



Tuesday, August 6, 2019

Dental Hygiene Board of California

Full Board Agenda



**Notice is hereby given that a public meeting of the
Dental Hygiene Board of California (DHBC) will be held as follows:**

DHBC TELECONFERENCE AGENDA

August 6, 2019

12:00 p.m. - Adjournment

Department of Consumer Affairs
2005 Evergreen Street, Silverwood Lake Room*
Sacramento, CA 95815
916-263-1978

*No members, only administrative staff at this location

OTHER TELECONFERENCE LOCATIONS LISTED BELOW

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

AGENDA

1. Roll Call & Establishment of Quorum
2. Public Comment for Items Not on the Agenda
[The DHBC 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))
3. President's Report
4. Approval of the April 12, 2019 Full Committee Meeting Minutes
5. Approval of the April 13, 2019 Full Committee Meeting Minutes
6. Approval of the April 12, 2019 Education Subcommittee Meeting Minutes
7. Approval of the April 12, 2019 Enforcement Subcommittee Meeting Minutes
8. Approval of the April 12, 2019 Legislative and Regulatory Subcommittee Meeting Minutes
9. Approval of the April 12, 2019 Licensing and Examination Subcommittee Meeting Minutes
10. Executive Officer's Report
 - a) Legislative/Regulatory Update
 - b) Personnel Update

c) November 2019 Meeting Update

11. Discussion and Possible Action on the Following Proposed Regulatory Package:
16 CCR §1116 Mobile Dental Hygiene Clinics: Establish Initial Permit and Renewal Fees
12. Discussion and Possible Action for New Registered Dental Hygienist in Alternative Practice Educational Programs: Establish Application Fee
13. Future Agenda Items
14. Adjournment

TELECONFERENCE LOCATIONS:

Catalano Fenske c/o Bitwise South Stadium Donkey Kong Conference Room, 1 st Fl. 700 Van Ness Avenue Fresno, CA 93721	Los Medanos College 2700 E. Leland Road, Bldg. SC4-443 Pittsburg, CA 94565
Diablo Valley College Dental Hygiene Program, LHS 109 321 Golf Club Road Pleasant Hill, CA 94523	Borrego Health 9325 Sky Park Court, Suite 100 San Diego, CA 92123
West Coast University Conference Room, 3rd Fl. 1477 S. Manchester Avenue Anaheim, CA 92802	

One or more DHBC Member(s) will participate in this meeting at the teleconference sites listed above. Each teleconference location is accessible to the public and the public will be given opportunity to address the DHBC at each teleconference location. The public teleconference sites are noticed on the agenda. Public comments will be taken on the agenda items at the time the specified item is raised. The DHBC 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, contact Elizabeth Elias, Assistant Executive Officer, at 916-263-2010, or email Elizabeth.elias@dca.ca.gov, or access the DHBC Web Site at: www.dhbc.ca.gov

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

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 Elizabeth Elias, Assistant Executive Officer, at 916-263-2010, or email Elizabeth.elias@dca.ca.gov or send a written request to the DHBC at 2005 Evergreen Street, Suite 2050, Sacramento, CA 95815. Providing your request at least five business days prior to the meeting will help to ensure availability of the requested accommodation.



*Roll Call for the Dental Hygiene Board of California
Full Board Meeting*

Tuesday, August 6, 2019

	Present	Absent
Susan Good, Public Member, President		
Nicolette Moultrie, RDH Member, Vice President		
Edcelyn Pujol, Public Member, Secretary		
Michelle Hurlbutt, RDH Educator Member		
Noel Kelsch, RDHAP Member		
Sandra Klein, Public Member		
Timothy Martinez, Public Health Dentist Member		
Garry Shay, Public Member		
Evangeline Ward, RDH Member		



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 2

Public Comment for Items Not on the Agenda

[The DHBC 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))]



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 3

President's Report

A Verbal Report Will Be Provided



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 4

Approval of the April 12, 2019 Full Board

Meeting Minutes

Dental Hygiene Board of California Meeting Minutes

Friday, April 12, 2019

Location:

DHBC Headquarters Building
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815

DHBC Members Present:

Susan Good, President, Public Member
Nicolette Moultrie, Vice President, Registered Dental Hygienist (RDH) Member
Edcelyn Pujol, Secretary, Public Member
Michelle Hurlbutt, RDH Educator Member
Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP) Member
Sandra Klein, Public Member
Garry Shay, Public Member
Evangeline Ward, RDH Member

DHBC Members Absent:

Timothy Martinez, Public Health Dentist Member

DHBC Staff Present:

Anthony Lum, Executive Officer (EO)
Elizabeth Elias, Assistant Executive Officer (AEO)
Traci Napper, Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist
Daniel Rangel, Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

Public Present:

Mary McCune, California Dental Association (CDA)
Lisa Okamoto, California Dental Hygienist's Association (CDHA)
Melissa Fellman, Sacramento City College
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Fran Burton, President, DBC
Tonette Steeb, Diablo Valley College
Vickie Kimbrough, Taft College, Purple Pen
Maureen Titus, CDHA
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)
Lisa Kamibayashi, West Los Angeles College (WLAC)
Joanne Pacheco, Fresno City College (FCC)
Jean Kulbeth, FCC
Lori McDonald, Truckee Meadows Community College, Reno, NV, California Dental Hygiene Educators' Association (CDHEA)
Laurel Sampson, Concorde Career College – San Diego

1. Roll Call and Establishment of a Quorum

Susan Good, President of the Dental Hygiene Board of California (DHBC), called the meeting to order at 9:00 a.m. She announced that Timothy Martinez was absent and excused. DHBC Secretary, Edcelyn Pujol, took roll call and a quorum established with eight Members present. President Good reviewed the Bagley-Keene Open Meeting Act and explained that for each action item a roll call vote will be taken.

2. Public Comments for Items Not on the Agenda

Written comment was received from Nicole Dunn. Ms. Dunn expressed concern as an Oregon licentiate applying to California for an RDH license. She was unaware the laws changed in January 2019 which now require her to retake the Western Regional Examining Board (WREB) as her results are now over two years old and non-compliant with the current law. She requested the Board to consider her case and waive the WREB requirement.

3. President's Report (Informational Only)

President Good advised that all meetings moving forward would be webcast and welcomed new DHBC staff members Elizabeth Elias, Albert Law, and Karen Baysinger-Shreves. President Good reminded the Board that it is a reporting year and thanked the Board for the timely submission of their Form 700, as well as for accepting their 2019 subcommittee assignments. Additionally, she advised of agenda order changes of the subcommittees to Enforcement Subcommittee as agenda item 11, Legislative and Regulatory Subcommittee as agenda item 12, Licensing and Examination Subcommittee as agenda item 13, and Education Subcommittee as agenda item 14.

President Good advised that four members are completing their Board terms this year (Michelle Hurlbutt, Noel Kelsch, Edcelyn Pujol, and Sandra Klein) and encouraged them to reapply if that is their desire.

4. Approval of the November 16, 2018 Full Committee Meeting Minutes

Motion: Garry Shay moved to approve the November 16, 2018 Full Committee Meeting Minutes to include non-substantive changes.

Second: Nicolette Moultrie

President Good requested comments from members of the DHBC or public. No comments received.

Vote: Motion to approve the November 16, 2018 Full Committee Meeting Minutes as Amended. Passed 7:0:2.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)

Name	Aye	Nay	Abstain
Sandra Klein			X (abstain)
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

5. Approval of the November 17, 2018 Full Committee Meeting Minutes

Motion: Nicolette Moultrie moved to approve the November 17, 2018 Full Committee Meeting Minutes.
Second: Noel Kelsch

President Good requested comments from members of the DHBC or public. No comments received.

*Vote: Motion to approve the November 17, 2018 Full Committee Meeting Minutes.
Passed 5:0:4.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein			X (abstain)
Nicolette Moultrie	X		
Edcelyn Pujol			X (abstain)
Garry Shay			X (abstain)
Evangeline Ward	X		

6. Approval of the January 29, 2019 Full Board Teleconference Meeting Minutes

Motion: Sandra Klein moved to approve the January 29, 2019 Full Board Teleconference Meeting Minutes.
Second: Noel Kelsch

President Good requested comments from members of the DHBC or public. No comments received.

*Vote: Motion to approve the January 29, 2019 Full Committee Meeting Minutes.
Passed 5:0:4.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie			X (abstain)
Edcelyn Pujol			X (abstain)
Garry Shay			X (abstain)
Evangeline Ward	X		

7. Executive Officer's Report (Informational Only)

EO Lum provided an update on issues being addressed since the last meeting.

Personnel:

Executive Officer (EO) Lum reported that he has been diligent in filling the vacant positions. He has filled three positions within the last six months: Elizabeth Elias (AEO), Albert Law (Probation Monitor), Karen Baysinger-Shreves (Receptionist). Additionally, within the last six months staff was reduced to 50% due to retirement and changeover and thanked staff for going "above and beyond" and keeping up with the workload and hoped that stakeholders did not observe any noticeable reduction in service.

Office Location:

EO Lum reports that the DHBC office will remain in the building. However, as some programs are moving out of the building, it opens availability to offices with additional space, and the DHBC plans to move offices within the building to obtain that additional space for DHBC growth.

EO Activities:

EO Lum informed the Board that three Budget Change Proposals (BCPs) submitted last year have been approved which allow the DHBC to hire three additional positions as of July 1, 2019. With the three additional positions, the DHBC will then have a total of 13 staff members to conduct our business more efficiently.

EO Lum attended the Dental Board of California (DBC) Meeting in February 2019 and reported out DHBC activities. Additionally, he completed two licensing outreach sessions at University of the Pacific (RDHAP program) and Sacramento City College (RDH program). Once additional staff are hired, EO Lum may dedicate a staff person to conduct regular outreach sessions to increase communication between the DHBC and stakeholders as business priorities warrant. EO Lum also participated in the Department of Consumer Affairs (DCA) quarterly Director's Meetings which inform of EOs of all DCA

activities and that DCA is conducting an EO salary study in which EO Lum participated. Results are to be reported in the future by the DCA Executive Office.

EO Lum is enhancing communication between the DHBC and the Department of Healthcare Services (DHCS) to see how to increase access to care for Californians in need. Biannual or quarterly meetings are being considered and the first one will be soon after this meeting. He asked for any questions.

No questions or comments received.

8. Dental Board of California Update (Informational Only)

Fran Burton, Dental Board of California (DBC) President, congratulated the DHBC on a successful Sunset Review and becoming a Board. Ms. Burton acknowledged Joanne Pacheco as the RDH member of the DBC and thanked the DHBC EO and DBC EO for working together. Additionally, she reported on DBC activities regarding the DBC Sunset Report and apprised the Board on Assembly Bill 1519 (DBC Sunset Bill) and requested the DHBC to attend the hearing and support the bill.

Ms. Burton informed the DHBC of the next DBC meeting on May 15-16, 2019 in Anaheim, CA. Additionally, she informed the DHBC that the DBC discussed the opioid crisis and has approved language regarding pain control regulations and rulemaking will be initiated by the DBC. She concluded her report by asking if there were any questions.

No questions or comments received.

9. Budget Report – DCA Budget Office to Provide Report (Informational Only)

Carl Beermann, DCA Budget Analyst, reviewed the information available in the meeting material binder of the DHBC's Fund Condition, Expenditure Projections, Revenue, and Fund Condition Analysis. He stated all numbers contained within the report are accurate and that the Board's financials are healthy.

Mr. Beermann reported that the Budget Office has reconciled FI\$Cal information with the State Controller's Office, however, there have been accounting submodules recently discovered which will need to be reconciled. Target date for closing fiscal year 2017-2018 will be July 2019.

Discussion from the Board directed EO Lum to work with the DCA Budget Office to update budgeted line items to reflect recent and actual expenditures. Additionally, the Board requested the DCA Budget Office to do an analysis and provide data on which months historically had more revenue as well as which months had more expenditures.

10. Presentation and Report from the DCA Office of Professional Examination Services (OPES)

Heidi Lincer, Ph.D. (Chief, DCA Office of Professional Services), and Tracy Montez, Ph.D. (Chief, DCA Division of Programs & Policy Review), informed the Board that they are currently working on the DHBC's Occupational Analysis (OA) and presented the process for DHBC's current OA and law and ethics (L & E) exam development. They provided a PowerPoint presentation to review and provide an overview explanation of these projects. Additionally, they informed the Board that after the OA is complete, the focus will be on developing a new L & E exam for the DHBC for both the RDH and RDHAP.

Discussion took place regarding the process for choosing subject matter experts (SME) for the OA and L & E exam development. Dr. Lincer and Dr. Montez informed the Board of the process for choosing SMEs and advised that interested parties could apply to OPES to become SMEs. Additionally, they answered questions from the Board and public regarding exam construction which included the process on construction of higher order exam questions, composition and wording of questions, and security measures during exam construction. They concluded their presentation by thanking the Board for the opportunity to provide the information and are available for any further questions or issues the members may have.

President Good recessed the Full Board at **11:10 a.m.** for the Subcommittees to convene.

DRAFT



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 5

**Approval of the April 13, 2019 Full Board
Meeting Minutes**

Dental Hygiene Board of California Meeting Minutes

Saturday, April 13, 2019

Location:

DHBC Headquarters Building
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815

DHBC Members Present:

Susan Good, President, Public Member
Nicolette Moultrie, Vice President, Registered Dental Hygienist (RDH) Member
Edcelyn Pujol, Secretary, Public Member
Michelle Hurlbutt, RDH Educator Member
Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP) Member
Sandra Klein, Public Member
Garry Shay, Public Member
Evangeline Ward, RDH Member

DHBC Members Absent:

Timothy Martinez, Public Health Dentist Member

DHBC Staff Present:

Anthony Lum, Executive Officer (EO)
Elizabeth Elias, Assistant Executive Officer (AEO)
Traci Napper, Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist
Daniel Rangel, Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

Public Present:

Mary McCune, California Dental Association (CDA)
Lisa Okamoto, California Dental Hygienist's Association (CDHA)
Melissa Fellman, Sacramento City College
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Tonette Steeb, Diablo Valley College (DVC)
Jody Thompson, DVC
Vickie Kimbrough, Taft College, Purple Pen
Maureen Titus, CDHA
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)
Lisa Kamibayashi, West Los Angeles College (WLAC)
Joanne Pacheco, Fresno City College (FCC)
Jean Kulbeth, FCC
Lori McDonald, Truckee Meadows Community College, Reno, NV, California Dental Hygiene Educators' Association (CDHEA)
Laurel Sampson, Concorde Career College – San Diego

1. Roll Call and Establishment of a Quorum

Susan Good, President of the Dental Hygiene Board of California (DHBC), called the meeting to order at 9:03 a.m. She announced that Timothy Martinez was absent and excused. DHBC Secretary, Edcelyn Pujol, took roll call and a quorum established with eight Members present.

2. Public Comments for Items Not on the Agenda

No comments received.

3. Report and Update from the Department of Consumer Affairs (DCA) Executive Office (Informational Only)

Patrick Le, Assistant Deputy Director for Board and Bureau Services of the DCA, shared highlights of 2018 with regard to DCA trainings, meetings, and workgroups for Boards as well as to outreach activities provided by DCA. Additionally, Mr. Le provided an update on the new administration transition, DCA is committed to do all they can to forward Governor Gavin Newsom's vision and will assist with the transition of current gubernatorial appointees within the new administration with regard to appointments and pending reappointments. Mr. Le provided an update on the 2019-2020 Budget, based on "California for All" which will pay down debts while building a solid "bottom line" while assisting to pay down debts, and promote the welfare of California citizens.

Mr. Le reassured the Board of DCA's commitment to aid all boards and bureaus to enact the mandates of AB 2138 and will provide assistance to stay on track to meet all deadlines. Additionally, he provided an update on actions by the Substance Abuse Coordination Committee (pursuant to SB 796) to reexamine the frequency on required drug testing for licentiates on probation or in a diversion program and identified technical changes that have occurred within the Uniforms Standards Related to Substance Abuse and Disciplinary Guidelines.

Mr. Le thanked the board for their service, encouraged feedback to DCA to help improve their services, and for all interested parties to review the DCA 2018 annual report.

4. Update on Regulations (Informational Only)

- 16 CCR § 1105.2. Required Curriculum.
- 16 CCR § 1109. Approval of Curriculum Requirements for Radiographic Decision-Making and Interim Therapeutic Restoration Courses for the Registered Dental Hygienist (RDH), Registered Dental Hygienist in Alternative Practice (RDHAP), and Registered Dental Hygienist in Extended Functions (RDHEF).
- 16 CCR § 1115. Retired Licensure.
- 16 CCR § 1116. Mobile Dental Hygiene Clinics; Issuance of Approval.
- Information About DCA Legal Establishing a Regulations Review Unit

Dr. Adina Pineschi-Petty updated the Board as to the status of regulations currently in progress. Dr. Petty informed the Board that proposed section 1115 of the California Code of Regulations (CCR) is ready to be submitted and was just awaiting approval of the January 29, 2019 Teleconference Meeting Minutes. Additionally, she stated all the regulations are being worked on concurrently, as there

are many process steps that the regulations may be held at during the submission and approval process.

Discussion took place regarding timeframes for regulations to be approved. It was clarified that as there are many places during the approval process where delays may occur, that an overall impression is that it may take up to a year on each package, depending on the prereview and submission time of each one independently. Additionally, the review time is going to be dependent on the actual reviewers as well as to additional necessary reviews such as if there is any fiscal impact which would then require a fiscal impact review.

Additional discussion took place regarding the Department of Consumer Affairs (DCA) establishing a legal review unit. EO Lum clarified that the DCA was in the process of establishing a dedicated unit to assist with reviews on proposed regulations. As the workload has increased, they are dedicating specific attorneys to only handle proposed regulations and no other DCA business.

5. Consideration of the Legislative and Regulatory Subcommittee Report

Chair Noel Kelsch provided the Subcommittee report. Additionally, she reported the Subcommittee's suggestions of support and opposition on legislation of concern, as well as approval of language to move forward regulations on AB 2138.

Discussion took place on the recommendations for DHBC positions on legislation that affects the DHBC. Concerns were expressed regarding SB 653 and the requirements that would be placed upon the Board to ensure that RDHAPs have a minimum number of Denti-Cal patients to be in compliance with the law. However, no other care provider is required to have a minimum number of Denti-Cal patients that the Board is aware of. Discussion continued with concerns that regulations as to oversight processes and penalties would be required to be promulgated, the Constitutionality of the law, as well as consideration of costs to be incurred by the Board. Additionally, discussion took place regarding SB 144 and concerns were expressed that there may be significant costs incurred by the Board as well.

Discussion took place on the final recommendations of the Subcommittee with the following Full Board positions on legislation:

Legislation	Topic	DHBC Position
AB 5 (Gonzales)	Worker Status: Independent Contractors	Watch
AB 62 (Fong)	State Government: FI\$Cal: Transparency.	Watch
AB 71 (Melendez Kiley)	Employment Standards: Independent Contractors and Employees	Watch
AB 193 (Patterson)	Professions and vocations.	Watch

Legislation	Topic	DHBC Position
AB 312 (Cooley)	State government: administrative regulations: review.	Watch
AB 316 (Ramos Robert Rivas)	Medi-Cal: benefits: beneficiaries with special dental care needs	Support as written as of 4-12-19
AB 476 (Blanca Rubio)	Department of Consumer Affairs: task force: foreign-trained professionals.	Watch
AB 496 (Low)	Business and professions.	Support as written as of 4-12-19
AB 544 (Brough)	Professions and vocations: inactive license fees and accrued and unpaid renewal fees.	Oppose as written as of 4-12-19
AB 613 (Low)	Professions and vocations: regulatory fees.	Watch
AB 744 (Aguilar-Curry)	Healthcare coverage: telehealth.	Watch
AB 768 (Brough)	Professions and vocations.	Watch
AB 862 (Kiley)	Professions and vocations: license revocation and suspension: student loan default.	Gutted and Amended
AB 931 (Boerner Horvath)	State and local boards and commissions: representation: appointments.	Watch
AB 954 (Wood)	Dental services: third-party network access.	Watch
AB 1076 (Ting)	Criminal records: automatic relief.	Watch
AB 1271 (Diep)	Licensing examinations: report.	Watch
AB 1519 (Committee on Business & Professions)	Healing arts: Dental Board of California.	Support as written as of 4-12-19
AB 1529 (Low)	Telephone medical device services.	Watch
AB 1622 (Carillo)	Family physicians.	Watch
SB 53 (Wilk)	Open meetings.	Watch
SB 66 (Atkins McGuire)	Medi-Cal: federally qualified health center and rural health clinic services.	Support as written as of 4-12-19
SB 144 (Mitchell and Hertzberg)	Fees: criminal fees.	Watch
SB 154 (Pan)	Medi-Cal: restorative dental services.	Support as written as of 4-12-19
SB 601 (Morrell)	State agencies: licenses: fee waiver.	Watch

Legislation	Topic	DHBC Position
SB 653 (Chang)	Dental hygienists: registered dental hygienist in alternative practice: scope of practice.	Support with Concerns as written as of 4-12-19
SB 786 (Senate Committee on Business, Professions and Economic Development)	Healing arts.	Support as written as of 4-12-19

Motion: Garry Shay moved to adopt the DHBC written positions on legislation that affects the DHBC.
Second: Nicolette Moultrie

No further questions or comments.

*Vote: Motion to adopt the DHBC written positions on legislation that affect the DHBC.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

Motion: Garry Shay moved to accept the Legislative and Regulatory Subcommittee Report.
Second: Nicolette Moultrie

*Vote: Motion to accept the Legislative and Regulatory Subcommittee Report.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

6. Consideration of the Licensing and Examination Subcommittee Report

Chair Sandra Klein provided the Licensing and Examination Subcommittee Report. She presented an overview of licensing and examination statistics and reported the Subcommittee's suggestion to direct staff to amend statutory language to include the requirement of a minimum of a two-year degree for licensure.

Discussion take place regarding the suggestion to amend statutory language to include a two-year degree for licensure. It was brought forth that Section 1105, subdivision (m) of the California Code of Regulations (CCR) states "As of January 1, 2017, in a two-year college setting, graduates of the educational program shall be awarded an associate degree, and in a four-year college or university, graduates shall be awarded an associate or baccalaureate degree.". Therefore, it was determined that a statutory change was not required.

It was decided by the full Board that staff will work with legal to incorporate a form by reference into the regulations and add it into application process. Additionally, it was decided that EO Lum would notify program directors of the type of language that should be utilized within their letter notifying the DHBC of the applicant's degree status.

No additional questions or discussion.

Motion: Nicolette Moultrie moved to direct staff to develop and incorporate a form by reference as to degree completion into regulations and added within the application process.

Second: Noel Kelsch

*Vote: Motion to Direct Staff to Develop and Incorporate a Form by Reference as to Degree Completion into Regulations and Added within the Application Process.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		

Name	Aye	Nay	Abstain
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

*Vote: Motion to accept the Licensing and Examination Subcommittee Report.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

7. Consideration of the Enforcement Subcommittee Report

Acting Chair Noel Kelsch provided the Licensing and Examination Subcommittee Report. She presented an overview of enforcement statistics and performance measures and informed the Board the Subcommittee tabled Agenda Item 8. Discussion and Possible Action, and Recommendation to the Full Board on the DHBC Diversion Program, as there were upcoming changes to the diversion provider. Additionally, Ms. Kelsch reported the Subcommittee's suggestion to direct staff to draft amendments to the DHBC's current Disciplinary Guidelines, specifically to include modification of minimum penalties; cite, fine, and probation language for Dental Hygiene Educational Programs (DHEP); and return to the Subcommittee for discussion and possible action, and recommendation to

the Full Board on Revisions to the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.

No discussion or questions received.

Vote: Motion to Direct Staff to Draft Amendments to the DHBC's Current Disciplinary Guidelines, Specifically to Include Modification of Minimum Penalties; Cite, Fine, and Probation Language for DHEPs; and Return to the Subcommittee for Discussion and Possible action, and Recommendation to the Full Board on Revisions to the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.
Passed 8:0:1.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

Vote: Motion to accept the Enforcement Subcommittee Report.
Passed 8:0:1.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		

Name	Aye	Nay	Abstain
Garry Shay	X		
Evangeline Ward	X		

8. Consideration of the Education Subcommittee Report

Chair Edcelyn Pujol provided the Education Subcommittee Report and presented an overview of the DHEP reviews conducted by DHBC staff.

Discussion took place regarding DHEP review processes and procedures. Dr. Adina Pineschi-Petty explained the processes and procedures for review of DHEPs to ensure they are following the statutes and regulations applicable to DHEPs. Additionally, Dr. Petty explained the ongoing timeframe in which DHBC staff will be conducting DHEP reviews.

No further questions or discussion.

*Vote: Motion to accept the Education Subcommittee Report.
Passed 8:0:1.*

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

9. Discussion and Possible Action on Proposed DHBC 2020, 2021, and 2022 Scheduled Meeting Calendar

EO Lum stated that over the past few years, the DHBC has conducted three to five meetings per calendar year to transact necessary business. He stated with the continuing increase in workload requiring board action, EO Lum stated that staff suggests beginning in 2020 to consider adding a third scheduled meeting to the calendar so the DHBC may conduct business on a more frequent basis than

the current scheduled two meetings per year. EO Lum provided proposed meeting locations and dates and requested the Board choose dates for the 2020, 2021, and 2022.

Discussion with regard to number of meeting dates, proposed meeting dates, and proposed areas took place. Additional discussion regarding legislative timing and their effects on meeting dates.

Motion: Michelle Hurlbutt moved to hold three meetings in 2020 with meeting dates of April 17-18, 2020; July 24-25, 2020; and November 20-21, 2020.

Second: Garry Shay

Vote: Motion to hold three meetings in 2020 with meeting dates of April 17-18, 2020; July 24-25, 2020; and November 20-21, 2020.

Passed 7:2:1.

Name	Aye	Nay	Abstain
Susan Good		X	
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward		X	

Motion: Noel Kelsch moved direct staff to arrange three meetings in 2021 and three meetings in 2022, with meetings to avoid all major holidays and other related board and associations meeting dates.

Second: Garry Shay

Vote: Motion to direct staff to arrange three meetings in 2021 and three meetings in 2022, with meetings to avoid all major holidays and other related board and association meeting dates.

Passed 7:2:1.

Name	Aye	Nay	Abstain
Susan Good		X	
Michelle Hurlbutt	X		

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Timothy Martinez			X (absent)
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward		X	

10. Future Agenda Items

- Licensing and Examination Subcommittee to review acceptance of Individual Taxpayer Identification Numbers (ITIN) in lieu of Social Security numbers for international students or licensee applicants.
- RDH and RDHAP combined fees for renewal.
- DHBC consider acceptance of AP courses in Mathematics and English to meet the regulatory requirement of college-level educational courses for acceptance into DHEPs.
- Explore alternatives to clinical board examinations including licensure by Portfolio.
- Consideration to move all scope of practice issues under Direct Supervision to General Supervision.
- Statistics for pass rates for out-of-state applicants on the Law and Ethics exam.

11. Adjournment of the April 13, 2019 DHBC Meeting

President Good adjourned the April DHBC Meeting at **11:35 a.m.**



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 6

Approval of the April 12, 2019 Education Subcommittee

Meeting Minutes



Education Subcommittee Meeting Minutes

Friday, April 12, 2019

Location:

DHBC Headquarters Building
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815

DHBC Members Present:

Edcelyn Pujol, Chair, Public Member
Nicolette Moultrie, Registered Dental Hygienist (RDH) Member
Garry Shay, Public Member
Evangeline Ward, RDH Member

DHBC Staff Present:

Anthony Lum, Executive Officer (EO)
Elizabeth Elias, Assistant Executive Officer (AEO)
Traci Napper, Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist
Daniel Rangel, Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

Public Present:

Mary McCune, California Dental Association (CDA)
Lisa Okamoto, California Dental Hygienist's Association (CDHA)
Melissa Fellman, Sacramento City College
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Fran Burton, President, DBC
Tonette Steeb, Diablo Valley College
Vickie Kimbrough, Taft College, Purple Pen
Maureen Titus, CDHA
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)
Lisa Kamibayashi, West Los Angeles College (WLAC)
Joanne Pacheco, Fresno City College (FCC)
Jean Kulbeth, FCC
Lori McDonald, Truckee Meadows Community College, Reno, NV, California Dental Hygiene Educators' Association (CDHEA)
Laurel Sampson, Concorde Career College – San Diego

1. Roll Call and Establishment of a Quorum

Edcelyn Pujol, Chairperson of the Education Subcommittee, called the meeting to order at **3:57 p.m.** Roll call was taken, 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 Pujol stated that there was no Chairperson's report for this meeting.

4. Approval of the November 16, 2018 Education Subcommittee Meeting Minutes

Motion: Nicolette Moultrie moved to accept the November 16, 2018 Education Subcommittee Meeting Minutes.

Second: Garry Shay

Chair Pujol requested comments from the Subcommittee or public. There were no comments.

Vote: Motion to accept the November 16, 2018 Education Subcommittee Meeting Minutes. Passed 4:0.

Name	Aye	Nay	Abstain
Edcelyn Pujol	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		

5. Update on Dental Hygiene Educational Program Reviews (Informational Only)

Dr. Adina Pineschi-Petty reported to the Educational Subcommittee as to the review and current status of the Foothill College, Sacramento City College (SCC), and Diablo Valley College (DVC) Dental Hygiene Educational Programs as of April 12, 2019. Foothill College has corrected all outstanding deficiencies, and SCC and DVC are within their allotted correction time periods. A status update for SCC and DVC will be provided at the next Subcommittee meeting.

No questions or comments from the Subcommittee or public.

6. Future Agenda Items

None.

7. Adjournment

Chair Pujol adjourned the Dental Hygiene Licensing and Examination Subcommittee meeting at **4:06 p.m.**



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 7

**Approval of the April 12, 2019 Enforcement
Subcommittee Meeting Minutes**



Enforcement Subcommittee Meeting Minutes

Friday, April 12, 2019

Location:

DHBC Headquarters Building
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815

DHBC Members Present:

Noel Kelsch, Acting Chair, Registered Dental Hygienist in Alternative Practice (RDHAP) Member
Susan Good, Public Member
Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator Member
Sandra Klein, Public Member

DHBC Members Absent:

Timothy Martinez, Chair, Public Health Dentist Member

DHBC Staff Present:

Anthony Lum, Executive Officer (EO)
Elizabeth Elias, Assistant Executive Officer (AEO)
Traci Napper, Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist
Daniel Rangel, Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

Public Present:

Mary McCune, California Dental Association (CDA)
Lisa Okamoto, California Dental Hygienist's Association (CDHA)
Melissa Fellman, Sacramento City College
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Fran Burton, President, DBC
Tonette Steeb, Diablo Valley College
Vickie Kimbrough, Taft College, Purple Pen
Maureen Titus, CDHA
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)
Lisa Kamibayashi, West Los Angeles College (WLAC)
Joanne Pacheco, Fresno City College (FCC)
Jean Kulbeth, FCC
Lori McDonald, Truckee Meadows Community College, Reno, NV, California Dental Hygiene Educators' Association (CDHEA)
Laurel Sampson, Concorde Career College – San Diego

1. Roll Call and Establishment of a Quorum

Noel Kelsch, Acting Chairperson of the Enforcement Subcommittee, called the meeting to order at **11:20 a.m.** DHBC President Good appointed herself as acting member of the Enforcement Subcommittee in the absence of Dr. Martinez (excused). Roll call was taken, 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

Acting Chair Kelsch stated that there was no Chairperson's report for this meeting.

4. Approval of the November 16, 2018 Enforcement Subcommittee Meeting Minutes

Motion: Dr. Hurlbutt moved to accept the November 16, 2018 Enforcement Subcommittee Meeting Minutes.

Second: Sandra Klein

Acting Chair Kelsch requested comments from the Subcommittee or public. There were no comments.

Vote: Motion to accept the November 16, 2018 Enforcement Subcommittee Meeting Minutes. Passed 4:0:1.

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Susan Good	X		
Michelle Hurlbutt	X		
Sandra Klein	X		
Timothy Martinez			X (absent)

5. Enforcement Statistics (Informational Only)

Daniel Rangel, Special Investigator, presented enforcement statistics for case aging through March 2019. Mr. Rangel compared current open investigations, case aging, and percentages of total case load. Additionally, Mr. Rangel presented data regarding closed investigated cases.

Discussion took place regarding review of pending cases by the Subcommittee, complexity of cases, case aging goals, and number of case closures. Executive Officer (EO) Lum, Assistant Executive Officer (AEO) Elias, and Mr. Rangel clarified the process of case intake, prioritization, progression, and areas where delays in case progression may occur. No additional comments received.

6. Performance Measures (Informational Only)

Daniel Rangel presented performance measures and explained the system of performance measurement and data presented within the report as an overall progress report towards meeting the Board's enforcement goals and targets.

Discussion took place regarding how data on performance measures are acquired and if the data report can be customized for the DHBC's specific needs. AEO Elias explained how reports are created by the Department of Consumer Affairs (DCA) and is standardized for use by all boards. She stated that if the Board had a specific data request, a request may be placed into DCA to obtain that information. AEO Elias additionally explained the reports do not reflect where open cases are within the process (at the Attorney General's office, active investigation, etc.) and therefore, may not accurately reflect the stage that each case is in.

7. Discussion and Possible Action, and Recommendation to the Full Board on Revisions to the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

EO Lum presented the background on the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines. He requested the Subcommittee to review the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines and if the Subcommittee had any proposed revisions to direct staff to incorporate those changes into draft language for review, discussion, and possible action at a future Subcommittee meeting.

Discussion took place regarding updates on new disciplinary guidelines, including advising the Board on their statutory authority to cite, fine, and place dental hygiene educational programs (DHEP) on probation. Additionally, the Subcommittee discussed the consideration of uniformity of penalties among violations and probationary terms.

Motion: Dr. Hurlbutt moved to direct staff to draft amendments to the DHBC's current Disciplinary Guidelines, specifically to include modification of minimum penalties; cite, fine, and probation language for DHEPs; and return to the Subcommittee for discussion and possible action, and recommendation to the Full Board on Revisions to the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.

Second: Susan Good

No further discussion.

Vote: Motion to Direct Staff to Draft Amendments to the DHBC's Current Disciplinary Guidelines, Specifically to Include Modification of Minimum Penalties; Cite, Fine, and Probation Language for DHEPs; and Return to the Subcommittee for Discussion and Possible action, and Recommendation to the Full Board on Revisions to the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.

Passed 4:0:1.

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Susan Good	X		
Michelle Hurlbutt	X		
Sandra Klein	X		
Timothy Martinez			X (absent)

8. Discussion and Possible Action, and Recommendation to the Full Board on the DHBC Diversion Program

EO Lum presented the history and current status of the DHBC Diversion Program. EO Lum requested to table the item as the DHBC is going through a request for proposal for a change in diversion provider and would request the new provider to consult with the Board to meet the needs of the Board in a diversion program.

Motion: Susan Good moved to table Agenda Item 8. Discussion and Possible Action, and Recommendation to the Full Board on the DHBC Diversion Program.
Second Sandra Klein

No further discussion.

*Vote: Motion to Table Agenda Item 8. Discussion and Possible Action, and Recommendation to the Full Board on the DHBC Diversion Program.
Passed 4:0:1.*

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Susan Good	X		
Michelle Hurlbutt	X		
Sandra Klein	X		
Timothy Martinez			X (absent)

9. Future Agenda Items

No items proposed.

10. Adjournment

Acting Chair Kelsch adjourned the Dental Hygiene Enforcement Subcommittee meeting at **11:55 a.m.**



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 8

**Approval of the April 12, 2019 Legislative and Regulatory
Subcommittee Meeting Minutes**



Legislative and Regulatory Subcommittee Meeting Minutes Friday, April 12, 2019

Location:

DHBC Headquarters Building
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815

DHBC Members Present:

Noel Kelsch, Chair, Registered Dental Hygienist in Alternative Practice (RDHAP) Member
Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator Member
Garry Shay, Public Member
Evangeline Ward, RDH Member

DHBC Staff Present:

Anthony Lum, Executive Officer (EO)
Elizabeth Elias, Assistant Executive Officer (AEO)
Traci Napper, Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist
Daniel Rangel, Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

Public Present:

Mary McCune, California Dental Association (CDA)
Lisa Okamoto, California Dental Hygienist's Association (CDHA)
Melissa Fellman, Sacramento City College
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Fran Burton, President, DBC
Tonette Steeb, Diablo Valley College
Vickie Kimbrough, Taft College, Purple Pen
Maureen Titus, CDHA
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)
Lisa Kamibayashi, West Los Angeles College (WLAC)
Joanne Pacheco, Fresno City College (FCC)
Jean Kulbeth, FCC
Lori Mc Donald, Truckee Meadows Community College, Reno, NV, California Dental Hygiene Educators' Association (CDHEA)
Laurel Sampson, Concorde Career College – San Diego

1. Roll Call and Establishment of a Quorum

Noel Kelsch, Chairperson of the Legislative and Regulatory Subcommittee, called the meeting to order at **11:56 a.m.** Roll call was taken, 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 Kelsch reported that she has been busy with reviewing the many bills brought forth during this legislative session with Executive Officer (EO) Lum.

4. Approval of the November 16, 2018 Legislative and Regulatory Subcommittee Meeting Minutes

Motion: Garry Shay moved to accept the November 16, 2018 Legislative and Regulatory Subcommittee Meeting Minutes.

Second: Michelle Hurlbutt

Chair Kelsch requested comments from the Subcommittee or public. There were no comments.

Vote: Motion to accept the November 16, 2018 Legislative and Regulatory Subcommittee Meeting Minutes. Passed 4:0.

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

5. Discussion, Possible Action, and Recommendation to the Full Board for the Following Legislative Bills:

- AB 5 (Gonzales): Worker Status: Independent Contractors.
- AB 62 (Fong): State Government: FI\$Cal: Transparency.
- AB 71 (Melendez Kiley): Employment Standards: Independent Contractors and Employees.
- AB 193 (Patterson): Professions and vocations.
- AB 312 (Cooley): State government: administrative regulations: review.
- AB 316 (Ramos Robert Rivas): Medi-Cal: benefits: beneficiaries with special dental care need.
- AB 476 (Rubio): Department of Consumer Affairs: task force: foreign-trained professionals.
- AB 496 (Low): Business and professions.
- AB 544 (Brough): Professions and vocations: inactive license fees and accrued and unpaid renewal fees.

- AB 613 (Low): Professions and vocations: regulatory fees.
- AB 744 (Aguiar-Curry): Healthcare coverage: telehealth.
- AB 768 (Brough): Professions and vocations.
- AB 862 (Kiley): Professions and vocations: license revocation and suspension: student loan default.
- AB 931 (Boerner Horvath): State and local boards and commissions: representation: appointments.
- AB 954 (Wood): Dental services: third-party network access.
- AB 1076 (Ting): Criminal records: automatic relief.
- AB 1271 (Diep): Licensing examinations: report.
- AB 1519 (Committee on Business and Professions): Healing arts: Dental Board of California.
- AB 1529 (Low): Telephone medical device services.
- AB 1622 (Carillo): Family physicians.
- SB 53 (Wilk): Open meetings.
- SB 66 (Atkins McGuire): Medi-Cal: federally qualified health center and rural health clinic services.
- SB 144 (Mitchell): Fees: criminal administrative fees.
- SB 154 (Pan): Medi-Cal: restorative dental services.
- SB 601 (Morrell): State agencies: licenses: fee waiver.
- SB 653 (Chang): Dental Hygienists: RDHAP: Scope of Practice
- SB 786 (Senate Committee on Business, Professions and Economic Development): Healing arts.

Dr. Adina Pineschi-Petty reported the current status of legislative bills of interest to the DHBC.

Discussion: The Subcommittee requested staff have a more thorough recommendation for the Subcommittee to consider when presenting bill recommendations.

Public comments: JoAnn Galliano urged the Subcommittee and Board to take a position and support in concept on bills that are of immediate concern to RDHs. Maureen Titus of the California Dental Hygienist's Association (CDHA) presented amended language for Senate Bill (SB) 653, drafted on 4-11-19, to the Subcommittee and explained that the new language was as a result of a cooperative effort with the California Dental Association (CDA) and Senator Chang's Office. Mary McCune (CDA) spoke to areas of Dental Health Professional Shortage Areas (DPSA) requirements and clarified that there are no laws that require dentists to serve a minimum percentage of patients that are covered by Denti-Cal and stated the CDA is in support of this bill as amended. Ms. McCune stated the CDA would urge the Board to take a support position for Assembly Bill (AB) 1519 Dental Board of California (DBC) Sunset Bill.

The Subcommittee discussed all bills presented and took the following positions for recommendation to the full Board. Additionally, the Board requested if there are any substantive changes with the bills, the staff is requested to notify the full Board.

Motion: Michelle Hurlbutt motioned to recommend to the full Board the recorded positions on the bills reviewed by the Legislative and Regulatory Subcommittee.

Second: Garry Shay

No further questions or comments received from the Subcommittee or public.

Legislation	Topic	DHBC Position
AB 5 (Gonzales)	Worker Status: Independent Contractors	Watch
AB 62 (Fong)	State Government: FI\$Cal: Transparency.	Watch
AB 71 (Melendez Kiley)	Employment Standards: Independent Contractors and Employees	Watch
AB 193 (Patterson)	Professions and vocations.	Watch
AB 312 (Cooley)	State government: administrative regulations: review.	Watch
AB 316 (Ramos Robert Rivas)	Medi-Cal: benefits: beneficiaries with special dental care needs	Support as written as of 4-12-19
AB 476 (Blanca Rubio)	Department of Consumer Affairs: task force: foreign-trained professionals.	Watch
AB 496 (Low)	Business and professions.	Watch
AB 544 (Brough)	Professions and vocations: inactive license fees and accrued and unpaid renewal fees.	Oppose as written as of 4-12-19
AB 613 (Low)	Professions and vocations: regulatory fees.	Watch
AB 744 (Aguiar-Curry)	Healthcare coverage: telehealth.	Watch
AB 768 (Brough)	Professions and vocations.	Watch
AB 862 (Kiley)	Professions and vocations: license revocation and suspension: student loan default.	Gutted and Amended
AB 931 (Boerner Horvath)	State and local boards and commissions: representation: appointments.	Watch
AB 954 (Wood)	Dental services: third-party network access.	Watch
AB 1076 (Ting)	Criminal records: automatic relief.	Watch
AB 1271 (Diep)	Licensing examinations: report.	Watch
AB 1519 (Committee on Business & Professions)	Healing arts: Dental Board of California.	Support as written as of 4-12-19
AB 1529 (Low)	Telephone medical device services.	Watch
AB 1622 (Carillo)	Family physicians.	Watch
SB 53 (Wilk)	Open meetings.	Watch

Legislation	Topic	DHBC Position
SB 66 (Atkins McGuire)	Medi-Cal: federally qualified health center and rural health clinic services.	Support as written as of 4-12-19
SB 144 (Mitchell and Hertzberg)	Fees: criminal fees.	Watch
SB 154 (Pan)	Medi-Cal: restorative dental services.	Support as written as of 4-12-19
SB 601 (Morrell)	State agencies: licenses: fee waiver.	Watch
SB 653 (Chang)	Dental hygienists: registered dental hygienist in alternative practice: scope of practice.	Support as written as of 4-12-19
SB 786 (Senate Committee on Business, Professions and Economic Development)	Healing arts.	Support as written as of 4-12-19

*Vote: Motion to Recommend to the Full Board the Recorded DHBC Positions on the Legislative Bills Reviewed by the Legislative and Regulatory Subcommittee.
Pass 4:0.*

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

6. Discussion and Possible Action, and Recommendation to the Full Committee on Proposed Draft Regulatory Language to Implement AB 2138.

Legal Counsel (LC) Jason Hurtado reported the history and intent of legislation behind the passage of AB 2138 and informed the Subcommittee of their statutory authority to draft regulatory language to implement the mandates of AB 2138 with regard to requiring boards to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria. LC Hurtado presented draft regulatory language for the Subcommittee to discuss, take possible action, and recommend to the full Board.

Discussion took place regarding the presented language as written in relation to other boards within DCA, the layers of review of the package language, as well as to the areas of exemptions of crimes found within the Penal Code that would not apply to AB 2138.

Motion: Michelle Hurlbutt moved to approve and recommend to the full Board the proposed regulatory language relative to substantial relationship criteria and criteria for evaluating rehabilitation.

Second: Garry Shay

No further questions or comments received by the Subcommittee or public.

Vote: Motion to Approve and Recommend to the Full Board the Proposed Regulatory Language Relative to Substantial Relationship Criteria and Criteria for Evaluating Rehabilitation. Pass 4:0.

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

7. Future Agenda Items

No items proposed.

8. Adjournment

Chair Kelsch adjourned the Dental Hygiene Legislative and Regulatory Subcommittee meeting at 1:35 p.m.



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 9

**Approval of the April 12, 2019 Licensing and
Examination Subcommittee
Meeting Minutes**



Licensing and Examination Subcommittee Meeting Minutes

Friday, April 12, 2019

Location:

DHBC Headquarters Building
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815

DHBC Members Present:

Sandra Klein, Chair, Public Member
Susan Good, Public Member
Nicolette Moultrie, Registered Dental Hygienist (RDH) Member
Edcelyn Pujol, Public Member

DHBC Members Absent:

Timothy Martinez, Chair, Public Health Dentist Member

DHBC Staff Present:

Anthony Lum, Executive Officer (EO)
Elizabeth Elias, Assistant Executive Officer (AEO)
Traci Napper, Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist
Daniel Rangel, Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

Public Present:

Mary McCune, California Dental Association (CDA)
Lisa Okamoto, California Dental Hygienist's Association (CDHA)
Melissa Fellman, Sacramento City College
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Fran Burton, President, DBC
Tonette Steeb, Diablo Valley College
Vickie Kimbrough, Taft College, Purple Pen
Maureen Titus, CDHA
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)
Lisa Kamibayashi, West Los Angeles College (WLAC)
Joanne Pacheco, Fresno City College (FCC)
Jean Kulbeth, FCC
Lori McDonald, Truckee Meadows Community College, Reno, NV, California Dental Hygiene Educators' Association (CDHEA)
Laurel Sampson, Concorde Career College – San Diego

1. Roll Call and Establishment of a Quorum

Sandra Klein, Chairperson of the Licensing and Examination Subcommittee, called the meeting to order at **3:00 p.m.** DHBC President Good appointed herself as acting member of the Licensing and Examination Subcommittee in the absence of Dr. Martinez (excused). Roll call was taken, 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 Klein stated that there was no Chairperson's report for this meeting.

4. Approval of the November 16, 2018 Licensing and Examination Subcommittee Meeting Minutes

Motion: Nicolette Moultrie moved to accept the November 16, 2018 Licensing and Examination Subcommittee Meeting Minutes.

Second: Edcelyn Pujol

Chair Klein requested comments from the Subcommittee or public. There were no comments.

Vote: Motion to accept the November 16, 2018 Licensing and Examination Subcommittee Meeting Minutes. Passed 3:0:2.

Name	Aye	Nay	Abstain
Sandra Klein			X
Susan Good	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Timothy Martinez			X (absent)

5. Licensing Statistics (Informational Only)

Traci Napper, Licensing Analyst, presented licensing statistics as of March 8, 2019. Explanation was given for the different licensing categories as well as to the current statistics for each.

Discussion took place regarding delinquency and if any incentives were provided for the licensee to bring their license back into compliance. Ms. Napper explained the cancellation and reinstatement processes along with the requirements for each.

No additional questions.

6. Written Exam Statistics (Informational Only)

Ms. Napper presented the Law and Ethics examination statistics for Registered Dental Hygienists (RDH) and Registered Dental Hygienists in Alternative Practice (RDHAP) categories from October 20, 2018 until March 11, 2019.

Discussion took place regarding the improvement in scores from the statistics presented at the November 16, 2018 Licensing and Examination Subcommittee Meeting. The Subcommittee recognized RDH educators for their efforts in preparing their students for the Law and Ethics exam.

No further questions or comments.

7. Discussion and Possible Action, and Recommendation to the Full Board on the Commission on Dental Accreditation (CODA) Standard 2-1: Licensing Criteria

Executive Officer (EO) Anthony Lum presented that recently, licensing staff identified a discrepancy while issuing licenses. EO Lum described the current policy that staff has used for years when processing applications. However, CODA Standard 2-1 requires two-year colleges to award an associate degree but allows four-year colleges to award an associate degree, certificate, or baccalaureate degree. EO Lum requested clarification of acceptable documentation that the DHBC may require as proof of completion of a DHEP for licensing purposes.

Discussion took place regarding acceptable options for degree documentation for licensing purposes for the DHBC. Many suggestions of acceptable documentation were contributed by the Subcommittee and public and discussed. Additionally, it was suggested by legal counsel to amend statutory language to require a two-year degree for licensure.

Motion: Susan Good moved for the Licensing and Examination Subcommittee to recommend to the Full Board to direct staff to draft statutory language to amend section 1917 of the Business and Profession Code to require a two-year degree for licensure.

Second: Nicolette Moultrie

No further discussion or questions.

*Vote: Motion for the Licensing and Examination Subcommittee to Recommend to the Full Board to Direct Staff to Draft Statutory Language to Amend Section 1917 of the Business and Profession Code to require a Two-year Degree for Licensure.
Passed 4:0:1.*

Name	Aye	Nay	Abstain
Sandra Klein	X		
Susan Good	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Timothy Martinez			X (absent)

8. Discussion and Possible Action, and Recommendation to the Full Board on RDH, RDHAP, and RDHEF Duty Chart

EO Lum presented that he current chart of duties for RDHs, RDHAPs, and RDHEFs in the Dental Practice Act is outdated and does not reflect the current duties each of these license categories can provide. Additionally, EO Lum stated DHBC staff receive numerous calls and emails annually from licensees inquiring whether certain duties are a part of their scope of practice and inquire whether a new, updated chart could be created in the law for clarity. He stated DHBC staff is requesting clarification of whether to implement an updated duties chart in the law for RDH, RDHAP, and RDHEF for clarification to the profession

Discussion took place regarding the need for a duty chart or if there was a requirement as for one. It was noted that duty charts are not included within the regulations, but previous duty charts were originated by the California Dental Association (CDA). It was suggested that any duty or service charts should originate from interested associations and not from the DHBC. Additionally, as laws change, the duties listed would only be accurate as to the day the chart was printed, and that each licensee is responsible to know the laws and be clear on the allowable services attached to their licensure,

No additional discussion or questions.

Motion: Nicolette Moultrie moved to recommend to the full Board to not add a duty or service chart to the current DHBC statutes or regulations.

Second: Susan Good

Vote: Motion to recommend to the Full Board to Not Add a Duty Chart to the Current DHBC Statutes or Regulations.

Passed 4:0:1.

Name	Aye	Nay	Abstain
Sandra Klein	X		
Susan Good	X		
Nicolette Moultrie	X		

Name	Aye	Nay	Abstain
Edcelyn Pujol	X		
Timothy Martinez			X (absent)

9. Future Agenda Items

Nicolette Moultrie stated that some students do not have Social Security numbers and questioned if an Individual Taxpayer Identification Number (ITIN) number was acceptable for licensing.

Maureen Titus requested a future discussion on the option on dual licensure for RDHs and RDHAPs so as only pay one fee.

10. Adjournment

Chair Klein adjourned the Dental Hygiene Licensing and Examination Subcommittee meeting at 3:55 p.m.



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 10

Executive Officer's Report

A Verbal Report Will Be Provided



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 11

**Discussion and Possible Action
on the Following Proposed Regulatory Package:
16 CCR §1116 Mobile Dental Hygiene Clinic Fee Resolutions**

MEMORANDUM

DATE	August 6, 2019
TO	Dental Hygiene Board of California
FROM	Anthony Lum Executive Officer Dental Hygiene Board of California
SUBJECT	Discussion and Possible Action on the Following Proposed Regulatory Package: 16 CCR §1116 Mobile Dental Hygiene Clinic Fee Resolutions

Pursuant to Business & Professions Code (B & PC) section 1944, subdivision (a) the Board shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist (RDH), a registered dental hygienist in alternative practice (RDHAP), and a registered dental hygienist in extended functions (RDHEF). The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of RDHs, RDHAPs, and RDHEFs and shall remain in effect until modified by the Board. The fees are subject to the following limitations:

Section 1944, subdivision (g) states: "The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars (\$150)." Additionally, section 1944, subdivision (h) states: "The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars (\$250)."

Staff is requesting the Board to establish by resolution the fee for initial mobile dental hygiene clinic (MDHC) permits, as well as the fee for MDHC biennial permit renewal.

Staff Recommendation: Staff recommends to establish the fee for initial MDHC permits and biennial MDHC permit renewal at \$100 each to cover application processing and permit issuance.

Pros: In order to allow 16 CCR §1116 to move forward in the regulatory process, fees for MDHC permits must be established by resolution.

Cons: If the fees are not established the fee for initial MDHC permits, as well as the fee for MDHC biennial permit renewal, the Board may not issue MDHC permits and deny RDHAPs from being able to utilize a MDHC to bring much needed care to the citizens of California.



DENTAL HYGIENE BOARD OF CALIFORNIA RESOLUTION TO ADOPT PROPOSED FEES

Whereas, Section 1944 of the Business and Professions Code (B & PC § 1944), where the Dental Hygiene Board of California (Board) shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist (RDH), registered dental hygienist in alternative practice (RDHAP), and a registered dental hygienist in extended functions (RDHEF).

Whereas the following fees to be adopted by resolution by the Board:

- The fee for registration of a mobile dental hygiene clinic shall be one hundred dollars (\$100).
- The biennial renewal fee for a mobile dental hygiene clinic shall be one hundred dollars (\$100).

THEREFORE, BE IT RESOLVED that the Board hereby adopts by resolution the above fees.

Adopted this 6th day of August, 2019 by:

Susan Good
DHBC President

cc: Anthony Lum, DHBC Executive Officer



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 12

**Discussion and Possible Action on the Fee Resolution for
Application and Review of New Registered Dental Hygienist in
Alternative Practice Educational Programs**



MEMORANDUM

DATE	August 6, 2019
TO	Dental Hygiene Board of California
FROM	Anthony Lum Executive Officer Dental Hygiene Board of California
SUBJECT	Discussion and Possible Action on the Fee Resolution for Application and Review of New Registered Dental Hygienist in Alternative Practice Educational Programs

Pursuant to Business & Professions Code (B & PC) section 1944, subdivision (a) the Board shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist (RDH), a registered dental hygienist in alternative practice (RDHAP), and a registered dental hygienist in extended functions (RDHEF). The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of RDHs, RDHAPs, and RDHEFs and shall remain in effect until modified by the Board. The fees are subject to the following limitations:

Additionally, section 1944, subdivision (a)(9) of the B & PC states: "The fee for each curriculum review and feasibility study review for educational programs for dental hygienists who are not accredited by a hygiene board-approved agency shall not exceed two thousand one hundred dollars (\$2,100)."

Staff is requesting the Board to establish by resolution the fee for application and review of new Registered Dental Hygienist in Alternative Practice (RDHAP) Educational Programs.

Staff Recommendation: Staff recommends to establish the fee for application and review of new RDHAP Educational Programs at \$1000 each to cover application processing and staff time for program and curriculum review. Additionally, fees would include any warranted site visits which would incur additional staff time and travel.

Pros: In order to allow applications by RDHAP Educational Programs to move forward in the regulatory process, the fee for application and review of new RDHAP Educational Programs must be established by resolution.

Cons: If the fees are not established for applications and review of new RDHAP Educational Programs, the Board may not approve new RDHAP educational programs, deny potential new RDHAPs to be educated, and deny much needed care to the citizens of California who rely on RDHAPs for their dental hygiene care needs.

DENTAL HYGIENE BOARD OF CALIFORNIA RESOLUTION TO ADOPT PROPOSED FEES

Whereas, Section 1944 of the Business and Professions Code (B & PC § 1944), where the Dental Hygiene Board of California (Board) shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist (RDH), registered dental hygienist in alternative practice (RDHAP), and a registered dental hygienist in extended functions (RDHEF).

Whereas the following fee to be adopted by resolution by the Board:

- The fee for application and review of new RDHAP educational programs shall be one thousand dollars (\$1000).

THEREFORE, BE IT RESOLVED that the Board hereby adopts by resolution the above fee.

Adopted this 6th day of August, 2019 by:

Susan Good
DHBC President

cc: Anthony Lum, DHBC Executive Officer

COST JUSTIFICATION FOR NEW RDHAP EDUCATIONAL PROGRAM
APPLICATION FEE

Item for Review	Hours to Review	Cost per Hour*	Total Cost Est.
RDHAP Educational Program (EP) Application Review	1	\$35	\$35
RDHAP EP Curriculum Review	25	\$35	\$875
Prepare RDHAP EP Curriculum Review Report	8	\$35	\$280
Coordinate Site Visit of RDHAP EP	1	\$35	\$35
Conduct Site Visit of RDHAP EP	8	\$35	\$280
Draft Site Visit Report	4	\$35	\$140
Review RDHAP EP Application and Site Visit Report with DHBC Management	2	\$35	\$70
Review and Present Findings to DHBC and Provide Recommendation at Board Meeting	1	\$35	\$35
TOTAL HOURS & COST for REVIEW	55	\$35/hr.	\$1,750

*Hourly cost is avg. AGPA wage/hr.



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 13

Future Agenda Items



Tuesday, August 6, 2019

Dental Hygiene Board of California

Agenda Item 14

Adjournment