



Dental Hygiene Committee of California

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DENTAL HYGIENE COMMITTEE OF CALIFORNIA

Evergreen Hearing Room

2005 Evergreen Street, 1st Floor

December 10, 2009

Minutes

Agenda Item 1 – Roll Call

The first meeting of the Dental Hygiene Committee of California was called to order. Roll was called and a quorum established.

Members Present

Alexander Calero
Rita Chen Fujisawa
Miriam DeLaRoi, RDHAP
Cathy DiFrancesco, RDH
Michelle Hurlbutt, RDH
Rhona Lee, RDHEF
Andrew Wong

Staff Present

Lori Hubble, Executive Officer
Traci Napper, AGPA
Nichole Johnston, SSA
Liz Roberts, MST
Kathy Mulvaney, Retired Annuitant
Shirley Moody, Retired Annuitant
LaVonne Powell, Legal Counsel
Greg Salute, Deputy Attorney General

Due to time constraints of some members of the audience, the Committee opened a Public Comment period.

Carol Minter, a Professor of Dental Hygiene at Sacramento City College addressed the Committee. She requested that the Committee readdress the requirement of 2,000 hours of hygiene practice to be eligible for a license as a Registered Dental Hygienist in Alternative Practice (RDHAP). Current law requires an applicant for RDHAP to be engaged in clinical practice for a minimum of 2,000 hours. Up to 1,000 hours in hygiene clinical instruction in a hygiene program can be applied to the 2,000 hour requirement.

Ms. Minter contended that an educator must have intimate knowledge of all dental hygiene skills in order to ensure students are prepared to properly perform their chosen profession. Currently only 1,000 hours of faculty work are counted as meeting the RDHAP requirement. It is not always feasible for a faculty member to also have a position in a dental office setting to perform duties which would meet the remaining 1,000 hours needed.

The Committee was thanked for their time and Ms. Minter hopes they will agree to re-visit this requirement.

Agenda Item 2 – Election of Committee Officers

a. President

It was m/s/c (DeLaRoi/Calero) to elect Rhona Lee, RDHEF, as President of DHCC.

b. Vice President

It was m/s/c (Lee/Calero) to elect Michelle Hurlbutt, RDH, as Vice President of DHCC.

c. Secretary

It was m/s/c (Hurlbutt/Wong) to elect Alex Calero as Secretary of DHCC.

Agenda Item 3 – Report of the Executive Officer

Lori Hubble introduced the members of her staff giving a brief description of their functions. Ms. Lee gave a warm history of Ms. Hubble's background and how much she has enjoyed working with her and LaVonne Powell, DHCC's Legal counsel.

Agenda Item 4 – Committee Member Administrative Procedures Manual

Ms. Lee suggested that DHCC Committee Members submit suggestions to the Draft Manual in writing and they will be reviewed and incorporated into the final Draft which will be presented for review and adoption at the next meeting.

Mr. Calero asked for clarification regarding the voting and discussion of disciplinary cases policy issues. Legal Counsel clarified by saying the discussion on policy issues would be held in open session.

It was m/s/c (Calero/Hurlbutt) to table this item until the next DHCC meeting.

Agenda Item 5 – Budget Report

Traci Napper presented DHCC's budget report.

Ms. DeLaRoi asked if a licensee pays for their own fingerprinting. She was informed that there is a charge: if the licensee uses Live Scan fingerprint the fee is paid to the agency taking the prints. If fingerprint cards are sent to the Committee, the licensee would pay the Committee who would then forward the cards to DOJ and FBI for a background check.

Ms. DeLaRoi also would like to see a specific dollar amount for funds in DHCC's Reserve.

Discussion was held regarding the transfer of funds when COMDA ceased to exist and DHCC was created. It was determined that 29% of the Dental Auxiliary Fund would be transferred to the State Dental Hygiene Fund based upon the number of all hygiene licensees.

Mr. Wong and Ms. DiFrancesco voiced concern over the "red" line items shown on the budget spreadsheet. Of particular concern was the overtime line item. It was explained that the

overtime is accumulated due to the examinations being held on the weekends and often the work requires more than the normal eight hours.

Marina Karzag from the Budget Office at Department of Consumer Affairs explained that the main focus of the Budget Office is the bottom line. That line is where the dollar amount should not be reflected in red. Line item allocations can be adjusted when necessary. She suggested adding a column to the budget spreadsheet to show the adjusted amount. She has been working with Traci to properly project the monthly spending.

Mr. Calero asked about the two positions DHCC has been augmented with for fingerprinting. He wondered why it would take two positions to implement the fingerprinting program.

Legal Counsel replied that the number of subsequent arrest information increases; therefore, the time required for enforcement personnel to review and appropriately act upon such information increases.

Ms. Karzag stated that the Budget Change Proposal for the two positions being discussed changes with the fiscal year 2013/2014 when the Office Technician Position is reduced from the full time position (1 PY) to a .1 PY position.

Agenda Item 6 – Establishment of Continuing Education Provider Fee

Prior to the Committee's discussion of Agenda Item 6, the Chair asked the Committee's wishes regarding the conduct of the meeting. She asked if those wishing to address an issue should be recognized by the Chair or speak when they so wished. It was concurred that Members wishing to speak should be recognized by the Chair prior to voicing their thoughts.

Concern over the proposed fee for CE providers was expressed. As the Dental Board of California currently requires a fee for the renewal of a CE provider, once DHCC has their requirements in place, a provider potentially may have to pay both the DBC and DHCC during the same period.

Legal Counsel suggested DHCC mirror DBC regulations incorporating appropriate language to meet DHCC's requirements.

Mr. Calero asked how the \$250 proposed fee compares to other provider fees. Ms. Napper answered by stating that the DBC's provider fee is a bi-annual fee and DHCC's is an annual one. The cost to review a provider's application and the need to audit Committee providers and licensees to ensure compliance with regulations, the \$250 amount is recommended to cover the cost of these duties.

Ms. Fujisawa asked what types of providers currently exist. Legal Counsel informed the Committee that a provider can be anyone meeting the requirements; i.e., a corporation, educational facility, or individual.

Ms. Hurlbutt asked where in the statute is it reflected the registered provider is an annual fee. She was informed that it is reflected in §1944.

Mr. Calero stated that once DHCC regulations are in place, the DBC's hygiene registered provider regulations become inoperative.

Ms. Hubble explained that DCA requires that a fee structure be established and the setting of these fees begins the process. The process involved is quite extensive. Mr. Wong opined that establishing a fee at this time is premature.

It was moved and seconded (Wong/Hurlbutt) to deny the application fee of \$250. The motion failed.

It was m/s/c [DiFrancesco/DeLaRoi (Wong/Hurlbutt nay vote)] to establish the CE Provider Application and Renewal Fee at \$250 by DHCC resolution.

Agenda Item 7 - Proposal to Increase Application Fees

Ms. Napper explained that currently the top amount which can be assessed for applications is \$50. The cost of processing all hygiene applications exceeds that amount.

Legal Counsel stated that the Committee should look at all scenarios regarding the review of applications. Some may be complete and require minimal staff time while others may require obtaining law enforcement records, further information from the applicant, etc. The projected revenue with an increased fee amount is \$18,000.

It was m/s/c [DiFrancesco/Fujisawa (Calero/Wong nay vote)] to set, by resolution, a fee of \$50 for the application for all licenses and permits.

Ms. Lee asked if the Committee wishes that the Chair position vote on action items or refrain from voting unless there is a tie. Legal Counsel opined that the Chair can decide whether or not to vote. After discussion, it was decided that Ms. Lee would cast a vote along with the Members of the Committee.

Agenda Item 8 – Update on Dental Board Recommendations to Amend Infection Control Regulations.

Ms. Hubble informed the Committee that the Dental Board of California (DBC) is required to annually review infection control regulations. The DBC tabled this item at its last meeting. Donna Kantner from DBC informed the Committee that the Board welcomes comments and suggestions from DHCC. It was suggested that the Committee provide any suggestions in writing.

Legal Counsel stated that she and Ms. Hubble will be working with the Office of Administrative Law (OAL) to establish the proper format and numbering for DHCC's regulations. She suggested that DHCC infection control regulations mirror those of the DBC.

Katie Dawson expressed concern on how to resolve problems if DHCC's regulations differ from those of DBC.

Legal Counsel recommended a subcommittee be formed to work with DBC. Ms. Hubble will contact DBC proposing that DHCC work with them to formulate and amend the current infection control regulations.

Agenda Item 9 – Proposed Regulation Relating to Courses in Administration of Nitrous Oxide and Oxygen, Administration of Local Anesthetic Agents and Periodontal Soft Tissue Curettage

Ms. Lee requested Committee Members to submit any suggestions or comments on the proposed regulations to Ms. Hubble within the next two weeks. The regulatory language will be reviewed and corrected where needed, suggestions included where appropriate and the finished product will be provided at the next DHCC meeting for review and approval.

It was m/s/c (Wong/DeLaRoi) to provide revised proposed regulations at the next DHCC meeting.

Agenda Item 10 – Proposed Regulations Regarding Licensee Fingerprinting

Ms. Hurlbutt asked if a person had been fingerprinted for reasons other than licensure if those fingerprints would satisfy licensure requirements. Legal Counsel stated that is not possible as agencies requiring fingerprints have different information clearances which are delineated for each agency.

When asked the number of licensees affected, Ms. Hubble informed the Committee that there will be approximately 16,000 RDH licensees which are affected by this requirement. She also stated that the fingerprint requirement for renewal applicants will be part of the renewal sent out to licensees in order to ensure all affected licenses will be informed of the requirement.

It was m/s/c (Calero/Fujisawa) to adopt the proposed regulatory language, move forward with the notice and hearing, delegate to staff the ability to make non-substantive changes to regulatory language and to delegate to the executive officer to respond to any positive comments received.

Agenda Item 11 – Acceptance of Western Regional Examining Board for RDH Licensure In California Pursuant to Business and Professions Code, §1917

Ms. Hubble told the Committee that she and staff are in the process of developing the application for acceptance of the Western Regional Board (WREB) with Legal Counsel.

Ms. Hurlbutt asked if the application will include the requirement for local anesthesia. She was told by Legal Counsel that an RDH may not perform duties for which they have not been trained.

Ms. Fujisawa received clarification that WREB is an examination rather than a license. Once a person has successfully passed the WREB examination, an application for California licensure can be submitted.

Kim Lauderslager, RDH, representing CRDTS addressed the Committee. She informed the Committee that the procedure used by CRDTS is that hygienists take a national written examination and then a clinical examination.

Ms. Lauderslager said she has worked closely with the other regional examining boards, WREB, NERB and SRTA, and asked if CRDTS may be considered being accepted when California agreed to accept WREB.

Katie Dawson stated that CDHA was involved in the review of the regional examination boards for possible acceptance in California. After review of these boards it was determined that WREB met the criteria being sought. She stated one main characteristic considered was that the WREB exam appeared to be similar to the exam currently administered in California.

Ms. Lauderslager requested that DHCC consider recognizing and accepting the CRDTS examination in the future.

Agenda Item 12 – Update on SB 1441 – Healing Arts Practitioners: Substance Abuse

Kim Kirchmeyer, DCA Deputy Director for Boards and Bureaus, informed the Committee that a DCA Substance Abuse Coordination Committee has adopted 16 standards to be used in the way healing arts agencies handle licensees suffering from substance abuse. Ms. Kirchmeyer urged DHCC to direct staff to review the standards and determine the appropriate method to implement them, i.e., statute changes or regulations.

Ms. Kirchmeyer also requested that this subject be included in DHCC's future agendas.

Agenda Item 13 – Examination Statistics

Nichole Johnston presented the examination statistics to the Committee. Ms. Hurlbutt requested having the areas where candidates fail. She also asked for a breakdown between in state and out of state candidates. She was informed that the technology to extract such information is not available at this time.

Ms. Hubble stated that the intent is to update the RDH written examination every August to ensure the content is current and the examination is properly crafted.

Agenda Item 14 – Licensure Statistics

Nichole Johnston presented the licensure statistics to the Committee. The difference between a delinquent license and deficient license were explained. Mr. Calero asked what the turnaround time was for a deficient license being cleared. Ms. Hubble said it was done quickly to allow the license to be updated to current status.

Ms. Hurlbutt asked if DHCC could require on-line renewal. Legal Counsel answered by saying that on-line is a goal. The Department has been researching the subject and it is anticipated that on-line renewal will be available in the future.

Agenda Item 15 – Enforcement Statistics

Shirley Moody presented enforcement statistical information. At this time she has six field investigations which include drug and alcohol abuse, fraud, negligence and mental illness and nine requests for records cases.

DHCC currently has 12 probationers, seven of whom are in an active status. An explanation was provided regarding the term “tolling status.”

Agenda Item 16 – Proposed Legislation

Mr. Calero stated that he supports legislation requesting probationers reimburse the Committee the costs involved in their monitoring. He opined that the Committee should go forward with seeking legislation in this area because the regulatory process can be protracted. He also opined that increasing the cap on renewal fees and applications could be beneficial for the functioning of future committees.

It was m/s/c [(DiFrancesco/Fujisawa) Wong nay vote] to support the following proposed legislation:

- A. Increase the Statutory Cap on Renewal Fees for All Licenses to \$250.
- B. Increase the Statutory Cap on Application fees to \$250.
- C. Revise the statute to allow for DHCC to be reimbursed the costs incurred for the monitoring of probationers.

Katie Dawson from CDHA voiced her concern for the cost of licensees with the addition and increase of fees.

Agenda Item 17 – Establishment of 2010 Meeting Calendar

Ms. Hubble discussed the proposed meeting calendar explaining that DCA will be holding a regulatory Working Conference in July with the focus on developing the best practices for the future to protect consumers and licensees; therefore, the July meeting date and location cannot be changed. It was suggested that Committee Members block out three days in order to take part in the Conference.

After discussion the DHCC 2010 Meeting Calendar is as follows:

March 22, 2010 – Ontario, California
July 26, 2010 – Sacramento, California
December 6, 2010 – San Diego, California

Agenda Item 18 – Future Agenda Items

As the Committee discussed previous agenda items, the issues they wish to address in the future were identified. Staff will ensure those subjects identified will be included in future agendas.

Agenda Item 19 – Assignment of Petitions for Reinstatement and Modification of Penalty to Office of Administrative Hearings

Legal Counsel gave an overview of the options available to the Committee regarding the above-titled hearing. She said DHCC could refer the petitions to the Office of Administrative Hearings where an Administrative Law Judge would hear the matter and render a proposed decision that DHCC would act upon.

Secondly DHCC could hear the matter itself and pose their questions directly to the petitioner. A Deputy Attorney General would be assigned to present the background facts of the matter and answer any appropriate questions that may arise. An Administrative Law Judge would be present for procedural purposes; however, the final decision would be that of the DHCC.

It was determined that the Committee would hear the matters itself.

Mr. Calero stated that DHCC could refer the matters to an ALJ in the future should they wish to change their choice.

Agenda Item 20 – Public Comment

Genevieve Klugman, RDH, congratulated the Committee on a successful meeting.

Katie Dawson, RDH from CDHA, stated that she is pleased with the appointments of the Committee and invited all to their House of Delegate meeting June 10, 2010, in San Francisco.

Agenda Item 21 – Closed Session

Ms. Lee announced that the Committee would be going into the Closed Session portion of the Meeting and would reconvene in Open Session when complete.

Agenda Items 22 & 23 – Return to Open Session and Adjournment

The DHCC meeting reconvened in Open Session. There being no further business, the meeting was adjourned.