

Dental Hygiene Committee of California

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Dental Hygiene Committee of California

Full Committee Meeting

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

Monday, December 6, 2010

1. *Roll Call/Establishment of Quorum*

Members Present

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

Staff Present

Lori Hubble, Executive Officer
Tom Jurach, Administrative Analyst
Norine Marks, Legal Counsel
Shirley Moody, Enforcement Coordinator
Traci Napper, Associate Government
Program Analyst
Dennis Patzer, Enforcement Analyst
Liz Roberts, Management Services Technician
Greg Salute, Deputy Attorney General

Members Not Present

Andrew Wong, Public Member

The meeting was called to order at 9:08 a.m. Members introduced themselves for roll call and a quorum was established. Ms. Lee instructed the audience about the presentation microphones and invited voluntary sign-in on the sheet in the back of the room. Due to scheduling difficulties, the webcast was not yet ready to broadcast. When the webcast became operational, staff would signal that our broadcast would be "live".

2. *Public Comment*

There was no public comment.

3. *Approval of September 28, 2010 Meeting Minutes*

It was m/s/c (Calero/DiFrancesco) to approve the September 27, 2010 full committee meeting minutes as submitted. The motion passed unanimously.

4. *President's Report*

Ms. Lee shared the DHCC's recent change in legal counsel and presented a verbal appreciation of the previous legal counsel, LaVonne Powell, as well as highlighting her accomplishments made as a team under her lead. Ms. Lee expressed that Ms. Powell's presence and legal counsel would be missed. She then introduced the DHCC's new legal

counsel, Norine Marks, and provided a short biography for her. On behalf of DHCC Ms. Lee welcomed legal counsel, Norine Marks.

Ms. Lee identified the events she attended since the previous DHCC meeting and mentioned that a process is underway to reformat the DHCC application and clinical exam materials to be more user friendly, current and complete. That reformatting will be completed in 2011.

Ms. Lee deferred to Ms. Hurlbutt to explain that HWPP #172 has been approved.

Ms. Lee wrapped up her President's Report by explaining the DHCC's inaugural year has been a success and those that came together as strangers, a year ago, are now working together as a tight and professional team.

5. *Executive Officer's Report*

Ms. Hubble provided a brief staff update highlighting Ms. Nichole Johnston's maternity leave and two additional hires made. Ms. Johnston's contributions will be sorely missed during her absence. New hires are Dennis Patzer, Enforcement, and Tom Jurach, Administrative Analyst. Ms. Hubble also reiterated the challenges provided to us by the State of California's hiring freeze which prevents the DHCC and all other boards from maintaining necessary staffing levels. In addition to the hiring freeze, Ms. Hubble provided an update on employee furloughs which are no longer three days a month; they have been reduced to one.

Ms. Hubble then touched on meetings attended by DHCC. One of which was the most recent Dental Board of California (DBC) meeting on November 5, 2010, which took place in Los Angeles, CA. Ms. DiFrancesco attended this event with Ms. Hubble and Ms. DiFrancesco added that the DHCC infection control regulations worked on in partnership with the DBC were accepted by the DBC. Ms. Hubble applauded the cooperation between the DHCC and the DBC and looks forward to similar cooperation in the future.

Ms. Hubble recognized the efforts of her staff and reported on the collaboration between the committee and staff and how rare it is for such a partnership to ensue. She is proud to be at the helm.

To highlight DHCC's 2010 accomplishments Ms. Hubble and Mr. Jurach gave a ten minute Power Point musical presentation of DHCC's inaugural year in perspective.

6. *Presentation by Debbie Balaam regarding DCA's proposed new automated enterprise online licensing and enforcement system (BreZE project)*

Brandon Rutschmann, BreZE Project Manager, and Kim Kirchmeyer, DCA Deputy Director for Board and Bureau Relations, presented on BreZE, the new licensing software scheduled to begin implementation in 2013. It will replace the currently used CAS and ATS.

7. *Bureau for Private Postsecondary Education – Overview by Joanne Wenzel*

Joanne Wenzel, Deputy Bureau Chief for the Bureau for Private Postsecondary Education, presented on postsecondary education relative to dental hygiene on both a federal and state level. She stated she did floss this morning. On January 1, 2010 the Bureau for Private Postsecondary Education was created. Ms. Wenzel has been asked to review professional placement statistics currently publicized by the news media. New regulations have been put into place requiring the reporting of additional data for public and private

institutions. The law requires a performance fact sheet to be provided to any student seeking enrollment into that institution. It must talk about placement and completion of the students enrolled in the program. It must include license exam passage rates and placement of any student that is placed out of that program - as long as it can be tracked. Institutions must document how they come up with these numbers. There are no placement and/or completion requirements in the current law.

There are many reasons students do not complete programs or get jobs when they are finished. A lower pass rate disclosure may force institutions to raise the bar for admission requirements.

8. *Department of Consumer Affairs (DCA) Director's Report (DCA Representatives)*

Kimberly Kirchmeyer, Deputy Director for Board and Bureau Relations, DCA, spoke on behalf of Director Brian Stiger. Ms. Kirchmeyer provided an update on the hiring freeze. Exceptions are still being granted on a very stringent basis. There is also a freeze on overtime and DCA is still moving forward with an exception to allow overtime to be worked. A decision has not yet been made.

Ms. Hurlbutt inquired about hiring temporary help.

Ms. Kirchmeyer responded that temporary help is still hired help and the hiring freeze does not allow hiring.

Ms. Hurlbutt asked why healing arts boards are not exempt from hiring freezes – in the name of public protection – and why healing arts boards do not pass legislation to exempt themselves from hiring freezes?

Ms. Kirchmeyer responded that the legislation would need to pass the governor's desk and the governor uses this avenue to cut costs in many departments.

In regards to CPEI Ms. Kirchmeyer applauded the DHCC for moving forward with their regulations to improve the enforcement process. She mentioned that performance measurements are in and they would be posted on the DCA's website. She suggested that the performance statistics might be included in future board member packets.

Regarding SB 1441, she thanked DHCC for revising disciplinary guidelines and regulations. She encouraged DHCC to approve those this afternoon.

Lastly, Ms. Kirchmeyer acknowledged and apologized for the miscommunication at the departmental level causing the scheduling inaccuracy which prevented the webcast from beginning at the beginning of the meeting.

Richard Woonacott, Deputy Director, Legislative and Policy Review (LPR), presented about AB 2699 (Bass) regarding temporary out-of-state licensure for healing arts board practitioners to come into the state and participate in low income or indigent care at voluntary health fairs.

Ms. Hurlbutt inquired about deadlines for proposed language and Mr. Woonacott acknowledged that it may be difficult to make the deadlines with the next committee meeting scheduled in April.

9. *Update on pending regulations*

Traci Napper, DHCC Legislative Analyst, presented an update on pending regulations. They are as follows:

- The retroactive fingerprint regulations are currently at DCA for review for the final statement of reasons. DCA has the complete package. DHCC anticipates its return next week.
- Disciplinary Guidelines has gone to OAL for the process of getting the regulations implemented. The document has gone to DCA for review of the initial statement of reasons and it will be returned for minor formatting changes. It can then be submitted before December 28 to be published for January 7, 2011, and a hearing can be held February 21. The latest projection for submission is submitting on Jan 4th, publishing on Jan 14th, and holding a hearing on Feb 28th.

10. *Newly Proposed Cite and Fine Regulations*

Ms. Hubble reviewed the status of the newly proposed cite and fine regulations. The language contained within the committee packet has been approved by the Enforcement Subcommittee as well as the full Committee. A portion added by legal counsel to accept or modify would be discussed today.

Discussion ensued:

The issuance and disposition of a citation shall be public for a period of five years from the date of issuance. Ms. Kirchmeyer added that the clock usually begins on the date of resolution.

Mr. Calero amended his motion to include in section 1139 (a) the language “or regulations” after the words “business and professions code or any laws or regulations governing...” With respect to 1144, strike existing language and include the following. “The issuance and disposition of a citation shall be public.”

Legal counsel Marks clarified that Mr. Calero recommended that there be no limitation on the disclosure of citations.

Ms. DiFrancesco stated that she seconded the motion to support transparency to the consumer as a priority of the committee.

Mr. Patzer added that disciplinary actions are posted on the DHCC web site and do not have an expiration date, but the citations are only posted on the Internet for three years.

Ms. Hurlbutt asked Mr. Calero what he wanted from this regulation by asking if it was his intention to go back into our regulations to insure that all disciplinary actions were public and/or all the documents were posted. Ms. Hurlbutt did not recall any of our regulations that mandated posting all documentation or disciplinary events. She asked the following:

- What is your intent with this amendment?
- Do you want it posted, or do you just want it public?
- We have an opportunity with regulations to do it either or both ways.
- If we do not put something about what we want to do in the regulations, can we make that decision without it being a regulation? Can that be a policy decision or does it need to be in the regulations?
- Which way we are going to go?

Legal counsel, Marks added that it could possibly be done by policy. What is gained for your licensees is you give notice about how it is going to be handled. You might want to strike a balance between posting time and making public information available through contact with the department.

Mr. Calero answered that he was comfortable with the language of the motion as is. There are sections of the Business and Professions Code which requires that certain things be posted.

Legal counsel mentioned there is a broad range with regard to fines. Often, she has seen categories that define structured violation amounts. In 1143(c) DHCC may wish to “add in addition to other remedies, that the failure to comply may result in disciplinary actions.” There are general provisions in the B&P code that allow the agency to hold the renewal of a license in the event that a fine is not paid. 1142(c) at the end of the paragraph, add “unless continued for good cause.”

It was m/s/c (Calero/DiFrancesco) to approve the draft revised language for citations and fines for noticing. The motion passed unanimously.

11. Budget Report

Traci Napper, DHCC Legislative Analyst, provided a copy of the budget projections for 2010-2011. She stated that the DHCC budget is solvent.

15. Legislation and Regulation Subcommittee Report

Ms. Lee introduced Mr. Calero and Ms. Hurlbutt as the members of the ad hoc committee appointed to address the cleanup statutory language and promulgate the statutes and regulations necessary for DHCC to become autonomous.

Mr. Calero chaired the Legislation and Regulation Subcommittee in public member Andrew Wong’s absence. Because Ms. Hurlbutt participated as the third subcommittee member, the subcommittee was able to have a quorum and conduct business.

Ms. Lee requested and received the full committee’s approval of the September 27, 2010 Legislation and Regulation subcommittee minutes.

Ms. Lee then turned the meeting over to Mr. Calero to present the Legislation and Regulation Subcommittee’s recommendations.

Mr. Calero directed readers to materials in the board packet. Staff had provided an overview of the legislative and regulatory calendars in light of the statutory clean-up language currently being revised as well as other proposed regulations. Staff presented an overview of bills effecting DHCC or otherwise related covering the last 2-year legislative session.

Mr. Calero reviewed the subcommittee’s actions from the previous day, including the following:

- The subcommittee had reviewed and revised the statutory clean up language and had voted to recommend that the full committee continue with the regulatory process and find a sponsor for the language.
- The subcommittee had accepted the language with the changes discussed yesterday.
- It was recommended that this language be accepted by the full committee as amended to allow the regulatory process to continue. Mr. Calero requested that the full committee review the language.

It was m/s/c (Calero/DiFrancesco) that the committee recommends to staff that the language for B&P Code Sections 1900 – 1966.6 as proposed, with the additional

amendments proposed today, be put forward to seek an author(s) for the legislative process. The motion passed unanimously.

Mr. Calero took the lead on the discussion with the full Committee and public comment. He invited the public to comment at the appropriate time during the discussion. There were no comments on page 01.

Ms. Lee suggested that the language from B&P 1603 be revised to specify staggered and overlapping appointment terms for all the DHCC members, similar to all other DCA boards and committees, in order to provide a thread of continuity. Staggered terms would avoid the simultaneous appointment of all new members, resulting in a lack and depth of group experience. To do so Ms. Lee proposed the following verbiage:

“Except for the initial term... (to Insert this language after 1903(2)(D)(b))
Of the following appointments for the second year only, two of the RDHs and two of the public members shall serve for a term of two years. Two of the RDHs and two of the public members and dentist shall serve a term of 4 years.” This suggestion follows the precedent set in B&P 1603 and will help stagger concurrent terms.

Mr. Calero asked the committee if there was a consensus about the verbiage adjustments proposed by Ms. Lee.

It was advised by legal counsel that adjustments to verbiage be individually agreed to by consensus by the committee and motion at the end of the adjustments to accept all of the adjustments.

Katie Dawson, CDHA legislative representative, recommended that the initial dentist's term on the committee not be specified as a four-year position but rather be a two-year term. The committee agreed that a two-year term was acceptable.

Ms. Hurlbutt suggested striking 1909.1, as it is the same language as 1905.2 and the author of the bill requested it be that way.

Mr. Calero asked if there was a consensus and there was.

JoAnn Galliano spoke to support former Senator Perata's intent and to keep the proposed language as close to his intent as possible.

Ms. Hurlbutt wanted to go back to page 4 @ 1905 A(8) and asked to reinstitute a line that is current statute. Ms. Hurlbutt asked that 1905 A8 read as follows:

“Make recommendations to the dental board regarding scope of practice issues.”

Ms. Dawson asked the justification for reinstating 1905 A(8).

Ms. Hurlbutt responded that it was recommended by the bill's author. Ms. Hurlbutt continued that “In terms of recommendations, the DHCC will only make recommendations to the Board regarding scope of practice issues as they relate to the practice of dental hygiene.”

Ms. Dawson supported the original language as proposed by Mr. Perata.

A consensus was reached to amend the language to reflect Ms. Hurlbutt's request. The language would state: “In terms of recommendations, the DHCC will only make recommendations to the Board regarding scope of practice issues as related to the practice of dental hygiene.”

Ms. Lee proposed an addition to Section 1917.1 A(5) to read as follows: “Proof that the applicant has not been subject to disciplinary action or monitoring of any kind by any state in which he or she is or has been previously licensed as a registered dental hygienist or other healthcare personnel”.

Ms. Kirchmeyer inquired about the addition of “healthcare personnel.” She asked, “Why limit it to only healthcare? Can it read “professional” to broaden the enforcement potential?”

Legal counsel advised that the verbiage not be too broad. Discussion ensued and the verbiage was agreed to read, “Proof that the applicant has not been subject to disciplinary action or monitoring of any kind by any state in which he or she is or has previously received professional or vocational licenses.”

Ms. DiFrancesco suggested revising Section 1917(f) to strike “~~administration of~~” prior to “nitrous oxide and administration of...”

Section 1922 shall read, “The committee shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and ethics required by the committee, completes an application form and pays all fees required by the committee, and who meets either of the two of the following:

- 1922 (c) is struck as the verbiage was included in 1922, above.
- 1922 (2) add “or regional” after “national” and strike “~~council on postsecondary accreditation or the~~” so it would read, “...that is accredited by a national or regional accrediting agency recognized by the United States Department of Education, and a...”

Ms. DiFrancesco proposed adjusting Section 1926.3 after “facility.” to read, “The owner or operator of the mobile dental hygiene clinic or unit shall be registered, operated in accordance with regulations established by the committee, provided these regulations are not designed to prevent or lessen competition in service areas, and shall pay the fees established by the committee.”

Ms. Lee suggested amending Section 1930 to read, “A registered dental hygienist in alternative practice shall provide to the committee documentation of an existing relationship with at least one California licensed dentist, physician, or surgeon for referral, ~~consultation, or emergency services~~. Ms. Hurlbutt objected and reported that she believes that this language should remain as is. No changes were adopted.

Ms. Lee asked that staff review 1927 (b) and 1929 (a) and insure that there is no conflict in language.

The following changes were suggested:

Section 1950.5(m) ...requirements, ~~of Section 1656~~ as determined by the committee.

Section 1950(z) thereby risking transmission of ~~bloodborne~~ infectious diseases...”

Section 1944 (a)(6) The biennial renewal fee shall not exceed ~~eighty dollars (\$80).~~ two hundred fifty dollars (\$250).

Section 1944 (a)(1) The application fee for an original license shall not exceed ~~twenty dollars (\$20). two hundred fifty dollars (\$250). On and after January 1, 2010, the application fee for an original license shall not exceed fifty dollars (\$50). Two hundred fifty dollars (\$250).~~

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...

Ms. Lee suggested that Section 1966(a), (b) reflect the option to establish the diversion committee rather than mandating its existence to allow flexibility in resource and time allocation, given the current economic climate and the Sunset review process scheduled for 2013. She suggested the following:

- Section 1966 (a) ...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.~~
- Section 1966 (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.
- Section 1966.1 (a) The committee ~~shall~~ may establish...

It was m/s/n (Lee/DiFrancesco) to accept the modifications to 1966(b) and 1966.1(a). The motion failed 3-3-0.

Ms. Hurlbutt supports leaving all statutes supporting diversion remain as it is and supported it being mandatory and not optional.

Ms. Galliano, CHDA, mentioned that diversion is a hot topic and this cleanup language is "going far beyond" cleanup. An author may look at this bill and have to defend the changes as well as push through the cleanup legislation. She added that her opinion is that diversion should be added in a separate bill.

Maureen Titus, CDHA, believes that diversion is a very important subject for the protection of the public and believes the words "shall" should remain and the "may" substitutions weaken the language.

Ms Dawson, CDHA, feels that diversion is an avenue that the DHCC should work toward as a public safety issue and by supporting diversion, the DHCC would be looking at the best interest of the residents of California.

Ms. Hubble spoke to the diversion language and mentioned that she suggested leaving the diversion portion alone and that having two bills is a better solution as well as a greater challenge. A cleanup bill can move forward and a diversion bill may be proposed in addition to the cleanup language.

Ms. DiFrancesco wanted the “mays” included in the language to give future DHCC committee members more flexibility regarding implementing diversion and they will not be “boxed in” to a legislative path.

Ms. Kirchmeyer lectured on cleanup language and advised much of the information included in the current DHCC proposal is a bill that will be discussed and will not go forward as an omnibus bill. Changes have been made to the entire B&P code and this is simply not simple cleanup language. It is advised to remove any highly controversial additions to the language before pushing the legislation forward.

Mr. Calero recapped that the DHCC will be working with many stakeholders including consumers, professionals, and our colleague in the regulatory field, including the Dental Board. The DHCC looks forward to working with everyone to make this a success and to do what’s best for all parties including the consumers involved.

The meeting recessed for 15 minutes and returned to discuss DHCC Regulations.

Regulations

Mr. Calero motioned to approve the proposed regulatory language and move it through the regulatory process. Discussion ensued.

Ms. Hurlbutt asked that staff create a definition for “Act” to refer to “the act of governance and practice of dental hygiene.”

Ms. DiFrancesco asked to add “is” to 1100(s) “...to the pocket wall, which is not subgingival curettage ~~is-referring to the procedure...~~”

Ms. Hurlbutt reminded committee members that staff will be going through all of these regulations and double checking authorities cited and adding authorities cited where needed. Staff will insure all those areas are covered.

Ms. Lee discussed schools’ accreditation and does not feel that the DHCC is an educational oversight committee for the Commission on Dental Accreditation (CODA) or other commissions. She proposed regarding Section 1104(c) ...A new educational program for registered dental hygienists must submit a feasibility study 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.

Ms. Hurlbutt noted a typo in that the words “blood borne” placed before “Infectious Disease” will be removed throughout the document by staff. She also addressed additional typographical errors and will be adding “soft tissue” to the following: 1107 Approval of RDH Course(s) in Local Anesthesia, Nitrous Oxide-Oxygen Analgesia and Gingival Soft Tissue Curretage.

In regards to Section 1104(c) Ms. Lee and the committee discussed “feasibility study” and whether or not the DHCC should or should not view a feasibility study before or after the CODA evaluation to accredit a new hygiene school.

Mr. Calero asked if the DHCC had ever denied a school.

Ms. Hurlbutt responded that the DHCC has not, but to consider that the DHCC is a very new committee and there are provisions in further regulation to hire staff to evaluate and approve or deny new dental hygiene programs in California.

Mr. Calero stated that the regulations are written to allow the DHCC to review the feasibility study before CODA does.

Ms. Hurlbutt noted that it was up to the state to look at the feasibility study and CODA only required that one be submitted.

Ms. DiFrancesco asked if CODA reads the feasibility study, but the DHCC would evaluate the feasibility study and approve or deny the new school based on that feasibility study.

Ms. Galliano added that the regulations should be left as proposed. She reasoned that in order for a new school to develop, it is important for the committee to look at the feasibility study. She felt that the committee was looking at the feasibility study in a negative light. Ms. Galliano felt that the committee needed to look at it positively and help the program to determine whether or not they meet the needs of the consumer and protecting the public. She stated that CODA was/is not concerned with consumer protection or the impact of the program on the public. She feels that is the job of the DHCC. CODA looks at the program and evaluates programs to meet the standards of the DHCC. It is the DHCC's job to work with the proposed program and help them assess whether or not that program meets the needs of the consumer in California before the proposed school undergoes the extensive approval process with CODA. Ms. Galliano expressed that she would be very upset if a (her) school went through the entire evaluation process before discovering the DHCC found something in their feasibility study that would cause denial of approval for the proposed program.

Mr. Calero understands the committee's role in program approval is to ensure that the curriculum produces a competent professional. He asked how does the feasibility study ensure that the curriculum ensures a competent professional? He understands the financial benefit of the feasibility study, but how can the committee approve or deny a school when there may be an existing school directly across the street.

Ms. Hurlbutt expressed that the DHCC should be part of the approval process of educational approval in this state. Legal counsel added that there may be some issues with demanding that a proposition and feasibility study comes through DHCC before being forwarded to CODA. Legal counsel suggested that there may be ways to address in regulation that the evaluation by the DHCC is a benefit to the proposed school's process.

Ms. Kirchmeyer discussed 1905 of the B&P code. She thinks the DHCC may be putting the cart before the horse because DHCC is seeking legislation to maybe approve a CODA school. As DHCC regulations move forward to OAL, if our verbiage has not been amended to read "may approve a CODA school" (from "shall") the DHCC will not have the authority to deny a school if approved by CODA.

Ms. Hurlbutt rebutted that the DHCC has the right to look at the feasibility study and is not stopping the approval process.

Legal counsel Marks added that it may cause problems if DHCC requires that a proposed school program proposition must come to DHCC before sending their approval to an approval agency outside of DHCC that is independent of the DHCC – when they have the right (according to the way our regulations are currently written) to apply for approval from an independent agency.

Ms. Galliano stated that CODA will evaluate the regulations, first, to ensure that the proposed educational program meets these requirements. CODA will then read the feasibility study. CODA wants to meet the legal requirements before continuing through the approval process.

Ms. Hubble added that the language needs to be rewritten as suggested by legal counsel. There are administrative issues with the application process:

- What is required to be supplied to DHCC?
- The DHCC requires an application. What needs to be part of the application in regards to the feasibility study?
- Does the program meet curriculum requirements?
- What will be the DHCC's process for approval and denial of the feasibility study?

Ms. Lee mentioned that the criteria and a definition of a feasibility study would need to be specified.

Ms. Hurlbutt rebutted that the feasibility is defined by CODA and the DHCC will not be able to adjust what is included (or not) in the feasibility study. She also posed the questions:

- Should the DHCC review the feasibility study as part of the approval process?
- Should the DHCC review the feasibility study as part of the new DHCC approval process? She then suggested removing lines from our regulation.

Ms. Galliano reiterated that it is the DHCC's job to approve schools. She stated that not approving schools is shirking one of DHCC's jobs, as delegated to the DHCC by the legislature in the bill that created the DHCC. In the past she tried to acquire a feasibility study to evaluate, but there is an expensive CODA cost associated with its acquisition and a feasibility study was not acquired.

Mr. Calero suggested that the first sentence of 1104(c) ends with the word "Committee."

Ms. Hurlbutt asked that an adjective be added before the word "feasibility."

Ms. Lee was comfortable with either her amendment (replacing "prior to" with "after") or Mr. Calero's suggestion of ending the sentence with the word, "Committee."

Ms. Hurlbutt noted that there are two versions and wanted to vote on them, starting with replacing "prior to" with "after."

It was m/s/n (Hurlbutt/DeLaRoi) to replace "prior to" with "after." The motion failed.

It was m/s/c (Calero/DeLaRoi) to end the first sentence of section 1104(c) with "Committee."

The motion passed (3/2/1)

Ms. Hurlbutt recommended that in section 1116(e) and (f) to remove “~~Administration of.~~” In 1106(h) remove “~~Formation of.~~” In section 1106(i) and (j) remove “~~Delivery of.~~” The committee agreed that these changes be made.

Ms. Hurlbutt identified typographical errors in section 1118(a)(1) “soft tissue gingival curettage” will be replaced with “gingival soft tissue curettage” and has recommended that staff edit the entire document for consistency. She also asked for the removal of “~~local~~ administration anesthesia” in the 1118(a)(2) in the second-to-last line.

Mr. Salute noted to adjust in section 1118(b)(1) to read “...in the amount of \$100,000 for a single occurrence and ~~\$300.00~~ \$300,000.00 for multiple...”

Ms. Hurlbutt asked to edit and add commas in section 1125(e) “...that the examinee, at a minimum, shall provide...” She also mentioned, at the recommendation of legal counsel, it was advised to remove “~~Dental Board or~~” from the entire section of 1134.

Ms. DeLaRoi noticed that section 1135(b)(1)(b) to remove “~~Dental Practice Act [Division...~~”

Ms. Hurlbutt asked that staff identify areas where act was incorrectly used.

Ms. DiFrancesco noted sections 1138.1 to 1138.2 and made a note to leave 1138.1 and 1138.2 open for future use.

Mr. Salute suggested that in section 1138.3(b) to change “...copies of documents within...”

Ms. Standley, CDHA, asked if regarding section 1135(b)(1)(B), “Was there any intention of including “domestic abuse” in this section?”

Mr. Salute added that this section is related to mandatory reporting and the committee had reached a consensus that hygienists are required to report domestic abuse.

Ms. Hurlbutt added that the correct terminology will be added/used in this section.

It was m/s/c (Calero/DiFrancesco) that the committee approve the proposed regulatory language as amended with staff making non-substantive changes and to move through the regulatory process. The motion passed unanimously.

Ms. Dawson added that as health care providers, dental hygienists are mandated reporters for domestic abuses to local law enforcement and are required to report elder abuse to the Adult Protective Services. Ms. Dawson could not provide a citation for this information.

12. Education and Outreach Subcommittee Report

Ms. Chen Fujisawa, Chair, reported that the subcommittee met on Sunday, December 5, 2010. The subcommittee approved the meeting minutes from the previous meeting on September 27, 2010.

They reviewed the statistical information regarding DHCC website hits, geographical origin, and frequency. Tracking this data will help to identify where people are going to most so that DHCC can provide the most up to date information to them. The outreach calendar for 2011 was presented.

Ellen Standley of CDHA has extended an invitation to the DHCC to attend an event in the fall of 2011 and the invitation will be forwarded to the Ms. Hubble, DHCC's Executive Officer for evaluation.

Also, Ms. Chen Fujisawa reported on a clinical exam that she observed at UCSF. She thanked Ms. DiFrancesco and Hubble for their insights on the exam process and expressed how impressed she was with the exam process and the level of professionalism shown.

It was m/s/c (Chen Fujisawa/Calero) to accept and approve the Education and Outreach Subcommittee report. The motion passed unanimously.

13. *Licensing and Examination Subcommittee Report*

Ms. Hurlbutt, Chair, reported that the subcommittee met on Saturday, December 4, 2010 and had a fruitful and long day. They reviewed licensure and clinical and written exam statistics.

They looked at alternative methods to administer the Law and Ethics written exam and reviewed the reference materials used for the development of the RDH, RDHAP, Law and Ethics written exams. The subcommittee recommended at this time not to consider sections 1107 and 1108 regarding the administration of nitrous oxide, local anesthesia and soft tissue curettage.

The subcommittee met in closed session with the RDH clinical examiners to discuss and review examination procedures, forms, grading criteria, grade sheets, examiner performance, and examination calibration issues.

It was m/s/c (Hurlbutt/Calero) to accept and approve the Licensing and Examination Subcommittee report. The motion passed unanimously.

14. *Enforcement Subcommittee Report.*

Mr. Calero, Chair, reported that the Enforcement Subcommittee met on Sunday, December 5, 2010, and approved the September 27, 2010 meeting minutes, reviewed enforcement statistics, discussed consideration of a peer review system, reviewed proposed recommendations with regard to CPEI to improve the enforcement process and recommended that the full committee begin the regulatory process with respect to those regulatory sections to be included in the regulatory package reviewed this afternoon.

It was m/s/c (Calero/DeLaRoi) to accept and approve the Enforcement Subcommittee report. The motion passed unanimously.

16. *Annual Election of Officers*

Ms. Hubble opened discussion for recommendations regarding the annual election of officers for 2011.

It was m/s/c (Chen Fujisawa/DeLaRoi) for the election of officers as follows:

- President: Rhona Lee
- Vice President: Alex Calero
- Secretary: Cathy DiFrancesco.

The motion passed unanimously.

17. *Proposed 2011 Meeting Schedule*

Ms. Hubble proposed the following 2011 meeting dates:

- April 28 and 29 Los Angeles area
- August 29 and 30 San Diego
- December 11, 12, 13 Sacramento.

She noted that scheduling three meeting days in Sacramento, including the evaluation of exam performance issues, made this weekend a long one.

Ms. Chen Fujisawa asked if any training was scheduled for the committee as had been scheduled in July of 2010.

Ms. Hubble replied that she was not aware of any scheduled training.

Ms. Galliano asked why the 2010 December meeting was scheduled a week later this year than in previous years, as it makes educator's schedules complicated, given finals week.

Ms. Hubble responded that there is an extensive amount of work to be completed before a committee meeting and the extra week of preparation after the Thanksgiving holiday relaxes some of the staff's enormous workload relative to the abbreviated Thanksgiving week schedule.

Other weekends were proposed and discussed and the original proposed dates were voted upon as they were originally presented.

Ms. Standley concurred with Ms. Galliano and expressed similar scheduling difficulties.

It was m/s/c (Hurlbutt/ DiFrancesco) to move to accept the dates as presented by staff for the next committee meetings. No discussion ensued. The motion passed unanimously.

18. *Future Agenda Items*

Mr. Calero mentioned that the staff evaluates performance measures relative to enforcement and reports.

Ms. Chen Fujisawa asked if we could use digital documents and make changes in real-time as we discuss them.

Ms. Dawson asked that the Dental Board be invited to our meetings as an agenda item.

Ms. Hubble has extended in the past and will continue to do so in the future, to invite the Dental Board to the DHCC meetings.

Ms. Standley stated she was pleased to watch the progress of the committee and she appreciated the long hours that have been put in. She appreciated the current website updates and the ability to download the current meeting materials prior to the meetings. She wanted to extend a thank you from the consumers, licentiates, and students.

Ms. Lee thanked all who have contributed over the past year and applauded the successes of the DHCC's first year.

There was no further public comment.

The meeting adjourned at 5:56 p.m.