counsel suggested two changes to the text of proposed Section 1917.4 relative to issuance of an initial probationary license presented in the package, the first to eliminate the words “in its sole discretion” and replace with “or its designee” after the word committee in the first line, and to strike all of subsection (d) and replace it with “The terms of a probationary license shall include, but not be limited to the following:”. Ms. Hubble noted that the Enforcement Committee already approved this language as presented. Andrew Wong stated that this Subcommittee’s action can stand on its own and the Enforcement Subcommittee’s action can be discussed in the full Committee meeting tomorrow and the two can be reconciled. Legal counsel agreed.

- **Michelle Hurlbutt moved to amend Section (a) to strike “in its sole discretion” and insert “or its designee” after the word committee and amend Section (d) by striking the section and replacing it with “The terms of a probationary license shall include, but not be limited to”.**

Evangeline Ward seconded the motion.

Chair Martinez asked for the vote.

Vote: The motion to amend the proposed text of Business and Professions Code Section 1917.4 passed unanimously (4-0).

Gail Mathe, representing the California Dental Association (CDA), asked in what circumstance an RDH or an EF working in a public health setting would have a need to bill, wouldn’t the public health entity also be the billing entity. Ms. Hurlbutt noted that when she was formerly employed by the Fontana School District, the District was not a biller, therefore, this would allow her to bill for RDH services. Ms. Mathe asked if the funds would go to her or to the District. Ms. Hurlbutt replied that it would depend on the terms of the contract as to who would receive the funds, either the District or the hygienist if that is how the hygienist is compensated for the work.

- **Michelle Hurlbutt moved to accept staff’s recommendation to approve the text of the legislative proposals as amended.**

Evangeline Ward seconded the motion.

Chair Martinez asked for the vote.

Vote: The motion to accept the proposed text of the legislative proposals as amended passed unanimously (4-0).

LEG - 7

Update on Phase I of the Transfer and Possible Amendment of Dental Hygiene Regulations into Title 16, Division 11, Articles 1-12 of the California Code of Regulations (CCR)

Chair Martinez asked Ms. Kantner to present the agenda item. Ms. Kantner reported that at its December 2011 meeting, the Committee approved staff's recommendation that regulations be pursued in three phases. She reported that many of the regulations used by the Committee are actually Dental Board's regulations. She noted that the regulations listed in Phase can be done in a group, and though arduous, the process will set in place regulations for dental hygienists that mirror existing regulations in the Dental Practice Act. She requested to move items 1129 (Remedial Education), 1133 (Infection Control) and 1146 (Additional Offices) into Phase I now that statutory changes have been passed to give the Committee the ability to pursue these regulations. She further requested that Section 1108 (Requirements for Courses in Soft Tissue Curettage, Administration of Local Anesthesia and Administration of Nitrous Oxide), currently a placeholder, be moved to Phase 2 with Section 1107 regarding approval of these courses.

- **Michelle Hurlbutt moved to accept staff's recommendation to move Sections 1129, 1133 and 1146 to Phase I and to move Section 1108 to Phase 2.**

Evangeline Ward seconded the motion.

Chair Martinez asked for public comment, and as there was none, called for the vote.

Vote: The motion to move Sections 1129, 1133 and 1146 to Phase I and to move Section 1108 to Phase 2 passed unanimously (4-0).

Chair Martinez asked whether there was any public comment for the agenda item. There was no public comment.

LEG - 8

Discussion on Potential Regulations to Implement Business and Professions Code Section 114.3 (AB 1588) Regarding Military Reservist Licensees; Fees and Continuing Education

Chair Martinez asked Legal counsel Claire Yazigi to present this item. Ms. Yazigi reported that this bill adds Section 114.3 to the Business and Professions Code to give something to our service member licensees. If a licensee who is a service member is called to active duty, they are not obligated to pay renewal fees or complete continuing education requirements for the period of active duty.

She reported that certain areas need clarification prior to drafting regulations, such as:

- Should the licensee service member communicate with the Committee every two years (at the time of renewal) or may they elect to be designated as active military and keep that designation until the time of discharge?
- Should the fee and continuing education requirements be pro-rated or waived after discharge, and if so, what would be the criteria?
- What documentation of active service would be acceptable?

There was discussion as to how continuing education requirements could be pro-rated, if the requirements should simply be waived until the next renewal period, how to handle mandatory courses, what other boards do and the intent of the legislation.

Ms. Hurlbutt felt that fees could be waived, but mandatory units must be taken, asked for examples of what other boards do. Mr. Wong felt that a one-year basis could be

used to waive fees, and require continuing education to ensure public protection. Ms. Ward felt that waiver of fees is reasonable, but she was not comfortable with waiving the mandatory courses, noting that units are readily available online. Ms. Yazigi said that some boards require documentation of active duty through a copy of the orders; others simply require an affidavit from the licensee. Mr. Wong felt that a one-time checkbox affirmation of active service is acceptable instead of requiring notice every two years. Ms. Hurlbutt favored a specialized bill be sent to maintain communication with licensees. Ms. Yazigi advised regular communication, as some individuals may be inadvertently dropped out of the system. Mr. Wong believed that some active duty service members on confidential missions should not be burdened or compromised with requirements for contact, especially since there is no risk to the public since they are not able to practice. Ms. Ward noted that renewal notices are automatically sent to licensees' address of record, so there is no breach of confidentiality or need to specify an exact location, and no additional workload is placed on staff.

- **Michelle Hurlbutt requested that staff and legal counsel bring proposed draft language and examples of options used by other boards for the Subcommittee's discussion and consideration at the next meeting.**

Chair Martinez asked whether there was any further discussion from the subcommittee members or any public comment, as no vote is needed. There was no further discussion or public comment.

LEG - 9 California Notice Register Schedule

Chair Martinez asked Ms. Kantner to present this item. Ms. Kantner stated that when any regulatory change is proposed, it must be first noticed to the public, through a Notice of Regulatory Action which begins the 45-day public notice prior to the regulatory hearing. She indicated that every Friday, the Office of Administrative Law publishes the California Notice Register, directing the subcommittee's attention to the schedule in the packet for 2013, which provides the deadlines for submission and publication dates. She noted that this item is informational only.

Chair Martinez asked for any comment from the members or the public. There was no comment from the members or the public.

***LEG - 10 Future Agenda Items**

Chair Martinez asked if there were any future agenda items. Ms. Yazigi noted that a bill was recently passed requiring an expedited process for applicants who are spouses of military personnel. If the spouse is stationed in California, these individuals will be working in California on a long-term temporary basis and need a mechanism to do so, suggesting a future item.

Ms. Yazigi noted that there was an issue earlier of RDHAP licensees practicing in underserved areas that seems to need clarification, adding that other future agenda items may also be added at tomorrow's meeting.

LEG - 11 Adjournment

The Legislative and Regulatory Subcommittee adjourned at 3:10 p.m.



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting

Agenda 7

Discussion and Possible Action to Approve the December 3, 2012
DHCC Education and Outreach Subcommittee Meeting Minutes.



DRAFT - EDUCATION AND OUTREACH SUBCOMMITTEE MEETING
MINUTES

**Evergreen Hearing Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815
Monday, December 3, 2012**

EDU/OUT - 1 Roll Call

The Education and Outreach Subcommittee Chair, Andrew Wong, called the meeting to order at 3:15 p.m. Anthony Lum, Administrative Analyst, called the roll. With four subcommittee members present, a quorum was established.

Subcommittee members present

Rita Chen Fujisawa, Public Member
Timothy Martinez, DMD
Nicolette Moultrie, RDH
Andrew Wong, Public Member

Subcommittee members absent

None

Staff present

Lori Hubble, Executive Officer
Anthony Lum, Administration Analyst
Traci Napper, Program Analyst

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

Chair Wong prefaced that the Committee had new members in both the subcommittees and full committee and requested that all members introduce themselves and explain what occupied their time outside of serving the Committee. Rita Chen-Fujisawa stated that she is a public member of the Committee and works as the Chief Executive Officer for California Association of Health Facilities. Nicolette Moultrie indicated that she is a registered dental hygienist (RDH), a registered dental hygienist in alternative practice (RDHAP), and the Program Manager for The Children's Oral Health Program in Contra Costa County. She added that she is also the owner of Strategies for Healthy Smiles. Timothy Martinez, DMD, stated that he is the Associate Dean for Community Partnership and Access to Care at the Western University Health and Sciences new dental school in Pomona, California. Mr. Wong stated that he is an attorney in private practice and an elected board member of the Pomona Unified School District. Mr. Wong concluded his report by listing all of the Education and Outreach Subcommittee agenda items to be discussed.

EDU/OUT - 2 Public Comment for Items Not on the Agenda:

Chairperson Wong asked if there was any public comment for items not on the agenda. There was no public comment for items not on the agenda.

EDU/OUT - 3 Chairperson's Report

Chair Wong stated that there were four items on the subcommittee's agenda. He gave a brief overview of each agenda item that the subcommittee would address and indicated that it was the extent of his chairperson's report.

EDU/OUT - 4 Approval of April 16, 2012 Education and Outreach Subcommittee Meeting Minutes

Chair Wong was the only remaining subcommittee member that was present at the April 16, 2012 meeting.

- **Motion: Rita Chen Fujisawa moved to accept the meeting minutes as presented.**

Nicolette Moultrie seconded the motion.

Chair Wong asked if there was any public comment. There was no public comment.

Chair Wong called for the vote to accept the meeting minutes.

Vote: The motion passed unanimously (4-0).

EDU/OUT - 5 Website Statistics

Lori Hubble, Executive Officer, presented the website statistics in Tom Jurach's absence. Ms. Hubble stated that there was a spike in website hits in July and August 2012 due to more applicants searching for information on the website. She indicated that the global activity on the website had an increase as well with more hits from Redland, Washington, and Beijing, China.

Chair Wong asked whether there were any questions regarding the website statistics.

Ms. Chen Fujisawa asked whether the statistical numbers have increased or are the numbers the same in comparison to last year. Ms. Hubble responded that in a comparison to last year's statistics, the number of website hits remained consistent.

Ms. Moultrie asked if DHCC wanted to see more hits in the future. Mr. Lum responded that the Committee does want to direct more people to the website so they can obtain the most current information available.

Ms. Chen Fujisawa asked if the number of phone calls has decreased. Ms. Hubble responded that the number of phone calls received by the Committee has remained constant and that she personally answered many of the calls due to the staffing shortage. She explained that when discussing a caller's issue, she refers many of them to the DHCC website if the information they seek is there. She stated that many of the callers are not aware of DHCC's website and need assistance to navigate through it to

locate the information they need. She continued that staff have been instructed to direct callers to the website to find the most accurate and current information.

Ms. Moultrie asked if the educational institutions are notifying their students about the website information. Ms. Hubble stated that she cannot speak for the schools; however, she believed that the institutions would refer them to the website since they have to go there to review the course outline for the law and ethics examination.

Chair Wong asked if there was any public comment.

JoAnn Galliano, Program Director, Chabot College, commented that the website is very user friendly once students are directed to the site.

Susan Lopez, President, CDHA, said that she used the website for ADHA research and found it very interesting that DHCC's website has a report which details the number of different languages that licensees may speak and other interesting details that are provided.

Ms. Hubble explained that there is a renewal survey requirement to be completed by licensee's that are renewing their license. She stated that the data received from the surveys is manually entered into the computer system by staff and then input into a statistical chart for the website.

Chair Wong stated that he encouraged the public or any other person to contact the subcommittee or staff with ideas to make the website more user-friendly to increase the website traffic.

EDU/OUT - 6 Outreach Events

Traci Napper provided the upcoming outreach events for 2013. Ms. Napper provided the full names for the acronyms of **CDHEA** (California Dental Hygiene Educators Association), **CDHA**, (California Dental Hygiene Association), **CDA** (California Dental Association), **ADHA** (America Dental Hygiene Association) for clarification. She listed the events that DHCC staff attended throughout 2012 and emphasized the importance of attending such events in order to provide the most current information to the associations and students. She stated that there is a current travel restriction in place and that a travel exemption request must be submitted to DCA for approval before any travel can be executed.

Ms. Napper stated that Ms. Hubble was the only staff that attended all of the outreach events this year. Ms. Hubble said her experience from attending the event with the educators and CDHA Student Regional Conferences was amazing, as the students were better informed and prepared to complete their applications for the examination. She indicated that by participating in such events, it has significantly reduced the number of phone inquiries received in the office. She stated that since the events, she received feedback that DHCC's participation was greatly appreciated.

Chair Wong asked for any subcommittee member comment. There was no subcommittee member comment.

Chair Wong asked for any public comment.

Ms. Lopez commented that DHCC's participation was well received at the CDHA Student Regional Conferences and that the students gained such benefit from having Ms. Hubble there to help guide the students through the application process. She also stated that at the CDHA House of Delegates, having a DHCC representative present made a great impact and benefitted the meeting.

Chair Wong commended Ms. Hubble for attending the outreach events and for submitting the required exemption requests to DCA. He further stated that the purpose of DHCC is to inform students and practitioners about the Committee to make their lives and professions a little easier should issues arise. He added that he is not sure on the extent that DHCC may participate in any future outreach due to the current travel restrictions in place.

Chair Wong explained that there is a policy within the Committee's Member Guidelines and Procedural Manual prohibiting Committee members from acting or speaking on the behalf of the Committee without proper authorization, so Committee members have not attended the outreach events due to the policy and the current travel restrictions. He indicated that members may travel to the outreach events as a part of the profession (licensee), but not as Committee representatives.

Ms. Hubble stated that the travel restrictions have been lifted slightly where the executive officer does not have to write an exemption request for mission critical meetings such as Committee or board meetings, examination administration, and enforcement investigations. She continued that for any outreach events, the executive officer has to submit an exemption request to DCA for approval and that all out of state travel is completely prohibited.

Ms. Lopez asked if there was someone they could send a letter indicating the necessity for DHCC representation at outreach events.

Ms. Hubble responded that she will research the issue and get back to Ms. Lopez once she obtains the answer.

EDU/OUT - 7 Future Agenda Items

Chair Wong asked for any subcommittee or public comment.

Ms. Galliano stated that the Dental Board requires its licensees to post notification in the place of practice that they are regulated by the Dental Board of California. She inquired as to whether the Committee is interested in having its licensees post a similar notification for the public informing them that dental hygienist are regulated by the Committee.

Chair Wong requested staff to look into this issue and provide a report for the next subcommittee meeting.

EDU/OUT - 8 Adjournment

The Education and Outreach Subcommittee meeting adjourned at 3:37 p.m.



Wednesday, February 27, 2013

Dental Hygiene Committee of California

DHCC Teleconference Meeting

Agenda 8

Discussion and Possible Action to Approve the December 4, 2012
DHCC Full Committee Meeting Minutes.

Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
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DRAFT - DENTAL HYGIENE FULL COMMITTEE MEETING MINUTES

**DHCC Headquarters
Evergreen Hearing Room
2005 Evergreen Street, 1st 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 1st of each year and ends on June 30th 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 that 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 Regulation 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 Regulation 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.

Gayle 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.