

## Dental Hygiene Board of California Meeting Minutes

**Saturday, October 8, 2022**

Pursuant to the provisions of Government Code section 11133, neither a public nor teleconference location was provided. Members of the public observed and participated using the WebEx link provided in the agenda.

### **DHBC Members Present:**

President – Dr. Carmen Dones, Registered Dental Hygienist (RDH) Educator 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  
Secretary – Denise Davis, Public Member  
RDH Member – Nicolette Moultrie

### **DHBC Staff Present:**

Anthony Lum, Executive Officer  
Albert Law, Special Investigator  
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist  
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 meeting guidelines and called the meeting to order at **9:00 a.m.** Dr. Adina Petty completed the roll call, and a quorum was established with six members present. Board members Denise Davis, 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. She stated the focus of the meeting was to review the draft 2023 Sunset review report, revise it as needed and direct staff to make the revisions and return the draft to the Board at the November 19, 2022, full Board meeting for final review and approval. Additionally, she stated that there were a few additional agenda items to be addressed as well.

**Board member comment:** None.

**Public comment:** None.

### 4. Discussion and Possible Action to Approve the July 23, 2022, Full Board Meeting Minutes.

**Motion:** Sonya “Pat” Hansen moved to approve the July 23, 2022, Full Board Meeting Minutes, adding corrections as discussed by Board Members.

**Second:** Timothy Martinez

**Member discussion:** President Dones requested edits to include grammatical corrections. Susan Good requested 1) details added to the amendments in Agenda Item 5 for the March 19, 2022, Full Board WebEx Teleconference Meeting Minutes; and 2) explanations be added to questions posed by Susan Good and Dr. Timothy Martinez in Agenda Item 6 for the Executive Officer’s Report.

**Public comment:** None.

**Vote: Motion for the Board to approve the July 23, 2022, Full Board Meeting Minutes, adding corrections as discussed by Board Members. Passed 6:0:3.**

Name	Aye	Nay	Abstain/Absent
Denise Davis			X (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		

## 5. Licensing and Examination Committee Report.

Executive Officer (EO) Anthony Lum stated the Licensing and Examination Committee (L & E) met on Friday, October 7, 2022, where there was two of four L & E Committee members present. A full complement of L & E Committee members was not required since they would only be acting on a recommendation to the Full Board for action. He stated that after a detailed explanation and report from the Alternative Pathway to Licensure Taskforce co-chairperson, Dr. Carmen Dones presented the taskforce's recommendation to the L & E Committee for discussion and recommendation to the Full Board. He reported the action the L & E Committee voted upon to recommend to the Full Board is:

"Recommend to the Board an amendment to Business and Professions Code (BPC) section 1917 removing the clinical exam requirement for California dental hygiene school graduates if they apply for the license within 3 years of graduation, amendment to the remainder of the subsection regarding out-of-state applicants, and renumeration of the remaining subsections."

EO Lum stated the L & E Committee received public comments in support of the recommendation. Comments made indicated that California dental hygiene students are well educated and trained in their programs and with the elimination of the clinical exam requirement, it will bypass the stressful and many times, costly process of locating appropriate patients for the exam. He reported that after a vote, the motion passed to make the recommendation to the Full Board at today's Board meeting. He directed the Board to the specific amended language to BPC section 1917 in the meeting materials.

Additionally, EO Lum stated that the Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES) suggested an edit for clarity to BPC section 1917 and change "satisfactorily complete" to "satisfactorily complete and pass" with regard to dental hygiene licensure examinations approved by the dental hygiene board.

**Member discussion:** Discussion took place regarding the L & E Committee's Report and recommendation, accepting the L & E Committee's report, as well as accepting the amendment of "satisfactorily complete and pass" with regard to dental hygiene licensure examinations approved by the dental hygiene board.

### **Public comment:**

Allison Wagstaff stated she is the California Dental Hygienists' Association's (CDHA) Government Relations Council Co-chair and stated she thanks and supports the Task Force's finding and the change to BPC section 1917. She stated elimination of the clinical exam is the right path forward for all licensed in the state, making it a more fair and equitable process, and fall in line with what dental students and dental assistants are experiencing in terms of alternative pathways to licensure.

Evangeline Ward, Diablo Valley College Dental Hygiene Program Faculty, stated she was personally against the recommendation. She believes there are other ways to handle the clinical exam rather than doing away with it.

## 6. Discussion and Possible Action on the Recommendations of the Alternative Pathway to Licensure Taskforce.

EO Lum reported 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 optional pathways to dental hygiene licensure than the patient-based clinical examination. The APL Taskforce researched and discussed the issue thoroughly, as it's a very complex task to create alternative options to replace the clinical examination with respect to the law. They met amongst several days to discuss alternative options and ideas to bring forth recommendations to the L&E Committee. He stated that after multiple discussions and vetting several options, the taskforce prepared a recommendation for the Full Board's consideration.

EO Lum stated that staff requests the full Board to consider, discuss, and approve the APL Taskforce's recommendations and request the Legislature to consider amendments to Statute (BPC section 1917).

**Motion:** Erin Yee moved for the Board to accept the recommendations of the APL Taskforce to amend BPC section 1917 and adopt the legislative proposal contained in the meeting materials, as well as any amendments that were noted by the Board today amending BPC section 1917.

**Second:** Dr. Timothy Martinez

**Member discussion:** Discussion took place regarding the APL Taskforce's report and recommendation.

### **Public comment:**

Paul Kim, dental hygiene student and Class President for the Class of 2023 at West Los Angeles College, spoke in favor of allowing students to gain licensure through alternative pathways to licensure, citing increasing costs of the exams as well as for their education. He provided patient completion statistics for his program, as well stating the one-day exam does not provide an accurate representation of their skills.

Member of the public "Sade" stated her original concern was how the standard of care for the dental hygiene profession would be seen if the clinical exam was removed. However, after hearing the statistics provided, she understands the reasoning and agrees with the findings.

Allison Wagstaff repeated her support for amending BPC section 1917 and stated the CDHA Government Relations Council presented this as a possibility at their Board of Trustees meeting at their House of Delegates at the July 2022 meeting. She stated the Board of Trustees fully voted in support of changing BPC section 1917 and eliminating the live patient exam. Ms. Wagstaff stated a couple of 2020 graduates testified to the Board of Trustees about their experience taking the manikin exam and how similar it was to working on live patients. Additionally, she indicated the Board already inspects and addresses deficiencies in CA dental hygiene educational programs. She stated that if there are

student deficiencies, the schools should address those deficiencies and not allow those students to graduate until they are addressed.

Ms. Wagstaff stated dental hygienists are responsible, competent clinicians and are qualified to deliver care upon graduation. She stated this is evidenced by the lack of enforcement issues that the Board has found.

Evangeline Ward repeated her opposition to the proposal and stated the dental hygiene profession has worked hard to get where they are. She stated she understands the student's stress level, however, that is part of the dental hygiene program. She said dental hygiene is taking their profession "down one notch" and that dentists will be pushing different regulations if competency requirements are decreased. She stated she is not against removing the clinical exam, but feel something must be in place that is just as strong.

Adrine Reganian, Pasadena City College Dental Hygiene Educational Program Director, stated CA dental hygiene educational programs provide competency examinations and deem student competent for every single requirement. She indicated these competencies are far more rigorous than the live clinical examinations, and that one exam does not accurately reflect a student's competence. Additionally, she feels that as dental hygiene educational programs have very high standards, and are governed and guided by the Board, students are fully competent at graduation.

Lisa Kamibayashi, West Los Angeles College Dental Hygiene Educational Program Director, stated students are well trained and have extensive education within the dental hygiene educational program and that the one-day exam does not really determine their ability. She stated students meet minimum competency and safety prior to graduation, and schools do not graduate students that do not meet minimum competency. Ms. Kamibayashi stated she maintains her support for alternative pathways to licensure.

Heidi Lincer, Chief of OPES, expressed her support for the Board's action to eliminate the clinical examination requirement for graduates of CA dental hygiene educational programs. She stated OPES did extensive research on the licensing requirements to assist the Board to evaluate this issue. Ms. Lincer stated that OPES recommended the Board to create a taskforce to further consider this topic. She stated that as the Board assembled a taskforce and completed their due diligence, as well as licensing candidates receive sufficient training in clinical skills during their educational program, OPES supports this action in the interest of removing artificial barriers to practice while still ensuring the candidates are competent to practice.

**Vote: Motion for the Board to accept the recommendations of the APL Taskforce to amend BPC section 1917 and adopt the legislative proposal contained in the meeting materials, as well as any amendments that were noted by the Board today amending BPC section 1917. Passed 5:1:3.**

Name	Aye	Nay	Abstain/Absent
Denise Davis			X (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		

**7. Discussion and Possible Action to Amend California Code of Regulations, Title 16, Section 1119 (formerly 1115): Retired License.**

Dr. Adina Petty stated that at the March 19, 2022, Web Ex Teleconference Board meeting, the Board was advised that during her review of proposed California Code of Regulations (CCR), Title 16, Division 11, section 1115 (section 1115) regarding Retired Licensure, the Director of the Department of Consumer Affairs suggested edits to the forms to prevent duplication and provide consistency among forms utilized by the Board. The Board considered and approved the proposed edits to the forms for section 1115 and directed 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 adopting the proposed regulation as described in the modified text notice for section 1115.

Dr. Petty reported that during the review by the Office of Administrative Law (OAL), OAL rejected the changes made to the forms [DHBC RLC-01 (New 11/2020) and DHBC RLC-02 (New 10/2020)] as "non-substantive" and recommended reversion to the modified version forms previously adopted by the Board at its January 22, 2022, meeting. Additionally, she stated OAL recommended changing the numbering of the regulation from section 1115 to 16 CCR section 1119 (section 1119) to align towards the end of the licensing section as retirement occurs towards the end of a career, as well as to allow for other possible regulations that may apply prior to "retirement."

**Motion:** Dr. Carmen Dones moved for the Board to re-approve the proposed modified text and forms to the version previously approved on January 22, 2022, for section 1119, directing 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 as described in the modified text notice for section 1119.

**Second:** Susan Good.

**Member discussion:** None.

**Public comment:** None.

**Vote: Motion for the Board to re-approve the proposed modified text and forms to the version previously approved on January 22, 2022, for section 1119, directing 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 as described in the modified text notice for section 1119. Passed 6:0:3.**

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

## **8. Sunset Report.**

EO Lum reported that “Sunset Review” is the process where the Legislature has an opportunity to review a board program to determine whether to continue it or not. He stated board programs must complete this process every 4-5 years as a method to inform the Legislature how the program is doing, update on prior issues and their progress, whether there are any new issues for the program to address and is an opportunity for the Board to request additional resources for Board’s needs, if necessary.

EO Lum stated that for each Sunset Review, staff assemble a very complex and detailed draft report containing information from the past four years addressing questions from the Legislature for the Board to consider and make revisions, if needed. He indicated this meeting is the first opportunity for the Board to review the draft report and make any recommended edits or changes to be brought back at a subsequent Board meeting for approval prior to submission to the Legislature. Additionally, he stated the due date this year for the report to be submitted to the Legislature is January 1, 2023.



EO Lum stated that staff recommends for the Board to review the draft 2022/23 Sunset Review report in its entirety and provide recommendation and guidance for any edits or revisions to the report to be returned at the next meeting with revisions for approval.

**Member discussion:** Discussion took place regarding the Sunset report with grammatical corrections and clarifications suggested.

**Public comment:**

Mary McCune, California Dental Association (CDA), stated CDA is definitely in support of the Board’s Sunset Bill. However, she stated CDA has concerns regarding changing supervision of Local Anesthesia from direct supervision to general, citing concerns around safety protocols. She stated CDA is open to discussions with the Board on that topic.

Member of the public “Sade” stated she was concerned regarding Office of Statewide Health Planning and Development (OSHPD) dental health professional shortage areas for brick-and-mortar dental hygiene practices and the ability to grandfather those practices in should the OSHPD designated areas undergo geographical changes.

**9. Future Agenda Items.**

- 1. Susan Good:
  - a. Requested setting up a new task force to include public members to evaluate the National exam for its efficiency and recommends the removal of educators from the review process, citing compliance with BPC section 139.
  - b. Consider a policy to alternate in person and WebEx meetings, and specifying that if a meeting is two days, it is to automatically be in person.

**10. Closed Session**

The Board met in Closed Session to deliberate on disciplinary matters pursuant to Government Code section 11126, subdivision (c)(3).

**11. Adjournment**

Meeting was adjourned at **12:44 p.m.**