

Dental Hygiene Board of California Teleconference Meeting Minutes

Saturday, July 17, 2021

Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, neither a public nor teleconference location was provided. Members of the public observed and participated by using the link provided in the agenda.

DHBC Members Present:

President – Dr. Timothy Martinez, Public Health Dentist Member
Vice President – Nicolette Moultrie, Registered Dental Hygienist (RDH) Member
RDH Educator Member – Dr. Carmen Dones
Registered Dental Hygienist in Alternative Practice (RDHAP) Member – Noel Kelsch
RDH Member – Evangeline Ward
Public Member – Denise Davis
Public Member – Susan Good
Public Member – Erin Yee

DHBC Members Absent:

Secretary – Garry Shay, Public Member

DHBC Staff Present:

Anthony Lum, Executive Officer
Elizabeth Elias, Assistant Executive Officer
Brittany Elliot, Probation Monitor
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational, Legislative, and Regulatory Specialist
William Maguire, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC
Danielle Rogers, DCA Regulatory Unit Legal Counsel for the DHBC

1. Roll Call and Establishment of a Quorum

Dr. Timothy Martinez, President of the Dental Hygiene Board of California (DHBC, Board), reviewed teleconference meeting guidelines and called the meeting to order at **9:14 a.m.** Elizabeth Elias, Assistant Executive Officer (AEO) completed the roll call and a quorum was established with eight members present. Public Member Garry Shay was absent and excused.

2. Public Comment for Items Not on the Agenda.

No Comments.

3. President's Report (Informational Only).

Dr. Martinez reported his activities including providing an update to the Dental Board at their May 14, 2021 Board meeting and stated although his recent work schedule has kept him very busy, his frequent communications with Executive Officer (EO) Anthony Lum has allowed him to stay informed about any potential situations which may arise.

Dr. Martinez stated with the state's current reopening and the COVID-19 pandemic (COVID-19) situation in flux, the Board wants everyone to continue to be cautious and safe wherever they go.

Board member comment: None

Public comment: None

4. Update from the Department of Consumer Affairs (DCA) Executive Staff on DCA Staffing and Activities (Informational Only).

Brianna Miller, Board and Bureau Relations Division of the Department of Consumer Affairs (DCA), updated the Board on current DCA activities:

a. Appointments:

Ms. Miller reported the Board is fully seated, but in looking towards the future to remind if anyone is interested in an appointment, to refer to the "Board Member Resources Page" link located on DCA's home page.

b. COVID-19:

1. Ms. Miller reported COVID- 19 has affected every aspect of our work for more than a year and stated California reached a major milestone on June 15th and our economy is officially back open. She acknowledged and thanked EO Lum and Board staff who have been working to maintain excellent customer service through these challenging times and made a sacrifice to assist all Californians when they continued to serve throughout the pandemic under a 10% pay cut some also foregoing cost of living increases or expected raises.
2. Ms. Miller reported on June 17th, 2021 Governor, Newsom signed an executive order expediting California's Division of Occupational Safety and Health revised COVID-19 regulations to ensure consistency with public health guidance.
3. Ms. Miller reported DCA boards and bureaus are assessing operational needs to identify potential for permanent changes to the workplace to ensure efficiency and employee well-being such as telework and hybrid workplace models.

c. Remote Board Meetings:

Ms. Miller reported the ability of the board to meet remotely is tied to the Governor Newsom's executive orders which is set to expire on September 30, 2021 after which time the board will be required to follow all aspects of the open meeting laws including publicly noticed accessible locations, unless a change in law happens.

d. **Waivers:**

Ms. Miller reported the waivers and guidance DCA issued during the state of emergency to help licensees, respond to the pandemic or to enable boards and bureaus to perform their functions will wind down. She stated DCA encourages boards and bureaus to look at laws and regulations to determine if changes are needed in the future and encourages the boards and bureaus to move forward with statutory and regulatory changes as soon as possible.

e. **Board Member Trainings:**

Ms. Miller reported 2021 is a mandatory sexual harassment prevention training year, and all employees and board members are required to complete this training.

Member discussion: None.

Public comment: None.

5. Discussion and Possible Action to Approve the March 20, 2021 Full Board WebEx Teleconference Meeting Minutes.

Motion: Noel Kelsch moved to approve the amended March 20, 2021 Full Board WebEx Teleconference Meeting Minutes with amendments to correct syntax and grammatical errors are reviewed and approved by the Executive Officer.

Second: Nicolette Moultrie.

Member discussion: Susan Good requested changes to correct syntax and grammatical errors within the minutes.

Public comment: None.

Vote: Motion to approve the amended March 20, 2021 Full Board WebEx Teleconference Meeting Minutes with amendments to correct syntax and grammatical errors are reviewed and approved by the Executive Officer. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		

Name	Aye	Nay	Abstain/Absent
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

6. Executive Officer’s Report (Informational Only).

EO Lum reported the following:

a. Office Operations:

EO Lum stated staff continues to telework on a rotational schedule to provide office coverage to allow the public access to Board’s public counter. Staff is frequently using online communications and meetings to allow everyone to remain in communication. In looking forward, EO Lum is considering using a hybrid system of staff in office three days and teleworking 2 days for those who can since program functions haven’t been disrupted and stakeholder feedback has been positive on staff’s response time to communications. EO Lum thanked staff for adapting well to changes and conditions and appreciates the difficult and complex work they complete.

b. Approved Waivers:

EO Lum stated pursuant to the Governor’s Executive Order N-39-20, during the State of Emergency, the DCA Director may waive any statutory or regulatory renewal requirements pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code. Additionally, he stated this order extends to requirements related to the education and training necessary to obtain licensure.

1. Continuing Education (CE) Waivers:

EO Lum reported for any licensee who has a CE deficiency to renew their license at the time of expiration, the licensee has six months from the effective date of the currently approved waiver to complete the deficient CE hours unless the waiver is amended and extended. Additionally, EO Lum stated the original waiver began for licensees whose licenses expired at the end of March 2020 and was extended multiple times over the past year due to the continuing pandemic. He stated the latest CE waiver (DCA 21-152) temporarily waives the CE requirements to renew the license for individuals whose active licenses expire between March 31, 2020 – July 31, 2021 and this approved waiver supersedes all the previous CE waivers as those have been withdrawn and rescinded. EO Lum stated licensees with a CE deficiency at the time of their license expiration within this time frame have six months from the date of the current waiver to complete the CE deficiency. As the latest temporarily approved waiver was signed on June 3, 2021, the current deadline to complete any deficient CE hours for the last license renewal is by December 3, 2021. EO Lum stated these make-

up CE hours are in addition to what is required for the next license renewal since it would be backfilling a deficiency.

EO Lum reported the Board has received numerous questions about CE waivers and reminded licensees the approved CE waiver is for the CE requirement only if you have a deficiency at the time of the last renewal must be made up. The waiver isn't used to bypass the license renewal altogether, extend the expiration date of the license, or skip any required payment of the License Renewal Fees.

2. Wet Laboratories for Prerequisite Biomedical Science Courses:

EO Lum reported the first Wet Laboratory Waiver was approved on July 13, 2020 to temporarily waive the Board's in-person wet laboratory requirement for prerequisite biomedical science coursework for prospective dental hygiene students. Subsequently it was extended three times over the past year by the DCA Director. He stated the latest waiver (DCA 21-164) supersedes all the previous wet lab waivers and was effective as of July 1, 2021 and expires on August 31, 2021, unless amended and extended. EO Lum stated this will allow the summer session students to complete their science coursework and receive credit. EO Lum stated depending upon the pandemic environment and the status of educational institutions reopening their classes, the waiver will be reevaluated closer to the deadline to determine if it's still needed. EO Lum reported Board staff is working on regulations to adapt to issues such as the pandemic.

3. Waiver Authorizing Dental Hygienists to Administer Vaccines:

EO Lum reported waiver number DCA 21-113 authorized dental hygienists to administer the COVID-19 vaccines, epinephrine, or diphenhydramine, under the direct supervision of a dentist or licensed physician and surgeon after complying with certain conditions and the waiver lists the conditions must be met to administer the vaccines. He stated unless there is a surge of COVID-19 cases returning to mid-pandemic levels, he doesn't foresee a continued need for dental hygienists to administer the vaccines once the waiver has ended.

EO Lum reported with the pandemic subsiding, more people vaccinated, and the state reopening, the administration is working to wind down the use of the waivers. Additionally, the currently approved waivers can be reviewed through a link on the Board's website at www.dhbc.ca.gov.

c. Personnel:

EO Lum reported he continues to pursue the hiring of staff and the Board is down to a single vacancy. He stated staff will be working to fill this position soon to by which the Board will be fully staffed.

d. Budget:

EO Lum presented the latest Budget Expenditure and Revenue Reports which shows the Board's monetary situation through fiscal month 11. He stated the reports do not

capture the additional costs or revenue received through the end of the fiscal year (June 30, 2021), as those numbers are still being finalized.

1. **Revenue Report:**

EO Lum stated the Revenue Report shows the amount of revenue received broken out by the individual fees we charge through fiscal month 11. He stated the Board is spending more than the amount of revenue or income received, which creates a structural imbalance.

2. **Fund Condition Report:**

EO Lum stated the Fund Condition Report shows how much the Board has in their “savings account” by fiscal year. He stated due to the amount of revenue projected to be received and expected expenditures, by the end of fiscal year 2022-23, the Board will only have a 1.1-month reserve for any unexpected expenses. EO Lum reported the Board’s reserve is low and should optimally maintain a 4-6-month reserve. EO Lum reported a structural imbalance has now occurred because the overall fund is decreasing due to increased costs of program operations, as well as due to a lack of a substantial fee increase to raise revenue.

e. **Administration:**

EO Lum reported on his activities: attending several Executive level meetings with the department; testifying before the Senate and Assembly in support of the Board’s bill (SB 534) along with many meetings with legislative staff pertaining to its content; met with an educational program’s administrative staff to explain the Board’s role in overseeing their dental hygiene program; participated in the Dental Board’s May 2021 meeting; conducting an outreach session with an RDHAP program; attending and participating in the Alternative Pathways to Licensure Taskforce meetings; completed mandatory management trainings; as well as completing many reports, drills, and legislative impact reports for the DCA, Business, Consumer Services, and Housing Agency, and the Department of Finance, all while managing daily operations.

Additionally, EO Lum reported the Board has several large, time consuming, upcoming projects including DCA’s 2021 Annual Report, the Board’s 2022 Sunset Review Report, additional regulations, and to initiate a lengthy review and revision of the Board’s Uniform Standards and Disciplinary Guidelines to update them to what is essential to oversee the profession. He stated the draft Sunset Review, Disciplinary Guidelines and regulations will be brought before the board at future meetings for approval once the drafts are complete.

Member discussion: Discussion took place regarding the extension of CE units and EO Lum clarified the CE extension is not retroactive, and the extension only applies to licensees experienced difficulty completing CE units during COVID-19.

Additionally, discussion took place regarding previous fee increases and EO Lum clarified the Board researched fees from other Boards across the nation and stated the last fee increase for the DHBC was in 2014.

Public comment: Alison Yochim asked as to the status as to when the vaccine waiver expires. EO Lum stated the waiver will expire when the “State of Emergency” has ended as declared by the Governor.

7. Report from the Dental Board of California (DBC) by DBC Representative on DBC Activities (Informational Only).

DBC EO Karen Fischer updated the Board on DBC activities:

a. Reappointments:

1. Dr. Steven Chan was reappointed by the governor and he will serve an additional 4-year term.
2. Two long-standing members will be completing their grace period at the end of the year. Ms. Fran Burton (public member appointed by the Senate) as well as Dr. Tom Stewart (Governor's appointee).
3. The DBC has two additional vacancies and requested referrals for people interested in participating as a public member on the DBC Board to contact the governor's office and fill out an application so they may be participate in this in this process.

b. DBC Legislation:

EO Fischer updated the Board on DBC legislation (Senate Bill 607) and informed the Board the bill is moving through the process successfully.

c. Strategic Planning Workshop:

EO Fischer reported DBC's Strategic Planning Workshop is scheduled for October 2021.

d. November DBC Meeting:

EO Fischer reported DBC's November DBC Meeting is tentatively scheduled in person in Sacramento but have also scheduled it via WebEx in case of any unforeseen changes due to the COVID-19 climate.

Member discussion: None.

Public comment: None.

8. Discussion and Possible Action on 2021 Sunset Review Meeting Date.

EO Lum reported every four years, the Legislature conducts a Sunset Review process for Board programs under the purview of DCA to monitor their functions, progress, and activities to ensure they are completing the mandates they were created for in the interest of consumer protection. The normal process is for staff to create a draft Sunset Review Report responding to a series of questions and containing extensive program data for the

Board to review and finalize prior to submitting it to the Legislature for their review. The Board normally conducts an additional meeting to focus on the review of the draft report, make edits and have staff complete revisions to bring back to the Board for finalization at its November meeting prior to the Legislature’s submission deadline of December 1.

EO Lum requested for the Board to consider an additional meeting to be conducted in late September or early October so there’s adequate time to revise the report as directed by the Board and bring back at the November 2021 Board meeting for finalizing.

Motion: Susan Good moved to approve October 2, 2021 for an additional Board meeting to review the draft 2022 Sunset Review Report as recommended by staff.

Second: Carmen Dones.

Member discussion: None.

Public comment: None.

Vote: Motion to approve October 2, 2021 for an additional Board meeting to review the draft 2022 Sunset Review Report as recommended by staff. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

9. Discussion and Possible Action to Change the DHBC Executive Officer’s Exempt Level and Salary

President Martinez reported the Board is requesting an Exempt Position Request (EPR) to increase both the Executive Officer’s (EO) exempt level and salary. The Board believes since its inception in the 2009/10 fiscal year, the program has experienced significant growth and increased responsibilities in several program areas to justify the EPR request.

The EPR request is to elevate the EO's exempt level from O to M and corresponding salary to allow for Board staff growth to parallel the program's growth.

Motion: Noel Kelsch moved for the Board to approve creating a draft request (EPR) to elevate and change the Board's Executive Officer's Exempt Level and Salary and return it to the Board at its next meeting for review, discussion, and possible action.

Second: Erin Yee.

Member discussion: Discussion took place regarding a draft request to elevate and change the Board's Executive Officer's Exempt Level and Salary.

Public comment: None

Vote: Motion for the Board to approve creating a draft request to elevate and change the Board's Executive Officer's Exempt Level and Salary and return it to the Board at its next meeting for review, discussion, and possible action. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

10. Discussion and Possible Action to Increase the License Renewal Fees for All License Categories of Dental Hygienists.

EO Lum reported the Board is mandated to maintain fund solvency to continue its oversight operations for dental hygienists and the dental hygiene educational programs. EO Lum stated as with any other business, the cost to continue operations increases over time and the Board must find ways to increase its revenue to keep pace with the higher operating costs. He stated the last Board fee increases occurred in 2014 where it was projected the additional revenue would sustain the Board's fund for 3-5 years, but due to conservative spending by Board staff over the years, the fund is now projected to maintain solvency through 2021 which is two years more than the originally projected timeline for the next fee

increase. EO Lum stated in working with DCA’s budget office, it’s projected the Board will need to increase revenue in 2022 to avoid insolvency of the fund.

Motion: Carmen Dones moved for the Board to approve by resolution the selected fee increases as recommended by staff for implementation July 1, 2022.

1. RDH Biennial License Renewal Fee increase of \$140 to \$300 (equals \$12.50/month x 24 months = \$300).
2. RDH Delinquent Renewal Fee increase of \$70 to \$150 (=1/2 License Renewal Fee).
3. RDHEF Biennial License Renewal Fee increase of \$140 to \$300.
4. RDHEF Delinquent Renewal Fee increase of \$70 to \$150 (=1/2 License Renewal Fee).
5. Special Permit Fee increase of \$140 to \$300 (tied by law to License Renewal Fee).
6. Certification of Licensure Fee increase of \$25 to \$50.

Second: Evangeline Ward.

Member discussion: Discussion took place regarding the need for Board fee increases.

Public comment: Allison Yochim stated the California Dental Hygienist’s Association supports the proposed fee increases, but is concerned at the amount of the increase at one time and suggested smaller, more frequent fee increases in the future to be implemented over time to raise revenue.

Vote: Motion for the Board to approve by resolution the selected fee increases as recommended by staff for implementation July 1, 2022. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

11. Discussion and Possible Action to Extend the Temporary Acceptance of Manikin-based Dental Hygiene Clinical Examinations.

EO Lum reported at the August 29, 2020 WebEx Teleconference Board meeting and upon conclusion of the review of these alternative examinations, the Board moved to temporarily accept the manikin-based alternative licensure examinations administered by CRDTS, ADEX, and WREB, when available, in addition to the current patient-based clinical examinations to apply toward Board licensure requirements due to testing limitations caused by COVID-19. The temporary acceptance of these alternative examinations was from August 29, 2020 until March 31, 2021, unless extended. Additionally, at the March 6, 2021 Board meeting, the Board voted to extend the temporary acceptance of the alternative manikin-based clinical exams administered by CRDTS, ADEX, and WREB until August 31, 2021, unless extended.

EO Lum stated with the temporary acceptance of the alternative manikin-based examinations end-date coming soon (August 31, 2021), the current COVID-19 environment, and having an active taskforce researching alternative pathways to licensure, staff recommends to extend the temporary acceptance of the manikin-based exams administered by CRDTS, ADEX, and WREB along with the approved patient-based clinical exams administered by WREB and CRDTS until the Board’s Spring 2022 Board meeting where the exam environment will be reassessed at that time for possible further action.

Motion: Susan Good moved for the Board to extend the temporary acceptance of the alternative manikin-based clinical examinations administered by CRDTS, WREB, and CDCA/ADEX, as well as to continue the patient-based examinations as administered by CRDTS and WREB, until the Board’s Spring 2022 meeting based upon the current COVID-19 environment.

Second: Evangeline Ward.

Member discussion: Discussion took place regarding extending the temporary acceptance of the alternative manikin-based clinical examinations administered by CRDTS, WREB, and CDCA/ADEX, as well as continue the patient-based examinations as administered by CRDTS and WREB, until the Board’s Spring 2022 meeting.

Public comment: Tonette Steeb (Diablo Valley College) asked the board to consider extending the extension until July 2022 to allow students who will be taking the exam in spring and early summer to decide what tests they're going to take if the acceptance is extended. Lisa Kamibayashi (West Los Angeles College) seconded Ms. Steeb’s request.

Vote: Motion for the Board to extend the temporary acceptance of the alternative manikin-based clinical examinations CRDTS, WREB, and CDCA/ADEX, as well as continue the patient-based examinations as administered by CRDTS and WREB, until the Board’s Spring 2022 meeting based upon the current COVID-19 environment. Failed 2:6:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis		X	

Name	Aye	Nay	Abstain/Absent
Carmen Dones		X	
Susan Good	X		
Noel Kelsch		X	
Timothy Martinez		X	
Nicolette Moultrie		X	
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee		X	

Motion: Noel Kelsch moved for the Board to extend the temporary acceptance of the alternative manikin-based clinical examinations CRDTS, WREB, and CDCA/ADEX, as well as continue the patient-based examinations as administered by CRDTS and WREB, until July 1, 2022 based upon the current COVID-19 environment.

Second: Carmen Dones.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to extend the temporary acceptance of the alternative manikin-based clinical examinations CRDTS, WREB, and CDCA/ADEX, as well as continue the patient-based examinations as administered by CRDTS and WREB, until July 1, 2022 based upon the current COVID environment. Passed 6:2:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good		X	
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward		X	
Erin Yee	X		

12. Update to the Full Board from the Alternative Pathways to Licensure Taskforce. (Informational Only)

Carmen Dones and Noel Kelsch updated the Board on the first few meetings of the Alternative Pathways to Licensure Taskforce. They reported the taskforce consisted of seven Dental Hygiene Educational Program (DHEP) educators (Lory Laughter from the University of the Pacific, Melissa Fellman from Sacramento City College, Cindy Fleckner from Santa Rosa Junior College, Brenda Serpa from San Joaquin Valley College, Dr. Michelle Hurlbutt from West Coast University, and Board taskforce co-chairs Carmen Dones from West Los Angeles and Noel Kelsch from Cabrillo College) and Board staff (EO Lum, AEO Elias, DCA Legal Counsel William Maguire, and Dr. Adina Pineschi-Petty).

They reported the task force met to research the areas of need for a clinical examination, elimination of the clinical examination, the use of DHEP clinical competencies, licensure by portfolio, or other alternative options. Research included which health care providers still have a live patient-based exam, the Office of Professional Examination Services (OPES) study, alternative methods of examination and validity of the use of a live patient exam, the consumers best interest and ethics of the live, patient-based clinical exam, and the fairness of a live, patient-based clinical exam.

Ms. Dones and Ms. Kelsch stated the trend is toward elimination of the live, patient-based clinical examination and recommended need for further taskforce research with consideration of alternative methods to bring back to the Board for consideration.

Member discussion: Discussion took place regarding the initial research conducted by the Alternative Pathways to Licensure Taskforce.

Public comment: Maureen Titus stated she appreciated the thoroughness of the report and stated speaking to the public as not being involved in the first phase of the taskforce, educators understand testing complexities of an RDH exam while the public is not familiar with the exam. She stated science and data are needed, not opinion.

Mary Renee Newton stated as being a dental hygienist for over 30 years and after having taken the live, patient-based clinical exam, she agreed with the taskforce. She stated the issues the taskforce addressed were very valid and agreed with Ms. Titus for the Board to look at the science, not opinions.

Sharon Golightly stated she has been an RDH educator for over 30 years, in addition to working internationally, and her concern is foreign-trained dentists or dental students in their sophomore year may take the National Boards and may be allowed to become licensed as an RDH. She requested the taskforce to address this within their research.

13. Discussion and Possible Action on Request by Concord Career College – San Bernardino to Increase Enrollment.

Dr. Adina Petty reported on April 2, 2021, Concorde Career College – San Bernardino Dental Hygiene Educational Program (CCC-SB) submitted a “Report of Major Changes” which included a narrative explanation and supporting documentation for the change. CCC-SB requested the Board to review and approve a permanent increase in the maximum enrollment capacity from 24 students to 32 students for the CCC-SB program beginning with the November 8, 2021 cohort start.

Motion: Nicolette Moultrie moved, based on 1105.3 (b)(2), for the Board to approve the expansion of the program’s physical facilities from the Concorde Career College – San Bernardino Dental Hygiene Educational Program.

Second: Noel Kelsch.

Member discussion: Discussion took place regarding the request by CCC-GG to increase enrollment capacity from 24 students to 32 students. Sabrina Santuccho, Program Director for CCC-SB addressed questions from the Board.

Public comment: None.

Vote: Motion for, based on 1105.3 (b)(2), for the Board to approve the expansion of the program’s physical facilities from the Concorde Career College – San Bernardino Dental Hygiene Educational Program. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

14. Discussion and Possible Action on Request by Concord Career College – Garden Grove to Increase Enrollment.

Dr. Adina Petty reported on June 1, 2021, Concorde Career College – Garden Grove Dental Hygiene Educational Program (CCC-GG) submitted a “Report of Major Changes”

which included a narrative explanation and supporting documentation for the change. CCC-GG requested the Board to review and approve a permanent increase in the maximum enrollment capacity from 24 students to 34 students for the CCC-GG program beginning with the November 1, 2021 cohort start.

Motion: Nicolette Moultrie moved, based on 1105.3 (b)(2), for the Board to approve the expansion of the program’s physical facilities from the Concorde Career College – Garden Grove Dental Hygiene Educational Program.

Second: Noel Kelsch.

Member discussion: Discussion took place regarding the request by CCC-GG to increase enrollment capacity from 24 students to 34 students. Dr. Arezou Goshtasbi, Program Director for CCC-GG addressed questions from the Board.

Public comment: Dr. Michelle Hurlbutt, Program Director at West Coast University, stated she understands the Board's concerns but agrees with the Board’s legal counsel the Board may be overstepping their authority, and the decision may not be in the spirit of the way the law was written.

Vote: Motion for, based on 1105.3 (b)(2), for the Board to approve the expansion of the program’s physical facilities from the Concorde Career College – Garden Grove Dental Hygiene Educational Program. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

15. Discussion and Possible Action on Request by West Los Angeles College to Increase Enrollment.

Dr. Adina Petty reported on June 1, 2021, West Los Angeles College Dental Hygiene Educational Program (WLAC) submitted a “Report of Major Changes” which included a narrative explanation and supporting documentation for the change. WLAC requested the

Board to review and approve a permanent increase in the maximum enrollment capacity from 42 students in 2019 to 70 students, accepting 2 cohorts of 35 students, one cohort in the Fall and one in the Spring.

Motion: Noel Kelsch moved for the Board to approve the permanent increase in the maximum enrollment capacity from 43 students to 70 students (two cohorts of 35 students each) for the WLAC program.

Second: Dr. Martinez.

Member discussion: Discussion took place regarding the request by WLAC to approve a permanent increase in the maximum enrollment capacity from 42 students in 2019 to 70 students, accepting 2 cohorts of 35 students each. Lisa Kamibayashi, Program Director for WLAC addressed questions from the Board. Upon commencement of board discussion, EO Lum asked whether member Dones would recuse herself from any further discussion and vote to accept WLA’s expansion proposal since she’s involved with WLA. Member Dones stated she would recuse herself from any discussion and vote due to her involvement with WLA.

Public comment: None.

Vote: Motion for the Board to approve the permanent increase in the maximum enrollment capacity from 43 students to 70 students (two cohorts of 35 students each) for the WLAC program. Passed 7:0:2.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones			X Recuse
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

16. Presentation from the California Attorney General’s Office on Enforcement Processes with questions and discussion to follow.

Carl Sonne, Senior Assistant Attorney General presented to the Board an overview

of the prosecution data the attorney general compiles with annually and reviewed the procedures of the attorney general's office (AG). He stated the licensing section at the AG is charged with handling the enforcement work for the DHBC and is comprised of over 120 lawyers and paralegals spread over five offices across the state. Mr. Sonne stated the AG primarily represents the board in disciplinary matters before the office of administrative hearings, but if decisions of the board are challenged, the AG will represent the Board in both state and federal court.

Additionally, Mr. Sonne reported the Board is very complete with their investigations and commended the enforcement staff for their diligence.

Member discussion: The Board thanked Mr. Sonne for the presentation and the work the AG does for the Board.

Public comment: None.

17. Regulatory Update: Status of Dental Hygiene Board of California Regulatory Packages (Informational Only).

Dr. Adina Petty reported the current status as to DHBC proposed regulatory packages in process for the Board.

Member discussion: None.

Public comment: None.

18. Discussion and Possible Action to Amend and Adopt Title 16 (16), California Code of Regulations (CCR) Section 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).

Dr. Adina Petty reported at the Board's January 29, 2019 teleconference meeting, the Board discussed, amended, and voted unanimously to approve proposed regulatory package: 16 CCR section 1109. Approval of Curriculum Requirements for Radiographic Decision-Making (RDM) and Interim Therapeutic Restoration (ITR) Courses for the RDH, RDHAP, and RDHEF. In addition, the Board voted to set the fee amount for educational providers seeking approval of RDM and ITR courses at \$300. Furthermore, the Board delegated authority to the Board's executive officer to make any technical, non-substantive changes, if necessary. Additionally, on June 2, 2021 the Board received comments from the Office of Administrative Law (OAL) on the Board's proposed regulations for 16 CCR section 1109, which necessitate substantive changes require the Board's approval. Dr. Petty requested for the Board to consider and approve the substantive changes as proposed by OAL for 16 CCR section 1109.

Motion: Carmen Dones moved for the Board to direct staff to take all steps necessary to complete the rulemaking process, including preparing modified text for a 15-day comment

period, which includes amendments discussed at this meeting. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt section 1109 of the proposed regulations with the modified text.

Second: Noel Kelsch.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to direct staff to take all steps necessary to complete the rulemaking process, including preparing modified text for a 15-day comment period, which includes amendments discussed at this meeting. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt section 1109 of the proposed regulations with the modified text. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

19. Discussion and Possible Action to Amend and Adopt 16 CCR Section 1117: Reporting Dental Relationships Between Registered Dental Hygienists in Alternative Practice and Licensed Dentists.

Dr. Adina Petty reported at the August 29, 2020 Board WebEx Teleconference, the Board approved draft language to report the relationship of a registered dental hygienist in alternative practice (RDHAP) with a licensed dentist who is available for referral, consultation, and emergency services for the RDHAP’s patients of record. Additionally, she reported during the regulatory process review, Kimberly Kirchmeyer, Director of DCA, expressed concern regarding the proposed language. Specifically, the language as drafted

provided an RDHAP could not have a relationship with a dentist whose license was under discipline. This would include a dentist whose license was on probation but was still authorized to practice. The revised language will clarify only a dentist who is prohibited from practice would be ineligible to act as the dentist for the RDHAP-dentist relationship. This will avoid any interpretation a dentist on probation is precluded from having a relationship with an RDHAP. Dr. Petty requested for the Board to consider the amended proposed language in the attached document, complete the draft of proposed regulatory language, and direct staff to take all steps necessary to continue the formal rulemaking process.

Motion: Nicolette Moultrie moved for the Board to approve the proposed regulatory text for section 1117, direct staff to take all steps necessary to continue the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the matter for a public hearing, if requested, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, if held, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations (CCR), Title 16, Division 11 section 1117.

Second: Carmen Dones.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to approve the proposed regulatory text for section 1117, direct staff to take all steps necessary to continue the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the matter for a public hearing, if requested, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, if held, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations (CCR), Title 16, Division 11 section 1117. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		

Name	Aye	Nay	Abstain/Absent
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

20. Discussion and Possible Action to Initiate a Rulemaking and Adopt 16 CCR Section 1118: Registered Dental Hygienists in Alternative Practice, Performance of Soft Tissue Curettage and Administration of Local Anesthesia.

Dr. Adina Petty reported Senate Bill 653 (Chang, Chapter 130, Statutes of 2020) authorizes a registered dental hygienist in alternative practice (RDHAP) to perform soft-tissue curettage and administration of local anesthesia with documented consultation with a collaborating dentist in the residences of the homebound, residential facilities and other institutions, medical settings a residential facility patient has been transferred to for outpatient services, dental health professional shortage areas, and dental offices, as long as a specified protocols are followed. Additionally, at the March 20, 2021 WebEx Teleconference Board meeting, the Board requested staff to provide draft language for 16 CCR section 1118: RDHAP Performance of Soft Tissue Curettage (STC) and Administration of Local Anesthesia (LA) to be placed on the agenda of the next scheduled Board meeting.

Dr. Petty requested for the Board to complete the draft of proposed regulatory language relative to the implementation of RDHAP Performance of STC and LA, and direct staff to take all steps necessary to initiate the formal rulemaking process.

Motion: Noel Kelsch moved for the Board to direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to 16 CCR section 1118 as noticed.

Second: Carmen Dones.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize

the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to 16 CCR section 1118 as noticed. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

21. Discussion and Possible Action on the Withdrawal of the Following Proposed Regulatory Package: 16 CCR Section 1123: Dental Hygiene Clinical Examinations; Passing Scores.

Dr. Adina Petty reported at the March 20, 2021 Board WebEx Teleconference, the Board approved draft language for Dental Hygiene Clinical Examinations; Passing Scores. She stated during legal review, DCA expressed concerns regarding the proposed language and the regulatory package. Upon review, DCA raised the following issues:

First, the Department does not interpret Business and Professions Code (BPC) sections 1917 or 1918 to grant the Board authority to set passing scores for clinical examinations. These sections appear to only authorize the DHBC to require applicants to perform satisfactorily on "... the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the dental hygiene board." (BPC section 1917(b).); or for extended functions hygienists, "Performs satisfactorily on an examination required by the dental hygiene board." For example, as the DHBC must accept the Western Regional Examining Board (WREB) exam by law in BPC section 1917(b), the regulation does not explain how the Board would have the power to set the WREB exam's passing score when, by law, the Board has to allow applicants to qualify if they pass the exam (with passing scores set according to WREB, a private organization).

Second, the Department expressed clarity concerns with certain aspects of the language. For example, the proposed language does not specify the clinical examination the Board is approving for purposes of establishing a criterion-referenced passing score. Additionally, it is not specified in the regulation whether the Board is designating any exam as acceptable. The Legal Affairs Division recommended the Board consider withdrawing or amending the package and re-submit the proposal with new language specifying the examinations approved by the Board.

Dr. Petty stated upon further review and coupled with concerns raised by the Department, it is the recommendation of the board staff to no longer pursue this regulatory package and withdraw it.

Motion: Carmen Dones moved for the Board to withdraw 16 CCR Section 1123: Dental Hygiene Clinical Examinations; Passing Scores from the regulatory process.

Second: Noel Kelsch.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to withdraw 16 CCR Section 1123: Dental Hygiene Clinical Examinations; Passing Scores from the regulatory process. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

22. Discussion and Possible Action on the Following Proposed Regulatory Package: 16 CCR Section 1138.1: Unprofessional Conduct.

Dr. Adina Petty reported at the November 21, 2020 Board WebEx Teleconference, the Board approved draft language add section 1138.1 to the California Code of Regulations

(CCR), thereby adding the following categories of unprofessional conduct: (1) providing false statements to the Board; (2) failure to provide requested documentation to the Board; (3) failure to cooperate with Board investigations; and (4) failure to report convictions and disciplinary actions against the licensee. She stated during the regulatory process review, DHBC’s legal counsel identified duplicative language found in Business and Professions Code section 1955(d). If not amended, it would cause concerns during the review process at the Office of Administrative Law. Dr. Petty asked the Board to review and approve the amended proposed language in the attached document, and direct staff to take all steps necessary to continue the formal rulemaking process

Motion: Nicolette Moultrie moved for the Board to direct staff to take all steps necessary to continue the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the matter for a public hearing, if requested, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, if held, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the 16 CCR section 1138.1.

Second: Carmen Dones.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to direct staff to take all steps necessary to continue the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the matter for a public hearing, if requested, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, if held, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the 16 CCR section 1138.1. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		

Name	Aye	Nay	Abstain/Absent
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

23. Update and Possible Action on the Following Legislation:

Dr. Adina Petty reported the updated status as to proposed legislative packages currently in progress of concern for the Board.

Motion: Susan Good moved for the Board to approve the Board’s positions as follows:

Legislation	7.17.21 DHBC Position
AB 29 (Cooper): State bodies: meetings.	<i>Oppose unless Amended Letter previously sent.</i>
AB 54 (Kiley): COVID-19 emergency order violation: license revocation.	<i>Oppose unless Amended Letter previously sent.</i>
AB 107 (Salas): Licensure: veterans and military spouses.	<i>Watch</i>
AB 339 (Lee): State and local government: open meetings.	<i>Watch</i>
AB 526 (Wood): Dentists: clinical laboratories: vaccines.	<i>Watch</i>
AB 646 (Low): Department of Consumer Affairs: boards: expunged convictions.	<i>Watch</i>
AB 657 (Cooper): State civil service system: personal services contracts: professionals.	<i>Watch</i>
AB 733 (Chiu): Dental hygienists: registered dental hygienist in alternative practice.	<i>Support</i>
AB 858 (Jones-Sawyer): Employment: health information technology: clinical practice guidelines: worker rights.	<i>Watch</i>
AB 927 (Medina/Choi): Public postsecondary education: community colleges: statewide baccalaureate degree program.	<i>Support</i>
AB 1273 (Rodriguez) Interagency Advisory Committee on Apprenticeship: The Director of Consumer Affairs and the State Public Health Officer. Susan Good requested an explanation to be included in the letter to identify as to how the Board would like the bill amended to include exclusion of the DHBC from the bill.	<i>Oppose unless Amended</i>
SB 534 (Jones): Dental Hygienists.	<i>Support</i>
SB 772 (Ochoa Bogh): Professions and vocations: citations: minor violations.	<i>Watch</i>
SB 731 (Durazo/Bradford): Criminal records: relief. Susan Good requested an explanation to be included in the letter to identify as to how the Board would like the bill amended to include exclusion of the DHBC from the bill.	<i>Oppose unless Amended</i>

Second: Nicolette Moultrie

Member discussion: None.

Public comment: None

Vote: Motion for the Board to approve the Board’s positions as amended. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X Absent
Evangeline Ward	X		
Erin Yee	X		

24. Dental Hygiene Educational Program Site Visit Update and Schedule (Informational Only).

Dr. Adina Petty reported the current status of Dental Hygiene Educational Program (DHEP) compliance at Cypress College, Carrington College-Sacramento, Concorde Career College-San Diego, Chabot College, and San Joaquin Valley College-Ontario. Additionally, she updated the Board on the current Site Visit schedule for upcoming program reviews.

Member discussion: None.

Public comment: None.

25. Enforcement Update: Statistics Report (Informational Only).

AEO Elizabeth Elias reported the Board’s Enforcement Unit is currently in a rebuilding stage as three of four vacant positions were filled in March 2021. She stated new enforcement staff continue to learn the Board’s laws and regulations governing the practice of dental hygiene in addition to the Board’s enforcement business processes and procedures. She stated since the last program update in March 2021 the following has occurred: 1) The Board has averaged opening 9 consumer complaints and 3 subsequent arrests/convictions complaints per month; 2) Desk and Field investigation closures have

been significant. The Board's Special Investigator has closed a total of 22 field investigations. Field investigations were more than two years old decreased by 67%. Desk investigations have decreased by 70% and there is currently one case is over 2 years old; 3) Many desk investigations resulted in a citation and fine due to Board initiated complaints for licensee failure to update an address as required pursuant to Business and Professions code § 1934. The Board issued 60 citations; and 4) The Board's Probation Monitor has continued to monitor probationers for compliance and addressed 9 probation violations one of which was a positive drug screen for a banned substance.

Additionally, AEO Elias stated enforcement staff have several projects in the works which include revisions to the disciplinary guidelines, updates to the BreEZe licensing/enforcement database and developing content for an enforcement section to be added to the Board's website.

Member discussion: None.

Public comment: None.

26. Licensing, Continuing Education Audits and Examination Update: Statistical Reports (Informational Only).

AEO Elizabeth Elias reported on current written law and ethics examination statistics from February 11, 2021 through June 01, 2021. Additionally, AEO Elias reported the Board continues to conduct continuing education (CE) audits to verify licensee's completion of the CE requirements for license renewal with the goal of consumer protection. She stated since the last Board update, the CE Analyst randomly contacted an additional 224 licensees to begin the CE audit process. In Fiscal Year 2020 - 2021, the Board initiated 497 total audits and completed 483 audits with the results of the audits identifying a 39% failure rate. AEO Elias stated the CE deficiencies identified in the failed audits include insufficient CE Hours completed, failure to respond to the audit, failure to complete mandatory CE course(s), providing CE certificates of completion with invalid CE providers and other issues, and some licensees may have several deficiencies discovered through the audit. She stated licensees who fail a CE audit may be subject to an administrative citation and fine or disciplinary action which may result in, but not limited to, probation or revocation of licensure.

Member discussion: Discussion took place regarding CE audit statistics.

Public comment: None.

27. Future Agenda Items.

1. Newsletter to show audit statistics (Noel Kelsch).
2. Board to move forward with the next steps to consideration of alternative pathways toward licensure (Carmen Dones).

3. Combination license for RDH/RDHAP to decrease fees for licensees who hold both licenses (Noel Kelsch).

28. Closed Session

A closed session was held for this meeting.

29. Adjournment

Meeting was adjourned at **5:23 p.m.**