



Dental Hygiene Board of California Meeting Minutes

Friday, April 13, 2019

Location:

DHBC Headquarters Building
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815

DHBC Members Present:

Susan Good, President, Public Member
Nicolette Moultrie, Vice President, Registered Dental Hygienist (RDH) Member
Edcelyn Pujol, Secretary, Public Member
Michelle Hurlbutt, RDH Educator Member
Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP) Member
Sandra Klein, Public Member
Garry Shay, Public Member
Evangeline Ward, RDH Member

DHBC Members Absent:

Timothy Martinez, 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)
Tonette Steeb, Diablo Valley College (DVC)
Jody Thompson, DVC
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

Susan Good, President of the Dental Hygiene Board of California (DHBC), called the meeting to order at 9:03 a.m. She announced that Timothy Martinez was absent and excused. DHBC Secretary, Edcelyn Pujol, took roll call and a quorum established with eight Members present.

2. Public Comments for Items Not on the Agenda

No comments received.

3. Report and Update from the Department of Consumer Affairs (DCA) Executive Office (Informational Only)

Patrick Le, Assistant Deputy Director for Board and Bureau Services of the DCA, shared highlights of 2018 with regard to DCA trainings, meetings, and workgroups for Boards as well as to outreach activities provided by DCA. Additionally, Mr. Le provided an update on the new administration transition, DCA is committed to do all they can to forward Governor Gavin Newsom's vision and will assist with the transition of current gubernatorial appointees within the new administration with regard to appointments and pending reappointments. Mr. Le provided an update on the 2019-2020 Budget, based on "California for All" which will pay down debts while building a solid "bottom line" while assisting to pay down debts, and promote the welfare of California citizens.

Mr. Le reassured the Board of DCA's commitment to aid all boards and bureaus to enact the mandates of AB 2138 and will provide assistance to stay on track to meet all deadlines. Additionally, he provided an update on actions by the Substance Abuse Coordination Committee (pursuant to SB 796) to reexamine the frequency on required drug testing for licentiates on probation or in a diversion program and identified technical changes that have occurred within the Uniforms Standards Related to Substance Abuse and Disciplinary Guidelines.

Mr. Le thanked the board for their service, encouraged feedback to DCA to help improve their services, and for all interested parties to review the DCA 2018 annual report.

4. Update on Regulations (Informational Only)

- 16 CCR § 1105.2. Required Curriculum.
- 16 CCR § 1109. Approval of Curriculum Requirements for Radiographic Decision-Making and Interim Therapeutic Restoration Courses for the Registered Dental Hygienist (RDH), Registered Dental Hygienist in Alternative Practice (RDHAP), and Registered Dental Hygienist in Extended Functions (RDHEF).
- 16 CCR § 1115. Retired Licensure.
- 16 CCR § 1116. Mobile Dental Hygiene Clinics; Issuance of Approval.
- Information About DCA Legal Establishing a Regulations Review Unit

Dr. Adina Pineschi-Petty updated the Board as to the status of regulations currently in progress. Dr. Petty informed the Board that proposed section 1115 of the California Code of Regulations (CCR) is ready to be submitted and was just awaiting approval of the January 29, 2019 Teleconference Meeting Minutes. Additionally, she stated all the regulations are being worked on concurrently, as there

are many process and review steps that the regulations may be held at during the submission and approval process.

Discussion took place regarding timeframes for regulations to be approved. It was clarified that as there are many places during the approval process where delays may occur, that an overall impression is that it may take up to a year to two years on each package, depending on the prereview and submission time of each one independently. Additionally, the review time is going to be dependent on the actual reviewers as well as to additional necessary reviews such as if there is any fiscal impact which would then require a fiscal impact review or revisions to the regulatory language.

Additional discussion took place regarding the Department of Consumer Affairs (DCA) establishing a legal review unit. EO Lum clarified that the DCA was in the process of establishing a dedicated unit to assist with reviews on proposed regulations. As the workload has increased, they are dedicating specific attorneys to only handle proposed regulations and no other DCA business.

5. Consideration of the Legislative and Regulatory Subcommittee Report

Chair Noel Kelsch provided the Subcommittee report. Additionally, she reported the Subcommittee's suggestions of support and opposition on legislation of concern, as well as approval of language to move forward regulations on AB 2138.

Discussion took place on the recommendations for DHBC positions on legislation that affects the DHBC. Concerns were expressed regarding SB 653 and the requirements that would be placed upon the Board to ensure that RDHAPs have a minimum number of Denti-Cal patients to be in compliance with the law. However, no other care provider is required to have a minimum number of Denti-Cal patients that the Board is aware of. Discussion continued with concerns that regulations as to oversight processes and penalties would be required to be promulgated, the Constitutionality of the law, as well as consideration of costs to be incurred by the Board. Additionally, discussion took place regarding SB 144 and concerns were expressed that there may be significant costs incurred by the Board as well.

Discussion took place on the final recommendations of the Subcommittee with the following Full Board positions on legislation:

Legislation	Topic	DHBC Position
AB 5 (Gonzales)	Worker Status: Independent Contractors	Watch
AB 62 (Fong)	State Government: FI\$Cal: Transparency.	Watch
AB 71 (Melendez Kiley)	Employment Standards: Independent Contractors and Employees	Watch
AB 193 (Patterson)	Professions and vocations.	Watch

Legislation	Topic	DHBC Position
AB 312 (Cooley)	State government: administrative regulations: review.	Watch
AB 316 (Ramos Robert Rivas)	Medi-Cal: benefits: beneficiaries with special dental care needs	Support as written as of 4-12-19
AB 476 (Blanca Rubio)	Department of Consumer Affairs: task force: foreign-trained professionals.	Watch
AB 496 (Low)	Business and professions.	Support as written as of 4-12-19
AB 544 (Brough)	Professions and vocations: inactive license fees and accrued and unpaid renewal fees.	Oppose as written as of 4-12-19
AB 613 (Low)	Professions and vocations: regulatory fees.	Watch
AB 744 (Aguiar-Curry)	Healthcare coverage: telehealth.	Watch
AB 768 (Brough)	Professions and vocations.	Watch
AB 862 (Kiley)	Professions and vocations: license revocation and suspension: student loan default.	Gutted and Amended
AB 931 (Boerner Horvath)	State and local boards and commissions: representation: appointments.	Watch
AB 954 (Wood)	Dental services: third-party network access.	Watch
AB 1076 (Ting)	Criminal records: automatic relief.	Watch
AB 1271 (Diep)	Licensing examinations: report.	Watch
AB 1519 (Committee on Business & Professions)	Healing arts: Dental Board of California.	Support as written as of 4-12-19
AB 1529 (Low)	Telephone medical device services.	Watch
AB 1622 (Carillo)	Family physicians.	Watch
SB 53 (Wilk)	Open meetings.	Watch
SB 66 (Atkins McGuire)	Medi-Cal: federally qualified health center and rural health clinic services.	Support as written as of 4-12-19
SB 144 (Mitchell and Hertzberg)	Fees: criminal fees.	Watch
SB 154 (Pan)	Medi-Cal: restorative dental services.	Support with Concerns as written as of 4-12-19

Legislation	Topic	DHBC Position
SB 601 (Morrell)	State agencies: licenses: fee waiver.	Watch
SB 653 (Chang)	Dental hygienists: registered dental hygienist in alternative practice: scope of practice.	Support with Concerns as written as of 4-12-19
SB 786 (Senate Committee on Business, Professions and Economic Development)	Healing arts.	Support as written as of 4-12-19

Motion: Garry Shay moved to adopt the DHBC written positions on legislation that affects the DHBC.
Second: Nicolette Moultrie

No further questions or comments.

*Vote: Motion to adopt the DHBC written positions on legislation that affect the DHBC.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

Motion: Garry Shay moved to accept the Legislative and Regulatory Subcommittee Report.
Second: Nicolette Moultrie

*Vote: Motion to accept the Legislative and Regulatory Subcommittee Report.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

6. Consideration of the Licensing and Examination Subcommittee Report

Chair Sandra Klein provided the Licensing and Examination Subcommittee Report. She presented an overview of licensing and examination statistics and reported the Subcommittee's suggestion to direct staff to amend statutory language to include the requirement of a minimum of a two-year degree for licensure.

Discussion took place regarding the suggestion to amend statutory language to include a two-year degree for licensure. It was brought forth that Section 1105, subdivision (m) of the California Code of Regulations (CCR) states "As of January 1, 2017, in a two-year college setting, graduates of the educational program shall be awarded an associate degree, and in a four-year college or university, graduates shall be awarded an associate or baccalaureate degree.". Therefore, it was determined that a statutory change was not required.

It was decided by the full Board that staff will work with legal to incorporate a form by reference into the regulations and add it into application process. Additionally, it was decided that EO Lum would notify program directors of the type of language that should be utilized within their letter notifying the DHBC of the applicant's degree status.

No additional questions or discussion.

Motion: Nicolette Moultrie moved to direct staff to develop and incorporate a form by reference as to degree completion into regulations and added within the application process.

Second: Noel Kelsch

*Vote: Motion to Direct Staff to Develop and Incorporate a Form by Reference as to Degree Completion into Regulations and Added within the Application Process.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

*Vote: Motion to accept the Licensing and Examination Subcommittee Report.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

7. Consideration of the Enforcement Subcommittee Report

Acting Chair Noel Kelsch provided the Licensing and Examination Subcommittee Report. She presented an overview of enforcement statistics and performance measures and informed the Board the Subcommittee tabled Agenda Item 8. Discussion and Possible Action, and Recommendation to the Full Board on the DHBC Diversion Program, as there were upcoming changes to the diversion provider. Additionally, Ms. Kelsch reported the Subcommittee's suggestion 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 Dental Hygiene Educational Programs (DHEP); 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.

No discussion or questions received.

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 8:0:1.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

Vote: Motion to accept the Enforcement Subcommittee Report.

Passed 8:0:1.

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

Name	Aye	Nay	Abstain
Garry Shay	X		
Evangeline Ward	X		

8. Consideration of the Education Subcommittee Report

Chair Edcelyn Pujol provided the Education Subcommittee Report and presented an overview of the DHEP reviews conducted by DHBC staff.

Discussion took place regarding DHEP review processes and procedures. Dr. Adina Pineschi-Petty explained the processes and procedures for review of DHEPs to ensure they are following the statutes and regulations applicable to DHEPs. Additionally, Dr. Petty explained the ongoing timeframe in which DHBC staff will be conducting DHEP reviews.

No further questions or discussion.

*Vote: Motion to accept the Education Subcommittee Report.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

9. Discussion and Possible Action on Proposed DHBC 2020, 2021, and 2022 Scheduled Meeting Calendar

EO Lum stated that over the past few years, the DHBC has conducted three to five meetings per calendar year to transact necessary business. He stated with the continuing increase in workload requiring board action, EO Lum stated that staff suggests beginning in 2020 to consider adding a third scheduled meeting to the calendar so the DHBC may conduct business on a more frequent basis than

the current scheduled two meetings per year. EO Lum provided proposed meeting locations and dates and requested the Board choose dates for the 2020, 2021, and 2022.

Discussion with regard to number of meeting dates, proposed meeting dates, and proposed areas took place. Additional discussion regarding legislative timing and their effects on meeting dates.

Motion: Michelle Hurlbutt moved to hold three meetings in 2020 with meeting dates of April 17-18, 2020; July 24-25, 2020; and November 20-21, 2020.

Second: Garry Shay

Vote: Motion to hold three meetings in 2020 with meeting dates of April 17-18, 2020; July 24-25, 2020; and November 20-21, 2020.

Passed 7:2:1.

Name	Aye	Nay	Abstain
Susan Good		X	
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward		X	

Motion: Noel Kelsch moved direct staff to arrange three meetings in 2021 and three meetings in 2022, with meetings to avoid all major holidays and other related board and associations meeting dates.

Second: Garry Shay

Vote: Motion to direct staff to arrange three meetings in 2021 and three meetings in 2022, with meetings to avoid all major holidays and other related board and association meeting dates.

Passed 7:2:1.

Name	Aye	Nay	Abstain
Susan Good		X	
Michelle Hurlbutt	X		

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward		X	

10. Future Agenda Items

- Licensing and Examination Subcommittee to review acceptance of Individual Taxpayer Identification Numbers (ITIN) in lieu of Social Security numbers for international students or licensee applicants.
- RDH and RDHAP combined fees for renewal.
- DHBC consider acceptance of AP courses in Mathematics and English to meet the regulatory requirement of college-level educational courses for acceptance into DHEPs.
- Explore alternatives to clinical board examinations including licensure by Portfolio.
- Consideration to move all scope of practice issues under Direct Supervision to General Supervision.
- Statistics for pass rates for out-of-state applicants on the Law and Ethics exam.

11. Adjournment of the April 13, 2019 DHBC Meeting

President Good adjourned the April DHBC Meeting at **11:35 a.m.**