

Education Subcommittee Meeting Minutes

Saturday, May 6, 2017

Primary Location:

Atrium Hotel at Orange County Airport
18700 MacArthur Blvd.
Irvine, CA 92612

Teleconference Location:

Catalano-Fenske and Associates
1401 Fulton St., Ste. 801
Fresno, CA 93721

Education Subcommittee Members Present:

Michelle , Chairperson, Registered Dental Hygienist (RDH) Educator
Susan Good, Public Member (Via Teleconference Location in Fresno)
Sandra Klein, Public Member
Timothy Martinez, Public Health Dentist

DHCC Staff Present:

Anthony Lum, Interim Executive Officer
Estelle Champlain, Legislative and Regulatory Analyst
Nancy Gaytan, Enforcement Analyst
Adina Pineschi-Petty, RDH and Doctor of Dental Surgery (DDS), Education Specialist
Michael Santiago, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

Public Present:

Luisa Bransford, Fresno City College
Julie Coan, California Dental Hygienist's Association (CDHA)
Pat Connolly-Atkins, American Board of Dental Examiners (ADEX)
Natalie Ferrigno, West Los Angeles College
Mariann Fujimoto, RDH
JoAnn Galliano, RDH, Education Consultant
Mary Johnston, ADEX
Lygia Jolley, CDHA
Vickie Kimbrough, Purple Pen Seminars and CDHA
Mary McCune, California Dental Association (CDA)
Sharon Osborn Popp, Western Regional Examining Board (WREB)
Tricia Osuna
Joanne Pacheco, Fresno City College
Laurie Petralia, Concorde Career College
Kelly Reich, WREB
Sabrina Santucho, Concorde Career College, San Bernardino
Maureen Titus, CDHA
Bruce Whitcher, DDS, Dental Board of California (DBC)

1. Roll Call and Establishment of a Quorum

Michelle Hurlbutt, Chairperson of the Education Subcommittee, call the meeting to order at 4:05 p.m. She took roll call and a quorum was established with all four members present.

2. Public Comments for Items Not on the Agenda

There were no comments from the public.

3. Chairperson's Report

Chair Hurlbutt stated that there was nothing to report.

4. Approval of the December 3, 2016 Education Subcommittee Minutes

Motion: Sandra Klein moved to adopt the December 3, 2016, Education Subcommittee Meeting Minutes.

Second: Susan Good

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

Vote: The motion to adopt the December 3, 2016, Education Subcommittee Meeting Minutes passed 3:0.

Name	Aye	Nay	Abstain
Michelle Hurlbutt	X		
Susan Good	X		
Sandra Klein	X		
Timothy Martinez			X

5. Faculty Biosketch Update

Dr. Adina Pineschi-Petty, Education Specialist, reported that in December 2016, the DHCC sent faculty biosketch request letters to the RDH education programs. All programs replied. Upon review of the faculty biosketches, three educational programs were shown to be

100% in compliance with the law. The other programs had noncompliance issues that ranged from minor and easily correctable violations to violations that of a much more egregious nature.

Dr. Pineschi-Petty stated that the DHCC staff followed up with letters to the programs which had deficiencies explaining what needed to be done to correct the problems. Subsequently, seven programs remediated their deficiencies and those programs have been notified of their clearance. The remaining 21 programs were given a deadline of May 1, 2017 to submit documentation for review as proof of remediation.

Chair Hurlbutt asked if any member of the public or the Subcommittee would like to comment.

Public Comment: Julie Coen stated that she would like to make a comment on her own behalf, not as a representative of the CDHA. She stated that according to a community college chancellor she had contacted, the requirement to teach at a community college was six years of experience and an associate's degree. She also noted that she had contacted a nursing education program and she was told that there are associate's degree level faculty members teaching in nursing programs. She inquired why there was a discrepancy between these practices and the DHCC's requirement that all faculty must hold a bachelor's degree.

Chair Hurlbutt replied that California law requires that all faculty in a registered dental hygienist educational program must hold a bachelor's degree and that state law supersedes institutional policies.

There were no further comments.

6. Program Faculty Requirements

Estelle Champlain, Legislative and Regulatory Analyst, presented proposed options to clarify California Code of Regulations (CCR), Title 16, Division 11, Article 3, § 1105.1 Educational Program Faculty Requirements since some members of the regulated public have found it to be confusing. The options were:

1. Adopt proposed explicit regulatory language (with or without amendments) and promulgate as a rulemaking file. The rulemaking process would take close to a year.
2. Renumber the section without changes to language as a Section 100: Change without Regulatory Effect. Non-substantive changes take around three months.
3. Pursue options 1 and 2 simultaneously.
4. Do nothing.

The Subcommittee discussed the merits of each option and determined that the problem needed to be addressed as soon as possible but that the solution must be comprehensive enough to fully resolve the problem.

Motion: Susan Good moved to recommend to the Full Committee to direct staff to initiate a Section 100: Change without Regulatory Effect to renumber CCR, Title 16, Division 11, Article 3, § 1105.1.

Second: Sandra Klein

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

Vote: The motion to recommend to the Full Committee to direct staff to initiate a Section 100: Change without Regulatory Effect to renumber CCR, Title 16, Division 11, Article 3, § 1105.1 passed 4:0.

Name	Aye	Nay	Abstain
Michelle Hurlbutt	X		
Susan Good	X		
Sandra Klein	X		
Timothy Martinez	X		

Motion: Susan Good moved to adopt the proposed language to amend CCR, Title 16, Division 11, Article 3, § 1105.1 and to direct staff to prepare a rulemaking file and set it for a public hearing.

Second: Sandra Klein

Chair Hurlbutt asked if any member of the public or the Subcommittee would like to comment.

Public Comment: Lygia Jolley requested clarification on whether the Subcommittee's intent with moving forward with the proposed language is that the faculty member would have to have a bachelor's degree in dental hygiene. She noted that she holds a bachelor's degree in organizational development but she also holds a dental hygiene degree, that dental hygiene degree not being at the bachelor's level. She inquired whether her level of education would be approved to teach administration of nitrous oxide and oxygen.

Chair Hurlbutt noted that the new wording does not change the existing law, but the existing law may be misinterpreted due to the alignment of the sections.

Ms. Jolley also requested that the amended language clarify the intent of (d) “national certification.”

Vickie Kimbrough suggested that the public be allowed to submit queries to the Subcommittee while the language is being refined so that the Subcommittee can be aware of the areas of the law that are confusing to consumers.

Chair Hurlbutt replied that the Subcommittee may request to have staff further refine the language then place it on a future agenda so that the Subcommittee and the public could consider it at that time. She asked if there were any further comments. There were none.

Vote: The motion to adopt the proposed language to amend CCR, Title 16, Division 11, Article 3, § 1105.1 and to direct staff to prepare a rulemaking file and set it for a public hearing passed 3:1.

Name	Aye	Nay	Abstain
Michelle Hurlbutt		X	
Susan Good	X		
Sandra Klein	X		
Timothy Martinez	X		

7. Program Faculty Documentation of Having Passed Courses in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen

Anthony Lum, Interim Executive Officer, reported that the biosketch reports revealed that there are some instructors of extended functions courses who have not been able to produce documentation of having successfully completed courses in some of the extended functions. This is a small group of individuals who graduated in the late 1970s to 1980. (Dental hygienists’ extended functions are soft tissue curettage, administration of local anesthetic, and administration of nitrous oxide-oxygen.)

Mr. Lum requested guidance from the Subcommittee on how to handle this situation. He presented some options: require these individuals to (re)take the extended functions courses – which would entail their having to pay around \$5,000 for the courses; grandfather them in; or require that they submit affidavits certifying that they took and passed the courses but that it was so long ago that the records have been lost.

The Subcommittee discussed various methods of verifying that these individuals had completed courses in extended functions:

DHCC's Current Licensing Database (BreEZe) – BreEZe records do not show completion of extended functions for these licensees. However, a search of online archives shows at least one of the licenses (scanned image) having affixed to it an illegible sticker.

DHCC Hardcopy License Records - Mr. Lum reported that staff had searched through the affected licensee's licensure files and found that there was no documentation for the completion of the SLN requirement. In further research, it also appeared that the recording of the completion of the SLN requirement was variable and inconsistent 30 years ago, as the hardcopy license cards issued at that time had stickers to indicate the completion of extended functions. The individuals in question all graduated before 1981, so there is a possibility that their cards may have had stickers at one time but over the past three decades those stickers could have fallen off. The cards in the DHCC's possession were issued around 1981-1982 and have the extended functions printed and hand written onto them. The rest of the contents of the archived records show further inconsistencies, including information on some boxes of hard card files listed as having been destroyed or that licensees only completed 1, 2, or all 3 of the SLN requirements. There was no consistency in the record keeping from this time period. These discoveries caused Mr. Lum to conclude that the license records alone would not be enough to show whether the individuals had or had not passed courses in extended functions.

College Records - The colleges involved reported that they do not keep detailed student records as far back as 1979-1980. Similarly, the individuals in question cannot produce personal copies of their transcripts or detailed Certificates of Completion to show completion of the missing courses.

The Subcommittee determined that the graver core underlying issue was that these individuals did not have proof of qualification to administer anesthesia, and that anesthesia had been administered under their licenses for years. This is the case in the instances the licensees personally administered anesthesia as well as in the instances when anesthesia was administered by students of any of these licensees while the students were working under the aegis of the instructors' licenses.

Public Comment: Maureen Titus stated that at the time she graduated, in 1977, extended functions courses were just being offered and students were encouraged, but not required, to take all three. She also described her first license. She stated that she had current knowledge of the appearance of this license because at the time of the meeting her original license was and had been framed and displayed on her wall. She stated that on this license there was a sticker for each of the extended functions courses she had taken and passed. She also stated that each sticker was marked with a number but that she did not know what that number corresponded to.

Public Comment: Mariann Fujimoto stated that she had worked on special projects for the former executive officer of the DHCC. She recalled a time when she was tasked with

searching the contents of license records in eight boxes. She stated these files dated as far back as the mid-1970s and that in these boxes, she saw documents including letters sent by the educational institutions.

Mr. Lum replied that he was aware of the eight boxes Ms. Fujimoto had searched and that those were regular licensing files. He clarified that the boxes he had referred to were the files for extended function hard cards. Ms. Fujimoto answered that she saw some license cards among the documents in the regular licensing files.

Ms. Fujimoto asked if the DHCC has a record of what the numbers on the extended functions mean. Mr. Lum replied that there may have once been a record several decades ago but it had not been maintained or passed down.

Motion: Susan Good moved to recommend to the Full Committee that faculty members teaching extended functions who cannot produce proof of having successfully completed courses in extended functions should be reminded of the requirement to complete 12 continuing education units in pain management and that if these faculty members wish to continue to teach, they must submit affidavits that they have taken and passed extended functions courses

Second: Timothy Martinez

Chair Hurlbutt asked if any member of the public or the Subcommittee would like to comment.

The Subcommittee expressed concern that the affidavit option could prove problematic in that if the DHCC accepted affidavits as proof of competency in this isolated incident of what may amount to knowledgeable and seasoned instructors, then the DHCC may be forced to accept affidavits as proof of competency overall.

Mr. Lum stated that he would work closely with the legal department to draft a specific affidavit for this instance alone. He also stated (that once the 12 units in pain management and affidavit were proven,) he would ensure the extended functions authorizations were added to these licensee's files.

There were no further comments.

Vote: The motion to recommend to the Full Committee that faculty members teaching extended functions who cannot produce proof of having successfully completed courses in extended functions should be reminded of the requirement to complete 12 continuing education units in pain management and that if these faculty members wish to continue to teach, they must submit affidavits that they have taken and passed extended functions courses passed 4:0.

Name	Aye	Nay	Abstain
Michelle Hurlbutt	X		
Susan Good	X		
Sandra Klein	X		
Timothy Martinez	X		

8. Future Agenda Items

Chair Hurlbutt asked if any member of the Subcommittee or the public would like to suggest future agenda items. There were none.

9. Adjournment

Chair Hurlbutt adjourned the Education Subcommittee meeting at 5:02 p.m.