

**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  
Legislation and Regulatory Subcommittee Meeting***

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

**Sunday, December 5, 2010**

**Members Present**

Alex Calero, Public Member, Acting Chair  
Michelle Hurlbutt, RDH, Acting Member  
Miriam DeLeRoi, RDHAP

**Members Not Present**

Andrew Wong, Public Member, Chair

**Staff Present**

Lori Hubble, Executive Officer  
Traci Napper, Associate Government Program  
Analyst (AGPA)  
Tom Jurach, Administrative Analyst

**Legal Counsel**

Norine Marks

**1. *Roll Call/Establishment of Quorum***

The subcommittee was called to order at 2:38 p.m. Roll was called and a quorum established.

**2. *Public Comment***

There was no public comment.

**3. *Approval of September 27, 2010 Minutes***

It was m/s/c (DeLaRoi/Hurlbutt) to approve the September 27, 2010, Legislation and Regulatory Subcommittee minutes with the following amendments:

- A. Page one under subtitle "Legislative Update" second sentence third line correction "stay" should be "staff".
- B. Page two under the same subtitle second paragraph third line "stay" should be "staff".
- C. Subtitle "Proposed Legislation Regarding Cleanup of Senate Bill 853, second sentence should read, "She recommended...deletions, et al."
- D. Subtitle "Proposed Fingerprints Regulations" second sentence change Ms Hurlbutt to Ms DeLaRoi.

- E. Subtitle “Proposed Dental Hygiene Regulations Implementing Senate Bill SB 853” insert on page 3 at the end of the paragraph “He recommended that an ad hoc committee be created to follow up the revisions, deletions, et al.”

There was no public comment regarding the minutes.

#### **4. *Chairperson’s Report***

Mr. Calero reported that he had the pleasure of chairing the subcommittee once again in Mr. Andrew Wong’s absence. He added that Ms. Hurlbutt was also sitting on the subcommittee.

#### **5. *Legislative Calendar***

Ms. Napper stated that the “Legislative Calendar” was for informational purposes only and that it was a tentative calendar for the 2011/12 fiscal year that provided an outline of:

- when bills would go into effect
- when new bills would be introduced
- the deadlines that staff must adhere to for bill promulgation

There was no discussion or public comment.

#### **6. *California Regulatory Notice Register Schedule***

The provided schedule was for information only.

Ms. Napper stated that the “Regulatory Notice Register Schedule” is the guideline that staff follows once the committee approves the regulatory language. The calendar provided deadlines on when the regulatory language needs to be sent to the Office of Administrative Law (OAL) for publishing and when the committee can schedule a regulatory hearing.

There was no public comment.

#### **7. *Report on End of 2 Year Legislative Sessions Summary***

Ms. Napper reported that the summary provided was for information only and it was an overview of bills relating to dental hygiene, dentistry and healing arts boards and committees within the DCA. She mentioned that during the full committee meeting a representative from DCA’s legislative office would provide an update on SB 2699.

Ms. Hubble thanked Ms. Napper for putting the legislative summary package together.

There was no further discussion or public comment.

#### **8. *Consideration and Approval of Proposed Statutory “Clean Up” Language or Business and Professions Code Sections 1900-1966.6***

Mr. Calero provided background on the subcommittee's charge for reviewing the clean-up language. Mr. Calero reported that the committee's President, Rhona Lee, had appointed an ad hoc committee composed of Ms. Hurlbutt and himself. The ad hoc committee worked closely with staff and legal counsel to update and revise the clean-up language presented in the committee package.

It was m/s/c (Hulbutt/DeLaRoi) to adopt the proposed changes to Business and Professions Code for sections 1900-1966.6 as submitted.

Mr. Calero opened the discussion and reminded the subcommittee that in the interests of time they could give non- substantive changes to staff.

Mr. Calero asked if DHCC should be concerned about meeting the January 21<sup>st</sup>, 2011 deadline to submit a bill to the Office of Legislative Counsel and to find an author.

Ms Hurlbutt responded in the affirmative that she believed we did need to be concerned, but that it should not be a problem finding an author.

Mr. Calero questioned if the committee had an interest in changing "committee" to "board".

Ms Hurlbutt said, she would support the change, but that the timing and the political climate of proposing the change could be questionable. She stated that although DHCC is a committee, it currently operates as a board. Historically when the bill to create the DHCC was first introduced, the word "board" would not have passed the legislature nor would the Governor have signed it.

Kate Dawson, CDHA legislative representative, commented on the word "board". She reiterated Ms. Hurlbutt's statements. She explained that the present Governor vetoed two bills, creating the DHCC before finally signing it. In January 2011 a new governor will be inaugurated into office with a history of being a lot friendlier with the dental hygiene profession. It was possible that the political climate would change and there may be an acceptably justifiable reason to change "committee" to "board".

JoAnn Galliano, educator and CDHA representative, encouraged the DHCC to change "committee " to "board " and "reach for the moon" unless it became apparent that it held back the process.

Mr. Calero asked for any other comments from the members and public.

Ms. Hurlbutt asked if he was proposing an amendment?

Mr. Calero responded that he was not proposing an amendment.

Mr. Calero returned to discussion for the provided packet.

The following reflect the changes made by DHCC per page:

- red strikeout
- underline
- double strikeout
- double underline

Mr. Calero questioned Section 1902.2, regarding the reporting of certain information for data collection purposes, if existing statute already mandated this.

Ms Hubble responded that currently, the language that exists is in the Dental Board's statute and the statute does identify the committee. Since we are requiring the information, then it should be in our statute.

## Page 2

Mr. Calero recommended adding a correction to the motion already before the committee: Section 1902.2(c)3 Aggregated information under this subdivision shall be compiled annually, and ~~report~~ reported on ....

Ms. DeLaRoi recommended adding a correction to the motion already before the committee 1902.2 (d) It is the intent of the Legislature to utilize ~~moneys~~ monies in the...

## Page 3

There were no comments.

Mr. Calero announced that if the public had any comments for each or any of the pages being discussed to please come up to the microphone and their comments would be heard at that time.

## Page 4

Mr. Calero noted there were several legislative areas where reference was made regarding the committee making recommendation(s) to the Dental Board, including pages 4 to 6, Section 1905(a)(8) making recommendations to the Dental Board for scope of practice issues. Statutory language, as it currently exists, contains a provision that mandates that if the committee makes a recommendation of some sort to the Dental Board and if the Dental Board modifies or rejects the recommendation the committee can ask for written reasons why the modifications or rejection took place and the Dental Board has 90 days to give the committee the reason.

Mr. Calero stated, the ad hoc committee decided to delete the Section 1905.2 language that enabled the committee to require written reasons from the Dental Board as to why the Dental Board modified or rejected the committee's general recommendations. Instead the ad hoc committee included language for recommendation to the Dental Board from the committee with respect to legislation effecting course curriculum for direct supervision procedure(s) only. In this particular case a statutory mandate would provide for dialogue. While there is no provision for a statutory requirement for dialogue with respect to making recommendations regarding scope of practice, the rationale for this, as determined by the ad hoc committee, is that proposed change(s) in scope of practice would take place via statute by the Dental Board, and all stakeholders would have the ability through the legislative process to engage in dialogue.

Mr. Calero questioned the rationale of including "a sub a" in the language.

Ms. Hurlbutt responded that historically, it was part of the bill negotiation process due to concerns that if a new hygiene committee were formed, given time the committee would

change the scope of practice, even though it was in statute and part of the negotiation process. Ms. Hurlbutt continued that the DHCC could make numerous recommendations and there would be no harm in leaving the “a sub a” and other portions in statute.

Ms. Dawson, CDHA legislative representative, thought it caused more confusion than clarity in regards to the committee’s autonomy as perceived by other states and national organizations. The perception is that the committee still has to recommend legislation to the Dental Board, seek their “approval” and then proceed through the legislative process. Stakeholders will read the statutes and regulations and will question if DHCC really is autonomous. Ms. Dawson expressed that deletion of that section would add clarity and she recommended doing so.

It was m/s (Hurlbutt, DeLaRoi ) to delete this section.

Ms Hubble expressed a concern that deletion of this section could pose an obstacle in the legislative process. She added, though, that the bill’s author would have an opportunity to express his/her/its preference one way or the other. She expressed her rationale for deletion except where it concerned scope of practice and direct supervision.

Mr. Calero stated that a motion was on the floor and that it had been seconded. He wished to speak against the motion because he did not want to post any red flags that may obstruct the process.

Instead he recommended keeping both subsection 8 and Section 1905.2. His argument was that the current language states that the committee has to make recommendations regarding scope of practice to the Dental Board that the Dental Board has to respond if they reject or modify the committee’s recommendation. This mandate creates a dialogue and a record of recommendations and thought processes.

Mr. Calero asked if there were further comments.

Ms Hubble stated that this particular section was addressed by the author of the bill (in the Perata letter), who stated it was inadvertently left in the bill and Section 1905.2.should be deleted.

Ms Hurlbutt stated that Section 1905.2 was old COMDA language and, Section 1905.2 was inadvertently left in. She stated that she had the letter from former Senator Perata that stated that it was not his intent to include the language. She encouraged her fellow subcommittee members to vote with her to remove Subsection 8 and Section 1905.2

Mr. Calero asked if there was any further discussion. Seeing none, he reiterated the motion on the floor to strike Section 8 from the proposed language 1905(a)( 8). The motion passed with Hurlbutt & DeLaRoi in favor/Calero opposed. . (2/1)  
~~(8) Make recommendations to the dental board regarding scope of practice issues.~~

Ms. Hurlbutt suggested the following addition to the top of Section 1905(b) the committee may employ employees, and examiners and consultants that deem necessary to carry out its functions and responsibilities under this article.

(c) The committee may establish an advisory board for the purpose of clinical examination review and updates .

## Page 6

Section 1909.1 The committee may introduce legislation for new direct supervisions duties ~~procedures~~. Recommendations by the committee for new direct supervision duties ~~procedures~~ pursuant to this article shall be approved...

~~1909.5 Courses of instruction for direct supervision duties added to the scope of practice of dental hygiene on or after July 1, 2009, shall be submitted by the committee for approval by the dental board.~~

## Page 7

JoAnn Galliano suggested adding the following: Section 1915. No person other than a registered dental hygienist, registered dental hygienist In alternative functions practice, or registered dental hygienist in extended functions or a licensed dentist may engage in the practice of dental hygiene or perform dental hygiene procedures on patients, including by not limited to, supragingival and subgingival scaling, dental hygiene assessment periodontal record evaluation, administration of local anesthesia, nitrous oxide-oxygen analgesia, ~~gingival soft tissue curettage~~ and treatment planning, except for the following persons:...

It is m/s (Hurlbutt/DeLaRoi) to insert gingival and analgesia to read as: ... approved instruction in ~~periodontal gingival~~ soft tissue curettage, administration of nitrous oxide-oxygen ~~used as an analgesic analgesia~~ and administration of local anesthetic...

## Page 8

Section 1916 (a) An applicant for licensure under this article shall furnish electronic fingerprint images for submission...

It was m/s (Hurlbutt/DeLaRoi) to insert "electronic" before fingerprint.

Motion passes unanimously.

## Page 9

Ms. Hurlbutt suggested revising Section 1917.(f) Satisfactory completion of committee-approved instruction in ~~periodontal gingival~~ soft tissue curettage, administration of nitrous oxide-oxygen ~~used as an analgesic analgesia~~ and administration of local anesthetic agents.

It was m/s to insert current terminology to read as: It is m/s (Hurlbutt/DeLaRoi) to insert gingival and analgesia to read as: ... approved instruction in ~~periodontal gingival~~ soft

tissue curettage, administration of nitrous oxide-oxygen ~~used as an analgesic analgesia~~ and administration of local anesthetic...

Motion passes unanimously.

Ms. Hubble suggested an addition to Section 1917.1(a) (3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years immediately preceding the date of his or her application under this section.

It was m/s (Hurlbut/DeLaRoi) insert in Section 1917.1(a)(3) "immediately" in front of "preceding".

Motion passes unanimously.

## **Page 10**

Section 1917(a) (8) Proof that the applicant has not failed the state clinical examination, the WREB clinical examination or an approved clinical examination...

## **Pages 11 and 12**

No comments were made.

## **Page 13**

The subcommittee directed staff to make the following changes:  
Section 1926.1 ~~of this article~~ Notwithstanding any other provision of this ~~chapter article~~, a licensed hygienist in alternative practice may operate a mobile dental unit...

The subcommittee delegated staff to work on language for :  
Section 1926.3(a) which is missing a few words in the last sentence .

## **Pages 14-17**

There were no comments.

## **Page 18**

Ms. Hurlbutt recommended the following be changed to be consistent with the DHCC's decision made earlier in 2010 to increase the original license fee cap: Section 1944(a) (1) ~~The application fee for an original license shall not exceed twenty dollars(\$20). On and after January 1, 2010, the application fee for an original license shall not exceed fifty dollars (\$50)~~ two hundred fifty dollars (\$250).

It is m/s (Hurlbutt/DeLaRoi) to strike The application fee for an original license shall not exceed two hundred fifty dollars (\$250). twenty dollars(\$20). On and after January 1, 2010, the application fee for an original license shall not exceed fifty dollars (\$50)  
Motion passes unanimously.

## Page 19

### Cont. from 18

Section 1944.(a)(13)(h) The fees for registration of an additional office permit shall not exceed two hundred fifty dollars (\$250.00).

It was m/s (Hurlbutt/DeLaRoi) to add the fees for the additional office permit to read as:  
(h) The fees for registration of an additional office permit shall not exceed two hundred fifty dollars (\$250.00).

## Pages 20-21

There were no comments.

## Page 22

Section 1950.5(z) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the committee, thereby risking transmission of ~~bloodborne~~ infectious diseases from dental assistant, registered dental assistant, registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions to patient, from patient to patient, and from patient to dental assistant, registered

## Page 23

Cont. Section 1950.5(z)

dental assistant, registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions. In administering this subdivision, the committee shall consider referencing the standards, regulations, and guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other ~~blood-borne~~ pathogens in health care settings. The committee shall review infection control guidelines, if necessary, on an annual basis and proposed changes shall be reviewed by the dental board to establish a consensus. The dental board shall submit any recommended changes to the infection control guidelines for review to establish a consensus. As necessary, the committee shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians, to encourage appropriate consistency in the implementation of this subdivision.

## Page 24

Section 1955(a) (1) A licensee who fails or refuses to comply with a request for a patient's ~~dental or~~ dental hygiene records that is accompanied by that patient's written authorization for release of the records to the committee, within 15 days of receiving the request and authorization, shall pay to the committee a civil ~~or administrative penalty or~~ ~~fine~~ up to a maximum of two hundred fifty dollars (\$250) per day for each day that the



documents have not been produced after the 15th day, up to a maximum of five thousand dollars

It was m/s (Hurlbutt/DeLaRoi) to insert dental or. Motion pass unanimously.

(2) A health care facility shall comply with a request for the dental hygiene records of a patient that is accompanied by that patient's written authorization for release of records to the committee together with a notice citing this section and describing the penalties for failure to comply with this section. Failure to provide the authorizing patient's dental hygiene records to the committee within 30 days of receiving this request, authorization, and notice shall subject the health care facility to a civil or administrative penalty or fine, payable to the committee, of up to a maximum of two hundred fifty dollars (\$250) per day for each day that the documents have not been produced after the 30th day, up to a maximum of five thousand dollars (\$5,000), unless the health care facility is unable to provide the documents within this time period for good cause.

It was m/s (Hurlbutt/DeLaRoi) to add "or fine" in Section 1955.(a)(1) on line 4 to read: request and authorization, shall pay to the committee a civil or administrative penalty or fine up to a maximum of two hundred fifty dollars (\$250) per day for each day that the

## **Page 25**

It was m/s Hurlbutt/DeLaRoi) to add "or fine" on Section 1955. (a)(2) on line 7 to read: and notice shall subject the health care facility to a civil or administrative penalty or fine

Motion passes unanimously.

## **Page 26**

Section 1955(e) Imposition of the civil or administrative penalties authorized by this section shall be in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code).

It was m/s (Calero/Hurlbutt) Section 1955(e) to add or administrative.  
Motion passes unanimously.

## **Page 27**

There were no comments.

## **Page 28**

Section 1958.1(a)(2) If the individual is licensed under this article, the committee shall promptly revoke the license of the individual. The committee shall not stay the revocation and nor place the license on probation.

Me. Calero reported that the Enforcement Subcommittee reviewed the language in Section 1958.1 and that similar language is proposed in regulations. The Subcommittee decided to defer the language to the Legislative/Regulation Sub-committee for recommendation to the full committee.

Ms. Hurlbutt made a comment that she prefers that the language be in regulations. She believes the committee has more control in the regulatory process.

It was moved (Hurlbutt) to strike section 1958.1 from the Business and Professions proposed regulation because it's in the proposed regulations.

Legal Counsel asked where the language came from?

Lori Hubble responded that the language came from the Dental Practice Act and that it should be left in statute.

Ms. Hurlbutt withdrew her motion.

It was m/s (Calero/DeLaRoi) in Section 1958.1(a)(2) to insert the word promptly before the word revoke.

Legal Counsel suggested a friendly amendment to delete "and" and replace it with "nor". Ms. DeLaRoi accepted the friendly amendment.

The motion passed unanimously.

## **Page 29**

Section 1960. For the first offense, a person is guilty of a misdemeanor and shall be punishable by a fine of not less than two hundred dollars (\$200) nor more than three thousand dollars (\$3,000), or by imprisonment in a county jail for not to exceed six months, or by both that fine and imprisonment, and for the second or a subsequent offense is guilty of a felony and upon conviction thereof shall be punished by a fine of not less than two thousand dollars (\$2,000) nor more than six thousand dollars (\$6,000), or by imprisonment in the state prison ~~for not to exceed [INSERT TERM]~~, or by both that fine and imprisonment, who does any of the following:

## **Page 30**

There were no comments.

## **Page 31**

Section 1966. (a) It is the intent of the Legislature that the committee seek ways and means to identify and rehabilitate licensees whose competency may be impaired due to abuse of dangerous drugs or alcohol, so that licensees so afflicted may be treated and returned to the practice of dental hygiene in a manner that will not endanger the public health and safety. ~~It is also the intent of the Legislature that the committee establish a diversion program as a voluntary alternative approach to traditional disciplinary actions.~~

(b) One or more diversion evaluation committees shall may be established by the committee. The committee shall may establish criteria for the selection of each diversion evaluation committee. Each member of a diversion evaluation committee shall receive per diem and expenses as provided in Section 103.

~~(c) In lieu of establishing a separate diversion program, the committee may contract with the dental board's diversion program.~~

Ms. Hurlbutt suggested revising Section 1966.1. (a) The committee ~~shall~~ **may** establish criteria for the acceptance, denial, or termination of licensees in a diversion program. Unless ordered by the committee as a condition of a licensee's disciplinary probation, only those licensees who have voluntarily requested diversion treatment and supervision by a diversion evaluation committee shall participate in a diversion program.

It was m/s (DeLaRoi/Calero) to delete the last sentence of Section 1966(a), "It is also the intent of the Legislature that the committee establish a diversion program as a voluntary alternative approach to traditional disciplinary actions." Section 1966(b) change "shall" to "may" in the first sentence and the second sentence.  
Strike out Section 1966 (c).

Motion fails 1/2/0

It was m/s (hurlbutt/DeLaRoi) to strike Section 1966.(c).

Motion passes (Calero abstain)

## **Page 32**

There were no comments.

## **Page 33**

Section 1966.5. (a) After a diversion evaluation committee, in its discretion, has determined that a licensee has been rehabilitated and the diversion program is completed, the diversion evaluation committee shall ~~may~~ purge and destroy all records pertaining to the licensee's participation in the diversion program.

It was m/s (Hurlbutt/DeLaRoi) to remove the may and return it to shall.

Motion passes unanimously.

The final motion for the Sections 1900-1966.6

It was m/s/c (Hurlbutt/DeLaRoi) to recommend that the full committee proceed with the clean up language proposal as amended. The motion passed unanimously. (3/0)

## **9. Consideration and Approval or Proposed Dental Hygiene Regulations Implementing Provisions of Business and Professions Code 1900-1966.6**

Mr. Calero deferred this section to Ms Hurlbutt, who then presided.

Ms. Hurlbutt reported that she would like to review the regulatory package in the same manner as the proposed business and professions language. She recommended making a motion to forward this regulatory package for consideration as a recommendation to approve the regulatory package by the full committee.

It was m/s/c (Calero/DeLaRoi) that the subcommittee recommend to the full committee adoption of the regulatory package and at the end of the process to vote on the complete package. The motion passed unanimously. (3/0)

Ms. Hurlbutt opened the floor for discussion. She added that whatever was amended or omitted be reflected in the table of contents and requested that staff check the semantics of those recommendations approved by the subcommittee.

§ 1107. Approval of a Course in Local Anesthetic, Periodontal Soft Tissue Curettage and Nitrous Oxide-Oxygen Analgesia.

§ 1108. Requirements for a Course in Local Anesthetic, Periodontal Soft Tissue Curettage and Nitrous Oxygen-Oxygen Analgesia.

Article 4. Duties

§ 1116. RDH Procedures

### **Page 3**

There were no comments.

### **Page 4**

(s)Periodontal "Gingival soft tissue curettage" means the closed removal of tissue lining the periodontal pocket, not involving the reflection of a flap removal of the inflamed soft tissue lateral to the pocket wall, which is not subgingival curettage referring to the procedure that is performed apical to the epithelial attachment, severing the connective tissue attachment down to the osseous crest.

It is was motioned (Hurlbutt) to strike Periodontal and insert gingival in front of soft tissue and change the definitions.

Legal counsel suggested asking for consensus and making a motion at the end of the meeting.

### **Page 5**

(a) It shall be the duty of the Committee's Executive Officer to plan, direct and organize the work of the staff; attend Committee meetings and hearings; consult with and make recommendations to the Committee; dictate correspondence; attend committee meetings of various organizations and associations; assist in compiling examination material; attend examinations and assist in conducting the examinations; notify applicants of their success or failure on examinations; and prepare reports and direct and supervise the field investigators concerning enforcement of the Code relating to the practice of dental hygiene and; issue an order for medical or mental examinations under Section 820 of the Code.

(b) Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act, (Section 11500 et seq. of the Government Code), the Committee delegates and confers upon the Executive Officer, or the designee of the Executive Officer, all functions necessary to the dispatch of business of the Committee in connection with investigative and administrative proceedings under the jurisdiction of the Committee, including but limited to include the ability to accept default decisions and to approve settlement agreements for the revocation, surrender or interim suspension of a license

(c) The power and discretion conferred by law upon the Committee to initiate, review and prosecute accusations and statements of issues pursuant to Sections 11500

## Page 6

There were no comments.

## Page 7

§\_1104(c) A new educational program for registered dental hygienists must submit a feasibility study ~~demonstrating a need~~ for a new educational program and apply for approval from this Committee. ~~prior to seeking approval for Initial Accreditation from the Commission on Dental Accreditation.~~ The Committee may approve, provisionally approve, or deny approval to any such new educational program.

Subcommittee directed staff to make sure all authority is cited at the end of each section (Note: Authority cited)

## Page 8

There were no comments.

## Page 9

There were no comments.

## Page 10

Direct staff to make the following changes.

### ***Dental Sciences***

Tooth Morphology

Head, Neck and Oral Anatomy

Oral Pathology

Oral Embryology and Histology

Radiography

Cariology

Periodontology

Pain management

Dental Materials

### ***Dental Hygiene Sciences and Practice***

Health Promotion

Patient Management

Clinical Dental Hygiene

Provision of Services for and Management of Patients with Special Needs

Provision of Oral Health Care Services to Patients with ~~Blood-Borne~~ Infectious Diseases

Legal and Ethical Aspects of Dental Hygiene

Oral Health Education and Preventive Counseling

Community Dental/Oral Health

Medical and Dental Emergencies

Infection and Hazard Control Management

(4) Content of the curriculum for approved dental hygiene educational programs shall specifically include instruction in:

(A) Local anesthesia

(B) Nitrous oxide -oxygen analgesia utilizing fail-safe type machines containing no other general anesthetic agents

(C) Gingival soft tissue curettage; provided, however, that a graduate of a nonresident program which meets all the requirements of Section 1105 of this article and except those contained in Section 1105 (g)(4) of this article, shall be deemed to have completed an approved program if such person has successfully completed a Committee-approved course of instruction in each of the functions described in Section 1105 (g)(4) of this article which were not taught to clinical

## Page 11

Staff was directed to correct the title.

### **§1107. Approval of RDH Course(s) in Local Anesthetic Anesthesia, Nitrous Oxide-Oxygen Analgesia and Periodontal Gingival Soft Tissue Curettage**

The recommendation is to strike this language from the regulatory package because the language is not ready yet. Hold as place holder.

## Page 12

Staff was directed to correct the title.

### **§ 1108. Requirements for Approval of RDH Course(s) in Local Anesthesia Anesthesia Nitrous Oxide-Oxygen Analgesia and Periodontal Gingival Soft Tissue Curettage**

The recommendation is to strike this language from the regulatory package because the language is not ready yet. Hold as place holder.

## Page 13

There were no comments.

## Page 14

Note to direct staff to make sure authority is cited through out the language.

## Page 15

Remove the following:

~~(e) A new educational program for registered dental hygienists in extended functions must submit a feasibility study demonstrating a need for a new RDHEF educational program as part of the application. The Committee may approve, provisionally approve, or deny approval to any such new educational program.~~

## Page 16

Remove the following:

~~(d) A new educational program for registered dental hygienists in extended functions must submit a feasibility study demonstrating a need for a new RDHEF educational program as part of the application. The Committee may approve, provisionally approve, or deny approval to any such new educational program.~~

## Page 17

Staff was directed to make the following changes.

### ARTICLE 4. ~~DUTIES~~ PROCEDURES

§1116. RDH ~~Duties~~ Procedures.

- (d) ~~Periodontal~~ Gingival soft tissue curettage;
- (e) Administration of local ~~anesthetic~~ anesthesia;

## Page 18

No comments

## Page 19

Staff was directed to make the following changes.

§ 1118. (a) In addition to the requirements set forth in Section 1117 of this article, an application for licensure as a registered dental hygienist shall be accompanied by satisfactory evidence that the applicant has been granted a diploma or certificate in dental hygiene from an approved dental hygiene educational program and satisfactory evidence that the applicant completed a Committee approved course(s) in local anesthesia administration, nitrous oxide-oxygen analgesia and soft tissue gingival curettage (proof of completion of these courses not required for California graduates).  
(1) Evidence of successful completion of education in local anesthesia administration, nitrous oxide-oxygen analgesia and soft tissue gingival curettage must be provided on a form that is provided by the Committee and submitted as requested by the Committee.  
(2) The form must be signed and sealed by the Director of the dental hygiene educational program or the Director of an approved course providing the education in local anesthesia administration, nitrous oxide-oxygen analgesia and soft tissue gingival curettage.

## Page 20 -23

No comments

## Page 24

Recommendation from the examiners

§1125. (d) If an examinee is unable to find a patient with one quadrant which meets the requirements of subsection (c)(2) of this section, the examinee may submit up to four (4) additional teeth if necessary to fulfill the submission criteria for subgingival calculus. An applicant who presents such a patient shall be required to scale all teeth submitted in the same time allotted for scaling one quadrant.

Directed staff to make the following changes in Section 1125 (e), keep shall and replace shall with may as shown;

(e) The examinee at a minimum shall provide a full ~~mount~~ mouth panoramic radiograph, periapical radiographs and two (2) bite wing radiographs of the quadrant(s) submitted. The examinee may provide full mouth radiographs of the patient, which shall consist of

eighteen (18) radiographs at least four (4) of which must be bite-wing radiographs. All radiographs shall have been taken not more than one year prior to the examination at which they are presented and must be of diagnostic quality.

(g) The examinee shall offer to the patient the option of the administration of local anesthetic in the area(s) to be scaled. ~~except that anesthesia shall not be administered to both mandibular quadrants of a patient during the same day.~~

## **Page 25**

There were no comments.

## **Page 26**

§1129. An applicant for an RDH license, who fails to pass either or any combination of the DHCC clinical examination or the WREB clinical dental hygiene examination or any other clinical dental hygiene examination approved by the Committee after three (3) total attempts shall not be eligible for further re-examination until the applicant has successfully completed the required additional education. An examinee who fails to pass the DHCC clinical examination or the WREB clinical dental hygiene examination due to gross trauma shall not be eligible for further re-examination and/or initial licensure until the examinee has successfully completed the required additional education.

(a) The course work shall be taken at a dental hygiene program approved by the Commission on Dental Accreditation or a comparable organization approved by the Committee, and shall be completed within a period of one year from the date of notification of the applicant's third failure or notification of failure due to gross trauma.  
(1) The course of study must include didactic, laboratory and clinical instruction. Use of patients is mandatory.

## **Page 27**

There were no comments.

## **Page 28**

Legal Counsel suggested that Dental Board be removed from the Continuing Education regulations.

§1134. Purposes. The ~~Dental Board or~~ Committee has determined that the public health and safety will be served by requiring all holders of licenses granted by the ~~Dental Board or~~ Committee under the Code to continue their education after receiving such licenses.

Note: Authority cited: Sections ~~1614 1645, and~~ 1905, Business and Professions Code. Reference: Section ~~1645 and~~ 1905, Business and Professions Code.

## **Pages 29-37**

There were no changes.



## **Page 38 -40**

§1138 is currently under another regulatory package. There are no changes because it is currently in the regulatory process.

## **Page 41**

The Cite and Fine regulatory language will be presented at the full committee for review and adoption.

Staff is waiting for Legal Counsel's suggested new language.

## **Page 42- 45**

No comments

Ms. Hurlbutt directed staff that the forms match the regulatory language.

Ms. Hurlbutt directed that staff make sure all the candidate and exam forms corresponded to the regulatory language, including references to title and authority. Also, she requested the inclusion of email addresses on applications. She stated that at this time the course provider application would be pulled.

It was m/s/c (Calero/DeLaRoi) to approve the regulations and the referenced forms as amended to the full committee for approval.

The motion passed unanimously.

## **Future Agenda Items**

It was suggested the Legislation and Regulations Subcommittee be scheduled in the morning for the next meeting.

The meeting adjourned at 6:44 p.m.