



Saturday, May 6, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee

Agenda



Notice is hereby given that a public meeting of the Enforcement Subcommittee of the Dental Hygiene Committee of California will be held as follows:

ENFORCEMENT SUBCOMMITTEE MEETING

Saturday, May 6, 2017
Bougainvillea Room
Atrium Hotel at Orange County Airport
18700 MacArthur Blvd.
Irvine, CA 92612

Additional Teleconference Location Available at:

Catalano-Fenske
1401 Fulton Street, Suite 801
Fresno, CA 93721

Enforcement Subcommittee Members:

Garry Shay, Public Member, Chair
Timothy Martinez, DMD
Edcelyn Pujol, Public Member
Evangeline Ward, RDH

Upon Conclusion of the Licensing & Examination Subcommittee

Agenda

ENF 1 – Roll Call

ENF 2 – Public Comment for Items Not on the Agenda

[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a)]

ENF 3 – Chairperson's Report

ENF 4 – Approval of the December 3, 2016 Enforcement Subcommittee Meeting Minutes

ENF 5 – Enforcement Statistics & Performance Measures

ENF 6 – Future Agenda Items

ENF 7 – Adjournment

DHCC members who are not members of this subcommittee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum. All times are approximate and

subject to change. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's 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 Estelle Champlain at (916) 576-5007 or e-mail at: estelle.champlain@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 2050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Saturday, May 6, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee Meeting

Agenda Item 2

Public Comment for Items Not on the Agenda

[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a))]



Saturday, May 6, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee Meeting

Agenda Item 3

Chairperson's Report



Saturday, May 6, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee Meeting

Agenda Item 4

**Approval of December 3, 2016 Subcommittee
Minutes**



ENFORCEMENT SUBCOMMITTEE MEETING MINUTES

Saturday, December 3, 2016
2005 Evergreen Street, 1st Floor
1st Floor Hearing Room
Sacramento, CA 95815

ENFORCEMENT SUBCOMMITTEE MEMBERS PRESENT

Garry Shay, Public Member, Chair
Evangeline Ward, RDH
Noel Kelsch, RDHAP (temporary member to establish quorum)

ENFORCEMENT SUBCOMMITTEE MEMBERS ABSENT

Timothy Martinez, DMD
Edcelyn Pujol, Public Member

ENF 1 Roll Call/Establishment of Quorum

Noel Kelsch, president of the Dental Hygiene Committee of California, appointed herself as a temporary member of the Enforcement Subcommittee to serve in the absence of excused members so that a quorum could be established. Garry Shay, chair of the Enforcement Subcommittee, called the meeting to order at 1:03 p.m. Chair Shay took roll call and a quorum was established with three subcommittee members present. Edcelyn Pujol and Timothy Martinez had been excused.

ENF 2 Public Comment for Items Not on the Agenda

Chair Shay asked if any subcommittee member or member of the public would like to comment on any item not on the agenda. There were no comments.

ENF 3 Approval of the May 6, 2016 Enforcement Subcommittee Meeting Minutes

Motion: Noel Kelsch moved to accept the May 6, 2016 Enforcement Subcommittee meeting minutes.

Second: Garry Shay.

Chair Shay asked if any member of the public would like to comment. There were no comments.

Vote: The motion to accept the May 6, 2016 Enforcement Subcommittee meeting minutes passed 3-0.

Name	Vote:		Other
	Aye	Nay	
Garry Shay	X		
Noel Kelsch	X		
Evangeline Ward	X		
Timothy Martinez			Absent
Edcelyn Pujol			Absent

ENF 4 Enforcement Statistics

Nancy Gaytan presented a summary of the DHCC's enforcement statistics since the May 2016 meeting.

Noel Kelsch noted that over the past several years there has been a steady increase in the number of complaints for unprofessional conduct and she asked what is causing the increase. Evangeline Ward suggested it may be due to implementation of a rule requiring that a sign be posted in dental offices notifying patients how to file a complaint.

Motion: Garry Shay moved to receive and file the enforcement statistics report.

Second: Noel Kelsch.

Chair Shay asked if any member of the public would like to comment.

Ms. Kelsch requested that in the future the statistics should be broken down by type of complaint so that the DHCC could determine what is driving complaints, especially in the area of unprofessional conduct. She noted that if the DHCC knew what the problems were, there may be some action the DHCC could implement to support solutions.

There were no further comments.

Vote: The motion to receive and file the enforcement statistics report passed 3-0.

Name	Vote:		Other
	Aye	Nay	
Garry Shay	X		
Noel Kelsch	X		
Evangeline Ward	X		
Edcelyn Pujol			Absent
Timothy Martinez			Absent

ENF 5 Update on the Department of Consumer Affairs' Enforcement Measures

Ms. Gaytan stated that DHCC staff has reduced average processing times for both intake and investigation. These increases in efficiency exceeded the improvement targets set by the Department of Consumer Affairs. However, deficiencies persist in the area of formal discipline. Ms. Gaytan explained that for this process, DHCC staff must rely on the Attorney General's (AG's) office to prepare pleadings and statements of issues. Turnaround time from the AG is outside the control of DHCC staff.

Ms. Kelsch expressed her appreciation of improved processing timelines. She noted that better enforcement processes are keeping consumers safer.

Motion: Evangeline Ward moved to receive and file the enforcement performance measures report.

Second: Noel Kelsch.

Chair Shay asked if any member of the public would like to comment. There were no further comments.

Vote: The motion to receive and file the enforcement performance measures report passed 3-0.

Name	Vote:		Other
	Aye	Nay	
Garry Shay	X		
Noel Kelsch	X		
Evangeline Ward	X		
Edcelyn Pujol			Absent
Timothy Martinez			Absent

ENF 6 Future Agenda Items

Chair Shay asked if any member of the public would like to propose a future agenda item. There were no comments.

ENF 7 Adjournment

Motion: Noel Kelsch moved to adjourn.

Second: Nicolette Moultrie.

Vote: The motion to adjourn passed 3-0.

Name	Vote:		Other
	Aye	Nay	
Garry Shay	X		
Noel Kelsch	X		
Evangeline Ward	X		
Timothy Martinez			Absent
Edcelyn Pujol			Absent

The Enforcement Subcommittee adjourned at 1:15 p.m.



Saturday, May 6, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee Meeting

Agenda Item 5

**Enforcement Statistics & Performance
Measures, Informational**



MEMORANDUM

DATE	May 6, 2017
TO	Enforcement Committee Dental Hygiene Committee of California
FROM	Nancy Gaytan, Enforcement Analyst
SUBJECT	ENF 5 – Enforcement Statistics

Please find attached the Enforcement Statistics for the period from July 2016 to March 2017.

Complaints/Convictions/Arrests Received: We received 45 complaints and 91 convictions and/or arrests. The total intake was **136**.

Citations Issued: A total of **25** citations were issued.

Enforcement Actions: The total number of cases referred to the Attorney General's office was **9**. The total number of Accusations filed was **7**, and the total number of Statement of Issues filed was **5**. We adopted a total of **6** decisions/stipulations.

Allegation Types: Included on the chart is a breakdown of open and closed cases by allegation type. I was asked at the last meeting to have a breakdown of the unprofessional conduct allegations, which is also included.

Probationers: The total number of probationers has increased once again with a total of **41** active probationers, and **5** tolling probationers.

DHCC ENFORCEMENT STATISTICS

FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-2017 YTD
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Investigations

(July - March 2017)

Complaints							
Complaints Received	19	10	23	66	78	51	45
Convictions/Arrests Received	102	210	162	102	132	137	91
Total Intake	121	220	185	168	210	188	136

Citations

Issued	-	-	8	68	85	29	25
Dismissed	-	-	2	1	-		

*Citations were not issued prior to FY 2012-13

Enforcement Actions

Cases Referred to AG	4	4	13	17	18	17	9
Accusations Filed	3	1	8	6	15	7	7
Statement of Issues Filed	1	0	2	2	2	2	5
Decisions / Stipulations Adopted	1	2	3	16	14	8	6

Allegations

Criminal Charges	102	210	162	102	132	137	91
Fraud	4	-	1	6	2	9	-
Mental Impairment	1	-	-	-	-	-	-
Non-Jurisdictional	-	-	1	-	-	2	14
Failure to notify of address change	-	-	2	32	48	-	5
Unlicensed or Expired License	6	2		5	7	14	5
Unprofessional Conduct* -breakdown below	7	8	17	20	18	26	21
Sexual Misconduct	-	-	1	-	-	-	-

Probationers

Active	7	6	6	12	27	31	41
Tolling	5	5	4	4	4	4	5

***Unprofessional Conduct for 7/1/2016 - 3/31/2017 only**

False Advertising	2
Hippa Violation	2
Quality of Care	2
Short Continuing Education	3
Working Outside of Scope	4
Incompetence/Negligence	5
Reporting Requirements	1
Alcohol/Drug Related Offenses	2



MEMORANDUM

DATE	May 6, 2017
TO	Enforcement Committee Dental Hygiene Committee of California
FROM	Nancy Gaytan, Enforcement Analyst
SUBJECT	Agenda Item ENF 4 - Q2 Performance Measures (October – December 2016)

Performance Measures was established by DCA in order for each Board, Bureau or Committee to review its progress toward meeting its enforcement goals and targets.

Volume: 28 Total (10 Consumer complaints, 18 Conviction reports)
 Number of complaints and convictions received per quarter

Cycle Time:

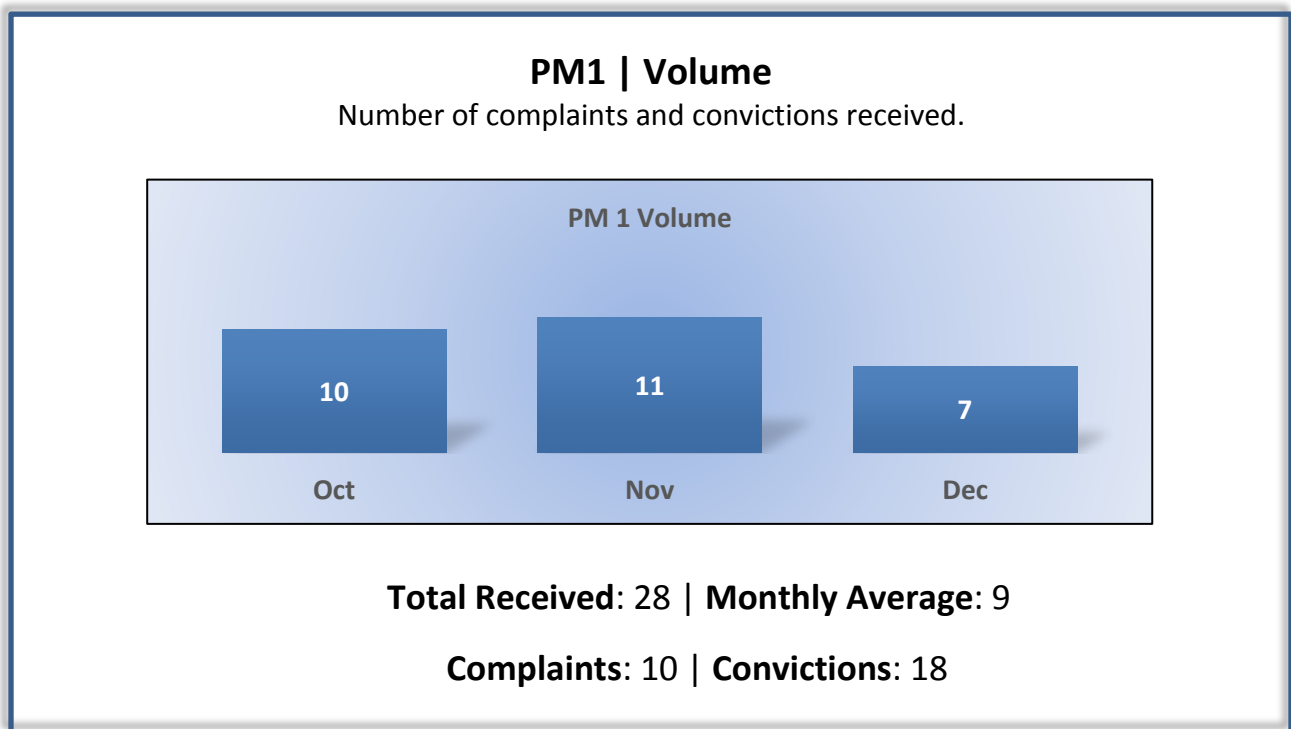
- Intake – Target: 30 days** **Q2 Average: 11 days**
 Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.
- Investigations – Target: 270 Days** **Q2 Average: 105 Days**
 Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General (AG)
- Formal Discipline – Target: 540 Days** **Q2 Average: 0**
 Average number of days to complete the entire enforcement process for cases resulting in formal discipline (includes intake and investigation by the Committee and prosecution by the AG). **None to report**
- Probation Intake – Target: 10 Days** **Q2 Average: 3 days**
 Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.
- Probation Violation Response – Target: 10 Days** **Q2 Average: 0**
 Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action. **None to report**

Dental Hygiene Committee

Enforcement Performance Measures

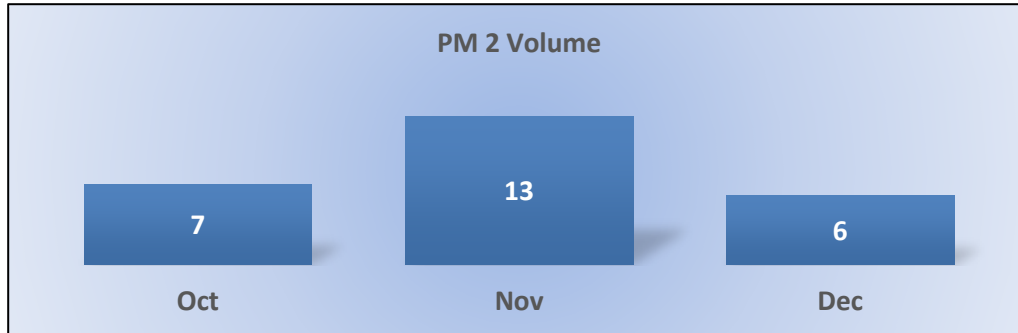
Q2 Report (October - December 2016)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM2 | Intake – Volume

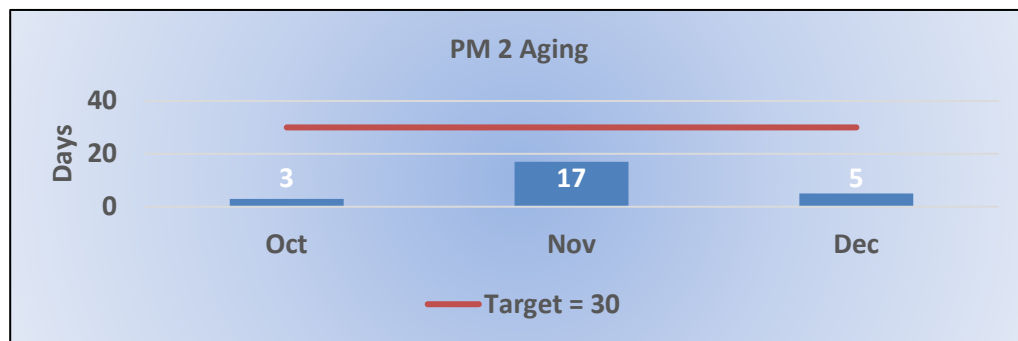
Number of complaints closed or assigned to an investigator.



Total: 26 | Monthly Average: 9

PM2 | Intake – Cycle Time

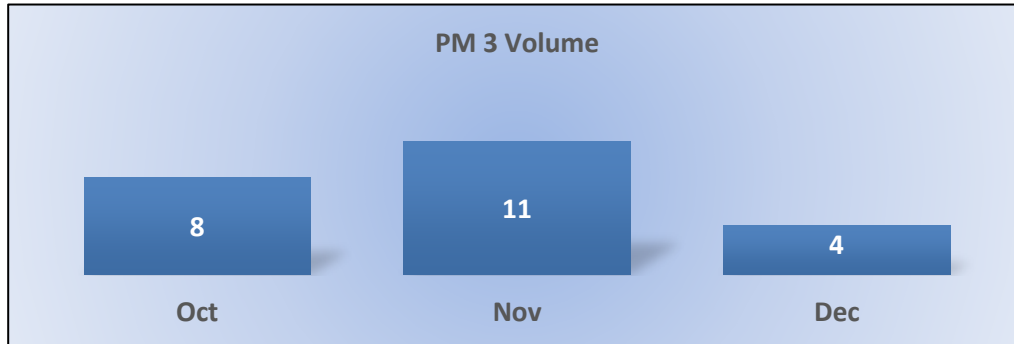
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 30 Days | Actual Average: 11 Days

PM3 | Investigations – Volume

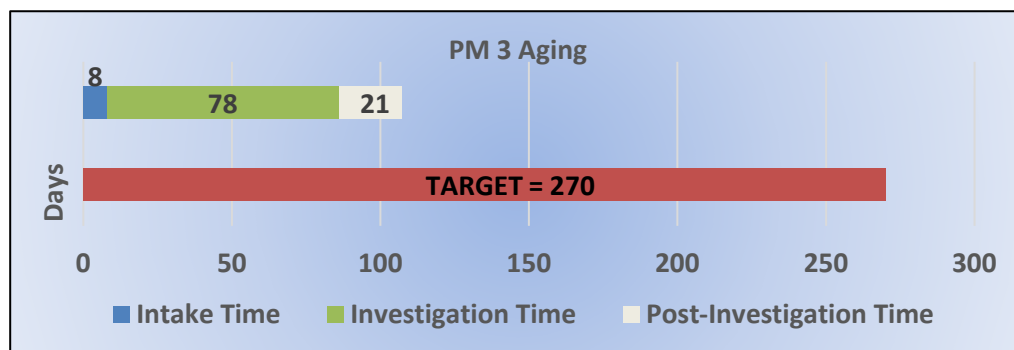
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 23 | Monthly Average: 8

PM3 | Investigations – Cycle Time¹

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and investigation.)



Target Average: 270 Days | Actual Average: 105 Days

¹ Due to rounding, there might be small discrepancies between the PM3 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Post-Investigation time).

PM4 | Formal Discipline – Volume

Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

The Committee did not have any cases closed in formal discipline this quarter.

PM4 | Formal Discipline – Cycle Time²

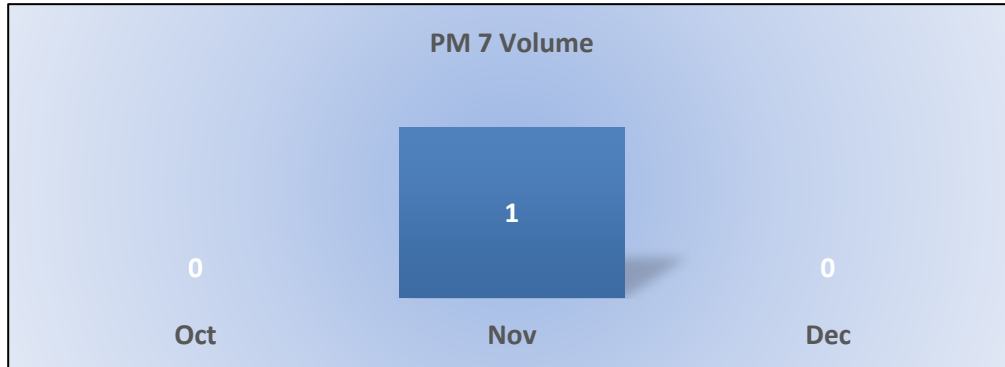
Average number of days to close cases after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

The Committee did not have any cases closed in formal discipline this quarter.

² Due to rounding, there might be small discrepancies between the PM4 “Actual Average”, and the sum of the individual case stages (i.e., Intake time + Investigation time + Pre-AG Transmittal time + AG time).

PM7 | Probation Intake – Volume

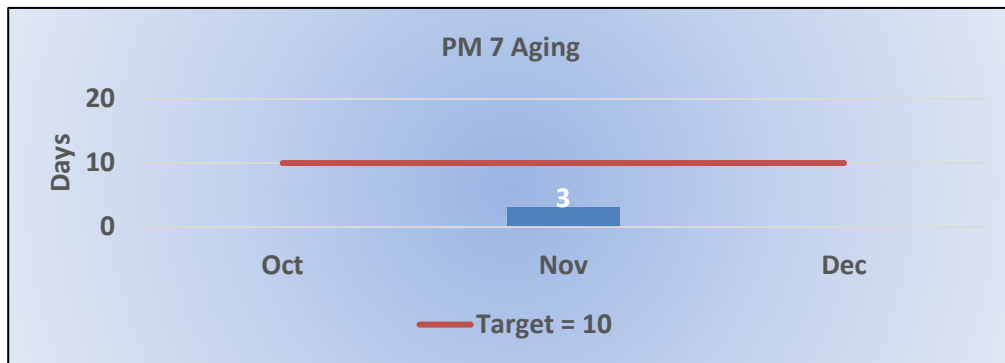
Number of new probation cases.



Total: 1

PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | Actual Average: 3 Days

PM8 | Probation Violation Response – Volume

Number of probation violation cases.

The Committee did not have any probation violations this quarter.

PM8 | Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.



Saturday, May 6, 2017

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Agenda Item 6

Future Agenda Items



Saturday, May 6, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee Meeting

Agenda Item 7

Adjournment