



DENTAL HYGIENE COMMITTEE OF CALIFORNIA
MARCH 2, 2015
TELECONFERENCE MEETING MINUTES

Department of Consumer Affairs
2005 Evergreen Street, 1st Floor
Silverwood Lake Room
Sacramento, CA 95815
Wednesday, March 2, 2015

ITEM 1 – Roll Call and Establishment of a Quorum

The Dental Hygiene Committee of California’s (Committee) Executive Officer, Lori Hubble, called the meeting to order with roll call at 12:00 p.m. She asked Susan Good, Public Member, Secretary, to take the roll to establish a quorum. She also asked the members to identify their location for the teleconference record and whether any public participants were present at each location. With seven Committee members present via teleconference, a quorum was established.

Committee Members Present:

| Committee Member | Location |
|--------------------------------------|-------------------|
| Nicolette Moultrie, RDH, President | Pleasant Hill, CA |
| Noel Kelsch, RDHAP, Vice President | Moorpark, CA |
| Susan Good, Public Member, Secretary | Fresno, CA |
| Sherrie-Ann Gordon, Public Member | Inglewood, CA |
| Michelle Hurlbutt, RDH Educator | Anaheim, CA |
| Timothy Martinez, DMD | Boston, MA |
| Evangeline Ward, RDH | Pleasant Hill, CA |

Committee Members Absent:

Garry Shay, Public Member

Staff Present (Sacramento):

Lori Hubble, Executive Officer
 Anthony Lum, Assistant Executive Officer
 Guadalupe Castillo, Legislative and Regulatory Analyst
 Traci Napper, Program Analyst
 Donna Kantner, Retired Annuitant
 Sabina Knight, Department of Consumer Affairs (DCA) Legal Counsel
 Kelsey Pruden, DCA Legal Counsel

Public Present (Sacramento):

Megan Allred, California Dental Association
Pamela Cortez, Guest
Jeannie Huber, RDHAP
Michael Placencia, Legislative & Regulatory Analyst, Dental Board of CA
Karine Strickland, California Dental Hygienists' Association (CDHA)

ITEM 2 – Public Comment for Items Not on the Meeting Agenda

President Moultrie asked if there was any public comment for the Committee for items not on the meeting agenda. There was no public comment.

ITEM 3 – Discussion and Possible Action on the California Dental Hygienists' Association's Legislative Proposal Relating to Registered Dental Hygienists in Alternative Practice – *Business and Professions Code §§ 1924, 1926, and 1931, Corporations Code §§13401 and 13401.5, and adding Health and Safety Code §1374.196, and Insurance Code §10120.4*

Donna Kantner presented the agenda item to the Committee members and reminded the members that during their December 5, 2014 meeting, the members took a position to support the concept of the language that has now been introduced as Assembly Bill (AB) 502 (Chau). Ms. Kantner stated that AB 502 does not contain all of the elements reviewed by the Committee at their last meeting, but does contain certain provisions regarding Registered Dental Hygienists in Alternative Practice (RDHAP) including language to strengthen the ability for RDHAP's to become incorporated. Ms. Kantner also stated that the Committee can take an official position on the bill since the language is now in print via AB 502 (Chau, 2015).

President Moultrie asked the Committee members for a motion or to discuss the issue.

Vice President Kelsch stated that AB 502 should be discussed by the Committee since it contains issues raised during the Sunset Review process and is important for consumer protection.

DCA Legal Counsel Sabina Knight introduced incoming DCA Legal Counsel Kelsey Pruden. Ms. Knight reminded the Committee that the language in AB 502 belongs to CDHA and that the Committee is only able to make recommendations and suggestions, but cannot change the language.

Ms. Pruden shared that she conducted research for Business and Professions Code Section 1931. This section states that an RDHAP can provide services to a patient for 18 months without written verification that the patient has been examined by a dentist, physician or surgeon in this state. The Committee added injunction authority for unprofessional conduct for failure to obtain written verification to treat a patient after an 18 month period. This was done legislatively and became effective January 1, 2013.

President Moultrie shared her experience as an RDHAP in private practice and mentioned that she has not had issues with the prescription requirement.

Vice President Noel Kelsch shared her experience working as an RDHAP in public health settings and informed the Committee that the requirements are different in public health settings than in private practice. Her main concern is access to care for the consumer.

Evangeline Ward shared that she is also supportive of this effort and supportive of access to care for everyone.

Secretary Susan Good agreed that access to care is important, especially in rural areas. She asked if the RDHAP refers someone to a dentist and the patient decides not to go, how is the RDHAP liable? Isn't it the patient's decision whether or not to go to the dentist?

Ms. Kelsch stated that the patient cannot be forced to see a dentist, however; the RDHAP would have to dismiss the patient from their practice if they did not go.

Ms. Good stated that she was in favor of this bill because she believed the public is protected under this proposal. Access to care takes precedence and the public is safe since the RDHAPs are properly trained.

Sherrie Gordon also is in favor of removing the prescription requirement especially because she believes that treatment should continue to be provided even after the 18-month period has elapsed.

Michelle Hurlbutt asked DCA Legal Counsel if we could take disciplinary action on an RDHAP that did not refer a patient to a dentist or doctor.

Ms. Knight cited Business and Professions Code, Sections 1949 and 1950.5, to illustrate that the Committee would have the ability to take disciplinary action if a patient was not referred to a dentist.

Public Comment – Karine Strickland, CDHA President, commented that there are nursing home patients that decide against seeing a dentist. The RDHAPs usually go to a medical doctor for a prescription to obtain and comply with this statute. Most of the time, these medical doctors are not looking into the patient's mouths and are not providing an exam. This statute does not prompt an exam by a dentist the way it is currently written. CDHA has also found that the medical doctors are often hesitant to write a prescription because they do not understand why the patient needs a note to get their teeth cleaned.

Executive Officer Lori Hubble advised the Committee that in conversations with CDHA, the sponsor of the bill, she was informed that the Moscone-Knox sections in AB 502 (Chau) will be amended out of the bill and placed in the Committee on Banking and Financial Institutions' Omnibus Bill.

Guadalupe Castillo informed the Committee that the bill will be amended in April 2015 and the Committee will have an opportunity to see a revised version of the bill at the May 2015 meeting.

The members then discussed the issue of health insurance reimbursement for RDHAPs.

President Moultrie shared that as an RDHAP, she can only receive reimbursement from providers in California. If an insurance company carrier is outside of California, they do not reimburse the RDHAP. If she bills an insurance carrier out of state, she does not get payment.

Ms. Hurlbutt expressed concern to DCA Legal Counsel that there are additional changes needed in the statute to allow the RDHAP's to incorporate.

Ms. Knight informed the Committee that Agenda Item 4 is meant to address those issues. She also mentioned that the Committee can take a position on AB 502 (Chau). Agenda Item 4 was intended as preliminary research on what could be changed. She pointed out that in the meeting materials are examples of language from the Physical Therapy Board of California and the Speech-Language Pathology, Audiology and Hearing Aid Dispensers Board on how incorporation of their licensees is addressed in their relevant Acts.

Ms. Hurlbutt suggested that the Committee may want to table Agenda Item 3 for the moment in order for the members to have an opportunity to review Agenda Item 4 in case they would like to suggest amendments.

Public Comment: Ms. Strickland informed the Committee that they would most likely accept the Committee's recommendations on this issue because it is important to CDHA.

After a collaborative discussion, Ms. Hurlbutt made a motion.

MOTION: Ms. Hurlbutt moved that the Committee Support AB 502 if amended and direct staff to work with DCA Legal Counsel to provide necessary amendments to provide to the authors office to allow an RDHAP to become incorporated including language for discipline of a professional corporation.

Ms. Kelsch seconded the motion.

Discussion

Ms. Ward asked the RDHAPs present how many patients they have had to dismiss due to the 18-month restriction?

Ms. Moultrie never dismissed a patient.

Ms. Kelsch abstained from comment.

Public Comment:

Ms. Strickland (CDHA) shared that in her practice she dismissed five. She added that in CA, there are over 500 RDHAPs practicing and a survey has not been taken. There are many RDHAPs that struggle with this restriction.

Vice President Kelsch shared that CDHA may want to look into the issue of the patient's right to choose a provider. She stated that she has found that hygienists are not getting access to their established patients when a corporation takes over at skilled nursing facilities.

President Moultrie called for the vote.

Vote: 7-0-0 Motion passed.

| DHCC Member | Yes | No | Abstain |
|---------------------|------------|-----------|----------------|
| Evangeline Ward | X | | |
| Nicolette Moultrie | X | | |
| Noel Kelsch | X | | |
| Michelle Hurlbutt | X | | |
| Sherrie-Ann Gordon | X | | |
| Susan Good | X | | |
| Timothy Martinez | X | | |
| Garry Shay - Absent | | | |

ITEM 4 - Discussion and Possible Action related to the Dental Hygiene Committee of California's potential sponsored legislation - Business and Professions Code §§1925, 1950.5, 1960, 1962 and review of how other Boards have approached the issue

President Moultrie asked the Committee if they would like to move forward with Agenda Item 4 or if the motion from the Agenda Item 3 is sufficient.

DCA Legal Counsel confirmed that Agenda Item 4 has been addressed.

President Moultrie asked if there was any public comment. There was no public comment.

Adjournment:

The March 2, 2015 teleconference meeting adjourned at 1:00 P.M.