



## Legislative and Regulatory Subcommittee Meeting Minutes

Friday, November 22, 2019

### Location:

Hilton Los Angeles North/Glendale & Executive Meeting Center  
100 West Glenoaks Blvd  
Glendale, CA 91202

### DHBC Members Present:

Noel Kelsch, Chair, Registered Dental Hygienist in Alternative Practice (RDHAP) Member  
Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator Member  
Garry Shay, Public Member  
Evangeline Ward, RDH Member

### DHBC Staff Present:

Anthony Lum, Executive Officer (EO)  
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:

Karen Fischer, Executive Officer, Dental Board of California (DBC)  
Mary McCune, California Dental Association (CDA)  
Laurel Bleak, California Dental Hygienist's Association (CDHA)  
Tonette Steeb, Diablo Valley College  
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)  
Katie Flournoy  
Holli Dillon Burgess  
Vickie Kimbrough, California Dental Hygiene Educators' Association (CDHEA), Taft College, Purple Pen  
Kim Laudenslager, Central Regional Dental Testing Service (CRDTS)  
Kelly Reich, Western Regional Examining Board (WREB)  
Lisa Kamibayashi, West Los Angeles College (WLAC)  
Brenda Serpa, San Joaquin Valley College-Visalia (SJVC-V)  
Lygia Jolley, SJVC-V, CDHA

## 1. Roll Call and Establishment of a Quorum

Noel Kelsch, Chairperson of the Legislative and Regulatory Subcommittee, called the meeting to order at **10:18 a.m.** Roll call was taken, and a quorum was established with all four members present.

## 2. Chairperson's Report

Chair Kelsch reported that she has been busy with reviewing and researching the legislative proposals brought forth during this meeting with Executive Officer (EO) Lum.

## 3. Discussion, Possible Action, and Recommendation to the Full Board on Proposed Draft Statutory Language for the following:

- 1902.3 – RDH Licensed in Another State; Issuance of a Permit to Practice; Teaching Position; Requirements.
- 1913 – Dental Hygienist, Authority to Perform Procedures or Provide Services.
- 1917 – Dental Hygienist, Requirements for Licensure.
- 1917.1 – Dental Hygienist, Licensure Without Examination; Out-of-State Dental Hygienists.
- 1922 – Licensure as an RDHAP.
- 1930 – RDHAP Relationship with a Dentist.
- 1941 – Approval of Educational Programs; Need for New Educational Programs.
- 1950.5 – Unprofessional Conduct Defined.
- 1951 – Probation Options.

Dr. Adina Pineschi-Petty presented that staff continually analyzes and reviews statutory language for any possible revisions that would help clarify the language for staff, licensees and interested stakeholders; improve procedures; and enhance program efficiency. She requested for the Subcommittee to review the proposed language, determine whether additional information or language is required, and complete the draft of proposed statutory language to be recommended to the Full Board to be proposed in pursuit of legislation for 2020 or 2021. She advised that staff will submit the proposed changes to statutory language in the annual Omnibus Bill sponsored by the Legislature and any substantive changes that are unaccepted for the Omnibus Bill proposal will be sought through sponsored legislation.

Discussion took place among the Subcommittee regarding each proposed draft statutory language change. Language was discussed and agreed upon to recommend to the Full Board on proposed draft statutory language for Business and Profession Code (BPC) sections 1902.3, 1913, 1917, 1917.1, 1922, 1930,

1941, 1950.5, and 1951. BPC section 1930 was held and moved to the Licensing and Examination Subcommittee.

Motion: Garry Shay moved to recommend to the Full Board proposed draft statutory language changes for BPC sections 1902.3, 1913, 1917.1, 1922, 1941, 1950.5, and 1951, referring 1902.3 to the Full Board with the understanding that additional language may be required, hold 1917(g) and referring 1930 to the Licensing Committee.

Second: Michelle Hurlbutt

No further questions or comments received from the Subcommittee or public.

*Vote: Motion to Recommend to the Full Board Proposed Draft Statutory Language Changes for BPC sections 1902.3, 1913, 1917.1, 1922, 1941, 1950.5, and 1951, Referring 1902.3 to the Full Board with the Understanding that Additional Language May be Required, Hold 1917(g), and Referring 1930 to the Licensing Committee.  
Pass. 4:0:0.*

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

#### 4. Discussion and Possible Action, and Recommendation to the Full Board on Proposed Draft Regulatory Language for 16 CCR 1104.3. Site Visits, Investigations, Cite and Fine, and Probationary Status for Dental Hygiene Educational Programs

Dr. Pineschi-Petty reported that in order to implement the provisions of BPC §1941.5 to allow 16 CCR §1104.3 to move forward in the regulatory process, regulatory language and fees must be approved by the Board. Additionally, the fine will provide a method for the DHBC to recoup some of the cost to visit the dental hygiene educational program (DHEP) site and review the extensive documentation to determine whether DHEP continues to meet California standards.

Discussion took place among the Subcommittee regarding regulatory language and fees for site visits, investigations, cite and fine, and probationary status for DHEPs.

Motion: Garry Shay moved to recommend to the Full Board proposed draft regulatory language for 16 CCR 1104.3. Site Visits, Investigations, Cite and Fine, and Probationary Status for Dental Hygiene Educational Programs.

Second: Evangeline Ward

No questions or comments received from the Subcommittee or public.

*Vote: Motioned to Recommend to the Full Board Proposed Draft Regulatory Language for 16 CCR 1104.3. Site Visits, Investigations, Cite and Fine, and Probationary Status for Dental Hygiene Educational Programs.*

**Pass. 4:0:0.**

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

5. Discussion and Possible Action, and Recommendation to the Full Board to Move Current Dental Board Regulations Pertaining to Dental Hygiene to the Board’s Regulatory Sections Through a Section 100 Request

EO Lum reported that BPC section 1906 (d) authorizes regulations adopted by the Dental Board of California (DBC) to continue to apply to Registered Dental Hygienists, Registered Dental Hygienists in Alternative Practice, and Registered Dental Hygienists in Extended Functions (collectively dental hygienists) until other regulations are promulgated by the Dental Hygiene Board of California (DHBC). He stated that in recent discussions with the DBC and the Office of Administrative Law (OAL), it was determined that relocating regulatory sections pertaining to dental hygienists to the regulatory sections contained within the DHBC’s sections of the California Code of Regulations (CCR) could be done. EO Lum requested the Subcommittee to discuss, take possible action, and make

recommendations to the Full Board to give permission for staff to request to work with the DBC to relocate sections of the CCR in the DBC's regulations pertaining to dental hygienists to be renumbered and relocated into the DHBC's CCR sections.

Discussion took place among the Subcommittee regarding giving permission for staff to work with the DBC to relocate sections of the CCR in the DBC's regulations pertaining to dental hygienists.

Motion: Garry Shay moved to recommend to the Full Board to give permission for staff to request to work with the DBC to relocate sections of the CCR in the DBC's regulations pertaining to dental hygienists to be renumbered and relocated into the DHBC's CCR sections.

Second: Evangeline Ward

No further questions or comments received by the Subcommittee or public.

*Vote: Motion to Recommend to the Full Board to give Permission for Staff to Request to Work with the DBC to Relocate Sections of the CCR in the DBC's Regulations Pertaining to Dental Hygienists to be Renumbered and Relocated into the DHBC's CCR sections.*

**Pass. 4:0:0.**

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

6. Discussion and Possible Action, and Recommendation to the Full Board to Approve the Board's Forms and Fee Resolution for Out-of-State Dental Hygiene Educational Programs and Individual Applicant's Review and Approval of Training in the Procedures of Soft Tissue Curettage, Local Anesthesia Administration, and Nitrous Oxide and Oxygen Analgesia

Dr. Pineschi-Petty reported that at the January 29, 2019 Teleconference Meeting of the Board, the Board reviewed, amended, and approved regulatory amendments to 16 CCR §1105.2. Required Curriculum, in addition to approving

proposed applications incorporated by reference within the regulatory package. She stated that in 16 CCR §1105.2, there are references to 16 CCR §1107 which provides the requirements for Soft Tissue Curettage, Local Anesthesia Administration, and Nitrous Oxide and Oxygen Analgesia (SLN) courses. Dr. Pineschi-Petty stated that as 16 CCR §1107 is currently undergoing a regulatory revision process in which there are proposed changes to SLN requirements, previously approved proposed applications incorporated by reference in 16 CCR §1105.2 must be revisited by the Board to align with the proposed changes to the requirements of 16 CCR §1107. Additionally, pursuant to BPC §1944(a), staff requested the Board to establish by resolution the fee for out-of-state DHEPs and for review of individual out-of-state applicants for acceptable SLN education.

Discussion took place among the Subcommittee regarding revisions to previously approved proposed applications and fees for out-of-state DHEPs and individual out-of-state applicants for SLN education.

Motion: Garry Shay moved to recommend to the Full Board for approval of forms and fee resolution for out-of-state DHEPs and Individual Applicant’s Review and Approval of Training in SLN.

Second: Evangeline Ward

No further questions or comments received by the Subcommittee or public.

*Vote: Motion to recommend to the Full Board for Approval of Forms and Fee Resolution for Out-of-State Dental Hygiene Educational Programs and Individual Applicant’s Review and Approval of Training in the Procedures of Soft Tissue Curettage, Local Anesthesia Administration, and Nitrous Oxide and Oxygen Analgesia.*

**Pass. 4:0:0.**

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

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

There were no comments from the public.

## 8. Future Agenda Items

Michelle Hurlbutt requested the issue of Informed Consent be placed as a future agenda item.

## 9. Adjournment

Chair Kelsch adjourned the Dental Hygiene Legislative and Regulatory Subcommittee meeting at

**11:35 p.m.**