



## **Enforcement Subcommittee Meeting Minutes**

### **Friday, April 12, 2019**

#### Location:

DHBC Headquarters Building  
2005 Evergreen Street, 1<sup>st</sup> Floor Hearing Room  
Sacramento, CA 95815

#### **DHBC Members Present:**

Noel Kelsch, Acting Chair, Registered Dental Hygienist in Alternative Practice (RDHAP) Member  
Susan Good, Public Member  
Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator Member  
Sandra Klein, Public Member

#### **DHBC Members Absent:**

Timothy Martinez, Chair, Public Health Dentist Member

#### **DHBC Staff Present:**

Anthony Lum, Executive Officer (EO)  
Elizabeth Elias, Assistant Executive Officer (AEO)  
Traci Napper, Program Analyst  
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist  
Daniel Rangel, Special Investigator  
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

#### **Public Present:**

Mary McCune, California Dental Association (CDA)  
Lisa Okamoto, California Dental Hygienist's Association (CDHA)  
Melissa Fellman, Sacramento City College  
Karen Fischer, Executive Officer, Dental Board of California (DBC)  
Fran Burton, President, DBC  
Tonette Steeb, Diablo Valley College  
Vickie Kimbrough, Taft College, Purple Pen  
Maureen Titus, CDHA  
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)  
Lisa Kamibayashi, West Los Angeles College (WLAC)  
Joanne Pacheco, Fresno City College (FCC)  
Jean Kulbeth, FCC  
Lori Mc Donald, Truckee Meadows Community College, Reno, NV, CDHEA  
Laurel Sampson, Concorde Career College – San Diego

## 1. Roll Call and Establishment of a Quorum

Noel Kelsch, Acting Chairperson of the Enforcement Subcommittee, called the meeting to order at **11:20 a.m.** DHBC President Good appointed herself as acting member of the Enforcement Subcommittee in the absence of Dr. Martinez (excused). Roll call was taken, and a quorum was established with all four members present.

## 2. Public Comments for Items Not on the Agenda

There were no comments from the public.

## 3. Chairperson's Report

Acting Chair Kelsch stated that there was no Chairperson's report for this meeting.

## 4. Approval of the November 16, 2018 Enforcement Subcommittee Meeting Minutes

Motion: Dr. Hurlbutt moved to accept the November 16, 2018 Enforcement Subcommittee Meeting Minutes.

Second: Sandra Klein

Acting Chair Kelsch requested comments from the Subcommittee or public. There were no comments.

*Vote: Motion to accept the November 16, 2018 Enforcement Subcommittee Meeting Minutes. Passed 4:0:1.*

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Susan Good	X		
Michelle Hurlbutt	X		
Sandra Klein	X		
Timothy Martinez			X (absent)

## 5. Enforcement Statistics (Informational Only)

Daniel Rangel, Special Investigator, presented enforcement statistics for case aging through March 2019. Mr. Rangel compared current open investigations, case aging, and percentages of total case load. Additionally, Mr. Rangel presented data regarding closed investigated cases.

Discussion took place regarding review of pending cases by the Subcommittee, complexity of cases, case aging goals, and number of case closures. Executive Officer (EO) Lum, Assistant Executive Officer (AEO) Elias, and Mr. Rangel clarified the process of case intake, prioritization, progression, and areas where delays in case progression may occur.

No additional comments received.

## 6. Performance Measures (Informational Only)

Daniel Rangel presented performance measures and explained the system of performance measurement and data presented within the report as an overall progress report towards meeting the Board's enforcement goals and targets.

Discussion took place regarding how data on performance measures are acquired and if the data report can be customized for the DHBC's specific needs. AEO Elias explained how reports are created by the Department of Consumer Affairs (DCA) and is standardized for use by all boards. She stated that if the Board had a specific data request, a request may be placed into DCA to obtain that information. AEO Elias additionally explained the reports do not reflect where open cases are within the process (at the Attorney General's office, active investigation, etc.) and therefore, may not accurately reflect the stage that each case is in.

## 7. Discussion and Possible Action, and Recommendation to the Full Board on Revisions to the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

EO Lum presented the background on the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines. He requested the Subcommittee to review the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines and if the Subcommittee had any proposed revisions to direct staff to incorporate those changes into draft language for review, discussion, and possible action at a future Subcommittee meeting.

Discussion took place regarding updates on new disciplinary guidelines, including advising the Board on their statutory authority to cite, fine, and place dental hygiene educational programs (DHEP) on probation. Additionally, the Subcommittee discussed the consideration of uniformity of penalties among violations and probationary terms.

Motion: Dr. Hurlbutt moved to direct staff to draft amendments to the DHBC's current Disciplinary Guidelines, specifically to include modification of minimum penalties; cite, fine, and probation language for DHEPs; and return to the Subcommittee for discussion and possible action, and recommendation to the Full Board on Revisions to the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.

Second: Susan Good

No further discussion.

*Vote: Motion to Direct Staff to Draft Amendments to the DHBC's Current Disciplinary Guidelines, Specifically to Include Modification of Minimum Penalties; Cite, Fine, and Probation Language for DHEPs; and Return to the Subcommittee for Discussion and Possible action, and Recommendation to the Full Board on Revisions to the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.*

*Passed 4:0:1.*

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Susan Good	X		
Michelle Hurlbutt	X		
Sandra Klein	X		
Timothy Martinez			X (absent)

8. Discussion and Possible Action, and Recommendation to the Full Board on the DHBC Diversion Program

EO Lum presented the history and current status of the DHBC Diversion Program. EO Lum requested to table the item as the DHBC is going through a request for proposal for a change in diversion provider and would request the new provider to consult with the Board to meet the needs of the Board in a diversion program.

Motion: Susan Good moved to table Agenda Item 8. Discussion and Possible Action, and Recommendation to the Full Board on the DHBC Diversion Program.  
Second Sandra Klein

No further discussion.

*Vote: Motion to Table Agenda Item 8. Discussion and Possible Action, and Recommendation to the Full Board on the DHBC Diversion Program.  
Passed 4:0:1.*

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Susan Good	X		
Michelle Hurlbutt	X		
Sandra Klein	X		
Timothy Martinez			X (absent)

9. Future Agenda Items

No items proposed.

10. Adjournment

Acting Chair Kelsch adjourned the Dental Hygiene Enforcement Subcommittee meeting at **11:55 a.m.**