



Dental Hygiene Board of California Teleconference Meeting Minutes

Saturday, March 18, 2023

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

Vice President – Sonia “Pat” Hansen, RDH Member

RDH Member – Naleni “Lolly” Tribble-Agarwal

Registered Dental Hygienist in Alternative Practice (RDHAP) Member – Vacant

Public Health Dentist Member – Vacant

Public Member – Sherman King

Public Member – Dr. Justin Matthews

Public Member – Erin Yee

DHBC Member Absent:

Secretary – Denise Davis, Public Member

DHBC Staff Present:

Anthony Lum, Executive Officer

Albert Law, Special Investigator

Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislation, and Regulatory Specialist

Michael Kanotz, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

Kayla Watson, DCA 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.** Dr. Adina Petty completed the roll call, and a quorum was established with 6 members present. Board member Denise Davis was absent and excused.

2. Public Comment for Items Not on the Agenda.

None.

3. President's Report (Informational Only).

President Dr. Carmen Dones welcomed all in attendance and welcomed the DHBC's two new Board Members, Dr. Justin Matthews and Naleni "Lolly" Tribble-Agarwal, and asked them to provide a few words on their background.

Dr Dones provided a report on her current activities. Dr. Dones reported she conducted the Full Board teleconference meeting on February 4, 2023, where the primary focus was to address an enforcement case in Closed Session, address regulatory issues, and nominate and vote for a new Vice President. She stated the Board voted Pat Hansen as our new 2023 Vice President to replace Noel Kelsch.

Dr. Dones reported on March 9, 2023, the Department of Consumer Affairs' (DCA) executive staff conducted a mock Sunset hearing for practice to prepare for the real legislative hearing, and on March 16, 2023, she participated in the Board's 2023 Sunset Review Hearing where she and Executive Officer (EO) Anthony Lum informed the Joint Legislative Sunset Committee about the DHBC and answered questions that stemmed from the Board's Sunset Report. She stated the hearing went well and there were no major issues presented to us from the Sunset Committee.

Board member comment: None.

Public comment: None.

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

Yvonne Dorantes, Assistant Deputy Director of the Department of Consumer Affairs' (DCA) Board and Bureau Relations Office, reported:

1. DCA Diversity, Equity, and Inclusion Steering Committee:

At the end of January, the Diversity, Equity, and Inclusion (DEI) Steering Committee met and decided to focus on training in the first quarter of 2023. Over the next few months, all staff, including DCA's SOLID trainers and board and bureau leadership, will receive DEI training, and regular and recurring training opportunities will be available.

2. Strategic Planning:

DCA's SOLID team is in the final stages of updating its strategic planning process, which includes an equity analysis. Environmental scan surveys and SWOT analyses will include DEI-related questions to assist boards and bureaus in developing DEI-related goals and objectives as part of their strategic plans. To further assist the boards and bureaus, sample DEI objectives will be provided. A training video, as well as video messages from Business, Consumer Services, and Housing Agency Secretary Lourdes Castro Ramirez and DCA Director Kimberly Kirchmeyer, are in the works to explain their perspectives on DEI and how it relates to the boards' roles as regulators and policymakers. To improve public access, DCA is creating a centralized website page on

DCA's website (dca.ca.gov) that will house all board and bureau strategic plans. Once these new DEI components have been finalized, SOLID will begin working with DCA's boards and bureaus to develop new strategic plans or update existing ones

3. Required Board Member Trainings Reminder:

There are two DCA-wide mandatory trainings for 2023 – this includes sexual harassment prevention training and information security awareness. All DCA employees and appointees, including board members, will need to complete the sexual harassment prevention training this year. This training is required every odd-numbered year and is online, self-paced and approximately two-hours.

In addition, if a person is assigned a DCA email (dca.ca.gov) they are required to complete the Information Security Awareness Fundamentals 2023 training. Information security awareness training addresses everyone's role in protecting DCA data and information. The training is online and required every year.

A mandatory trainings page has been created to help members identify, access, and track specified trainings. The page includes direct links to mandatory trainings as well as pertinent information and policies specific to these training courses. Go to dca.ca.gov and click on the "DCA Board Member Resource Center" page under "Required Board Member Training". They may also reach out to Melissa Gear or Yvonne Dorantes for additional assistance.

4. Annual Form 700s - March 15, 2023:

Board and committee members are required to file a Statement of Economic Interests (Form 700) within 30 days of their appointment, annually, and within 30 days of leaving office. This year's annual filing period covers the prior calendar year (January 1 through December 31, 2022). The official deadline for filing is Friday, April 1, 2023. To ensure compliance, DCA requests that Form 700 filers complete the e-filing by Friday, March 15, 2023. You should have recently received an email from Netfile with instructions on how to file your Annual Form 700. If you have any questions or would like more information, please contact Melissa Gear.

5. Board Member Orientation Training (BMOT) - March 22, 2023:

Board members must complete BMOT within one year of their appointment or re-appointment. On March 22, 2023, BMOT will be offered as a live, virtual day of training, and possibly in-person on June 20, 2023, and October 10, 2023. Members can register for this training via LMS.

6. Virtual Meetings and the Bagley-Keene Open Meeting Act:

Legislation passed last year amended provisions of the Bagley-Keene Open Meeting Act to extend the ability of state bodies, such as DCA's boards and bureaus, to conduct public meetings virtually through July 1, 2023. Under the current provisions, no physical meeting location is necessary; board members' virtual locations do not need to be open to the public; and members of the public can participate virtually or telephonically, increasing accessibility. Absent legislation to extend these provisions, DCA's boards

and bureaus will not be allowed to conduct meetings virtually. After July 1st, boards will have to return to the Open Meeting Act teleconference meeting requirements they were accustomed to before the COVID-19 emergency.

7. **BBR Winter Newsletter:**

Board and Bureau Relations (BBR) circulated its Winter Board Member newsletter at the end of January. The issue includes an introduction of the BBR Team, helpful resources, training details and department updates. Please visit dca.ca.gov to check it out.

8. **Enlighten Enforcement Process**

DCA has begun its Enlighten Enforcement Process. Last year, the Enlighten Licensing Process Project Team released its report including recommendations on how to improve licensing process specifically for the Board of Registered Nursing, but there were many recommendations that other boards could implement as well to improve their processes. Starting in March, the team is now moving to enforcement, and the Dental Board of California has agreed to be the first board to go through this process.

On March 2, the Co-Chairs on this project led staff through a review of their complaint and investigation process as subject matter experts from all boards were able to ask questions and provide suggestions. This review process will continue until all aspects of the enforcement process have been reviewed. The end result will be another report with recommendations, a sample enforcement policies and procedures manual, and a critical review of the process that will be used to update DCA's Enforcement Academy training. This process will also assist in identifying the codes used for reporting to ensure all boards and bureaus are reporting their data accurately.

Board member comment: None.

Public comment: None.

5. **Update from the Dental Board of California (Informational Only).**

Dr. Alan Felsenfeld, President of the Dental Board of California (DBC) reported the DBC's February Board Meeting was held onsite in Sacramento at DCA Headquarters Two, and both the President and Executive Officer gave brief updates, including introducing the DBC's Complaint and Compliance Unit staff and noting the Board is almost fully staffed. He stated that regular Dental Board updates were provided by the Administrative, Enforcement, Dental Assisting and Dentistry Licensing, and Permit Units as well as the Dental Assisting Council, and that Carl Sonne, Senior Assistant Attorney General, provided an update and presentation on the Attorney General's Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies Business and Professions Code Section 312.2 January 1, 2023.

Dr. Felsenfeld reported he assigned members to the DBC's Committees, and "Discussion and Action" was taken on several legislative proposals, including:

- Licensure by Credential Requirements – clarify eligibility pathways
- Fictitious Name (FN) Permits and Dental Corporation Name – better clarify dentists practicing under a FN permit
- Unlicensed Dental Assistant Course Requirements – clarify calculation of days of employment and when dental assistants must take infection control and other required coursework
- General Anesthesia and Sedation Permits – clarify language resulting in the recent enactment of Senate Bill 501; the Dental Board is working with licensees and stakeholders to address concerns raised while ensuring patient protection and avoiding barriers to issuing these permits

Dr. Felsenfeld stated “Discussion and Action” was also taken to initiate a rulemaking to amend California Code of Regulations (CCR), Title 16, Section 1018, regarding Disciplinary Guidelines, and that the next DBC meeting will be held on May 18-19, 2023 in Anaheim, California.

Board member comment: None.

Public comment: None.

6. Discussion and Possible Action to Approve the February 4, 2023, Full Board WebEx Teleconference Meeting Minutes.

Motion: Carmen Dones moved to approve the February 4, 2023, Full Board WebEx Teleconference Meeting Minutes.

Second: Erin Yee.

Member discussion: None.

Public comment: None.

Vote: Motion to approve the February 4, 2023, Full Board WebEx Teleconference Meeting Minutes. Passed 4:0:3.

Name	Aye	Nay	Abstain/Absent
Denise Davis			X (Absent)
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Justin Matthews			X (Abstain)
Naleni “Lolly” Tribble-Agarwal			X (Abstain)

Name	Aye	Nay	Abstain/Absent
Erin Yee	X		

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

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

1. Personnel:

The Board continues to pursue the hiring of staff and currently have a few vacancies. EO Lum welcomed two new hires for the DHBC:
 Crystal Yuyama – Administration Analyst
 Joselyne Soto-Terrazas – Probation Monitor

EO Lum reported current positions that are in the hiring process (two Licensing Analysts and the Assistant Executive Officer) and thanked Michael Walker and Alex Lee for their hard work as Licensing Analysts for the Board.

2. 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, and is projected to remain solvent for years without needing additional revenue from fee increases.

3. Administration - EO Activities and Sunset Review:

Since the Board’s November 19, 2022 meeting, EO Lum has participated in the following activities: authoring the 2023 Sunset Review Report; hiring of staff and onboarding and offboarding Board Members; he’s part of a DCA Executive Cabinet group made up of DCA Executive staff, Board Executive Officers, and Bureau Chiefs that address potential issues within the department and assist to resolve them; participated in several Informal Conferences with licensees who fail their CE audit and receive a citation and fine, then request an informal conference to state their case and possibly provide additional information for consideration of the citation; conducted several interviews and completed hiring procedures for the Board’s Administration Analyst, Probation Monitor, Licensing Analysts, and Assistant Executive Officer; attended the Dental Board’s February 2023 Board Meetings; participated in the February DCA President’s and VP training; and testified before the Joint Legislative Sunset Committee regarding the Board’s 2023 Sunset Review Report.

Additionally, EO Lum and President Dones testified on March 16, 2023, before the Joint Legislative Sunset Committee about the Board's 2023 Sunset Review Report and answered any questions presented. Questions posed to them from legislators included:

- Issuance of Temporary dental hygiene licenses to active military members and their spouses.
- If military members stay in California longer than the temporary license is valid, how can they obtain a permanent CA dental hygiene license.
- Has military dental work experience been considered for credit toward a CA dental hygiene license.
- The Board's proposal to change the supervision requirement for Soft Tissue Curettage, Local Anesthesia administration, and Nitrous Oxide-Oxygen analgesia (SLN) services so the supervising dentist can determine the level of supervision required rather than mandated by the law to always be direct supervision.
- Questions on the issue where the law forces an RDHAP practice to close if the area is no longer designated a Dental Health Professional Shortage Area (DHPSA). We're requesting that it remain open should the DHPSA area designation change and not force the closure of the practice for access to care for the underserved.

Member comment: None.

Public comment: None.

8. Closed Session

Closed Session was held.

9. Discussion and Possible Action on Executive Officer Exempt Position Request (EPR).

EO Lum reported in fiscal year 2009/10, the Dental Hygiene Committee (now Board) started its operations of consumer protection. The Executive Officer (EO) position was established at an exempt level and salary scale appropriate at the time to oversee the entirety of committee operations. However, over the last decade, there has been significant organizational growth, programmatic changes and added staff responsibilities assigned to the EO since the Board's inception without an increase in the EO's exempt level. Some additional programs, in conjunction with the expansion of existing programs and additional staff to operate them, created a greater and more complex management workload added to the EO's responsibilities such as:

- Implementation of dental hygiene educational program (DHEP) oversight for 29 programs throughout the state.
- Enhancement of enforcement activity such as citation and fine, probation, and expansion of investigation work.
- Licensing program expansion to include DHEP site visits and reviews, continuing education audits, and the review and inspection of mobile dental hygiene clinics.

- Additional staff and increased budget to implement the above program changes.

Administratively, the data over the last decade shows the Board’s budget has increased to \$2.8 million (154% increase), staff increased to 15 (200% increase), program statistics such as licensee population increased by 55% and complaints received by the Board significantly increased by 150%. Additionally, due to HR laws, the EO must supervise subordinate manager-level staff because the assistant Executive Officer (AEO) is currently at the same managerial level instead of a higher level. Most of the Board’s program growth has occurred over the last decade without a commensurate elevation in the EO’s exempt status despite the increased responsibilities.

EO Lum stated appropriate program supervision oversight is vital for the Board to run its operations efficiently. By approving this EPR request, it will help to realign the management organizational structure for years to where they’re at correct levels pursuant to human resources laws and guidelines to oversee subordinate management and rank and file staff. This is the second attempt to have the EPR approved, as the last submission was denied.

Motion: Justin Matthews moved for the Board to approve the proposed Executive Officer exempt position request (EPR) and salary to elevate the exempt level for realignment of the management organizational structure for improved oversight of managerial and rank and file staff.

Second: Naleni “Lolly” Tribble-Agarwal.

Member discussion: None.

Public comment: None.

Vote: Motion to approve the proposed Executive Officer exempt position request (EPR) and salary to elevate the exempt level for realignment of the management organizational structure for improved oversight of managerial and rank and file staff. Passed 6:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis			X (Absent)
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Justin Matthews	X		
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee	X		

10. Discussion and Possible Action to Extend the Temporary Acceptance of the Manikin-Based Clinical Examination as Administered by CRDTS and CDCA/WREB/CITA.

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 Coronavirus Pandemic (COVID-19) environment. The temporary acceptance of this exam was extended four times at Board meetings (March 6, 2021, July 17, 2021, March 19, 2022, and July 23, 2022) and now is set to expire on July 31, 2023. Information received from dental hygiene programs administering the exams require advanced notice of exam acceptance to enable them to arrange and schedule for future dates. The manikin-based clinical exam is an alternative method to the acceptance of the in-person, patient-based clinical examinations administered by CDCA/WREB and CRDTS; however, documentation submitted from exam administrators shows this method is widely accepted nationwide for dental hygiene licensure requirements.

EO Lum stated that although the COVID-19 environment has eased, 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, staff recommends extending the deadline to temporarily accept the alternative manikin-based dental hygiene clinical examination until January 31, 2024.

Motion: Carmen Dones moved for the Board to approve the extension of the temporary acceptance of the manikin-based clinical examinations administered by CRDTS and CDCA/WREB/CITA through January 31, 2024 to fulfill the clinical examination requirement for licensure.

Second: Erin Yee.

Member discussion: None.

Public comment:

Mina Ghorbani, current RDH student at West Los Angeles College (WLAC) requested the Board to consider extending the manikin exam past July 31, 2023 so the senior students may plan accordingly as they graduate in December of 2023.

Lisa Kamibayashi, WLAC Dental Hygiene Educational Program (DHEP) Director, supports motion and requested the extension to be made with an end date to coincide with the elimination of the clinical board in statute so the DHEPs may plan accordingly for their students.

Tonette Steeb, Diablo Valley College DHEP Director, echoed Lisa Kamibayashi's comments.

Vote: Motion for the Board to approve the extension of the temporary acceptance of the manikin-based clinical examinations administered by CRDTS and

CDCA/WREB/CITA through January 31, 2024 to fulfill the clinical examination requirement for licensure. Passed 6:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis			X (Absent)
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Justin Matthews	X		
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee	X		

11. Discussion and Possible Action on Carrington College’s Request for Blended Evening Expansion of the Sacramento and San Jose Dental Hygiene Educational Programs.

Dr. Adina Petty reported on November 16, 2022, Carrington College notified the DHBC of their intent to add an evening cohort of the dental hygiene educational programs at both the Sacramento and San Jose campuses. Additionally, on February 20, 2023, Carrington College submitted feasibility studies for both campuses, indicating a need to serve a new demographic of students who wish to attend dental hygiene school as well as to increase services to patients in need of evening and weekend dental hygiene care. She stated Carrington College requests the DHBC to review and approve their request to add an evening cohort of the dental hygiene educational programs at both the Sacramento and San Jose campuses.

Dr. Petty provided an overview of all documentation submitted by Carrington College and the inspection of both facilities with the Board and stated that staff can not recommend approval of the expansion of the dental hygiene educational programs at both the Sacramento and San Jose campuses at this time.

Motion: Carmen Dones moved for the Board to table the expansion request at this time for Carrington College’s dental hygiene educational programs at both the Sacramento and San Jose campuses due to scheduling concerns and lack of CODA approval of the expansion.

Second: Justin Matthews.

Member discussion: Discussion took place regarding Carrington College’s expansion request. Dr. Justin Matthews asked if the school has any guidance regarding coming into compliance with Board standards to obtain approval. Dr. Petty provided the background on guidance information for coming into compliance with Board standards to obtain approval.

Public comment: None.

Vote: Motion for the Board table the expansion request at this time for Carrington College’s dental hygiene educational programs at both the Sacramento and San Jose campuses due to scheduling concerns and lack of CODA approval of the expansion. Passed 6:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis			X (Absent)
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Justin Matthews	X		
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee	X		

12. Discussion and Possible Action on Proposed Sunset Legislation Amendments for Assembly Bill (AB) 1257.

EO Lum stated 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. 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 reported that on October 8, 2022, the Board reviewed and approved proposed Sunset legislation amendments for Business and Professions Code (BPC) sections 1917, 1926.06, and 1962. However, after further review, he reported that additional BPC amendments were identified for BPC sections 1904, 1909, 1917.2, and 1936.1.

EO Lum reviewed the draft proposed Sunset legislation amendments and requested the Board approve the proposed Sunset legislation amendments for BPC sections 1904, 1909, 1917, 1917.2, 1926.06, 1936.1, and 1962.

Motion: Justin Matthews moved for the Board to approve the attached draft proposed Sunset legislation amendments for Business and Professions Code sections 1904, 1909, 1917, 1917.2, 1926.06, 1936.1, and 1962.

Second: Erin Yee.

Member discussion: None.

Public comment:

Tooka Zokaie, California Dental Association (CDA) raised concerns regarding BPC section 1926.06 and opposed grandfathering in RDHAP brick and mortar practices in Dental Health Professional Shortage Areas (DHPSA) should the DHPSA designation be lifted.

Allison Wagstaff, Co-chair of the Government Relations Council of the California Dental Hygienists' Association (CDHA), stated that if a DHPSA designation is lifted and the RDHAP brick and mortar practices are not allowed to remain, those areas may return to being DHPSAs.

Susan McDonald questioned when the elimination of the clinical exam would take effect. EO Lum stated the exam elimination would take effect January 1, 2024, should the DHBC Sunset Bill legislation pass.

Vote: Motion for the Board to approve the attached draft proposed Sunset legislation amendments for Business and Professions Code sections 1904, 1909, 1917, 1917.2, 1926.06, 1936.1, and 1962. Passed 6:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis			X (Absent)
Carmen Dones	X		
Sonia "Pat" Hansen	X		
Sherman King	X		
Justin Matthews	X		
Naleni "Lolly" Tribble-Agarwal	X		
Erin Yee	X		

13. Discussion and Possible Action on Current Legislation.

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

Legislation	DHBC Position
AB 477 Waldron: Legislative review of state boards.	Watch.
AB 481 Carrillo: Dentistry: dental assistants.	Watch.
AB 557 Hart: Open meetings: local agencies: teleconferences.	Watch.

Legislation	DHBC Position
AB 820 Reyes: State boards and commissions: seniors.	Watch.
AB 883 Mathis: Business licenses: United States Department of Defense SkillBridge program.	Watch.
AB 936 Wood: Dentistry: exemptions.	Watch.
AB 996 Low: Department of Consumer Affairs: continuing education: conflict-of-interest policy.	Watch.
AB 1257 Assembly Business & Professions: Dentistry: Dental Hygiene Board of California.	Support.
AB 1395 Garcia: Licensed Physicians and Dentists from Mexico Pilot Program: requirements.	Watch.
AB 1396 Garcia: Licensed Physicians and Dentists from Mexico Pilot Program: requirements.	Watch.
Senate Bill (SB) 259 Seyarto: Reports submitted to legislative committees.	Watch
SB 372 Menjivar: Department of Consumer Affairs: licensee and registrant records: name and gender changes.	Watch.
SB 820 Alvarado-Gil: Consumer complaints.	Watch.

Motion: Carmen Dones moved for the Board for the Board to approve the Board’s position as recommended by staff.

Second: Justin Matthews.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board for the Board to approve the Board’s position as recommended by staff. Passed 6:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis			X (Absent)
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Justin Matthews	X		

Name	Aye	Nay	Abstain/Absent
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee	X		

14. 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: None.

Public comment: None.

15. Discussion and Possible Action on RDAEF Administration of Local Anesthesia and Nitrous Oxide Analgesia (Informational Only).

EO Lum reported that at its November 2018 meeting, the DBC’s Dental Assisting Council (Council) heard a presentation from Joan Greenfield, RDAEF representative, regarding a proposal to expand the scope of practice of registered dental assistants in extended functions (RDAEFs) licensed on or after January 1, 2010. Ms. Greenfield requested to add the administration of local anesthesia and nitrous oxide as an optional post-licensure permit with conditions determined by the Board. The Council discussed the necessity of adding the administration of local anesthesia and nitrous oxide to the scope of practice for RDAEFs and expressed their concern for public protection. They directed Council staff to survey both dentists and a larger sample of RDAEFs to solicit their judgments on adding the administration of local anesthesia and nitrous oxide to the RDAEF scope of practice. In addition, the Council directed the formation of a working group, consisting of dentists, hygienists, RDAEFs, and other interested stakeholders, to research and evaluate the proposal.

He stated that in working with the Department of Consumer Affairs’ Office of Professional Examination Services in 2022, the Council approved a survey of dentists and RDAEF licensees to gather data for the Dental Board to consider when determining whether the RDAEF scope of practice should be expanded to include the administration of local anesthesia and nitrous oxide. At its February 9, 2023, meeting, the Council announced that the overall results from the survey indicated the following:

- Local Anesthesia was required for a significant proportion of procedures performed by RDAEFs.
- Dentists and RDAEFs indicate that frequent additional administration of local anesthesia is required for these procedures.

- The majority of dentists who supervise RDAEFs and RDAEFs support expansion of the scope of practice to include administration of local anesthesia and nitrous oxide-oxygen analgesia.

EO Lum stated that at several meetings where this proposal has been addressed, there have been numerous public comments against the RDAEF scope of practice expansion to include local anesthesia administration and nitrous oxide. He stated many of the comments have been from dental hygiene educators who indicate that the safety of the consumer is at risk, due to the lack of education and training RDAEFs have in comparison to dental hygienists and dentists who are legally allowed to administer these services. Additionally, there were several dentist comments against the survey, suggesting it may have been biased in surveying only RDAEFs and many dentists that supervise them. They suggested to survey more of the general dental population instead of those with a vested interest. He stated letters of opposition to this proposal were received from the California Dental Hygiene Association (CDHA), the California Dental Hygiene Educator's Association (CDHEA), and the California Dental Association (CDA) .

Member discussion: President Dones recited concerns regarding allowing RDAEFs to administer local anesthesia, stating RDAEFs lack adequate educational background and knowledge to ensure safety of the public. She requested EO Lum continue to monitor the situation and advise the Board as to any changes.

Public comment: None.

16. Education Update (Informational Only).

Dr. Adina Petty reported that it was brought to the Board's attention that at the open session of the February 10, 2023 meeting of the Commission on Dental Accreditation of the American Dental Association (CODA), there was discussion concerning increasing the student to instructor ratio. She stated that in the February 10, 2023 meeting materials, CODA provided background materials stating that on January 16, 2023, CODA received a letter from 17 state dental associations related to workforce shortages in dental hygiene, and requested CODA:

"Immediately make the faculty to student ratio in the Dental Hygiene Accreditation Standards (Section 3-6) (Sic) the same as the faculty to student ratios in the Dental Therapy Accreditation Standards (Section 3-5) and the Dental Assisting Accreditation Standards (Section 3-8). The result of this change would be that the Accreditation Standards for all three auxiliary professions would be identical with a faculty to student ratio of 1 to 6."

Dr. Petty stated that CODA took no action on the request and is currently investigating the suggestion, and that the intention of Board staff in bringing this information to the Board is to advise of a possible future change to CODA Standard 3-5 which may affect the health and safety of the public.

Additionally, Dr. Petty reported the current status of Dental Hygiene Educational Program (DHEP) compliance at Diablo Valley College, Pasadena City College, Loma Linda University, Moreno Valley College, Carrington College-Sacramento, Carrington College-San Jose. Additionally, she provided the Board the current Site Visit schedule for upcoming program reviews.

Member discussion:

Board Member Naleni “Lolly” Tribble-Agarwal stated she is in support of the one to five faculty to student ratio, and that as a former dental hygiene student she remembers the difficulty experienced having faculty checks in a timely manner. Additionally, she feels it important to have a smaller ratio of students to faculty for patient safety.

President Dones stated she does not see any methodology CODA uses to determine the faculty to student ratio. She stated in the past the faculty to student ratios went from one to five to one to six, and was not aware of any negative results. She stated she would be in favor of a one to six faculty student ratio.

Public comment:

Lygia Jolley stated she has been teaching dental hygiene students since 2003, has personally experienced the one to six faculty to student ratio. She stated she feels the one to five faculty to student ratio is in the best interest of public safety, as well as for student success. She requested the Board place the one to five faculty to student ratio in the DHBC educational regulations.

Allison Wagstaff, Co-chair of the Government Relations Council of the CDHA, states CDHA supports a recommendation for the Board to direct staff develop regulatory language maintaining a one to five faculty to student ratio as it is in the best interest of the consumer’s health and safety. Additionally, as the Board is potentially moving to eliminate the clinical board exam, it places a greater responsibility on faculty to ensure students are competent. She reported CDHA firmly believes a one to five faculty to student ratio will keep dental hygiene programs rigorous, ensuring patients receive the same quality of care they expect.

Dr. Michelle Hurlbutt, Dean of Dental Hygiene and Program Director at West Coast University stated she was part of the taskforce looking into eliminating the clinical board exam. She stated the reason for the decision to recommend elimination of the clinical exam was that the California DHEPs have great data. Dr. Hurlbutt explained there is a really high pass rate on clinical board exams and that if the Board does not firm up the one to five faculty to student ratio, the Board’s ability to eliminate the clinical board exam will be lost in legislation because the data stems from the one to five faculty to student ratio. She urged the Board place the one to five faculty to student ratio in the DHBC educational regulations.

Josephine Galliano, Educational Consultant for the DHBC, stated that since the Board’s inception 13 years ago, she has been a site visitor for the 29 California DHEPs. She stated at every site visit, she has met with the students and the number one barrier to success is the lack of adequate faculty contact time. By increasing the faculty student ratio of one to

six, it would lead to a situation where the students may not have enough faculty to evaluate patients, and successfully complete their competencies or patient care requirements, leading to greater student attrition rates. She urged the Board place the one to five faculty to student ratio in the DHBC educational regulations as it can take up to two years and CODA may change the faculty student ratio to one to six before the regulation may pass.

Lisa Kamibayashi stated safety of the consumer will be protected by smaller ratios, but would like to see more of a consistency among faculty to student ratios with other dental hygiene courses.

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

Special Investigator Albert Law reported the Board's enforcement unit currently has an Enforcement Analyst position vacancy. In which management is working to fill. The Board's enforcement staff continues to take on additional tasks and duties to ensure that all enforcement matters continue to be processed.

Mr. Law additionally provided detailed enforcement statistics regarding consumer complaints and arrests/convictions complaints, along with statistics on the status of field and desk investigations.

Member discussion: None.

Public comment: None.

18. Licensing and Examination Statistics and Continuing Education Audits Update (Informational Only).

a. Licensing and Examination Statistics:

EO Anthony Lum reported the application statistics through the end of February 2023.

b. Continuing Education Update

EO Lum reported that when initiating a CE audit, licensees are selected at random by the computer for staff to conduct the audit. The selected licensees have already completed their prior license renewals where they've attested under the penalty of perjury on the License Renewal Application that the number of required continuing education (CE) hours required by law to renew the license have been completed for the renewal. He stated that in Fiscal Year (FY) 2022/23, the Board initiated 515 Continuing Education (CE) audits through 2/28/2023. From the audits, there continues to be similar trends in the pass and fail rate of audited licensees where close to 40% are failing. He stated that once a licensee has failed a CE audit, the file is forwarded to the Board's Enforcement Unit to work through them in issuing citation and fines with or without orders of abatement to address the CE deficiency.

EO Lum stated the Board has posted a link on the homepage of the website (www.dhbc.ca.gov) that opens directly to important continuing education information, and that under the Licensee tab on the website, the open selection has a CE link to the same information. In addition, Board staff recently sent an email blast to all licensees and email subscribers about the CE Audit program and where to find CE information on our website.

Member discussion:

President Dones questioned as to when is the “high-time” for licensing applications. EO Lum stated the higher numbers of applications are received April until October due to graduation schedules of the DHEPs, but renewals are based on the licensee’s birth date and year.

Public comment:

Dr. Michelle Hurlbutt, Dean of Dental Hygiene and Program Director at West Coast University, asked what is the process for how licenses are audited and if Continuing Education (CE) certificates are required to be uploaded when renewing their license. EO Lum stated audits are chosen at random by the computer. Additionally, there has never been a requirement for licensees to upload their CE certificates during renewal, unless requested by Board staff if the licensee is under a random CE audit.

19. Future Agenda Items.

1. Patti Chan, Foothill College Program Director, requested the Board to consider making acceptance of the manikin exam permanent.
2. JoAnn Galliano and Lygia Jolley requested the Board create regulatory language for faculty to student ratios for dental hygiene educational programs.

20. Adjournment

Meeting was adjourned at **1:51 p.m.**