

Dental Hygiene Board of California Teleconference Meeting Minutes

Saturday, March 19, 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
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 Member Absent:

Vice President – Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP) Member

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 **9:00 a.m.** Secretary Denise Davis completed the roll call and a quorum was established with 8 members present. Board member Noel Kelsch was absent and excused. At 12:40 p.m. Denise Davis and Susan Good were excused from the meeting. The meeting continued with a quorum of 6 members present for the duration of the meeting.

2. Public Comment for Items Not on the Agenda.

JoAnn Galliano, on behalf of the California Dental Hygienists' Association (CDHA), requested for the Board to take an opposition position on Assembly Bill 2276 authorizing

dental assistants to polish the coronal surfaces of teeth or apply pit and fissure sealants, under the direct supervision of a licensed dentist, when the dental assistant has completed specified training and provided evidence of the completion of that training to the Dental Board of California (DBC).

Paula Lee, on behalf of CDHA's Government Relations Counsel (GRC), requested for the Board to collect current and accurate workforce data on active practice of RDHAPs, along with RDHAP mobile and portable equipment use data.

3. President's Report (Informational Only).

President Dr. Carmen Dones welcomed all in attendance and provided a report on her current activities. Dr. Dones reported she attended the DBC's February 11-12, 2022, meeting. She stated as Dr. Timothy Martinez, past Dental Hygiene Board of California (DHBC, Board) President, presented a thorough report on DHBC activities at their November 2021 meeting, she did not provide a DHBC report to the DBC at this meeting. She stated she will provide an updated report about DHBC activities at the DBC's next meeting.

Dr. Dones reported that on February 22, 2022, she participated in the Department of Consumer Affairs (DCA) President's Training where DCA executive staff provided information, served as a forum to share best practices, and heard from past Presidents about their experiences presiding over a Board. She stated this session was very informative, and she'd like to thank DCA for conducting the training.

Dr. Dones stated that on March 10, 2022, she co-hosted an Alternative Pathways to Licensure Taskforce meeting to ensure the issue continues to be addressed. She stated it was an extremely productive meeting and that there will be an update from the taskforce later in the meeting. Dr. Dones reported the taskforce has met five times and looked forward to further productive discussions to present a recommendation to the Licensing Committee and subsequently, the Board in the future.

Dr. Dones reported that she and Executive Officer (EO) Lum have met on a regular basis every other week. She stated that staff continue to complete the Board's work and today's teleconference meeting is needed to ensure projects are moving forward to meet upcoming deadlines. She stated that the proposed regulations placed on the agenda in the meeting are the most important items to be addressed so they can continue to move through the regulatory process. She stated that the current legislation placed on the agenda for this meeting is in the early stages, and that if the Board takes positions, it must ensure the version of the bill the position is based upon is correct prior to submitting the position letter to the author.

Dr. Dones reminded the Board that this is the Board's Sunset year, as the original Sunset date was delayed a year due to the pandemic. She stated that staff will be completing the draft report for the Board's review later this year and will probably require an additional

meeting sometime in September to review, and if needed, to revise the report for staff to finalize and present at the November 2022 meeting.

Dr. Dones stated that today's meeting may be the last conducted solely through Webex teleconference due to the pandemic, as the Governor's executive order to conduct public meetings through teleconference without having to notice each member's location expires on March 31, 2022, unless extended. She stated there is new legislation that was introduced in the current session (Assembly Bill 1733 by Assembly Member Quirk) addressing the modification of the Open Meetings Act that will be explained by staff later in the meeting. She indicated that since the bill is under consideration at this time and not yet approved, and with the teleconference executive order expiring this month, the Board is planning to conduct its July 2022 meeting in person, depending upon the environment pertaining to public gatherings.

Dr. Dones stated that with the state's decrease in Coronavirus Pandemic (COVID-19) infections, she wants everyone to be safe and to follow standard protocols wherever those in attendance go.

Board member comment: None.

Public comment: None.

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

Brianna Miller, representative from the Department of Consumer Affairs (DCA) Board and Relations Office, reported:

1. Update on COVID-19 Safety Measures:

DCA thanked Board members and staff who have continued to serve the public during the COVID-19 pandemic. As the pandemic moves into an endemic, new State public health guidance relaxed mandatory face coverings, however, masks are still strongly encouraged in indoor settings and stated that in some high-risk settings such as healthcare facilities, face coverings are required regardless of vaccination status. Local orders may be more restrictive to respond to local community conditions, and DCA requested for all to be aware of current guidelines and as a State representative, are all expected to adhere to State and Local orders while carrying out our duties.

2. Remote Meetings:

On January 5, 2022, Governor Newsom signed an executive order extending the Sunset date set in Assembly Bill (AB) 361 allowing boards and committees to meet remotely through March 31, 2022. On January 31, 2022, Assembly Member Quirk introduced new legislation in AB 1733 which would permanently allow boards and committees to meet remotely, while also providing virtual and physical options for members of the public to participate. If AB 1733 is passed by the Legislature and signed by the Governor, the changes would take place immediately.

3. Vaccination Verification for In-Person Meetings.

Boards should prepare to begin offering in-person meetings after March 31, 2022. Before attending any in-person board meeting, members must verify full vaccination status with DCA's Office of Human Resources or participate in COVID-19 testing prior to the meeting. If any of the Members have not done so, please submit the proof of vaccination, as their participation will assist DCA in planning for testing at future meetings.

4. DCA Headquarters (HQ) Building Changes

Beginning March 24, 2022, the DCA HQ Building 1 Hearing Room will be available for board meetings, as it was previously used for COVID-19 testing. DCA has reopened the HQ Building 1 Hearing Room to support upcoming in-person board meetings. Additionally, the HQ Building 1 and HQ Building 2 Hearing Rooms support hybrid meeting functionality and DCA continues to explore resources and how they may assist boards to support additional hybrid meeting locations in the future.

5. DCA Regulations Unit (Unit)

The DCA's Regulations Unit was created in 2020 to assist the regulatory needs of DCA's boards, bureaus, committees, and commissions, while also improving the quality of the regulations. Ms. Miller reported that prior to establishment of the Unit, boards and bureaus completed only 18 regulations in 2019. After the unit was established, DCA tripled the number of regulations completed in 2020 and 2021, and, unlike in prior years, no rejections were experienced by the Office of Administrative Law. The Unit, now in its third year, will continue to build on the successes of the first two years, and increase the pace with even more regulations to be completed this year. The Unit created additional management tools and will track all regulations from start to finish to ensure complete transparency within the process.

6. Enlightened Licensing Project

The workgroup was created in 2020 to utilize Subject Matter Experts (SMEs) within DCA to help individual boards and bureaus streamline their licensing processes more effective and efficient by utilizing best practices, information technology, and cost saving measures. The workgroup completed their review of the Board of Registered Nursing, and a report will be released this month. This report will provide recommendations which can be used by all boards and bureaus to improve their processes. After this work is complete, the workgroup will begin assisting another board or bureau with the same process.

7. DCA's Compliance and Equity Officer

Tonya Corcoran was assigned to serve as DCA's first Compliance and Equity Officer, effective March 2, 2022. This position will oversee SOLID Training and Planning Solutions, Organizational Improvement Office, Equal Employment Opportunity Office, and the Internal Audits Office. Bringing these offices together under Ms. Corcoran's experienced leadership will be a tremendous benefit, allowing DCA to better identify and

analyze emerging issues department wide and provide timely solutions for DCA's boards, bureaus, and divisions.

8. Board Member Trainings

A reminder to Board members that they are responsible for training and reporting requirements. The Fair Political Practices Commission's Form 700 is required by law to be filed each year before the April first deadline. Ms. Miller reported that the Board has fully complied with required filing requirements and thanked the Board for their efforts to meet this mandate.

Board member comment: None.

Public comment: None.

5. Discussion and Possible Action to Approve the January 22, 2022, Full Board WebEx Teleconference Meeting Minutes.

Motion: Nicolette Moultrie moved to approve the January 22, 2022, Full Board WebEx Teleconference Meeting Minutes.

Second: Garry Shay

Member discussion: Susan Good requested amendment adding "due to technical difficulties" after "Agenda item 7" in Agenda Item 1 "Roll Call and Establishment of a Quorum" regarding her attendance.

Amended Motion: Nicolette Moultrie moved to approve the January 22, 2022, Full Board WebEx Teleconference Meeting Minutes with the amendment adding "due to technical difficulties" after "Agenda item 7" in Agenda Item 1 "Roll Call and Establishment of a Quorum".

Second: Garry Shay

Public comment: None.

Vote: Motion to approve the January 22, 2022, Full Board WebEx Teleconference Meeting Minutes as amended to include "due to technical difficulties" after "Agenda item 7" in Agenda Item 1 "Roll Call and Establishment of a Quorum". Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Noel Kelsch			X (Absent)

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

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

Executive Officer (EO) Anthony Lum reported on the following:

a) Coronavirus Pandemic (COVID-19)

1) Office Operations:

Staff continues to use a hybrid telework schedule where they rotate 3 days in the office and 2 teleworking days except for the Board’s receptionist, who’s required to be in the office every day to maintain the public counter. Additionally, to comply with the Governor’s mandate that all state employees be vaccinated or tested weekly, EO Lum updated the Board on DCA’s schedule and process for COVID-19 testing and policies for Board staff.

2) Approved Waivers:

Pursuant to the Governor’s Executive Order N-39-20, during the State of Emergency, the Director of DCA may waive any statutory or regulatory professional licensing requirements pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code, including requirements related to the education, training, and experience necessary to obtain licensure. With COVID-19 cases decreasing, the administration’s intent is to wind down from the use of waivers that deferred licensing requirements and return to pre-pandemic processes and requirements.

a) Continuing Education (CE) Waivers:

Licensees who had a CE deficiency to renew their license at the time of expiration starting March 30, 2020, through September 30, 2021, have 6 months from the effective date of the waiver (DCA 21-175: signed July 26, 2021) to complete the deficient CE hours. The end date of this waiver was January 31, 2022, for those licensees to complete their deficient CE hours since the deadline wasn’t extended.

A second CE waiver (DCA 21-194) was signed on September 28, 2021, that provides an extension of the CE waiver specifically to individuals whose licenses expired between October 1 and October 31, 2021. The waiver deadline for those licensees to complete the deficient CE hours for their October 2021 expiration is

March 31, 2022, which is six months from the signed date of the waiver. Any new CE hours used to credit the deficiency from the last license renewal are in addition to what is required for the next license renewal for their respective license.

b) CE Restriction Waiver for Dental Professionals:

On September 8, 2020, waiver number DCA 20-55 waived the limiting number of internet-based CE coursework for dental professionals to apply toward a license renewal. The law allows up to 50% to be completed online or recorded; however, during the pandemic, the waiver allowed licensees to complete all their CE requirements through online methods. This waiver was extended once but now will expire on March 31, 2022, and the CE requirements will return to pre-pandemic methods where a maximum of 50% of the CE hours can be completed through internet or web-based methods pursuant to CCR, title 16, section 1017, subdivisions (h)&(i) starting with April 2022 renewals.

c) Wet Laboratories for Prerequisite Biomedical Science Courses:

The currently approved Wet Laboratory waiver (DCA 21-186) that was implemented on July 13, 2020, due to the pandemic and extended several times, will end permanently as of March 31, 2022. Upon review of this section of law, the law requires a wet laboratory component be completed for the biomedical science prerequisite courses; however, it does not state the methodology that's required to complete it, so it can be done through a traditional wet laboratory on campus or through online methods with a kit. Many of the pre-dental hygiene students and educational programs alike have questions about this waiver ending, especially mid-term, but that the students will receive credit for the wet lab provided the educational institution accepts it.

All currently approved waivers and pandemic information can be reviewed through a link on DHBC's website homepage at www.dhbc.ca.gov or the California Department of Public Health's website at www.cdph.ca.gov.

3) Personnel:

The Board continues to pursue the hiring of staff and currently have two vacancies. There is one vacancy in enforcement and the second vacancy is an administration position. The Board recently advertised for both and will review the applications received shortly. Staff will work with DCA's Office of Human Resources through the hiring process to fill these positions.

The Board recently met with the DCA Budget Office, and they informed staff that the two Budget Change Proposals (BCPs) submitted by the Board last year were approved for two additional positions. The first BCP is to address the mandates from Senate Bill 534 which authorizes the Board to review and inspect RDHAP mobile dental hygiene clinics, mobile dental equipment, and stand-alone dental hygiene clinics to ensure they are compliant of the law. The second BCP is to address the Board's large continuing education (CE) audit workload. As the Board initiated a fulltime CE audit program, staff was anticipating a fairly large number of licensees to

be out of compliance with CE requirements for license renewal. It was discovered that over 35% of licensees randomly selected for an audit were out of compliance, which in turn created an extensive workload that a single analyst is not able to address. Therefore, the approval of a second CE auditor was submitted and approved to assist in decreasing the workload.

4) Budget:

EO Lum provided the latest Budget Expenditure and Revenue Reports to the Board and reported the DHBC's current year budget along with a forecast of the anticipated amount to be spent for the rest of the year. He stated that the revenue amount will fluctuate throughout the year depending on the number of license renewals and applications the Board receives in a given month.

Additionally, EO Lum reported on the Board's Fund Condition (FC) which shows a point-in-time of how much the Board has in the Board's "savings account" by fiscal year. He stated that the FC is in the black, but that it is gradually decreasing due to the cost of doing business. He added that with additional revenue coming from the new fee increases approved last year and effective July 1, 2022, the FC is projected to maintain the fund for years without needing additional revenue.

5) Administration:

Since the Board's January 22, 2022 meeting, EO Lum has participated in the following activities: several Executive level meetings with the DCA; attended the DBC's February and March 2022 meetings; participated in the recent Board President's training provided by DCA; reviewed draft regulatory language; completed many reports, risk assessment, and legislative impact reports for DCA, the Business, Consumer Services, and Housing Agency, and the Department of Finance; and continuing to oversee board operations.

Additionally, the Board's Sunset Review was postponed a year to January 1, 2024, pursuant to legislation (SB 607, Ch. 367, Statutes of 2021). In 2022, staff will be busy assembling the draft Sunset Review Report for the Board's review and approval. The Board will need to conduct an additional Board meeting in September to review and revise the draft report for finalization at the November meeting prior to submitting it to the Legislature December 1.

EO Lum provided the following 2022 Board Meeting Schedule:

- Saturday, July 23, 2022.
- Tentative: Saturday, September 24, 2022 (for Sunset Review Report)
- Saturday, November 19, 2022.

Many of these dates can change to two-day meetings if committees are needed to meet and the amount of business to be conducted. The locations and whether they'll be in-person are still to be determined, but if in-person meetings are scheduled,

proof of vaccination for those individuals who haven't submitted it must be provided to DCA OHR prior to the meeting date to participate.

6) **Revision of License Renewal Survey:**

A request was received from CDHA to add a couple of questions of "real time" information to the voluntary License Renewal Survey to capture RDHAP data regarding their location and whether they were currently practicing dental hygiene.

At a recent DCA executive meeting, it was announced that the License Renewal Surveys would be revised so the data reported to the state's Health Care and Information Department [(HCAI), previously the Office of Statewide Health Planning and Development (OSHPD)] would be more consistent across all DCA boards. DCA informed EO Lum that the surveys could not be revised to incorporate individual program questions. However, the RDHAP and other licensee information that CDHA seeks is on EO Lum's list to obtain in the future and to report that data to the Board on a regular basis. Once the Board creates reporting templates and a method to obtain this information, it will be available and reported at Board meetings.

7) **Update on Exemption Position Request (EPR).**

At the November 20, 2021, Board meeting, the Board voted to submit an exempt position request (EPR) through the Department of Consumer Affairs to upgrade the executive officer's exempt level and salary. EO Lum inquired with DCA OHR for an updated status to report to the Board, but at this time, there was no update provided other than the request was forwarded to the Business, Consumer Services and Housing Agency for review. He stated that he will continue to inquire with HR about the EPR request's status and will update the Board as information is received.

Member comment: None.

Public comment: Paula Lee requested clarification regarding DHBC survey processes from EO Lum and he provided the requested clarification.

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

Dr. Carmen Dones reported that at the March 20, 2021, Board meeting, the Board voted to reconstitute the Alternative Pathways to Licensure Taskforce that had previously been assembled years before to research other pathways to licensure than the patient-based clinical examination. She stated that the taskforce is still in the beginning phases of researching the issue, as it's a very complex task to replace the clinical examination.

Dr. Dones reported that the taskforce met four times in 2021 and once in 2022, and that the most recent meeting was held on March 10, 2022, to discuss alternative options and ideas for the clinical exam. She stated that some of the issues that were discussed included:

- Alternative methods to replace the patient-based clinical examination in the interest of consumer protection.

- Need to research other state’s legislation and laws to compare other jurisdictions to determine whether a clinical exam or other test was required.
- Determine whether any legislative changes to the current law need to occur prior to implementing the taskforce’s recommendation.
- Collaborate and communicate with the DCA Office of Professional Examination Services for information and possible guidance regarding the clinical exam.
- Research other DCA allied health professional licensing boards to determine their licensing methods without requiring a patient-based clinical examination. Currently, the Dental Board, Dental Hygiene Board, and Hearing Aid Dispensers are the only licensing boards identified using a patient-based clinical examination for licensure.

She added that the taskforce anticipates many more meetings to come prior to providing any recommendations to the Board’s Licensing Committee at a future meeting.

Member comment: Evangeline Ward questioned when the DHBC states they are one of a few licensing boards requiring a live patient exam, is the Board considering other licensing boards requirement of passing a live patient treatment process during schooling. EO Lum clarified that other licensing boards have extensive clinical rotations or live patient experiences while the prospective licensee is in school.

Public comment: Lisa Kamibayashi, Program Director of the West Los Angeles College (WLAC) Dental Hygiene Educational Program (DHEP) stated she supports permanent removal of a live patient clinical exam and suggested the Board consider requiring DHEPs to add a requirement or clinical competency for graduation to their program.

8. Update from the Central Regional Dental Testing Services (CRDTS) Regarding Member State and Steering Committee Issues (Informational Only).

Kim Laudenslager, Director of Communications and Education for the Central Regional Dental Testing Services (CRDTS) updated the Board on Member State and Steering Committee issues.

Ms. Laudenslager reported she and EO Lum have been in communication for the past nine months. She updated the Board on current CRDTS makeup and meetings, and stated the Board is active on the Dental Hygiene Exam Review Committee (ERC) and the Steering Committees. She stated the Board needs to place new Board members on those committees as the current Board members are either off the Board (Dr. Michelle Hurlbutt) or soon to be off the Board (Nicolette Moultrie). Ms. Laudenslager requested the Board to update the California representation on the CRDTS committees as soon as feasible, and offered her assistance to the Board to accomplish this goal. She stated that for the ERC, it doesn’t necessarily need to be a board member, but a licensee representative.

Member comment: Nicolette Moultrie stated the ERC is an amazing group and stated that unfortunately she wasn’t able to participate as much as she would have liked. She added the ERC is an important group and as the Board is looking at alternative pathways to

licensure, this group would provide an excellent opportunity for those researching that subject.

Public comment: None.

9. Update from the ADEX/Western Regional Examination Board (WREB)(Informational Only).

Kimber Cobb, Director of Dental Hygiene Examinations for Commission on Dental Competency Assessment/Western Regional Examining Board (CDCA-WREB) reported on August 3, 2021, CDCA and WREB merged and that the WREB examination will be offered in 2022. However, she reported that beginning in 2023, ADEX will be the only examination that will be offered by CDCA-WREB.

Ms. Cobb reported that ADEX examination provides consistent quality administration of dental hygiene licensure examinations throughout the country and that additional assessments can be developed upon request from the Board.

Ms. Cobb provided an overview of the examination construction and administration of the ADEX exams for the patient-based examination and the simulated patient examinations. Additionally, she reported the ADEX patient-based examinations are accepted by 47 states as well as that 40 states accept the ADEX simulated patient examinations with more states pending.

Additionally, Ms. Cobb provided an overview on the 2022 Dental Hygiene Computer Simulated Clinical Exam (CSCE) Objective Structured Clinical Evaluation (OSCE), along with pass rate statistics for patient-based examinations, simulated patient examinations, and the CSCE OSCE.

Member comment: Discussion took place regarding WREB and ADEX examinations offered by CDCA-WREB and representation by member states.

Public comment: None.

10. Discussion and Possible Action to Extend the Temporary Acceptance of the Manikin-Based Dental Hygiene Clinical Examinations Administered by ADEX/WREB and CRDTS.

EO Lum reported that at the August 29, 2020, Board meeting, the Board voted to temporarily accept the manikin-based clinical examinations administered by ADEX/WREB and CRDTS due to the COVID environment. He stated the temporary acceptance of this examination was extended twice (at the March 6, 2021, Board meeting and the July 17, 2021, Board meeting) to now expire on July 1, 2022.

EO Lum stated that due to the continued COVID-19 environment, continued hesitation for unnecessary large gatherings, and the fact that there are some ethical issues associated

with the live patient-based clinical examinations like payment for patient participation, he stated that staff recommends for the Board to extend the deadline to temporarily accept the alternative manikin-based dental hygiene clinical examination, in addition to the patient-based examination administered by ADEX/WREB and CRDTS, until December 31, 2022.

Motion: Nicolette Moultrie moved for the Board to extend the temporary acceptance of the alternative manikin-based clinical examinations administered by ADEX/WREB and CRDTS, as well as the patient-based examinations by the same exam administrators, until December 31, 2022, based upon the current COVID-19 environment.

Second: Garry Shay

Member discussion: Discussion took place regarding the extension of the temporary acceptance of manikin-based dental hygiene clinical examinations administered by ADEX/WREB and CRDTS.

Public comment:

Lisa Kamibayashi, WLAC DHEP Program Director, requested for the Board to extend the temporary acceptance of manikin-based dental hygiene clinical examinations until June 30, 2023, to allow for dental hygiene programs to plan for future student exam preparation.

Paula Lee, CDHA GRC Representative, stated in respect to permanent extension of acceptance of the manikin exams, she stated with DHEPs focusing on live patient experiences for one and one-half years, this would cover live-patient experiences and therefore, the manikin exam would be fair and allow for portability of exam for licensure.

Nancy Cheung, Chabot College DHEP Program Director, thanked the taskforce for exploring alternative pathways to licensure, and echoed Lisa Kamibayashi’s comments.

Vote: Motion for the Board to extend the temporary acceptance of the alternative manikin-based clinical examinations administered by ADEX/WREB and CRDTS, as well as the patient-based examinations by the same exam administrators, until December 31, 2022, based upon the current COVID-19 environment. Passed 8:0:1.

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

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

11. Update on the Annual Report from the Attorney General’s Office (Informational Only).

Carl Sonne, Senior Assistant Attorney General of the Licensing Section of the Office of the Attorney General (AG), reported the Licensing Section is in charge of enforcement activities of the Board. Mr. Sonne provided a background on Business and Professions Code Section 312.2 and presented information on how data is collected in the Attorney General’s Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies (January 1, 2022) provided to the Board.

Additionally, Mr. Sonne focused on accusation matters referred to the AG by the Board and complemented the Board on their robust system, along with their thoroughness and professionalism when presenting the Board’s cases.

Member comment: None.

Public comment: None.

12. 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 completed and in process for the Board. Additionally, she provided an overview of the regulatory process.

Member discussion: Discussion took place regarding the current status as to DHBC proposed regulatory packages completed and in process for the Board

Public comment: None.

13. Discussion and Possible Action to Amend Title 16 (16), California Code of Regulations (CCR) Section 1104.1, Process for Approval of a New RDH Educational Program.

Dr. Adina Petty reported that Senate Bill (SB) 534 (Jones, Chapter 491, Statutes of 2021) authorizes the Board to require a new educational program for registered dental hygienists in alternative practice (RDHAPs) or registered dental hygienists in extended functions (RDHEFs) to submit a feasibility study demonstrating a need for a new educational

program and to apply for approval from the Board before seeking approval for initial accreditation from the Commission on Dental Accreditation or an equivalent body, as determined by the Board. She stated that staff drafted proposed amended language and associated form in the attached documents to address the statutory requirements of SB 534.

Dr. Petty stated that staff recommends for the Board review the proposed amended language and associated form, determine whether additional information or language is required, complete the draft of the proposed regulatory language and associated form, and direct staff to initiate the rulemaking process

Motion: Nicolette Moultrie moved for the Board to approve the proposed amended language and associated form for section 1104.1 and direct staff to submit the language to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation at Section 1104.1 as noticed.

Second: Garry Shay.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to approve the proposed amended language and associated form for section 1104.1 and direct staff to submit the language to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation at Section 1104.1 as noticed. Passed 8:0:1.

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

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

14. Discussion and Possible Action to Amend Title 16, Section 1115, Retired Licensure.

Dr. Adina Petty reported that at the January 22, 2022, Full Board WebEx Teleconference (January teleconference), the Board approved proposed language and responses to the 45-day comment period for the implementation of California Code of Regulations (CCR), Title 16, Division 11 section 1115 regarding Retired Licensure (section 1115), and directed staff to take all steps necessary to complete the rulemaking process. This included sending out the modified text with these changes for an additional 15-day comment period, and authorizing 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.

Dr. Petty stated that during her review, Kimberly Kirchmeyer, Director of the Department of Consumer Affairs, suggested clarifications to the forms to prevent duplication and provide consistency among forms utilized by the Board. She stated that staff recommends for the Board to consider and approve the proposed modified forms 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 regulation, and adopt the proposed regulation at section 1115.

Motion: Evangeline Ward moved to approve the proposed modified forms for section 1115 and direct staff to take all steps necessary to complete the rulemaking process, 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 proposed modified forms for section 1115, Retired Licensure.

Public comment: None.

Vote: Motion for the Board to approve the proposed modified forms for section 1115 and direct staff to take all steps necessary to complete the rulemaking process,

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 7:1:1.

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

15. Discussion and Possible Action to Amend Title 16, Section 1138.1, Unprofessional Conduct.

Dr. Adina Petty reported that on November 21, 2020, the Board discussed, amended, and voted unanimously to approve proposed regulatory package: California Code of Regulations (CCR) Title 16 (16), section 1138.1, Unprofessional Conduct.

She stated that on January 26, 2022, the Board received comments from the Office of Administrative Law (OAL) on the Board’s proposed regulations for 16 CCR section 1138.1, which necessitated substantive changes that require the Board’s approval. Dr. Petty reported that on January 27, 2022, the Board withdrew proposed section 1138.1 from OAL review, and prepared a modified text and an Addendum to the Initial Statement of Reasons (ISOR) for a 15-day comment period, which includes amendments proposed by OAL. The modified text and Addendum to ISOR was noticed to stakeholders on February 23, 2022, with a comment period to end on March 11, 2022. She stated that staff requests for the Board to consider and approve the substantive amendments as proposed by OAL for section 1138.1 to allow section 1138.1 to move forward in the regulatory process.

Motion: Nicolette Moultrie moved for the Board direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to continue the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day comment period and no hearing is

requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 1138.1 as noticed.

Second: Susan Good.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to continue the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 1138.1 as noticed. Passed 8:0:1.

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

16. Update on Current Legislation.

Dr. Adina Petty reported the proposed legislative packages currently in progress of concern for the Board which included:

Legislation	DHBC Position as of 3.19.22
Assembly Bill (AB) 646 (Low): Department of Consumer Affairs: boards: expunged convictions.	Watch.
AB 858 (Jones-Sawyer): Employment: health information technology: clinical practice guidelines: worker rights.	Watch.

Legislation	DHBC Position as of 3.19.22
AB 1604 (Holden): The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.	Watch.
AB 1662 (Gipson): Licensing boards: disqualification from licensure: criminal conviction.	Oppose.
AB 1733 (Quirk): State bodies: Open meetings.	Support.
AB 1982 (Santiago): Telehealth: dental care.	Watch.
AB 2104 (Flora): Professions and vocations.	Oppose.
AB 2145 (Davies): Dental services: skilled nursing facilities and intermediate care facilities/developmentally disabled.	Support.
AB 2600 (Megan Dahle): State agencies: letters and notices: requirements.	Watch.
Senate Bill (SB) 652 (Bates): Dentistry: use of sedation: training.	Watch.
SB 889 (Ochoa Bogh): Nurse anesthetists.	Watch.
SB 1031 (Ochoa Bogh): Healing arts boards: inactive license fees.	Oppose.
SB 1237 (Newman): Licenses: military service.	Watch.
SB 1365 (Jones): Licensing boards: procedures.	Oppose.
SB 1443 (Roth): The Department of Consumer Affairs.	Watch.
SB 1471 (Archuleta): Dentistry: foreign dental schools.	Watch.

Motion: Garry Shay moved for the Board to approve the Board’s positions as recommended by staff.

Second: Nicolette Moultrie.

Member discussion: Discussion took place regarding the Board’s positions on AB 646, AB 858, AB 1604, AB 1662, AB 1773, AB 1982, AB 2104, AB 2145, AB 2600, SB 652, SB 889, SB 1031, SB 1237, SB 1365, SB 1443, and SB 1471.

Public comment: None.

Vote: Motion for the Board to approve the Board’s positions as recommended by staff. Passed 6:0:3.

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

17. Education Update.

Dr. Adina Petty reported the current status of Dental Hygiene Educational Program (DHEP) compliance at Concorde Career College – San Diego, Chabot College, Southwestern College, Oxnard College, and Concorde Career College – Garden Grove. Additionally, she provided the Board the current Site Visit schedule for upcoming program reviews.

Member discussion: None.

Public comment: Nancy Cheung, Chabot College DHEP Director, thanked Board staff for being supportive and making the Board’s site visit at her school seamless.

18. Enforcement Update: Statistical Report (Informational Only).

Assistant Executive Officer (AEO) Elizabeth Elias reported the Enforcement Unit has one vacant position, an Enforcement Analyst, and stated management is working on the recruitment at this time. She stated Enforcement staff are on an office-centric telework schedule, which requires them to be in the office 3 days a week and telework 2 days a week. AEO Elias indicated that since COVID-19 began, staff have been flexible and have adapted to new business processes that have been established. She stated staff use new technology such as Microsoft Teams and WebEx for meetings, training, and communication. She reported that in addition, new processes have been established to transmit files and other documents in a secure method to expert witnesses and the Attorney General’s Office.

AEO Elias reported management routinely assigns training courses for continued staff development, and that recently, all enforcement staff completed the Skilled Enhancement Training (SET) instructed by the DCA's SOLID Unit. She stated SET is an 8-week (1 day/week) program where staff learn about collaboration, communication, customer engagement, digital fluency, diversity & inclusion, innovative mindset, resilience, and interpersonal skills.

AEO Elias reported that as time allows, enforcement staff continue to work on several major projects including revising disciplinary guidelines, updates to desk manuals, and creating content for an enforcement section to the Board's website. She stated that recently, staff finalized identifying additional BreEZe codes that will help with monitoring cases and workload and stated the updates should be within in the next BreEZe release.

AEO Elias provided detailed statistics regarding complaints received and investigations performed by the DHBC. Additionally, she indicated DCA established a transparent set of measurements to track the department's effectiveness at managing the consumer complaint process. Enforcement Performance Measures (EPMs) which are updated each quarter, can be found online, and provided the link to the information (https://www.dca.ca.gov/data/enforcement_performance.shtml).

Member discussion: None.

Public comment: None.

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

a. Licensing Update

AEO Elizabeth Elias reported the Licensing Unit is fully staffed and that beginning in Fiscal Year (FY) 2021/2022, DCA began reporting Licensing Performance Measures (LPM) data on a quarterly basis for all active DCA entities. LPM data is interactive and includes data for complete, incomplete and renewal application types. She stated that LPM data can be found by clicking on the Quarterly Licensing Data button on the Board's website www.dhbc.ca.gov.

b. Continuing Education Update

AEO Elias reported that the Board is on track to surpass the number of audits completed in FY 2020/21. In FY 2021/22 the Board initiated 474 Continuing Education (CE) audits. She stated the Board continues to see similar trends in the pass and fail rate. She stated the Board receives many reasons for failure to comply with the CE Audit (e.g., licensees reporting they misplaced, destroyed, or lost their records). AEO Elias stated staff would like to remind licensees that pursuant to Title 16 CCR section 1017(m), licensees shall retain for a period of three renewal cycles (6 years) the certificates of course completion issued to

them and shall forward to them to the Board only upon request by the Board for an audit. She stated a licensee who fails to retain a certification should contact the CE provider and obtain a duplicate certification.

AEO Elias reported that failed audits are broken into two categories, no response and insufficient CEUs. Of those with insufficient CEUs, she stated 60% failed to complete at least one mandatory CEU and 18% submitted a certificate with an invalid provider. She stated the reasons for the invalid provider may have been due to an expired permit, not being approved to teach a mandatory CE course, or may have had an invalid Dental Board of California CE provider number.

AEO Elias reported that the Board's Enforcement Unit is working through a backlog of failed audits and issuing citation and fines with or without an order of abatement to address the CE deficiencies. She stated that for failed CE audits, the Board issued citations in varying amounts ranging from \$500 - \$1,500 depending on the egregiousness of the failed audit. AEO Elias stated that when issuing a citation, the Board considers many factors including, but not limited to: 1) How many CEUs is the licensee deficient; 2) The licensee's reason for failing the audit; and 3) If the licensee completed mandatory CEUs in Infection Control, Dental Practice Act, and Basic Life Support. Additionally, as with any citation that is issued, the Board uses Title 16, CCR section 1140 "Criteria to be Considered" when issuing a citation.

AEO Elias stated that the CE section of the Board's website (www.dhbc.ca.gov) has been revised and that the updates will be available to the public by the end of the month.

Member discussion: Evangeline Ward thanked staff for the clear and detailed way the statistics were presented for Agenda Items 18 and 19 in comparison to how they were reported in the past.

Public comment: None.

20. Future Agenda Items.

1. Dr. Martinez: Regarding patients that are special needs, wanted to know if the Board can discuss the ways the Board can help facilitate care to this population and collaboration among the dental care providers.
2. President Dones:
 - a. ADEX and WREB present a fiscal analysis and data comparison of manikin vs. live patient examinations.
 - b. Discussion on permanent acceptance of manikin clinical exams.
 - c. An additional Board meeting addressing the Board's position on AB 2276.
3. JoAnn Galliano supported President Dones's request for the Board to conduct an additional meeting to address the Board's position on AB 2276 prior to the July 2022 Board meeting.

4. Norina Del Rosario (requested the Board to consider changing the supervision requirements over soft tissue curettage, local anesthesia, and nitrous oxide-oxygen analgesia from direct supervision from a licensed dentist to general supervision.

21. Closed Session – None.

22. Adjournment

Meeting was adjourned at **1:32 p.m.**