



Dental Hygiene Committee of California

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Dental Hygiene Committee of California

Committee Meeting

*Department of Consumer Affairs
2005 Evergreen Street
Sacramento, CA 95815*

September 28, 2010

1. *Roll Call/Establishment of Quorum*

Members Present

Rhona Lee, RDH, RDHEF – President
Michelle Hurlbutt, RDH, Educator – Vice President
Alex Calero, Public Member – Secretary
Miriam DeLaRoi, RDH, RDHAP
Cathy DiFrancesco, RDH
Rita Chen Fujisawa, Public Member
Andrew Wong, Public Member

Staff Present

Lori Hubble, Exec. Officer
Nichole Johnston
Tom Jurach
Shirley Moody
Traci Napper
Dennis Patzer
Liz Roberts

Mr. Calero called roll and a quorum was established. Ms. Lee instructed the audience about the presentation microphones and reminded them to sign in on the sheet in the back of the room. Meeting began at 9:08 a.m.

2. *Public Comment*

Toni Adams, RDH, proposed and presented on the issue of cultural and linguistic competency and that it be included within the education guidelines for dental hygienists in order to provide better health care. Ms. DiFrancesco commented on her support of linguistic competence.

3. *President's Report*

Ms. Lee reported on activities she attended from June 08, 2010, to September 28, 2010. June: CDHA's House of Delegates Meeting. July: Observed DHCC RDH Clinical Exam; Dental Board meeting in Sacramento; DCA Board Members Orientation; DHCC SWOT Analysis and Strategic Planning meeting. DHCC Vice President, Michelle Hurlbutt, acted on Ms. Lee's behalf in 2 DCA teleconference calls. Ms. Hurlbutt shared her experience of the teleconference and its heavy focus on budget and staffing levels. She added that, comparatively, the DHCC is in very good shape overall. Ms. Hurlbutt also touched on licensee drug testing. DCA is working with their contractor to make good on the contractor's error. Ms. Lee touched on the presence and support of DCA and praised Director Stiger for his efforts to support the DHCC. Kim Kirchmeyer's presence in the audience is

indicative of the efforts by DCA to be a more effective and connected department.

4. *Executive Officer's Report*

Ms. Hubble addressed the staff of DHCC and asked them to stand for public acknowledgement. She praised staff for their dedication and loyalty during difficult times. With no budget in place, staff have been travelling on their own expense and has continuously gone above and beyond the call of duty to maintain progress. On behalf of the DHCC members Ms. Lee presented a small gift to the staff for their contributions to the Committee in these difficult times. Ms. Hubble also reported on the hiring freeze which impacted a new hire. As of August 30, DHCC was not able to hire additional staff but is currently working toward an exemption with human resources. Furlough Fridays, resulting in a 15% pay decrease for staff, are still in effect and that impacts the licensees as well as the capabilities of staff to serve the DHCC's licensees. The furloughs are now the second, third, and fourth Friday of each month.

Ms. Hubble touched on the Dental Hygienist License Information statistical data posted on the DHCC web site including information regarding zip code, city, state, license type, ethnical background, and foreign language. This information is posted in compliance with AB269 and is updated annually. She mentioned that DHCC is working to increase the online response from the DHCC customer satisfaction survey.

Moving to enforcement statistics, Ms. Moody presented open and pending investigations and quantity of various statistical analyses based upon those investigations.

Ms. Hubble then discussed the budget impasse and its effect on the DHCC. The DHCC cannot pay vendors, order supplies, reimburse for travel and is doing the best it can given the circumstances.

At a later time Debbie Balaam will give a presentation of a new DCA software solution that will revamp the way DHCC and DCA as a whole conducts business. This is a very interesting and anticipated upgrade to the antiquated current DCA software.

Ms. Hubble updated the DHCC testing schedule for the remainder of the year. Exams will be conducted at UCSF this upcoming weekend and at Loma Linda towards the end of the month.

While on holiday in Michigan, Ms. Hubble took advantage of a "secret shopper" event and took the computer-based PSI Law and Ethics exam in order to personally evaluate the professionalism and completeness of the testing process.

The December DHCC committee meetings will be on two days – December 5 and 6, 2010.

5. *Department of Consumer Affairs (DCA) Director's Report (DCA Representative)*

Ms. Kirchmeyer presented an update and overview on projects and updates within DCA. She discussed the success of conference calls and has asked for agenda items in advance of the teleconferences. The hiring freeze directive was

received August 30 and the directive stated that it was written with exemption possibility. However, a very high threshold is being used to grant an exception to the freeze. She encouraged boards to continue with regulations to implement CPEI, as DCA continuing performance measurements. This info will be reported to the departments after October 15 for transparency and will be publicly available. Ms. Kirchmeyer is very excited to replace the antiquated DCA equipment and can't imagine the benefit this system will provide to staff. She also touched on licensing for job creation – it is important for people to be able to get licensed and enter the work force as soon as possible.

6. *Approval of June 8, 2010 minutes*

Mr. Calero touched on how to record members' votes in the minutes. The proposed format was to list m/s/c (maker of motion/second/carried), nays and absentions.

It was m/s (Wong/Hurbutt) to list m/s/c and those who recuse themselves. Motion failed.

Legal counsel advised that by law, if a member recuses him/herself, the motion must reflect the recuser's identity and his/her rationale for the recusal.

M/s (Hurlbutt/DiFrancesco) to reflect the maker, the second of the motion and whether the motion carried or failed and only those who recuse themselves be listed by name. Motion failed.

M/s/c (Wong/DeLaRoi) to list the maker of the motion, the second, the nays and abstentions and to include the recusers and their rationale. Motion carried 3-2. Mr. Calero abstained.

M/s/c (DeLaRoi/DiFrancesco) to approve minutes with corrections. Motion carried unanimously.

7. *Central Regional Dental Testing Services – Presentation by Kim Laudenslager*

Kim Laudenslager presented on the structure, organization, and benefits of using the Central Regional Dental Testing Services (CRDTS) as an accepted testing organization. She extended an invitation to DHCC to attend CRDTS exams with travel costs to be underwritten by CRDTS and an offer to return again to address other CRDTS issues should there be an interest in joining CRDTS.

8. *Western Regional Examining Board – Presentation by Beth Cole*

Beth Cole and Kelly Reich presented on the structure, organization, tentative reorganization and benefits of continuing to use the Western Regional Examining Board (WREB) as an accepted testing organization.

9. *Health Workforce Pilot Project #172*

Ms. Hubble spoke about the pilot project, its scope of practices, and skills required to complete. Now the project is on the director's desk, pending approval. Several Dental Board members expressed concerns regarding patients' pain without the use of anesthetics, the need for additional information on the patient consent forms and the need for emergency contingency care plans.

Ms. Hurlbutt suggested sending a letter to OSHPD supporting HWPP 172 since they are accepting comments after the date. Ms. Hurlbutt spoke to support the project and qualified her support for the temporary-type restorations. To support the pilot, Ms. Hubble explained how the pilot project qualified patient selectivity to minimize complications and was well thought out. The pilot would be administered at nine pre-selected California sites.

Mr. Wong asked about downsides – additional costs, what other organizations have supported or denied it and why? Ms. Hurlbutt explained the costs are built into the study and have come from grants, etc., and it is fully funded. She also listed many organizations that support the pilot and indicated there are many more than she listed.

Ms. Lee countered (for discussion, not stance) support for the policy by positioning teledentistry as an infant technology with limitations. The skill and ability background educational experiences of the assistants, RDHs, RDHAPs, are not on the same playing field as the dentists. Who would deal with a pulp exposure requiring immediate remedy? Ms. Lee provided this perspective to provide a balance to the discussion.

Ms. DiFrancesco added about a volunteer organization that aids at public clinics and recognizes the need to get children into dental clinics. Ms. Hurlbutt highlighted that there is a specific criteria for the type of teeth that would qualify for this temporary-type of restoration. LaDonna Drury-Klein expressed her displeasure with not being part of the planning of this project and she took an opposing view on this project. Ms. Dawson reminded the board to consider the benefit of highly screened individuals to participate in this study with limitations set for the scope of practice. It collects data and will collect real information that can be used to make real decisions about real life. M/s/c (Hurlbutt/DeLaRoi) to write a letter of support the HWPP #172 pilot project. Motion carried 4-2.

10. *DHCC Strategic Plan Development*

Ms. Lee briefed on the Strategic Planning process that the Committee underwent to develop their strategic plan. DCA project managed the process and the Committee members communicated individually and collectively with DCA to facilitate the strategic plan.

Evin and Shayne Van Outryve presented a slideshow highlighting the mission, values, and goals as created by the DHCC in two previous dedicated meetings.

11. *Budget Report*

Traci Napper, DHCC, reported pending budget information. Ms. Hubble touched on the state budget situation and that DHCC did not have a budget to present for this meeting. Ms. DiFrancesco thanked staff for the work invested into the process.

12. *Dental Board of California Infection Control Regulations [California Code of Regulations, Section 1005 (d)]*

Ms. Hubble commended the effort put forth to build the infection control regulations by Ms. DeLaRoi and Ms. DiFrancesco before the document was presented to the Committee and later to Mr. DeCuir, EO, Dental Board of

California (DBC). DHCC and DBC reached consensus with the DB adopting all of DHCC recommendations. Ms. Drury-Klein asked that CADAT's regulatory language be considered to replace language that is technically incorrect within the proposed language. Ms. DeLaRoi and DiFrancesco recommended the following:

~~(9)(10) Heat stable cCritical and semi-critical instruments, items and devices shall be discarded or pre-cleaned, packaged or wrapped and sterilized after each use. Methods of sterilization shall include shall be cleaned and sterilized before use by using steam under pressure (autoclaving), dry heat, or chemical (formaldehyde) vapor and dry heat. If a critical item is heat-sensitive, it shall, at minimum, be processed with high-level disinfection~~

~~These instruments, items and devices, shall remain sealed and stored in a manner so as to prevent contamination. FDA cleared chemical sterilants/disinfectants shall be used for sterilization of heat sensitive critical items and for high level disinfection of heat sensitive semi critical items.~~

~~10)(11) Critical and sSemi-critical instruments or containers of critical and semi-critical instruments items shall be pre-cleaned, packaged or wrapped and sterilized after each use. by a heat or vapor mMethods of sterilization include steam under pressure, chemical vapor and dry heat. If a semi-critical item is heat sensitive, it shall, at minimum, be processed with high level disinfection shall be packaged or wrapped before sterilization if they are not to be used immediately after being sterilized. These packages or containers shall remain sealed unless the instruments within them are placed onto a setup tray and covered with a moisture impervious barrier on the day the instruments will be used and shall be stored in a manner so as to prevent contamination.~~

M/s/c (DiFrancesco/DeLaRoi) to accept the changes that were proposed by the DHCC in the revision for submission to the Dental Board. Motion carried unanimously.

13. Education and Outreach Subcommittee Report

Ms. Chen Fujisawa stated the Education and Outreach Subcommittee met on 9/27/2010 and reviewed the outreach events attended this year. They focused on presentations and presence at professional associations. There were two consumer events that needed to be canceled given budget and timing conflicts. The DHCC is using their web site as a communication hub and the web site is a good first place to post new information. She proposed a news release regarding the new fingerprint requirement. M/s/c (Calero/Hurlbutt) ~~motioned~~ to accept the report of the Education and Outreach Subcommittee. Motion carried unanimously.

14. Licensing and Examination Subcommittee Report

Ms. Hurlbutt stated the last meeting of the subcommittee was on 9/27/2010. The subcommittee looked at clinical and written exam statistics. The Committee was updated on the PSI Law and Ethics breach. It was noticed that the ethics' resources for the RDH and RDHAP exams were different and this will be reviewed in December. They also looked at the possibility of an exit exam and other items that may be included in the strategic plan. M/s/c (Calero/DeLaRoi) to accept the report from the Licensing and Examination Subcommittee. Motion carried unanimously. Mr. Wong was not present to vote.

15. *Enforcement Subcommittee Report*

Mr. Calero gave a brief overview of the Enforcement Subcommittee. SB 1111 failed to pass out of committee but there is another item discussing other aspects of SB 1111 later in the meeting. He then discussed the proposed regulations for Disciplinary Guidelines and SB 1441 Standards which are necessary for the DHCC given their new status. He explained that the DHCC currently uses the Dental Board's disciplinary guidelines. The Enforcement Subcommittee unanimously accepted the Disciplinary Guidelines and SB 1441 Standards at their subcommittee meeting. He asked the full committee to accept the proposed regulation under ENF 5 so that the regulatory process could begin.

He then spoke about the Cite and Fine regulations currently under development. Mr. Calero elaborated on the history of the "Cite and Fine" and reported that the proposed regulations under ENF 6 were unanimously accepted in the previous day's Enforcement Subcommittee meeting and wished the full committee to do the same.

Mr. Calero touched on the enforcement improvement plan by stating that the DHCC staff is required to report enforcement statistics each month to the Department of Consumer Affairs. He also stated that the DHCC is required to develop a written plan utilizing existing resources to improve their enforcement program. Since the DHCC is new, there are no improvements to be made.

DHCC staff provided a list of proposed regulations to implement DCA's recommendation to strengthen DHCC's enforcement program pursuant to the Consumer Protection Enforcement Initiative (CPEI). Staff will bring back proposed regulations at its' next meeting as shown in ENF 8. Ms. Lee asked that the staff present options both for and against the language referring to "arrest" and "conviction." Ms. Hurlbutt is opposed to "arrest" being part of the regulatory language.

In closing, Mr. Calero explained that an additional agenda item regarding a peer review process will be added to the next committee meeting agenda.

It was m/s/c (Calero/DeLaRoi) for the committee to accept the recommendations of the Enforcement Subcommittee. Motion carried unanimously.

16. *Legislation and Regulation Subcommittee Report*

Mr. Calero chaired the subcommittee in Mr. Wong's absence and Ms. Hurlbutt sat on the subcommittee; a quorum was established.

Mr. Calero reported on the status of all the legislative bills listed and other bills of interest:

- AB1235 Healing arts: peer review – This bill has been enrolled and no need for subcommittee to take a position.
- AB1310 Healing arts: database – Subcommittee supports this bill. This bill is effectively dead.
- AB2699 Healing arts: database – Current status is that the bill has been chaptered. Ms. Napper stated that the bill was chaptered on Friday, 09/24/2010.
- SB294 Regulatory boards: operations – Current status is enrolled.

- SB700 Healing arts: peer review –Current status is enrolled.

Mr. Calero recommended that staff carry over bills listed from previous DHCC meetings and track the bills from the Dental Board of California and Department of Consumer Affairs.

In addition to the report Mr. Calero recommended that if there are any questions regarding legislation to please contact Ms. Hubble for staff to compile an in-depth analysis to assist in the familiarity of the bills.

Mr. Calero recommended that an ad hoc committee be created to review existing statutes and proposed regulations.

Mr. Calero also reported that the subcommittee recommends that the full committee adopt the fingerprint regulations with amendments: Ms. Hurlbutt noted that the wording of "Article 2." Should be adjusted to correctly read "Article 7." It was also noted that the subcommittee recommended to insert the date of April 1, 2011 in the (INSERT DATE) area and to add the word electronic in the first sentence where it states "shall furnish a full set of *electronic* fingerprints for the purpose of....." and instructed staff to move forward with the regulatory process as soon as possible.

M/s/c (Hurlbutt/Chen Fujisawa) to accept the report of the Subcommittee on Legislation and Regulation and its recommendations.

Adjourned into closed session at 3:15 p.m.

17. Closed session

18. Evaluate the performance of the Committee's Executive Officer

19. Future Agenda Items

Clean-up of SB 853 and proposed DHCC Regulations

20. Adjournment

Adjourned into Open session and closed at 5:15 p.m.