



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee

Agenda



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

EDUCATION SUBCOMMITTEE MEETING

Saturday, May 6, 2017
Bougainvillea Room
Atrium Hotel at Orange County Airport
18700 MacArthur Blvd.
Irvine, CA 92612

Additional Teleconference Location Available at:

Catalano-Fenske
1401 Fulton Street, Suite 801
Fresno, CA 93721

Education Subcommittee Members:

Michelle Hurlbutt, RDH Educator, Chair
Susan Good, Public Member
Sandy Klein, Public Member
Timothy Martinez, DMD

Upon conclusion of the Enforcement Subcommittee

Agenda

EDU 1 – Roll Call

EDU 2 – Public Comment for Items Not on the Agenda

[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a))]

EDU 3 – Chairperson's Report

EDU 4 – Approval of the December 3, 2016 Education Subcommittee Meeting Minutes

EDU 5 – Biosketch Update, Informational Only

EDU 6 – Discussion and Possible Action on Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide and Oxygen (SLN) Course Requirement for Dental Hygiene Educational Program Faculty – SLN Course Documentation

EDU 7 – Discussion and Possible Action to Amend CCR, Title 16, Division 11, §1105.1 Educational Program Faculty Requirements

EDU 8 – Future Agenda Items

EDU 9 – Adjournment

DHCC members who are not members of this subcommittee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum. All times are approximate and subject to change. 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 Estelle Champlain at (916) 576-5007 or e-mail at: estelle.champlain@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 2050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee Meeting

Agenda Item 2

Public Comment for Items Not on the Agenda

[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a))]



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee Meeting

Agenda Item 3

Chairperson's Report



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee Meeting

Agenda Item 4

**Approval of December 3, 2016 Subcommittee
Minutes**



EDUCATION SUBCOMMITTEE MEETING MINUTES

Saturday, December 3, 2016
2005 Evergreen Street, 1st Floor
1st Floor Hearing Room
Sacramento, CA 95815

EDUCATION SUBCOMMITTEE MEMBERS PRESENT

Michelle Hurlbutt, RDH Educator, Chair
Susan Good, Public Member
Sandra Klein, Public Member

EDUCATION SUBCOMMITTEE MEMBERS ABSENT

Timothy Martinez, DMD

EDU 1 Roll Call/Establishment of Quorum

Michelle Hurlbutt, chair of the Education Subcommittee, called the meeting to order at 1:16 p.m. Chair Hurlbutt took roll call and a quorum was established with three subcommittee members present. Timothy Martinez was absent and excused.

EDU 2 Public Comment for Items Not on the Agenda

Chair Hurlbutt asked if any subcommittee member or member of the public would like to comment on any item not on the agenda. There were no comments.

EDU 3 Chairperson's Report

There was no Chairperson's report for this meeting.

EDU 4 Discussion and Possible Action to Seek Legislation for Probationary Status & Disciplinary Actions Regarding Non-Compliant Dental Hygiene Education Programs: Recommendation to the Full Committee

Estelle Champlain reported that the DHCC is responsible for approving or denying approval of all dental hygiene education programs in California, yet at this time, there is no intermediary option available for the DHCC to pursue when a program is out of compliance but the aberration is minor and correctable. This is a problem with far-reaching impact because if a program's approval were to be withdrawn, the students of that program would be negatively affected and could not obtain a California RDH license. For these reasons, staff suggests that the subcommittee recommend to the full committee that the DHCC seek legislation and regulations to enact a progressive discipline program whereby the DHCC can, in instances of less egregious violations of regulations, utilize citations, fines, or a probationary status in order to bring a noncompliant program into compliance without having to resort to withdrawing the programs's approval. Withdrawal of a program's approval would still exist as an option, but that option would be reserved for violations that are the most serious, such as violations that pose an immediate threat to consumer safety.

Chair Hurlbutt asked if any subcommittee member or member of the public would like to comment on this topic. There were no comments.

Motion: Susan Good moved to recommend to the full committee to direct staff to seek legislation and regulations to create a framework that would allow the DHCC to cite and fine dental hygiene education programs for minor violations or place a program on probationary status for more serious violations, while retaining the option of denying/withdrawing approval of a dental hygiene program that has committed the most egregious violations.

Second: Sandra Klein.

Chair Hurlbutt asked if any member of the public would like to comment. There were no comments.

Public Comment: Vickie Kimbrough stated that regardless of whether a progressive disciplinary program comes into effect there is a need for better communication going both ways between the DHCC and dental hygiene education programs. She suggested that program directors at the dental hygiene schools would benefit from being included in a discussion about possible implementation of a progressive discipline program.

Chair Hurlbutt replied that every one of the DHCCs education regulations was brought to the program directors at meetings before being implemented. This regulation would be no different. The DHCC will continue to attend meetings,

such as the upcoming January 2017 California Dental Hygienists' Association (CDHA) meeting.

Public Comment: Lygia Jolley noted that the rulemaking process is lengthy and she asked what will happen in the meantime as the DHCC pursues and enacts legislation and regulations to create intermediary measures. She asked whether California's dental hygiene education programs will only face two possible outcomes from DHCC: approval or disapproval. Chair Hurlbutt answered that since the current law only allows those two options, until the law can be changed, the DHCC must abide by those two options.

Kelsey Pruden explained that since this is not a matter that can be changed by regulatory action alone, it will be necessary to pass this change by means of a bill being approved by the state legislature.

Anthony Lum added that the DHCC does offer noncompliant dental hygiene programs with an opportunity to comply. However, if the program does not comply, then the DHCC must withdraw approval of that program.

Chair Hurlbutt noted that the DHCC does not act without complaint. The DHCC does not go out to seek noncompliance; instead the DHCC investigates and takes action on complaints that are received.

Vote: The motion to recommend to the full committee to direct staff to seek legislation and regulations to create a framework that would allow the DHCC to cite and fine dental hygiene education programs for minor violations, place a program on probationary status for more serious violations, while retaining the option of denying/withdrawing approval of a dental hygiene program that has committed the most egregious violations passed 3-0. Timothy Martinez was absent and excused.

Name	Vote:		Other
	Aye	Nay	
Michelle Hurlbutt	X		
Susan Good	X		
Sandra Klein	X		
Timothy Martinez			Absent

Ms. Champlain asked the subcommittee if they would like to appoint, or ask the full committee to appoint, up to two people to work with staff on this issue so that staff can understand what the DHCC intends regarding delicate and nuanced aspects of this proposal.

Chair Hurlbutt asked for a motion to recommend to the full committee to appoint up to two members to work with staff on this educational issue.

Motion: Sandra Klein moved to recommend to the full committee to appoint up to two members to work with staff on this education issue.

Second: Susan Good.

Chair Hurlbutt asked if any member of the public would like to comment. There were no comments

The motion to recommend to the full committee to appoint up to two members to work with staff on this education issue passed 3-0. Timothy Martinez was absent and excused.

Name	Vote:		Other
	Aye	Nay	
Michelle Hurlbutt	X		
Susan Good	X		
Sandra Klein	X		
Timothy Martinez			Absent

EDU 5 Update on Task Force on Alternative Pathways to Licensure

Chair Hurlbutt stated that the Task Force on Alternative Pathways to Licensure had been tabled in lieu of staff needing to focus on implementing BreEZe. She noted that there is still interest in this subject and the DHCC plans to address it as soon as possible.

Chair Hurlbutt asked if any subcommittee member or member of the public would like to comment on this issue. There were no comments.

EDU 6 Future Agenda Items

Chair Hurlbutt asked if any member of the public would like to propose a future agenda item.

Public Comment: JoAnn Galliano recommended that the education subcommittee evaluate select western states' curriculum to see if there exists sufficient likeness to California's soft tissue curettage, local anesthesia, and nitrous oxygen-oxide curriculum. She noted that Arizona accepts California's training in anesthesia. Ms. Galliano requested that the subcommittee consider evaluating an out-of-state applicant based on whether the DHCC found the *curriculum* under which that applicant had been trained to be satisfactory. Using the curriculum as a standard of competency evaluation would be a different option from using a test administered to the applicant as a standard of competency evaluation.

There were no other comments.

EDU 7 Adjournment

Motion: Susan Good moved to adjourn.

Second: Sandra Klein.

Chair Hurlbutt asked if any subcommittee member or member of the public would like to comment. There were no comments.

Vote: The motion to adjourn passed 3-0.

Name	Vote:		Other
	Aye	Nay	
Michelle Hurlbutt	X		
Susan Good	X		
Sandra Klein	X		
Timothy Martinez			Absent

The Enforcement Subcommittee adjourned at 1:34 p.m.



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee Meeting

Agenda Item 5

Biosketch Review, Informational Only



MEMORANDUM

DATE	May 6, 2016
TO	Education Subcommittee
FROM	Anthony Lum, Interim Executive Officer
SUBJECT	EDU 5 RDH Program Faculty Requirements Faculty Biosketch Update

Biosketch Review Results:

1. Three Dental Hygiene Educational Programs (DHEP) were in compliance.
2. Two faculty members at two DHEP had faculty teaching with delinquent licenses.
3. Nine faculty members at eight DHEP had faculty teaching clinically without Soft Tissue Curettage/Local Anesthesia/Nitrous Oxide-Oxygen Analgesia (SLN) qualifications.
4. One DHEP had two faculty members teaching without a Bachelor degree.
5. One DHEP had one faculty member teaching without a Bachelor degree.
6. Ten faculty members are not teaching/practicing under their legally licensed names.
7. Eleven faculty members lacking continuing education units in courses in which they teach.
8. Eight faculty members utilized "Dental Hygiene Units in Designated Hygiene Area", but did not provide transcripts.
9. Seven faculty members did not submit Educational Methodology coursework.
10. Two faculty members are Registered Dental Assistants (RDA) and must submit evidence to show qualification to teach radiology theory, evaluation and interpretation.
11. One faculty member is a RDA and must submit evidence to show qualification to teach dental materials, infection control, radiology theory, evaluation and interpretation.
12. Three faculty members did not submit their current assignments.
13. Three faculty members did not sign their biosketches.
14. One faculty member submitted an illegible biosketch.

Compliance:

As of April 26, 2017, seven Dental Hygiene Programs have remediated their deficiencies, have come into compliance, and have been notified of their clearance. The remaining twenty-one have a deadline of May 1, 2017 to submit documentation for review as proof of deficiency remediation.



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee Meeting

Agenda Item 6

**Discussion and Possible Action on Soft
Tissue Curettage, Local Anesthesia, and
Nitrous Oxide-Oxygen (SLN) Course
Requirement for Dental Hygiene Educational
Program Faculty – SLN Course
Documentation**



MEMORANDUM

DATE	May 6, 2017
TO	Education Subcommittee
FROM	Anthony Lum, Interim Executive Officer
SUBJECT	EDU 6 – Discussion and Possible Action on Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen (SLN) Course Requirement for Dental Hygiene Educational Program Faculty – SLN Course Documentation

Background

Program faculty requirements are listed in CCR Title 16, Division 11, Article 3, §1105.1 Faculty, specifically in CCR §1105.1(e)(3), it states, "Each faculty member shall be competent in the area in which he or she teaches." Subject competency is usually measured by the individual completing a course or training in addition to having a certain level of experience in the subject matter prior to teaching. Proof of the completed training is usually in the form of a certificate of completion or a passing grade on a college transcript. However, since the DHCC has begun to review dental hygiene educational programs and their respective faculty, we have encountered an issue for several where it has been difficult for them to provide proof of completion of the Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen (SLN) requirement to qualify to teach the SLN requirement in the program. Many of the faculty have been licensed and have taught the SLN requirement for decades and indicated completion of the SLN requirement back in the late 1970s or early 80s. SLN training records from that time are difficult, if not impossible, to find today, as attempts to locate them were attempted. The certificates of completion that were received may only state "Expanded Functions" in the title line with no additional identification as to what those expanded functions were. A few program directors have contacted the providers of the SLN courses for records, but those institutions did not retain course records or syllabi for that long of a time period. We have researched the Dental Board of California's and the DHCC's history and found no viable definition for expanded functions. The DHCC has some old hard card records that show licensees completing the expanded function that indicate an SLN requirement, but they are inconsistent in their content and many licensees only completed parts of the SLN requirement rather than all three components.

Committee Action Requested

☐ Staff requests EDU Subcommittee and, if necessary, Full Committee guidance as to how to proceed with the review of the SLN faculty in this situation where they are unable to obtain the requested documented proof of SLN completion for teaching due to the time that has elapsed since the SLN requirement was completed.



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee Meeting

Agenda Item 7

**Discussion and Possible Action: Amend CCR,
Title 16, Division 11, §1105.1 Educational
Program Faculty Requirements**



MEMORANDUM

DATE	May 6, 2017
TO	Education Subcommittee
FROM	Anthony Lum, Interim Executive Officer
SUBJECT	EDU 7 – CCR, Title 16, Division 11, § 1105.1 Educational Program Faculty Requirements

Within each dental hygiene educational program, there are two types of program faculty: clinical teaching faculty and didactic teaching faculty. **The regulations define program faculty as an “individual having a full-time or part-time agreement with the institution to instruct one or more of the courses in the educational program’s curriculum.” (CCR, Title 16, Division 11, § 1105.1(b))**

Program faculty is listed first in CCR § 1105.1 and has general requirements that apply to both types of program faculty. One of these requirements is that each faculty member must hold a bachelor’s degree. The regulation goes on to describe specific *additional* requirements germane to clinical and to didactic teaching faculty.

Some dental hygiene education program administrators have expressed that the numbering system used in DHCC’s regulations for this section of law has given rise to confusion. These administrators contend that since the subsections are on the same level, i.e. subsection (b) Program faculty, (c) Clinical teaching faculty, and (d) Didactic teaching faculty, then these are three entirely different types of employees, each with distinct and separate requirements, and significantly that the didactic and clinical employees are not subject to “program faculty” requirements. This is an incorrect reading of the law. **Nonetheless, these program administrators continue full-time and part-time agreements with persons who do not possess the minimum qualification listed under “program faculty,” for these persons to instruct one or more courses in their educational program’s curriculum.**

Please consider the following two methods of making the regulation more easily understood. It may be possible to do both by filing a Section 100 change to the regulation with the Office of Administrative Law and then follow it up with a more thorough rulemaking file.

1. The first and most thorough method contains proposed language for an amendment to the regulation. This option is more thorough because it makes the requirements extremely explicit, so much so that it would be highly unlikely that even the most generous reader could agree with the mistaken interpretation that the intent of the law was to mean that didactic and clinical faculty are not in fact program faculty. Although this method is more thorough, it would entail processing a rulemaking file through the normal regulatory process as defined in the Administrative Procedures Act.
2. The second, less thorough yet more expedient method is to simply renumber the subsections at issue and file them with the Office of Administrative Law as a Section 100 Change without Regulatory Effect. Although this is a faster change, clarity may still be an issue.

Option #1 - Suggested language to amend CCR Title 16, Division 11, Article 3, §1105.1(b),(c), &(d):

(b) "Program faculty" means an individual having a full-time or part-time agreement with the institution to provide any instruction in one or more of the courses in the educational program's curriculum. The individual shall meet all the following competency requirements:

(1) ~~Hold~~ Each faculty member shall demonstrate education-level competency by having been awarded a baccalaureate degree or higher from a college or university accredited by an agency recognized by the U.S. Department of Education or Council for Higher Education Accreditation, ~~and possess the following:~~

(2) Each faculty member shall demonstrate subject-matter competency by holding ~~An~~ active California dental or dental hygiene license or special permit with no disciplinary actions; ~~or~~ and one of the following:

(2A) ~~A~~ Having been awarded a postsecondary credential generally recognized in the field of instruction; or

(3B) ~~A~~ Holding a degree in the subject being taught or evaluated.

(4) ~~All program faculty~~ Each faculty member shall demonstrate pedagogical competency by having ~~have documented background~~ successfully completed two clock hours of continuing education in educational methodology no later than the first day of the second semester that commences after the date of appointment as a faculty member and every two years thereafter. ~~consistent with teaching assignments.~~

(c) ~~Clinical teaching faculty shall~~ To instruct or evaluate in the clinical setting, a faculty member shall meet all the "program faculty" requirements and have direct patient care experience within the previous five ~~(5)~~ years in the dental hygiene area to which he or she is assigned, which can be met by having attained either:

(1) ~~Two (2) years'~~ experience providing direct patient care as a registered dental hygienist or dentist; or

(2) One ~~(1)~~ academic year of dental or dental hygienist level clinical teaching experience.

(d) ~~Didactic teaching faculty~~ To instruct or evaluate in the didactic setting, a faculty member shall meet all the "program faculty" requirements and shall possess ~~the following minimum qualifications:~~ C current knowledge of the specific subjects taught, which can be met by either:

(1) Having completed ~~twelve (12)~~ hours of continuing education in the designated subject area; or

(2) Having completed ~~T~~ two (2) semester units or three ~~(3)~~ quarter units of dental hygiene education related to the designated dental hygiene area; or

(3) ~~have~~ Holding a national certification in the designated dental hygiene area.

(e) Faculty Responsibilities.

(1) Each faculty member shall assume responsibility and accountability for instruction, evaluation of students, and planning and implementing curriculum content as required by the educational program.

(2) Each faculty member shall participate in an orientation prior to teaching, including, but not limited to, the educational program's curriculum, policies and procedures, strategies for teaching, and student supervision and evaluation.

(3) Each faculty member shall be competent in the area in which he or she teaches.

Option #2 - Renumbering of CCR Title 16, Division 11, Article 3, §1105.1(b),(c), &(d) to process as a Section 100:

(b) "Program faculty" means an individual having a full-time or part-time agreement with the institution to instruct one or more of the courses in the educational program's curriculum. The individual shall hold a baccalaureate degree or higher from a college or university accredited by an agency recognized by the U.S. Department of Education or Council for Higher Education Accreditation, and possess the following: ~~(1)~~ An active California dental or dental hygiene license or special permit with no disciplinary actions; or ~~(2)~~ A a postsecondary credential generally recognized in the field of instruction; or ~~(3)~~ A a degree in the subject being taught or evaluated. ~~(4)~~ All program faculty shall have documented background in educational methodology every two years, consistent with teaching assignments.

~~(e)~~1) Clinical teaching faculty shall have direct patient care experience within the previous five (5) years in the dental hygiene area to which he or she is assigned, which can be met by either: ~~(1)~~ Two (2) years' experience providing direct patient care as a registered dental hygienist or dentist; or ~~(2)~~ One (1) academic year of dental or dental hygienist level clinical teaching experience.

~~(d)~~2) Didactic teaching faculty shall possess the following minimum qualifications: Current knowledge of the specific subjects taught, which can be met by either: ~~(1)~~ Having completed twelve (12) hours of continuing education in the designated subject area; or ~~(2)~~ Two (2) semester units or three (3) quarter units of dental hygiene education related to the designated dental hygiene area; or have national certification in the designated dental hygiene area.

~~(e)~~c) Faculty Responsibilities.

- (1) Each faculty member shall assume responsibility and accountability for instruction, evaluation of students, and planning and implementing curriculum content as required by the educational program.
- (2) Each faculty member shall participate in an orientation prior to teaching, including, but not limited to, the educational program's curriculum, policies and procedures, strategies for teaching, and student supervision and evaluation.
- (3) Each faculty member shall be competent in the area in which he or she teaches.



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee Meeting

Agenda Item 8

Future Agenda Items



Saturday, May 6, 2017

Dental Hygiene Committee of California

Education Subcommittee Meeting

Agenda Item 9

Adjournment