

Dental Hygiene Board of California Meeting Minutes

Saturday, July 23, 2022

Embassy Suites Hotel – South San Francisco
Northrop Stanley Ballroom
250 Gateway Boulevard
South San Francisco, CA 94080

DHBC Members Present:

President – Dr. Carmen Dones, Registered Dental Hygienist (RDH) Educator Member
Secretary – Denise Davis, Public Member
RDH Member – Sonia “Pat” Hansen
Public Health Dentist Member – Dr. Timothy Martinez
Public Member – Susan Good
Public Member – Sherman King
Public Member – Erin Yee

DHBC Member Absent:

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

DHBC Staff Present:

Anthony Lum, Executive Officer
Sabra D’Ambrosio, Continuing Education Analyst
Brittany Elliott, Enforcement Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational, Legislative, and Regulatory Specialist (via “Teams” teleconference)
Michael Kanotz, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC
Danielle Rogers, DCA Regulatory Unit Legal Counsel for the DHBC (via “Teams” teleconference)

1. Roll Call and Establishment of a Quorum

Dr. Carmen Dones, President of the Dental Hygiene Board of California (DHBC, Board), reviewed meeting guidelines and called the meeting to order at **9:03 a.m.** Secretary Denise Davis completed the roll call, and a quorum was established with seven members present. Board members Noel Kelsch and Nicolette Moultrie were absent and excused.

2. Public Comment for Items Not on the Agenda.

There was no public comment.

3. President's Report (Informational Only).

President Dones welcomed all in attendance for the meeting and said that even with the recent increase in the number of Coronavirus Pandemic (COVID-19) cases, she welcomed to conduct the meeting in person. She stated this year for the Board is one of transition as the tenured members are gradually terming out and replaced with new members. She welcomed Mr. Sherman King and Ms. Sonia "Pat" Hansen to the Board and added that she looks forward to working with them. Additionally, she thanked Evangeline Ward and Garry Shay for their contributions to the Board over the years and that certificates of appreciation will be sent to them in recognition of their efforts.

President Dones provided an update as to her current activities:

1. Attended the Dental Board's May 12-13, 2022, Board meeting and provided an update on DHBC activities.
 - a. In the process of drafting the 2023 Sunset Review Report for the Board's approval.
 - b. Implemented the RDHAP dental relationship reporting requirement for referral, consultation, and emergencies so they (Dental Board) are aware of this requirement should they receive questions from their dentist licensees.
 - c. Reported that several regulations are continuing through the regulatory process, with many regulations experiencing successful approvals.
 - d. Created a taskforce (Alternative Pathway to Licensure – APL) to research alternative pathways to licensure (APL) other than the clinical examination to prepare a recommendation to the Board for approval.
 - e. Updated the status of reviewing all California dental hygiene educational programs to establish a baseline and that the Board has conducted site visits to almost all of them within the projected timeline even with the pandemic.
2. On July 14, 2022, the APL Taskforce met for the sixth time and believes there is a viable recommendation to present to the Licensing and Examination Committee at the next board meeting.
3. President Dones continues to meet with Executive Officer (EO) Anthony Lum on a regular basis every other week. She stated staff continues to complete the Board's work and that she's frequently updated on project statuses, Board issues, and upcoming deadlines.

President Dones reminded the Board that 2022 is the Board's Sunset year, as the sunset date was delayed by the Legislature a year due to the pandemic. She stated staff will complete the draft report for the Board's review which requires an additional meeting where revisions can be made for finalization at the November 2022 meeting.

President Dones stated that with the continued lingering effects of COVID-19, and due the passage of a new bill that modifies the Open Meetings Act, the Board can conduct Webex teleconference meetings going forward without having to notice each Board member's

location. She added the Board experienced a huge increase in the number of meeting participants and a substantial cost savings by hosting the meetings through Webex.

President Dones added that due to the state's recent increase in COVID-19 infections, the Board reminds everyone to be safe and to follow standard protocols.

Board member comment: None.

Public comment: None.

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

EO Anthony Lum reported that due to DCA staffing shortages, no live DCA report will be provided. He stated that a DCA representative will provide a report at the next scheduled DHBC meeting.

DCA provided a written report handout regarding public meetings, new DCA initiatives, personnel changes, and upcoming meetings and trainings. EO Lum stated that if are any questions on these issues, the public may contact DCA Member Relations via email or by calling the DCA Director's Office directly for assistance.

5. Discussion and Possible Action to Approve the March 19, 2022, Full Board WebEx Teleconference Meeting Minutes.

Motion: Susan Good moved to approve the March 19, 2022, Full Board WebEx Teleconference Meeting Minutes with the amendments: 1) Removing the "e" in "Newsome" in Agenda Item 4, section 2; and 2) Clarifying the motion in Agenda Item 5 "Meeting Minutes" for the "January 22, 2022, Teleconference Meeting Minutes adding "as amended to include "due to technical difficulties" after "Agenda item 7" in Agenda Item 1 "Roll Call and Establishment of a Quorum.""

Second: Timothy Martinez.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to approve the March 19, 2022, Full Board WebEx Teleconference Meeting Minutes with the amendments: 1) Removing the "e" in "Newsome" in Agenda Item 4, section 2; and 2) Clarifying the motion in Agenda Item 5 "Meeting Minutes" for the "January 22, 2022, Teleconference Meeting Minutes adding "as amended to include "due to technical difficulties" after "Agenda item 7" in Agenda Item 1 "Roll Call and Establishment of a Quorum."". Passed 6:0:3.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Sonia “Pat” Hansen	X		
Noel Kelsch			X (Absent)
Sherman King			X (Abstain)
Timothy Martinez	X		
Nicolette Moultrie			X (Absent)
Erin Yee	X		

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

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

1) Office Operations:

Board staff continue to use a hybrid telework schedule where they rotate 3 days in the office and 2 teleworking days, except for the Board receptionist who is required to be in the office every day to maintain the public counter. COVID-19 has intermittently affected Board staff over the past few months, and COVID 19 precautions are followed according to the guidelines to limit exposure, especially during the current spike in cases.

2) Personnel:

As of July 1, 2022, the Board obtained 2 additional staff positions to address the Board’s workload. Once filled those staff positions will be dedicated to the CE Audits and Citation and Fine Unit and to implement the mobile dental hygiene clinic review program.

Additionally, at the end of June, DHBC Assistant Executive Officer (AEO) Elizabeth Elias obtained a promotional position at another DCA program. Ms. Elias was key in reshaping the Board’s enforcement operations and thanked her for the excellent work she completed for the Board.

In total, the Board has 5 vacant positions because our hiring efforts went unfulfilled for the administration position; however, the Board filled the Enforcement Analyst position.

3) 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 its reserve fund by fiscal year. He stated that the FC is projected to be in the black for several years thanks to the additional revenue coming from the new fee increases approved last year and effective July 1, 2022.

4) Administration:

Since the Board's March 19, 2022 meeting, EO Lum has participated in the following activities: several Executive level meetings with the department, attended the Dental Board's May meetings in Anaheim, participated in two educational program site visits, onboarded a new board member, reviewed draft regulatory language, and completed many reports, risk assessment, and legislative impact reports for the department, agency, and Department of Finance while continuing to oversee board operations and absorbing many functions the AEO performed.

EO Lum provided the following 2022 Board Meeting Schedule:

- Tentative: Saturday, October 8, 2022 (for Sunset Review Report)
- Saturday, November 19, 2022.

Many of these dates can change to two-day meetings if committees are needed and the amount of board business to be conducted.

5) 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 EO's exempt level and salary. Over the past 6 months, the request was reviewed by DCA, Agency, the Governor's Office, and CalHR, and determined that the EO's exempt level is commensurate and appropriate for this size of Board. They encouraged the Board to resubmit another EPR for the exempt level increase upon significant programmatic changes that alter the Board's staffing level and budget size beyond the current exempt level. EO Lum will continue to pursue the upgrade to ensure the structure of the Board is established at position levels appropriate to oversee board operations now and into the future as the program grows.

Member comment: Discussion took place regarding the EO report.

Susan Good requested information as to what additional duties could be shown to the governing bodies to support an increase to the EO's exempt level and salary and requested as to how the Board would be able to submit an additional request for the increase. EO

Lum stated the addition of overseeing the educational programs, as well as tripling the size of staff and doubling budget size should have justified the request. However, the answer he received was to continue working and resubmit when the Board feels an increase is justified.

Dr. Timothy Martinez requested clarification as to what bodies considered the proposals and how the ultimate decision was made to deny the request. EO Lum stated the request went through the full review process, and while DCA and the Business, Consumer Services, and Housing Agency, and the Governor’s Office approved the request, the California Department of Human Resources (CalHR) was the final step. However, EO Lum was unsure if CalHR denied it as he was informed of the decision from DCA.

Public comment: None.

7. Discussion and Possible Action to Schedule Additional Board Meeting Date to Review Draft 2022 Sunset Review Report (Saturday, October 8, 2022).

EO Lum reported every four to five years, the Legislature conducts a review of selected state programs called “Sunset Review”. The Board was supposed to complete its “Sunset Review” in 2022, since its sunset date was January 1, 2023. He stated with the continuing effects of the pandemic, the Legislature extended the Board’s sunset date a year until January 1, 2024. EO Lum explained the extensive process of preparing for sunset and requested the Board to consider an additional Board meeting date of Saturday, October 8, 2022, to review the draft 2022 Sunset Review Report to ensure there is adequate time to complete the draft report for finalization at the November board meeting prior to submitting it to the Legislature.

Motion: Sonya “Pat” Hansen moved for the Board to schedule an additional Board meeting date to review the draft 2022 Sunset Review Report on Saturday, October 8, 2022.

Second: Susan Good.

Member discussion: Discussion took place regarding meeting accommodations (WebEx teleconference option).

Public comment: None.

Vote: Motion to for the Board to schedule an additional Board meeting date to review the draft 2022 Sunset Review Report on Saturday, October 8, 2022. Passed 7:0:2.

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

Name	Aye	Nay	Abstain/Absent
Sonia “Pat” Hansen	X		
Noel Kelsch			X (Absent)
Sherman King	X		
Timothy Martinez	X		
Nicolette Moultrie			X (Absent)
Erin Yee	X		

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

President Dones stated that at the March 20, 2021, Board meeting, the Board voted to reconstitute the Alternative Pathways to Licensure (APL) Taskforce that had previously been assembled years before to research other pathways to licensure than the patient-based clinical examination. Additionally, the APL taskforce met four times in 2021 and twice in 2022; most recently on July 14, 2022, to discuss alternative options and ideas for the clinical exam. Some issues discussed were:

- Prior research from the group including the review of 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. Additionally, to be clear, the Dental Board has a portfolio option for licensure, as well as noting the Hearing Aid Dispensers exam is non-invasive.
- Ethics behind the clinical and manikin exam, for example, in patient care: incomplete treatment after exam, HIPAA violations of sharing patient information with other students who may not be treating the patient, unsupervised patient treatment during examinations of unlicensed students, and the high pass rate and cost of the examination.
- Subjectivity of the clinical exams, along with the report from the Office of Professional Examination Services provided at the March 20, 2021, WebEx Teleconference Board meeting in which they recommended for the Board to consider whether a skills-based examination is necessary given the level of structured training and assessments the candidates undergo during their educational program clinical training.
- Alternative methods to replace the patient-based clinical examination in the interest of consumer protection, if determined by the Board.
- Discussion regarding the ADEX, CRDTS, WREB clinical exam, and the report from ADEX that 47 states accept their manikin exam. Additionally, it was determined that 35 states are accepting the exam permanently.

President Dones reported the APL taskforce determined the following:

- Determined legislative changes to the current law needs to occur prior to implementing the APL taskforce's recommendation.
- To move language forward to the Licensing committee to eliminate the clinical and manikin exam and only require clinical type exams by potential licenses from other states. License portability with other states was taken into consideration for students who choose to move out of state but was justified by knowing colleges can still offer exams for students who intend to move out of state.
- The APL taskforce anticipates providing statutory language recommendations to the Board's Licensing Committee for possible inclusion in the Board's Sunset report at a future meeting.

Member comment: Discussion took place regarding APL taskforce report. Susan Good requested reports reviewed by the taskforce to be provided to Board members prior to discussion of the agenda item.

Public comment: None.

9. Update from the from the Dental Board of California (DBC) (Informational Only).

Dr. Alan Felsenfeld, MA, DDS, DBC President, updated the Board on DBC activities.

Dr. Felsenfeld reported that currently James Yu, DDS, MA, is serving as vice president and Sonia Molina, DMD, MPH, is serving as secretary. He added that DBC EO Karen Fischer retired at the end of 2021 and DBC is currently in the process of finding a new permanent EO.

Dr. Felsenfeld stated the DBC has a Dental Assisting Council (DAC) and unfortunately lost two of their members last year. After a search for replacements, they appointed De'Andra Epps-Robbins, RDA, and Kandice Pliss, RDA, to the DAC.

Dr. Felsenfeld reported the DBC made changes to the Registered Dental Assistant in Extended Functions (RDAEF) examination. He stated that with the assistance of the Office of Professional Examination Services (OPES), the DBC reviewed the viability of the RDAEF examination and determined to eliminate the RDAEF clinical examination. On September 28, 2021, Governor Newsom signed Senate Bill 607, eliminating the clinical examination for RDAEF licensure. The DBC and OPES developed a written RDAEF examination and launched on January 24, 2022, as a requirement for RDAEF licensure.

Dr. Felsenfeld stated that for the past few years the DBC has been working on SB 501 (Glazer, Chapter 929, Stats. of 2018), relating to minimal, moderate, and general anesthesia in dental offices. He explained the significance of the bill and its genesis. He stated they are now in the process of writing regulations to enact the changes brought about by SB 501.

Dr. Felsenfeld shared the current status for dentists providing vaccinations to the public. He stated that early in 2021, the DCA Director issued a public health emergency waiver allowing dentists, after training, to provide COVID-19 vaccinations. The DBC then requested an emergency bill to amend the Dental Practice Act to allow dentists to provide vaccinations to patients over 3-years old. He stated regulations are currently in development for this duty.

Member comment: Discussion took place regarding the RDAEF category.

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 at the August 29, 2020, DHBC meeting, the Board voted to temporarily accept the manikin-based clinical examinations administered by ADEX/WREB and CRDTS due to the COVID-19 environment. The temporary acceptance of this exam was extended three times at Board meetings (March 6, 2021, July 17, 2021, and March 19, 2022) and now is set to expire on December 31, 2022. He stated information received from dental hygiene programs administering the exams require advanced notice of exam acceptance to enable them to arrange and schedule it in the future for students. The manikin-based clinical exam is an alternative method to the acceptance of the in-person, patient-based clinical examinations administered by WREB and CRDTS.

EO Lum stated that due to the continued COVID-19 environment, continued hesitation for unnecessary large gatherings, advanced notice to arrange and schedule the exam, and some ethical issues associated with the live patient-based clinical examinations like payment for patient participation and possible extortion of payment for participating, staff recommends extension of the deadline to temporarily accept the alternative manikin-based dental hygiene clinical examination until July 31, 2023.

Motion: Sonia “Pat” Hansen 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 July 31, 2023, based upon the current COVID-19 environment.

Second: Erin Yee

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: Ruth Kern, Chabot College and Diablo Valley College, stated that educators give their students an education on how to provide excellent care to their patients post-graduation. She stated she is aware of clinical limitations and stated live

patient examinations during COVID-19 is not safe due to the many variants. She stated she is in favor of the manikin examinations.

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 July 31, 2023, based upon the current COVID-19 environment. Passed 6:1:2.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good		X	
Sonia "Pat" Hansen	X		
Noel Kelsch			X (Absent)
Sherman King	X		
Timothy Martinez	X		
Nicolette Moultrie			X (Absent)
Erin Yee	X		

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

Dr. Adina Petty reported that on April 2, 2021, the Concorde Career College – San Bernardino Dental Hygiene Educational Program (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 dental hygiene educational program. She stated that on July 17, 2021, the Board, based on 1105.3 (b)(2), approved the expansion of the program’s physical facilities for the CCC-SB program.

Dr. Petty added that on June 28, 2022, EO Anthony Lum and Subject Matter Expert (SME) JoAnn Galliano completed a site visit of the program ensuring the completed expansion and sufficient supplies were present to support the enrollment expansion of CCC-SB. She stated staff recommends to the Board to consider and approve the permanent increase in the maximum enrollment capacity from 24 students to 32 students for the CCC-SB program.

Motion: Susan Good moved for the Board to approve the permanent increase in the maximum enrollment capacity from 24 students to 32 students for the Concorde Career College – San Bernardino dental hygiene educational program.

Second: Erin Yee.

Member comment: None.

Public comment: None.

Vote: Motion to for the Board to approve the permanent increase in the maximum enrollment capacity from 24 students to 32 students for the Concorde Career College – San Bernardino dental hygiene educational program. Passed 7:0:2.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Sonia “Pat” Hansen	X		
Noel Kelsch			X (Absent)
Sherman King	X		
Timothy Martinez	X		
Nicolette Moultrie			X (Absent)
Erin Yee	X		

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

Dr. Adina Petty reported that on June 1, 2021, the Concorde Career College – Garden Grove Dental Hygiene Educational Program (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. She stated that on July 17, 2021, the Board, based on 1105.3 (b)(2), approved the expansion of the program’s physical facilities for the CCC-GG program.

Dr. Petty added that On June 29, 2022, EO Anthony Lum and SME JoAnn Galliano completed a site visit ensuring the completed expansion and sufficient supplies were present to support the enrollment expansion of CCC-GG. She stated that staff recommends to the Board to consider and approve the permanent increase in the maximum enrollment capacity from 24 students to 34 students for the CCC-GG program.

Motion: Susan Good moved for the Board to approve the permanent increase in the maximum enrollment capacity from 24 students to 34 students for the Concorde Career College – Garden Grove dental hygiene educational program.

Second: Dr. Timothy Martinez.

Member comment: None.

Public comment: None.

Vote: Motion to for the Board to approve the permanent increase in the maximum enrollment capacity from 24 students to 34 students for the Concorde Career College – Garden Grove dental hygiene educational program. Passed 7:0:2.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Sonia “Pat” Hansen	X		
Noel Kelsch			X (Absent)
Sherman King	X		
Timothy Martinez	X		
Nicolette Moultrie			X (Absent)
Erin Yee	X		

13. 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.

Member discussion: None

Public comment: None.

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

Dr. Adina Petty reported that at the March 19, 2022, Web Ex Teleconference Board meeting, the proposed language and the associated form incorporated by reference was presented to the Board to address the statutory changes implemented by SB 534 into California Code of Regulations (CCR), title 16, section 1104.1. She stated that the Board approved the proposed amended language and associated form and directed DHBC staff

to begin the Office of Administrative Law (OAL) rulemaking process for 16 CCR section 1104.1.

Dr. Petty stated that after consulting with the Board’s Regulatory Legal Counsel at the Department of Consumer Affairs (DCA), it was determined 16 CCR section 1104.1 would benefit from a two-stage process of 1) submitting non-substantive changes under 1 CCR section 100; and 2) submitting substantive changes under the regular OAL rulemaking process. She added that the 1 CCR section 100 (non-substantive) rulemaking process was completed on June 6, 2022.

Dr. Petty requested for the Board to 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 authorize the Executive Officer to take all steps necessary to initiate the rulemaking process.

Motion: Erin Yee 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: Susan Good.

Member discussion: Discussion took place regarding proposed regulatory package 16 CCR section 1104.1.

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 7:0:2.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		

Name	Aye	Nay	Abstain/Absent
Carmen Dones	X		
Susan Good	X		
Sonia "Pat" Hansen	X		
Noel Kelsch			X (Absent)
Sherman King	X		
Timothy Martinez	X		
Nicolette Moultrie			X (Absent)
Erin Yee	X		

15. Discussion and Possible Action to Amend 16 CCR Section 1104.3: Reviews, Site Visits, Citation and Fine, and Probationary Status for Dental Hygiene Educational Programs.

Dr. Adina Petty reported that at the November 20, 2021, WebEx Teleconference Board meeting, the Board approved the proposed regulatory language to implement the mandates in Business and Professions Code (BPC) section 1941.5. However, during the rulemaking process, substantive changes were made to the Board-approved draft regulatory language for 16 CCR section 1104.3 to include specific factors to contest citations and regarding compliance with citations or orders of abatement. She added that in response to recommendations from DCA Director Kimberly Kirchmeyer, Board staff developed the attached amended draft regulatory language for 16 CCR section 1104.3 to implement the provisions of BPC section 1941.5.

Dr. Petty requested for the Board to re-review the proposed language in the attached document, determine whether additional information or language is required, complete the draft of the proposed regulatory language, and authorize the Executive Officer to take all steps necessary to initiate the rulemaking process.

Motion: President Dones moved to approve the proposed amended language and associated form for section 1104.3 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 1104.3 as noticed.

Second: Susan Good.

Member discussion: Discussion took place regarding the proposed amended language for 16 CCR section 1104.3.

Public comment: None.

Vote: Motion for the Board to approve the proposed amended language and associated form for section 1104.3 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 1104.3 as noticed. Passed 7:0:2.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Sonia “Pat” Hansen	X		
Noel Kelsch			X (Absent)
Sherman King	X		
Timothy Martinez	X		
Nicolette Moultrie			X (Absent)
Erin Yee	X		

16. Discussion and Possible Action to Initiate a Rulemaking and Possibly Adopt Title 16, California Code of Regulations (CCR) Section 1114: Temporary Licensure.

Dr. Adina Petty stated that Assembly Bill (AB) 107 (Salas, Chapter 693, Statutes of 2021) enacted BPC section 115.6 requiring the Board, on and after January 1, 2023, and after appropriate investigation, to issue temporary licenses to military spouse applicants if the applicant meets specified requirements. She reported that during the review of the proposed language for 16 CCR section 1114 Temporary Licensure, the statutory provisions established by AB 107 do not support the requirements for dental hygiene licensure established by the Board.

EO Lum explained further regarding AB 107. He explained that the Board sent a letter to the author about requirements for RDH licensure in the Board’s statutes and regulations

that were not addressed within the bill and of concerns the DHBC has in the interest of consumer protection. EO Lum recommended to the Board to table the discussion until further discussions take place regarding the regulation to address the concerns expressed by the DHBC.

Motion: Susan Good moved to table the discussion on 16 CCR section 1114 Retired Licensure.

Second: Sherman King.

Member discussion: Discussion took place regarding the concerns regarding consumer protection and acknowledged the importance of providing temporary licensure to military spouse applicants.

Public comment: JoAnn Galliano, Board Educational Consultant, requested for the Board to ensure applicants are completing accredited programs as some out-of-state programs are not accredited. She stated the issues that need to be addressed are of preceptorship as well as of the Board’s Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia requirement for licensure.

Vote: Motion for the Board to table the discussion on 16 CCR section 1114 Retired Licensure. Passed 7:0:2.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good	X		
Sonia “Pat” Hansen	X		
Noel Kelsch			X (Absent)
Sherman King	X		
Timothy Martinez	X		
Nicolette Moultrie			X (Absent)
Erin Yee	X		

17. Update on the Following Legislation (Informational Only).

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

Legislation	DHBC Position as 7.23.22
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 right	Watch.
AB 1604 (Holden): The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.	Watch.
AB 1636 (Akilah Weber): Physician's and surgeon's certificate: registered sex offenders.	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.
AB 2276 (Carrillo): Dental Assistants.	Watch.
Senate Bill (SB) 189 (Committee on Budget and Fiscal Review): State Government.	Informational only. Chaptered before brought to Board.
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.

18. Education Update (Informational Only).

Dr. Adina Petty reported the current status of Dental Hygiene Educational Program (DHEP) compliance at Chabot College, Southwestern College, Concorde Career College – San Bernardino, 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: None.

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

Brittany Elliott, DHBC Probation Monitor, provided the following:

1) Enforcement Staff Update:

As of September 10, 2022, the Enforcement Analyst position will no longer be vacant, as Brittany Elliot was selected to fill that position. Consequently, effective September 10, 2022, the Probation Monitor position will become vacant. The job posting for the Probation Monitor position was posted on the CalCareers website in preparation for this vacancy and will close on August 18, 2022.

2) Enforcement Program Update:

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. Recently, staff finalized identifying additional BreEZe codes that will help with monitoring cases and workload. The updates have been processed and staff is now using the additional BreEZe codes.

Additionally, Ms. Elliot provided detailed enforcement statistics for the Board to review that were included in the meeting materials. EO Lum commended the Enforcement Program staff for their efficiency and proactive approach to clearing the prior backlog the program experienced in the past.

Member discussion: Discussion took place regarding the enforcement data provided.

Public comment: None.

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

a. Licensing Update

EO Anthony Lum reported the Licensing Unit continues to receive a steady flow of applications for licensure because of the recent graduations that occurred at multiple California dental hygiene educational programs. He stated that pursuant to 16 CCR section 1069, the Board has up to 90 days to notify an applicant of whether their application is complete or deficient and notify them of what specific information is still required.

EO Lum provided the current average processing times applicants are experiencing and stated the times are well below the 90 days allowed by the law. EO Lum added that the application processing time will fluctuate due to the amount of workflow received by the Board and the timely submission of required documentation from the applicant. He added that the Licensing staff have been doing an excellent job of maintaining the application processing times well below the allowable time as stated in law.

b. Continuing Education Update

Sabra D'Ambrosio, Continuing Education (CE) Audit Analyst, presented current CE Audit data which included detailed audit failure rates and reasons for failures. She reviewed the CE audit process for the Board and reported that through the audit process, the licensee has many opportunities to show compliance before further administrative action is taken.

Ms. D'Ambrosio reminded licensees to maintain their CE certificates of completion for 3 license renewal cycles in case they are chosen for a random audit as well as to verify that the CE provider of the selected courses are appropriately approved and acceptable for license renewal credit.

Member discussion: Discussion took place regarding the CE audit statistics and reasons for non-compliance of the requirement.

Public comment: Alison Yochim, California Dental Hygienists' Association, questioned how licensees should check CE providers to ensure they are acceptable to the Board for CE credit.

21. Future Agenda Items.

1. Board Member Comments:
 - a. Susan Good: Set a Board policy regarding alternating between in person and WebEx teleconference meetings. Additionally, if agenda items require a two-day meeting, to ensure that meeting is scheduled in person.
 - b. President Dones: A request was placed by a participant at the last Board meeting in regard to addressing Direct Supervision of Local Anesthesia as a future agenda item.
2. Public Comments:
 - a. Edward Cramp, Attorney and Educator, echoed Susan Good's comments that in-person meetings are beneficial and important to democratic rule of the Boards that govern our licensure.

22. Closed Session – None.

23. Adjournment

Meeting was adjourned at **11:55 a.m.**