



DENTAL HYGIENE EDUCATION SUBCOMMITTEE MEETING MINUTES

Saturday, August 20, 2016
DHCC Headquarters, 1st Fl. Hearing Room
2005 Evergreen Street
Sacramento, California 95815

EDU 1 - Roll Call

Noel Kelsch, Acting Chair of the Education Subcommittee of the Dental Hygiene Committee of California (DHCC), called the Education Subcommittee meeting to order at 8:20 a.m. She took roll call and a quorum was established with four Education Subcommittee members present.

Acting Chair Kelsch reminded the Education Subcommittee that any person may bring the Education Subcommittee's attention to items not on the agenda and those items will be considered for a future agenda, but the Education Subcommittee is *only* permitted to discuss or act on properly noticed and agenda items. She explained that the reason for this rule is that the public needs to be sufficiently informed and afforded an advance opportunity to participate in public meetings. She concluded her instruction to the Education Subcommittee by stating specifically that the Education Subcommittee must remain focused on what is agenda items to discuss.

Education Subcommittee Members Present:

Noel Kelsch, (Acting Chair in absence of Education Subcommittee Chair Michelle Hurlbutt), Registered Dental Hygienist in Alternative Practice (RDHAP)
Susan Good, Public Member
Timothy Martinez, Doctor of Dental Medicine (DMD)
Nicolette Moultrie, Registered Dental Hygienist (RDH)

Education Subcommittee Members Absent:

Michelle Hurlbutt, Education Subcommittee Chair, RDH Educator
Sandra Klein, Public Member

DHCC Staff Present:

Lori Hubble, Executive Officer (EO)
Anthony Lum, Assistant EO
Estelle Champlain, Legislative and Regulatory Analyst
Karyn Dunn, Investigator
Gary Duke, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

DHCC Expert Witnesses Present:

JoAnn Galliano, RDH, Educational Consultant
Adina Pineschi-Petty, RDH, Doctor of Dental Surgery (DDS), Educational Consultant

Public Present:

Edward Cramp, Legal Counsel for Concorde Career College-Garden Grove (CCC-GG)
Nicholas Ewell, Campus President, CCC-GG
Karen Fischer, EO, Dental Board of California (DBC)
Ken Guerrero, Market President for Concorde Career College Campuses in San Bernardino and Garden Grove
Lygia Jolley, RDH, Past President, California Dental Hygienists' Association (CDHA)
Lory Laughter, RDH, RDH Magazine
Gail Mathe, California Dental Association (CDA)
Kelly Reich, Director, Western Regional Examining Board (WREB)
Brenda M. Serpa, RDH, San Joaquin Valley College (SJVC), Visalia
Cynthia Simpson, RDHAP

EDU 2 – Acceptance of the May 6, 2016 Education Subcommittee Meeting Minutes

Acting Chair Kelsch asked if there were any comments from the Education Subcommittee relating to the May 6, 2016 Education Subcommittee meeting minutes. There were none.

Acting Chair Kelsch asked if there were any public comments. There were none.

Motion: Susan Good moved to accept the May 6, 2016 Education Subcommittee meeting minutes.

Second: Timothy Martinez.

Vote: The motion to accept the May 6, 2016 Education Subcommittee meeting minutes passed 1-0 (Susan Good and Nicolette Moultrie abstained because they were not present at the May 6, 2016 meeting; Noel Kelsch abstained because on May 6, 2016 she was not a member of the Education Subcommittee).

Name	Minutes Vote:		Other
	Aye	Nay	
Susan Good			X
Noel Kelsch			X
Timothy Martinez	X		
Nicolette Moultrie			X

EDU 3 – Public Comment for Items Not on the Agenda

Acting Chair Kelsch invited the public to bring forward comments on any item not on the agenda.

There were no public comments.

EDU 4 – Discussion and Possible Action and Recommendation to the Full Committee Regarding Registered Dental Hygiene Education Program Requirements for Maintained Approval by DHCC for Concorde Career College – Garden Grove

Acting Chair Kelsch stated that, from January 2016 to June 2016, the DHCC had received complaints from administrators, faculty, and students regarding the dental hygiene education program at Concorde Career College-Garden Grove (CCC-GG). She asked if any Education Subcommittee member would like to discuss anything before moving forward. No Education Subcommittee member raised an issue. She asked if any member of the public would like to discuss anything before moving forward. No member of the public raised an issue.

Acting Chair Kelsch asked the DHCC's expert witnesses to identify themselves and to explain what they could share with the Education Subcommittee.

Karyn Dunn identified herself as a retired annuitant Investigator for the DHCC. She stated that she has over 25 years of experience as a Peace Officer/Investigator and she previously served with the Dental Board of California (DBC).

JoAnn Galliano identified herself as an Educational Consultant for the DHCC. She stated that she has served with DHCC in this capacity for over three years. She explained that she has 37 years of experience as an educator; 15 of which she worked as a full-time Instructor, then Program Director, at Chabot College. She also served as an Accreditor for the Commission on Dental Accreditation (CODA) where she was charged with conducting site visits for dental hygiene programs outside the state of California to assess whether those programs met CODA's standards. Additionally, Ms. Galliano has been a member of the California Dental Hygienists' Association (CDHA) for 32 years where she held the office of Association President and was the Government Relations Council Chair for over 13 years. During her time as Government Relations Council Chair, she was involved in the creation of the registered dental hygienist in alternative practice (RDHAP) licensure category and she was involved in the legislation that created the DHCC. She stated that she remains deeply involved in the DHCC's education regulations.

Dr. Adina Pineschi-Petty identified herself as an Educational Consultant for the DHCC. She holds licenses to practice as both a Registered Dental Hygienist (RDH) and a Doctor of Dental Surgery (DDS). She has 22 years of experience as a dental hygiene educator.

Acting Chair Kelsch stated that her most pressing concern, in relation to the documents presented to the Education Subcommittee, is an apparent three-and-a-half month lapse in spore testing of the instrument sterilization equipment at CCC-GG. She asked the expert witnesses to clarify if she understood correctly that the evidence indicated the following:

- There was an absence of spore testing on the instrument sterilization equipment at CCC-GG, during which patients were still being treated with those instruments;
- Ms. Dunn, Ms. Galliano, and Dr. Pineschi-Petty, along with an Inspector from the Bureau of Private Post-Secondary Education (BPPE), conducted an unannounced site visit to CCC-GG on June 28, 2016 and notified CCC-GG administrators that they must spore test their instrument sterilization equipment weekly;
- After this notification, CCC-GG resumed spore testing and found that one of their sterilizers failed the test; and
- CCC-GG continued clinical use of the instruments after the failed sterilizer spore test.

Dr. Pineschi-Petty affirmed that is what the evidence demonstrated.

Acting Chair Kelsch stated that she is concerned for the people who have been treated at CCC-GG under these circumstances as it could be a source of an infection or pathogen. She inquired whether anything had been done to notify these people and to help them so that they could be tested for blood borne pathogens.

Ms. Galliano stated that as far as she knew, no notification of the public had occurred.

Acting Chair Kelsch asked if other entities had been notified.

Ms. Dunn answered that the Orange County Public Health Department had been notified and had sent a representative to take part in at least one investigation.

Acting Chair Kelsch inquired whether the number of patients seen during this time is known. Ms. Dunn answered that based on the clinic schedule, an estimate of 3,000 to 4,000 patient visits could have taken place.

Acting Chair Kelsch stated that she understood the evidence to indicate that during the initial site visit on June 28, 2016, the expert witnesses presented CCC-GG with a list of deficiencies. She said her understanding was that the evidence showed that CCC-GG did not correct the things that were asked of them, items such as issues related to infection control and staff to student ratios. She asked whether her understanding of the evidence was correct.

Ms. Galliano answered that the evidence provided by CCC-GG in their July 2016 response was insufficient to prove that CCC-GG met the requirements the expert witnesses presented at the June 28, 2016 site visit. She clarified that there was missing documentation and some documents that were provided were not actually needed for this issue.

Acting Chair Kelsch inquired whether the person at CCC-GG assigned to oversee infection control was qualified for that role.

Ms. Dunn replied that the person in charge of infection control was not qualified. She described that, according to information from the August 10, 2016 follow-up site visit, the person assigned to oversee infection control had not been fully trained, but was in a training status. The DBC Inspector noted that the person assigned to oversee infection control was not adequately trained and did not possess the means to fulfill the requirements of the position.

Acting Chair Kelsch asked if the person assigned to infection control was at least present at all times to perform the infection control component of his job.

Ms. Dunn replied that the person deemed as the new Clinic Coordinator is in charge of infection control, but he has other duties that require his attention on a regular basis. Ms. Galliano added that the former Clinic Coordinator, who had been in charge of infection control, resigned May 20, 2016. It wasn't until after the site visit on June 28, 2016 that CCC-GG hired a new Clinic Coordinator and that person began work sometime in July 2016. She stated that there is no evidence to show that any person was in charge of infection control from May 20, 2016 until the new Clinic Coordinator took over in July 2016. Dr. Pineschi-Petty confirmed that both the DBC Inspector and the Orange County Department of Public Health Inspector had found the new Clinic Coordinator to be insufficiently trained.

Nicolette Moultrie thanked the expert witnesses for including reports from the DBC Inspector and the Orange County Department of Public Health Inspector in the report submitted to the DHCC. She inquired whether CODA was also

involved, since the DHCC's education regulations state that CODA plays a role in approving dental hygiene programs.

Ms. Dunn stated that CODA was advised and that she was aware of CODA holding at least one meeting on the matter, but she had been informed that CODA would not be able to provide details to the DHCC due to confidentiality issues.

Ms. Moultrie stated that, based on the evidence presented which included numerous violations, she would like to make a motion to recommend to the full committee to accept the DHCC staff's recommendation to withdraw the DHCC's approval of the dental hygiene education program at Concorde Career College, Garden Grove.

Acting Chair Kelsch seconded. She also stated she would like to allow the discussion to continue so that all persons may be heard. She asked for any Subcommittee Member comments. There were none. She asked if anyone in the public would like to make comments.

Nicholas Ewell, Campus President, CCC-GG, stated that he would like to present comments. Acting Chair Kelsch replied that Mr. Ewell was welcome to present comments. She reminded him that comments should be in direct relation to the information on the agenda. He stated that he would restrict his comments to the matters at hand, but that he was also willing to provide further details if the DHCC desired.

Mr. Ewell stated that he agreed spore testing was the primary issue to deal with at the present meeting. He indicated that spore testing did stop as of April 8, 2016 and did not resume until early July 2016. He admitted that there was no justification for the lapse and that spore testing should have taken place during that time.

Mr. Ewell stated that he would like to clarify that both spore testing machines did, in fact, pass on the first resumed spore test. He stated that on the second test one of the spore testing machines failed. He offered documentation to support his claim.

Acting Chair Kelsch said that the DHCC's expert witnesses informed the Education Subcommittee that the first resumed spore test failed, yet CCC-GG did not pull the instruments. She asked the expert witnesses how they came to know that the first resumed spore test failed.

Dr. Pineschi-Petty stated that she witnessed the DBC Inspector as he looked at the record of spore testing, and that on the spore testing record it was written that the next most previous date of a spore test was April 28, 2016 followed by a spore test on July 13, 2016. It was also written on the spore testing record that

the July 13, 2016 test had failed. She also stated that, according to the new Clinic Coordinator, the vendor notified CCC-GG on July 15, 2016 that the spore test had failed. A subsequent spore test did not take place until July 20, 2016.

Acting Chair Kelsch inquired as to whether anything was done to the instrument sterilizer machine between July 13 and July 20, 2016.

Dr. Pineschi-Petty replied that a seal was replaced but that she is not aware of the exact date of the seal's replacement so it may have been either before or after July 20, 2016.

Mr. Ewell asked if he could submit documentation from the college's external vendor to indicate the dates of when spore tests were submitted, when they were read, and the results of those tests.

Gary Duke, DHCC's legal counsel, replied that Mr. Ewell could submit the documents.

Acting Chair Kelsch asked Mr. Ewell if he meant to assert that the instruments were pulled and resterilized.

Mr. Ewell replied that he would like to go through the documents he had presently submitted and summarize.

Chair Kelsch thanked Mr. Ewell for providing documents but advised him that although the DHCC could accept documents for future consideration, since the documents were not made available ten days in advance to the public and properly noticed with the public meeting notice, DHCC member consideration of the documents during the present meeting would not be permitted.

Edward Cramp introduced himself as an attorney with the firm of Duane Morris, legal counsel for Concorde Career Colleges. He stated that the first time Concorde Career College received detailed findings was "this past Wednesday" (August 17, 2016) "or perhaps Tuesday afternoon." He explained that due to the timeframe, there was no possible way for the college to submit a report within ten days of the DHCC's public meeting.

Chair Kelsch stated that she believed this information was initially requested over thirty days prior to the meeting. She asked if her understanding was correct.

Ms. Dunn affirmed that the information was requested during the initial site visit to the school on June 28, 2016.

Mr. Cramp stated that the documents he would like to provide contain subsequent information.

Mr. Ewell stated that although he has information on remediation that he is willing to share, his main point in attending the DHCC meeting is not to argue fine points but rather to serve as an advocate for his students and faculty. He urged the DHCC to wait on their decision of whether or not to withdraw approval of the hygiene program so that more information can be gathered. He shared that CODA has scheduled a targeted site visit for late October 2016.

Acting Chair Kelsch reminded Mr. Ewell that it would be best to remain on the topic of the noted deficiencies of the program rather than straying into a discussion regarding CODA's scheduled visit.

Mr. Ewell stated that, in some respects, CCC-GG's evidence sent to the DHCC in late July 2016 is insufficient to allow the DHCC to make an informed decision. He explained that this is the reason he urges the DHCC to allow more time for more evidence to be provided.

Acting Chair Kelsch directed her next question to the DHCC's expert witnesses. She asked for clarification of admitted evidence provided by CCC-GG to the DHCC regarding how students are selected at CCC-GG. She stated that she noticed there are a lot of students for whom there are no transcripts, a lot of them transferring from one program to another, and a lot of students who are noted as being part of the "points system," but for whom the "points system" is not being applied.

Ms. Galliano stated that the site visit on June 28, 2016 was a dual investigation with along with the BPPE. The evidence that appears in the present meeting materials was received during that dual investigation. During the site visit, the Inspector from the BPPE requested student records but no student records were provided. She and the BPPE Inspector were told by personnel at CCC-GG that the person responsible for student records was out ill that day and the staff present did not have access to the students' records. She noted that this was a problem because it is required for those records to be available for inspection. She explained that she and the BPPE Inspector were at the site for around 12 hours, but during that time only two or three records were made available. Ms. Galliano stated that since the students' records were not accessible, the only evidence on which she could base an assessment of CCC-GG's compliance with their own admissions policies was the evidence submitted July 28, 2016 by CCC-GG. She noted that this evidence, however, is insufficient. She explained that, for example, the admission scoresheets contained in the July 28, 2016 evidence lack the names of staff responsible for conducting evaluations, lack evaluation dates, and lack an explanation of the system of evaluation itself.

Acting Chair Kelsch asked if there were any other unanswered areas of deficiency in evidence submitted in comparison to what was requested. She

specifically asked if there were areas that would affect the safety of the consumer.

Ms. Galliano explained that the investigation and requests for information from CCC-GG were driven by public complaints. She stated that during the visit the focus was on determining if there was evidence to substantiate the complaints, not on seeking new sources of error. These driving complaints include concerns that unqualified students were being admitted and students who failed the re-entry test were being allowed re-entry into the program. There were questions about the Program Director's involvement in the admissions process. She also stated there are catalog references to an admissions system (for points to be counted in the selection for admissions process), yet the catalog does not describe the system. There were complaints that administration was informing the faculty and Program Director that a certain number of students must be admitted regardless of whether the students were qualified.

Ms. Moultrie raised her concern that there was no rubric provided in the evidence, yet the evidence showed that a broad range of scores existed among admitted students, making it appear that everyone was getting in. She also stated her concern that evidence indicated that students were being admitted without having satisfied anatomy, physiology, and chemistry pre-requisites. She stated that this is troubling since the DHCC education regulations mandate that students shall have met these requirements prior to being accepted into a dental hygiene program.

Ms. Galliano explained that at CCC-GG students could be admitted without those pre-requisite courses but the student must complete the pre-requisite courses before commencing the dental hygiene portion of the curriculum.

Ms. Moultrie stated that in the DHCC's mission to protect the consumer, it is pertinent that consumers are not just patients at dental offices - consumers are also students in dental hygiene education programs. She stated that, based on student interview follow-ups conducted in August 2016, it seems there is reason to question whether the education the dental hygiene students are receiving at CCC-GG actually does meet the standards of the profession. Maintaining a level of excellence in the profession is the appropriate goal, and it is not desirable to flood the market with improperly trained graduates who might cause harm to consumers.

Acting Chair Kelsch asked Dr. Pineschi-Petty to describe if there were any persisting concerns that she observed at the 30-day follow up visit to CCC-GG on August 10, 2016.

Dr. Pineschi-Petty stated that she learned during the student interviews in August 2016 that some students felt that their education was lacking due to what they felt was the new Clinic Coordinator's lack of dedication to the

program. They felt that the new Clinic Coordinator was being forced to split time between the testing center and providing student support. She reported that students indicated that there was no mention of spore testing in their curriculum and that it was left to the new Clinic Coordinator to “take care of it.” She noted that the students who reported an absence of spore testing in their curriculum are set to graduate in 12 weeks. These same students told her that they felt as though the new Clinic Coordinator did not know what he was doing and that they were left to their own devices to take care of sterilization and their own education.

Acting Chair Kelsch asked if there were any other areas of infection control that raised a concern at any of the visits.

Dr. Pineschi-Petty stated that at the initial site visit on June 28, 2016, students stated that blood remained on their instruments after cleaning because the instruments were not being cleaned properly. She explained that at the follow-up visit on August 10, 2016, there was no longer blood on the instruments, but there was debris (human tissue) on the instruments. She said that students felt sterilization was not taking place, believed that they were left to deal with sterilization on their own, and did not feel comfortable with it.

Ms. Galliano stated that on the June 28, 2016 visit, she made herself available to students to hear their concerns. She described that in all her years as an accreditor, she had always left her door open to students who wish to voice their concerns, and usually one or two students at a site would come forward. At CCC-GG, 75% of the senior class came forward with letters they had prepared – and those students did not know that an Investigator was coming. She stated that one concern was that the term had started and there were not enough instructors for all of the classes. Another was that students were concerned that some instructors did not know the materials because those instructors taught exclusively by Power Point presentation. Also, the students did not know the identity of their Interim Program Director. She explained that students were concerned that in the short time left before graduation, they would not be prepared to pass the boards. Additionally, students felt they were being denied the opportunity to provide continuity of care to patients. They did not feel that handing off patients to other students was appropriate considering the time invested in the initial treatment and formulation of a patient care plan. Instead, the students wanted to be able to follow through for the patients. She said students also voiced their concerns about the issues related to infection control.

Ms. Galliano also stated that she is concerned for the students at CCC-GG from a legal perspective. She explained that DHCC has regulations governing faculty qualifications. The current term’s class schedule has been provided. Some of the instructor’s names are penciled in and the DHCC has no record of them in terms of their qualifications to determine if the instructors meet the legal

requirements for faculty. She stated aside from all the other concerns, the students are now in an educational institution that is not meeting the law.

Mr. Ewell stated his agreement that maintenance of infection control a serious problem, but that it occurred because there was no oversight outside the department. When the previous Program Director left, there was no one outside the department aware of the lack of coverage for infection control. Since the college administration has become aware of this deficiency and new policies are being implemented to ensure oversight from outside the department. Specifically, Mr. Ewell said he will visit all of the campuses to ensure compliance with infection control.

Chair Kelsch asked Mr. Ewell if he had received any training in infection control.

Mr. Ewell replied that his role would be to make sure the testing log indicated that the spore tests were submitted and to read the result reports which would let him know if the tests had passed or failed.

Chair Kelsch clarified her question to instead ask if Mr. Ewell had been trained to know what he would need to look for in regard to infection control.

Mr. Ewell answered that so far he had spoken to two previous Program Directors, but that since these events had all occurred in the very recent past, his training remained "ongoing." He stated that he understood new evidence was not to be permitted during the present meeting, but would like to present the DHCC with a more detailed account of the college's new policies regarding spore testing as well as their new policies to address continuity of care. He stated that in regards to the students' perceptions of faculty qualifications and infection control, he would not want to speculate into their perceptions since the students are not present at the meeting. He also stated that he realized there were serious issues.

Mr. Ewell stated that in regards to admitting students that are likely to be successful, the information Ms. Moultrie referenced about students with higher point scores being denied admittance while some with lower point scores were admitted was being read incorrectly. He admitted that the scoresheets were not presented in a particularly clear manner.

Ms. Kelsch reminded Mr. Ewell and the DHCC that the purpose of the present meeting was to address the findings of the investigations.

Mr. Ewell stated that Concorde Career College's graduates have a collective record of scoring above 90% on the board examination. Additionally, their job placement rates are between 90%-100%. He noted that these statistics do not prove that the program is suitable in every way, but the statistics are relevant to

the question of whether Concorde Career College has a custom of accepting students who are likely to pass the board exam.

Chair Kelsch reminded that the purpose of the meeting is not to evaluate pass or fail rates, but rather to discuss consumer and student safety.

Public Comment: Lygia Jolley identified herself as the Immediate Past President of the California Dental Hygienists' Association (CDHA). She stated her purpose at the meeting was to represent the members of the CDHA. She specified that among the CHDA's members are the students at CCC-GG. She noted that because those students are members of the association, the CDHA has a vested interest in the type of education the students receive. She explained that CDHA desires for hygiene students to receive a "top notch" education so that they can understand how infection control works and be able to use this education when they are treating patients out in the field. She stated that if hygiene students feel that they are deficient in this due to the education they received, then they have a right to complain. She stated that CDHA upholds the fortitude displayed by the students at CCC-GG as they stood up by bringing this issue to the attention of the DHCC. She noted that "there is more than just passing the board when you are out there in the field and in the office." She reminded those present that in the past there had been a dental hygiene education program in California discontinued, and when that happened the CDHA helped that program's displaced students find new homes in other programs where they received a "good quality education." She urged the DHCC that as they make the decision at the present meeting to remember that the CDHA will back the students and uphold them so that they can receive the high quality education that will enable them to become great hygienists out in the field.

Ms. Jolley stated that the CDHA is also concerned for the patients who have been treated and who could be in danger due to cross contamination and failure to sterilize properly.

Chair Kelsch asked if there were any further public comments or committee member comments. There were none.

Chair Kelsch reminded the DHCC that the motion had been made and seconded. She asked Ms. Moultrie to repeat her motion since some time had passed since the motion was set forth.

Motion: Nicolette Moultrie moved to recommend to the full committee to accept the DHCC staff's recommendation to withdraw DHCC's approval of the dental hygiene program at Concorde Career College, Garden Grove.

Second: Noel Kelsch.

Vote: The motion to recommend to the full committee to accept the DHCC staff's recommendation to withdraw DHCC's approval of the dental hygiene program at Concorde Career College, Garden Grove passed 4-0.

Name	Minutes Vote:		Other
	Aye	Nay	
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		

EDU 5 – Future Agenda Items

There were no future agenda items.

EDU 6 – Adjournment

Acting Chair Kelsch adjourned the Education Subcommittee meeting at 9:10 a.m.