



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee Agenda

Agenda



Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815

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Notice is hereby given that a public meeting of the Dental Hygiene Committee of California will be held as follows:

FULL COMMITTEE MEETING AGENDA

The DHCC welcomes and encourages public participation in its meetings. The public may take appropriate opportunities to comment on any issue before the Committee at the time the item is heard.

**Tuesday, December 4, 2012
9:00 a.m. – 5:00 p.m.
Evergreen Hearing Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815**

9:00 a.m. Dental Hygiene Committee of California – Full Committee – Open Session

Roll Call/Establishment of Quorum

1. Public Comment for Items Not on the Agenda
2. Approval of the April 17, 2012, Meeting Minutes
3. Approval of July 9, 2012, Teleconference Meeting Minutes
4. President's Report
5. Executive Officer's Report
6. Update on BreEZe Project
7. Budget Report
8. Establishment of Fees
 - a. Initial Licensure Application Fee
 - b. Special Permit Application Fee
 - c. Special Permit Renewal Fee
 - d. New Dental Hygiene Program Application Fee
 - e. Extramural Application Fee
 - f. Mobile Dental Unit Application Fee
 - g. Mobile Dental Unit renewal Fee
 - h. Course Review Fee
 - i. Additional Office Application Fee
 - j. Additional Office Renewal Fee
9. Regulations Update, Review and Action as Necessary
 - a. DHCC Uniform Standards Related to Substance Abuse and Disciplinary Guidelines – §1138, Title 16 California Code of Regulations
 - b. Cite and Fine - §1139-1144, Title 16 California Code of Regulations

- c. Sponsored Free Health Care Clinics - §1149-1153, Title 16 California Code of Regulations
 - d. Retroactive Fingerprint Requirements, §1132, Title 16 California Code of Regulations
10. Update on Strategic Plan
 11. Education and Outreach Subcommittee Report:
The Committee may take action on any items listed on the attached Education and Outreach Subcommittee agenda
 12. Enforcement Subcommittee Report:
The Committee may take action on any items listed on the attached Enforcement Subcommittee agenda
 13. Legislative and Regulatory Subcommittee Report:
The Committee may take action on any items listed on the attached Legislation and Regulation Subcommittee agenda.
 14. Licensing and Examination Subcommittee Report:
The Committee may take action on any items listed on the attached Licensing and Examination Subcommittee agenda.
 15. Election of Officers for 2013
 16. Proposed DHCC 2013 Meeting Calendar
 17. **Closed Session**
The Committee may meet in closed session to deliberate on disciplinary matters pursuant to Government Code §11126 (c) (3)

Return to Open Session

18. Adjournment

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access DHCC's Web Site at www.dhcc.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 576-5004, via e-mail at: anthony.lum@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 1050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 2

Approval of the April 17, 2012 Meeting Minutes



Dental Hygiene Committee of California

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DRAFT - DENTAL HYGIENE FULL COMMITTEE MEETING MINUTES

**Embassy Suites – San Diego Bay Downtown
Topeka Room
601 Pacific Highway
San Diego, CA 92101
Tuesday, April 17, 2012**

Roll Call – The Dental Hygiene Committee of California (Committee) President called the meeting to order with roll call at 9:10 a.m. With six committee members present, a quorum was established.

Committee members present:

Alex Calero, Public Member
Cathy DiFrancesco, Registered Dental Hygienist (RDH)
Michelle Hurlbutt, RDH Educator
William Langstaff, Doctor of Dental Surgery (DDS)
Evangeline Ward, RDH
Andrew Wong, Public Member

Committee members absent:

Rita Chen Fujisawa, Public Member

Staff present:

Lori Hubble, Executive Officer (EO)
Anthony Lum, Administration Analyst
Traci Napper, Legislation and Regulatory Analyst

Claire Yazigi, Department of Consumer Affairs' (DCA) legal representative

Public present:

Katie Dawson, California Dental Hygienist Association (CDHA)
JoAnne Galliano, CDHA
Vickie Kimbrough-Walls, Southwestern College, California Dental Hygiene Educator's Association (CDHEA)
Kim Laudenslager, Director of Dental Hygiene Examinations, Central Region Dental Testing Service (CRDTS)
Bill Lewis, California Dental Association (CDA).

President's Announcement –

Mr. Calero announced that there will be opportunities throughout the meeting for the public to comment on the agenda items and that the public participants only need to identify themselves on a voluntary basis.

FULL 1 – Public Comment for Items Not on the Agenda

Bill Lewis of CDA invited Committee members, staff, and the public to participate in the CDA's Cares events, which are free clinics for those who are in need of dental services. He indicated that the first event is May 18-19, 2012 in Modesto, and the second is in Sacramento on August 24-25, 2012. He stated that these events not only provide dental specific services to those in need, but also educate the individuals receiving care and to focus attention on the dental need that is present in the communities across the state.

FULL 2 – Approval of December 13, 2011 Minutes

Mr. Calero asked for a motion to approve the December 13, 2011 Committee Meeting minutes.

- **William Langstaff moved to approve the December 13, 2011 Committee Meeting Minutes.**

Cathy DiFrancesco seconded the motion.

Mr. Calero asked for any comments from the Committee members or the public. There was no comment.

Vote: The motion passed 5 – 0 – 1 (Evangeline Ward abstained as she was not a member at the time of the December 2011 meeting).

FULL 3 – President's Report

Mr. Calero welcomed Evangeline Ward, RDH as the newest Committee member and looked forward to working with her. He also welcomed the new Committee staff that were recently hired, and indicated that this issue would be reported upon by the Executive Officer.

Mr. Calero reported that on February 24, 2012, he attended the Dental Board of California's meeting and provided a brief update to the Board on behalf of the Committee. He stated that their members were very interested in the current issues the Committee is addressing. He indicated that he plans to attend future Board meetings so that he can respond to any questions or concerns the Board members may have.

Mr. Calero asked for any public comment in regard to his President's Report. Katie Dawson of CDHA thanked Mr. Calero for representing the Committee at the February 2012 Dental Board meeting, and suggested that Mr. Calero influence the Dental Board members to attend the Committee meetings. She stated that the Committee has an agenda item for each of their meetings and frequently presents the Dental Board with information about the dental hygiene profession. Mr. Calero concurred with Ms. Dawson's suggestion and said that in his update to the Dental Board, he invited their members to come and participate in the Committee's meetings and would continue to invite them when he attends their meetings.

Mr. Calero asked for any additional public comment on his report. There was no further public comment.

FULL 4 – Executive Officer’s Report

Ms. Hubble thanked all of the Committee members for their timely completion of the ethics, and sexual harassment courses, and the Form 700, which is required to report any official gifts or conflict of interests.

Ms. Hubble reported that for the first time in many months, the Committee has hired additional staff to fill its vacant positions. She reported that Anthony Lum was hired in November 2011 for the Administration Analyst position, a retired annuitant, Richard Wallinder, was hired at the end of December 2011 for many program functions in the office, Nancy Gaytan was hired at the beginning of April 2012 to oversee the Enforcement Program, and Eleonor Steiner was also hired in April 2012 to fill the Examination Coordinator position. She indicated that staff is still working to fill the Committee’s receptionist/cashier position.

Ms. Hubble reported that she attended the February 2012 CDHA meeting, the February 2012 Dental Board meeting, and the student regional conferences in both northern and southern California in March 2012. She stated that the student regional conferences were the most beneficial event to convey information since she began her involvement with the Committee. She reported that the conferences provided the students the opportunity to ask questions and obtain answers, acknowledged a better and improved understanding of the application process, and clarified the convictions issue on the application.

Ms. Hubble reported that she attended the Senate Business, Professions and Economic Development Committee (BP&ED) hearing at the State Capitol on April 9, 2012 where they voted on Senate Bill (SB) 1202 – Leno. She stated that Mr. Lum completed many fiscal analysis of the bill, responded to multiple BP&ED staff questions, and was prepared to answer any questions the BP&ED presented, however the BP&ED did not have any questions for the Committee prior to their vote. She reported that the bill passed unanimously with no opposition.

Ms. Hubble reported that the new DCA computer system, BreEZe, is continuing its progression toward implementation and that Committee staffperson Tom Jurach is assisting the DCA BreEZe team three days a week at DCA headquarters. She stated that Mr. Jurach’s involvement in the new computer system will help with the transition and training of Committee staff when the new system is implemented in 2013.

Ms. Hubble reported that the state’s travel restrictions are still in place, so in order to conduct meetings, examinations, or other function that requires travel, she must first obtain an exemption from DCA. She stated that exemptions were obtained from DCA for Committee members to travel to exam sites in June and July 2012 so they could observe the examination administration process.

Ms. Hubble indicated that some individuals may have questions regarding the closure of The Institute of Medical Education’s (IME) dental hygiene program and deferred to DCA Legal Counsel, Claire Yazigi, to address the issue.

Ms. Yazigi provided an update on the IME and stated that the matter has been referred to the Attorney General’s Office (AG) and will return to the Committee in

the form of a hearing with an Administrative Law Judge (ALJ). She indicated that there is a high probability that the issue will come before the Committee in a formal administrative procedures act hearing that is similar to a disciplinary hearing, but the issue is whether the Committee wants to continue its approval or withdraw its approval of IME. She continued that in general, she should not discuss the issue further and would defer public comment on it due to the current ongoing investigation.

Ms. Hubble asked for any questions from the Committee or public on her report. Ms. DiFrancesco asked to expand on the difficulties of hiring new staff and the length of time involved to hire new staff. Ms. Hubble stated that due to the timing of the hiring freeze and staff leaving due to various reasons, the Committee was down to three fulltime staff and one retired annuitant part-time staff for 8 months. She stated that the existing staff went above and beyond what is normally asked of staff in order to maintain the Committee's program functions and hoped that externally, there was no indication that the understaffing was a problem. She continued that it was difficult to fill vacant positions, but since Mr. Lum was hired, he has been able to focus more time to hire staff. Ms. DiFrancesco thanked Ms. Hubble and her staff for maintaining the Committee's program functions through adversity until new staff could be hired.

Mr. Calero asked for any further comments on the agenda item. There were no further comments.

FULL 5 – Update on Office of Statewide Health Planning and Development Virtual Dental Home Project and Health Workforce Pilot Project #172 – presentation by Paul Glassman, DDS, MA, MBA

Dr. Glassman thanked the Committee for the opportunity to present his information on this pilot project. He stated that he would discuss some background information about the project and why it is needed, review some of the evidence base for many of the procedures that are used, and then conclude with by discussing the actual workforce project.

Dr. Glassman talked about underserved populations and indicated that from the Surgeon General's report from 2000, there is good healthcare for much of the population, but there is still profound healthcare disparities among certain populations a decade later. He stated that these populations primarily consist of ethnic and racial minorities, individuals with disabilities, and people with complicated medical and social conditions and with these populations growing, the disparity is growing. His information indicated that this segment of the population is up to 30%, which many individuals believe it is a conservative number. He stated that information he received indicated that over 24% of children in California have never been seen by a dentist.

Dr. Glassman stated that two reports were released last year that indicated a significant portion of the population were inadequately served by the current medical delivery system to provide oral healthcare and the consequences of insufficient access to healthcare causes poor oral health. He indicated that there were several programs reviewing methods to provide healthcare to the underserved sector of the population. He stated that one of the methods focused on chronic disease management which would use different techniques such as lifestyle changes than the acute care surgical techniques and would fit to use

against precarious and periodontal disease. He continued that a couple of other delivery services is via telehealth to have individuals communicate across vast distances and payment incentives to incentivize people into using chronic disease management and focusing on intervention and utilizing intervention techniques early on, and expanding the workforce to enable it to function is this type of system.

Dr. Glassman said that the current system of acute healthcare where an individual is injured and goes to a medical professional for assistance works in many scenarios, but for chronic situations, it does not work. He stated that acute surgical techniques will not work in these situations, but chronic disease management techniques would help manage these situations.

Dr. Glassman indicated that he was involved with a report that discussed oral health quality improvement in the area of accountability and found dramatic changes occurring in the general healthcare system. He stated that the major drivers of change in the delivery of the healthcare system are: out of control costs, variations in the way that healthcare is delivered, and large disparities in the results from the healthcare due to all of these factors. He continued that the result of the report is that dental care and healthcare in general, will become more accountable in the future.

Dr. Glassman stated that his information shows that there is a much greater growth percentage for dental hygienists than dentists according to the Bureau of Labor Statistics. He indicated that 38 states now have direct dental care access similar to California with the Registered Dental Hygienist in Alternative Practice (RDHAP) license and a recent study showed that RDHAPs are performing the tasks that the license was intended to do. He stated that these individuals are working in residential facilities, residences with the home-bound, skilled nursing facilities, schools, and other areas where the RDHAP provides oral healthcare. He continued that a higher percentage of the types of patients that RDHAPs are seeing in their practice are medically compromised patients, people with disabilities, and behaviorally challenged and mentally disabled patients. He stated that according to the study, the intent of the RDHAP license has been achieved. He added that a problem that exists is that there is a disconnect between the RDHAP and a dentist or any dentist that they are supposed to collaborate with for instances where the RDHAP can perform the dental hygiene services, but has to refer to the dentist for further oral healthcare.

Dr. Glassman talked about the virtual dental home project where a RDHAP can see patients in the locations previously discussed and enter digital health records including x-rays, charting, health history, and other information into a cloud-based electronic healthcare system located in a server specifically designed to maintain the records. He explained that by having the electronic patient records, a dentist who is not onsite can access the patient's health/dental record and decide on a method of treatment. He stated that a study was conducted and the findings show that an offsite dentist utilizing the electronic record system could make the same decision as if he was onsite performing an evaluation and utilizing the electronic record. He clarified that this applied to the same dentist on or offsite, as two separate dentists with the same information may come to different decisions or conclusions.

He indicated that if a dentist needed to be called for further treatment, he would have access to the electronic records onsite to determine the best procedure for the patient. He said that currently, there are nine sites that utilize the digital dental record for the virtual dental home project throughout California and two additional sites were recently approved.

Dr. Glassman next discussed the Health Workforce Pilot Project. He stated that the two duties being tested in the Health Workforce Pilot Project are 1) allied health personnel making decisions as to which radiograph photos to take to facilitate an initial oral evaluation by a dentist (which RDH and RDHAPs already make these decisions); and 2) allied health personnel (RDHAPs) placing interim therapeutic restorations. He stated that number one is an accepted practice by RDH and RDHAPs, but the duty that the project focuses on is number two. He provided an overview of some restoration techniques that are used in duty number two and indicated that this project will allow the expansion of these services into the underserved areas of the population in the state.

FULL 6 – Budget Report: A) Expenditures, B) Revenue, and C) Fund Condition

Mr. Lum stated that his report would provide a fiscal status for the Committee's budget as the report would review both expenditures and revenue. He reviewed the expenditure projection sheet that is used to project the Committee's expenditures through the fiscal year (FY). He explained that for ease of use, all of the documents that would be presented in the budget report could be viewed column by column to correspond to an individual issue or FY rather than attempting to decipher what all of the numbers and titles represent in the document. He explained that the first two columns show what was spent in the previous year, while the remaining columns reflect the Committee's current year budget allotment, the amount of the current year budget that has been spent to date, the projected amount that may be spent through the end of the FY, and the remaining balance in the Committee's yearly budget after all of the current year expenditures. He stated that he presented an in-depth overview of the document at the December 2011 meeting, but wanted to offer a quick review for the new Committee member (Evangeline Ward).

Mr. Lum asked whether there were any questions about the expenditure projection document. There were no questions or comments.

Mr. Lum indicated that at the December 2011 meeting, he was asked numerous questions about the Committee's revenue status and at that time, he had to defer any revenue information until the next meeting, as did not have the information readily available. He stated that he created a new revenue tracking document to show the amount of revenue the Committee received through its various fee categories and that he would update the revenue tracking document on a monthly basis so that the revenue can be tracked to identify any trends of increase or decrease in revenue categories. He explained that the primary revenue generating fees come from the license renewal fee and the registered dental hygiene examination fee.

Mr. Lum asked whether there were any questions about the revenue tracking document. There were no questions or comments.

Mr. Lum proceeded onto the next budget document that reflected the Committee's total annual revenue since it became a stand-alone program in FY 2009/10. He explained that the graph reflected the numerical information contained in the document listed above it. He stated that since FY 2009/10, the Committee's revenue has been decreasing due to a couple of factors. He explained that 1) the Western Regional Examination Board's (WREB) examination may have taken some of the Committee's examination candidates away and thus reduced the amount of exam revenue received, but it is too early to project that this reason has had a profound impact because normally there needs to be a three to five year data history in order to show a trend in decreasing revenue; and 2) the current economic climate has had an effect on many licensees who may be out of work and simply cannot afford to renew their license. He continued that for the current year, he projects that the yearly revenue will once again be lower than the preceding year, but since the current revenue totals are only through February 2012, it is too early to project a revenue decrease.

Mr. Lum asked whether there were any questions on the annual revenue document. Ms. Hurlbutt asked whether there was a projection for the current year's revenue. Mr. Lum stated that he anticipates the revenue to be close to the amount of revenue generated in the prior FY, but currently, it appears that by year's end, the revenue total may be a little less than the prior year. He added that there are a number of months left in the FY and variables such as more licensees renewing their license and more candidates applying for the Committee's dental hygiene examination can increase the amount of revenue received.

Mr. Lum stated that the next budget document was created due to the questions asked at the December 2011 meeting. He said it reflected the number of examination candidates paying for the Committee's examination, whether WREB has had an impact on the number of candidates applying for the Committee's exam, and the amount of revenue received by the Committee. He explained that in order to show a trend in the number of applicants taking the Committee's examination versus WREB, there would need to be three to five years of candidate statistics to show the trend unless there was a massive departure for applicants to choose the WREB exam over the Committee's exam. He anticipated that over the next three to five years, more information will be available to show the revenue effect of WREB or other dental hygiene exam that the Committee chooses to accept for licensure.

Mr. Wong asked the reason for the peaks and valleys in the amount of revenue and number of examination candidates listed for the Committee's dental hygiene examination. He was under the assumption that the numbers would be somewhat level, but the chart does not show it. Mr. Lum explained that the budget report he receives, called the CALSTARS Report, which reflects a program's revenue and expenditures, only shows the total amount of revenue received that was paid to the Committee. He referred back to the budget chart showing the examination candidates and stated that the chart's data shows the number of candidates that paid for the examination, not the actual number of individuals who took the exam. He used FY 2010/11 as an example where there was \$481,000 collected in examination fees, then divide this total by the application fee of \$525 and the result is 917 applicants paid for the exam (not the number of candidates that

actually took the exam). He explained that this section was included to have an idea of the number of individuals that paid for the examination only.

Mr. Lum stated that he researched the reason for the higher spike on the chart for FY 2008/09, but had a difficult time in finding any historical information from the time that the Committee was a part of the Committee on Dental Auxiliaries. He reasoned that the spike was partly caused by the increase in the application fee halfway through FY 2008/09. Ms. DiFrancesco inquired as to whether the spike in revenue could be caused by an increase in the number of dental hygiene school graduates. Mr. Lum stated that this could be a part of the reason as to why the revenue spiked in that FY, but difficult to discern, as the Committee does not know the number of graduates that paid for the exam.

Mr. Wong inquired as to what the baseline of revenue is for the Committee's hygiene examination. Mr. Lum stated that there would need to be additional years of data in order to determine what the Committee's baseline of revenue is from the hygiene exam as the two years that was available is not enough data to determine a consistent baseline. Mr. Wong asked what the reasons were for the exam candidates that do not pay to take the exam. Mr. Lum indicated that there are no exam candidates who have not paid for the exam as that is one of the qualifiers (payment of the exam fee) necessary in order to qualify for the exam. He clarified that the chart showing the exam revenue includes all of the individuals who have paid the exam fee to take it, but does not show the number of candidates who have actually taken the exam.

Mr. Wong had a subsequent question in regard to the first chart (budget expenditure projections) in the budget packet. He indicated that in comparison to the prior year, the current year's expenditures would increase by roughly \$120,000 and what would increase in expenditures is attributed to. Mr. Lum explained that part of the increase in expenditures is due to the increase in the number of staff to pay salary, wages, and benefits. He continued that another area of increased expenditures is the general cost of doing business as it increases each year and is more expensive to pay for items such as AG fees, dental school clinical examination sites, travel, etc.

Mr. Lum continued his report by reviewing the last budget document which was the fund condition. He explained that the fund condition is a tool that shows the Committee's fund reserve total and is used to show the actual expenditures of the past, the current status of the fund, and to project out into the future to ensure the fund's solvency or predict when it may be insolvent. He stated that the fund condition is not only utilized by the Committee, but by the DCA, the Department of Finance (DOF), and sections will be utilized in the Governor's budget, too. He indicated that the fund condition's columns show each fiscal year and that the first column listed the revenue and expenditure categories that affect the Committee's fund reserve. He stated that the reason for using the fund condition is to not only view the fund in its current state, but to forward project any future revenue and/or expenditures that may have an impact on the fund's solvency such as new program mandates, projects, additional staff, or possible increases in fees to raise revenue.

Mr. Lum stated that the current fund condition projects that the Committee's fund will be insolvent by FY 2016-17, but will have a low reserve by FY 2015-16. He

explained that there are many situations that can change the fund's condition of when it may go insolvent such as additional revenue or increased revenue sources, which would extend the time the fund remained solvent while an increase in expenditures by new program functions would decrease it without additional revenue.

Ms. Hurlbutt inquired as to whether the fund condition presented included the cost of the new DCA computer system, BreEZe, and could help justify the reason to have an increase in fees for additional revenue. Mr. Lum stated that the fund condition does include the expenses for the BreEZe system; however, the numbers presented in the fund condition are tentative, as the cost for the project may increase by the time the system is implemented in 2013. He agreed that the additional cost of the new BreEZe system could be utilized as part of a justification for an increase in fees for additional revenue. He explained that on the bottom of the fund condition, it lists the fund reserve balance for each FY and that the months in reserve represent a calculation that determines the number of months the Committee could continue its program functions without additional revenue.

Ms. DiFrancesco inquired as to whether there is any funding that is provided to the Committee to offset the cost of the DCA BreEZe computer system. Mr. Lum stated that currently, he is not aware of any additional funding that will be provided to the Committee for the cost of the BreEZe computer system. He explained that when the new computer system was proposed, DCA reviewed all of the affected program's budgets to ensure that each could afford the cost of the program.

Ms. DiFrancesco asked if the Committee's fund does get to the point of insolvency, is there a mechanism the Committee could utilize to request additional funding for this purpose. Mr. Lum stated that there are methods that the Committee could utilize to pay for the BreEZe system without having to request additional funding since an upgrade to the antiquated computer system is a part of business functions. He cited that the Committee has been very frugal on its expenditures and only spends when it is warranted, and as a result of the amount of reversion that is returned to the fund, it will help to maintain its solvency for a longer period. He added the lack of spending will help to offset the cost of some additional expenditure like the cost of the BreEZe computer system.

Mr. Wong expressed his concern in regard to the revenue tracking for the dental hygiene examination because he believed that it is a large portion of the revenue that the Committee receives each year. He thought that for budgetary reasons, the Committee needed to have a better understanding as to why there are such drastic fluctuations in the amount of revenue that is received for the exam. He indicated that it was unusual to have such drastic spikes in the amount of exam revenue the Committee received which makes it difficult to project an accurate baseline amount of revenue that the Committee could reliably receive. He suggested completing additional research on the revenue issue so that the Committee could anticipate the amount of revenue it would receive each year. Mr. Lum agreed with Mr. Wong's point, but reemphasized that with the Committee only having a two year history, it may need additional years of revenue data in order to complete an accurate analysis of the reasons for the spikes in revenue and establish a baseline of anticipated revenue. Mr. Wong suggested that for his clarification, a chart could be created to show the number of school graduates that are eligible to take the exam, the number of individuals that actually took the

exam, and the total number of individuals that paid for the exam so that he could visually compare the numbers to see if they are consistent or if there is a reason why an anomaly occurs with the goal to assist in creating a more precise Committee budget.

Mr. Calero asked whether there were any further questions from the Committee members or the public.

Kim Laudenslager stated that the Committee charges an exam fee that offsets the expenditure to administer the exam. She indicated that only California and Delaware administer their own dental hygiene exam and due to the extraordinary expense to administer an exam, most states have moved away from exam administration.

Vickie Kimbrough-Walls stated that the trend for programs she has been affiliated with have been utilizing WREB as the exam administrator mainly for the mobility factor available to graduates.

FULL 7 – Regulations Update, Review and Action as Necessary

a) DHCC Uniform Standards Related to Substance Abuse

Mr. Calero deferred to Ms. Hubble for an overview of the agenda item. Ms. Hubble explained that the regulatory request package for the Uniform Standards expired and did not progress through the regulatory process within the allotted timeframe due to new information presented from the DCA Legal Affairs Office (LAO) stating that programs shall use all of the uniform standards to be placed into their disciplinary guidelines. She indicated that Ms. Yazigi compared the content of the Committee's regulations to the uniform standards and identified some differences between the two.

Ms. Yazigi stated that because the regulation request had not been filed with the Office of Administrative Law (OAL) and in light of the DCA LAO information/opinion that was released, she completed an audit of what is stated in the Committee's Uniform Standards and how they diverge from the uniform standards of the Substance Abuse Coordination Committee (SACC).

Ms. Yazigi indicated that the Legislative legal counsel provided a legal opinion that discussed which entity had the legal authority to promulgate regulations on the 16 Uniform Standards. She stated that it discussed whether the 16 Uniform Standards were standing regulations or does the responsibility to adopt regulations belong to the healing arts boards and committees under the DCA. She indicated that the DCA LAO's opinion differed from the Legislative legal counsel's opinion in that it is the regulatory body that regulates the profession who should promulgate regulations for the discipline. She continued that for further clarification, the DCA solicited an opinion from the AG's Office and they opined that it is the board or committee's responsibility to promulgate the uniform standards as regulations. She stated that all three parties (Legislative legal counsel, AG's Office, and DCA LAO) concur that the programs cannot veer from the 16 uniform standards when addressing or disciplining their licensees, as they are set in statute [Business and Professions Code (BPC) Section 315]. She explained that all of the changes that address this issue in the meeting materials

are in red lettering, italics, and underlined where items from the SACC Uniform Standards were not included in the Committee's version of the Uniform Standards.

Mr. Calero reviewed the draft uniform standards related to substance abuse and disciplinary guidelines with the Committee explaining that the addendum had two separate parts – the uniform standards and the disciplinary guidelines, but for the meeting, they were combined into a single addendum. He stated that the new language added to the draft was in red so the Committee could clearly review the additional language. He indicated that both he and Ms. Hurlbutt had met as a two-person ad hoc committee to work on the disciplinary guidelines and uniform standards and requested the Committee to start the rulemaking process anew for the disciplinary guidelines and uniform standards.

Mr. Calero asked for a motion to adopt the draft uniform standards relating to substance abuse and disciplinary guidelines as included in the addendum.

- **Andrew Wong moved to adopt the draft uniform standards relating to substance abuse and disciplinary guidelines as included in the meeting packet addendum.**

William Langstaff seconded the motion.

Mr. Calero asked for any discussion from the Committee members on the motion to approve and proceed with the rulemaking process on the draft uniform standards relating to substance abuse and disciplinary guidelines that are included in the meeting materials addendum.

Ms. DiFrancesco asked that on page 9 and 10 of the addendum if Ms. Yazigi could clarify the red strikeouts from numbers 7, 8, 9, and 12. Ms. Yazigi indicated that she cannot comment on the language in black as it was already established and voted upon by the Committee prior to her receiving the document. She explained that the language in red is a part of the uniform standards.

Ms. Yazigi stated that uniform standard number 11 was not included in the original printing, but that the Committee should review it (page 20 of the SACC Uniform Standards). She explained that uniform standard number 11 is an informal process whereby a respondent may request the to return to work fulltime after they meet certain criteria (i.e., demonstrated sustained compliance with the recovery program, ability to practice safely as demonstrated from worksite evaluations, reports, and other information, negative drug screenings for at least six months, and two positive worksite evaluators reports).

Mr. Calero asked Ms. Yazigi whether she was recommending that the Committee's motion and the addendum be modified. Ms. Yazigi indicated that she is recommending that the Committee's motion and addendum be modified. She indicated that the addendum should be modified by copying uniform standard number 11 from the SACC Uniform Standards and placing it in the Committee's Uniform Standards at the bottom of page six where it would be the second to the last paragraph of the clinical diagnostic evaluation report. She stated that the changes in uniform standard 11 would be to replace the word "licensee" with "respondent," and to omit the word "omission."

Mr. Calero inquired whether the motion needed to be revised. Mr. Wong stated that he would accept a friendly amendment to his motion. This was seconded by Mr. Langstaff.

Mr. Calero asked for any comments from the Committee. Ms. Ward inquired that if a licensee has a substance abuse problem, would they also have a criminal probation issue as well. Ms. Yazigi indicated that the licensee could be on criminal probation at the same time they are enduring a substance abuse issue. She cited a Driving Under the Influence (DUI), domestic abuse, or other criminal offense could be concurrent with the licensee's substance abuse issue.

Mr. Calero asked for any further comments from the Committee members or the public. There was no further comment.

Vote: The motion passed unanimously (6-0).

Mr. Calero indicated that there was an additional item to be presented to the Committee regarding the uniform standards and disciplinary guidelines. He deferred to Ms. Yazigi to address the issue.

Ms. Yazigi indicated earlier that there was a difference in legal opinions about the uniform standards, but both of the legal offices (Legislative and DCA LAO) are in agreement that every DCA board and committee shall utilize the uniform standards as they relate to a substance abusing licensee; however, there remains a question as to how a board or committee will define a substance abusing licensee, or at a minimum, how the 16 uniform standards will be used. She stated that upon review of the Committee's regulatory language [California Code of Regulations (CCR) section 1138] the paragraph containing the language will be in the actual regulation and will incorporate the uniform standards and disciplinary guidelines by reference as there is too much written content to place it in the regulation. She indicated that there are two parts to the disciplinary guidelines and the first is the uniform standards that shall apply in the case of a substance abusing licensee. She continued that the second part is the disciplinary guidelines that the Committee uses for its discipline cases for all categories whether they are substance abusers or not. She explained that because of the mandate that the Committee shall use the 16 uniform standards, the Committee or an Administrative Law Judge (ALJ) cannot deviate from the standards even though there may be a deviation from the regular disciplinary guidelines.

Ms. Yazigi indicated that the disciplinary guidelines apply to all disciplinary matters. She stated that the uniform standards describe the consequences that apply to a substance abusing licensee. She said that the question remains as to how the Committee determines whether there is a substance abusing licensee. She indicated that after a thorough review of the prior meeting minutes on this issue, discussions with the Committee's prior legal counsel and ad hoc committee, it is her understanding that the Committee wants to capture any licensee with an underlying violation that deals with drugs or alcohol to be addressed by the uniform standards. She stated that one of the uniform standards is a clinical diagnostic evaluation where the individual is evaluated for substance abuse and the clinical evaluator makes the determination of substance abuse.

Ms. Yazigi requested direction from the Committee so she could draft clearer language because she believed that there is a clarity issue in determining whether a licensee is a substance abuser. She inquired as to whether the Committee wanted the substance abuse uniform standards to be contingent upon a clinical evaluator's findings or should any individual that violates the substance abuse determination automatically face the consequences of the uniform standards. She stated that she drafted two different options for the regulation depending upon the direction and clarification she received from the Committee.

Mr. Calero clarified that the first option is where a licensee is found to have underlying violations involving drugs or alcohol, even on a first time offense, all 16 uniform standards would apply and the licensee would be subject to its consequences. He continued that option two would allow all 16 uniform standards to apply on a temporary basis contingent upon a clinical diagnostic evaluation. Ms. DiFrancesco asked if the clinical evaluator would be mandated to present the findings from the evaluation to the Committee because in the past, these types of reports were kept confidential. Mr. Langstaff also inquired as to who the clinical evaluator would be. Ms. Yazigi indicated that the clinical evaluator shall be a licensed practitioner who has clinical diagnostic evaluations as a part of their scope of practice meaning a nurse practitioner, psychiatrist, psychologist, or anyone with this definition in their scope of practice. Mr. Langstaff reiterated Ms. DiFrancesco's point regarding the confidentiality of the evaluation in that the evaluator uses confidentiality as a means to prohibit the Committee from reviewing the entire evaluation contents and not just the outcome. Ms. Yazigi indicated that in the section pertaining to the clinical evaluation report, the report will inform the Committee as to whether there is a substance abuse issue and a conclusion as to whether the licensee is a threat to him/herself and that the recommendation is based upon the evaluator's conclusion. She believed that the report contents will remain confidential, but may be made available to the Executive Officer which is a similar procedure for reports that are issued from a diversion program.

- **Michelle Hurlbutt moved to allow all 16 uniform standards to apply on a temporary basis contingent upon a clinical diagnostic evaluation and the clinical diagnostic evaluator's report shall be submitted in its entirety to the Committee.**

William Langstaff seconded the motion.

Ms. Hurlbutt believed that option two is a fair approach for any licensee subject to an underlying violation of substance abuse to be evaluated by an experienced licensed practitioner to determine a substance abuse diagnosis and relieves the Committee of the responsibility of defining substance abuse. She stated that the discussion should concentrate on the amendment of the regulation and whether the Committee's goal is to be widespread with option one or approve the motion for option two.

Mr. Calero asked for any further comments from the Committee members and the public.

Mr. Wong stated that he understood the procedure for a licensee found with a single DUI where the uniform standard would not apply, but inquired as to what

occurs for the licensee found to have two DUIs because he is unsure as to whether the licensee is a substance abuser simply by what the licensed evaluator determines. Mr. Calero stated that the Committee has the ability to subject the licensee with two DUIs to the uniform standards and is subject to a diagnostic clinical evaluation. He indicated that after the evaluation, the licensee may not be found to have a substance abuse issue but will still be subject to the uniform standards because the language reads:

If a licensee has not been identified as a substance abusing licensee, for example through stipulation, in a case involving drugs or alcohol, a clinical diagnostic evaluation shall be ordered and the remaining provisions of the uniform standards may be made contingent upon the evaluator's report.

Mr. Calero stated that if the Committee adopts option two and in the instance an ALJ determines that there are two DUIs and will subject the licensee to the remaining uniform standards (#s 2 – 16) despite the outcome of the diagnostic clinical evaluation, the case will then come before the Committee. He continued that the ALJ could indicate that the licensee with the two DUIs is not subject to the remaining uniform standards, but the Committee could reject the ALJ's decision and present its own decision making the licensee subject to the remaining uniform standards. Mr. Wong stated that he understands the intent of the language, but was not sure it will serve the purpose the Committee is targeting. Mr. Calero indicated that an additional sentence could be added to clarify the Committee's intent. Mr. Wong stated that possibly a sentence stating that "in the discretion of the Committee..." could be added for clarification. He added that it could be added to the sentence "may be contingent at the discretion of the Committee upon a clinical diagnostic evaluation report..." Ms. Yazigi indicated that disciplinary matters are always at the discretion of the Committee, but if that is the revision the Committee would like to add for clarification, it can be added to the language.

Mr. Calero asked Ms. Hurlbutt if the revision to her motion was acceptable. Both she and Mr. Langstaff who seconded the motion agreed to the revision. Mr. Langstaff requested to add the word "diagnostic" to clinical evaluation for clarity (on second line of option number two).

Ms. Hurlbutt read the revision as follows:

If a licensee has not been identified as a substance abusing licensee, for example, through stipulation, in a case involving drugs or alcohol, a clinical diagnostic evaluation shall be ordered and the remaining provisions of the uniform standards may be made contingent at the discretion of the Committee (DHCC) upon a clinical diagnostic evaluator's report that the licensee has a substance abuse problem. The clinical diagnostic evaluation report shall be submitted in its entirety to the Committee.

Mr. Calero asked for any comments from the Committee members and from the public. There was no comment from the members or the public.

Vote: The motion passed unanimously (6 – 0).

Mr. Calero stated that Committee staff and DCA legal counsel request to propose another motion to ensure that the Committee's intent is clear and to give staff

direction to proceed with the regulatory proposal. Ms. Hubble indicated that the proposal Committee staff and DCA legal counsel recommend is for the Committee to consider and possibly accept the proposed regulatory language relevant to the uniform standards related to substance abuse and disciplinary guidelines and direct staff to take all necessary steps to initiate the formal rulemaking process including noticing the proposed language for the 45-day public comment period, setting the language for public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.

- **Cathy DiFrancesco moved to accept the proposed regulatory language relevant to the uniform standards related to substance abuse and disciplinary guidelines as amended and direct staff to take all necessary steps to initiate the formal rulemaking process including noticing the proposed language for the 45-day public comment period, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.**

William Langstaff seconded the motion.

Mr. Calero asked for any comments from the Committee members and the public. There was no comment from the Committee members or the public.

Vote: The motion passed unanimously (6 – 0).

b) Cite and Fine - §1139 – 1144, Title 16 CCR

Mr. Calero deferred to Ms. Hubble to present the agenda item. Ms. Hubble indicated that the Citation and Fine regulatory proposal expired on February 4, 2012, but staff was able to obtain a 90 day extension to file the proposal with OAL. She stated that the package is currently at the Department of Finance (DOF) for their review and once they are done, the package will be returned to the Committee where staff will take it to OAL to initiate their review.

Mr. Calero asked whether there were any questions or comments from the Committee members about the Citation and Fine regulatory proposal.

Mr. Langstaff inquired as to how long the extension was valid. Ms. Hubble indicated that the extension to file with OAL is valid until May 1, 2012. She stated that staff is monitoring the status of DOF's review to ensure that there is adequate time to have it forwarded to OAL for their review prior to the extension's expiration date.

Mr. Calero asked for any further comment from the Committee members or the public. There was no further comment.

FULL 8 – Proposed Regulatory Language for Sponsored Free Health Care Clinics - §1149 – 1153, Title 16 CCR

Mr. Calero stated that the Committee had previously reviewed and approved the regulatory language contained in the proposal; however, in light of some recent developments, staff revised some language as a result of these developments and will be presenting the language changes to the Committee for approval. He deferred to Traci Napper to present the agenda item.

Ms. Napper stated that the Committee did review and approve the regulatory language at its December 2011 meeting and had a regulatory hearing on January 6, 2012 for public comment, but no public comment was received. She indicated that in the interim, the DCA LAO determined that a standardized form must be used to register a participating sponsoring entity under BPC section 901. She stated that the form was revised with edits that authorized the DCA to review the Committee's applications and entity bills and was attached in the packet for the Committee's review.

Mr. Calero clarified that the staff is asking the Committee to: 1) review and approve the new DCA Sponsoring entity form to replace the Committee's Sponsoring entity form due to the decision that was made by the DCA's LAO to use DCA's standardized form, and 2) approve a resolution authorizing the DCA to process the forms since the Committee will not be processing the forms. He stated that there is draft language for the Committee to adopt that is in the meeting packet addendum.

Mr. Calero asked for a motion to approve staff's recommendations and then the agenda item would be open for discussion. Ms. Hurlbutt inquired as to whether the Committee needed to act with regard to non-substantive changes in the regulatory language since the Committee usually accepts motions that have the Executive Officer responsible for any non-substantive changes to a regulatory proposal. Ms. Hubble stated that a motion and vote is needed because of the language that changes the use of the Committee's form to a DCA standardized form. She indicated that the issue arose because several regulatory proposals were denied by OAL due to their lack of clarity in using several versions of registration forms by different boards that were not uniform and could be confusing to the registering entity. She continued that this was the primary reason that the decision was made to use a single standardized form to register the participating entities for the events.

- **Cathy DiFrancesco moved to adopt the regulatory language with amendments and direct staff to take all necessary steps to complete the rulemaking process including preparing the modified text for a 15-day comment period which includes the amendments accepted by the Committee at the meeting. If after the 15-day comment period no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process and adopt the proposed amendments to CCR Title 16, §1149 – 1153, as noticed in the proposed text.**

Andrew Wong seconded the motion.

Mr. Calero asked for any comments from the Committee members or the public. There was no comment.

Vote: The motion passed unanimously (6 – 0).

Mr. Calero indicated that there is a second proposed action item requested from staff for the Committee to consider and asked for a motion on the second action.

- **William Langstaff moved to adopt the enclosed resolution and formally delegate authority to the DCA to receive and process sponsored entity registration forms for events that utilize the services of dental hygienists and direct staff to add the adopted resolution to the rulemaking file.**

Cathy DiFrancesco seconded the motion.

Mr. Calero asked for any comment from the Committee members or the public. There was no comment from the members or the public.

Vote: The motion passed unanimously (6 – 0).

FULL 9 – Enforcement Subcommittee Report

Mr. Calero reported that the Enforcement Subcommittee Chair, Rita Chen Fujisawa, was not present for the subcommittee meeting and in her absence, Mr. Calero presided over the meeting. Mr. Calero reported that a quorum was established and received public comment on possible future agenda items, approved the December 12, 2011 subcommittee meeting minutes, and reviewed the Committee's Enforcement statistics and the DCA enforcement measures. He reported that the enforcement statistics reflect that the Committee's enforcement staff are working within the established guidelines and meeting all of the set goals and thanked them for their hard work. He then submitted the Enforcement Subcommittee's Report to the Full Committee for review.

Mr. Calero asked for a motion to approve the Enforcement Subcommittee's Report.

- **Andrew Wong moved to approve the Enforcement Subcommittee's Report.**

Cathy DiFrancesco seconded the motion.

Mr. Calero asked for any comments from the Committee members or the public. There were no comments.

The motion passed unanimously (6 – 0).

FULL 10 – Legislation and Regulation Subcommittee Report

Mr. Calero stated that Mr. Langstaff wanted to make a statement in regard to SB 694 (Padilla).

Mr. Langstaff stated that in regard to SB 694, he has been involved with the bill for a couple of years and has met with Senator Padilla's staff twice and was included in the stakeholders' meeting with the Senator and other stakeholders. He stated that in January 2012, he testified before the California Senate Health Committee in regard to the bill. He indicated that his involvement with the bill has been as a representative of the California Academy of General Dentistry only and not as a Committee member. He continued that he always has public safety in mind while participating in the activities which is consistent with the Committee's mandate. He announced that he would recuse himself from any of the Committee's

discussion on SB 694 or any discussion including the term “mid-level provider” because of his aforementioned involvement with the bill.

Ms. Hurlbutt stated that the Legislation and Regulation Subcommittee met on Monday, April 16, 2012 where the subcommittee accepted public comment for items not on the meeting agenda, approved the December 12, 2011 subcommittee meeting minutes, presented a brief Chairperson’s report, and staff provided a statutory update and a table that informed of the statute changes that the subcommittee had previously approved. She reported that the subcommittee discussed and acted upon the following legislation:

- Assembly Bill 1588 (Atkins), the subcommittee recommends a watch position;
- SB 694 (Padilla), Mr. Langstaff recused himself and the subcommittee recommends a watch position;
- SB 1575 (Senate Business, Professions & Economic Development Committee), the subcommittee took no action on the bill;
- SB 1202 (Leno), the subcommittee deliberated and supported several amendments to the bill and reviewed them with the Full Committee. She stated that the amendments are indicated by strikeouts and bold lettering in the copy of the bill provided for the Full Committee’s review.

Ms. Hurlbutt requested Ms. Galliano to address the new language that the subcommittee agreed upon in concept to be presented to the bill’s author, Senator Mark Leno. Ms. Galliano stated that it is unknown whether Senator Leno will accept the new language pertaining to the Commission on Dental Accreditation (CODA) to be placed in the bill, but asked for the Full Committee’s support in concept for the new language. She indicated that in light of the recent occurrence in California on the approval of a school provisionally accredited by CODA, the statutory language needed to be strengthened to allow the Committee the oversight necessary to protect the public and consumers who are enrolling in the dental hygiene programs. She continued that consumers are allowed to enroll in CODA’s provisionally approved programs, but cannot graduate because the program has not been fully accredited by the time of graduation. She added that the new language that amends BPC section 1941 mandates that a dental hygiene program meet the minimum standards that the CODA sets for accreditation. She explained that a school that wants to start a dental hygiene program would: 1) meet the minimum standards as set by CODA; 2) submit a feasibility study demonstrating the need for the new dental hygiene educational program; and 3) apply to the Committee for approval prior to seeking accreditation by CODA or an equivalent body. She stated that CODA already requires a feasibility study; however, the change is that the study would need to be reviewed and approved by the Committee first. She indicated that the purpose of the new language is to inhibit a similar circumstance that recently occurred where a school is provisionally accredited, accepts students, educates them for almost the full term of the program, and then denies them licensure because they cannot graduate from an unaccredited program.

Mr. Calero inquired about BPC section 1941(b) in regard to the feasibility study where it states, “...will be submitted to the Committee before a program submits it to CODA seeking initial approval from CODA...” He asked that if the Committee does not approve a program’s feasibility study, would it be a situation where the Committee tells the program not to present it to CODA. Ms. Hurlbutt stated that the Committee previously reviewed the language in regulation and did not have

the statutory authority to approve a program. She indicated that the proposed language provides the statutory authority to require a dental hygiene program to submit a feasibility study that includes a financial stability plan, a strategic plan, and all of the elements needed to deter a repeat occurrence that happened recently at a California school. She continued that the new language also provides the Committee the statutory authority to approve, provisionally approve, or disapprove a dental hygiene program and not base its approval upon CODA accreditation. Ms. DiFrancesco stated that the Committee is charged with the oversight of the CODA accreditations and the new statutory language provides more responsibility that would enhance the Committee's oversight of the accredited programs. Ms. Yazigi stated that the new language provides the Committee with new statutory authority to decide whether a program can be approved or not, whereas the previous language automatically approved a program because it was accredited by CODA.

Ms. Hurlbutt continued with her Chairperson report and stated that staff updated the subcommittee on the regulatory rulemaking proposals and submitted a grid that tracked the three phases to implement the Committee's regulations. She reported that phase one contained the largest number of regulatory proposals and would be submitted soon for DCA and ultimately OAL to review.

Ms. Hurlbutt reported that staff updated the subcommittee on the mandatory report to the Legislature regarding Licensure by Credential and reviewed the submitted report as well.

Ms. Hurlbutt reported that staff also updated the subcommittee on the proposed amendment to the Retroactive Fingerprinting requirements and that the subcommittee recommends the amendments be approved.

Ms. Hurlbutt submitted the Legislative and Regulatory Subcommittee meeting report with its recommendations concerning legislation to the Full Committee exclusive of a separate action request regarding SB 1202.

Mr. Calero asked for a motion to accept the Legislative and Regulatory Subcommittee report.

- **Andrew Wong moved to accept the Legislative and Regulatory Subcommittee report.**

Cathy DiFrancesco seconded the motion.

Mr. Calero asked for any comments from the Committee members and the public. There was no comment.

Vote: The motion passed unanimously (6 – 0).

Mr. Calero asked Ms. Hurlbutt for a motion on her second action item.

- **Michelle Hurlbutt moved to approve the following:**
 - 1) **The proposed amendment to the retroactive fingerprinting requirement language and direct staff to take all of the necessary steps to initiate the formal rulemaking process including noticing the**

proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing no adverse comments are received, the Committee authorizes the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process and adopt the proposed additions to the CCR Title 16, section 1132 as noticed in the proposed text.

- 2) The proposed amendments to SB 1202 as presented to the full Committee pending approval by the bill's author.

Evangeline Ward seconded the motion.

Mr. Calero asked for any comments from the Committee members or the public.

Ms. Yazigi suggested an amendment Ms. Hurlbutt's motion because the current motion is presumptuous that no public comment will be received and that the language addressing this should be removed.

Ms. Hurlbutt declined to revise her motion because she did not want to delay the rulemaking process by having the regulatory package return to the Committee after the 45-day comment period. Mr. Wong inquired as to why DCA counsel requested to have the motion amended. Ms. Yazigi explained that a motion such as Ms. Hurlbutt's would be appropriate for a 15-day notice because there had already been a full 45-day comment period and possibly a regulatory hearing. She indicated that by stating the motion as is without an amendment, it may present a problem of presumption to the point where it could deter public comment.

Mr. Calero asked for any further comments from the Committee members or the public. There was no further comment.

Vote: The motion unanimously passed (6 – 0).

FULL 11 – Licensing and Examination Subcommittee Report

Ms. Hurlbutt reported that the Licensing and Examination Subcommittee met on Monday, April 16, 2012 where public comment was received, the December 12, 2011 subcommittee meeting minutes were approved, the Chairperson's report was given, the subcommittee was updated on the clinical and written examination statistics, updated on the licensure statistics, and updated on the selection process for the California Clinical Chief Examiner. She stated that there was a discussion on the acceptance of other regional testing agencies in addition to WREB. The subcommittee had a recommendation for the Full Committee. She reported that the recommendation from the subcommittee is to direct staff to provide the subcommittee the following:

- Lori Gallardi's dissertation;
- ADHA materials dealing with regional testing agencies;
- CRDTS matrix comparing testing agencies;
- Letter responses from other regional testing agencies for the information contained in the matrix table.

Ms. Hurlbutt submitted the Licensing and Examination Subcommittee report with the recommendation to the Full Committee for review.

- **Michelle Hurlbutt moved to approve the Licensing and Examination Subcommittee report with the recommendation directing staff actions to the Full Committee for review.**

Evangeline Ward seconded the motion.

Mr. Calero asked for any comments from the Committee members or the public. There was no comment.

Vote: The motion passed unanimously (6 – 0).

FULL 12 – Education and Outreach Subcommittee Report

Ms. DiFrancesco reported that the subcommittee met on Monday, April 16, 2012 and received public comment for items not on the agenda, approved the December 12, 2011 subcommittee meeting minutes, the Chairperson's report was given, the Executive Officer updated the subcommittee on the website statistics and calendar of outreach events and informed the subcommittee on the results of her approved outreach. She stated that Ms. Hubble has had difficulty in obtaining approval for many of the Committee's outreach events and thanked her for her continued efforts to pursue outreach on behalf of the Committee.

Ms. DiFrancesco submitted the Education and Outreach Subcommittee report to the Full Committee for review.

- **William Langstaff moved to approve the Education and Outreach Subcommittee report.**

Andrew Wong seconded the motion.

Mr. Calero asked for any comments from the Committee members or the public. There was no comment.

Vote: The motion passed unanimously (8 – 0).

FULL 13 – Closed Session

There was no closed session at the meeting.

FULL 14 – Adjournment

Mr. Calero asked for any comments from the Committee members or the public.

Katie Dawson suggested that for the next election of officers for the Committee, there should be a perception of openness, as she did not sense any openness at the December 2011 meeting when the election of officers took place.

Ms. Yazigi stated that public perception is paramount and the appearance of impropriety is important to avoid for the public to have faith in the government. She indicated that when a slate of officers is introduced, there is no obligation for

the nominating member to justify the nomination; however, there should not be any discussions on this issue occurring prior to the nomination.

Mr. Calero asked for any further comments from the Committee members or the public. There was no further comment.

The meeting adjourned at 2:00 p.m.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 3

Approval of the July 9, 2012 Teleconference Meeting
Minutes



DENTAL HYGIENE JULY 2012 TELECONFERENCE MEETING MINUTES

**Silverwood Lake Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815
Monday, July 9, 2012**

ITEM 1 – Roll Call – Establishment of a Quorum

The Dental Hygiene Committee of California (Committee) President Alex Calero called the meeting to order with roll call at 12:10 p.m. He asked Cathi Di Francesco, Committee Secretary, to take the roll to establish a quorum. With five committee members present via teleconference, a quorum was established.

Committee members present: Alex Calero, Public Member, Cathy Di Francesco, RDH, William Langstaff, DDS, Evangeline Ward, RDH, and Andrew Wong, Public Member.

Committee members absent: Rita Fujisawa, Public Member, Michelle Hurlbutt, RDH Educator

Staff present: Lori Hubble, Executive Officer (EO), Anthony Lum, Administration Analyst, and Donna Kantner, Legislation and Regulatory Subject Matter Expert.

Department of Consumer Affairs' (DCA) legal representative present: Claire Yazigi.

Public present: Sarah Wallace, Legislation and Regulatory Analyst, Dental Board of California.

President's Comments - Committee President Alex Calero welcomed all of the participants to the teleconference meeting and requested that when each party speaks to identify themselves so that the other participants know who is making the comment.

ITEM 2 – Public Comment for Items Not on the Agenda

Mr. Calero asked whether there was any public participants and comment at each of the teleconference sites. There was no public comment.

ITEM 3 – Discussion and Possible Action Regarding:

(A) Comments Received During the 15-Day Public Comment Period for the Committee's Proposed Rulemaking File to Add Title 16, Division 11 of the California Code of Regulations (CCR), § 1149 et. seq Relating to Sponsored Free Health Care Events;

**(B) Adoption of Proposed Changes to Title 16, Division 11, CCR, § 1139 et. seq
Relating to Sponsored Free Health Care Events.**

Mr. Calero stated that Traci Napper, who normally processes the regulatory packages, has been out on leave from the office and in her absence; Lori Hubble recruited the services of Donna Kantner to oversee the process. He indicated that Ms. Kantner has extensive knowledge in the regulatory process after years of working in this program area for the Dental Board and the Committee on Dental Auxiliaries. He deferred to Ms. Kantner for an update on the agenda item.

Ms. Kantner stated that at its last meeting, the Committee adopted the modifications to the proposed regulatory text due to concerns from the Office of Administrative Law (OAL) regarding other boards' regulations on this subject which were communicated through DCA to all boards currently pursuing regulations regarding sponsored free healthcare events in response to new statutory requirements. She stated that the Committee adopted a resolution to delegate authority to DCA to receive and process sponsored entity registration forms for events and adopted modified language with amendments. She continued that the language and the forms were noticed for a 15-day public comment period where the public had the opportunity to comment on the language and forms.

Ms. Kantner stated that during the 15-day comment period, DHCC did receive an adverse comment from the DCA's Legislative and Policy Review and Legal Offices expressing concerns that the proposed regulatory language contained a fee that did not reflect the actual cost to process the application. She indicated that the proposed application listed a fee that was \$31.08 less than the actual projected cost to process the application.

Ms. Kantner stated that the second comment from the DCA Legal Office pertained to the "Request for Authorization to Practice without a License at a Registered Free Health Care Event," which is the form that a licensee from another state would complete for the event, included a hard-card fingerprint option which is not accepted by the Committee. She explained that hard fingerprint cards are not accepted under CCR Section 1132 as well as the proposed CCR Section 1151 of the regulation package. She stated that the Committee does not accept the hard fingerprint cards due to the lengthy processing time through the Department of Justice and also that there is a high rate of rejection of the fingerprints resulting in additional processing delays.

Ms. Kantner indicated that there are a few modifications made to the regulatory package's text which are:

- 1) In §1150(a), the word "Form" was added, there was a change from "delegatee" to "delegate," and language was added to reference the form;
- 2) In §1150(b), the word "Form" was added, the word "delegate" changed to "delegatee," and there is an additional quotation mark at the end of the title of the form.
- 3) In §1151(a), the amount of the processing fee was changed from \$55.00 to \$86.00 and the origination date (4/2012) of the form was added.

Ms. Kantner stated that the remaining changes to the regulatory language were completed on the document in the meeting materials packet titled "Request for Authorization to Practice Without a License at a Registered Free Health Care Event."

She explained that there are a number of changes to the form that are in red color to mainly delete any reference to the allowance of a hard fingerprint card option because only electronic fingerprinting (livescan) is accepted.

Mr. Calero asked whether there was any further clarification from staff on the agenda item. There was no further clarification on the agenda item.

Mr. Calero inquired as to the actions that staff is requesting the Committee to complete for the agenda item. Ms. Kantner indicated that there is a proposed request for the Committee to approve the modified regulatory language and form with amendments and direct staff to take all necessary steps to complete the rulemaking process including the preparation of the modified text and form for a 15-day comment period which must be done by law, and includes the amendments accepted by the Committee at this meeting. She stated that if no adverse comments are received during the 15-day comment period, to authorize the EO to make any non-substantive changes to the proposed regulations before completing the rulemaking process and adopt the proposed amendments to CCR, Title 16, Sections 1149 – 1153.

Mr. Calero asked for any comments from the Committee members. Ms. Di Francesco commented that the regulations would require an out-of-state licensee to come to California to be electronically fingerprinted, go back home, and then return to California all within 90 days of participating in the healthcare event.

Mr. Calero asked for any public comment. There was no public comment.

Claire Yazigi clarified that normally, she would not have waited until the 15-day comment period to voice her concerns with the Committee's regulation package. She stated that the usual process is for her to review the regulation package prior to noticing it for a comment period. She continued that in this situation with receiving an adverse comment from the DCA Legislative and Policy Review Office in regard to the fee, it allowed her an opportunity to review the form more thoroughly and identify its content's inconsistencies. She added that the 15-day notice offered the opportunity for her to suggest a method to rectify the inconsistency in the form.

Ms. Yazigi concurred with Ms. Di Francesco's statement that an out-of-state licensee would need to come to California in order to be livescanned for fingerprints if the licensee chose to participate in one of the healthcare events because of the livescan provision in the Committee's regulations. She stated that the reason out-of-state licensees need to be livescanned is so that they can practice on California consumers at the healthcare events since there is the potential for consumer harm. She added that by allowing out-of-state licensees to submit hard fingerprint cards, it would favor them, as they would not have the requirement or expense of the livescan process for fingerprint clearance that California licensees do.

There was a public comment from Sarah Wallace of the Dental Board of California; however, all comments on this issue were not required for the meeting minutes as they addressed issues with a prior version of the form to Register A Sponsoring Entity. This form was inadvertently included in the meeting materials, but has subsequently been removed and replaced with the proper version of the form. The revised meeting materials have been posted on the Committee's website replacing the prior meeting materials.

Mr. Calero asked whether there were any further comments on the agenda item from the public or the Committee. There were no further comments.

Mr. Calero asked for a motion to proceed with the staff's requested action as outlined in the meeting materials (Approve modified regulatory language and form with amendments and direct staff to take all necessary steps to complete the rulemaking process including preparing the modified text and form for a 15-day comment period which includes the amendments accepted by the committee at this meeting. If no adverse comments are received during the 15-day comment period, authorize the EO to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to California Code of Regulations, Title 16 Sections 1149 – 1153).

- **William Langstaff moved to approve the modified regulatory language and form with amendments, direct staff to complete the rulemaking process, and direct the Executive Officer to make any non-substantive changes to the proposed regulations in lieu of any adverse comments received.**

Cathy DiFrancesco seconded the motion.

Mr. Calero asked if there were any questions or comments from the public or the Committee members. There were no questions.

Ms. Yazigi instructed that because the vote is being conducted by teleconference, it should be done by roll call.

Vote: 5 - 0 to approve the motion passed via roll call of all participating members.

ITEM 4 – Discussion and Possible Action to Adopt Modifications to Proposed Amendments to Title 16, Division 11, CCR, § 1139 et. seq Relating to Citations and Fines Subsequent to the Disapproval of the Regulatory File by the Office of Administrative Law.

Mr. Calero deferred to Ms. Kantner for an overview of the agenda item.

Ms. Kantner stated that the cite and fine regulatory package was submitted to OAL on April 20, 2012 and while Ms. Napper was out of the office on leave, the Committee was notified on June 7, 2012 that OAL had the intention of disapproving the regulation package due to concerns relating to the necessity and clarity of the regulations. She reported that Mses Hubble and Yazigi did contact OAL Senior Staff Counsel who was reviewing the rulemaking package to clarify the issues; however, OAL disapproved the rulemaking package on June 14, 2012. She explained that by law, the Committee has 120 days to address the concerns identified by OAL and resubmit the rulemaking package. She stated that she and Ms. Yazigi have been working on amendments to the text and an addendum to the Initial Statement of Reasons (ISR) that will address OAL's concerns. She indicated that the Committee needs to consider the modifications to the text and if acceptable, adopt the proposed language and direct staff to take all necessary steps to complete the rulemaking. She explained that it will include a 15-day comment period for both the text and the ISR.

Mr. Calero asked for any comments from the public or the Committee members. There were no comments.

Ms. Yazigi stated that all of the changes contained in the meeting materials are as a result of the OAL disapproval decision. She explained that the OAL disapproval was

a multi-page letter where the senior reviewing attorney reviewed the rulemaking package thoroughly and outlined the concerns contained in the regulations. She stated that one clarity concern OAL had in the rulemaking file was the timeline for an informal conference with the EO to occur on a citation versus a formal hearing with an Administrative Law Judge (ALJ). She indicated that these two procedures run on "parallel tracks," but the OAL reviewer determined that more definitive language was necessary for clarity. She explained that a person who is cited would not need to request a formal hearing prior to requesting an informal conference with the EO since they run on parallel tracks. She stated that all of the corrections that were made to the rulemaking file are detailed in the meeting materials.

Ms. Yazigi indicated that she did make one substantive change to the rulemaking file that she would like to address. She explained that in the prior regulations, the language states that if an individual goes to an informal conference with the EO and the EO affirms the citation so it is not dismissed or modified, the individual would need to return to the Committee and apply for a formal hearing with an ALJ even if they did this prior to the informal conference with the EO. She believed that the original intent of the language was to notify the Committee of a cited person's intent to pursue a formal hearing with an ALJ even after the informal conference with the EO. She continued that unfortunately, the language caused a clarity issue and took the liberty to modify the language so that the only instance a cited individual would need to reapply for a formal hearing is if the citation was modified in any way. She explained that the new language indicates that if the original citation is modified in any way, it is considered withdrawn and a new citation is issued and the timeline for the citation starts anew. She continued that if the individual wanted a formal hearing, they could request it from the Committee after the new citation is issued. She added that the language she modified helps to resolve the clarity issue.

Mr. Calero asked for a motion to proceed with the staff's requested action as outlined in the meeting materials (Approve modified regulatory language with amendments and direct staff to take all necessary steps to complete the rulemaking process including preparing the modified text for a 15-day comment period which includes the amendments accepted by the Committee at this meeting. If no adverse comments are received during the 15-day comment period, authorize the EO to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to CCR, Title 16 Sections 1139-1144).

- **Cathy Di Francesco moved to approve the modified regulatory language with amendments, direct staff to complete the rulemaking process, and direct the Executive Officer to make any non-substantive changes to the proposed regulations in lieu of any adverse comments received.**

William Langstaff seconded the motion.

Mr. Calero asked if there were any questions or comments from the public or the Committee members. There were no questions.

Vote: 5 - 0 to approve the motion passed via roll call of all participating members.

ITEM 5 – Adjournment: 12:48 p.m.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 4

President's Report



MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Alex Calero, DHCC President
SUBJECT	Agenda Item 4: President's Report

A verbal report will be provided.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 4

Executive Officer's Report



MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	Agenda Item 5: Executive Officer's Report

A verbal report will be provided.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 6

Update on BreEZe project



MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Tom Jurach, Staff Services Analyst
SUBJECT	Agenda Item 6: Update on BreEZe Project

A verbal report will be provided by Tom Jurach.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 7

Budget Report

DENTAL HYGIENE COMMITTEE OF CALIFORNIA

ATTACHMENT 7.1

BUDGET REPORT
FY 2012/13 Expenditure Projection
For the Period Ending October 31, 2012

OBJECT DESCRIPTION	FY 2012-13				
	CY BUDGET ALLOTMENT	CY EXPENDITURES THRU MONTH 4	CY PERCENTAGE SPENT	CY BUDGET PROJECTIONS TO YEAR END	UNENCUMBERED REMAINING BALANCE
PERSONNEL SERVICES					
Salary & Wages	403,140	123,060	31%	400,000	3,140
Temp Help 907	65	11,037	16980%	40,000	(39,935)
Proctors 915	1,881	0	0%	0	1,881
Allocated Proctor	0	0	0%	0	0
Committee/Bd members (901)	24,400	500	2%	6,000	18,400
Overtime	0	5,827	0%	12,000	(12,000)
Benefits	145,692	54,942	38%	122,000	23,692
Salary Savings	0	0	0%	0	0
TOTAL PERS SVS	575,178	195,366	34%	580,000	(4,822)
OPERATING EXPENSES & EQUIPMENT					
General Expense	6,627	1,417	21%	6,000	627
Minor Equipment 226	4,650	3890	0%	2,500	2,150
Fingerprint Reports	3,220	147	5%	200	3,020
Printing	3,358	7,561	225%	10,000	(6,642)
Communication	3,812	591	16%	1,000	2,812
Postage	13,063	5,690	44%	10,000	3,063
Insurance	0	0	0%	0	0
Travel In state	25,187	2,792	11%	25,000	187
Travel Out of state	0	0	0%	0	0
Training	3,800	0	0%	500	3,300
Facilities Ops	30,120	32,479	108%	32,479	(2,359)
Utilities	0	0	0%	0	0
C&P Serv. Internal	34,323	0	0%	2,000	32,323
**C&P Serv. External	17,984	11,744	65%	23,000	(5,016)
Departmental Services	206,761	111,556	54%	205,000	1,761
Interagency Services	29,635	0	0%	0	29,635
Consolidated Data Centers	1,594	18	1%	150	1,444
Data Processing	1,558	1,647	106%	2,500	(942)
Central Adm. Services	76,041	19,010	25%	76,041	0
EXAMS					
Exam supplies & freight	1,612	0	0%	0	1,612
Exam Site rental	28,567	44,793	157%	44,793	(16,226)
Exam Contracts	271,348	72,095	27%	75,000	196,348
Expert Examiners (SME)	19,392	0	0%	72,095	(52,703)
ENFORCEMENT					
Attorney General	47,136	5,470	12%	25,000	22,136
Off of Admin Hearings	3,120	0	0%	1,000	2,120
Evidence/Witness	36	0	0%	0	36
Div. of Investigations (DOI)	2,028	1030	0%	2,000	28
Major Equipment	13,000	0		5,000	8,000
Other Items of Expense	117	0		0	117
Vehicle op	15,000	0		0	15,000
Total OE & E	863,089	321,930	37%	621,258	241,831
TOTAL EXPENDITURES	1,438,267	517,296	36%	1,201,258	237,009
NET APPROPRIATION	1,438,267	517,296	36%	1,201,258	237,009
Scheduled, Other Reimbursement	(1,000)			(1,000)	0
Distributed Costs	(5,000)			(5,000)	0
Unscheduled Reimbursement					0
NET, TOTAL EXPENDITURES	1,432,267	517,296	36%	1,195,258	237,009
NOTES/ASSUMPTIONS					
	Surplus/Deficit				16.5%

3140 - State Dental Hygiene Fund

Analysis of Fund Condition

Prepared 11/5/12

(Dollars in Thousands)

Galley I

		Governor's Budget				
	ACTUAL	CY	BY	BY+1	BY+2	BY+3
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
BEGINNING BALANCE	\$ 696	\$ 888	\$ 633	\$ 328	\$ -8	\$ -376
Prior Year Adjustment	\$ 18	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 714	\$ 888	\$ 633	\$ 328	\$ -8	\$ -376
REVENUES AND TRANSFERS						
Revenues:						
114300 Other Motor Vehicle Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
125600 Other regulatory fees	\$ 7	\$ 7	\$ 7	\$ 21	\$ 21	\$ 21
125600 SB 1202 New Fees		\$ 8	\$ 14			
125700 Other regulatory licenses and permits	\$ 374	\$ 388	\$ 396	\$ 487	\$ 487	\$ 487
125700 SB 1202 New Fees		\$ 51	\$ 91			
125800 Renewal fees	\$ 722	\$ 676	\$ 686	\$ 695	\$ 695	\$ 695
125800 SB 1202 New Fees		\$ 5	\$ 9			
125900 Delinquent fees	\$ 13	\$ 12	\$ 12	\$ 12	\$ 12	\$ 12
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 3	\$ 2	\$ 1	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ 1	\$ 1	\$ 1	\$ 1
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,119	\$ 1,149	\$ 1,217	\$ 1,216	\$ 1,216	\$ 1,216
Transfers from Other Funds						
0380 - Committee on Dental Auxiliaries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds						
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 1,119	\$ 1,149	\$ 1,217	\$ 1,216	\$ 1,216	\$ 1,216
Totals, Resources	\$ 1,833	\$ 2,037	\$ 1,850	\$ 1,544	\$ 1,208	\$ 840
EXPENDITURES						
Disbursements:						
0840 State Controller (State Operations)	\$ 1	\$ 1	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 2					
SB 821 CH 307/09 Leg Appropriation	\$ 15	\$ 264	\$ -	\$ -	\$ -	\$ -
<u>Budget Act</u>						
1110 Program Expenditures (State Operations)	\$ 927	\$ 1,139	\$ 1,522	\$ 1,552	\$ 1,583	\$ 1,615
Total Disbursements	\$ 945	\$ 1,404	\$ 1,522	\$ 1,552	\$ 1,583	\$ 1,615
FUND BALANCE						
Reserve for economic uncertainties	\$ 888	\$ 633	\$ 328	\$ -8	\$ -376	\$ -775
Months in Reserve	7.6	5.0	2.5	-0.1	-2.8	-5.6

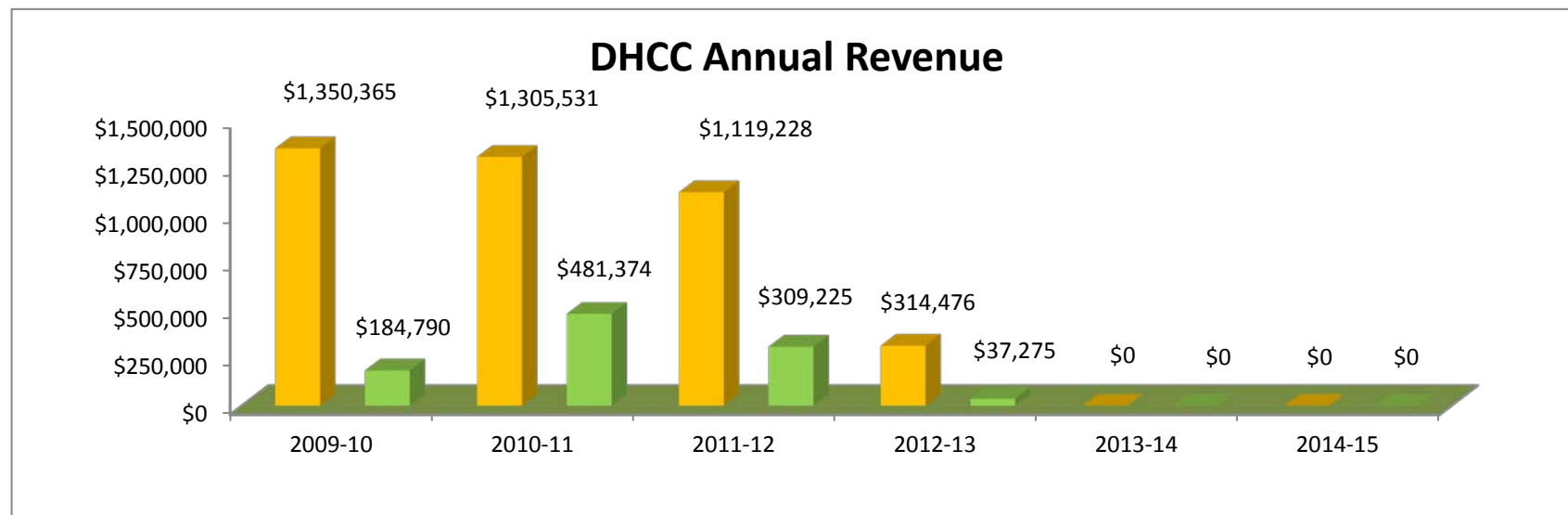
NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR 2012-13 AND ON-GOING.
- ASSUMES INTEREST RATE AT .30%.
- ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

DHCC REVENUE TRACKING									
Fiscal Year (FY)	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
DHCC Total Revenue per FY	\$1,350,365	\$1,305,531	\$1,119,228	\$314,476	\$0	\$0	\$0	\$0	\$0
DHCC Exam Revenue per FY	\$184,790	\$481,374	\$309,225	\$37,275	\$0	\$0	\$0	\$0	\$0

Notes:

- a) Exam Fees - \$220 for FY 2005/06 - 2008/09; increased to \$525 in FY 2009/10
- b) WREB exam started in FY 2010-11; trend = moderate revenue impact as # of WREB candidates increases (ex. 50 candidates x \$525 fee = \$26,250 rev loss)
- c) Majority of exam fees are received and cashiered in last quarter of FY (April - June)
- d) DHCC established in FY 2009/10





Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 8

Establishment of Fees



MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Anthony Lum, Administrative Analyst
SUBJECT	Agenda Item 8: Establishment of Fees

Senate Bill (SB) 1202 (Ch. 331, Statutes of 2012) was passed and signed by the Governor and the bill's mandates will be effective as of January 1, 2013. Part of the bill provided DHCC with the new fee categories listed below in addition to raising the RDH biennial license renewal fee ceiling maximum to \$160.

Recommended Establishment of Fees:

- a. RDH Initial Licensure Application Fee - \$100 (\$250 maximum)
- b. Special Permit Application Fee - \$80 (equal to license renewal fee, currently \$80)
- c. Special Permit Renewal Fee - \$80 (biennial equal to license renewal fee)
- d. New Dental Hygiene Program Application Fee [including curriculum review and site evaluation] - \$2,100 (\$2,100 maximum)
- e. Extramural Clinic Registration Fee - \$200 (annual; \$250 maximum)
- f. Mobile Dental Hygiene Unit Registration Fee - \$100 (\$150 maximum)
- g. Mobile Dental Hygiene Unit Renewal Fee - \$100 (biennial; \$250 maximum)
- h. Course Review Fee [continuing education] - \$300 (\$300 maximum)
- i. Additional Office Application Fee - \$100 (\$250 maximum)
- j. Additional Office Renewal Fee - \$100 (biennial; \$250 maximum)

Action: DHCC staff requests a motion to approve by resolution the establishment of fees at the recommended levels to be enacted as of January 1, 2013.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 9

Regulations Update, Review and Action as Necessary



MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	ITEM 8a. - DHCC Uniform Standards Related to Substance Abuse and Disciplinary Guidelines – §1138, Title 16 California Code of Regulations

Background

There are currently no regulations which provide clarity or direction for the Committee in considering a disciplinary action against a dental hygiene license or a licensee's substance abuse problems. When considering disciplinary action against a licensee, the Committee has no legal guidelines in place to assist in determining the appropriate action, other than those which pertain to dentists. The Committee has used the Dental Board's disciplinary guidelines as a guide since its formation in 2009; however, similar to the Physician Assistants Committee and the Medical Board of California, each of which has its own disciplinary guidelines, the Committee needs disciplinary guidelines that are specifically designed for and directed toward its own licensees.

Additionally, all boards and committees within the Department of Consumer Affairs are required by statute, Business and Professions Code Section 315, to implement the uniform standards adopted by the Substance Abuse Coordination Committee relating to substance abuse.

Staff has been working on the documents required to notice this rulemaking, and has met with legal counsel and the Office of Administrative Law to ensure that the lengthy package is complete, understandable, and meets the six standards required: clarity, necessity, consistency, non-duplication, reference and authority.

Staff has completed a draft Initial Statement of Reasons (ISR), which is being reviewed by legal counsel. Upon approval of the ISR, the package will be noticed and the 45-day public comment period will begin, followed by the public hearing. Regulatory packages take 12 to 18 months to complete after the notice is published.

Committee Action Requested

Informational item only. No action is required.



MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	ITEM 8b. Cite and Fine - §1139-1144, Title 16 California Code of Regulations

Background

The Committee has the authority, but no mechanism to issue a citation and a fine for the unlicensed practice of dental hygiene in California. The Committee adopted regulatory language at its April 2011 meeting and directed staff to proceed with the rulemaking, giving the Executive Officer the authority to make any non substantive changes. During the review process, some non-substantive changes were made, requiring a 15-day public comment period for the amended text. The text was noticed for 15 days in October 2011, and no comments were received.

The final rulemaking file was compiled and submitted to the Department of Consumer Affairs' (DCA) Legal Office for review. Each file must be reviewed and approved by DCA Legal Office, Legislative and Regulatory Review Unit, and the Director's Office before it can be sent to the Office of Administrative Law for review and approval. Since this rulemaking had a fiscal impact, it also required review and approval from the Department of Finance (DOF). The file was approved by DCA in February and by the DOF on April 28, 2012. An extension was requested because the timeline exceeded the one year deadline for completion of the file from the date of the initial notice. The completed file was submitted to OAL on April 30, 2012. OAL has 30 working days for its review.

On June 12, 2012, OAL disapproved the file for deficiencies in the standards of clarity, necessity, and reference. The Committee had 120 days, until October 13, 2012 to address these deficiencies and resubmit the file to OAL.

Legal counsel Yazigi drafted amendments to the text and a teleconference was held on July 9, 2012 so the Committee could consider and adopt the modified text. Staff composed an addendum to the initial statement of reasons to clarify and provide the necessity for each provision. Both the modified text and the addendum were noticed for the required 15-day comment period, with no comments received, and submitted to DCA for their review and approvals. The file was resubmitted to OAL on October 5, 2012 and approved on November 14, 2012. The regulations will become effective on December 14, 2012.

Committee Action Requested

Informational item only. No action is required.



MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	ITEM 8c. Sponsored Free Health Care Clinics - §1149-1153, Title 16 California Code of Regulations

Background

At its April 2011 meeting, the Dental Hygiene Committee of California (Committee) adopted regulations to implement Business and Professions Code Section 901, effective January 2011, to allow health care practitioners licensed in good standing in other states an exemption from California's licensing requirements when volunteering their professional services at sponsored free clinics on a short term basis.

Due to concerns from the Office of Administrative Law (OAL) regarding other boards' regulations on this subject, as communicated through the Department of Consumer Affairs (DCA) to all boards who were pursuing similar regulations, the Committee adopted suggested modifications to its earlier proposed regulatory text at its April 2012 meeting.

At the same April 2012 meeting, the Committee adopted a resolution to delegate authority to DCA to receive and process sponsored entity registration forms for events and adopted modified language with amendments, directing staff to prepare modified text for a 15-day public comment period as required by law. The Committee further directed that if no adverse comments were received during the comment period, the Committee's Executive Officer was authorized to make any non-substantive changes to the proposed regulations and complete the rulemaking process.

During the 15-day comment period, the Committee did receive an adverse comment. DCA's Legal Office and the Legislative and Regulatory Review Unit expressed concerns that the proposed regulatory language contained a fee that did not reflect the actual cost of processing the application. The proposed application fee was \$31.08 less than actual projected processing costs, so staff proposed that the application fee be increased as allowed in statute to cover the actual cost of processing the application, a total of \$86.00, which required a change to the form. Legal counsel determined that the "Request for Authorization to Practice without a License at a Registered Free Health Care Event" form included a hard-card fingerprint option that is not allowed under the Committee's regulations. These substantive changes required the Committee's vote to adopt the modified text and form before this rulemaking package could move forward to completion. The Committee voted to adopt the modified text and form at its July 9, 2012

teleconference meeting, and authorized the Executive Officer to make any non-substantive changes to the proposed regulations necessary to complete the rulemaking.

The second modified text and form was noticed for 15-day public comment in July 2012, with no comments received. The Final Statement of Reasons (FSR) was drafted and sent to the DCA Legal Unit for review in August 2012. Legal counsel suggested a number of edits be made to the FSR and the final rulemaking file was submitted to DCA in September 2012. The Committee was recently notified that the file was sent to the State and Consumer Services Agency (Agency) for review and approval. Since the rulemaking file has a fiscal impact, the file will be forwarded to the Department of Finance for its review and approval after Agency's approval. The Committee requested an extension of the one-year rulemaking deadline due to the delays encountered in processing the file.

Committee Action Requested

Informational item only. No action is required.



MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	ITEM 8d. Retroactive Fingerprint Requirements, §1132, Title 16 California Code of Regulations

Background

Currently, the California Code of Regulations (CCR), Section 1132 requires, as a condition of renewal for a license that expires on or after July 1, 2011, a licensee who was initially licensed prior to January 1 1994, or whom an electronic record of the submission of fingerprints no longer exists, must furnish to the California Department of Justice (DOJ) a full set of electronic fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the DOJ.

At its April 2012 meeting, the Committee adopted an amendment to CCR Section 1132 to exempt an inactive licensee from the current fingerprinting requirement until reactivation of the license. This amendment was proposed because licensees who hold an inactive license and live out of state have said that the fingerprint requirement creates a financial hardship as they are unable to travel to California to have their fingerprints livescanned. The Committee adopted the amendment to the fingerprint regulatory language and directed staff to take all necessary steps to initiate the formal rulemaking process including noticing the proposed language for a 45-day public comment, setting the proposed language for a public hearing, and authorizing the Executive Officer to make any non-substantive changes to the rulemaking package and, if after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process and adopt the proposed additions to CCR, Title 16, Section 1132, as noticed in the proposed text.

The Notice of Regulatory Action was submitted to the Office of Administrative Law (OAL) on July 10, 2012 for publication on July 20, 2012. The Notice began the 45-day public comment period prior to the hearing date set for September 12, 2012. There were no comments before or at the hearing, and the rulemaking file was completed and submitted October 26, 2012 to the Department of Consumer Affairs (DCA) for review and approval by the Legal Office, the Legislative and Regulatory Review Unit, the DCA Director's Office, and the State and Consumer Services Agency. As there is no fiscal impact contained in this rulemaking, it does not require review and approval by the Department of Finance.

Committee Action Requested

Informational item only. No action is required.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 10

Update on Strategic Plan



DHCC

Dental Hygiene
Committee
of California



Strategic Plan 2010 - 2013



Adopted 9/26/2010

Members of the Board

Current Members:

ALEX CALERO – (President) Public Member

WILLIAM LANGSTAFF – (Vice President) DDS

CATHY DiFRANCESCO – (Secretary) RDH

RITA CHEN FUJISAWA – Public Member

MICHELLE HURLBUTT – RDH Educator

EVANGELINE WARD – RDH

ANDREW WONG – Public Member

Members when Strategic Plan was adopted in 2010:

RHONA LEE – (President) RDH, RDHEF

MICHELLE HURLBUTT – (Vice President) RDH Educator

ALEX CALERO – (Secretary) Public Member

RITA CHEN FUJISAWA – Public Member

ANDREW WONG – Public Member

MIRIAM J. DeLaROI – RDH, RDHAP

CATHY DiFRANCESCO – RDH

EDMUND G. BROWN, JR. – Governor

ANNA M. CABALLERO - Secretary, State and Consumer Services Agency

DENISE D. BROWN - Director, Department of Consumer Affairs

LORI HUBBLE – Executive Officer, DHCC



Dental Hygiene Committee of California

The Dental Hygiene Committee of California (DHCC) is responsible for licensing three categories of primary oral health care professionals in dental hygiene. The DHCC develops and administers written and clinical licensing examinations, enforces rules and regulations governing the practice of dental hygiene, and evaluates educational courses. The DHCC also participates in outreach and support of the community and its stakeholders, with the goal of ensuring the highest quality of oral health care for all Californians.

OUR MISSION:

To promote and ensure the highest quality of oral health care for all Californians.

OUR VISION:

Optimal oral health for all Californians.

OUR VALUES:

- **Integrity:** We are honest, fair and respectful in our treatment of everyone.
- **Unity:** We value all our stakeholders and are inclusive in all our interactions.
- **Diversity:** We recognize and celebrate California's ever-changing diversity.
- **Service:** We are professional and responsive to the needs of our stakeholders.
- **Consumer Protection:** We make effective and informed decisions in the best interest and for the safety of Californians.
- **Transparency:** We hold ourselves accountable to the people of California.

Goal 1: Legislation and Regulation

- Develop and adopt regulations to govern the practice of dental hygiene.
- Evaluate existing statutes and introduce revisions as necessary.
- Conduct a feasibility study for license application and renewal fee increase.
- Review, evaluate and revise statutes and regulations within 3 years of promulgation.

Goal 2: Licensing and Examinations

- Review, evaluate and revise licensure and clinical examination requirements.
- Review, evaluate and revise the written law and ethics examinations.
- Review, evaluate and revise DHCC training and materials for clinical examination personnel.
- Study the feasibility of alternative pathways for initial licensure.
- Study the feasibility of continued competency as a requirement for license renewal.

Goal 3: Outreach & Communication

- Develop and implement strategies to educate and inform stakeholders of the DHCC's purpose and function.
- Leverage the DHCC website as a centralized source of consumer protection, licensee, and applicant information.
- Provide information on retroactive fingerprinting requirements to licensees.
- Continue to network and build cooperation and partnerships with stakeholders.
- Continue to cultivate a collaborative relationship with the Dental Board of California.

Goal 4: Organizational Development

- Encourage professional development and growth of employees.
- Recognize employee efforts and accomplishments.
- Explore alternate funding sources.
- Focus on environmentally conscious innovation.
- Conduct an annual Executive Officer performance evaluation.

Goal 5: Enforcement

- Ensure transparency and equity in DHCC enforcement actions.
- Ensure timely and accurate responses to complaints.
- Review and evaluate the Probation Monitoring and Expert Reviewer Programs.
- Review, evaluate and revise enforcement regulations to improve efficiency and effectiveness.
- Study the feasibility of a diversion program.

Goal 6: Access to Care

- Gather and analyze practice information to identify access to care deficiencies.
- Identify and promote loan repayment programs to encourage licensees to practice in shortage areas.
- Monitor new oral healthcare delivery models.
- Monitor federal healthcare reform for applicable changes.

Dental Hygiene Committee of California

2010-2013 Strategic Business Plan

Goal 1: Legislation and Regulation	Initiation Date	Progress Dates/Notes	Scheduled Completion
Leg/Reg Objective 1A: Develop and adopt regulations to govern the practice of dental hygiene.			
1. Develop regulations to address approval of Administration of Local Anesthetic, Nitrous Oxide and Oxygen and Periodontal soft tissue curettage providers (LA, STC, NO)	12-10-09	Will develop regs in 2 nd phase of reg process; Ad hoc committee to meet in January 2013.	
2. Consider DHCC having its own citation and fine program set in regulation. Fine amounts have increased to \$5000. a. Agreed at Enforcement Subcommittee on April 30, 2010 that subcommittee would work on language with legal counsel and recommend DHCC go forward with the regulatory process. b. Would be useful alternative to formal disciplinary actions.	12-6-10	Complete and goes into effect Dec. 14, 2012.	Completed
3. Develop new regulations to address licensee renewal auditing, timelines. Conduct survey of other boards in order to ascertain how they derive their fees and how their fees correlate with the costs of audit administration.		Pending	
4. Remediation for RDH clinical exam failure.	12-6-10	Statutory Authority effective January 1, 2013; regulations next.	
5. Remediation for RDHAP written exam failure.		Need statutory authority - 3 rd phase of regulatory process; pending.	
6. Course and/or program criteria for Continued Competency Education (CCE) providers, fees to be charged. Conduct survey of other boards in order to ascertain how they derive their fees and how their fees correlate with the costs of administration.		Pending; language removed from SB 1202 (Ch. 331, Statutes of 2012)	
7. Address fictitious names, businesses, including fees to be charged.			Completed
8. SB 1111 (4/12/2010 version or later) Proposed changes through regulations. Note: Make sure statutes from cleanup language include these changes.		Language noticed 1X – Will need 15 day notice	
9. Proposed language for retroactive fingerprint regulations SB 389.	12-10-09		Completed
10. Contract with Legislative Bill Tracking Service, Wavelength, Inc. to track all Assembly/Senate bills.			Completed
11. Re-designation of current and new regulations	12-6-10	Ongoing; pending Phases I, II, & III of regulations	

Leg/Reg Objective 1B: Evaluate existing statutes and introduce revisions as necessary.			
1. 1632.5 (b) The Western Regional Examining Board examination processes shall be regularly reviewed by DHCC pursuant to Section 139.		BCP was submitted in Spring 2012, but was denied.	
2. The WREB examination process shall meet the mandates of Subdivision (a) of Section 12944 of the Government Code.		Pending	
3. The WREB examination process shall be consistent with the mission, vision, goals, and objectives of DHCC.		Pending	
4. Provide for staggered DHCC member terms. (Currently, member terms expire at the same time.)			Completed
5. Change existing statute of "DHCC within Dental Board" to reflect original intent of bill author to clarify relationship between DHCC and the Dental Board.	12-6-10	Informed by B&P Comm. to introduce at Sunset Review	
6. Change Dental Hygiene Committee of California to Dental Hygiene Board of California.		Address issues at Sunset Review	
Leg/Reg Objective 1C: Review, Evaluate and Revise Statutes within 3 years of promulgation.			
		Ongoing	
Leg/Reg Objective 1D: Conduct a license feasibility study for license application and renewal fee increase.			
Currently, DHCC does not charge a fee for the RDH Original License. Renewal fee ceiling is at its maximum of \$80, but will increase to \$160 as of January 1, 2013.	Effective January 1, 2013	SB 1202 (CH 337, Statutes 2012) provided new RDH Original License Fee and increased the Renewal fee ceiling to \$160	Completed
Leg/Reg Objective 1E: Conduct a license feasibility study for a fee increase, and get the increase passed in statute.			
SB 1202 (Ch. 337, Statutes of 2012) increased renewal fee ceiling to \$160 (from \$80)	Effective January 1, 2013	SB 1202 increased renewal fee ceiling to \$160	Completed
Goal 2: Licensing and Examinations		<u>Initiation Date</u>	<u>Progress Dates/Notes</u>
Lic/Exams Objective 2A: Review, evaluate and revise licensure and examination requirements.			
1. Explore electronic exam technology to improve efficiency.			Completed
2. DCA's legal counsel developed a question to be placed on the renewal applications of each health related board to provide a uniform question on the renewal form, relative to whether or not a licensee seeking renewal has been convicted of a crime or has had their license disciplined since their last renewal. The intent is to provide uniformity and consistency.			Completed

Lic/Exams Objective 2B: Review, evaluate and revise the written law and ethics examinations.			
1. Evaluate OPES contract and investigate other options.		DHCC is obligated to contract with OPES	
2. Continued development of written law and ethics examination. A. RDH B. RDHAP	7-1-09 7-1-10 2-1-11		Completed
Lic/Exams Objective 2C: Review, evaluate and revise DHCC training and materials for clinical examinations and personnel.			
1. Create handbook for licensure & post as download on website.	Draft developed Dec 2010	Pending - Will resume once staffing issues resolved	
2. Create handbook for clinical exam candidates & post as download on website.	Draft developed Dec 2010	Pending - Will resume once staffing issues resolved	
3. Create handbook for examiners in addition to written handbooks posted on website.		Pending	
4. Conduct & review RDH Examination Instrumentation Course (performed every other year).		Scheduled for January 27, 2013.	
5. Create a series of video modules to serve as tutorials.		Pending	
Lic/Exams Objective 2D: Study the feasibility of alternative pathways to initial licensure.			
1. Investigate standardized exit exam concept.	Began discussion April 2011	Pending	
2. Identify challenges with current licensing process.		Pending	
3. Work with ad-hoc committee and stakeholders to develop report.	Began discussion April 2011	Pending	
Lic/Exams Objective 2E: Study the feasibility of continued competency as a requirement for license renewal.			
1. Identify challenges to current competency.	Began discussion April 2011	No Statutory Authority at this time	
2. Work with ad hoc committee and stakeholders to define continued competency.		No Statutory Authority at this time	
3. Identify timeframe for completion of required updates.		No Statutory Authority at this time	
Goal 3: Outreach & Communication	<u>Initiation Date</u>	<u>Progress Dates/Notes</u>	<u>Scheduled Completion</u>
Outreach/Comm. Objective 3A: Develop and implement strategies to educate and inform stakeholders of the DHCC's purpose and function.			
1. Develop series of articles (e.g. News releases).		Pending	
2. DHCC Website launched.	7-1-09		Completed
3. Create DHCC e-newsletter.	1-2013	1 st newsletter to be sent out in January 2013	
4. Promote subscribers to website.	7-1-09	Ongoing	Completed
5. Outreach to schools.		Ongoing; travel restrictions prohibit attendance	

6. Create a PowerPoint presentation and script for outreach to appropriate audiences.		Pending	
7. Encourage students to attend DHCC board meetings.		Ongoing	
8. Develop a printed piece for consumer fairs.		Travel restrictions prohibit attendance	
9. History of DHCC.		Pending	
10. Calendar of events.	12-1-11	Created annually and reported at Committee meetings	
Outreach/Comm. Objective 3B: Leverage the DHCC website as a centralized source of consumer protection, licensee and applicant information.			
1. Develop links to other health care.		Pending	
2. List of approved programs with links.			Completed
3. Implement online renewal collection fee.	1-1-10	Pending until BreEze implementation	
Outreach/Comm. Objective 3C: Provide Comprehensive information on retroactive fingerprinting requirements to licensees.			
1. Update info on website.	12-6-10		Completed
2. Send camera-ready artwork to stakeholders (components / CDHA).			Completed
Outreach/Comm. Objective 3D: Continue to network and build cooperation and partnerships with stakeholders.			
1. Attend DH-related events: a. CDHA Annual Meeting b. CDHEA Annual Meeting	May 2010 Jan 2010	Attend as permitted	
2. Man exhibit booth @ CDA Presents.	May 2010	Attend as permitted	
3. Participate in consumer related health fairs.	May 2010	Attend as permitted	
4. Evaluate membership in WREB.		Pending	
Outreach/Comm. Objective 3E: Continue to cultivate a collaborative relationship with the Dental Board.			
1. Continue to represent DHCC at Dental Board meetings.		Ongoing as permitted	
2. DHCC members alternate attending DBC meetings and report to DHCC.		Ongoing as permitted	
3. Formal invitations to DBC to attend DHCC board meetings regarding shared interests.		Ongoing	
4. Update DBC on DHCC relevant issues.		Ongoing	
5. Start joint task force bet DBC & DHCC; 2 members from each board.		Pending	
6. Start joint ad-hoc for infection control every year.		11-26-2012: Task force members selected, but have not met	

Goal 4: Organizational Development	<u>Initiation Date</u>	<u>Progress Dates/Notes</u>	<u>Scheduled Completion</u>
Org/Dev. Objective 4A: Encourage professional development and growth of employees.			
1. Have EO inform staff of upward mobility positions available.		Ongoing	
2. Evaluate funding for staff development.		Inclusive in yearly budget	
Org/Dev. Objective 4B: Recognize employee efforts and accomplishments.			
1. Quarterly appreciation activities 2. DHCC members expressing gratitude during staff interaction (i.e. email thank you)	Ongoing		
Org/Dev. Objective 4C: Focus on environmentally conscious innovation.			
1. Digital copies of board packets required for meetings.			Effective 12-12-11
2. DCA provide laptops for members use to view materials.	Requested 4-1-11	Denied (tablets)	
3. Online renewal/ application process.		Pending until BreEze implementation	
4. Utilize teleconference technology.	Ongoing and as needed	Utilized for July 2012 Teleconference meeting	
Org/Dev. Objective 4E: Conduct an annual Executive Officer evaluation.			
1. 2010	12-6-10		Completed
2. 2011	12-13-11		Completed
3. 2012		If necessary	
4. 2013		If necessary	
Goal 5: Enforcement	<u>Initiation Date</u>	<u>Progress Dates/Notes</u>	<u>Scheduled Completion</u>
Enforcement Objective 5A: Ensure transparency and equity in committee enforcement actions.			
1. Post Disciplinary guidelines.		Pending	
2. Post enforcement statistics.	Ongoing	Posted on DCA's website	
3. Post number and status of complaints received.	Ongoing	Posted on DCA's website	
4. Provide summary of enforcement stages, materials.	Ongoing	Posted on DCA's website	
Enforcement Objective 5B: Ensure timely and accurate response to complaints.			
1. Develop internal policies for timely review of complaints.			Completed
2. Manage each stage of the complaint process within mandated timeframes.			Completed
3. Notify complainants in a timely matter of each significant stage in the administrative process.			Completed

Enforcement Objective 5C: Review and evaluate probation monitoring and the expert reviewer programs.			
1. Ensure that a Committee representative meets with new probationers within 30 days of the decision effective date to fully explain the terms of probation.	Ongoing		
2. Ensure that all active probationers are interviewed at least each year to confirm compliance with all terms of probation.	Ongoing		
3. Assess Expert Reviewer Program for validity, training requirements and quality.		Pending until needed	
Enforcement Objective 5D: Review, evaluate and revise enforcement regulations to improve efficiency and effectiveness.			
1. Develop and Review, on a regular basis, DHCC Disciplinary Guidelines and Uniform Standards Related to Substance Abuse.		Initial development near completion; working on Guidelines	
2. Review, update, and if necessary, develop enforcement policies and procedures.			Completed
3. Develop and Review, on a regular basis, Cite and Fine guidelines specific to the DHCC.		Initial development near completion; working on Guidelines	
4. Inform and educate licensees and consumers about trends in enforcement complaints and disciplinary actions.	Ongoing	Ongoing via DHCC Website and Outreach	
Goal 6: Access to Care	<u>Initiation Date</u>	<u>Progress Dates/Notes</u>	<u>Scheduled Completion</u>
Access to Care Objective 6A: Gather and analyze practice information to identify access to care deficiencies.			
1. Investigate logistics to accomplish this.		Pending	
2. Promote this as Masters level thesis project.		Pending	
Access to Care Objective 6B: Identify and promote loan repayment programs to encourage licensees to practice in shortage areas.			
1. Gather list of loan repayment.		Pending	
2. Post on website.		Pending	
3. Work on statute changes to correct language.		Pending	
Access to Care Objective 6C: Monitor new oral healthcare delivery models.			
1. Attend OSPHD Hearing on Teledentistry project.		Member assigned as Site Evaluator July 2011	
2. Gather position papers and reports on new delivery models.		Pending	
Access to Care Objective 6D: Monitor federal healthcare reform for applicable changes.			
1. Provide DHCC with information from DCA on implications.		DCA est. committee, but no updates available.	



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 11

Education and Outreach Subcommittee Report: The Committee may take action on any items listed on the attached Education and Subcommittee Agenda

Dental Hygiene Committee of California
2005 Evergreen Street, Suite 1050, Sacramento, California 95815
P 916.263 1978 F 916.263.2688 | www.dhcc.ca.gov

Notice is hereby given that a public meeting of the Education and Outreach Subcommittee of the Dental Hygiene Committee of California will be held as follows:

EDUCATION/OUTREACH SUBCOMMITTEE MEETING

Monday, December 3, 2012

Upon Conclusion of the Legislative and Regulatory Subcommittee Meeting

Department of Consumer Affairs Headquarters

El Dorado Room

**1625 North Market Street, 2nd Floor North, Room 220
Sacramento, CA 95834**

Agenda

- EDU 1** – Roll Call
- EDU 2** – Public Comment for Items Not on the Agenda
- EDU 3** – Chairperson's Report
- EDU 4** – Approval of April 16, 2012 Minutes
- EDU 5** – Website Statistics
- EDU 6** – Outreach Events
 - a. Upcoming
 - b. Attended
 - c. Travel Restrictions
- EDU 7** – Future Agenda Items
- EDU 7** – Adjournment

**Education/Outreach
Subcommittee**

Chair – Andrew Wong, Public Member
Rita Chen Fujisawa, Public Member
Timothy Martinez, DMD
Nicolette Moultrie, RDH

A quorum of the Committee may be present at the subcommittee meeting. However, Committee members who are not on the subcommittee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The subcommittee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers, for convenience, and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at www.dhcc.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 576-5004 or e-mail anthony.lum@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 1050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 12

Enforcement Subcommittee Report: The Committee may
take action on any items listed on the attached
Enforcement Subcommittee Agenda

Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov

Notice is hereby given that a public meeting of the Enforcement Subcommittee of the Dental Hygiene Committee of California will be held as follows:

ENFORCEMENT SUBCOMMITTEE MEETING

Monday, December 3, 2012

Upon Conclusion of Closed Session

Department of Consumer Affairs Headquarters

EL Dorado Room

1625 North Market Street, 2nd Floor North, Room 220

Sacramento, CA 95834

Agenda

- ENF 1** – Roll Call
- ENF 2** – Public Comment for Items Not on the Agenda
- ENF 3** – Chairperson's Report
- ENF 4** – Approval of April 16, 2012 Minutes
- ENF 5** – Consideration and Possible Action of Statutory Language Regarding Issuance of Initial Probationary License for Applicants
- ENF 6** – Enforcement Statistics
- ENF 7** – Department of Consumer Affairs Performance Measures
- ENF 8** – Future Agenda Items
- ENF 9** – Adjournment

Enforcement Subcommittee

Chair – Rita Chen Fujisawa, Public Member
Alex Calero, Public Member
Nicolette Moultrie, RDH
Noel Kelsch, RDHAP

A quorum of the Committee may be present at the subcommittee meeting. However, Committee members who are not on the subcommittee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The subcommittee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers, for convenience, and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at www.dhcc.ca.gov.

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Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 13

Legislative and Examination Subcommittee Report: The
Committee may take action on any items listed on the
attached Legislation and Regulation Subcommittee
Agenda



Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov

Notice is hereby given that a public meeting of the Licensing and Examination Subcommittee of the Dental Hygiene Committee of California will be held as follows:

LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING

Upon Conclusion of Licensing and Examination Subcommittee Meeting

**Monday, December 3, 2012
Department of Consumer Affairs Headquarters
El Dorado Room
1625 North Market Street, 2nd Floor North, Room 220
Sacramento, CA 95834**

Agenda

LEG 1 – Roll Call

LEG 2 – Public Comment for Items Not Listed on the Agenda

LEG 3 – Approval of April 16, 2012 Minutes

LEG 4 – Chairperson's Report

LEG 5 – Statutory Update

- AB 1588 (Atkins) Professions and Vocations - Military Reservist Licensees: Fees and Continuing Education;
- SB 694 (Padilla) Dental Care;
- SB 1202 (Leno) Dental Hygienist
- SB 1575 Committee on Business Professions and Economic Development: Professions and Vocations;
- SB 1099 (Wright) Regulations

LEG 6 – Report and Possible Action on Statutory Language for Inclusion in the Department of Consumer Affairs' Omnibus Bill:

- Section 1915 – Technical Change
- Section 1917.3 – Initial Probationary License
- Section 1926.2 (b) – Technical Change
- Welfare Institutions Code Section 14132 (q) 2 – Allow RDH and RDHEF to Bill and Be Paid for Dental Hygiene Services
- Section 109, Section 3 of Chapter 294 – Combine Separate Examination Appropriation into Committee's Main Budget

LEG 7 – Update on Phase I of the Transfer and Possible Amendment of Dental Hygiene Regulations into Division 11 of Title 16, Articles 1-12 of the California Code of Regulations

LEG 8 – Discussion on Potential Regulations to Implement Business and Professions Code Section 114.3 (AB 1588) Regarding Military Reservist Licensees: Fees and Continuing Education

LEG 9 – California Notice Register Schedule

LEG 10 – Future Agenda Items

LEG 11 – Adjournment

Legislative and Regulatory Subcommittee

Chair – Timothy Martinez, DMD
Michelle Hurlbutt, RDH
Evangeline Ward, RDH
Andrew Wong, Public Member

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Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 14

Licensing and Examination Subcommittee Report: The Committee may take action on any items listed on the attached Licensing and Examination Subcommittee Agenda



Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov

Notice is hereby given that a public meeting of the Licensing and Examination Subcommittee of the Dental Hygiene Committee of California will be held as follows:

LICENSING AND EXAMINATION SUBCOMMITTEE MEETING

Upon Conclusion of the Enforcement Subcommittee Meeting

Monday, December 3, 2012

Department of Consumer Affairs Headquarters

El Dorado Room

1625 North Market Street, 2nd Floor North, Room 220

Sacramento, CA 95834

Agenda

- | | |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <u>Licensing and Examination Subcommittee</u> | |
| Chair – | Michelle Hurlbutt, RDH
Noel Kelsch, RDHAP
Evangeline Ward, RDH
Timothy Martinez, DMD |
- LIC 1** – Roll Call
 - LIC 2** – Public Comment for Items Not Listed on Agenda
 - LIC 3** – Approval of April 16, 2012 Minutes
 - LIC 4** – Chairperson's Report
 - LIC 5** – Clinical and Written Examination Statistics
 - LIC 6** – Licensure Statistics
 - a. Registered Dental Hygienist
 - b. Registered Dental Hygienist in Alternative Practice
 - c. Registered Dental Hygienist in Extended Functions
 - d. Fictitious Name Permits
 - LIC 7** – Update Regarding Selection Process for California RDH Clinical Chief Examiner
 - LIC 8** – Update on Examination Personnel Regarding Clinical Supervisor and New Examiners
 - LIC 9** – Consideration of Course Approval in Soft Tissue Curettage, Administration of Nitrous Oxide and Oxygen and Administration of Local Anesthetic Agents
 - Chabot College - Hayward
 - Southwestern College – San Diego
 - LIC 10** – Update on Survey Sent to Regional Testing Agencies Regarding Their Respective Examination Criteria
 - LIC 11** – **CLOSED SESSION:** The Examiner Performance/Orientation/Calibration/Validation will be Considered in CLOSED Session Pursuant to Government Code 11126 (c) (1)

RETURN TO OPEN SESSION

- LIC 12** – Future Agenda Items
- LIC 13** – Adjournment

A quorum of the Committee may be present at the subcommittee meeting. However, Committee members who are not on the subcommittee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The subcommittee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers, for convenience, and to maintain a quorum. The meeting may be cancelled

without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at **www.dhcc.ca.gov**.

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Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 15

Election of Officers 2013



Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov

MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer Dental Hygiene Committee of California
SUBJECT	Agenda Item 15 - Election of Officers for 2013

Section 1903 (c) of the Business and Professions Code requires the Committee to elect a president, vice president, and secretary from its membership. The election of officers has typically taken place in December of each year.

The current officers are:

President - Alex Calero
Vice President – Vacant
Secretary - Vacant

PRESIDENT

Nominated _____

VICE PRESIDENT

Nominated _____

SECRETARY

Nominated _____



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 16

Proposed DHCC 2013 Meeting Calendar

Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov

MEMORANDUM

DATE	December 4, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer Dental Hygiene Committee of California
SUBJECT	Agenda Item 16: Proposed DHCC 2013 Meeting Calendar

The following are proposed 2013 meeting dates:

Friday, May 3, 2013

and

Saturday, May 4, 2013 - *San Diego*

Friday, December 6, 2013

and

Saturday, May 7, 2013 - *Sacramento*

Attached is a calendar for your reference.

2013 Dental Hygiene Committee of CA

12-15-11

DHCC Meetings	CDHEA Meeting, Burbank, CA – February 8-10, 2013
Proposed DHCC Meeting, San Diego – May 3 and 4, 2013	CDHA Scientific Session, Anaheim – April 12, 2013
Proposed DHCC Meeting, Sacramento – December 6 and 7, 2013	CDHA House of Delegates Meeting, – Long Beach, CA – May 31-June 2, 2013
RDH Instrumentation Course, WCU – January 27, 2013	ADHA Annual Session, – Boston, MA – June 22-25, 2013
RDH Orientation and Exam, USC – June 8-9, 2013	Holiday – New Years Day – January 1, 2013
RDH Orientation and Exam, USC – July 13-14, 2013	Holiday – Martin Luther King Jr. Day – January 21, 2013
RDH Orientation and Exam, UCSF – July 27-28, 2013	Holiday – President's Day – February 18, 2013
RDH Orientation and Exam, UCSF – October 19-20, 2013	Holiday - Cesar Chavez Day – March 31, 2013
	Holiday – Memorial Day – May 27, 2013
Dental Board Meetings – 2013	Holiday – Independence Day – July 4, 2013
Feb 28-Mar 1 – San Diego May 16-17 – SF Aug 15,16 – Sacto-Nov 7, 8 - LA	Holiday – Labor Day – September 2, 2013
CDA Convention, Anaheim – April 11-13, 2013	Holiday – Veterans Day – November 11, 2013
ADA Annual Meeting -New Orleans October 31, 2013 – November 3, 2013	Holiday – Thanksgiving Day & Day After – November 28-29, 2013
Student Regional Conferences –Concord & Los Angeles-March 2-3, 2013	Holiday – Christmas Day – December 25, 2013

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Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 17

Closed Session



Tuesday, December 4, 2012

Dental Hygiene Committee of California

Full Committee

Agenda Item 18

Adjournment