

Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815

Phone 916.263.1978 Fax 916.263.2688 | www.dhcc.ca.gov

Dental Hygiene Committee of California

Hilton Hotel, Ontario Airport

700 North Haven Avenue

Ontario, CA 91764

March 22, 2010

1. Roll Call

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

Members Present

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

Staff Present

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

2. President's Report

Rhona Lee, president, referenced her report provided in the meeting materials. She stated that the Strategic Plan development for the DHCC to be addressed in a later agenda item is significant because it provides foundation and validity of the committee and directly impacts the sunset review process.

Ms. Lee informed the committee that, after reviewing Robert's Rules of Order, she has decided not to vote on issues up for Committee acceptance or denial unless she needed to vote to break a tie. However, if an issue came up that she was passionate about, she would turn the gavel over to the Vice President to preside so that she could vote on the issue.

Kim Kirchmeyer, Deputy Director, Board and Bureau Relations, was introduced. Ms. Kirchmeyer will be addressing the Committee during the course of the meeting to discuss various agenda items.

3. Executive Officer's Report

Ms. Hubble informed the committee she attended the following events:

- January 9-10 - attended the Instrumentation Course and subcommittee meeting

- January 30 – attended California Dental Hygienists Education Association
- February 25-26 – attended Dental Board of California meeting in San Diego
- March 13-14 - attended RDH examiner orientation session and examination
- March 16 – accompanied member Calero to DCA's meeting regarding SB 1111, the Consumer Protection Enforcement Initiative

Ms. Hubble reported that she anticipates hiring an investigative analyst by April 1st. She stated that she received many applications for the position and interviewed approximately 18 applicants. This position will replace that currently being filled by Shirley Moody.

She went on to say that the Governor's Office has mandated that any licensing backlog be remedied. One remedy would be the option of authorizing staff furlough days and overtime. Ms. Hubble stated that currently DHCC has no backlog in licensing.

Subcommittee meetings began immediately after the Executive Officer's Report. The full committee resumed at 1:20 p.m.

Ms. Lee announced that the public should limit their comments to three minutes unless it is the Committee's consensus to extend the time. She also said that the agenda items will be heard out of order in order to accommodate Mr. Cogan and Ms. Dines flight schedules.

4. Approval of the December 10, 2009 Meeting Minutes

Alex Calero requested that Agenda Item 16 be altered to better reflect the intent of his remarks. The changes were noted and will be included in the final minutes.

Michelle Hurlbutt asked if it is necessary to identify a "nay" vote in the minutes. Legal Counsel said a vote count can be reflected in several different manners, one of which is to identify the person choosing not to vote with the majority.

It was m/s/c [DiFrancesco/DeLaRoi (Hurlbutt-nay)] to identify the dissenting person in the minutes.

It was m/s/c (DiFrancesco/DeLaRoi) to accept the minutes as amended.

5. Update on July 26, 2010 Meeting in Sacramento

Kim Kirchmeyer discussed the upcoming meeting that will be held in conjunction with workshops presented by the Department of Consumer Affairs (DCA). Ms. Kirchmeyer informed the Committee that the format and overall plan for DCA's role in the July meetings has changed from what is presented in the Committee packet. She said they are now focusing on it being a board member training session in the area of enforcement, specifically the Consumer Protection Enforcement Initiative.

Ms. Kirchmeyer reiterated the Department's request that a concerted effort be made to hold all meetings in a State owned facility in order to assist in lowering costs.

6. Department of Consumer Affairs (DCA) Director's Report

Ms. Kirchmeyer, representing DCA, began her report by thanking staff for all the work they have completed during these busy times. She noted how wonderfully responsive the Executive officer and staff have been because DCA has been asking them almost weekly for data and input. She also stated that it was encouraging to see so many hygiene students in the audience as understanding how their licensing agency operates will make them more informed. She thought it was a significant outreach on the part of whomever brought them.

She also was pleased to hear that there was a healthy applicant pool of over 100 for investigators with the current emphasis on enforcement.

Speaking in behalf of Brian Stiger, DCA's Deputy Director of Board and Bureau Relations, Ms. Kirchmeyer stated the Department is asking for boards and bureaus to streamline their enforcement processes, i.e., dropping the timeframe for cases from 18 months to 12 months, etc. The Consumer Protection Enforcement Initiative (CPEI) can be broken into three subject areas: (1) Administrative; (2) Staff and IT improvements; and (3) Legislative.

Included in the Administrative portion would be DCA's "Best Practices" which has developed an enforcement academy; hired a new deputy director, Paul Riches; and entered into agreements between DCA and other agencies such as the Attorney General's Office.

Budget Change Proposals (BCPs) have been presented and will be in the future to allow for the hiring of more enforcement staff. A BCP will also be put forth to enhance the licensing system, enforcement system and applicant tracking system.

SB 1111 includes changes to the current enforcement process; for instance allowing an executive officer to accept stipulated settlements.

Ms. Kirchmeyer encouraged DHCC to formally support the passing of SB 1111 by writing a letter, attending any hearings and any other method which would augment the moving forward of this legislation. A hearing is scheduled for April 5, 2010.

A discussion was held regarding cost recovery for disciplinary matters. It was explained that an administrative law judge must delineate the reasons for the amount of cost recovery if it differs from the actual amount shown by the licensing agency. DHCC members were also informed that, in a stipulated settlement, the amount of cost recovery may be different from the actual expenditure for a variety of reasons.

Ms. Kirchmeyer said that it is important that a proactive stance be taken to help in improving consumer protection. One avenue to enhance this protection is developing continued competency standards. For example, the Board of Podiatric Medicine has instilled continued competency into its laws.

DCA is working closely with Office of Statewide Health and Planning Development (OSHPD) to assist them in gathering statistical data which is being submitted on renewal survey forms on a voluntary basis. While the compilation of this data is currently not easily made available to OSHPD, DCA is looking into better methods to accommodate OSHPD's needs.

7. DHCC Strategic Plan Development

Kim Kirchmeyer informed the members that the Department's Strategic Organization, Leadership, and Individual Development (SOLID) Office has an excellent training session for strategic plan development. She encouraged DHCC to take advantage of this free workshop while it is still available. Sarah Wilson should be contacted to schedule a session.

Ms. Hubble would like to have the members begin, if not complete, the process prior to July. After discussion, it was decided to try to schedule a training session for July 28, 2010. Later in the meeting it was announced that the July 28th training has been scheduled and confirmed.

8. Enforcement Process

Shirley Moody, DHCC Enforcement Chief, Retired Annuitant was introduced and a short biographical history of her thirty-one years in law enforcement was provided. At the suggestion of Chair Calero, Ms. Moody presented a power point presentation regarding the complaint and investigative processes. Chair Calero stated that he felt it was important for the members to be educated in this process.

9. Overview on Regulatory and Legislative Processes

Kim Kirchmeyer gave an overview of the legislative and regulatory process. She recommended that DHCC review its legislation and identify those areas in need of clean up and clarification.

10. Budget Report

Sean Cogan, DHCC's budget analyst and Cynthia Dines, budget manager of DCA were introduced.

Sean walked the members through the DCA memorandum outlining current FY data and proposed fiscal data for the 2010-2011 fiscal year.

The following were noted:

- that there is a slight increase in revenue
- that a healthy fund reserve should be between 3-4%. DHCC is showing a 7% which translates into a 7-8 month solvency
- that the number of authorized positions would increase due to enforcement
- that the spending authority would increase due to burgeoning furloughs
- that funds originate from cost recovery due to enforcement and from licensees new and renewal

- that typically expenditures increase due to out- of- state travel requests, constant budget changes, augmentation for enforcement, requests for big purchases such as computers

Cynthia Dines, a DCA budget manager, gave an overview of the budgetary process illustrating *what a fund is* and *spending authority*.

Ms. DiFrancesco requested members be provided with the projected numbers with the budget summary each meeting. Mr. Wong would like to see the line items presented with each budget report provided.

Ms. Dines explained that DHCC's spending authority dollar amount and its revenue should be as close to being the same as possible. She also explained that reversion is the difference between the amounts of authorized spending and those projected.

Ms. Hurlbutt asked for clarity regarding the interest rates charged if reversion reflects a greater authorized spending amount than projected. Ms. Dines stated that any board/committee that does so is charged an interest penalty.

Ms. DiFrancesco thanked Mr. Cogan and Ms. Dines for their presentations.

11. Acceptance of DHCC Member Administrative Procedure Manual

The draft of the Administrative Procedure Manual was presented at the December, 2009 meeting. Legal Counsel recommended the manual be accepted as presented and further informed the members that this is a working document and can be amended when needed. Ms. Hubble added changes to the President's term of office if extenuating circumstances arose. Editorial changes were suggested by Mr. Wong.

Discussion was had regarding the per diem members receive for doing DHCC work. DCA's Personnel Office is working on the specifics of what will constitute per diem pay. Ms. Kirchmeyer suggested the Committee leave the verbiage currently in the manual and amend in the future if necessary.

It was m/s/c (DiFrancesco/Fujisawa) to accept the DHCC Member Administrative Procedure Manual as presented.

12. Report on Request for Information and Issues to be addressed for 2010 Sunset Review

Ms. Hubble informed the Committee that she had been in touch with the Senate Business and Professions Committee regarding DHCC's coming up for Sunset Review this July. She was told that, since DHCC came into existence only one year ago, it will not be scheduled for the Sunset Review Process until 2013.

Ms. Lee answered Ms. DiFrancesco's question regarding how the Strategic Plan and Sunset Review are linked. Ms. Lee stated that a strategic plan outlines the expectations of an organization and may set forth timelines the expectations are to be met. The Sunset Review process reviews an entity's strategic plan to see if it is

performing as expected. For this reason it is imperative that a strategic plan be put into place so, if needed, there is justification for an entity's continued existence.

It was also pointed out by DHCC's legal counsel that a strategic plan is needed if the committee wishes to request a budget change proposal. Legal counsel noted that from observation the best boards/committees were those that kept their strategic plans at hand at each meeting and checked off each objective/goal as they were met

13. Report and review and possible comments regarding Dental Board of California's Infection Control Regulations [California Code of Regulations, Section 1005 (d)]

Ms. Lee gave an overview of the responsibility of the Dental Board of California (DBC) to review the infection control regulations every year in order to ensure they are up to the proper standards to protect the consumer as well as the licensees. As DHCC uses DBC's infection control regulations, it is important for DHCC to provide input as appropriate.

Ms. Lee noted the following:

- The infection control regulations must be in compliance with Cal-Dosh and the Centers for Disease Control (CDC) guidelines should be considered as well. Both entities are considered the governmental experts when it comes to establishing standards for infection control for all healing arts professions.
- DBC last reviewed the infection control regulations in 2005.
- Hong Le, DDS and Judith Forsythe, RDA former COMDA chair were appointed to review the regulations and made recommended changes to the DBC.
- Subject Matter Experts including several noted authorities, Noel Kelsch, RDHAP, infection control columnist for RDH Magazine and Leslie Canham, RDA, infection control continuing education provider and Lori Gagliardi, RDH, PhD, Pasadena College spoke on behalf of CADAT and the Alliance and proposed additional regulatory changes.
- The DBC voted to accept the proposed language at its February meeting to expedite the hearing process knowing that the auxiliaries proposed changes would be heard at that time.

Ms. Lee said DHCC can accept the proposed regulations as presented and accepted by the DBC, not accept those presented, accept the Subject Matter Experts (SME's) proposed amendments, or make its own recommendations via an ad hoc committee for revision. Ms. Lee invited Lori Gagliardi on behalf of the SME's to present proposed amendments

LaDonna Drury-Klein, CADAT, requested that DHCC not accept the regulations as presented by DBC as her organization, along with others, believes they are not complete or up to the standards of CDC.

Ms. Lee stated that DHCC did not previously provide input to the Dental Board as it did not have a quorum appointed when DBC was preparing the regulatory changes.

Legal Counsel recommends that DHCC appoints an ad hoc committee to thoroughly review current infection control regulations. The regulations presented in the meeting packet and any additional information they may wish to consider from outside organizations will be reviewed prior to taking a position on the proposed regulatory changes. Legal Counsel will review the current regulations, meet with DBC's legal counsel and, if necessary, inform the Committee of any discrepancies of the adopted language by the Dental Board. Once clarified, a letter can be sent to DBC requesting proper notice.

Ms. DeLaRoi stated that she feels if the infection control regulations for dentists and dental assistants do not meet the standards which DHCC feels are necessary, DHCC should develop its own regulations.

Ms. Lee appointed Cathy DiFrancesco and Miriam DeLaRoi as an ad hoc committee to thoroughly review current and proposed infection control regulations in order to make a recommendation to the full Committee.

14. Education and Outreach Subcommittee Report

Ms. Fujisawa informed the Committee that the subcommittee met and reviewed the upcoming events. There were no action items to be presented.

15. Licensing and Examination Subcommittee Report

Ms. Hurlbutt reported that the Subcommittee had no action items to be presented. She also reported that the Subcommittee wishes to have draft regulations regarding criteria for WREB applicants who wish to be licensed in California. The Subcommittee wishes this language be presented at the July 2010 meeting.

16. Enforcement Subcommittee Report

Mr. Calero reported that SB 1111 was discussed during the subcommittee meeting and no action was needed at this time. Discussion also was held regarding DHCC's disciplinary guidelines, and the need for a citation and fine program.

The Subcommittee wishes to direct staff to develop regulatory language to implement the citation and fine statute.

It was m/s/c (Calero/Fujisawa) to move forward with the regulatory process regarding the disciplinary guidelines.

17. Legislation and Regulation Subcommittee Report

Mr. Wong briefly reviewed current legislation relating to DHCC.

It was m/s/c [Wong/Fujisawa(DeLaRoi nay)] to support AB 1310, Healing arts: database, provided there is no fiscal impact on the Committee.

It was m/s/c [Calero/DeLaRoi(Wong abstained)] to support SB 1111 – Regulatory Boards: operations.

18. Closed Session

There were no Closed Session items to address.

19. Future Agenda Items

Items for future agendas have been discussed throughout the course of the meeting.

20. Public Comment

Pamela Lange requested the Committee review hygiene educational programs as students are being educated but there currently are few jobs available.

Lori Gagliardi, RDH, PhD suggested the Committee may wish to implement State requirements for educational programs prior to them being accepted and approved by the Commission on Dental Accreditation (CODA).

JoAnn Galliano, MEd, RDH suggested the Committee contact the State Chancellor's office to acquire information regarding the need for new hygiene programs.

Katie Dawson, RDH suggested the Committee provide students with information on the job market as it pertains to dental hygiene.

21. Adjournment – There being no further business, the meeting was adjourned at 5:40 p.m.