



Friday, November 17, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee

Agenda



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

Friday, November 17, 2017
DHCC Headquarters Building
2005 Evergreen Street, 1st Floor
Hearing Room
Sacramento, CA 95815
9:00 am - adjournment

Enforcement Subcommittee Members:

Garry Shay, Public Member, Chair
Timothy Martinez, DMD
Edcelyn Pujol, Public Member
Evangeline Ward, RDH

Upon Conclusion of the Education Subcommittee meeting

Agenda

ENF 1 – Roll Call

ENF 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))]

ENF 3 – Chairperson's Report

ENF 4 – Approval of the May 6, 2017, Enforcement Subcommittee Meeting Minutes

ENF 5 – Enforcement Statistics & Performance Measures

ENF 6 – Future Agenda Items

ENF 7 – 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 Brittany Alicia at (916) 576-5001 or e-mail at: Brittany.alicia@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.



Friday, November 17, 2017

Dental Hygiene Committee of California

Enforcement 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))]



Friday, November 17, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee Meeting

Agenda Item 3

Chairperson's Report

A Verbal Report Will Be Given



Friday, November 17, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee Meeting

Agenda Item 4

**Approval of the June 10, 2017 Enforcement
Subcommittee Meeting Minutes**



Enforcement 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

DHCC Members Present:

Garry Shay, Chairperson, Public Member
Timothy Martinez, Doctor of Dental Medicine (DMD)
Edcelyn Pujol, Public Member
Evangeline Ward, Registered Dental Hygienist (RDH)

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, President, Dental Board of California (DBC)

1. Roll Call and Establishment of a Quorum

Garry Shay, Chairperson of the Enforcement Subcommittee, called the meeting to order at 4:00 p.m. He 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 Shay stated that there was not a Chairperson's report for this meeting.

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

Motion: Evangeline Ward moved to adopt the December 3, 2016, Enforcement Subcommittee Meeting Minutes.

Second: Garry Shay

Chair Shay 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 Enforcement Subcommittee Meeting Minutes passed 2:0.

Name	Aye	Nay	Abstain
Garry Shay	X		
Timothy Martinez			X
Edcelyn Pujol			X
Evangeline Ward	X		

5. Enforcement Statistics and Performance Measures

Nancy Gaytan, Enforcement Analyst, presented enforcement statistics for July 2016 to March 2017. During this period, there were 45 complaints and 91 convictions and/or arrests; 25 citations were issued; nine cases were referred to the California State Attorney General's Office; and the number of probationers increased to 41.

Ms. Gaytan then presented performance measures for October 2016 to December 2016. All enforcement actions during this period were completed with greater time efficiency than the time allowed in the performance measure stated goals.

Motion: Timothy Martinez moved to receive and file the Enforcement Statistics and Performance Measures report.

Second: Edcelyn Pujol

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

Vote: The motion to receive and file the Enforcement Statistics and Performance Measures report passed 4:0.

Name	Aye	Nay	Abstain
Garry Shay	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Evangeline Ward	X		

6. Future Agenda Items

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

7. Adjournment

Chair Shay adjourned the Enforcement Subcommittee at 4:04 p.m.



Friday, November 17, 2017

Dental Hygiene Committee of California

Enforcement Subcommittee Meeting

Agenda Item 5

**Enforcement Statistics and Performance
Measures**



MEMORANDUM

DATE	November 17, 2017
TO	Enforcement Committee Dental Hygiene Committee of California
FROM	Nancy Gaytan, Enforcement Analyst
SUBJECT	Agenda Item ENF 5 - DHCC Enforcement Statistics

Attached please find the enforcement statistics for the following periods:

Fiscal year 2013-14, 2014-15, 2015-17 and 2016-17. Also included is 2017-18 year-to- date.

The chart provides the total number of investigations, citations, enforcement actions and a breakdown of open complaints by allegation type.

DHCC ENFORCEMENT STATISTICS

					FY 2017-2018 YTD				
					FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	
<i>Investigations</i>					July	August	September	October	YTD
Complaints									
Complaints Received	66	78	51	57	6	1	1	3	11
Convictions/Arrests Received	102	132	137	127	11	6	31	14	62
Total Intake	168	210	188	183	17	7	32	17	73
Citations									
Issued	68	85	29	35	-	1	4	1	6
Dismissed	1	-	-	1	-	-	-	-	-
Enforcement Actions									
Cases Referred to AG	17	18	17	16	2	-	-	-	2
Accusations Filed	6	15	7	9	2	1	2	1	6
Statement of Issues Filed	2	2	2	6	-	-	-	-	-
Decisions / Stipulations Adopted	16	14	8	19	-	1	-	-	1
Allegations									
Criminal Charges	102	132	137	127	11	6	31	14	52
Alcohol/Drug Related Offenses	1	1	-	2	1	-	-	-	1
Fraud/Misrepresentation	6	3	9	2	1	-	-	1	2
Short Continuing Education	2	-	-	3	-	-	-	-	-
Mental Impairment	-	-	-	-	-	-	-	-	-
Non-Jurisdictional	-	1	15	11	-	-	1	-	1
Failure to notify of address change	32	57	2	7	-	-	-	-	-
Unlicensed or Expired License	5	7	14	12	1	-	-	-	1
Excessive/Incompetence/Negligence	14	5	8	11	2	1	-	1	4
Patient Abandonment	-	1	-	-	-	-	-	-	-
Hippa	-	-	1	2	1	-	-	-	1
False Advertising	2	-	-	2	-	-	-	-	-
Reporting Requirements	-	1	-	1	-	-	-	-	-
Working Outside of Scope	3	2	2	4	-	-	-	1	-
Sexual Misconduct	-	-	-	-	-	-	-	-	-
Probationers									
Active	12	27	31	39	40	41	43	40	40
Tolling	4	4	4	5	5	5	5	5	5



MEMORANDUM

DATE	November 17, 2017
TO	Enforcement Committee Dental Hygiene Committee of California
FROM	Nancy Gaytan, Enforcement Analyst
SUBJECT	Agenda Item ENF 5 - Q4 Performance Measures (April – June 2017)

Performance Measures was established by DCA in order for each Board, Bureau or Committee to review its progress toward meeting its enforcement goals and targets.

Volume: 44 Total (8 Consumer complaints, 36 Conviction reports)
Number of complaints and convictions received per quarter

Cycle Time:

- **Intake – Target: 30 days** **Q4 Average: 6 days**
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.
- **Investigations – Target: 270 Days** **Q4 Average: 178 Days**
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General (AG)
- **Formal Discipline – Target: 540 Days** **Q4 Average: 892**
Average number of days to complete the entire enforcement process for cases resulting in formal discipline (includes intake and investigation by the Committee and prosecution by the AG).
- **Probation Intake – Target: 10 Days** **Q4 Average: 6 days**
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.
- **Probation Violation Response – Target: 10 Days** **Q4 Average: 0**
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action. **None to report**

Dental Hygiene Committee

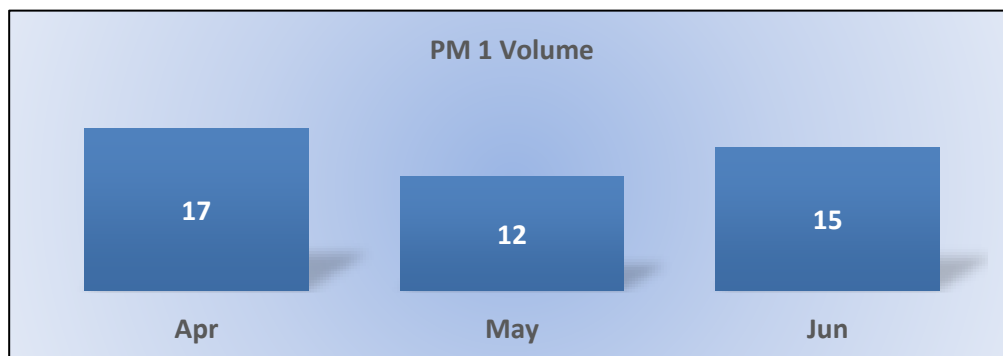
Enforcement Performance Measures

Q4 Report (April - June 2017)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

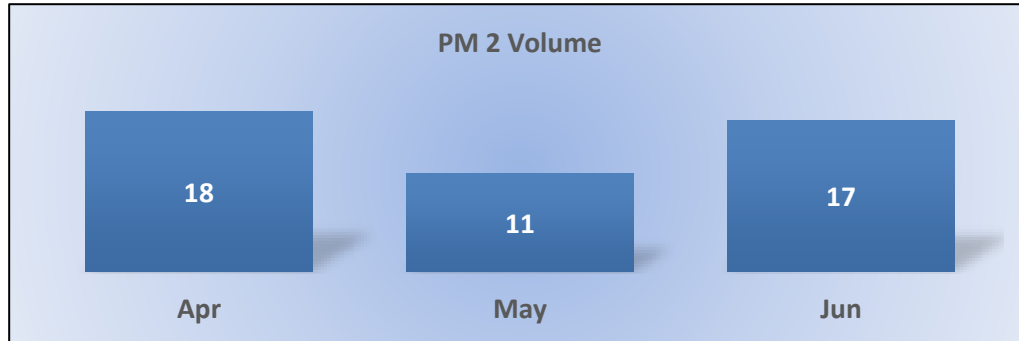


Total Received: 44 | Monthly Average: 15

Complaints: 8 | Convictions: 36

PM2 | Intake – Volume

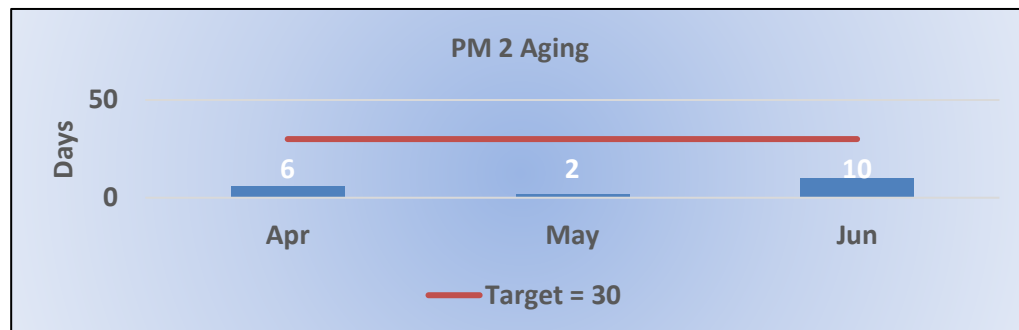
Number of complaints closed or assigned to an investigator.



Total: 46 | Monthly Average: 15

PM2 | Intake – Cycle Time

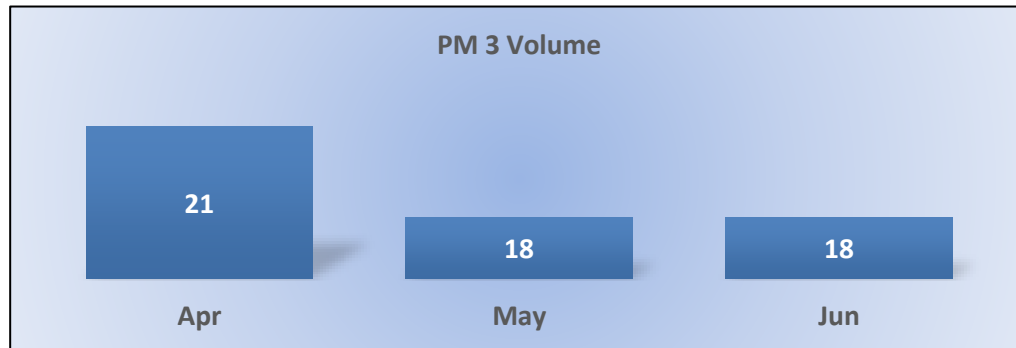
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 30 Days | Actual Average: 6 Days

PM3 | Investigations – Volume

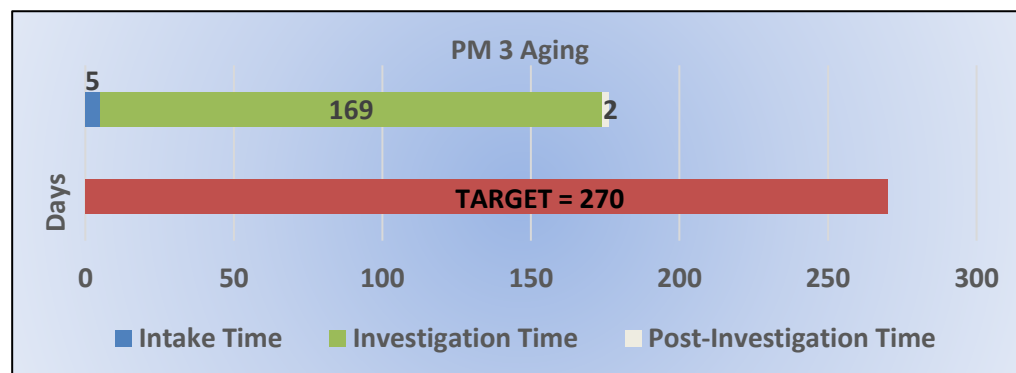
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 57 | Monthly Average: 19

PM3 | Investigations – Cycle Time¹

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation.)

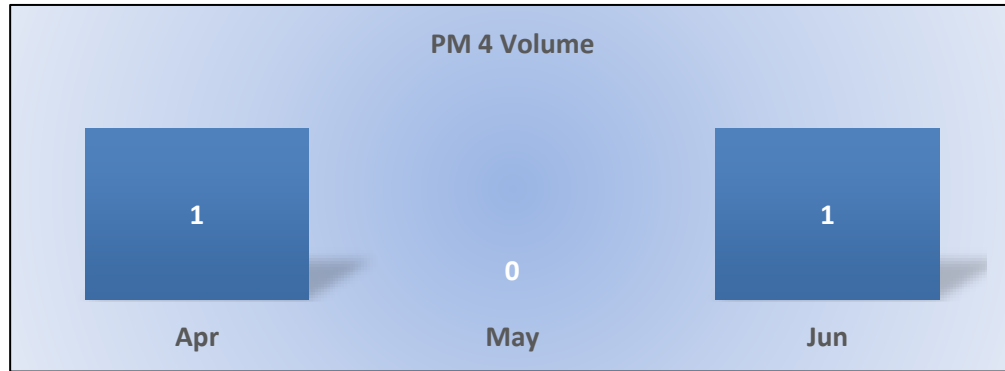


Target Average: 270 Days | Actual Average: 178 Days

¹ Due to rounding, there might be small discrepancies between the PM3 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Post-Investigation time).

PM4 | Formal Discipline – Volume

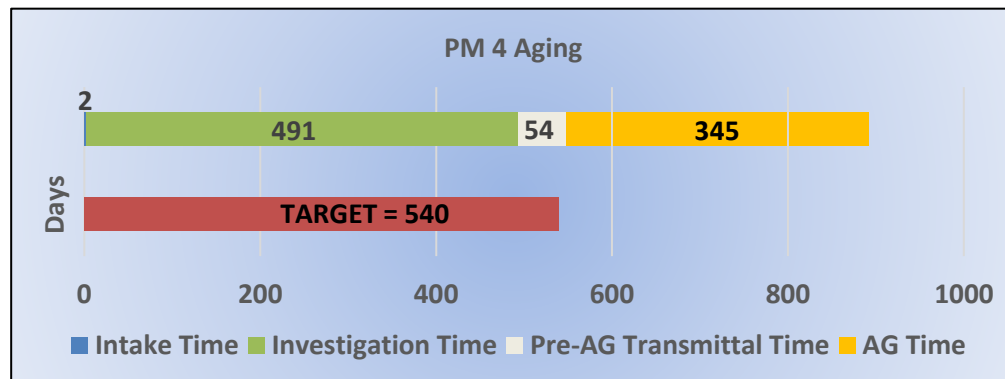
Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).



Total: 2

PM4 | Formal Discipline – Cycle Time²

Average number of days to close cases after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

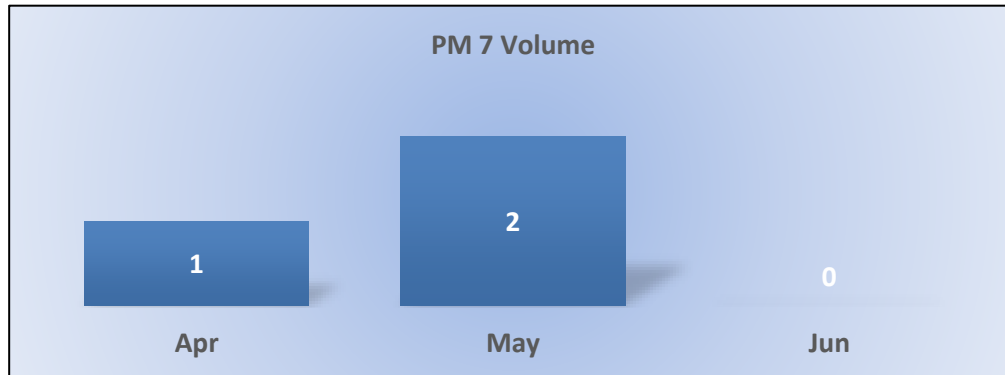


Target Average: 540 Days | Actual Average: 892 Days

² Due to rounding, there might be small discrepancies between the PM4 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Pre-AG Transmittal time + AG time).

PM7 | Probation Intake – Volume

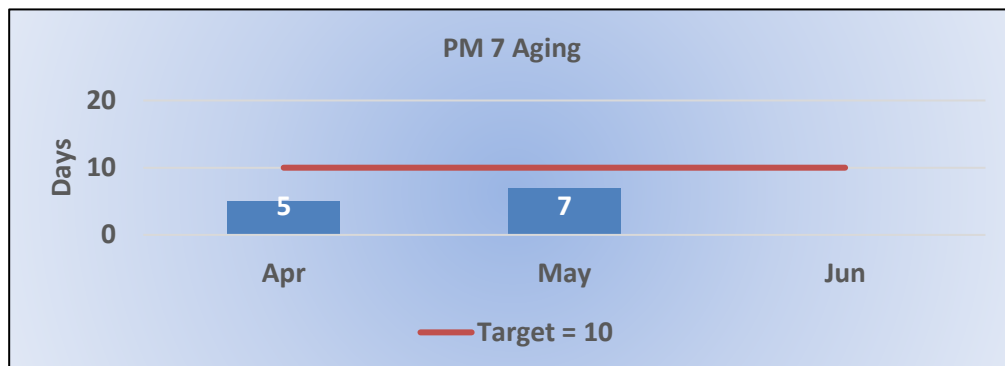
Number of new probation cases.



Total: 3

PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | Actual Average: 6 Days

PM8 | Probation Violation Response – Volume

Number of probation violation cases.

The Committee did not have any probation violations this quarter.

PM8 | Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported,
to the date the assigned monitor initiates appropriate action.

The Committee did not have any probation violations this quarter.



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Agenda Item 6

Future Agenda Items



Friday, November 17, 2017

Dental Hygiene Committee of California

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Agenda Item 7

Adjournment