

Dental Hygiene Board of California Teleconference Meeting Minutes

Saturday, January 22, 2022

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 that was provided in the agenda.

DHBC Members Present:

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

DHBC Staff Present:

Anthony Lum, Executive Officer
Elizabeth Elias, Assistant Executive Officer
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational, Legislative, and Regulatory Specialist
Albert Law, Special Investigator
Michael Kanotz, 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. Carmen Dones, President of the Dental Hygiene Board of California (DHBC, Board), reviewed teleconference meeting guidelines and called the meeting to order at **10:00 a.m.** Secretary Denise Davis completed the roll call and a quorum was established with eight members present. Member Susan Good joined the meeting during the presentation of Agenda Item 7 due to technical difficulties.

2. Public Comment for Items Not on the Agenda.

Lisa Kamibayashi, West Los Angeles College (WLAC) Dental Hygiene Educational Program (DHEP) Director requested for the Alternative Pathways to Licensure Taskforce agenda item be included in future Board meetings.

Susan McLearn requested the Board place two additional questions on the license renewal survey to collect important data on the practice status of RDHAPs. For example: 1) “Do you currently practice under your RDHAP license?”; and 2) “Will you be working under your RDHAP license within the two-year renewal cycle?”. Further, she requested RDHAP demographic and geographic information be linked in order to provide agencies, public programs, and individuals with a clear picture of the availability of the RDHAP workforce.

Board Member Noel Kelsch requested the Board ensure that the Alternative Pathways to Licensure Taskforce agenda item be included in all future Board meetings. Additionally, Ms. Kelsch agreed with Susan McLearn that her requested items should be placed on the surveys.

3. President’s Report (Informational Only).

President Dr. Carmen Dones welcomed all and expressed her hope that everyone had a safe and festive holiday season at the end of 2021 and welcomed in 2022 with the expectation that it will be a better year.

She thanked the Board for voting her into the Presidency, and although she hasn’t been a board member for as long as other members, it shows their confidence in her abilities to run the Board effectively and efficiently with the help of the Executive Officer (EO) and staff. Dr. Dones stated that staff have continued to complete the Board’s work and that today’s additional teleconference meeting is needed to ensure projects are moving forward to meet definitive or upcoming deadlines prior to the March meeting. She stated the proposed regulations that will be discussed later in the meeting are the most important items to be addressed today so they can continue to move through the regulatory process.

Additionally, she stated the Board received word from the Department of Consumer Affairs (DCA) that the Governor extended the order to conduct public meetings through teleconferences without having to notice each member’s location through March 2022. She announced the Board will conduct its March meeting via Webex teleconference with the intent of moving to in-person meetings later in the year, depending upon the environment pertaining to public gatherings.

Furthermore, Dr. Dones stated that with the state’s current rise in COVID infections, the Board wants everyone to be safe and to follow standard protocols wherever they go. This consists of wearing a mask when in public if you can’t socially distance or aren’t vaccinated, avoid touching your facial area as much as possible, and to wash your hands frequently or use hand sanitizers when available. She expressed her concern for everyone to be safe, as the current variant is highly transmissible,

Board member comment: None.

Public comment: None.

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

Motion: Garry Shay moved to approve the November 20, 2021 Full Board WebEx Teleconference Meeting Minutes.

Second: Noel Kelsch.

Member discussion: None.

Public comment: None.

Vote: Motion to approve the November 20, 2021 Full Board WebEx Teleconference Meeting Minutes. Passed 6:0:3.

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

5. Consideration of and Possible Action on 2022 Omnibus Bill Proposals.

EO Anthony Lum reported that each year the Senate Committee on Business, Professions, and Economic Development (Senate BP&ED) sponsors an Omnibus Bill to address any non-substantive changes in existing statute to help clarify, define, or correct the information within the current language. He stated that Senate BP&ED staff contacted the Board to submit Omnibus Bill recommendations by the mid-January deadline for inclusion in the bill. EO Lum continued that staff identified two non-substantive statutory changes for inclusion in the Senate BP&ED’s Omnibus Bill and reviewed the proposed changes with the Board for their consideration.

Motion: Nicolette Moultrie moved for the Board to accept the non-substantive statutory changes identified by staff for inclusion in the Senate BP&ED’s Omnibus Bill and delegate authority to the Executive Officer to forward these non-substantive changes in existing statute to the Senate BP&ED for review.

Second: Evangeline Ward.

Member discussion: Discussion took place regarding the non-substantive statutory changes recommended by staff for inclusion in the Senate BP&ED Omnibus Bill.

Public comment: None.

Vote: Motion for the Board to accept the non-substantive statutory changes identified by staff for inclusion in the Senate BP&ED’s Omnibus Bill and delegate authority to the Executive Officer to forward these non-substantive changes in existing statute to the Senate BP&ED for review. Passed 8:0:1.

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

6. Consideration of and Possible Action on Comments Received regarding Proposed Regulations to Amend Title 16, California Code of Regulations (CCR) Section 1105.2: Required Curriculum.

Dr. Adina Petty reported that at the Board’s May 29, 2020 Full Board WebEx Teleconference meeting, the Board approved the proposed language for the implementation of California Code of Regulations (CCR), Title 16 (16), Division 11, section 1105.2 (section 1105.2) regarding Required Curriculum, and directed 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 if necessary, and authorized the Executive Officer to make any non-substantive changes to the rulemaking package.

Dr. Petty stated that during the 45-day comment period, the Board received public comments on proposed section 1105.2 and that staff prepared a summary of the comments and proposed responses thereto for the Board's approval.

Motion: Nicolette Moultrie moved for the Board to approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation amending required curriculum, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing 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 1105.2 as noticed.

Second: Evangeline Ward.

Member discussion: Discussion took place regarding the language, comments proposed responses thereto for proposed section 1105.2 Required Curriculum.

Public comment: Lisa Kamibayashi, WLAC DHEP Director, made a comment that was directed towards radiation safety requirements. She stated that Dental Board of California safety courses are often taken by dental hygiene students during their dental assisting program prior to entering a DHEP. She indicated that these students are technically already certified in California and may take radiographs on consumers. She requested a possible exemption statement to possibly exempt those students from certain laboratory requirements, or require a laboratory competency for those students.

Tonette Steeb, Diablo Valley College (DVC) DHEP Director, stated that she agreed with Dr. Dones comment that the DHBC may need to reassess how the DHBC assesses programs. She stated that if the Board relies on the Commission on Dental Accreditation (CODA) to assess out-of-state programs, it seems that the DHBC is being redundant for California programs by not allowing CODA to assess those as well. She stated: "It would be a savings to taxpayer money to go that route".

JoAnn Galliano stated two things need to be clarified. First, the DHBC is not currently conducting site visits to California Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) providers, so that other than the approval process, the Board does not provide oversight other than requiring the biennial report, which is also required for the out-of-state courses. She stated the oversight is being done initially by CODA for the out-of-state programs. Second, she indicated the Board needs to realize the Board is already allowed to accept out-of-state SLN coursework. She stated the amendments are just setting up parameters to make sure the Board does it in a way to protect the public. Ms. Galliano stated it has been a big issue for RDHs educated out-of-state to try to get California licensure due to the limited availability of DHBC-approved SLN courses. She said this delays licensure and that these SLN courses are also at a considerable expense to the out-of-state applicant. She stated this also essentially denies access to care for the California public. Ms. Galliano stated the proposed amendments would provide a reasonable mechanism for out-of-state RDHs to come into California and

be safe, because the out-of-state applicant would have gone through a program the DHBC has deemed safe.

Vote: Motion for the Board to approve the response drafted to address public comments received during the 45-day comment period on the Board’s proposed regulation amending required curriculum, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing 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 1105.2 as noticed. Passed 6:1:2.

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

7. Consideration of and Possible Action on Comments Received regarding Proposed Regulations to Adopt Title 16, CCR Section 1115: Retired Licensure.

Dr. Adina Petty reported that at the November 21, 2020 Full Board WebEx Teleconference, the Board approved proposed language for the implementation of 16 CCR section 1115 regarding Retired Licensure (section 1115), and directed 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 if necessary, and authorized the Executive Officer to make any non-substantive changes to the rulemaking package. She stated that during the 45-day comment period, the Board received public comments on proposed section 1115.

Dr. Petty stated that at the November 20, 2021 teleconference, the Board reviewed the summary of the comments and proposed responses, along with proposed modified text in response to public comment. She stated that after the review, the Board directed staff to further amend the proposed language and responses and bring them back to the Board at a future meeting. Dr. Petty stated staff prepared a summary of the comments and proposed responses thereto in the meeting materials for the Board’s approval.

Motion: Nicolette Moultrie moved to approve the proposed amended regulatory text for section 1115, approve the responses drafted to address public comments received during the 45-day comment period on the Board’s proposed regulation implementing retired licensure, and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. 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 regulation, and adopt the proposed regulation as described in the modified text notice for section 1115.

Second: Garry Shay

Member discussion: Discussion took place regarding the modified text and responses drafted to address public comments received during the 45-day comment period on the Board’s proposed regulation implementing retired licensure.

Public comment: None.

Vote: Motion for the Board to approve the proposed amended regulatory text for section 1115, approve the responses drafted to address public comments received during the 45-day comment period on the Board’s proposed regulation implementing retired licensure, and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. 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 regulation, and adopt the proposed regulation as described in the modified text notice for section 1115. Passed 8:0:1.

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

8. Consideration of and Possible Action on Comments Received regarding Proposed Regulations to Adopt Title 16, CCR Section 1117: Reporting Dental Relationships Between Registered Dental Hygienists in Alternative Practice and Licensed Dentists.

Dr. Adina Petty stated that at the August 29, 2020 Full Board WebEx Teleconference, the Board approved proposed language for the implementation of 16 CCR section 1117 regarding Reporting Dental Relationships Between Registered Dental Hygienists in Alternative Practice and Licensed Dentists (section 1117), and directed 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 if necessary, and authorized the Executive Officer to make any non-substantive changes to the rulemaking package.

Dr. Petty stated that during the 45-day comment period, the Board received public comments regarding proposed section 1117 and that staff prepared the following summary of the comments and proposed responses thereto in the meeting materials for the Board's approval.

Motion: Nicolette Moultrie moved for the Board to approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation implementing reporting dental relationships between registered dental hygienists in alternative practice and licensed dentists, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing 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 1117 as noticed.

Second: Dr. Timothy Martinez.

Member discussion: None.

Public comment: Susan McLearn stated she agreed with Board Member Kelsch and believes it is overstepping one's authority, but had a solution, and asked if the Board would consider requiring an RDHAP to submit a form with a signature when there is a change in their dentist relationship.

Mary Renee Newton stated she is a working RDHAP and stated she works four days a week, seeing about fifteen patients at facilities, by which each have to have their own dentist. She stated she is actually conversing and has relationships with several dentists, and is also in contact with many physicians and nurses as well. She stated that she thinks most RDHAPs that work the same types of facilities that she does and have the same types of relationships with the dentists as well. Ms. Newton stated that clients often have their own dentists, so you would have to have a relationship with all of those dentists. She stated she didn't understand how having a signature of a dentist in your office is going to make anybody safer. She stated that the dentist is not liable for anything, and does not understand the reasoning behind that "piece of paper" that they have to sign. She stated if you speak with most working RDHAPs, they will tell you that they speak with many

physicians, registered nurses, and dentists, and not just one. She indicated the RDHAP are mobile, and therefore “all over the place”. She stated she would like to know how this paper would keep clients safe, and said she would like the documentation to be like DHBC continuing education requirements. She indicated that if she is audited, she would then provide the paper.

Vote: Motion for the Board to approve the responses drafted to address public comments received during the 45-day comment period on the Board’s proposed regulation implementing reporting dental relationships between registered dental hygienists in alternative practice and licensed dentists, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing 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 1117 as noticed. Passed 7:2:0.

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		
Evangeline Ward	X		
Erin Yee	X		

9. Future Agenda Items.

1. Alternative Pathways to Licensure Taskforce agenda item be included as a standard item in all future Board meetings (Noel Kelsch).
2. Dr. Dones reminded the attendees that the Wet Lab Waiver has been extended until March 31, 2022.

10. Adjournment

Meeting was adjourned at **11:25 a.m.**