



**Monday, December 6, 2010**

**Dental Hygiene Committee of California  
Agenda**

**Agenda Item 3**

Approval of September 28, 2010, Minutes

**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**

**Minutes - DRAFT**

**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 cultural and linguistic competency to be included within the education guidelines for dental hygienists. Ms. DiFrancesco commented on her support of linguistic competence. This issue is about health and better health can be provided with a greater level of cultural and 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 has been travelling on their own expense and has continuously gone above and beyond the call of duty to maintain progress. Ms. Lee presented a small gift to the DHCC staff for their contributions to the DHCC 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 touched on the DHCC customer satisfaction survey the DHCC is working in increasing the quantity of responses.

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.

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 software solutions now in place within DCA.

Ms. Hubble updated the DHCC testing schedule for the remainder of the year. Exams are being conducted at UCSF this upcoming weekend and Loma Linda toward 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. The benefit of taking an exam as such is to 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 on projects and updates occurring within DCA; and overview. 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 did state 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 and also is measuring performance measurements. This info will be reported to the departments after October 15. This information is transparent and will be publicly available. Ms. Kirchmeyer is very excited to replace the antiquated equipment at the state 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 is m/s/c (motion/second) nays and abstention listed. m/s/c (Wong/Hurlbutt) to list m/s/c and those who recused themselves. Motion does not carry. Legal counsel advised if a member recuses themselves, they must indicate who and their rationale for the recusal.

m/s/c (Hurlbutt,DiFrancesco) moves that our minutes reflect the first and second of a person that did the motion as well as whether the motion was carried – so something to the effect of m/s/carried or m/s/failed and only those who recuse themselves be listed by name. Motion fails.

m/s/c (Wong/DeLaRoi) Motion on the floor to go ahead and put the mover of the motion, the second, the nays and abstentions listed and then – by law – must include the recusers and their rationale. Motion carries 3-2. Mr. Calero abstained.

m/s/c (DeLaRoi/DiFrancesco) to approve minutes with corrections. Passes 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.

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

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

**9. Health Workforce Pilot Project #172**

Ms. Hubble spoke about the pilot project is, its scope of practices, and skills required to complete. The project is on the director's desk, now, pending approval. Some of the Dental Board members are concerned that the patients

may feel pain as anesthetics are not used and that the patient consent form needs some additions. Another concern posed by the Dental Board is if an emergency were to occur, how would the patient get emergency care?

Ms. Hurlbutt suggested sending a letter to OHSPD 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 selective the patient selection is and that there is very little room for complication; the pilot is very well thought out. There are 9 areas in California where this pilot will take place.

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 a technology in its infancy and it has its limitations. The skill and ability background educational experience 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 an alternate position to inform of what the Committee is deciding upon without giving her position.

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 takes 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. Carries 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 doesn't have a budget to show. Ms. DiFrancesco thanked 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). This was a consensus between DHCC and DBC with this document and all of the recommendations made by the DHCC were adopted by the DBC. 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 and packaged or wrapped upon completion of the disinfection process. in the form of package or being wrapped before sterilization if they are not to be used immediately after being sterilized. 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 [redacted] shall be packaged or wrapped [redacted] 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 passed unanimously.

## **13. Education and Outreach Subcommittee Report**

Ms. Chen Fujisawa stated the Education and Outreach Subcommittee met on 9/27 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 passed unanimously.

## **14. Licensing and Examination Subcommittee**

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 looked

at 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 passed unanimously. 5 yeas. 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 accepted the Disciplinary Guidelines and SB 1441 Standards unanimously 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, he 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 is unanimous and carries.

## **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 bill 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 recommends that staff carry over bills listed from previous DHCC meeting and track some of 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 begin the fifteen notice to move forward with the regulatory process as soon as possible.

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





**Monday, December 6, 2010**

**Dental Hygiene Committee of California  
Agenda**

**Agenda Item 5**

Executive Officer's Report



## MEMORANDUM

DATE	December 6, 2010
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	<b>Agenda Item 5 – Executive Officer Report</b>

### **Personnel**

Nichole Johnson recently left the DHCC to take maternity leave for one year. Ms. Johnston was responsible for licensing and examinations. Staff is working on a plan to temporarily replace her as she is expected to return on December 1, 2011.

### **Furlough Scheduling**

Beginning with the November 2010 pay period, all employees at DHCC are subject to a one day "self-directed" furlough. Each employee can choose which day to take off each month, subject to supervisor approval.

### **Operations Report**

At this time, the Dental Hygiene Committee has no work back-log to report.

### **Activities Attended**

- October RDH Clinical examinations held at University of California, School of Dentistry and Loma Linda University, School of Dentistry.
- November 4 & 5, 2010 – Dental Board Meeting

### **Director Telephone Communication Sessions**

- October 12, 2010
- November 9, 2010

Michelle Hurlbutt, Vice President and I attended the above-listed session via teleconference. Attached are the meeting notes.

### **Update on Dental Board Infection Control Regulation**

The Dental Board responded to comments received during the 45 day comment period. They responded to comments received from the DHCC and various interested parties. The Dental Board accepted all of DHCC's submissions and revisions.



DCA Director and Board/Committee  
Communication Session  
NOTES

Tuesday, October 12, 2010  
9:00 a.m. – 10:00 a.m.  
Conference Call



DCA Attendees:

Brian Stiger, Kimberly Kirchmeyer, Paul Riches, Janice Shintaku-Enkoji for Pam Wortman, & Erica Cano

Boards and Committees (Board/Committee President/Chair and Executive Officer) attendees:

Dr. John Bettinger, Elise Froistad, Barbara Yaroslavsky, Dr. Lee Goldstein, Dr. Geraldine O'Shea, Steven Klompus, Dr. Richard Sherman, Jeannine Graves, Lisa O'Connor, John Vertido, Dr. Terri Becker, Janelle Wedge, Lori Hubble, Linda Whitney, Francine Davies, Heather Martin, Dr. Donald Krpan, Virginia Herold, Steve Hartzell, Jim Rathlesberger, Louise Bailey, & Stephanie Nunez

Budget Update – Janice Shintaku-Enkoji

- DCA's Budget Officer, Janice Shintaku-Enkoji provided everyone with an update on the budget
- We now have a budget so the boards can resume their normal purchasing
- The budget will include reductions in personal services for state agencies:
  - o Workforce cap plan – reduction to overall personal services budgets
  - o Personal Leave Program (PLP) – one unpaid leave day per month for 12 months which equates to a 5% employee compensation reduction
  - o State workers will also contribute an additional 3% to their pension benefits
  - o Furlough Days (9 that we had between August and October 2010)

CPEI Exemption Requests – Brian Stiger

- e An exemption was submitted to agency for the enforcement positions
- Currently the exemption request is at agency for review
- Internal transfer guidelines will be sent out to all EOs.

Maximus Drug Testing – Paul Riches

- The Department is continuing to work with Maximus to verify exactly how far back the errors were occurring with the cutoff detection levels in the drug testing of licensees participating in the diversion/recover programs
- The Department has been meeting with the Diversion Program Managers to come up with more ideas on how to strengthen the program to ensure this does not happen again
- The Department encourages boards that do not have a contract to conduct drug testing to use the department-wide contract with Phamatech, Inc.
- The Department will send out the article that was in the LA times regarding the errors that occurred with the drug testing

#### Meeting Protocols – Kimberly Kirchmeyer

- Board meeting protocols for open session were sent out to the Board Presidents & EOs
- Legal Affairs is working on a protocols document for closed session meetings

#### Healthcare Workforce Statistics – Brian Stiger

- Brian Stiger is sitting on the Health Workforce Development Council
- This council is tasked with increasing primary healthcare providers by 25% over the next 10 years
- Currently we do not have an accurate count on the number of providers that we have in the system.
- The Medical Board, the Board of Registered Nursing, and the Dental Board have all been surveying their licensees and we are hoping to do the same thing department wide in order to get the numbers
- Next month's conference call (11/9/10) will be devoted to this topic
- The Department will be sending out a copy of the survey that the Medical Board is currently using

#### Best Practices – Board Member Success

- What do you do in order for your board members to be successful?
- Empower your board members and don't micromanage them
- Ask board members to chair projects / committees
- Make sure public board members are included and provide them with the information / knowledge to be involved
- All boards should have a Board Member Administrative Manual / Board Member Administrative Procedure Manual
- EO / President share information if a board member is not following procedures
- Have the board attorney write a letter to all board members regarding the issue in order to remind all board members of what they should / should not be doing
- Review best practices as a board on an annual / bi-annual basis
- Use legal counsel as a resource and they should be there to intervene when it is necessary

#### Future Agenda Items

- The next call will be on Tuesday, November 9<sup>th</sup> from 9:00 AM – 10:00 AM



DCA Director and Board/Committee  
Communication Session  
NOTES

Tuesday, November 9, 2010  
9:00 a.m. – 10:00 a.m.  
Conference Call



**DCA Attendees:**

Brian Stiger, Bill Young, Pam Wortman, Cindy Kanemoto & Erica Cano

**Boards and Committees (Board/Committee President/Chair and Executive Officer) attendees:**

Robert Brewer, Richard DeCuir, Linda Whitney, Barbara Yaroslavsky, Francine Davies, Mary Evert, Dr. Lee Goldstein, Stan Weissner, Dr. Sara Takii, Steven Klompus, Dr. Richard Sherman, Jeannine Graves, Larry Renner, Annemarie DelMugnaio, Lisa O'Connor, Todd D'Braunstein, Susan Geranen, Dr. Terri Becker

**Budget Letter – Bill Young**

- Budget Letter 10-31 from the Department of Finance is intended to be a work plan reduction to personal services allocation
- This budget letter is a part of the budget reduction plan
- This will be a permanent ongoing reduction to personal services

**Exemption Requests – Bill Young**

- Agency recommended that we propose overtime requests
- CPEI exemption request was denied at the Governor's Office
- The exemption requests that have been approved have been for licensing & exams
- One of the boards indicated that they have a large workload for licensing & renewals
  - o DCA mentioned that OIS currently has an application that can be used for online license renewals that can be utilized until BreEZe is completed and running
- The Medical Board asked if the denied BCPs will be included in the transition binder. DCA stated that they did not include the denied BCPs in the transition binder
- DCA said they will have a conversation with the EOs regarding what is included in the transition binder

**Healthcare Workforce Statistics – OSHPD**

- Angela Minnifield, Deputy Director of the Healthcare Workforce Development Division and Senita Robinson, Chief of the Research, Policy and Planning Section were at this meeting to give a presentation on the Healthcare Workforce Clearinghouse Program
- The Clearinghouse was established to collect, analyze, and distribute information on the educational and employment trends for healthcare occupations in the state
- The Clearinghouse will help identify education and employment trends and demands which will better identify where healthcare workers are needed
- This data will help form policy decisions and determine where federal grant dollars are distributed
- OSHPD is asking the DCA Healing Arts Boards for their support in collecting this information
- OSHPD is planning on going live with their data in June 2012
- OSHPD offered to work with the boards to help them develop and customize a template survey for their licensees in order to obtain the information (the survey needs to include the practice locations(s))
- The boards will have access to the data that OSHPD is collecting

- Cindy Kanemoto, Chief for Licensing & Job Creation will be working with the Boards to obtain the data

#### DCA Action Items

- DCA will have a conversation with the EOs regarding what is included in the transition binder
- DCA will send out the draft survey that the Medical Board is currently working on
- Continuing Competency will be an agenda item for the next meeting



**Monday, December 6, 2010**

**Dental Hygiene Committee of California  
Agenda**

**Agenda Item 9**

Update on Pending Regulations



## MEMORANDUM

<b>DATE</b>	December 6, 2010
<b>TO</b>	DHCC Committee Members
<b>FROM</b>	Traci Napper, Legislation and Regulations Analyst
<b>SUBJECT</b>	<b>Agenda Item 9 – Update on Pending Regulations</b>

A verbal report will be given.





**Monday, December 6, 2010**

**Dental Hygiene Committee of California  
Agenda**

**Agenda Item 10**

Newly Proposed Cite and Fine Regulations



## MEMORANDUM

<b>DATE</b>	December 6, 2010
<b>TO</b>	DHCC Committee Members
<b>FROM</b>	Shirley Moody, Enforcement Dental Hygiene Committee of California
<b>SUBJECT</b>	<b>Agenda Item 10 Newly Proposed Cite and Fine Regulations</b>

### Background

At the September 27, 2010 Committee meeting the members accepted the proposed cite and fine language with minor changes and pending additional language from legal council. The changes have been made and are noted in red.

The California Code of Regulations Title 16, Sections 1139 through 1144 outlines the process and criteria for the Dental Hygiene Committee of California to issue a citation and levy a fine for infractions of the laws governing hygiene.

The language provide by legal council for Section of the Business and Professions Code:

#### Business and Professions Code 1142(f)

(f) If a cited person wishes to contest an affirmed or modified citation, the cited person shall, within 30 days after service of the citation, contest the affirmed or modified citation by submitting a written request for an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, to the executive officer or his or her designee. An informal citation conference shall not be held on affirmed or modified citations.

Attached are the proposed regulations for your consideration.

## **ARTICLE 11. CITATIONS AND FINES**

### **§1139. Issuance of Citations and Fines.**

(a) The Executive Officer of the Committee or his or her designee may issue a citation containing an order to pay a fine between \$100 and \$5,000 and an order of abatement against a licensee for any violation of the Act or the California Code of Regulations Article 11 of the Business and Professions Code or any laws governing the practice of dental hygiene. A citation may be issued without the assessment of a fine, when determined by the Executive Officer or his or her designee.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the law or regulation alleged to have been violated.

(c) The citation shall be served upon the cited person either personally or by certified United States mail.

### **§1140. Criteria to be Considered.**

In the issuance of any citation, the following factors shall be considered:

(a) Nature and severity of the violation.

(b) Length of time that has passed since the date of the violation.

(c) Consequences of the violation, including potential or actual patient harm.

(d) History of previous violations of the same or similar nature.

(e) Evidence that the violation was willful.

(f) Gravity of the violation.

(g) The extent to which the cited person has remediated any knowledge or skill deficiencies which could have injured a patient.

### **§1141. Citations for Unlicensed Practice.**

The Executive Officer or his/or her designee may issue a citation against any unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the Committee and who is not otherwise exempt from licensure. Each citation may contain an order of abatement fixing a reasonable period of time for an abatement and an order to pay a fine not to exceed \$5,000 for each occurrence of a violation. Any sanction authorized for activity under this section shall be separate from and in addition to any other administrative, civil or criminal remedies.

### **§1142. Contested Citations.**

(a) The citation shall inform the licensee that if his /or her desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the Committee within 30 calendar days of the date of issuance of the citation. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing provided for in subdivision (a) of this section, the cited person may, within 14 calendar days after service of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer or his /or her designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited and/or his/her legal counsel or authorized representative.

(d) The Executive Officer or his /or her designee may affirm, modify or dismiss the citation, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his/her legal counsel, if any, within 14 calendar days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued.

(e) If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in his /or her discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

(f) If a cited person wishes to contest an affirmed or modified citation, the cited person shall, within 30 days after service of the citation, contest the affirmed or modified citation by submitting a written request for an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, to the executive officer or his or her designee. An informal citation conference shall not be held on affirmed or modified citations.

#### §1143. Compliance with Citation/Order of Abatement.

(a) ~~Orders of abatement may be extended for good cause.~~ If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his /or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the Executive Officer or his /or her designee in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When a citation or order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation within the time allowed or pay the fine that is imposed, if one was, shall constitute a violation and a failure to comply with the citation or order of abatement. 49

(c) Failure to timely comply with an order of abatement or pay a fine that is imposed is unprofessional conduct and may result in disciplinary action being taken by the Committee.

#### §1144. ~~Notification to Other Boards and Agencies~~ Disclosure.

~~The issuance and disposition of a citation shall be reported to other professional regulatory agencies.~~ A licensee's compliance with an order of abatement or payment of a fine based on the finding of a violation may only be disclosed to the public as satisfactory resolution of the matter.

Note: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.



**Monday, December 6, 2010**

**Dental Hygiene Committee of California  
Agenda**

**Agenda Item 11**

Budget Report



<b>DATE</b>	December 6, 2010
<b>TO</b>	DHCC Committee Members
<b>FROM</b>	Traci Napper, Budget Analyst Dental Hygiene Committee of California
<b>SUBJECT</b>	<b>Agenda Item 11 - Budget Report</b>

Attached is DHCC's Budget Report. DHCC's budget report is a projection. Please be advised that projections can be based on prior years spending, straight line expenses or a combination of both.

**DHCC operational highlights are:**

The Governor directed departments to take immediate steps beginning March 1, 2010 to cap the statewide workforce by 5 percent. This "Workforce Cap" is permanent and will decrease the base funding level amount for 2010-11 and ongoing. Since February 1, 2010, all departments have been submitting monthly updates to their plans for achieving the "Workforce Cap".

In accordance with instructions provided, the reduction targets could be achieved through abolishing vacant positions, capturing savings from attrition, implementing layoffs, reclassifying existing positions to lower cost classifications, reducing overtime expenses, or a combination of these approaches.

**Listed below are acronyms as seen in the attached reports:**

- BCP – Budget Change Proposal
- FY – Fiscal Year
- PY – Positions per year
- OEE – Operating expenses and equipment
- DOI – Department of Investigations
- OIS – Office of Information Services
- FC – Fund Condition
- AG – Attorney General

This item is informational only.



**Monday, December 6, 2010**

**Dental Hygiene Committee of California  
Agenda**

**Agenda Item 16**

**Annual Election of Officers**



## MEMORANDUM

<b>DATE</b>	December 6, 2010
<b>TO</b>	DHCC Committee Members
<b>FROM</b>	Lori Hubble, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 16 – Election of Committee Officers</b>

Section 1903 (c) of the Business and Professions Code requires the Committee to elect a president, vice president, and secretary from its membership.

In March 2010, the Committee adopted a policy to annually elect a President, Vice President and Secretary.

### PRESIDENT

Nominated \_\_\_\_\_

### VICE PRESIDENT

Nominated \_\_\_\_\_

### SECRETARY

Nominated \_\_\_\_\_





**Monday, December 6, 2010**

**Dental Hygiene Committee of California  
Agenda**

**Agenda Item 17**

Proposed DHCC 2011 Meeting Calendar



## MEMORANDUM

<b>DATE</b>	December 6, 2010
<b>TO</b>	DHCC Committee Members
<b>FROM</b>	Lori Hubble, Executive Officer Dental Hygiene Committee of California
<b>SUBJECT</b>	<b>Agenda Item 17: Proposed 2011 Meeting Calendar</b>

The following are proposed 2011 meeting dates:

April 28 and 29, 2011 ..... Los Angeles

August 29 & 30, 2011 ..... San Diego

December 11, 12, & 13, 2011 ..... Sacramento

Attached is a calendar for your reference.

# 2011 Dental Hygiene Committee of CA

Proposed DHCC Meeting, Los Angeles – April 28, 29, 2011

Proposed DHCC Meeting, San Diego – August 29, 30, 2011

Proposed DHCC Meeting, Sacramento – December 11,12,13, 2011

RDH Orientation and Exam, UCSF – March 5-6, 2011

RDH Orientation and Exam, USC – June 11-12, 2011

RDH Orientation and Exam, UCSF – July 16-17, 2011

RDH Orientation and Exam, USC – July 23-24, 2011

RDH Orientation and Exam, UCSF – October 1-2, 2011

RDH Orientation and Exam, LLU – October 22, 23, 2011

Dental Board Meetings – 2011

Feb 24,25 – San Diego May 19, 20 – SF Aug 11,12 – Sacto - Nov 7, 8 - LA

CDA Convention, Anaheim – May 12-15, 2011

CDA Convention, San Francisco – September 22-24, 2011

RDH Instrumentation Course/Sub-Committee Meeting – January 2012

CDHEA Meeting, Long Beach– January 28-30, 2011

CDHA Scientific Session, Anaheim – May 13, 2011

CDHA House of Delegates Meeting, Anaheim – June 4-5, 2011

ADHA Annual Session, Nashville,TN – June 15-21, 2011

Holiday – New Years Day – January 1, 2011

Holiday – Martin Luther King Jr. Day – January 17, 2011

Holiday – President's Day – February 21, 2011

Holiday - Cesar Chavez Day – March 31, 2011

Holiday – Memorial Day – May 30, 2011

Holiday – Independence Day – July 4, 2011

Holiday – Labor Day – September 5, 2011

Holiday – Veterans Day – November 11, 2011

Holiday – Thanksgiving Day & Day After – November 24-25, 2011

Holiday – Christmas Day – December 25, 2011

January

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December

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**Monday, December 6, 2010**

**Dental Hygiene Committee of California  
Agenda**

**Agenda Item 19**

**CLOSED SESSION**