



LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING MINUTES

**Evergreen Hearing Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815
Friday, December 5, 2014**

LEG 1 – Roll Call

Susan Good, Chair of the Legislative and Regulatory Subcommittee, called the meeting to order at 1:12 p.m. with a roll call and established a quorum with members Michelle Hurlbutt and Nikki Moultrie present and Noel Kelsch absent.

LEG 2 – Public Comment for Items Not on the Agenda

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

LEG 3 – Chairperson's Report

Chair Good reported that regarding Assembly Bill (AB) 1174, the author accepted our amendments. The subcommittee had requested more information on AB 1754, but there was no response from the author's office and the bill died.

LEG 4 – Approval of the May 2, 2014 Legislative and Regulatory Subcommittee Meeting Minutes

Member Hurlbutt noted some misspellings that should be corrected. M/S/P (Moultrie/Hurlbutt) to approve the minutes as corrected.

LEG 5 – Legislative Update for 2013-2014 Session

Staff analyst Donna Kantner reported that AB 1174 and Senate Bill (SB) 850, discussed in the Education Subcommittee, had passed and been signed into law; also AB 2396 prohibiting denial of a license solely on the basis of a dismissed conviction and SB 1159 that allows applicants to provide a federal tax ID or a Social Security number were signed into law. Ms. Kantner reported DHCC's Sunset bill, SB 1245, extending the existence of the DHCC until 2019 was also passed and signed by the Governor.

LEG 6 – Discussion and Possible Action on Proposed Dental Hygiene Regulations relative to Definitions – CCR Title 16, Section 1100

Ms. Kantner provided background information and handouts of DHCC's Educational Programs definitions, California Dental Association's (CDA)

prior comments on the previous text, and staff's rationale for acceptance or decline of each of the comments. She noted that a teleconference was unsuccessfully attempted, and this file had expired at the end of November 2014. She stated that the text had been slightly modified to accommodate two of CDA's previous comments. She explained that since the file has expired, the rulemaking process must begin again with adoption of the proposed language and notice for public hearing. Gayle Mathe, CDA, said she respects the DHCC's regulatory work, but has concerns with the DHCC defining practice, and therefore, scope. She urged DHCC to follow the process and make the recommendations to the Dental Board for that process to move forward. M/S/P (Hurlbutt/ Moultrie) to recommend the DHCC approve the proposed regulatory language and direct staff to take all necessary steps to initiate the formal rulemaking process and set the proposed regulations for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package to complete the rulemaking process.

LEG 7 – Discussion and Possible Action on Proposed Dental Hygiene Regulations relative to Administration and Examinations – CCR Title 16, Sections 1101, 1121, 1122, 1124, 1126, 1127 and 1133

Ms. Kantner noted that these Sections had received no comments initially, so it seemed best to separate them from the definitions and pursue them as a separate rulemaking. She noted that the text is exactly the same as that approved at the DHCC's September 2013 meeting. There was no comment on this item, and M/S/P (Hurlbutt/Moultrie) to recommend that the DHCC approve the proposed regulatory language relative to administration and examinations and direct staff to take all necessary steps to initiate the formal rulemaking process and set the proposed regulations for a public hearing, and authorize the Executive Office to make any non-substantive changes to the rulemaking package to complete the rulemaking process.

LEG 8 – Discussion and Possible Action on California Dental Hygienists' Association's (CDHA) Proposed Legislation for 2015

Ms. Kantner noted that the attached language is proposed by the California Dental Hygienists' Association (CDHA) and its provisions are in response to issues raised in the DHCC's Sunset Review. JoAnn Galliano, CDHA, agreed that the bill addresses issues that came out of Sunset Review, and the concern is with the DHCC's next meeting in May 2015, the intent is to get the DHCC on board with the legislation, which must be introduced by the end of February 2015. Legal counsel Sabina Knight noted that this language exists in the Moscone-Knox Professional Corporation Act, and there also needs to be a corresponding change to the list of agencies in Corporations Code section 13401.5 to add dental hygiene as a listed corporation, even though permitted by Business and Professions Code section 1962. She questioned striking the last portion of section 1901(a), as it could affect the DHCC's statutory authority. Ms. Galliano noted that the language is in flux, this is not final language. Fran Burton, Dental Board President, asked how can a decision be made on legislation that is not in print? She was concerned about the lack of specifics. President Hurlbutt noted that the DHCC can support the language in concept, and when in print, have a teleconference. DCA Legal Counsel Yazigi noted that once the bill is in print, then the DHCC can take

an official position. Chair Good thanked Ms. Burton for her comments, noting that the concern is that the language is too vague, and the motion could be amended to add DHCC's legal counsels' comments into the bill. Lisa Okomoto, CDHA, asked if the issues raised by CDHA would also be addressed? M/S/P (Moultrie/ Hurlbutt) to recommend that the DHCC agree in concept with the proposed language to address issues raised in the DHCC's Sunset Review, add DHCC's legal counsels comments into the bill, and direct staff to monitor. M/S/P (Moultrie/Hurlbutt) to recommend that the DHCC set a tentative date for a March 2015 teleconference, if necessary.

LEG 9 – California Regulatory Notice Register Schedule and Legislative Calendar for 2015

Ms. Kantner noted that the Legislature reconvened on December 2, 2014 and the last day for bills to be introduced is February 27, 2015. She noted that a teleconference may be needed in March 2015 to address legislation or regulatory issues.

LEG 10 – Future Agenda Items

Member Moultrie asked for an item to pursue legislation to support the use of a multi-criteria screening process to admit students into dental hygiene educational programs, since under Title 5 of the Education Code, a lottery system must be used. She stated that the Board of Registered Nursing recently successfully pursued legislation allowing such a point system for admission of nursing students rather than a lottery.

LEG 11 – Adjournment

The Legislative and Regulatory Subcommittee meeting adjourned at 2:05pm.