



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda
Agenda**

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



Notice is hereby given that a public meeting of the Dental Hygiene Committee of California will be held as follows:

Tuesday, December 13, 2011

9:00 A.M.

**Evergreen Hearing Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815**

AGENDA

The DHCC welcomes and encourages public participation in its meetings.
The public may take appropriate opportunities to comment on any issue before the Committee at the time the item is heard.

9:00 a.m. Dental Hygiene Committee of California – Full Committee

1. Roll Call/Establishment of Quorum
2. Ethical Decision Making – presentation by Norine Marks
3. Public Comment for items not on the agenda
4. Approval of the April 29, 2011, Meeting Minutes
5. President's Report
6. Executive Officer's Report
7. Budget Report
8. Strategic Plan – informational only
9. Update on the Office of Statewide Health Planning and Development (OSHPD) Health Workforce Pilot Project (HWPP#172)
10. Annual Election of Officers
11. Proposed DHCC 2012 Meeting Calendar
12. Regulations Update, Review and Action as Necessary
 - a. DHCC Uniform Standards related to Substance Abuse and Disciplinary Guidelines – §1138, Title 16 California Code of Regulations
 - b. Cite and Fine - §1139-1144, Title 16 California Code of Regulations
 - c. Sponsored free health care clinics -§ 1149-1153, Title 16 California Code of Regulations

13. Statutory Update, Review and Action as Necessary
14. Committee Member Administrative Procedure Manual – Review and Update as Necessary
15. Enforcement Subcommittee Report
The Committee may take action on any items listed on the attached Enforcement Subcommittee agenda
16. Legislation and Regulation Subcommittee Report
The Committee may take action on any items listed on the attached Legislation and Regulation Subcommittee agenda.
17. Licensing and Examination Subcommittee Report
The Committee may take action on any items listed on the attached Licensing and Examination Subcommittee agenda.
18. Education and Outreach Subcommittee Report
The Committee may take action on any items listed on the attached Education and Outreach Subcommittee agenda.
19. **Closed Session**
Evaluate the Performance of the DHCC's Executive Officer
The Committee will meet in closed session as authorized by Government Code Section 11126 (a) (1).
20. **Closed Session**
The Committee may meet in closed session to deliberate on disciplinary matters pursuant to Government Code §11126 (c) (3)

Return to Open Session

21. Adjournment

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at www.dhcc.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 576-5004 or e-mail anthony.lum@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 1050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 2**

Ethical Decision Making
– presentation by DCA Legal Counsel



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Legislative and Regulatory Subcommittee Members
FROM	DCA Legal Counsel
SUBJECT	Ethical Decision Making – presentation by DCA Legal Counsel

A verbal presentation will be provided.



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 4**

Approval of the April 29, 2011 Meeting Minutes



Dental Hygiene Committee of California
Full Committee Meeting

Doubletree LAX
1985 East Grand Avenue
El Segundo, CA 90245

Friday, April 29, 2011

DRAFT MINUTES

Members Present

Rhona Lee, RDH, RDHEF – President
Alex Calero, Public Member - Vice President
Cathy DiFrancesco, RDH – Secretary
Michelle Hurlbutt, RDH
William Langstaff, DDS
Andrew Wong, Public Member

Staff Present

Lori Hubble, Executive Officer
Tom Jurach, Associate
Government Program Analyst
Norine Marks, Legal Counsel
Traci Napper, Associate
Government Program Analyst
Dennis Patzer, Enforcement
Analyst
Greg Salute, Deputy Attorney
Paul Costas, DCA Services Technician

Members Not Present

Miriam DeLaRoi, RDH, RDHAP
Rita Chen Fujisawa, Public Member

1. Roll Call/Establishment of Quorum

The meeting was called to order at 8:09 a.m. Members introduced themselves for roll call and a quorum was established. Ms. Lee instructed the audience about the presentation microphones, voluntary sign-in sheet, order of agenda items, non-use of cell phones and restroom facilities. She noted the meeting was being webcast live. Also, she noted that although an ambitious agenda was planned, we anticipated completing our agenda. She mentioned that by 4:45 p.m. any remaining agenda items would be tabled until the next tentatively scheduled meeting in order to accommodate members' travel limitations.

2. Ethical Decision Making – presentation by Norine Marks

This presentation was tabled due to time constraints.

3. Open Session – Administrative Hearing

Petition for reinstatement of license – Patricia McCartney

4. Closed Session

The Committee met in closed session to deliberate the above matter and other disciplinary matters pursuant to Government Code §11126 (c) (3).

The full Committee resumed open session at 12:37 p.m. and immediately began the standing subcommittee meetings

SUBCOMMITTEE MEETINGS BEGAN

Legislation and Regulation Subcommittee

Education and Outreach Subcommittee

Licensing and Examination Subcommittee

Enforcement Subcommittee (Tabled until the next scheduled DHCC meeting notice)

5. Public Comment (for items not on the agenda)

There was no public comment.

6. President's Report

Ms. Lee welcomed the newest DHCC member, William Langstaff, DDS, North Tustin, California. His background includes being a general dentist since 1975, serving as the immediate past president of the California Academy of General Dentistry, membership in CDA, Orange County Dental Association and the ADA. Ms. Lee invited Bill, as he prefers to speak. Dr. Langstaff added that he recognizes the importance of teamwork and protecting the public. Also, he felt it imperative to unify the DHCC and the DBC, to preserve current structure and that he would strive to promote cooperation between the two entities.

Ms. Lee referenced her report as provided in the agenda packets, and highlighted the CRDTS update and the Dental Board's sunset review. Also, she thanked DHCC Vice President Alex Calero for his input during the DCA Director's monthly conference calls held on Tuesday mornings.

7. Executive Officer's Report

Ms. Hubble, DHCC Executive Officer presented an update of DHCC and DCA activities by referencing her report included in the agenda packets. Highlights included the following:

She discussed the current staffing challenges within the Committee and thanked staff for their extra efforts to maintain DHCC's responsibilities. She announced that Liz Roberts, Management Services Technician, had transferred to another department to further her career. She mentioned the unlikely return of Nichole Johnston, Examination and Licensing Coordinator, who is currently out on maternity leave. Replacement has been difficult, as under the current hiring freeze all applications originating outside of the DCA are unacceptable.

In ongoing efforts to conserve resources, reduce costs and increase efficiency, Ms. Hubble announced the DHCC is exploring the feasibility of incorporating iPads into the workflow cycle for the use of Committee members, legal counsel,

staff, and the public. Ms. Hubble provided her personal iPad as an example of how a PDF digital device could significantly streamline and reduce the costs of agenda packets preparation and distribution.

Ms. Hubble noted DCA's salary review for all department Executive Officers to be conducted by August to which Ms. DiFrancesco added that Ms. Hubble was topped out in her salary scale and was not able to receive her increase as recommended by the Committee during her 2010 annual performance review.

8. Approval of December 06, 2010 Meeting Minutes

Mr. Calero referred to page 6 and asked to remove the word "regulatory" from paragraph 3, bullet points 1 and 3.

It was m/s/c (DiFrancesco/Calero) to approve the December 6, 2010 meeting minutes. The motion carried with Langstaff and Wong abstaining, as neither was present at the last meeting.

9. Presentation on OSHPD Health Care Workforce Clearinghouse

The presentation to be given by Senita Robinson, Chief; Research, Policy and Planning Section was cancelled due to the DCA executive order restricting travel.

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

Kim Kirchmeyer, Deputy Director, Board and Bureau Relations, representing Brian Stiger, DCA Director, provided an update on current DCA projects.

She discussed the current hiring freeze and the resulting pressures placed on the entire department. She mentioned that exceptions may be granted for mission critical positions, such as those dealing with court functions or fulfilling statutory missions. Through the Board of Finance exemptions require justification of the position, as well as a statement describing the result(s) of the position not being filled. She described the flow of each exemption from the DCA organization to the Governor's office. Ms. Kirchmeyer stated that last week seven exemptions were approved and extended kudos to those boards and budget staff for getting those exceptions granted.

Regarding travel restrictions, she emphasized the necessity of travel to be mission-critical and that no discretionary travel would be allowed. Although main committee meetings might include travel, she suggested using teleconferencing for the smaller subcommittee meetings.

In regards to CPEI statistics, she thanked staff for adding the performance measures in the DHCC meeting packets to promote public transparency. It highlighted board improvements even through tough economic times.

At a future meeting she will provide extensive enforcement statistics. Ms. Kirchmeyer expressed the department's sensitivity to the maintenance of staffing levels and the increased workload assumed by all when requesting additional enforcement statistical data.

She applauded DHCC for its Disciplinary Guidelines and encouraged the Committee to finalize and move the regulatory package forward to a hearing.

The BreEZe project is underway with the final proposals received in March. Because costs were higher than anticipated, DCA staff is exploring options, including negotiations with the vendor and plans to finalize the contract in August 2011.

In regards to executive officer salaries, the last ceiling increase was approved over ten years ago. Because requests have been proposed, DCA plans a comprehensive review of EO salaries for all its boards, bureaus, and committees by August 2011.

Ms. Kirchmeyer expressed appreciation of the Committee's digital data on its website and applauded the webcasting of its meetings. In addition, she suggested that given the current travel restrictions, DHCC may wish to consider video conferencing, as an option to maintain business.

11. Adoption of §1139-1144 of Title 16 of the California Code of Regulations – Cite and Fine

Because no public comments were received at the public hearing held on March 21, 2011, Ms. Lee outlined the Committee's two options.

The first option was to adopt §1139-1144 as presented, direct staff to take all necessary steps to complete the rulemaking process, submit the final rulemaking package to the OAL and authorize the EO to make any non-substantive changes to the proposed regulations before completing the process.

The second option was to adopt the regulation with changes, direct staff to complete the rulemaking process, including preparing the 2nd modified text for a 15 day comment period, including amendments made today and authorize the EO to make any non-substantive changes before completing the process.

It was m/s/c (Calero/DiFrancesco) to accept the first option. The motion passed unanimously.

Ms. Marks suggested that later the committee might wish to categorize the fine levels but recommended getting its other regulations in place first as a priority.

12. Adoption of Amendments to §1138 of Title 16 of the California Code of Regulations – Disciplinary Guidelines

Ms. Lee turned the meeting over to Mr. Calero, Chair of the Enforcement Subcommittee to discuss the Disciplinary Guidelines.

Mr. Calero explained that a public hearing was held, no public was in attendance and no public comment was received. Therefore, the language was being presented back to the DHCC for final approval.

He requested the Committee accept the amended language as presented in the agenda packet, authorize staff to make non-substantive changes, to prepare a second modified text for an additional 15-day comment period and after the 15-day period closed, to allow the Executive Officer to make non-substantive changes, if needed, for completion of the rulemaking process.

Mr. Calero asked for a motion to begin discussion. It was unanimously m/s/c (Wong, Lee) to accept the disciplinary guidelines with the changes as amended.

Ms. Napper noted staff had requested that section (b), 2nd sentence and all of section (c) be removed and that this request was in opposition to legal counsel Mark's recommendation to leave all of sections (b) and (c) intact. Legal counsel Marks and DCA representative Kirchmeyer elaborated that they respectfully disagreed what factors would trigger uniform standards and what Committee discretion might follow once the trigger was initiated.

Ms. Hurlbutt questioned why the Committee should not accept (b) and (c) and she expressed her confusion as to why Ms. Marks' opinion differed from that of Ms. Kirchmeyer's.

Mr. Calero invited Ms. Kirchmeyer to comment. She explained that the language contained in 1138, subdivision (b) the 2nd sentence and all of (c) gives the Committee the ability to lower the drug-testing standards. Because these minimum standards were established by DCA and were to be adopted by all boards, then to allow any deviations below the standards, would nullify the standards for disciplinary action. The amended wording in 1138 should be removed because nothing should trigger discretion to go below minimum standards.

Ms. Krichmeyer added that the Committee shall use uniform standards in statute and that the committee sets those levels in regulation. Ms. Marks added that regulation provides the ultimate discretion of the Committee and that the Committee may always exercise discretion in its deliberations.

Mr. Calero wished to amend the previous motion. It was moved m/s/c (Wong/Lee) to amend the previous motion to delete §1138 the second sentence in subdivision (b) and the entire paragraph of subsection (c) as well as deleting the "(b)" with the parentheses around it. Ms. Lee added that her second was for discussion purposes. Discussion ensued and the motion passed unanimously.

Mr. Calero began discussion of additional amendments to §1138. The following changes were suggested:

- Mr. Calero asked that the word “randomly” be added into #1 to read “shall be RANDOMLY drug tested in...”
- He asked that the third paragraph beginning with “Nothing precludes ~~a~~the Committee”
- “The Any Committee who...” and “...as identified in Uniform Standard #20, may reestablish...”
- Ms. Lee added to change #2 verbiage as follows “drug tested at least ~~104~~ 52 times per year...” and later in the paragraph “...drug tested at least ~~50~~ 36 times per year...”
- Mr. Calero added to change “Boards” to “Committees” in the second sentence of #4.

It was unanimously m/s/c (Lee/DiFrancesco) to accept the amendments as stated on page 8.

Page 9.

- Mr. Calero asked to change the second paragraph, first amended line to read A “~~The A~~ Committee ~~by~~ may use of other testing methods in place ~~of~~ or, or to supplement biological sample ~~fluid-sample~~ testing...”
- Ms. Marks added to change #6 to read, “Mitigation or aggragating evidence.”

It was unanimously m/s/c (DiFrancesco/Lee) to accept the changes on page 9 as stated.

Page 11.

- Ms. Hurlbutt suggested that the first bullet should read “...Dental ~~Hygiene~~ Hygienist (RDH),...”
- Mr. Calero suggested changing “(20) Submit Biological ~~Fluid Samples~~ Sample.”

It was unanimously m/s/c (Lee/Langstaff) to accept the amendments as stated for pages 11 and 12.

Page 17.

- Ms. Marks suggested adding “If the Committee or board certified psychiatrist concludes...”

It was unanimously m/s/c (Lee/Langstaff) to accept amendments to page 17 as stated.

Page 18.

Ms. Marks on page 18, change “...current financial, personal, ~~familiar~~ familial or business...” Mr. Calero recommended that staff change “billing monitor” to “practice/billing monitor” throughout the document to make it consistent with #18 on page 18.

Page 19.

- Mr. Calero asked to change paragraph two to read “...practice of ~~psychology~~ dental hygiene, beginning...”

Page 25.

- Ms. Marks added a change to the bottom of page 25. The last bullet should read "...been revoked is required to ~~live scan~~ submit electronic fingerprints as part of reinstatement ..."

It was unanimously m/s/c (DiFrancesco/Lee) to accept changes to pages 17-26 as stated.

Ms. Marks requested to add "3. Restitution" to §1950.5 (a). Also Insert Billing Monitor .

It was unanimously m/s/c (Hurlbutt/DiFrancesco) that a conference call ensue between Mr. Calero, the Enforcement Chair, Ms. Marks, Legal Counsel, Mr. Salute, Attorney General and Staff to finalize the optional terms, conditions and language from pages 27-34 and to include those changes as part of the regulatory package.

Ms. DiFrancesco suggested to remove the "/" and replace with "or" to be in congruity with page 36.

Mr. Calero returned back to the original motion for the Committee to accept the amended language as discussed regarding §1138 of Title 16 of the California Code of Regulations – Disciplinary Guidelines, to authorize staff to make non-substantive changes, to prepare a second modified text for an additional 15-day comment period and after the 15-day period closed, to allow the Executive Officer to make non-substantive changes, if needed, for completion of the rulemaking process.

There were no further Committee or public comments.

It was unanimously m/s/c (Langstaff/DiFrancesco) to accept the amended language as discussed above, proceed with the rulemaking process as agreed above and to delegate the authority to the Executive Officer to adopt the modified text in the event there were no negative comments received during the 15-day comment period.

13. Budget Report

Ms. Napper presented the DHCC Budget Report projection for fiscal year 2010/11, based on the prior year's spending and stated that the budget was currently solvent. There were no comments from the Committee or public.

14. Strategic Business Plan

Ms. Hubble presented a Strategic Business Plan draft to serve as a working journal formatted to be reviewed and refined at each DHCC subcommittee and meeting beginning with the next scheduled agenda. There were no comments from the Committee or public.

15. Update on Dental Board of California's Infection Control Regulations [Title 16, California Code of Regulations §1005 (d)]

Ms. Hubble stated that the Infection Control regulations were going through the rulemaking process and that developments would be shared as they arose. Ms. DiFrancesco thanked DHCC staff members Dennis, Traci, Shirley, and Tom for their efforts.

16. Legislation and Regulation Subcommittee Report

Chair Calero reported that a quorum was established and the meeting minutes from the previous meeting on Sunday, December 5th, 2010 were approved as amended. He reported that the fingerprint regulations were going through the rule making process. Mr. Calero listed the Subcommittee's positions on the various bills discussed and also reported the Subcommittee had voted to delegate authority to the Executive Officer to adopt the modified Disciplinary Guideline text and approve it in the event no negative comments were received during the 15-day comment period.

Mr. Calero recommended that given the meeting's time limitations the full committee accept the report and the recommendations made by the Subcommittee. It was m/s/c (Lee/DiFrancesco w/Wong abstaining) to accept the report and recommendations of the Legislation and Regulation Subcommittee.

17. Education and Outreach Subcommittee Report

Ms. Lee, Acting Chair on behalf of Ms. Rita Chen Fujisawa, reported that the Education and Outreach Subcommittee had met this afternoon and accepted the minutes submitted from the December 5, 2010 subcommittee meeting. Ms. Chen Fujisawa's Chairperson's report was referenced in the agenda packet. She announced that all upcoming DHCC outreach events for 2011 would be cancelled due to the governor's executive order restricting travel. Ms. Lee mentioned the report on Governor Brown's February 18th, 2011 directive prohibiting purchases of free giveaways, including existing inventory, as part of continuing efforts to cut costs. During the subcommittee meeting a report on DHCC website statistics from March 2010-February 2011 was provided by Tom Jurach, Administrative Analyst and included the chronological number of website hits, frequency of hits/month/page and global activity. Data tracking will identify focal points for updating purposes.

It was moved unanimously m/s/c (Calero/Langstaff) to approve the report as submitted.

18. Licensing and Examination Subcommittee Report

Chair Hurlbutt announced the Licensing and Examination Subcommittee met today and approved the amended December 5, 2010 meeting minutes. She

reported reviewing the clinical and written test and licensure statistics. It was noted that the scheduled May22, 2011 meeting for Subject Matter Experts to finalize the language regarding courses in the administration of nitrous oxide and oxygen, administration of local anesthetic agents and periodontal soft tissue curettage would be cancelled due to the directive restricting travel. The Subcommittee agreed to form a task force charged to develop a white paper with recommendations on alternative pathways for initial licensure in compliance with the executive order restricting non-critical travel and with the Executive Officer's approval. Ms. Lee asked that the meeting minutes' date be amended to reflect December 4, 2010. Ms. Hurlbutt requested that the Committee accept her report. It was moved unanimously m/s/c (Calero/Langstaff) to accept the report from Examination and Licensing Subcommittee.

19. Enforcement Subcommittee Report

Because the Enforcement Subcommittee Agenda was tabled until the next DHCC meeting due to time limitations, no report was presented.

20. Future Agenda Items

Suggested future agenda items included the following:

- Because today was DHCC's initial experience utilizing an Administrative Law Judge (ALJ) to mitigate a default decision Mr. Wong would like to discuss the procedures and protocols and what constituted permissible and non-permissible questions. He expressed an interest in hearing how other committee members feel about the process experienced today.
- Ms. Lee added that Ethical Decision Making originally to be presented today by Legal Counsel Marks tentatively would be rescheduled to the next meeting.

Dr. Langstaff expressed appreciation for the warm and genuine welcome at his first DHCC meeting.

There were no further comments and Ms. Lee thanked Paul Costas, DCA services technician and Jake for helping to webcast the meeting.

21. Adjournment

The meeting adjourned at 4:48 p.m.



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 5**

President's Report

MEMORANDUM

DATE	12-13-2011
TO	Dental Hygiene Committee of California
FROM	Rhona Lee
SUBJECT	Agenda Item #5- President's Report

Good morning and welcome to the Dental Hygiene Committee of California's last meeting of the year on December 13th, 2011, Sacramento. I am Rhona Lee, President of DHCC and with me today are DHCC members and staff. First we will introduce our members with roll call by our secretary, Cathy DiFrancesco.

Next we would like to introduce our staff in order that the public may reference staff and associate their names with their roles. Starting from my right would staff please state their names and titles.

Announcements:

- A. Voluntary sign-in sheet located at back of the room.
- B. Public comments will be heard for each issue utilizing the microphone placed in front of the dias.
- C. For the record when speaking, public members shall identify themselves and, if appropriate, who they represent.
- D. The public shall limit their comments to three minutes unless it is the Committee's consensus to extend the time.
- E. Agenda items may be heard out of order in order to accommodate speakers.
- F. Please refrain from the use of cell phones and any other distracting media.

President's Report:

1. **Thank you, Dennis Patzer, DHCC Enforcement Analyst**
Due to family plans DHCC's Enforcement Analyst, Dennis Patzer retired in August. Thank you, Dennis for being part of our DHCC team.
2. **Welcome Anthony (Tony) Lum, Staff Analyst** Tony accepted a position with the DHCC and began working for the DHCC on November 7, 2011. Tony comes to us with experience from the California Architects Board, the Dental Board of California, DCA's Budget shop and the Board of Psychology. Tony has assumed DHCC's administrative and budgetary responsibilities. This will allow our EO Lori Hubble and DHCC to closely monitor our bottom line and expenditures.
3. **Welcome Claire Yazigi, Legal Counsel**
Claire Yazigi graduated from law school at McGeorge School of Law University of the Pacific and has an undergraduate degree from University of California Davis.
4. **Update on Exam Comparison between DHCC and WREB Clinical Exams**
Earlier this year a BCP was sent to the Dept. regarding validation of the DHCC and WREB clinical exams, however due to this year's budget restrictions, the BCP did not move forward. Baseline information has been drafted. This will be required for Sunset Review in 2014.
5. **Update on RDH License Applicant and DHCC Clinical Exam Information**
This information was extensively updated in order to be more user friendly and accessible to RDH applicants. In early 2011 these materials were to be uploaded onto DHCC's website. Due to our budget restrictions and staffing shortage DHCC was unable to procure the software required to reformat these to the internet.

6. WREB Update

WREB has adopted a new governance structure specifically related to dental hygiene, which allows one vote on the Hygiene Exam Review Board (HERB). In light of this new governance structure Beth Cole, WREB Director will be forwarding a WREB membership application to DHCC for its consideration.

7. CRDTS Update via Kim Laudenslager, CRDTS Director of Hygiene Examinations

8. To avoid duplication of efforts DHCC EO, Lori Hubble will present the following reports:

A. Dental Board Meetings

1. 11-5, 6-11, Studio City/DHCC EO, Lori Hubble presented DHCC Activities Update

B. DCA Expert Consultant Meeting, Sacramento

- 11-4-11 or 11-18-11 hosted by Pamela S. Wortman, Deputy Director
Office of Administrative and Information Services
Department of Consumer Affairs

C. DCA Director's Monthly Teleconferences, Sacramento

Attached within the EO's report are the accompanying meeting notes for the following dates since April 2011. Note that DHCC participation at each meeting included at least one representative, our Vice President, Alex Calero, Executive Officer Lori Hubble and/or myself, Rhona Lee.

1. 11-15-11
2. 10-11-11
3. 9-13-11
4. 7-12-11
5. 6-14-11
6. 5-10-11

9. President's Closing Remarks

At the end of 2011 we close this year as a working board with an "on-going" concern whose books are solvent. This year the events that have defined DHCC may be described as follows:

- A. We stayed within the parameters set by DCA's budget restrictions resulting in:
 1. Hiring freeze of essential personnel.
 2. Limited outreach to all stakeholders, including but not limited to restricted travel to association meetings, the Dental Board meetings, educational programs and dental hygiene schools.
 3. Restricted use of staff for exam administration.
- B. We prioritized those goals most essential to DHCC's strategic plan in regards to the survival of DHCC.
 1. Submission to DCA and to the Legislature of statutes and regulations defining DHCC as a working Board.
 2. Appropriate, timely response to enforcement activities.
 3. Continued, consistent, timely response to consumer inquiries regarding licensure application, renewal, examination.
 4. Continued, consistent, timely administration of licensure examinations.
 5. Continued, consistent, timely administration of licensure processing.

Thank you members, staff and Lori Hubble for everything and for giving me the opportunity to serve as your President this year!



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 6**

Executive Officer's Report

**Dental Hygiene Committee of California
Executive Officer's Report**

Agenda Item 6

Date: December 13, 2011

DHCC Office Information

Furlough Days

Staff has been directed to take a self-directed one day furlough per month through October of this year. Effective November 1, 2011, the furloughs have been lifted.

Operations Report

The Dental Hygiene Committee of California (DHCC) is in the process of advertising and interviewing for our vacant positions. We are in the process of hiring an Investigative Analyst, Receptionist, Retired Annuitant, and Exam Coordinator.

25 Years of State Service

Effective October 2011, I have served 25 years of state service.

Dental Board Meeting – November 6 and 7, 2011

I attended the Dental Board meeting held at the Sportsman's Lodge in Studio City and provided a brief update on DHCC activities.

2011 Registered Dental Hygiene (RDH) Examiner Orientation and Examination

Since our last meeting in April, I attended the following:

June 10 - Examiner Orientation at USC

June 11 – RDH Examination at USC

July 16 and 17 – RDH Examination at UCSF

July 23 and 24 – RDH Examination at USC

October 2 - Examiner Orientation and RDH Examination held at UCSF

October 23 – RDH Examination at LLU

Breeze

Accenture has been awarded a nine-year contract by the Department of Consumer Affairs to develop and implement a licensing and enforcement system, known as BreEZe. This new system will support the boards and bureaus represented by the Department. The Dental Hygiene Committee of California along with two other entities is assigned to be on board in the Spring of 2013.

Implementation of AB 1424

AB 1424 requires Boards and Bureaus to suspend the license of an individual who appears on the Franchise Tax Board's or Board of Equalization's list of the top 500 tax delinquents. DCA suggested that we implement it in a similar fashion to the child support program. DCA currently handles suspending a license for failing to pay child support. DCA will use the same process to implement AB 1424. This new requirement has recently been posted on the DHCC website.

Monthly Director's Teleconferences, Sacramento

Attached are the meeting notes from the following teleconference meetings:

- 11-15-11
- 10-11-11
- 9-13-11
- 7-12-11
- 6-14-11
- 5-10-11

DCA Expert Consultant Meeting, Sacramento

Tony Lum and I attended the meeting on November 18, 2011 hosted by Pamela Wortman, Deputy Director, Department of Consumer Affairs since the enactment of SB 541. SB 541 provides an exception from the state contracting process for limited services such as expert opinions on enforcement related matters, assistance as a subject matter expert in exam development and exam administration. We were provided the procedures to be used when executing a contract with expert consultants.

Post Accounting Travel Reports

The DHCC requested written approval from DCA for travel. The DHCC was required to provide monthly reports to DCA. The DHCC reported the following monthly reports to DCA regarding travel:

RDH Exam at USC - June 2011 – 1 staff (EO)
RDH Exam at USC – July 2011 – 1 staff (EO)
RDH Exam at UCSF – July 2011 - 1 staff (EO)
RDH Exam at UCSF – Oct 2011 – 1 staff (EO)
RDH Exam at LLU – Oct 2011 – 2 staff (EO and Traci Napper)
Dental Board Meeting – Studio City – 1 staff (EO)
OSPD Site Visit – 1 Board Member (Michelle Hurlbutt)

Retroactive Fingerprinting

The DHCC Fingerprint Law became effective July 1, 2011. Notifications are mailed to licensees whose records indicate either a fingerprint card submission or no fingerprint submission at all; these mailings total approximately 2,500 quarterly.

For general statistical purposes, approximations are based upon actual volume of activity for the week beginning 11-20-2011..

DHCC LiveScan Criminal Activity Reporting Volume	Actual /Week	Approx /Month	Projected /12 Months
Arrest Reports received per month (entire criminal history reported when an applicant releases their background to us)	4	17	202
Subsequent Arrest Reports received per month (these reflect recent daily activity arrest reports)	13	55	655
LiveScan Submissions per month to DHCC from renewal licensees and new applicant	112	471	5,652
Manual Name Check Initiations by DHCC	5	20	240
Non-Compliance Notifications mailed via USPS		2,500/quarter	10,000

FISMA

The Financial Integrity and State Manager's Accountability Act of 1983 (FISMA) was enacted to reduce the waste of resources and strengthen accounting and administrative control. It requires each state agency to maintain effective systems of internal accounting and administrative control, to evaluate the effectiveness of those controls on an ongoing basis, and review them biennially for a report to be submitted to the Department of Finance (DOF).

DCA requested all of its programs, including DHCC, to identify areas of significant program risk to reduce and mitigate those risks and possibly be incorporated into their final report to DOF. The areas of risk identified by DHCC in order to perform its mission and mandate of consumer protection were:

- 1) Appropriate Staffing Levels for all program functions
- 2) Appropriate Funding for DHCC to pay for all program functions or new mandates
- 3) Enforcement – the need for a specially trained investigator for DHCC investigation requirements in the interest of consumer protection

*These identified risks may or may not be incorporated into DCA's final report

This concludes my report.



DCA Director and Board/Committee

Communication Session
NOTES

Tuesday, May 10th 2011
9:00a.m. – 10:00 a.m.
Conference Call

DCA Attendees:

Brian Stiger, Kimberly Kirchmeyer, Cindy Kanemoto, Sandra Mayorga, and Pam Wortman

Boards and Committees (Board/Committee President/Chair) attendees: Robert Brewer, Renee Lonner, Dr. Bruce Witcher, Alex Calero, Barbara Yaroslavsky, Mary Evert, Dr. Lee Goldstein, Stan Weisser, Dr. Sara Takii, Steven Klompus, Dr. Karen Wrubel, Dr. Richard Sherman, Jeannine Graves, Lisa O'Connor, Todd D'Braunstein, and Dr. Stephanie Ferguson

Objectives of Communication Sessions – Brian Stiger

- The objectives of the monthly communication sessions were discussed:
 - A means to update the Board Presidents/Chairs as to important projects/changes at DCA
 - A forum for Board Presidents/Chairs to ask questions and make requests to the DCA
- All attendees agreed these meetings are necessary and valuable to the Board Presidents/Chairs and an effective way of sharing information.
- Board Presidents/Chairs shared their desire to receive information in written form also to enable more dialogue during the calls.
- Most Board Presidents/Chairs believed it was best to continue having separate calls for the Healing Arts Boards and the Design/Business/Construction Boards.

Hiring Freeze Exemption Requests – Pam Wortman

- The DCA Executive Office announced that since March, DCA has received freeze exemptions for 76 positions. As of May 10, 2011 - 34 positions have been approved and 1 has been denied.
- Pam Wortman identified the review process for the exemptions. Exemptions are submitted to budgets, then to DCA Executive Office. Once approved by the DCA Director, the request goes to State and Consumer Services Agency, then to Department of Finance, and lastly to the Governor's Office.

Vehicle Executive Order – Pam Wortman

- DCA is continuing to review Home Storage Permits (HSP) and the Department of General Services has targeted DCA to reduce HSPs by 32%. Thanks to staff for completing the online survey so quickly to meet the short turnaround timeframes.

Travel Exemptions – Pam Wortman

- The Department of Finance has not released a Budget Letter, and as of this date all travel is to be approved by the Director. The travel approved has to be critical and must ensure the most cost effective means of travel. Discretionary travel will not be approved.

BreEZe Update – Debbie Balaam

- Debbie Balaam stated the cost proposal for the BreEZe system was greater than anticipated. DCA and the Department of General Services are now in negotiations with the vendor. DCA is hopeful to reduce the final costs. At this time, the negotiations are confidential. As soon as DCA knows the projected costs, the Boards will be notified immediately.

Executive Officer Evaluation Form – Kimberly Kirchmeyer/ Cindy Kanemoto

- A new Executive Officer Evaluation Form has been drafted by a committee of Board Members, an Executive Officer, and DCA staff.
- The committee members provided information on the new form, its necessity, and its development. The new Executive Officer Evaluation Form will allow the Executive Officers to provide a self-evaluation and provide a more thorough review process.
- The new form will be shared with all of the Executive Officers in June and distributed to the Boards in July.

Announcement – SCSA has a new Undersecretary – Dr. Willie Armstrong.

Next call will be on June 14, 2011 at 9:00A.M



DCA Director and Board/Committee

Communication Session
NOTES

Tuesday, June 14th 2011
9:00a.m. – 10:00 a.m.
Conference Call

DCA Attendees:

Brian Stiger, Kimberly Kirchmeyer, Cindy Kanemoto&Pam Wortman

Boards and Committees (Board/Committee President/Chair) attendees: Robert Brewer, Dr. Christine Weitisbach, Dr. John Bettinger, Alex Calero for Rhona Lee, Barbara Yaroslavsky, Dr. David Field, Mary Evert, Dr. Lee Goldstein, Stan Weissner, Dr. Sara Takii, Dr. Karen Wrubel, Dr. Richard Sherman, John Vertido and Dr. Stephanie Ferguson

June Staffing Updates – Brian Stiger

Re-announced appointment of the Agency Secretary and Undersecretary. Reminded Boards about Kimberly Kirchmeyer's return to Medical Board at the end of June. Acknowledged Steve Hartzell's retirement as Executive Officer of the Physical Therapy Board.

BreEze Update – Debbie Balaam

Reported that Accenture won the bid. Team was able to negotiate down from the initial vendor cost without losing scope. SPR should be completed by DCA in June 2011, anticipate providing 30 day legislative notice by the end of July.

Hiring Freeze Exemption Requests – Pam Wortman

Reported that as of June 14, 2011, there is an 88% approval rate on hiring exemptions by the Governor's Office. Ten (10) positions were denied, while 73 positions were approved by the Governor's Office.

Travel Restrictions – Executive Order - Gary Weitman

Reported that the travel approval process is working well. All essential travel requests are being reviewed. Reiterated that approval must be granted prior to travel and post reporting is due every 2 weeks.

Budget Presentation at Board Meetings – Brian Stiger/Kim Kirchmeyer

Boards were provided with a sample to reflect how a budget packet should be presented in a board package. These presentations provide analysis of the raw data. The budget office is available to assist your board with the budget packet.

Budget Change Proposal (BCP) Update – Pam Wortman

Explained the current BCP process. BCP submission deadline for Fiscal year 2012/2013 is June 30, 2011. State and Consumer Services Agency (SCSA) provided general feedback on fund conditions. SCSA will likely not be supported if fee increases are needed, if there is a structure fund imbalance or if new positions are requested.

Positions on Legislation – Brian Stiger/Kimberly Kirchmeyer

The DCA legislative office is here to assist all boards. It is appropriate for boards to vote on positions for legislation going forward and to convey the board's position to policy makers. This can include the importance of board members letting "bill writers" know how policies/bills will affect their individual boards and the public.

Senate Confirmation Written Questions – Brian Stiger/Kimberley Kirchmeyer

Process and staff changes at Senate Rules were discussed. If questions are received from confirmation hearings, Senate Rules is looking for honesty and indepth thought and responses to questions asked. If staff has prepared any portion of the response, it should be clear that it was obtained from staff.

Next Call meeting will be July 12, 2011



**DCA Director and Board/Committee
Communication Session
NOTES**

**Tuesday, July 12th 2011
9:00 a.m. – 10:00 a.m.
Conference Call**

DCA Attendees:

Brian Stiger, Cindy Kanemoto, Debbie Balaam & Pam Wortman

Boards and Committees (Board/Committee President/Chair): Robert Brewer, Dr. Christine Weitbach, , Dr. John Bettinger, Rhona Lee, Barbara Yaroslavsky, Dr. David Field, Mary Evert, Dr. Lee Goldstein, Geraldine O'Shea, Stan Weissner, Dr. Sara Takii, Steven Klompus, Dr. Karen Wrubel, Dr. Richard Sherman, Jeannine Graves, Larry Renner, Lisa O'Conner, John Vertido, and Dr. Stephanie Ferguson

June Personnel Updates – Brian Stiger

Welcomed Rebecca Marco as Executive Officer of the Physical Therapy Board and announced Carlos Ramirez, as the Secretary of the California Technology Agency.

BreEze Update – Debbie Balaam

Working closely with the Technology Agency to gain approval on the Special Project Report. Anticipate that a 30 day notification to the Legislature will commence by August 1, 2011 so that the contract will go to Agency by the end of August 2011.

Hiring Freeze Exemptions – Pam Wortman

DCA continues at a 86% approval rate with approximately Forty (40) requests submitted for one hundred (100) positions: eighty-six (86) positions have been approved and fourteen (14) were denied by the Governor's Office. The latest direction from SCSA states that the negative consequences of not filling positions must be dire, e.g. if boards have five (5) vacancies, SCSA likely will not approve filling them unless the positions are critical. Agency is looking at the most critical positions only. SCSA/DOF/GO is expecting the general look and feel of a BCP type document. Although this is a lengthy process, the Budget Office is aware of what is needed so program should continue to work closely with the Budget Office.

5% Savings Drill – Brian Stiger

Agency is looking for a 5% savings plan across the board. SCSA has challenged boards to brainstorm ideas and look for creative ways to save additional money.

Budget Change Proposal (BCP) Update – Pam Wortman

BCPs were submitted June 30, 2011 to the DCA Budget Office; SCSA continues to advise DCA to be mindful of the GF loan repayments, future fee increases and structural fund imbalance.

Budget Letter 11-10 was released last week with the same direction - the administration continues to contain growth in authorized positions. New positions will be limited to redirections of existing positions.

Director's Report – Brian Stiger

Due to reduced staffing in the Department's Executive Office, Boards were requested to refrain from placing agenda items, specifically for the Director's Report. Additionally, attendance at board meetings will be limited as well. If a DCA representative attends, they can provide updates under "Public Comment."

Board Member Training – Brian Stiger

Reminded boards that orientation classes and training is available to board members.

Next Call meeting will be August 9, 2011



DCA Director and Board/Committee
Communication Session
NOTES

Tuesday, September 14,, 2010
9:00 a.m. – 10:00 a.m.
Conference Call



DCA Attendees:

Kimberly Kirchmeyer, Paul Riches, Pam Wortman, Doreathea Johnson, Cindy Kanemoto, Jennifer Willis,
Suzanne Larsen, & Erica Cano

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

Robert Brewer, Renne Lonner, Dr. Bruce Whitchee, Michelle Hurlbutt, Barbara Yaroslavsky, Dr. David Field,
Mary Evert, Dr. Lee Goldstein, Dr. Geraldine O'Shea, Dr. Sara Takii, Steven Klompus, Dr. Karen Wrubel, Larry
Renner, Lisa O'Connor, John Vertido

Budget Update – Pam Wortman

- As of today there is still no budget in place.
- 30 different BCP's for the 2011-2012 Fiscal Year were submitted to State and Consumer Services Agency. Out of these 30, only 10 were sent forward to the Department of Finance.
- Agency was looking at everyone's fund condition very critically.
- DCA was allowed to continue going forward with Office of Administrative Hearing expenses and Office of Attorney General expenses as stated in the budget bill language
- Licensing & Job Creation Proposal will be submitted as a Spring Finance Letter

Hiring Freeze – Pam Wortman

- Effective August 31, 2010 the Governor implemented a hiring freeze
- Any offers made and accepted on 8/30 or prior were honored.
- The hiring freeze applies to any hires outside of state service, between state departments, temporary help, students, retired annuitants, appointments, etc.
- Lateral transfers within a department are still permitted
- Along with the hiring freeze, the Governor also implemented an overtime freeze.
- In very limited circumstances a hiring freeze exemption and overtime exemption may be submitted to the Governor. Requests must be first submitted to Chief Deputy Director Bill. If approved, the request will then be submitted to Agency for review. If approved by Agency, the request will be submitted through the Cabinet Office to the Governor for an exemption from this directive.

Recognition of Specialty Boards – Kimberly Kirchmeyer

- DCA's Legislative and Policy Review Office drafted a document for recognition of specialty boards.

Public Records Act / Freedom Information Act – Doreathea Johnson

- A policy on access to public records will be sent out.
- It is important to remember the Freedom Information Act does not apply to state records. Only the Public Records Act applies to state records.
- DCA's Legal Affairs Office will be providing training on responding to Public Record Act requests in late October or early November.

Meeting Protocols – Doreathe Johnson

- DCA's Legal Affairs office drafted a Board meeting protocols document and it will be sent out to everyone.

Maximus Drug Testing – Paul Riches

- The drug testing done through Maximus was being done incorrectly. The “cutoff” (detection) levels used were higher than those specified in the contract.
- Seven boards were affected by this. These boards are conducting individual case reviews.
- The vendors have done blanket testing free of charge to the participants and to the boards.
- The Department is encouraging **all** boards that require drug testing of licensees on probation to confirm the use of cutoff levels consistent with their contract. If the board has no contract they should use the cutoff levels specified in the Maximus contract.
- Any board that does not have a contract to conduct drug testing should use the department-wide contract.
- The Department is continuing to gather information on these issues.

Action Items

- DCA will follow up with DPA regarding Board of Vocational Nursing and Psychiatric Technicians' package
- Transfers policy to be sent out to EO's by DCA's Office of Human Resources
- DCA's Legal Affairs Office will provide a Board meeting protocols document
- DCA sent out the Public Records Act Policy to all EO's and Board Presidents / Chairs on 9/14.



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

- 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 9th from 9:00 AM – 10:00 AM



**DCA Director and Board/Committee
Communication Session**

NOTES

Tuesday, November 15, 2011

9:00 a.m. – 10:00 a.m.

Conference Call

DCA Attendees:

**Brian Stiger, Reichel Everhart, Luis Portillo, Pam Wortman, Cindy Kanemoto, Cathleen Sahlman,
Doreathea Johnson, Naomi Allen**

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

**Acupuncture Board, Board of Behavioral Sciences, Dental Board, Dental Hygiene Committee, Medical Board,
Naturopathic Committee, Board of Occupational Therapy, Board of Optometry, Osteopathic Medical Board,
Board of Pharmacy, Physical Therapy Board, Physician Assistant Committee, Board of Podiatric Medicine,
Board of Psychology, Board of Registered Nursing, Respiratory Care Board, Speech-Language Pathology and
Audiology and Hearing Aid Dispenser Board, Board of Vocational Nursing and Psychiatric Technicians,
Veterinary Medical Board, Architects Board, Contractors State License Board, Landscape Architects Technical
Committee, Athletic Commission, Accountancy Board, Guide Dogs for the Blind Board, Board of Barbering and
Cosmetology, Court Reporters Board, Board for Professional Engineers and Landscapers**

Welcome – Brian Stiger

Acting Director Stiger acknowledged boards/committees/commission.

Hiring Freeze Exemption Update – Pam Wortman

Boards were encouraged to continue to submit hiring freeze exemptions for their most critical requests. Additionally, they were encouraged to begin the recruitment process now as the hiring freeze exemption process is streamlined with approval by the Agency Secretary.

AB 1424 – Luis Portillo

Defined AB 1424 as it relates to delinquent tax list(s) from Franchise Tax Board and Board of Equalization. Plans were discussed for a centralized process at the Department (similar to DCA's Family support process) which includes suspending professional licenses until defaults are cleared. Legislative Unit is working with Legal to develop the language to insert into renewal notifications.

Expert Consultants – Doreathea Johnson

A Director's meeting was held on October 11, 2011 where the SB 541 implementation plan was discussed. Legal and BSO scheduled meetings with Boards Executive Officers/Bureau Chiefs and Board Presidents to review information regarding the new contracts and how to utilize the new process. Meeting outcomes have been favorable and allowed for proactive sharing of information. Boards were reminded that under the new process it will be necessary to ensure that boards do not exceed contract dollar thresholds of \$50,000; otherwise the Accounting Office will not pay the invoice. It was further stated that any work performed after January 1, 2012 will only be paid if Accounting has a fully executed contract.

FISMA – Cathleen Sahlman

The Internal Audits Office is asking clients to identify top risks for boards/bureaus/committees for the December 31, 2011 Financial Integrity and State Manager Accountability Act (FISMA). The survey forms are available and Boards were advised to contact Cathleen Sahlman for information and reminded that the final date for submission was November 10, 2011. The draft FISMA report is due to agency on November 30, 2011.

BreEZe – Cindy Kanemoto

BreEZe and Accenture staffs are working on base-lining the project schedule and available resources. Town Halls have been held for staff for Release 1 clients and will be held for Release 2 and 3 clients in the future. All staff was encouraged to attend the meetings to gain a better understanding about how BreEZe will impact their workload.

Vehicle Reduction – Brian Stiger

DGS reported a vehicle reduction list for DCA boards and bureaus. DCA is appealing the decision and will be meeting with SCSA Secretary Anna Caballero today, November 15, 2011 to discuss. The major concern is that the current plan adopted by DGS will cripple some of DCA's enforcement programs. One board commented that the fleet reduction would not make up for the loss of man hours that programs would experience.

Next Call meeting for Healing Arts Boards will be December 13, 2011

Next call meeting for remaining Boards will be December 20, 2011



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 7
Budget Report**



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Tony Lum, Administration Analyst
SUBJECT	Agenda Item 7 – Budget Report

The Committee will be provided with an update on the Fiscal Year 2011-12 Budget.

BUDGET REPORT
FY 2011/12 Expenditure Projection
For the Period Ending October 31, 2011

OBJECT DESCRIPTION	FY 2010-11		FY 2011-12				
	ACTUAL EXPENDITURES (MONTH 13)	PY EXPENDITURES (MONTH 4)	BUDGET ALLOTMENT	CY EXPENDITURES (MONTH 4)	PERCENT SPENT	Budget office PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Salary & Wages	236,175	83,870	371,662	62,297	17%	300,000	71,662
Temp Help 907	70,448	24,294	65	14,443	22220%	70,000	(69,935)
Proctors 915	0		1,881	0	0%	0	1,881
Allocated Proctor	0	0	0		0%	0	0
Committee/Bd members (901)	10,200	3,400	24,400	300	1%	10,000	14,400
Overtime	6,435	2,932	0	2,787	0%	7,500	(7,500)
Benefits	108,265	36,760	136,362	24,999	18%	120,000	16,362
Salary Savings	0		-11,191		0%	-11,191	0
TOTAL PERS SVS	431,523	151,256	523,179	104,826	20%	496,309	26,870
OPERATING EXPENSES & EQUIPMENT							
General Expense	13,908	170	11,676	1,134	10%	10,000	1,676
Minor Equipment 226	9,864	0	0	0	0%	5,000	(5,000)
Fingerprint Reports	438	357	5,220	0	0%	500	4,720
Printing	49,051	7,093	13,358	6,917	52%	20,000	(6,642)
Communication	3,118	635	2,580	127	5%	2,580	0
Postage	13,409	3,888	13,063	5,728	44%	13,063	0
Insurance	0	0	0	0	0%	0	0
Travel In state	36,671	9,994	25,187	6,769	27%	25,187	0
Travel Out of state	0	0	0	0	0%	0	0
Training	375	0	3,800	0	0%	1,000	2,800
Facilities Ops	37,900	37,788	30,120	37,209	124%	37,209	(7,089)
Utilities	0	0	0	0	0%	0	0
C&P Serv. Internal	0	0	69,150	0	0%	0	69,150
**C&P Serv. External	8,208	3,708	6,984	15,059	216%	55,000	(48,016)
Departmental Services	132,507	68,745	151,604	33,048	22%	151,604	0
Interagency Services	0	0	29,635	0	0%	0	29,635
Consolidated Data Centers	475	0	1,614	66	4%	1,614	0
Data Processing	6,518	0	1,558	0	0%	1,558	0
Central Adm. Services	27,266	0	64,197	16,049	25%	64,197	0
EXAMS							
Exam supplies & freight	0	0	1,612	0	0%	0	1,612
Exam Site rental	7,113	36,318	28,567	35,834	125%	35,834	(7,267)
Exam Contracts	32,352	0	271,348	90,437	33%	100,000	171,348
Expert Examiners (SME)	0	0	19,392	0	0%	19,392	0
ENFORCEMENT							
Attorney General	24,813	18,109	47,136	2,773	6%	30,000	17,136
Off of Admin Hearings	1,195	0	3,120	80	3%	3,000	120
Evidence/Witness	0	0	36	0	0%	100	(64)
Div. of Investigations (DOI)	0	0	0	0	0%	0	0
Major Equipment	0	0	0	0		0	0
Other Items of Expense	0	0	117	0		0	117
Vehicle op	0	0	15,000	0		0	15,000
Total OE & E	405,181	186,805	816,074	251,228	31%	576,838	239,236
TOTAL EXPENDITURES	836,704	338,061	1,339,253	356,054	27%	1,073,147	266,106
NET APPROPRIATION	836,704	338,061	1,339,253	356,054	27%	1,073,147	266,106
Scheduled, Other Reimbursement	(1,000)		(1,000)			(1,000)	0
Distributed Costs	(5,000)		(5,000)			(5,000)	0
Unscheduled Reimbursement							0
NET, TOTAL EXPENDITURES	830,704	338,061	1,333,253	356,054	27%	1,067,147	266,106
NOTES/ASSUMPTIONS					Surplus/Deficit	20.0%	



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 8**

Strategic Plan – informational only



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer Tony Lum, Administration Analyst Dental Hygiene Committee of California
SUBJECT	Agenda Item 8 – Strategic Plan - Informational

The Committee will be provided with an update and status for each of the Strategic Plan Goals.



DHCC

Dental Hygiene
Committee
of California



Strategic Plan 2010 - 2013



Adopted 9/26/2010

Members of the Board

RHONA LEE– (President) RDH, RDHEF

MICHELLE HURLBUTT– (Vice President) RDH Educator

ALEXANDER CALERO – (Secretary) Public Member

RITA CHEN FUJISAWA– Public Member

ANDREW WONG – Public Member

MIRIAM J. DeLaROI – RDH, RDHAP

CATHY DiFRANCESCO – RDH



ARNOLD SCHWARZENEGGER – Governor

BILL LEONARD - Secretary, State and Consumer Services Agency

BRIAN STIGER - Director, Department of Consumer Affairs

LORI HUBBLE – Executive Officer, DHCC

Dental Hygiene Committee of California

The Dental Hygiene Committee of California (DHCC) is responsible for licensing three categories of primary oral health care professionals in dental hygiene. The DHCC develops and administers written and clinical licensing examinations, enforces rules and regulations governing the practice of dental hygiene, and evaluates educational courses. The DHCC also participates in outreach and support of the community and its stakeholders, with the goal of ensuring the highest quality of oral health care for all Californians.

OUR MISSION:

To promote and ensure the highest quality of oral health care for all Californians.

OUR VISION:

Optimal oral health for all Californians.

OUR VALUES:

- **Integrity:** We are honest, fair and respectful in our treatment of everyone.
- **Unity:** We value all our stakeholders and are inclusive in all our interactions.
- **Diversity:** We recognize and celebrate California's ever-changing diversity.
- **Service:** We are professional and responsive to the needs of our stakeholders.
- **Consumer Protection:** We make effective and informed decisions in the best interest and for the safety of Californians.
- **Transparency:** We hold ourselves accountable to the people of California.

Goal 1: Legislation and Regulation

- Develop and adopt regulations to govern the practice of dental hygiene.
- Evaluate existing statutes and introduce revisions as necessary.
- Conduct a feasibility study for license application and renewal fee increase.
- Review, evaluate and revise statutes and regulations within 3 years of promulgation.

Goal 2: Licensing and Examinations

- Review, evaluate and revise licensure and clinical examination requirements.
- Review, evaluate and revise the written law and ethics examinations.
- Review, evaluate and revise DHCC training and materials for clinical examination personnel.
- Study the feasibility of alternative pathways for initial licensure.
- Study the feasibility of continued competency as a requirement for license renewal.

Goal 3: Outreach & Communication

- Develop and implement strategies to educate and inform stakeholders of the DHCC's purpose and function.
- Leverage the DHCC website as a centralized source of consumer protection, licensee, and applicant information.
- Provide information on retroactive fingerprinting requirements to licensees.
- Continue to network and build cooperation and partnerships with stakeholders.
- Continue to cultivate a collaborative relationship with the Dental Board of California.

Goal 4: Organizational Development

- Encourage professional development and growth of employees.
- Recognize employee efforts and accomplishments.
- Explore alternate funding sources.
- Focus on environmentally conscious innovation.
- Conduct an annual Executive Officer performance evaluation.

Goal 5: Enforcement

- Ensure transparency and equity in DHCC enforcement actions.
- Ensure timely and accurate responses to complaints.
- Review and evaluate the Probation Monitoring and Expert Reviewer Programs.
- Review, evaluate and revise enforcement regulations to improve efficiency and effectiveness.
- Study the feasibility of a diversion program.

Goal 6: Access to Care

- Gather and analyze practice information to identify access to care deficiencies.
- Identify and promote loan repayment programs to encourage licensees to practice in shortage areas.
- Monitor new oral healthcare delivery models.
- Monitor federal healthcare reform for applicable changes.

Dental Hygiene Committee of California

Strategic Business Plan

<u>Item</u>	Goal 1: Legislation and Regulation	<u>Initiation Date</u>	<u>Progress Dates/Notes</u>	<u>Scheduled Completion</u>
	Objective 1A: Develop and adopt regulations to govern the practice of dental hygiene.			
	1. Develop regulations to address approval of Administration of Local Anesthetic, Nitrous Oxide and Oxygen and Periodontal soft tissue curettage providers (LA, STC, NO)	12-10-09	Will develop regs in 2 nd phase of reg process	
	2. Consider DHCC having its own citation and fine program set in regulation. Fine amounts have increased to \$5000. a. Agreed at Enforcement Subcommittee on April 30, 2010 that subcommittee would work on language with legal counsel and recommend DHCC go forward with the regulatory process. b. Would be useful alternative to formal disciplinary actions.	12-6-10	At DCA legal office for final review prior to submission to OAL	
	3. Develop new regulations to address licensee renewal auditing, timelines. Conduct survey of other boards in order to ascertain how they derive their fees and how their fees correlate with the costs of audit administration.			
	4. Remediation for RDH clinical exam failure.	12-6-10	Need statutory authority - 3 rd phase of regulatory process	
	5. Remediation for RDHAP written exam failure.		Need statutory authority - 3 rd phase of regulatory process	
	6. Course and/or program criteria for Continued Competency Education (CCE) providers, fees to be charged. Conduct survey of other boards in order to ascertain how they derive their fees and how their fees correlate with the costs of administration.			
	7. Address fictitious names, businesses, including fees to be charged.			Effective Jan 1, 2010, Implemented March 1, 2010
	8. SB 1111 (4/12/2010 version or later) Proposed changes through regulations. Note: Make sure statutes from cleanup language include these changes.		Language noticed 1X – Will need 15 day notice	
	9. Proposed language for retroactive fingerprint regulations SB 389	12-10-09		Effective July 1, 2011
	10. Contract with Legislative Bill Tracking Service, Wavelength, Inc. to track all Assembly/Senate bills.			January 1, 2010
	11. Re-designation of current and new regulations	12-6-10		

	Objective 1B: Evaluate existing statutes and introduce revisions as necessary.			
	1. 1632.5 (b) The Western Regional Examining Board examination processes shall be regularly reviewed by DHCC pursuant to Section 139.		BCP will be submitted in Spring 2012	
	2. The WREB examination process shall meet the mandates of Subdivision (a) of Section 12944 of the Government Code.			
	3. The WREB examination process shall be consistent with the mission, vision, goals, and objectives of DHCC.			
	4. Provide for staggered DHCC member terms. (Currently everyone terms out at the same time.)			SB 540 - Completed
	5. Change existing statute of "DHCC within Dental Board" to reflect original intent of bill author to clarify relationship between the Dental Board and DHCC	12-6-10	Informed by B&P Comm. to introduce at Sunset Review	
	6. Change Dental Hygiene Committee of California to Dental Hygiene Board of California.			
	Objective 1C: Review, Evaluate and Revise Statutes within 3 years of promulgation.			
	Objective 1D: Conduct a license feasibility study for license application and renewal fee increase.			
	Objective 1E: Conduct a license feasibility study for a fee increase, and get the increase passed in statute.			
	Goal 2: Licensing and Examinations			
	Objective 2A: Review, evaluate and revise licensure and examination requirements.			
	1. Explore electronic exam technology to improve efficiency.			
	2. DCA's legal counsel developed a question to be placed on the renewal applications of each health related board to provide a uniform question on the renewal form, relative to whether or not a licensee seeking renewal has been convicted of a crime or has had their license disciplined since their last renewal. The intent is to provide uniformity and consistency.			Completed
	Objective 2B: Review, evaluate and revise the written law and ethics examinations.			
	1. Evaluate OPES contract and investigate other options.			
	2. Continued development of written law and ethics examination. A. RDH B. RDHAP	7-1-09 7-1-10 2-1-11		Completed

	Objective 2C: Review, evaluate and revise DHCC training and materials for clinical examinations and personnel.			
	1. Create handbook for licensure & post as download on website.	Draft developed Dec 2010	Pending - Will resume once staffing issues resolved	
	2. Create handbook for clinical exam candidates & post as download on website.	Draft developed Dec 2010	Pending - Will resume once staffing issues resolved	
	3. Create handbook for examiners in addition to written handbooks posted on website.			
	4. Conduct & review RDH Examination Instrumentation Course (performed every other year)			
	5. Create a series of video modules to serve as tutorials.			
	Objective 2D: Study the feasibility of alternative pathways to initial licensure.			
	1. Investigate standardized exit exam concept.	Began discussion April 2011		
	2. Identify challenges with current licensing process.			
	3. Work with ad-hoc committee and stakeholders to develop report.	Began discussion April 2011		
	Objective 2E: Study the feasibility of continued competency as a requirement for license renewal.			
	1. Identify challenges to current competency.	Began discussion April 2011		
	2. Work with ad hoc committee and stakeholders to define continued competency.			
	3. Identify timeframe for completion of required updates.			
	Goal 3: Outreach & Communication			
	Objective 3A: Develop and implement strategies to educate and inform stakeholders of the DHCC's purpose and function.			
	1. Develop series of articles (e.g. News releases)			
	2. DHCC Website launched.	7-1-09		
	3. Create DHCC e-newsletter			
	4. Promote subscribers to website.	7-1-09		
	5. Outreach to schools.			
	6. Create a PowerPoint presentation and script for outreach to appropriate audiences.			
	7. Encourage students to attend DHCC board meetings.			
	8. Develop a printed piece for consumer fairs.			
	9. History of DHCC.			
	10. Calendar of events.	12-1-11		

	Objective 3B: Leverage the DHCC website as a centralized source of consumer protection, licensee and applicant information.			
	1. Develop links to other health care.			
	2. List of approved programs with links.			
	3. Implement online renewal collection fee.	1-1-10		
	Objective 3C: Provide Comprehensive information on retroactive fingerprinting requirements to licensees.			
	1. Update info on website.	12-6-10	Ongoing	
	2. Send camera-ready artwork to stakeholders (components / CDHA)			
	Objective 3D: Continue to network and build cooperation and partnerships with stakeholders.			
	1. Attend DH-related events a. CDHA Annual Meeting b. CDHEA Annual Meeting	May 2010 Jan 2010	Attend as permitted	
	2. Man exhibit booth @ CDA Presents.	May 2010	Attend as permitted	
	3. Participate in consumer related health fairs.	May 2010	Attend as permitted	
	4. Evaluate membership in WREB.			
	Objective 3E: Continue to cultivate a collaborative relationship with the Dental Board.			
	1. Continue to represent DHCC at Dental Board meetings.	Ongoing as permitted		
	2. DHCC members alternate attending DBC meetings, report to DHCC.			
	3. Formal invitations to DBC to attend DHCC board meetings regarding shared interests.			
	4. Update DBC on DHCC relevant issues.			
	5. Start joint task force bet DBC & DHCC; 2 members from each board.			
	6. Start joint ad-hoc for infection control every year.			
	Goal 4: Organizational Development			
	Objective 4A: Encourage professional development and growth of employees.			
	1. Have EO inform staff of upward mobility positions available.	Ongoing		
	2. Evaluate funding for staff development.	Inclusive in yearly budget		
	Objective 4B: Recognize employee efforts and accomplishments.			
	1. Quarterly appreciation activities 2. DHCC members expressing gratitude during staff interaction (i.e. email thank you)	Ongoing		
	Objective 4C: Explore alternate funding sources.			

	Objective 4D: Focus on environmentally conscious innovation.			
	1. Digital copies of board packets required for meetings.			Effective 12-12-11
	2. DCA provide laptops for members use to view materials.	Requested 4-1-11	Pending	
	3. Online renewal/ application process.			
	4. Utilize teleconference technology.			
	Objective 4E: Conduct an annual Executive Officer evaluation.			
	1. 2010		12-6-10	Completed
	2. 2011		12-13-11	
	3. 2012			
	Goal 5: Enforcement			
	Objective 5A: Ensure transparency and equity in committee enforcement actions.			
	1. Post Disciplinary guidelines.			
	2. Post enforcement statistics.		Posted DCA's website	
	3. Post number and status of complaints received.		Posted DCA's website	
	4. Provide summary of enforcement stages, materials.		Posted DCA's website	
	Objective 5B: Ensure timely and accurate response to complaints.			
	1. Develop internal policies for timely review of complaints.			Completed
	2. Manage each stage of the complaint process within mandated timeframes.			Completed
	3. Notify complainants in a timely matter of each significant stage in the administrative process.			Completed
	Objective 5C: Review and evaluate probation monitoring and the expert reviewer programs.			
	1. Ensure that a Committee representative meets with new probationers within 30 days of the decision effective date to fully explain the terms of probation.			Ongoing
	2. Ensure that all active probationers are interviewed at least each year to confirm compliance with all terms of probation.			Ongoing
	3. Assess Expert Reviewer Program for validity, training requirements and quality.			
	Objective 5D: Review, evaluate and revise enforcement regulations to improve efficiency and effectiveness.			
	1. Develop and Review, on a regular basis, DHCC Disciplinary Guidelines and Uniform Standards Related to Substance Abuse.		Initial development near completion	
	2. Review, update, and if necessary, develop enforcement			Completed

	policies and procedures.			
	3. Develop and Review, on a regular basis, Cite and Fine guidelines specific to the DHCC.		Initial development near completion	
	4. Inform and educate licensees and consumers about trends in enforcement complaints and disciplinary actions.			
	Objective 5e: Study the feasibility of a diversion program.			
	Goal 6: Access to Care			
	Objective 6A: Gather and analyze practice information to identify access to care deficiencies.			
	1. Investigate logistics to accomplish this.			
	2. Promote this as Masters level thesis project.			
	Objective 6B: Identify and promote loan repayment programs to encourage licensees to practice in shortage areas.			
	1. Gather list of loan repayment.			
	2. Post on website.			
	3. Work on statute changes to correct language.			
	Objective 6C: Monitor new oral healthcare delivery models.			
	1. Attend OSPHD Hearing on Teledentistry project.		Member assigned as Site Evaluator July 2011	
	2. Gather position papers and reports on new delivery models.			
	Objective 6D: Monitor federal healthcare reform for applicable changes.			
	1. Provide DHCC with information from DCA on implications.			



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 9**

Update on the Office of Statewide Health
Planning and Development (OSHDP)
Health Workforce Pilot Project (HWWPP#172)



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer Dental Hygiene Committee of California
SUBJECT	Agenda Item 9: Update on the Office of Statewide Health Planning and Development (OSHPD) Health Workforce Pilot Project HWPP #172

The DHCC supported HWPP# 172 at its' September 28, 2010 meeting.

As a reminder, the Health Workforce Pilot Project Program (HWPP # 172) is within the state agency of the Office of Statewide Health Planning and Development (OSHPD). One charge of the pilot program is to train current allied dental professionals (dental assistants and dental hygienists and dental hygienists in alternative practice) to perform new duties in community settings to improve the oral health of underserved populations.

On July 1, 2011, the DHCC received a letter formally inviting the Executive Officer to participate as a member of the site evaluation team for HWPP #172. Due to my current workload, I was unable to commit. Rhona Lee, President of DHCC appropriately assigned Michelle Hurlbutt to be the representative for the DHCC. The evaluation team are charged with monitoring the progress of the project's compliance with HWPP statutes and regulations and in meeting the project's objectives.

On November 2, 2011, OSHPD-HWPP and the evaluation team conducted a site evaluation. They evaluated the training received by the project participants by reviewing clinical sites administrative documents, on-going curriculum, training process, and employment/utilization phase of the pilot project. They also reviewed clinical outcomes of the overall HWPP #172 pilot project.

Michelle Hurlbutt was a member of the evaluation team representing DHCC and will provide further information at the meeting.



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 10**

Annual Election of Officers



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer Dental Hygiene Committee of California
SUBJECT	Agenda Item 10 - Annual Election of Officers

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 _____



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 11**

Proposed DHCC 2012 Meeting Calendar

2012 Dental Hygiene Committee of CA

DHCC	CDHEA Meeting, San Jose – February 1-3, 2012
Proposed DHCC Meeting, San Diego – April 16, 17, 2012	CDHA Scientific Session, Anaheim – May 3-5, 2012
Proposed DHCC Meeting, Sacramento – December 2,3,4, 2012	CDHA House of Delegates Meeting, Santa Clara– June 1-3, 2012
RDH Orientation and Exam, UCSF – March 10-11, 2012	ADHA Annual Session, Phoenix, AZ – June 13-19, 2012
RDH Orientation and Exam, USC – June 9-10, 2012	Holiday – New Years Day – January 2, 2012
RDH Orientation and Exam, USC – July 14-15, 2012	Holiday – Martin Luther King Jr. Day – January 16, 2012
RDH Orientation and Exam, UCSF – July 21-22, 2012	Holiday – President's Day – February 20, 2012
RDH Orientation and Exam, UCSF – October 20-21, 2012	Holiday - Cesar Chavez Day – March 30, 2012
	Holiday – Memorial Day – May 28, 2012
Dental Board Meetings – 2012	Holiday – Independence Day – July 4, 2012
Feb 23, 24 – San Diego May 17, 18 – SF Aug 16,17 – Sacto - Nov 8, 9 - LA	Holiday – Labor Day – September 3, 2012
CDA Convention, Anaheim – May 3-5, 2012	Holiday – Veterans Day – November 12, 2012
ADA Annual Meeting - San Francisco – October 18-23	Holiday – Thanksgiving Day & Day After – November 22-23, 2012
RDH Instrumentation Course/Sub-Committee Meeting – January 2013	Holiday – Christmas Day – December 25, 2012

January

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February

S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

March

S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May

S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June

S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August

S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September

S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October

S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November

S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December

S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer Dental Hygiene Committee of California
SUBJECT	Agenda Item 11: Proposed 2012 Meeting Calendar

The following are proposed 2012 meeting dates:

April 15 and 16, 2012 San Diego

December 2, 3 and 4, 2012 Sacramento

Attached is a calendar for your reference.



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 12**

Regulations Update, Review and Action as Necessary



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Traci Napper, Legislation and Regulatory Coordinator
SUBJECT	Agenda Item 12 a - Adoption of Amendments to §1138 of Title 16 of the California Code of Regulations – Disciplinary Guidelines

Background

At the April 29, 2011 meeting, the Committee directed staff to make the non-substantive changes and proceed with the 15-day notice.

Staff has made the substantive changes.

Dental Hygiene Committee of California



Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Originally proposed text was all new, shown without underlining, except for formatting purposes only.

Changes to the originally proposed language are shown by double underline for new text and ~~double-strikeout~~ for deleted text.

(April 2011)

Table of Contents

	Page No.
Introduction	3
Uniform Standards Related to Substance Abuse and Disciplinary Guidelines	<u>4-5</u>
Worksite Monitor Requirements	6
Major and Minor Violations	7
Drug Testing Standards	8-9
Disciplinary Guidelines	9
Situations in which Revocation Shall be Imposed	9
Recommended Action Violations	10
Probationary Terms and Conditions	44 <u>10</u>
Model Language for Probation Orders	42 <u>11</u>
List of Probation Conditions	43 <u>12</u>
Standard Probation Conditions	44 <u>13-17</u>
Additional Probation Conditions	48 <u>17-23</u>
Accusations and Decisions	23
Recommended Language for Cost Recovery for Revocations and Surrenders	24
Denial of Licensure	24
Demonstration of Rehabilitation	25
Evidence of Mitigation	26
Petition for Penalty Relief and Reinstatements	26-27
Dental Hygiene Licensure Act	28-33
Business and Professions Code Provisions	33 <u>34-36</u>
Index of Violations	36- <u>38</u>

Introduction

The Dental Hygiene Committee of California is a consumer protection agency with the primary mission of protecting consumers of dental hygiene services from potentially harmful licensees. In keeping with its obligation to protect the consumer, the Committee has adopted the following Disciplinary Guidelines for disciplinary orders and conditions of probation for violations of the laws governing the practice of dental hygienist as well as Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

The Committee carefully considers all facts and circumstances associated with each case in its efforts to protect consumers. Subsequently, an Administrative Law Judge ("ALJ") shall provide in all proposed decisions a detailed basis of his or her decision in the "Findings of Fact" particularly when there is a deviation from the Disciplinary Guidelines. Justification for the deviation shall be clearly outlined in the decision to enable the Committee to understand the reasons and to evaluate the suitability of the decision. However, an ALJ is prohibited from deviating from the Uniform Standards Related to Substance Abuse.

If at the time of hearing the ALJ finds that the Respondent, for any reason, is not capable of safe practice, the ALJ shall order outright revocation of the license. This is particularly important in cases of patient sexual abuse or bodily harm.

Suspension of a license may also be appropriate where the public may be better protected if the practice of the dental hygienist is suspended in order to correct deficiencies in skills, education or rehabilitation.

Dental Hygiene Committee of California

**UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND
DISCIPLINARY GUIDELINES**

Section 1138 Division 11 of Title 16, Article 6 entitled “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” of the California Code of Regulations is added to read:

Article 10. Uniform Standards Related to Substance Abuse and
Disciplinary Guidelines

Section 1138. Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Section 11400 et seq. of the Government Code) the Committee shall comply with the “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” Dated ~~September 28, 2010~~ April 2011 that are hereby incorporated by reference. Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Committee, in its sole discretion, determines that the facts of the particular case warrant such a deviation. However, neither the Committee nor an administrative law judge may impose any conditions or terms of probation that are less restrictive than the Uniform Standards Related to Substance Abuse. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards describe the consequences that apply to a substance abusing licensee.

Note: Authority cited: Sections 315, 315.4, 1950 and 1950.50 Business and Professions Code; and Sections 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 1950 of Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE

The following standards shall be adhered to in all cases in which a license is placed on probation due to a substance abuse problem. These standards are not guidelines and shall be followed in all instances, except that the Committee may impose more restrictive conditions if necessary to protect the public.

Clinical Diagnostic Evaluations:

Whenever a licensee is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, has 3 years experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Committee. The evaluations shall be conducted in accordance with accepted professional standards for conducting substance abuse clinical diagnostic evaluations.

Clinical Diagnostic Evaluation Report:

The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the licensee has a substance abuse problem, whether the licensee is a threat to himself or herself or others, and recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the licensee's rehabilitation and safe practice.

The evaluator shall not have a financial, personal, familial or business relationship with the licensee within the last 5 years. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee is a threat to himself or herself or others, the evaluator shall notify the Committee within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the Committee no later than 10 days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed 30 days.

The Committee shall review the clinical diagnostic evaluation to determine whether or not the licensee is safe to return to either part-time or full-time practice and what restrictions or recommendations should be imposed on the licensee based on the application of the following criteria:

License type, licensee's history, documented length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse problem, and whether the licensee is a threat to himself or herself or others.

When determining if the licensee should be required to participate in inpatient, outpatient or any other type of treatment, the Committee shall take into consideration the recommendation of the clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse problem, and whether the licensee is a threat to himself or herself or others.

Worksite Monitor Requirements:

If ~~a~~ the Committee determines that a worksite monitor is necessary for a particular licensee, the worksite monitor must meet the following requirements to be considered for approval by the Committee:

The worksite monitor shall not have any current or former financial, personal, familial or business relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Committee. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this requirement may be waived by the Committee. However, under no circumstances shall a licensee's worksite monitor be an employee of the licensee.

The worksite monitor's license scope of practice shall include the scope of practice of the licensee who is being monitored or be another health care professional if no monitor with like scope of practice is available-or be a person in a position of authority who is capable of monitoring the licensee at work.

The worksite monitor shall have an active unrestricted license, with no disciplinary action within the last 5 years.

The worksite monitor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to monitor the licensee as set forth by the Committee.

The worksite monitor must adhere to the following required methods of monitoring the licensee:

- a) Have face-to-face contact with the licensee at least once per week in the work environment or more frequently if required by the Committee;
- b) Interview other staff in the office regarding the licensee's behavior, if applicable; and
- c) Review the licensee's work attendance.

Reporting by the worksite monitor to the Committee shall be as follows:

Any suspected substance abuse must be orally reported to the Committee and the licensee's employer within 1 business day of occurrence. If occurrence is not during the Committee's normal business hours the oral report must be within the first hour of the next business day. A written report shall be submitted to the Committee within 48 hours of the occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the Committee. The report shall include: the licensee's name; license number; worksite monitor's name and signature; worksite monitor's license number; worksite location(s); dates licensee had face-to-face contact with monitor; staff interviewed if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

The licensee shall complete the required consent forms and sign an agreement with the worksite monitor and the Committee to allow the Committee to communicate with the worksite monitor.

If a licensee tests positive for a banned substance, the Committee shall order the licensee to cease practice. The Committee shall also immediately notify the licensee's employer that the licensee has been ordered to cease practice and he or she may not resume work until the ~~suspension~~ order is lifted.

Major and Minor Violations

Major Violations include, but are not limited to, the following:

1. Failure to complete a Committee ordered program;
2. Failure to undergo a required clinical diagnostic evaluation;
3. Committing multiple minor violations of probation conditions and terms;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or state or federal law;
6. Failure to obtain biological testing for substance abuse;
7. Testing positive for a banned substance; and
8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

If a licensee commits a major violation, the Committee shall ~~automatically suspend~~ order the licensee's license to cease any practice of dental hygiene and refer the matter for disciplinary action or other action as determined by the Committee.

Minor Violations include, but are not limited to, the following:

1. Failure to submit required documentation as required;
2. Unexcused absence at required meetings;
3. Failure to contact a monitor as required; and
4. Any other violations that do not present an immediate threat to the licensee or to the public.

Drug Testing Standards

If a licensee commits a minor violation, the Committee shall determine what action is appropriate.

The following drug testing standards shall apply to each licensee subject to drug testing:

1. The Committee may order a licensee to drug test at any time. Additionally, each licensee shall be RANDOMLY drug tested in accordance with the schedule below:

<u>Level</u>	<u>Segments of Probation/Diversion</u>	<u>Minimum Range of Number of Random Tests</u>
<u>I</u>	<u>Year 1</u>	<u>52-104 per year</u>
<u>II</u>	<u>Year 2+</u>	<u>36-104 per year</u>

*The minimum range of 36-104 test identified in level II, is for the second year of probation or diversion, and up to 5 years thereafter.

Nothing precludes the Committee from increasing the number of random tests for any reason. If the Committee finds or reasonably suspects that a licensee has committed a violation of the Committee's testing program or who has committed a Major Violation, as identified in Uniform Standard 20, may reestablish the testing cycle by placing that licensee at the beginning of level I, in addition to any other disciplinary action that may be pursued.

2. Licensees shall be randomly drug tested at least ~~404~~ 52 times per year for the first year and at any time as directed by the Committee. After the first year, licensee shall be randomly drug tested at least ~~50~~ 36 times per year, and at any time as directed by the Committee;
3. Drug testing may be required on any day, including weekends and holidays;
4. The scheduling of drug tests shall be done on a random basis, preferably by a computer program; so that a licensee can make no reasonable assumption of when he or she will be tested again. The Committee should be prepared to report data to support back-to-back testing, as well as numerous different intervals of testing.
5. Licensees shall be required to make daily contact to determine if drug testing is required;
6. Licensees shall be drug tested on the date of notification as directed by the Committee;
7. Specimen collectors must either be certified by the Drug and Alcohol Testing Industry Association or have completed the training required to serve as a collector for the U.S. Department of Transportation;
8. Specimen collectors shall adhere to the current U.S. Department of Transportation Specimen Collection Guidelines;
9. Testing locations shall comply with the Urine Specimen Collection Guidelines published by the U.S. Department of Transportation, regardless of the type of test administered;
10. Collection of specimens shall be observed;
11. Prior to vacation or absence, alternative drug testing location(s) must be approved by the Committee; and
12. Laboratories shall be certified and accredited by the U.S. Department of Health and Human Services.

A collection site must submit a specimen to the laboratory within 1 business day of receipt. A chain of custody shall be used on all specimens. The laboratory shall process results and provide legally defensible

test results within 7 days of receipt of the specimen. The Committee will be notified of non-negative test results within 1 business day and will be notified of negative test results within 7 business days.

The Committee may use other testing methods in place of, or to supplement biological sample testing, if the alternate testing method is appropriate.

Disciplinary Guidelines

In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offenses, or crime(s) under consideration;
2. Actual or potential harm to the public;
3. Actual or potential harm to any patient;
4. Prior disciplinary record;
5. Number and/or variety of current violations;
6. Mitigation evidence; or aggravation
7. Rehabilitation evidence;
8. In case of a criminal conviction, compliance with conditions of sentence or court-ordered probation;
9. Overall criminal record;
10. Time passed since the act(s) or offense(s) occurred; and
11. If applicable, evidence of expungement proceedings pursuant to Penal Code Section 1203.4.

Situations in which Revocation Shall Be Imposed

In addition to violation of the laws governing dental hygienist, there are other circumstances that necessitate outright revocation as the recommended penalty:

1. Failure to file a notice of defense or to appear at a disciplinary hearing, where the Committee has requested revocation;
2. Violation of the conditions of a Respondent's probation order;
3. Substantiated evidence or convictions of physical or sexual abuse offenses; and
4. Second offenses, unless the Respondent can demonstrate that he or she has been fully rehabilitated.

Recommended Action by Violation

The Business and Professions Code Section 1900, and general provision sections of the Business and Professions Code specify the offenses for which the Committee may take disciplinary action. Below are the code sections with the recommended disciplinary actions listed by the degree of the offense.

When filing an Accusation, the Office of the Attorney General may also cite additional related statutes and regulations.

*Note: Under conditions of probation you will find the applicable numbered conditions to include in a decision and order.

Probationary Terms and Conditions

As part of the Committee's mission to protect the consumer, any disciplinary order in which probation is imposed should include conditions that ensure consumer protection.

For purposes of implementation of these conditions of probation, any reference to the Committee also means staff working for the Dental Hygiene Committee of California.

Probationary Term

The Committee generally recommends a minimum probation term of 3 years. The term may be increased depending upon the severity of the violation(s).

Probationary Conditions

Conditions of probation are divided into 2 categories:

1. **Standard** conditions that are included in all probation orders; and
2. **Additional** conditions which are applicable to the nature of the violation(s).

Model Language for Probation Orders

When a stipulated settlement or proposed decision contains probationary terms and conditions, the following language shall be included:

- **Licensees:** Registered Dental ~~Hygiene~~ Hygienist (RDH), Registered Dental Hygienist in Alternative Practice (RDHAP), Registered Dental Hygienist in Extended Functions (RDHEF) license no. _____ issued to Respondent _____ is hereby revoked; however, the revocation is stayed and Respondent's license is placed on probation for _____ years on the following terms and conditions.
- **Applicants:** The application of Respondent _____ for licensure is hereby granted; however, the license shall be immediately revoked, the order of revocation stayed, and Respondent's license placed on probation for a period of _____ years on the following conditions:
- **Reinstatements:** The petition of _____ for reinstatement of the RDH, RDHAP, RDHEF license is hereby GRANTED, as follows.

RDH, RDHAP, RDHEF number _____ is reinstated. The license will be immediately revoked; however, the revocation is stayed for _____ years on the following terms and conditions:

In cases in which a petitioner for reinstatement has not practiced dental hygiene for an extended amount of time, he or she must retake the licensing exam before reinstatement. This information must be provided to the Administrative Law Judge so that the following can be included in the purposed decision the condition (number 13): "Upon successful completion of the licensure examination, a license shall be issued to Respondent."

NOTE: If cost recovery was ordered in the revocation or surrender of a license and the cost recovery has not been paid in full by petitioner, a probation condition requiring payment of original cost recovery on a payment plan shall be included in the decision.

List of Probation Conditions

STANDARD PROBATION CONDITIONS

Introductory Language and Conditions 1- ~~44~~15 are required as follows:

- | | |
|--|---|
| 1) Severability Clause | 12) License Surrender |
| 2) Obey All Laws | 13) Completion of Probation |
| 3) Quarterly Reports | 14) Law and Ethics Supplemental Exam |
| 4) Probation Program | <u>15) Continuing Education Course(s)</u> |
| 5) Interview with the Committee | |
| 6) Changes of Name, Address of Record
or Employment | |
| 7) Tolling Provisions | |
| 8) Notification of Employer | |
| 9) Cost Recovery (Does not apply to
Applicants) | |
| 10) Probation Monitoring Costs | |
| 11) Violation of Probation | |

ADDITIONAL PROBATION CONDITIONS

In addition to the standard conditions (1-~~44~~15), additional conditions (15-~~25~~29) are required if the offense involves one of the following: sexual misconduct, alcohol/drug abuse, mental/physical disabilities, fraudulent conduct, or lack of knowledge or skills. Any of these additional conditions may be included if relevant to the violation:

- | | |
|--|---|
| 45 16) Actual Suspension | 23 <u>26</u>) RDH Clinical Examination |
| 46 17) Psychological Evaluation | 24 <u>27</u>) Abstain from Alcohol |
| <u>18</u> Psychotherapy | 25 <u>28</u>) Abstain from Control Substances |
| 47 <u>19</u>) Physical Examination | <u>29) Restitution</u> |
| 48 <u>20</u>) Billing Monitor | |
| 49 <u>21</u>) Clinical Diagnostic Evaluation | |
| 20 <u>22</u>) Submit Biological Fluid Samples | |
| 24 <u>23</u>) Worksite Monitor | |
| <u>24</u> Practice Monitor | |
| 22 <u>25</u>) Restriction of Practice | |

Standard Probation Conditions

1. Severability Clause

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

Rationale: The severability clause is required for all decisions and orders and stipulated agreements where there are conditions of probation, to avoid the possibility of all probation conditions being invalidated upon a successful appeal.

2. Obey All Laws

Respondent shall obey all federal, state, US Military and local laws and all regulations. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Committee in writing within 72 hours of occurrence.

CRIMINAL COURT ORDERS: If Respondent is under criminal court orders by any governmental agency, including probation or parole, and the orders are violated, this shall be deemed a violation of probation and may result in the filing of an accusation or petition to revoke probation or both.

OTHER BOARD OR REGULATORY AGENCY ORDERS: If Respondent is subject to any other disciplinary order from any other health-care related board or any professional licensing or certification regulatory agency in California or elsewhere, and violates any of the orders or conditions imposed by other agencies, this shall be deemed a violation of probation and may result in the filing of an accusation or petition to revoke probation or both.

Rationale: If there has been a violation of any law or regulation that is substantially related to the qualifications, functions, or duties of an RDH, RDHAP, and/or RDHEF, this would constitute a violation of Respondent's probation and allow the Committee to carry out the disciplinary order.

3. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Committee, stating whether there has been compliance with all the conditions of probation.

Rationale: By the Respondent making declarations under penalty of perjury, this assures the Committee that the Respondent is making true statements to the Committee. Receiving these reports quarterly allows the Committee to track the Respondent's compliance, and provides a process for review in determining whether or not his or her license should be restored at the completion of his or her probation.

4. Probation Program

Respondent shall comply with the Committee's probation program and shall, upon notice, report to the Committee's staff. Respondent shall contact enforcement staff regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with victims or complainants associated with the case or persons serving the Committee as expert consultants.

Rationale: *Comply with the probation monitoring program to ensure consumer protection and the Respondent cannot use the excuse they didn't understand. In addition, to protect the victims, complainants and witnesses from harassment by the Respondent.*

5. Interview with the Committee

Respondent shall appear in person for interviews with the Committee upon request at various intervals and with reasonable notice. In addition, Respondent shall participate in telephonic interviews upon request by the Committee.

Rationale: *This condition allows the Committee to schedule in-person interviews to monitor Respondent's compliance with the probation order to ensure public protection. In addition, Respondent shall participate in telephone interviews upon the request of the Committee.*

6. Changes of Name, Address of Record or Employment

Respondent shall notify the Committee in writing of any and all changes of physical address, and email-address of record, e-mail, or employment including location and address within 30 days of such change. Respondent shall notify Committee of a legal name change within 10 days of such change.

Rationale: *This condition allows the Committee to be informed of Respondent's current name, address of record, employment information, including his or her business address, phone number, and employer (if applicable) in the event the Committee needs to locate the Respondent or communicate with his or her employer.*

7. Tolling Provisions

In the event Respondent should leave California to practice outside the state, Respondent must provide written notification to the Committee of the dates of departure and anticipated return to the state. Respondent's probation is tolled, if and when he or she ceases practicing in California. Period of practice outside of California will not apply to the reduction of the probationary period.

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as a dental hygienist or held any health-care related professional license or certificate. Respondent shall further provide information regarding the status of each license and certificate and any changes in the license or certificate status during the term of probation. Respondent shall inform the Committee if he or she applies for or obtains a license outside of California during the term of probation.

For purposes of this condition, non-practice due to Committee ordered suspension or in compliance with any other condition of probation, shall be considered a period of non-practice and the time period will be tolled.

Rationale: Ensures that Respondent may not complete probation without being fully monitored for his or her period of probation in California. This further ensures that the Committee is aware of all licensure outside of California as an RDH, RDHAP, or RDHEF or in any health care related capacity.

8. Notification to Employer

If Respondent is currently employed, in the process of applying for employment, or contracted to provide services as a dental hygienist, he or she shall provide a copy of the Committee's Decision to his or her employer, supervisor or contractor no later than the effective date of the Committee's Decision. The Respondent shall notify any future employers, supervisors or contractors of his or her probationary status with the Committee prior to accepting such employment. The Respondent shall provide to the Committee the names, physical addresses, and telephone numbers of all employers, supervisors and contractors.

Respondent shall complete the required consent forms and sign an agreement with the employer and supervisor, or contractor, and the Committee to allow the Committee to communicate with the employer and supervisor or contractor.

Respondent shall cause each employer and supervisor or contractor to submit quarterly written declarations to the Committee. These declarations shall include a performance evaluation.

Respondent shall notify the Committee, in writing, of any change in his or her employment status, within 10 days of such change.

Rationale: Respondent's license being placed on probation shows the Committee that his or her conduct is in need of rehabilitation, subsequently, Respondent's deficiencies should be noted to the employer as to protect the health and welfare of the public.

9. Cost Recovery

Respondent shall pay to the Committee its costs of investigation and enforcement in the amount of \$_____. Respondent shall be permitted to pay these costs in a payment plan approved by the Committee, with payments to be completed no later than 6 months prior to the end of the probationary term.

Rationale: The Committee incurs costs associated with the investigation and disciplinary process; this condition requires the Respondent to reimburse the Committee for those expenditures.

10. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Committee, which may be adjusted on an annual basis. Such costs shall be made payable to the Committee and mailed to the Committee. Failure to pay costs within 30 days of the due date is a violation of probation.

Rationale: Periodically, the Committee incurs expenditures associated with the necessary travel to meet with Respondent in order to monitor his or her probation compliance; this condition requires the Respondent to reimburse the Committee for those costs.

11. Violation of Probation

If Respondent violates probation in any respect, the Committee may, after giving Respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is filed against Respondent during probation, the Committee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No petition for modification or termination of probation shall be considered while there is an accusation or petition to revoke probation pending against Respondent.

Rationale: *This condition allows the Committee to carry out the disciplinary order stated in the decision when a Respondent fails to comply with any of his or her probation conditions.*

12. License Surrender

During Respondent's term of probation, if he or she wishes to cease practice, Respondent may request in writing to surrender the license(s) to the Committee. The Committee shall evaluate the request and notify Respondent in writing whether to grant the request. Upon formal acceptance of the license surrender, Respondent's license will no longer be subject to the conditions of probation. Respondent shall return the pocket license(s) and wall certificate(s) to Committee within 10 days of the effective date of the surrender.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Committee. A dental hygienist whose license has been surrendered may petition the Committee for reinstatement of his or her license no sooner than 3 years from the effective date of the surrender decision.

Rationale: *If Respondent feels he or she cannot follow any one of the conditions of the probation order due to a discontinuance of practice, this condition gives him or her the option to voluntarily surrender his or her license.*

13. Completion of Probation

Upon successful completion of probation, Respondent's license will be fully restored.

Rationale: *When the Respondent has completed his or her term of probation by successfully fulfilling all of the conditions, he or she has demonstrated his or her ability to practice unrestricted.*

14. Law and Ethics Supplemental Exam

Respondent shall take ~~a continuing education course in California Dental Practice Act (2 Units) approved by the Dental Hygiene Committee and~~ and successfully complete the California Law and Ethics supplemental exam within 60 days of the effective date of the decision.

Rationale: *In cases of fraudulent behavior, improper record keeping, or a deficiency of knowledge or skills, this condition ~~should be included~~ will help to remedy these deficiencies.*

15. Continued Education Course

Respondent shall take and successfully complete not less than _____ hours each year of probation in the following area(s) _____. Coursework must be pre-approved by the Committee or its designee. All coursework shall be taken at the graduate level at an accredited educational institution or by an approved continuing education provider. Classroom attendance is specifically required: correspondence or home study coursework shall not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal.

Within 60 days of the effective date of this Decision, Respondent shall submit to the Committee or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.

Rationale: In cases of fraudulent behavior, improper record keeping, or a deficiency of knowledge or skills, this condition will help to remedy these deficiencies.

Additional Probation Conditions

4516Actual Suspension

Respondent is suspended from the practice of RDH, RDHAP, RDHEF for ____ days beginning with the effective date of this Decision.

Rationale: Restricting Respondent's practice of dental hygiene for a limited amount of time offers an additional penalty and an opportunity for Respondent to satisfy other conditions that are primary.

4617Psychological Evaluation

Within 90 days of the effective date of this Decision and on a periodic basis thereafter as may be required by the Committee, Respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Committee appointed California licensed psychologist or board certified psychiatrist. Respondent shall execute a release authorizing the evaluator to release all information to the Committee.

If the Committee concludes from the results of the evaluation that Respondent is unable to practice independently and or safely, upon notification from the Committee he or she shall immediately cease practice and shall not resume practice until notified by the Committee. ~~If the Committee concludes from the results of the evaluation that Respondent would benefit from ongoing psychotherapy, Respondent shall comply with the Committee's directives in that regard.~~ Respondent shall pay all costs associated with the psychological evaluation. Failure to pay costs

will be considered a violation of the probation order.

Rationale: *Psychological evaluations shall be utilized when an offense calls into question the judgment and/or emotional and/or mental condition of the Respondent or where there has been a history of abuse or dependency of alcohol or controlled substances. When appropriate, Respondent shall be barred from rendering dental hygiene services under the terms of probation until he or she has undergone an evaluation, the evaluator has recommended resumption of practice, and the Committee has accepted and approved the evaluation. Note: if you order psychological evaluation you must request psychotherapy*

4718. Psychotherapy

Within 45 days of the effective date of this decision, or within 45 days of a determination that psychotherapy is required, Respondent shall submit a proposed therapist and plan of therapy to be approved by the Committee. The cost of therapy shall be borne by Respondent. The plan of therapy shall include the nature of the treatment and its proposed duration. The psychotherapist shall agree to submit quarterly reports to the Committee regarding the progress and participation of Respondent. The treatment program shall not be terminated except upon committee approval after submission of the results of the program by the psychotherapist. If there is a need for ongoing psychiatric psychological treatment, Respondent shall, within 30 days of the requirement notice, submit to the Committee for prior approval the name and qualifications of a psychiatrist licensed mental health professional of Respondent's choice. If the psychological evaluation recommends that Respondent seek treatment from a specific type of mental health professional (e.g. psychiatrist, psychologist, licensed clinical social worker or marriage and family therapist), Respondent shall undergo and continue psychotherapy until further notice from the Committee or its designee. Respondent shall have the treating psychotherapist mental health care professional submit quarterly status reports to the Committee or its designee indicating whether the Respondent is capable of practicing hygiene safely.

Rationale: *This condition should be imposed whenever there is evidence that the Respondent may have a psychological problem that may impact his or her being able to practice safely. If the Respondent is already in therapy this condition should be imposed to ensure that he or she continues to receive help.*

4819. Physical Examination

Within 90 days of the effective date of this Decision, Respondent shall undergo a physical examination by a California licensed physician and surgeon approved by the Committee. Respondent shall bear all costs of such an examination. Respondent shall comply with any treatment recommendations contained in the evaluation report submitted to the Committee by the physician and surgeon. Respondent shall ensure that the physician and surgeon provides the initial evaluation report and all written progress reports to the Committee on a quarterly basis or as otherwise determined by the Committee.

Rationale: *This condition permits the Committee to require the probationer to obtain appropriate treatment for physical problems/disabilities which could affect safe practice of dental hygiene. The physical examination can also be conducted to ensure that there is no physical evidence of alcohol/substance abuse*

4820. Billing Monitor/Practice Monitor

~~Where Respondent is and RDHAP W~~ Within 30 days of the effective date of this Decision, Respondent shall submit to the Committee for prior approval, billing monitor(s), the name and qualifications of one or more Dental Board or Committee licensees whose license is valid and in good standing. A monitor shall have no prior or current financial, personal, familial or business or personal relationship with the Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Committee, and shall agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs. The Committee shall provide the approved monitor with copies of the Committee Decision and a proposed monitoring plan. Within 15 days of receipt of the Decision and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision, fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement.

Within 60 days of the effective date of this Decision, and continuing throughout probation, Respondent's billing shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

The monitor(s) shall submit a quarterly written report to the Committee that includes an evaluation of Respondent's billing practices indicating whether Respondent's ~~care~~ is billing appropriately. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Committee.

If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Committee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 days. If Respondent fails to obtain approval of a replacement monitor within 60 days of the resignation or unavailability of the monitor, Respondent shall be suspended from the practice until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Respondent shall cease the practice of RDHAP within 3 days after being so notified by the Committee.

Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises, or to comply with this condition as outlined above is a violation of probation.

Rationale: Monitoring shall be utilized when Respondent's ability to appropriately bill, is at issue or as a result of questionable judgment in billing.

4921. Clinical Diagnostic Evaluation

Within 20 days of the effective date of the Decision and at any time upon order of the Committee, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator with a copy of the Committee's Decision prior to the clinical diagnostic evaluation being performed.

Respondent is ordered to cease any practice of dental hygiene, beginning on the effective date of the Decision, pending the results of the clinical diagnostic evaluation. During this time, Respondent shall submit to random drug testing at least 2 times per week. At Any other time the Respondent is ordered to undergo a clinical diagnostic evaluation, his he or her she license shall be ordered

to cease practice for a minimum of 1 month pending the results of a clinical diagnostic evaluation. During such time, the Respondent shall submit to random drug testing at least 2 times per week.

Respondent shall cause the evaluator to submit to the Committee a written clinical diagnostic evaluation report within 10 days from the date the evaluation was completed, unless an extension, not to exceed 30 days, is granted to the evaluator by the Committee. Cost of such evaluation shall be paid by the Respondent.

Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

Respondent's ~~license shall remain suspended~~ may not resume practice until the Committee determines that he or she is able to safely practice either full-time or part-time and has had at least 1 month of negative drug test results. Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

Rationale: *This provision should be included when a Respondent's license is placed on probation for a substance or alcohol abuse problem or where the conditions of the Uniform Standards Related to Substance Abuse apply so that the Committee has the ability to order at any time during the probation period a Respondent to undergo an evaluation to determine if he or she is currently safe to practice.*

2022Submit Biological ~~Fluid~~ Samples

Respondent shall immediately submit to random and directed biological ~~fluid~~ sample testing paid for by Respondent, at the request of the Committee. The Respondent shall be subject to a minimum of ~~104-52~~ random tests per year within the first year of probation and at minimum of ~~50~~ 36 random tests per year thereafter for the duration of the probationary term. If Respondent tests positive for a banned substance, Respondent shall be ordered by the Committee to immediately cease practice of dental hygiene, and may not practice unless and until notified by the Committee.

Respondent shall make daily contact as directed by the Committee to determine if he or she must submit to drug testing. Respondent shall submit his or her drug test on the same day that he or she is notified that a test is required. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Committee prior to the vacation or travel.

Rationale: *This provision should be included when a Respondent's license is placed on probation for a substance or alcohol abuse problem or where the conditions of the Uniform Standards Related to Substance Abuse apply so that the Committee can monitor whether or not the Respondent is abstaining from the use of banned substances or alcohol.*

21-23Worksite Monitor

Respondent shall submit the name of the proposed worksite monitor within 20 days of the effective date of the Decision. Respondent shall complete any required consent forms and sign an agreement with the worksite monitor and the Committee regarding the Respondent and the worksite monitor's requirements and reporting responsibilities. Once a worksite monitor is approved, Respondent may not practice unless the monitor is present at the worksite. If the worksite monitor terminates the agreement with the Committee and the Respondent, the Respondent shall not resume practice until

another worksite monitor is approved by the Committee.

Rationale: *This provision should be included when a Respondent's license is placed on probation for substance or alcohol abuse or where the conditions of the Uniform Standards Related to Substance Abuse apply so that the Committee becomes aware of potential problems a probationer may have before any patient harm occurs.*

24. Practice Monitor

Where Respondent is an RDH, RDHEF or RDHAP, within 30 days of the effective date of this Decision, Respondent shall submit to the Committee for prior approval, practice monitor(s), the name and qualifications of one or more Dental Board or Committee licensees whose license is valid and in good standing. A monitor shall have no prior or current financial, personal, familial or business or personal relationship with the Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Committee, and shall agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

The Committee shall provide the approved monitor with copies of the Committee Decision and a proposed monitoring plan. Within 15 days of receipt of the Decision and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision, fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement.

Within 60 days of the effective date of this Decision, and continuing throughout probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

The monitor(s) shall submit a quarterly written report to the Committee that includes an evaluation of Respondent's practices indicating whether Respondent is providing appropriate care to patients. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Committee.

If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Committee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 days. If Respondent fails to obtain approval of a replacement monitor within 60 days of the resignation or unavailability of the monitor, Respondent shall be suspended from the practice until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Respondent shall cease the practice of RDHAP within 3 days after being so notified by the Committee.

Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises, or to comply with this condition as outlined above is a violation of probation.

Rationale: *Monitoring shall be utilized when Respondent's ability to provide appropriate care to patients is at issue, or as a result of deficient care being provided to patients.*

22 25. Restriction of Practice

During probation Respondent is prohibited from providing dental hygiene services to patients who are (insert restriction). Within 30 days from the effective date of the decision, Respondent shall submit to the Committee, for prior approval, a plan to implement this restriction. Respondent shall submit proof satisfactory to the Committee of compliance with this term of probation.

Rationale: *In cases wherein some factor of the patient population at large (e.g. age, gender) may put a patient at risk if treatment by the Respondent, this condition should be utilized. Additional language can be added for clarification.*

23 26. RDH Clinical Examination

Respondent shall cease practice until he or she successfully passes the Dental Hygiene Clinical Licensing Exam or Western Regional Examination Board (WREB). Respondent shall pay the established examination fees. Failure to pass the exam within 2 years of the effective date of the Decision shall be a violation of probation and be sufficient cause for revoking probation and imposing an order of revocation.

Rationale: *In cases involving practice deficiencies, it may be appropriate to require the Respondent to take and pass the clinical hygiene examination or equivalent during the course of the probation period. In some instances, it may be appropriate for Respondent to be ordered to cease practice ~~to be suspended~~ until the examination is passed (condition precedent).*

2427. Abstain from Alcohol

Respondent shall completely abstain from the intake of alcohol during the period of probation.

Rationale: *This provision should be included when a Respondent has an alcohol problem or where the conditions of the Uniform Standards Related to Substance Abuse apply so that the Committee can monitor whether the Respondent is in violation of probation.*

2528. Abstain from Controlled Substances

Respondent shall completely abstain from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act and dangerous drugs as defined in Section 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

Rationale: *This provision should be included when a Respondent has a substance abuse problem or where the conditions of the Uniform Standards Related to Substance Abuse apply so that the Committee can monitor whether the Respondent is in violation of probation.*

29. Restitution

Respondent shall pay restitution to Respondent's patient(s) (specify) or the payer(s) of services (specify), in the amount of \$ _____. Respondent shall be permitted to pay these costs

in a payment plan approved by the Committee, with payment to be completed no later than 6 months prior to the end of probation.

Rationale: Respondent should not be permitted to financially benefit from violation of the law
Respondent should be required to make restitution. This condition should be imposed when
Respondent has engaged in fraudulent behavior, including fraudulent billing or improper record
keeping, or a deficiency of knowledge or skill resulting in harm to a patient.

Accusations and Decisions

To provide a foundation for consistency and clarity in each disciplinary action, the Committee asks that the below guidelines be followed.

ACCUSATIONS

The Committee has the authority, pursuant to Section 125.3 of the Business and Professions Code, to recover costs of investigation and prosecution of its cases. Further the Committee has the authority, pursuant to Section 1951(d) of the Business and Professions Code, to order restitution in cases. The Committee requests that this fact be included in the pleading and made part of the Accusation.

STIPULATED SETTLEMENTS & PROPOSED DECISIONS

The Committee will consider agreeing to stipulated settlements to promote consumer protection. All stipulations must be accompanied by a memo from the Deputy Attorney General addressed to Committee members explaining the background of the case, defining the allegations, mitigating and aggravating circumstances, admissions and proposed penalty along with a recommendation.

Proposed Decisions and Stipulation should include, at a minimum, the following:

1. Names and addresses of the Respondent;
2. Specific code section(s) violated with the definition of the code section(s) in the Determination of Issues;
3. Clear description of the acts or omissions that caused the violation to occur;
4. Explanation of mitigating and aggravating factors;
5. Explanation of discipline imposed from Committee's Disciplinary Guidelines;
6. Detailed explanation if Committee's guidelines not imposed.

Recommended Language for Cost Recovery for Revocations and Surrenders

When the Decision and Order results in revocation or surrender of the license, cost recovery should be included as follows:

“If and when Respondent’s license is reinstated, he or she shall pay to the Committee costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$_____. Respondent shall be permitted to pay these costs in a payment plan approved by the Committee. Nothing in this provision shall be construed to prohibit the Committee from reducing the amount of cost recovery upon reinstatement of the license.”

Denial of Licensure

Pursuant to Business and Professions Code 480, the Committee has authority to protect the public in denying licensure to any applicant whose misconduct or criminal history is substantially related to the qualifications, functions, or duties of a dental hygienist.

The Committee may deny licensure on the basis of:

- Conviction of a crime substantially related to the practice of dental hygiene;
- Any act involving dishonesty, fraud, or deceit with intent to substantially benefit self or another or to substantially injure another;
- Any act which is grounds for revocation of a license;
- Making a false statement on the application

Any person, whose application for a license has been denied by the Committee, may reapply to the Committee for a license after a period of 1 year has elapsed from the date of the denial.

Demonstrations of Rehabilitation

- In evaluating the rehabilitation of an applicant or licensee, the Committee considers the following:
 1. The nature and severity of the crime(s) under consideration;
 2. Evidence of any acts committed subsequent to the crime(s) under consideration as grounds for disciplinary action or denial of license;
 3. The time that has elapsed since the commission of the crime(s);
 4. The extent to which the applicant or licensee has complied with any terms of probation or any other sanctions lawfully imposed against the applicant or licensee;
 5. Evidence, if any, of rehabilitation by the applicant or licensee demonstrating that Respondent has gained an appreciation of and taken responsibility for the gravity of the misconduct and remorse for the harm caused, shown by a course of conduct that convinces and assures the Committee that the public would be safe if Respondent is permitted to be licensed to practice dental hygiene.
- The following is a list of items the Committee will consider in determining whether or not the applicant or licensee has been rehabilitated:
 1. Copies of court documents pertinent to conviction, including documents specifying conviction and sanctions, and proof of completion of sanction;
 2. Letter from applicant or licensee describing underlying circumstances of arrest and conviction record as well as any rehabilitation efforts or changes in life since that time to prevent future problems;
 3. Letters of reference from professors or colleagues within the field of dental hygiene;
 4. Letters of reference from past and/or current employers;
 5. Letters from recognized recovery programs attesting to current sobriety and length of time of sobriety if there has been a history of alcohol or drug abuse;
 6. A current mental status examination by a clinical psychologist or psychiatrist approved by the Committee. The evaluation should address the likelihood of similar acts or convictions in the future, and should speak to the suitability of the dental hygiene profession for the applicant;
 7. Letters of reference from other knowledgeable professionals, such as probation or parole officers;
 8. Copy of certificate of rehabilitation or evidence of expungement proceedings;
 9. Evidence of compliance with and completion of terms of probation, parole, restitution, or any other sanctions.

Evidence of Mitigation

The Respondent is permitted to present mitigating circumstances at a hearing. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the Respondent may submit to demonstrate his or her rehabilitative efforts and competency in dental hygiene:

1. Recent, dated letters from counselors regarding Respondent's participation in a rehabilitation or recovery program, where appropriate. These should include a description of the program, the number of sessions the Respondent has attended, the counselor's diagnosis of Respondent's condition and current state of rehabilitation (or improvement), the counselor's basis for determining improvement, and the credentials of the counselor;
2. Recent letters describing Respondent's participation in support groups, e.g., Alcoholics Anonymous, Narcotics Anonymous, etc., where appropriate, and sobriety date;
3. Recent, dated laboratory analyses or drug screen reports, where appropriate;
4. Recent, dated physical examination or assessment report by a licensed physician, nurse practitioner, or physician assistant approved by the Committee;
5. Certificates or transcripts of courses related to dental hygiene which Respondent may have completed since the date of the violation.

Petition for Penalty Relief and Reinstatements

Pursuant to Business and Professions Code Section 1957 (a), an individual whose license has been revoked, suspended, or surrendered, or whose license has been placed on probation must wait a specified minimum amount of time before petitioning the Committee for penalty relief or reinstatement.

- A person with a revoked or surrendered license must wait at least 3 years from the effective date of his or her Decision to petition for reinstatement;
- A person with a term of probation of 3 years or more must wait at least 2 years from the effective date of his or her Decision to petition for early termination;
- A person with whose license is placed on probation must wait at least 2 years from the effective date of his or her Decision to petition for modification of a condition;
- A person with a term of probation of less than 3 years must wait at least 1 year from the effective date of his or her Decision to petition for early termination.
- A person who has been revoked is required to submit electronic fingerprints as part of reinstatement petition for penalty relief.

PETITION HEARINGS

The primary concerns of the Committee at reinstatement or penalty relief hearings are that the evidence presented by the Petitioner that demonstrates his or her rehabilitation to ensure consumer protection.

The Committee will consider the following criteria:

1. Nature and severity of the act(s) or offense(s);
2. Total criminal record;
3. The time that has elapsed since commission of the act(s) or offense(s);
4. Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person;
5. If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code;
6. Evidence, if any, of rehabilitation submitted by the ~~licensee or registration holder~~ Petitioner demonstrating that Petitioner has gained an appreciation of and taken responsibility for the gravity of the misconduct and remorse for the harm caused, shown by a course of conduct that convinces and assures the Committee that the public would be safe if Respondent is permitted to be licensed to practice dental hygiene.

The Petition Decision should include a summary of the offense and the specific codes violated which resulted in the revocation, surrender or probation of the license.

The Committee requires that comprehensive information be elicited from the Petitioner regarding his/her rehabilitation. The Petitioner should provide details that include:

- A. Continuing education pertaining to the offense and its effect on the practice of dental hygiene;
- B. Specifics of rehabilitative efforts and results which should include programs, psychotherapy, medical treatment, etc., and the duration of such efforts;
- C. If applicable, copies of court documents pertinent to conviction, including documents specifying conviction and sanctions, and proof of completion of sanctions;
- D. If applicable, copy of Certificate of Rehabilitation or evidence of expungement proceedings;
- E. If applicable, evidence of compliance with and completion of terms of probation, parole, restitution, or any other sanctions;
- F. A culpability or non-culpability statement.

If the Committee should deny a request for reinstatement of licensure or penalty relief, the Committee requests that the ALJ-provide technical assistance in the formulation of language clearly setting forth the reasons for denial. Such language would include methodologies or approaches which would demonstrate rehabilitation.

If a petitioner fails to appear for his or her scheduled reinstatement or penalty relief hearing, such action shall result in a default decision to deny reinstatement of the license or reduction of penalty.

Dental Hygiene Practice Act

Conviction of a Crime

Section 1950 (a)

Conviction of a Crime.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of crime.*

1. *Standard Conditions (1-~~14~~15)*
2. *Actual Suspension (~~15~~ 16)*

For appropriate cases the following additional conditions shall be imposed:

3. *Billing Monitor (20)*
4. *Worksite Monitor (23)*
5. *Practice Monitor (24)*
6. *Restriction of Practice (25)*
7. *Restitution (29)*

Unprofessional Conduct

Section 1950.5 (a)

Obtaining of Any Fee by Fraud or Misrepresentation.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3-5 years probation.*

1. *Standard Conditions (1-~~14~~15)*
2. ~~*Monitoring — Practice Billing—Billing Monitor (20)*~~
3. *Worksite Monitor (~~24~~23)*
4. *Restitution (29)*

Section 1950.5 (b)

Aiding or Abetting of Any Unlicensed Person to Practice Dentistry.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard Conditions (1-~~14~~15)*
2. *Worksite Monitor (23)*
3. *Practice Monitor (25)*
4. *Restitution (29)*

Section 1950.5 (c)

Aiding or Abetting of Any Unlicensed Person to Practice Dentistry Unlawfully.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard Conditions (1-~~14~~15)*
2. *Worksite Monitor (22)*
3. *Practice Monitor (23)*
4. *Restitution (29)*

Section 1950.5 (d) Sexual Abuse, Sexual Misconduct or Relations with a Patient.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation*

Section 1950.5 (e) Use of Any False, Assumed or Fictitious Name Other Than Licensed to Practice.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

1. Standard Conditions 1-4415

2. Billing Monitor (20)

3. Practice Monitor (24)

Section 1950.5 (f) Accepting or Receiving a Commission.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3 – 5 years probation.*

1. Standard Conditions 1-44 15

2. Billing Monitor (20)

3. Restitution (29)

Section 1950.5 (g) False or Misleading Advertising.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. Standard Conditions 1-4415

2. Billing Monitor (~~18~~ 20)

3. Restitution (29)

Section 1950.5 (h) Advertising Superiority.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. Standard Conditions 1-44 15

2. Restitution (29)

Section 1950.5 (i) Employing or Using Solicitors.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. Standard Conditions 1-44 15

2. Billing Monitor (20)

3. Restitution (29)

Section 1950.5 (j) Advertising in Violation of Section 651.

Maximum Penalty: *Revocation*
Minimum Penalty: *Revocation stayed with 3 years probation*

1. Standard Conditions 1-44 15
2. Restitution (29)

Section 1950.5 (k) Advertising to Perform Painless Service.

Maximum Penalty: *Revocation*
Minimum Penalty: *Revocation stayed with 3 years probation*

1. Standard Conditions 1-44 15
2. Restitution (29)

Section 1950.5 (l) Violation of Any Provisions of This Division.

Maximum Penalty: *Revocation*
Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard terms 1-44 15*
2. *Any additional probation conditions warranted by nature and severity of action or conduct.*

Section 1950.5 (m) Permitting of Any Person to Operate Dental Radiographic Equipment Who Has Not Met The Requirements of Section 1656.

Maximum Penalty: *Revocation*
Minimum Penalty: *Revocation stayed with 3 years probation*

1. Standard Conditions 1-44 15
2. Worksite Monitor (23)
3. Practice Monitor (24)

Section 1950.5 (n) Excessive Administration of Drugs or Treatment.

Maximum Penalty: *Revocation*
Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard terms 1-44 15*
2. *Restriction of Practice (~~22~~ 25)*
3. *Clinical Diagnostic Evaluation(21)*
4. *Worksite Monitor (23)*
5. *Practice Monitor (24)*

Section 1950.5 (o) Threats or Harassment Against an Employee or Patient.

Maximum Penalty: *Revocation*
Minimum Penalty: *Revocation stayed 3-5 years probation.*

1. Standard Conditions 1-44 15
2. Psychological Evaluation (17)

3. Psychotherapy (18)
4. Worksite Monitor (23)
5. Practice Monitor (24)

Section 1950.5 (p)

Suspension or Revocation of a License Issued by Another Agency or State That Would be Grounds in This State.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3-5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-~~14~~ 15*
2. *Any additional probation conditions warranted by nature and severity of action or conduct.*

Section 1950.5 (q)

Alteration of Patient Record with Intent to Deceive.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-14*
2. ~~*Monitoring—Billing*~~ *Billing Monitor (20)*
3. *Worksite Monitor (23)*
4. *Practice Monitor (24)*

Section 1950.5 (r)

Unsafe or Unsanitary Office Conditions.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3 years probation.*

1. *Standard Conditions 1-~~14~~ 15*
- ~~2. *Clinical Diagnostic Evaluation (19)*~~
3. *Worksite Monitor (23)*
4. *Practice Monitor (24)*

Section 1950.5 (s),(u)

Securing a License by Fraud or Deceit.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard terms 1–14*
2. *Actual Suspension (15)*
3. *Restriction of Practice(~~22~~ 3)*
4. *Were you adding something?*

Section 1950.5 (t)

Willful Misrepresentation of Facts Relating to Discipline to Patients.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard Conditions 1-14*

2. Worksite Monitor (24 2) same confusion

3. Practice Monitor (22 3)

Section 1950.5 (v)

Any Action or Conduct That Would Have Warranted the Denial of a License.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

1. *Standard Conditions 1-14*
2. *Any additional probation conditions warranted by nature and severity of action or conduct.*

Section 1950.5 (w)

Aiding or Abetting Licensee to Practice in a Negligent Manner.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

1. Standard Conditions 1-14

2. Any additional probation conditions warranted by nature and severity of action or conduct.

Section 1950.5 (x)(y)

Failure to Report the Death of a Patient to Committee .

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

1. *Standard Conditions 1-14*
2. *Any additional probation condition warranted by nature and severity of action or conduct.*

Section 1952(a)

Obtain or Possess Any Controlled Substance.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-14*
2. *Abstain from Alcohol (24 6)*
3. *Abstain from Control Substance (25 7)*
4. *Submit to Biological ~~Fluid~~ Samples Testing (20 1)*
5. *Psychological Evaluation (17)*
6. *Psychotherapy (18)*
7. *Worksite Monitor (23)*
8. *Practice Monitor (24)*

Section 1952 (b)

Use of a Controlled Substance.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. Standard Conditions 1-14 15
2. Abstain from Alcohol (245)
3. Abstain from Controlled Substances (257)
4. Submit to Biological ~~Fluid~~ Samples Testing (20-1)
5. Psychological Evaluation (17)
6. Psychotherapy (18)
7. Physical Examination (19)
8. Worksite Monitor (23)
9. Practice Monitor (24)

Section 1952 (c)

Conviction Involving Controlled Substance.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. Standard Conditions 1-14 15
2. Abstain from Alcohol (246)
3. Abstain from Controlled Substance (257)
4. Submit to Biological ~~fluid~~ sample testing (20 1)
5. Psychological Evaluation (17)
6. Psychotherapy (18)
7. Physical Examination (19)
8. Worksite Monitor (23)
9. Practice Monitor (24)

Section 1953 (b)

Failure to Identify Yourself In Patient Record (Repeated Acts).

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. Standard Conditions 1-14 15
2. Any additional probation conditions warranted by nature and severity of action or conduct.

Section 1956

Negligence/Gross Negligence.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. Standard Conditions 1-14 15
2. Actual Suspension (15)
3. Billing Monitor (if appropriate) (~~18~~ 20)
4. Clinical Diagnostic Evaluation (21)
5. Worksite Monitor (23)
6. Practice Monitor (24)

General Business and Professions Code Provisions

Section 125 Misdemeanor Offenses by Licensees.

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 years probation.*
1. *Standard Conditions 1-44 15*
 2. *Actual Suspension (4516)*
 3. *Restitution (29)*
 4. *Any additional probation conditions warranted by nature and severity of action or conduct.*

Section 125.6 Refusal to Treat Patient.

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 years probation.*
- 1. Standard Conditions 1-4415*
 - 2. Worksite Monitor (23)*
 - 3. Practice Monitor (24)*

Section 125.9 Failure to Comply with Citation.

- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 years probation.*
1. *Standard Conditions 1-4415*
 2. *Compliance with citation, if applicable*
 3. *Any additional probation conditions warranted by nature and severity of action or conduct.*

Section 480 Denial of a License.

- Maximum Penalty: *Denial of license*
 - Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of violation.*
- 1. Standard Conditions 1-4415*
 - 2. Any additional probation conditions warranted by nature and severity of action or conduct.*

~~Section 493 Evidentiary Effect of Record of Conviction of Crime Substantially Related to Licensee's Qualifications, Functions, and Duties.~~

Section 496 Subversion of Licensing Examinations.

- Maximum Penalty: *Denial of license or ~~Suspension~~ Revocation*
- Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of violation.*

- 1. Standard Conditions 1-4415*
- 2. RDH Clinical Examination (26)*

Section 498**Securing License by Fraud, Deceit, or Misrepresentation.**

- Maximum Penalty: *Denial of license, ~~Suspension~~, or Revocation*
- Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of violation.*

1. Standard Conditions 1-~~44~~15
2. RDH Clinical Examination (26)

Section 650**Accepting or Receiving Rebates.**

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 years probation.*

1. Standard Conditions 1-~~44~~15
2. Restitution (29)

Section 651**False, Misleading or Deceptive Public Communications.**

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 years probation.*

1. Standard Conditions 1-14
2. Restitution (where appropriate) (268).

Section 654.2**Charges, Billings, Solicitations or Referrals without Disclosure of Beneficial Interest Prohibited.**

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 years probation.*

1. Standard Conditions 1-~~44~~15
2. Billing Monitor (20)

Section 726**Commission of Act of Sexual Abuse or Misconduct with Patient.**

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation*

Section 810**Insurance Fraud**

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 5 years probation.*

1. *Standard Conditions 1-~~44~~15*
2. *Actual Suspension (~~45~~16)*
3. *Billing Monitor (~~18~~20)*
4. *Worksite Monitor (23)*
5. *Practice Monitor (24)*
6. *Restitution (where appropriate) (29)*

Section 822**Psychological or Physical Illness.**

- Maximum Penalty: *Revocation or Suspension*
- Minimum Penalty: *Revocation stayed with 3–5 years probation*

depending on nature and severity of violation.

1. Standard Conditions 1-4415
2. Actual Suspension (4516)
3. Psychological Evaluation (4617)
4. Psychotherapy (18)
5. Physical Examination (4719)
6. Any additional probation conditions warranted by nature and severity of action or conduct.

Index of Violations

Do these page #s relate to the pages of the DGs? If so, they're not right. Do you need these?

Business and Professions Code

	<u>Page No.</u>
Section 1950 (a) – Conviction of a Crime	278
Section 1950.5 (a) – Obtaining of Any Fee by Fraud or Misrepresentation	278
Section 1950.5 (b) – Aiding or Abetting of Any Unlicensed Person to Practice Dentistry	278
Section 1950.5 (c) – Aiding or Abetting of Any Unlicensed Person to Practice Dentistry Unlawfully	278
Section 1950.5 (d) – Sexual Abuse, Sexual Misconduct or Relations with a Patient	29
Section 1950.5 (e) – The Use of Any False, Assumed or Fictitious Name Other Than Licensed to Practice	29
Section 1950.5 (f) – Accepting or Receiving a Commission	30
Section 1950.5 (g) – False or Misleading Advertising	30
Section 1950.5 (h) – Advertising Superiority	30
Section 1950.5 (i) – Employing or Using Solicitors	30
Section 1950.5 (j) – Advertising in Violation of Section 651	30
Section 1950.5 (k) – Advertising to Perform Painless Service	30
Section 1950.5 (l) – Violation of Any Provision of This Division	28
Section 1950.5 (m) – Permitting of Any Person to Operate Dental Radiographic Equipment Who Has Not Met The Requirements of Section 1656	31

Section 1950.5 (n)	– Excessive Administration of Drugs or Treatment	31
Section 1950.5 (o)	– Threats or Harassment Against an Employee or Patient	31
Section 1950.5 (p)	– Suspension or Revocation of a License Issued by Another Agency or State That Would be Grounds in This State	31
Section 1950.5 (q)	– Alteration of Patient Record with Intent to Deceive	31
Section 1950.5 (r)	– Unsafe or Unsanitary Office Conditions	31
Section 1950.5 (s)(u)	– Securing a License by Fraud or Deceit	33
Section 1950.5 (t)	– Willful Misrepresentation of Facts Relating to Discipline to Patients	33
Section 1950.5 (v)	– Any Action or Conduct that Would Warrant the Denial of a License	33
Section 1950.5 (w)	– Aiding or Abetting a Licensee to Practice in a Negligent Manner	33
Section 1950.5 (x)(y)	– Failure to Report the Death of a Patient to Committee.	33
Section 1952 (a)	– Obtain or Possess Any Controlled Substance	34
Section 1952 (b)	– Use of a Control Substance	34
Section 1952 (c)	– Conviction Involving Controlled Substance	34
Section 1953 (b)	– Failure to Identify In Patient Record, Repeated Acts	34
Section 1956	– Negligence/Gross Negligence	32
Section 125	– Misdemeanor Offenses by Licensees	33
Section 125.6	– Refusal to Treat Patient	33
Section 125.9	– Failure to Comply with Citation	33
Section 480	– Denial of a License	33
Section 493	Evidentiary Effect of Record of Conviction of Crime Substantially Related to Licensee's Qualifications, Functions, and Duties	33

Section 496	– Subversion of Licensing Examinations	33
Section 654.2	– Charges, Billings, Solicitations or Referrals without Disclosure of Beneficial Interest Prohibited	34
Section 726	– Commission of Act of Sexual Abuse or Misconduct with Patient	34
Section 810	– Insurance Fraud	34
Section 822	– Psychological or Physical Illness	35
Section 498	– Securing License by Fraud, Deceit, or Misrepresentation	34
<u>Section 651</u>	<u>False, Misleading or Deceptive Public Communications</u>	<u>34</u>
Section 650	– Accepting or Receiving Rebates	34
Section 651	False, Misleading or Deceptive Public Communications	34



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Traci Napper Legislative and Regulatory Coordinator
SUBJECT	Agenda Item 12 b - Adoption of §1139-1144 of Title 16 of the California Code of Regulations – Cite and Fine

Background

At the April 29, 2011 meeting, the Committee directed staff to take all necessary steps to complete the rulemaking process, include the final rulemaking package to the Office of Administrative Law and authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process.

Due to the changes made, DHCC's legal counsel advised that a 15-day notice was necessary. The 15-day notice began October 10, 2011 – October 25, 2011. No comments were received during the 15 day notice.

Staff forwarded the final rule making file to Department of Consumer Affairs Legal Office for final review before submission to Office of Administrative Law (OAL). It is projected that the Cite and Fine Regulatory package will be submitted to OAL by the end of December 2011.



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Legislative and Regulatory Subcommittee Members
FROM	Traci Napper, Legislative and Regulatory Coordinator
SUBJECT	Full 12 c – Proposed regulatory language to implement Business and Professions Code 901 regarding authorization for Out of State licensed practitioners to provide healthcare services at sponsored free health clinics

Background

At the April 29, 2011 meeting, the Committee directed staff to take all necessary steps to complete the rulemaking process and gave the Executive Officer authority to make any non-substantive changes to the proposed regulations before completing the rulemaking process.

The Sponsored Free Health Care Regulations have been sent to Office of Administrative Law and posted in the November 18, 2011, California Regulatory Notice Register. The 45-day notice process began November 18, 2011. The Hearing is set for January 6, 2012 at DCA Evergreen Hearing Room at 10:00 am.



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 13**

Statutory Update, Review and Action as Necessary



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Traci Napper Legislative and Regulatory Coordinator
SUBJECT	FULL 13 - Statutory Update, Review and Action as Necessary

Background

At the April 29, 2011 meeting, staff provided an update on the Committees' clean-up legislation. DHCC submitted language to be included in the SB 943 Omnibus Bill and language to be included in the SB 540 Sunset Bill (Dental Board).

Staff has provided a chart identifying DHCC's statutory language as follows:

- Language accepted in Omnibus Bill SB 943
- New language in Dental Boards' Sunset Bill SB 540
- Language that will require the DHCC to seek an author

Also, attached is the statutory language the committee accepted at the December 6, 2010 meeting.

FULL 13.03 The following chart is being used for tracking purposes.

Substantive Requires Statutory Change 10.15.11	Added into the chaptered Omnibus Bill 10.15.11	Added into the chaptered SB 540 Dental Board Sunset Bill
1901(c) Dental Practice Act	1902.1 Protection of Public	1901 Jurisdiction
1902.2 Collection of information	1916 Electronic Fingerprinting	1903 Board Members
1902.3 Special Permit	1917 Completion of STC	1905.2 Scope of Practice
1905 Approval Educ Programs	1917.2 Dental Students	
1905.1 Contracting with DBC investigations	1918 EF Applicants	
1907 Duties	1922 HAP Requirement	
1909.5 Scope of Practice	1927 HAP Duties	
1915 Permitted duties	1950 Probationary Language	
1917(f) Initial licensure requirement Clinical Exam	1952 Controlled Substance	
1917.1 Initial licensure requirement LBC or WREB	1955 Patient Records	
1917.3 Three attempts	1957 Petition for Reinstatement	
1922(2)RDHAP licensure	1959 Appending Degree after	
1926.1 Mobile Clinic	1961 Practicing without valid	
1926.2 Registration of Offices	1962 Fictitious Name Permit	
1926.3 Mobile Clinic requirements	1963 Filing of Complaint	
1926.4 Additional Offices	1966.1 Rehabilitation	
1931(a)(1)(c) RDHAP, Committees authorization to take actions.		
1934 Provide proof address or email		
1936.1(a) Additional conditions on renewals.		
1942 Extramural Facility		
1944(a) Fees		
1945 Dispersing of Funds		
1950.5 Unprofessional Conduct		
1958.1 False Advertisement		
1960 Bartering or selling license		

BUSINESS AND PROFESSIONS CODE

SECTION 1900-1966.6

1900. It is the intent of the Legislature by enactment of this article to permit the full utilization of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions in order to meet the dental care needs of all of the state's citizens.

1901. (a) There is hereby created within the jurisdiction of the Dental Board of California a Dental Hygiene Committee of California in which the administration of this article is vested.

(b) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the committee subject to review by the appropriate policy committees of the Legislature.

(c) This article may be known as the "Dental Hygiene Practice Act".

Comment [d1]: Added omnibus bill

Comment [d2]: Need to add

1902.1. Protection of the public shall be the highest priority for the committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Comment [d3]: Added - Omnibus bill

1902.2 (a) The licensee shall report upon his or her initial licensure and any subsequent application for renewal or inactive license, the practice or employment status of the licensee, designated as one of the following:

Comment [d4]: Need to add

(1) Full-time practice or employment in a dental or dental hygiene practice of 32 hours per week or more in California.

(2) Full-time practice or employment in a dental or dental hygiene practice of 32 hours or more outside of California

(3) Part-time practice or employment in a dental or dental hygiene practice for less than 32 hours per week in California.

(4) Part-time practice or employment in a dental or dental hygiene practice for less than 32 hours per week outside California.

(5) Dental hygiene administrative employment that does not include direct patient care, as may be further defined by the committee.

(6) Retired.

(7) Other practice or employment status, as may be further defined by the committee.

(b) Information collected pursuant to subdivision(a) of this section shall be posted on the Internet website of the committee.

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

(c) (1) A licensee may report in his or her application for renewal, and the committee, as appropriate, shall collect, information regarding the licensee's cultural background and foreign language proficiency.

(2) Information collected pursuant to this subdivision shall be aggregated on an annual basis, based on categories utilized by the committee in the collection of the data, into both statewide totals and ZIP Code of primary practice or employment location totals.

(3) Aggregated information under this subdivision shall be compiled annually, and reported on the internet website of the committee as appropriate, on or before July 1 of each year.

(d) It is the intent of the Legislature to utilize monies in the State Dental Hygiene Fund to pay any cost incurred by the committee in implementing this section.

1902.3 Any person meeting all the following eligibility requirements may apply for a special permit to practice dental hygiene in this state:

(a) Furnishing satisfactory evidence of having a pending contract with a California dental hygiene college approved by the committee as a full-time professor, an associate professor, or an assistant professor.

(b) Furnishing satisfactory evidence of having graduated from a dental hygiene college approved by the committee.

(c) Furnishing satisfactory evidence of having been certified as a diplomate of a specialty committee or, in lieu thereof, establishing his or her qualifications to take a specialty committee examination or furnishing satisfactory evidence of having completed an advanced educational program in a discipline from a dental hygiene college approved by the committee.

(d) Furnishing satisfactory evidence of successfully completing an examination in California law and ethics developed and administered by the committee.

(e) Paying a fee for applications as provided by this article.

Comment [d5]: Need to add

1903. (a) (1) The committee shall consist of nine members appointed by the Governor. Four shall be public members, one member shall be a practicing general or public health dentist who holds a current license in California, and four members shall be registered dental hygienists who hold current licenses in California. Of the registered dental hygienists members, one shall be licensed either in alternative practice or in extended functions, one shall be a dental hygiene educator, and two shall be registered dental hygienists. No public member shall have been licensed under this chapter within five years of the date of his or her appointment or have any current financial interest in a dental-related business.

(2) For purposes of this subdivision, a public health dentist is a dentist whose primary employer or place of employment is in any of the following:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(b) (1) Except as specified in paragraph (2), members of the committee shall be appointed for a term of four years. Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have lapsed since the expiration of the term for which he or she was appointed, whichever comes first.

Comment [d6]: Sunset Bill

(2) For the term commencing on January 1, 2012, two of the public members, the general or public health dentist member, and two of the registered dental hygienist members, other than the dental hygiene educator member or the registered dental hygienist member licensed in alternative practice or in extended functions, shall each serve a term of two years, expiring January 1, 2014.

(c) The committee shall elect a president, a vice president, and a secretary from its membership.

(d) No person shall serve as a member of the committee for more than two consecutive terms.

(e) A vacancy in the committee shall be filled by appointment to the unexpired term.

(f) Each member of the committee shall receive a per diem and expenses as provided in Section 103.

(g) The Governor shall have the power to remove any member from the committee for neglect of a duty required by law, for incompetence, or for unprofessional or dishonorable conduct.

(h) The committee, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the committee and vested in him or her by this article.

1905. (a) The committee shall perform the following functions:

Comment [d7]: Need to add

(1) Evaluate all registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions educational programs that apply for approval and grant or deny approval of those applications in accordance with regulations adopted by the committee. Any such educational programs approved by the dental board on or before June 30, 2009, shall be deemed approved by the committee. Any dental hygiene program accredited and in good standing by the Commission on Dental Accreditation ~~shall~~ may be approved.

(2) Withdraw or revoke its prior approval of a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions educational program in accordance with regulations adopted by the committee. The committee may withdraw or revoke a dental hygiene program approval if the program has been placed on probationary status by the Commission on Dental Accreditation.

(3) Review and evaluate all registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions applications for licensure to ascertain whether the applicant meets the appropriate licensing

DHCC's STATUE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

requirements specified by statute and regulations, maintain application records, cashier application fees, issue and renew licenses, and perform any other tasks that are incidental to the application and licensure processes.

(4) Determine the appropriate type of license examination consistent with the provisions of this article, and develop or cause to be developed and administer examinations in accordance with regulations adopted by the committee.

(5) Determine the amount of fees assessed under this article, not to exceed the actual cost.

(6) Determine and enforce the continuing education requirements specified in this article.

~~(A) (i) If the committee determines that the public health and safety would be served by requiring all holders of licenses under this chapter to continue their education after receiving a license, it may require, as a condition to the renewal thereof, that a licensee submit assurances satisfactory to the committee that he or she will, during the succeeding two-year period, inform himself or herself of the developments in the practice of dental hygiene occurring since the original issuance of his or her license by pursuing one or more courses of study satisfactory to the committee or by other means deemed equivalent by the committee.~~

~~(ii) The committee shall adopt, amend, and revoke regulations providing for the suspension of a license at the end of the two-year period until compliance with the assurances provided for in this section is accomplished.~~

~~(B) The committee may also, as a condition of license renewal, require licensees to successfully complete a portion of the required continuing education hours in specific areas adopted in regulations by the committee. The committee may prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics. The mandatory coursework prescribed by the committee shall not exceed seven and one-half hours per renewal period for dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions. Any mandatory coursework required by the committee shall be credited toward the continuing education requirements established by the committee pursuant to subparagraph (A).~~

(7) Deny, suspend, or revoke a license under this article, or otherwise enforce the provisions of this article. Any such proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all of the powers granted therein.

(8) Make recommendations to the dental board regarding dental hygiene scope of practice issues.

(9) Adopt, amend, and revoke rules and regulations to implement the provisions of this article, including the amount of required supervision by a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions of a registered dental assistant.

(b) The committee may employ employees, and examiners, and consultants that it deems 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.

Comment [d8]: Need to delete. B & P would not consider even though it was duplicate language

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

~~1905.1. Until January 1, 2010, the committee may contract with the dental board to carry out any of the provisions of this article.~~ On and after January 1, 2010, the committee may contract with the dental board to perform investigations of applicants and licensees under this article.

Comment [d9]: B&P re-worded this section

1905.2. Recommendations by the committee regarding scope of practice issues, as specified in paragraph (8) of subdivision (a) of Section 1905, shall be approved, modified, or rejected by the board within 90 days of submission of the recommendation to the board. If the board rejects or significantly modifies the intent or scope of the recommendation, the committee may request that the board provide its reasons in writing for rejecting or significantly modifying the recommendation, which shall be provided by the board within 30 days of the request.

Comment [D10]: Sunset

1906. (a) The committee shall adopt, amend, and revoke regulations to implement the requirements of this article.

(b) All regulations adopted by the committee shall comply with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) No regulation adopted by the committee shall impose a requirement or a prohibition directly upon a licensed dentist or on the administration of a dental office, unless specifically authorized by this article.

(d) Unless contrary to the provisions of this article, regulations adopted by the dental board shall continue to apply to registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions until other regulations are adopted by the committee. All references in those regulations to "board" shall mean the committee, which shall solely enforce the regulations with respect to registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions.

1907. The following functions may be performed by a registered dental hygienist, in addition to those authorized pursuant to Sections 1908 to 1914 of this article, inclusive:

Comment [d11]: Need to add

(a) All functions that may be performed by a registered dental assistant.

(b) All persons holding a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions as of December 31, 2005, are authorized to perform the duties of a registered dental assistant specified in this chapter. All persons issued a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions on or after January 1, 2006, shall qualify for and receive a registered dental assistant license prior to performance of the duties of a registered dental assistant specified in this chapter.

1908. (a) The practice of dental hygiene includes dental hygiene assessment and development, planning, and implementation of a dental hygiene care plan. It also includes oral health education, counseling, and health screenings.

(b) The practice of dental hygiene does not include any of the following procedures:

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

- (1) Diagnosis and comprehensive treatment planning.
- (2) Placing, condensing, carving, or removal of permanent restorations.
- (3) Surgery or cutting on hard and soft tissue including, but not limited to, the removal of teeth and the cutting and suturing of soft tissue.
- (4) Prescribing medication.
- (5) Administering local or general anesthesia or oral or parenteral conscious sedation, except for the administration of nitrous oxide and oxygen, whether administered alone or in combination with each other, or local anesthesia pursuant to Section 1909.

1909. A registered dental hygienist is authorized to perform the following procedures under direct supervision of a licensed dentist, after submitting to the committee evidence of satisfactory completion of a course of instruction, approved by the committee, in the procedures:

- (a) Soft-tissue curettage.
- (b) Administration of local anesthesia.
- (c) Administration of nitrous oxide and oxygen, whether administered alone or in combination with each other.

~~1909.5. Courses of instruction for direct supervision 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.~~

Comment [d12]: Need to delete

1910. A registered dental hygienist is authorized to perform the following procedures under general supervision:

- (a) Preventive and therapeutic interventions, including oral prophylaxis, scaling, and root planing.
- (b) Application of topical, therapeutic, and subgingival agents used for the control of caries and periodontal disease.
- (c) The taking of impressions for bleaching trays and application and activation of agents with nonlaser, light-curing devices.
- (d) The taking of impressions for bleaching trays and placements of in-office, tooth-whitening devices.

1911. (a) A registered dental hygienist may provide, without supervision, educational services, oral health training programs, and oral health screenings.
(b) A registered dental hygienist shall refer any screened patients with possible oral abnormalities to a dentist for a comprehensive examination, diagnosis, and treatment plan.
(c) In any public health program created by federal, state, or local law or administered by a federal, state, county, or local governmental entity, a registered dental hygienist may provide, without supervision, dental hygiene preventive services in addition to oral screenings, including, but not limited to, the application of fluorides and pit and fissure sealants. A registered dental hygienist employed as described in this subdivision may submit, or allow to be submitted, any insurance or third-party claims for

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

patient services performed as authorized in this article.

1912. Any procedure performed or service provided by a registered dental hygienist that does not specifically require direct supervision shall require general supervision, so long as it does not give rise to a situation in the dentist's office requiring immediate services for alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable dental conditions that, if not immediately diagnosed and treated, would lead to serious disability or death.

1913. Unless otherwise specified in this chapter, a registered dental hygienist may perform any procedure or provide any service within the scope of his or her practice in any setting, so long as the procedure is performed or the service is provided under the appropriate level of supervision required by this article.

1914. A registered dental hygienist may use any material or device approved for use in the performance of a service or procedure within his or her scope of practice under the appropriate level of supervision, if he or she has the appropriate education and training required to use the material or device.

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, but 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:

- (a) A student enrolled in a dental or a dental hygiene school who is performing procedures as part of the regular curriculum of that program under the supervision of the faculty of that program.
- (b) A dental assistant acting in accordance with the rules of the dental board in performing the following procedures:
 - (1) Applying nonaerosol and noncaustic topical agents.
 - (2) Applying topical fluoride.
 - (3) Taking impressions for bleaching trays.
- (c) A registered dental assistant acting in accordance with the rules of the dental board in performing the following procedures:
 - (1) Polishing the coronal surfaces of teeth.
 - (2) Applying bleaching agents.
 - (3) Activating bleaching agents with a non-laser light-curing device.
 - (4) Applying pit and fissure sealant.
- (d) A registered dental assistant in extended functions acting in accordance with the rules of the dental board in applying pit and fissure sealants.
- (e) A registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions licensed in another jurisdiction, performing a clinical demonstration for educational purposes.

Comment [d13]: Need to add

DHCC's STATUE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

1916. (a) An applicant for licensure under this article shall furnish **electronic** fingerprint images for submission to state and federal criminal justice agencies, including, but not limited to, the Federal Bureau of Investigation, in order to establish the identity of the applicant and for the other purposes described in this section.

(b) The committee shall submit the fingerprint images to the Department of Justice for the purposes of obtaining criminal offender record information regarding state and federal level convictions and arrests, including arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(c) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate the response to the committee.

(d) The Department of Justice shall provide a response to the committee pursuant to subdivision (p) of Section 11105 of the Penal Code.

(e) The committee shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code.

(f) The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code, and to determine whether the applicant is subject to denial of licensure pursuant to Division 1.5 (commencing with Section 475) or Section **1943** of the Business and Professions Code.

(g) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.

Comment [d14]: Omnibus

1917. The committee shall **grant initial licensure** as a registered dental hygienist **to a** person who satisfies all of the following requirements:

(a) Completion of an educational program for registered dental hygienists, approved by the committee, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.

(b) Satisfactory performance on the state clinical examination, or satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical dental hygiene examination approved by the committee.

(c) Satisfactory completion of the National Dental Hygiene Board examination.

(d) Satisfactory completion of the examination in California law and ethics as prescribed by the committee.

Comment [d15]: Yellow highlights Omnibus

(e) Submission of a completed application form and all fees required by the committee.

(f) Satisfactory completion of committee-approved instruction in gingival soft tissue curettage, nitrous oxide-oxygen analgesia and local anesthesia.

Comment [d16]: Need to add

DHCC's STATUE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

1917.1. (a) The committee may grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the committee, if the applicant submits all of the following to the committee:

Comment [d17]: Need to add

- (1) A completed application form and all fees required by the committee.
- (2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.
- (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. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the committee a copy of a pending contract to practice dental hygiene in any of the following facilities:
 - (A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.
 - (B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.
 - (C) A clinic owned or operated by a public hospital or health system.
 - (D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.
- (4) Satisfactory performance on a California law and ethics examination and any examination that may be required by the committee.
- (5) 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 issued a vocational or professional license, ~~as a registered dental hygienist or dentist~~. If the applicant has been subject to disciplinary action or monitoring of any kind, the committee shall review that action to determine if it warrants refusal to issue a license to the applicant.
- (6) Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation.
- (7) Proof of satisfactory completion of the Dental Hygiene National Board Examination and of a state or regional clinical licensure examination.
- (8) Proof that the applicant has not failed the state clinical examination, the WREB clinical examination or an approved clinical examination for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of his or her application for a license under this section.
- (9) Documentation of completion of a minimum of 25 units of continuing education earned in the two years preceding application, including completion of any continuing education requirements imposed by the committee on registered dental hygienists licensed in this state at the time of application.
- (10) Any other information as specified by the committee to the extent that it is required of applicants for licensure by examination under this article.

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

(b) The committee may periodically request verification of compliance with the requirements of paragraph (3) of subdivision (a), and may revoke the license upon a finding that the employment requirement or any other requirement of paragraph (3) of subdivision (a) has not been met.

(c) The committee shall provide in the application packet to each out-of-state dental hygienist pursuant to this section the following information:

(1) The location of dental manpower shortage areas in the state.

(2) Any not-for-profit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

(d) The committee shall review the impact of this section on the availability of actively practicing registered dental hygienists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2012. The report shall include a separate section providing data specific to registered dental hygienists who intend to fulfill the alternative clinical practice requirements of subdivision (a). The report shall include, but shall not be limited to, the following:

(1) The number of applicants from other states who have sought licensure.

(2) The number of registered dental hygienists from other states licensed pursuant to this section, the number of licenses not granted, and the reason why the license was not granted.

(3) The practice location of registered dental hygienists licensed pursuant to this section. In identifying a registered dental hygienist's location of practice, the committee shall use medical service study areas or other appropriate geographic descriptions for regions of the state.

(4) The number of registered dental hygienists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing registered dental hygienists or no registered dental hygienists or in a safety net facility identified in paragraph (3) of subdivision (a).

(5) The length of time registered dental hygienists licensed pursuant to this section practiced in the reported location.

1917.2. (a) The committee shall license as a registered dental hygienist a third- or fourth-year dental student who is in good standing at an accredited California dental school and who satisfies the following requirements:

(1) Satisfactorily performs on a clinical examination and an examination in California law and ethics as prescribed by the committee.

(2) Satisfactorily completes a national written dental hygiene examination approved by the committee.

(b) A dental student who is granted a registered dental hygienist license pursuant to this section may only practice in a dental practice that serves patients who are insured under Denti-Cal, the Healthy Families Program, or other government programs, or a dental practice that has a sliding scale fee system based on income.

(c) Upon receipt of a license to practice dentistry pursuant to Section 1634, a registered dental hygienist license issued pursuant to this subdivision is automatically revoked.

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

(d) The dental hygienist license is granted for two years upon passage of the dental hygiene examination, without the ability for renewal.

(e) Notwithstanding subdivision (d), if a dental student fails to remain in good standing at an accredited California dental school, or fails to graduate from the dental program, a registered dental hygienist license issued pursuant to this section shall be revoked. The student shall be responsible for submitting appropriate verifying documentation to the committee.

(f) The provisions of this section shall be reviewed pursuant to Division 1.2 (commencing with Section 473). However, the review shall be limited to the fiscal feasibility and impact on the committee.

(g) This section shall become inoperative as of January 1, 2014.

Comment [d18]: Omnibus

1917.3 Notwithstanding Section 135 of the Business and Professions Code, an examinee who fails to pass the clinical examination required by Section 1917 after three attempts or due to gross trauma shall not be eligible for further reexamination until the examinee has successfully completed remedial education at an approved dental hygiene program or a comparable organization approved by the committee.

Comment [d19]: Need to add

1918. The committee shall license as a registered dental hygienist in extended functions a person who meets all of the following requirements:

(a) Holds a current license as a registered dental hygienist in California.

(b) Completes clinical training approved by the committee in a facility affiliated with a dental school under the direct supervision of the dental school faculty.

(c) Performs satisfactorily on an examination required by the committee.

(d) Completes an application form and pays all application fees required by the committee.

Comment [d20]: Omnibus

1920. (a) A person who holds a current and active license as a registered dental hygienist in extended functions or a registered dental hygienist in alternative practice on July 1, 2009, shall automatically be issued a license as a registered dental hygienist, unless the person holds a current and active registered dental hygienist license.

(b) A registered dental hygienist license issued pursuant to this section shall expire on the same date as the person's registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions license, and shall be subject to the same renewal and other requirements imposed by law or regulation on a license.

1921. In addition to any other duties or functions authorized by law, a registered dental hygienist in extended functions or a registered dental hygienist in alternative practice may perform any of the duties or functions authorized to be performed by a registered dental hygienist.

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

1922. 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 and **who completes an application form and pays all application fees required by the committee and** meets either of the following requirements:

(a) Holds a current California license as a registered dental hygienist and meets the following requirements:

(1) Has been engaged in the practice of dental hygiene, as defined in Section 1908 of this article, as a registered dental hygienist in any setting, including, but not limited to, educational settings and public health settings, for a minimum of 2,000 hours during the immediately preceding 36 months.

(2) Has successfully completed a bachelor's degree or its equivalent from a college or institution of higher education that is accredited by a national **or regional accrediting** agency recognized by the **United States Department of Education**, and a minimum of 150 hours of additional educational requirements, as prescribed by the committee by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Manpower Pilot Project No. 155 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

1924. A person licensed as a registered dental hygienist who has completed the prescribed classes through the Health Manpower Pilot Project (HMPP) and who has established an independent practice under the HMPP by June 30, 1997, shall be deemed to have satisfied the licensing requirements under Section 1922, and shall be authorized to continue to operate the practice he or she presently operates, so long as he or she follows the requirements for prescription and functions as specified in Sections 1922, 1925, 1926, 1927, 1928, 1930, and 1931, and subdivision (b) of Section 1929, and as long as he or she continues to personally practice and operate the practice or until he or she sells the practice to a licensed dentist.

1925. A registered dental hygienist in alternative practice may practice, pursuant to subdivision (a) of Section 1907, subdivision (a) of Section 1908, and subdivisions (a) and (b) of Section 1910, as an employee of a dentist or of another registered dental hygienist in alternative practice, as an independent contractor, as a sole proprietor of an alternative dental hygiene practice, as an employee of a primary care clinic or specialty clinic that is licensed pursuant to Section 1204 of the Health and Safety Code, as an employee of a primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code, as an employee of a clinic owned or operated by a public hospital or health system, or as an employee of a clinic owned and operated by a hospital that maintains the primary contract with a county government

Comment [d21]: Omnibus

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

to fill the county's role under Section 17000 of the Welfare and Institutions Code.

1926. A registered dental hygienist in alternative practice may perform the duties authorized pursuant to subdivision (a) of Section 1907, subdivision (a) of Section 1908, and subdivisions (a) and (b) of Section 1910 in the following settings:

(a) Residences of the homebound.

(b) Schools.

(c) Residential facilities and other institutions.

(d) Dental health professional shortage areas, as certified by the Office of Statewide Health Planning and Development in accordance with existing office guidelines.

1926.1 Notwithstanding any other provision of this article, a licensed dental hygienist in alternative practice may operate a mobile dental unit provided by his or her property and casualty insurer as a temporary substitute site for the practice registered by him or her pursuant to Section 1926.2 of this article, if both of the following requirements are met:

(a) The licensee's registered place of practice has been rendered and remains unusable due to loss or calamity.

(b) The licensee's insurer registers the unit with the committee in compliance with Section 1926.3 of this article.

Comment [d22]: Need to add

1926.2 Every person who is now or hereafter licensed to practice dental hygiene in alternative practice in this state shall register on forms prescribed by the committee, his or her place of practice with the executive officer of the committee or, if he or she has more than one place of practice, all of the places of practice, or, if he or she has no place of practice, to so notify the executive officer of the committee. A person licensed by the committee shall register with the executive officer within 30 days after the date of his or her license.

Comment [d23]: Need to add

1926.3 (a) A licensed dental hygienist in alternative practice may operate one mobile dental hygiene clinic or unit registered as a dental hygiene office or facility. 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.

(b) A mobile service unit, as defined in subdivision (b) of Section 1765.105 of the Health and Safety Code, and a mobile unit operated by an entity that is exempt from licensure pursuant to subdivision (b), (c), or (h) of Section 1206 of the Health and Safety Code, are exempt from this article and Article 3.5

Notwithstanding this exemption, the owner or operator of the mobile unit shall notify the committee within 60 days of the date on which dental hygiene services are first delivered in the mobile unit, or the date on which the mobile unit's application pursuant to Section 1765.130 of the Health and Safety Code is approved, whichever is earlier.

(c) A licensee practicing in a mobile unit described in subdivision (b) is not subject to subdivision (a) as to that mobile unit.

Comment [d24]: Need to add

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

1926.4 When a licensed dental hygienist in alternative practice desires to have more than one place of practice, he or she shall, prior to the opening of the additional office, apply to the committee, pay the fee required by this article and receive permission in writing from the committee to have the additional place of practice.

Comment [d25]: Need to add

1927. A registered dental hygienist in alternative practice shall not do any of the following:

(a) Infer, purport, advertise, or imply that he or she is in any way able to provide dental services or make any type of **dental diagnosis** beyond evaluating a patient's dental hygiene status, providing a dental hygiene treatment plan, and providing the associated dental hygiene services.

Comment [d26]: Deleted the word health in front of diagnosis

(b) Hire a registered dental hygienist to provide direct patient services other than a registered dental hygienist in alternative practice.

1928. A registered dental hygienist in alternative practice may submit or allow to be submitted any insurance or third-party claims for patient services performed as authorized pursuant to this article.

1929. (a) A registered dental hygienist in alternative practice may hire other registered dental hygienists in alternative practice to assist in his or her practice.

(b) A registered dental hygienist in alternative practice may hire and supervise dental assistants performing intraoral retraction and suctioning.

1930. A registered dental hygienist in alternative practice shall provide to the committee documentation of an existing relationship with at least one dentist for referral, consultation, and emergency services.

1931. (a) (1) A dental hygienist in alternative practice may provide services to a patient without obtaining written verification that the patient has been examined by a dentist or physician and surgeon licensed to practice in this state.

(2) If the dental hygienist in alternative practice provides services to a patient 18 months or more after the first date that he or she provides services to a patient, he or she shall obtain written verification that the patient has been examined by a dentist or physician and surgeon licensed to practice in this state. The verification shall include a prescription for dental hygiene services as described in subdivision (b). Failure to comply with this paragraph or subdivision (b) shall be considered unprofessional conduct.

(b) A registered dental hygienist in alternative practice may provide dental hygiene services for a patient who presents to the registered dental hygienist in alternative practice a written prescription for dental hygiene services issued by a dentist or physician and surgeon licensed to practice in this state. The prescription shall be valid for a time period based on the dentist's or physician and surgeon's professional judgment, but not to exceed two years from the date it was issued.

(c) The committee shall seek may take action, including but not limited to revoking, suspending, citing and fining or obtaining an injunction against any registered dental

Comment [d27]: Need to add

DHCC's STATUE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

hygienist in alternative practice who provides services pursuant to this section, if the committee has reasonable cause to believe that the services are being provided to a patient who has not received a prescription for those services from a dentist or physician and surgeon licensed to practice in this state.

1932. (a) The committee may, in its sole discretion, issue a probationary license to an applicant who has satisfied all requirements for licensure as a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions. The committee may require, as a term or condition of issuing the probationary license, that the applicant comply with certain additional requirements, including, but not limited to, the following:

- (1) Successfully completing a professional competency examination.
 - (2) Submitting to a medical or psychological evaluation.
 - (3) Submitting to continuing medical or psychological treatment.
 - (4) Abstaining from the use of alcohol or drugs.
 - (5) Submitting to random fluid testing for alcohol or controlled substance abuse.
 - (6) Submitting to continuing participation in a committee-approved rehabilitation program.
 - (7) Restricting the type or circumstances of practice.
 - (8) Submitting to continuing education and coursework.
 - (9) Complying with requirements regarding notifying the committee of any change of employer or employment.
 - (10) Complying with probation monitoring.
 - (11) Complying with all laws and regulations governing the practice of dental hygiene.
 - (12) Limiting his or her practice to a supervised, structured environment in which his or her activities are supervised by a specified person.
- (b) The term of a probationary license is three years. During the term of the license, the licensee may petition the committee for a modification of a term or condition of the license or for the issuance of a license that is not probationary.
- (c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all the powers granted in that chapter.

1933. A licensee shall be issued a substitute license upon request and payment of the required fee. The request shall be accompanied by an affidavit or declaration containing satisfactory evidence of the loss or destruction of the license certificate.

1934. A licensee who changes his or her physical address of record or email address shall notify the committee within 30 days of the change. A licensee who changes his or her legal name shall provide the committee with documentation of the change within 10 days.

Comment [d28]: Need to add

1935. If not renewed, a license issued under the provisions of this article, unless specifically excepted, expires at 12 midnight on the last day of the month of the legal

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

birth date of the licensee during the second year of a two-year term. To renew an unexpired license, the licensee shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the committee and pay the renewal fee prescribed by this article.

1936. Except as otherwise provided in this article, an expired license may be renewed at any time within five years after its expiration by filing an application for renewal on a form prescribed by the committee and payment of all accrued renewal and delinquency fees. If the license is renewed after its expiration, the licensee, as a condition precedent of renewal, shall also pay the delinquency fee prescribed by this article. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect until the expiration date provided in Section 1935 that next occurs after the effective date of the renewal.

1936.1. (a) If the committee determines that the public health and safety would be served by requiring all holders of licenses under this article to continue their education after receiving a license, the committee may require, as a condition of license renewal, that licensees submit assurances satisfactory to the committee that they will, during the succeeding two-year period, inform themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the committee, or by other means deemed equivalent by the committee. The committee shall adopt, amend, and revoke regulations providing for the suspension of the licenses at the end of the two-year period until compliance with the assurances provided for in this section is accomplished. (b) The committee may also, as a condition of license renewal, require licensees to successfully complete a portion of the required continuing education hours in specific areas adopted in regulations by the committee. The committee may prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics. The mandatory coursework prescribed by the committee shall not exceed ~~seven and one-half~~ ten hours per renewal period. Any mandatory coursework required by the committee shall be credited toward the continuing education requirements established by the committee pursuant to subdivision (a). (c) The committee may also, as a condition of license renewal, establish a measure of continued competency as a condition of license renewal as adopted in regulations by the committee. (d) ~~(e)~~ The providers of courses referred to in this section shall be approved by the committee. Providers approved by the dental board ~~shall~~ may be deemed approved by the committee.

Comment [d29]: Need to add

1937. A suspended license is subject to expiration and shall be renewed as provided in this article. The renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other

DHCC's STATUE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

activity or conduct in violation of the order or judgment by which the license was suspended.

1938. A revoked license is subject to expiration as provided in this article. A revoked license may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated and the delinquency fee, if any, accrued at the time of its revocation.

1939. A license that is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued. The holder of the license may apply for and obtain a new license upon meeting all of the requirements of a new applicant prescribed in this article.

1940. (a) A licensee who desires an inactive license shall submit an application to the committee on a form provided by the committee.

(b) In order to restore an inactive license to active status, the licensee shall submit an application to the committee on a form provided by the committee, accompanied by evidence that the licensee has completed the required number of hours of approved continuing education in compliance with this article within the last two years preceding the date of the application.

(c) The holder of an inactive license shall continue to pay to the committee the required biennial renewal fee.

(d) Within 30 days of receiving a request either to restore an inactive license or to inactivate a license, the committee shall inform the applicant in writing whether the application is complete and accepted for filing or is deficient and, if so, the specific information required to complete the application.

1941. It is the intent of this article that the committee grant or renew approval of only those educational programs for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions that continuously maintain a high quality standard of instruction.

1942. Extramural Facility. (a) As used in this article "extramural dental facility" means any clinical facility employed by an approved dental hygiene educational program for instruction in dental hygiene which exists outside or beyond the walls, boundaries, or precincts of the primary campus of the approved program and in which dental hygiene services are rendered.

(b) An approved dental hygiene educational program shall register extramural dental facilities with the committee. Such registration shall be accompanied by information supplied by the dental hygiene program pertaining to faculty supervision, scope of treatment to be rendered, name and location of the facility, date operation will commence, discipline of which such instruction is a part, and a brief description of the equipment and facilities available. The foregoing information shall be supplemented with

Comment [d30]: Need to add

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

a copy of the agreement between the approved dental hygiene educational program or parent university, and the affiliated institution establishing the contractual relationship. Any change in the information initially provided to the committee shall be communicated to the committee.

(c) An approved dental hygiene educational program shall complete an application form and pay all fees required by the committee.

1943. (a) The committee may deny an application to take an examination for licensure as a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions at any time prior to licensure for any of the following reasons:

(1) The applicant committed an act that is a ground for license suspension or revocation under this code or that is a ground for the denial of licensure under Section 480.

(2) The applicant committed or aided and abetted the commission of any act for which a license is required under this chapter.

(3) Another state or territory suspended or revoked the license that it had issued to the applicant on a ground that constitutes a basis in this state for the suspension or revocation of licensure under this article.

(b) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all of the powers granted therein.

1944. (a) The committee shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the committee. The fees are subject to the following limitations:

(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)~~.

(2) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(3) For third- and fourth-year dental students, the fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(4) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

(5) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.

(6) The biennial renewal fee shall not exceed ~~eighty dollars (\$80)~~ two hundred fifty dollars (\$250.00).

(7) The delinquency fee shall not exceed ~~twenty-five dollars (\$25)~~ or one-half of the renewal fee, ~~whichever is greater~~. Any delinquent license may be restored only upon

Comment [d31]: Need to add

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

payment of all fees, including the delinquency fee, and compliance with all other applicable requirements of this article.

(8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall not exceed ~~twenty-five dollars (\$25)~~ or one-half of the renewal fee, whichever is greater.

(9) The fee for certification of licensure shall not exceed the renewal fee.

(10)(9) The fee for each curriculum review and site evaluation for educational programs for dental hygienists that are not accredited by a committee-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's office of the California Community Colleges shall not exceed one thousand four hundred dollars (\$1,400), two thousand one hundred dollars (\$2,100).

(11)(40) The fee for each review of courses required for licensure that are not accredited by a committee-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's office of the California Community Colleges shall not exceed three hundred dollars (\$300).

(12)(41) The biennial fee for a provider of continuing education shall not exceed five hundred dollars (\$500) per year.

(13)(42) The amount of fees payable in connection with permits issued under Section 1962 is as follows:

(A) The initial permit fee is an amount equal to the renewal fee for the applicant's license to practice dental hygiene in effect on the last regular renewal date before the date on which the permit is issued.

(B) If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.

(b) The renewal and delinquency fees shall be fixed by the committee by resolution at not more than the current amount of the renewal fee for a license to practice under this article nor less than five dollars (\$5).

(c) Fees fixed by the committee by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the committee and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to implement the provisions of this article.

(e) No fees or charges other than those listed in this section shall be levied by the committee in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The biennial renewal fee for mobile dental hygiene unit shall not exceed two hundred fifty dollars (250.00).

(g) The fee for registration of extramural facilities shall not exceed two hundred fifty dollars (\$250.00).

(h) The fee for an additional office permit shall not exceed two hundred fifty dollars (\$250.00).

DHCC's STATUE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

~~1945. On July 1, 2009, a percentage of the funds in the State Dental Auxiliary Fund shall be transferred to the State Dental Hygiene Fund based on the number of registered dental hygienists, registered hygienists in alternative practice, and registered dental hygienists in extended functions licensed on June 30, 2009, compared to all dental auxiliaries licensed by the Committee on Dental Auxiliaries on June 30, 2009. The board's authority to expend those funds, as appropriated in the 2008 Budget Act, shall be vested in the committee to carry out the provisions of this chapter as they relate to dental hygienists for the 2008-09 fiscal year, including the payment of any encumbrances related to dental hygienists, dental hygienists in alternative practice, and dental hygienists in extended functions incurred by the State Dental Auxiliary Fund. The remainder of the funds in the State Dental Auxiliary Fund shall be transferred to the State Dental Assistant Fund pursuant to Section 1721.5.~~

Comment [d32]: Need to delete

1947. A license issued under this article and a license issued under this chapter to a registered dental hygienist, to a registered dental hygienist in alternative practice, or to a registered dental hygienist in extended functions may be revoked or suspended by the committee for any reason specified in this article for the suspension or revocation of a license to practice dental hygiene.

1949. A licensee may have his or her license revoked or suspended, or may be reprimanded or placed on probation by the committee for unprofessional conduct, incompetence, gross negligence, repeated acts of negligence in his or her profession, receiving a license by mistake, or for any other cause applicable to the licensee provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all the powers granted therein.

~~1950. (a) A licensee may have his or her license revoked or suspended, or may be reprimanded or placed on probation by the committee, for conviction of a crime substantially related to the licensee's qualifications, functions, or duties. The record of conviction or a copy certified by the clerk of the court or by the judge in whose court the conviction occurred shall be conclusive evidence of conviction.~~

Comment [d33]: Omnibus

~~(b) The committee shall undertake proceedings under this section upon the receipt of a certified copy of the record of conviction. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any misdemeanor substantially related to the licensee's qualifications, functions, or duties is deemed to be a conviction within the meaning of this section.~~

~~(c) The committee may reprimand a licensee or order a license suspended or revoked, or placed on probation or may decline to issue a license, when any of the following occur:~~

~~(1) The time for appeal has elapsed.~~

~~(2) The judgment of conviction has been affirmed on appeal.~~

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

(3) An order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under any provision of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing a person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

1950.5. Unprofessional conduct by a person licensed under this article is defined as, but is not limited to, any one of the following:

Comment [d34]: Need to add (extends to pg 23)

(a) The obtaining of any fee by fraud or misrepresentation.

(b) The aiding or abetting of any unlicensed person to practice dentistry or dental hygiene.

(c) The aiding or abetting of a licensed person to practice dentistry or dental hygiene unlawfully.

(d) The committing of any act or acts of sexual abuse, misconduct, or relations with a patient that are substantially related to the practice of dental hygiene.

(e) The use of any false, assumed, or fictitious name, either as an individual, firm, corporation, or otherwise, or any name other than the name under which he or she is licensed to practice, in advertising or in any other manner indicating that he or she is practicing or will practice dentistry, except that name as is specified in a valid permit issued pursuant to Section ~~4704.5~~ 1962.

(f) The practice of accepting or receiving any commission or the rebating in any form or manner of fees for professional services, ~~radiograms~~ graphs, prescriptions, or other services or articles supplied to patients.

(g) The making use by the licensee or any agent of the licensee of any advertising statements of a character tending to deceive or mislead the public.

(h) The advertising of either professional superiority or the advertising of performance of professional services in a superior manner. This subdivision shall not prohibit advertising permitted by subdivision (h) of Section 651.

(i) The employing or the making use of solicitors.

(j) Advertising in violation of Section 651.

(k) Advertising to guarantee any dental hygiene service, or to perform any dental hygiene procedure painlessly. This subdivision shall not prohibit advertising permitted by Section 651.

(l) The violation of any of the provisions of this division.

(m) The permitting of any person to operate dental radiographic equipment who has not met the requirements of ~~Section 1656~~, as determined by the committee.

(n) The clearly excessive administering of drugs or treatment, or the clearly excessive use of treatment procedures, or the clearly excessive use of treatment facilities, as determined by the customary practice and standards of the dental hygiene profession.

Any person who violates this subdivision is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) or more than six hundred dollars (\$600), or by imprisonment for a term of not less than 60 days or more than 180 days, or by both a fine and imprisonment.

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

- (o) The use of threats or harassment against any patient or licensee for providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of this chapter or to aid in the compliance.
- (p) Suspension or revocation of a license issued, or discipline imposed, by another state or territory on grounds that would be the basis of discipline in this state.
- (q) The alteration of a patient's record with intent to deceive.
- (r) Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental hygiene profession.
- (s) The abandonment of the patient by the licensee, without written notice to the patient that treatment is to be discontinued and before the patient has ample opportunity to secure the services of another registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions and provided the health of the patient is not jeopardized.
- (t) The willful misrepresentation of facts relating to a disciplinary action to the patients of a disciplined licensee.
- (u) Use of fraud in the procurement of any license issued pursuant to this article.
- (v) Any action or conduct that would have warranted the denial of the license.
- (w) The aiding or abetting of a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions to practice dental hygiene in a negligent or incompetent manner.
- (x) The failure to report to the committee in writing within seven days any of the following: (1) the death of his or her patient during the performance of any dental hygiene procedure; (2) the discovery of the death of a patient whose death is related to a dental hygiene procedure performed by him or her; or (3) except for a scheduled hospitalization, the removal to a hospital or emergency center for medical treatment for a period exceeding 24 hours of any patient as a result of dental or dental hygiene treatment. Upon receipt of a report pursuant to this subdivision, the committee may conduct an inspection of the dental hygiene practice office if the committee finds that it is necessary.
- (y) A registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions shall report to the committee all deaths occurring in his or her practice with a copy sent to the dental board if the death occurred while working as an employee in a dental office. A dentist shall report to the dental board all deaths occurring in his or her practice with a copy sent to the committee if the death was the result of treatment by a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions.
- (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 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 dental assistant, registered dental hygienist, registered dental

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

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 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.

1951. The committee may discipline a licensee by placing him or her on probation under various terms and conditions that may include, but are not limited to, the following:

- (a) Requiring the licensee to obtain additional training or pass an examination upon completion of training, or both. The examination may be a written or oral examination, or both, and may be a practical or clinical examination, or both, at the option of the committee.
- (b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians appointed by the committee, if warranted by the physical or mental condition of the licensee. If the committee requires the licensee to submit to an examination, the committee shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's choice.
- (c) Restricting or limiting the extent, scope, or type of practice of the licensee.
- (d) Requiring restitution of fees to the licensee's patients or payers of services, unless restitution has already been made.
- (e) Providing the option of alternative community service in lieu of all or part of a period of suspension in cases other than violations relating to quality of care.

1952. It is unprofessional conduct for a person licensed under this article to do any of the following:

- (a) Obtain or possess in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, a controlled substance, as defined in Division 10 (commencing with CA Codes Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022.
- (b) Use a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or a dangerous drug as defined in Section 4022, or alcoholic beverages or other intoxicating substances, to an extent or in a manner dangerous or injurious to himself or herself, to any person, or the public to

Comment [d35]: Omnibus

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

the extent that the use impairs the licensee's ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a charge of violating any federal statute or rules, or any statute or rule of this state, regulating controlled substances, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug, as defined in Section 4022, or be convicted of more than one misdemeanor, or any felony, involving the use or consumption of alcohol or drugs, if the conviction is substantially related to the practice authorized by his or her license.

(1) The record of conviction or a copy certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of a violation of this section. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(2) The committee may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under any provision of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing a person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

1953. (a) A registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions who performs a service on a patient in a dental office shall identify himself or herself in the patient record by signing his or her name or identification number and initials next to the service performed, and shall date those treatment entries in the record.

(b) A repeated violation of this section constitutes unprofessional conduct.

1954. (a) It is unprofessional conduct for a person licensed under this article to perform, or hold himself or herself out as able to perform, professional services beyond the scope of his or her license and field of competence, as established by his or her education, experience, and training. This includes, but is not limited to, using an instrument or device in a manner that is not in accordance with the customary standards and practices of the dental hygiene profession.

(b) This section shall not apply to research conducted by accredited dental schools or dental hygiene schools, or to research conducted pursuant to an investigational device exemption issued by the United States Food and Drug Administration.

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

Comment [D36]: Changed from alpha to number

Comment [D37]: Changed from alpha to number and capitalized the "T"

Comment [d38]: Omnibus (ends on pg 26)

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

thousand dollars (\$5,000) unless the licensee is unable to provide the documents within this time period for good cause.

(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. This paragraph shall not require health care facilities to assist the committee in obtaining the patient's authorization. The committee shall pay the reasonable cost of copying the dental hygiene records.

(b) (1) A licensee who fails or refuses to comply with a court order issued in the enforcement of a subpoena mandating the release of records to the committee shall pay to the committee a civil penalty of one thousand dollars (\$1,000) per day for each day that the documents have not been produced after the date by which the court order requires the documents to be produced, unless it is determined that the order is unlawful or invalid. Any statute of limitations applicable to the filing of an accusation by the committee shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

(2) A licensee who fails or refuses to comply with a court order issued in the enforcement of a subpoena mandating the release of records to the committee is guilty of a misdemeanor punishable by a fine payable to the committee not to exceed five thousand dollars (\$5,000). The fine shall be added to the licensee's renewal fee if it is not paid by the next succeeding renewal date. Any statute of limitations applicable to the filing of an accusation by the committee shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

(3) A health care facility that fails or refuses to comply with a court order issued in the enforcement of a subpoena mandating the release of patient records to the committee, that is accompanied by a notice citing this section and describing the penalties for failure to comply with this section, shall pay to the committee a civil penalty of up to one thousand dollars (\$1,000) per day for each day that the documents have not been produced, up to ten thousand dollars (\$10,000), after the date by which the court order requires the documents to be produced, unless it is determined that the order is unlawful or invalid. Any statute of limitations applicable to the filing of an accusation by the committee against a licensee shall be tolled during the period the health care facility is out of compliance with the court order and during any related appeals.

(4) A health care facility that fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the committee is guilty of a misdemeanor punishable by a fine payable to the committee not to exceed five thousand dollars (\$5,000). Any statute of limitations applicable to the filing of an accusation by the committee against a licensee shall be tolled during the period the

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

health care facility is out of compliance with the court order and during any related appeals.

(c) Multiple acts by a licensee in violation of subdivision (b) shall be punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Multiple acts by a health care facility in violation of subdivision (b) shall be punishable by a fine not to exceed five thousand dollars (\$5,000) and shall be reported to the State Department of Public Health and shall be considered as grounds for disciplinary action with respect to licensure, including suspension or revocation of the license or **permit**.

(d) A failure or refusal to comply with a court order issued in the enforcement of a subpoena mandating the release of records to the committee constitutes unprofessional conduct and is grounds for suspension or revocation of his or her license.

(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).

(f) For the purposes of this section, a "health care facility" means a clinic or health care facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

1956. It is unprofessional conduct for a person licensed under this article to require, either directly or through an office policy, or knowingly permit the delivery of dental hygiene care that discourages necessary treatment, or permits clearly excessive, incompetent, unnecessary, or grossly negligent treatment, or repeated negligent acts, as determined by the standard of practice in the community.

1957. (a) A person whose license has been revoked or suspended, who has been placed on probation, or whose license was surrendered pursuant to a stipulated settlement as a condition to avoid a disciplinary administrative hearing, may petition the committee for reinstatement or modification of the penalty, including modification or termination of probation, after a period of not less than the following minimum periods have elapsed from the effective date of the decision ordering disciplinary action:

(1) At least three years for reinstatement of a license revoked for unprofessional conduct or surrendered pursuant to a stipulated settlement as a condition to avoid an administrative disciplinary hearing.

(2) At least two years for early termination, or modification of a condition, of a probation of three years or more.

(3) At least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or termination, or modification of a condition, of a probation of less than three years.

(b) The petition shall state any fact required by the committee.

(c) The petition may be heard by the committee, or the committee may assign the petition to an administrative law judge designated in Section 11371 of the Government Code.

(d) In considering reinstatement or modification or penalty, the committee or the administrative law judge hearing the petition may consider the following:

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

- (1) All activities of the petitioner since the disciplinary action was taken.
- (2) The offense for which the petitioner was disciplined.
- (3) The petitioner's activities during the time the license or permit was in good standing.
- (4) The petitioner's rehabilitative efforts, general reputation for truth, and professional ability.
- (e) The hearing may be continued from time to time as the committee or the administrative law judge as designated in Section 11371 of the Government Code finds necessary.
- (f) The committee or the administrative law judge may impose necessary terms and conditions on the licensee in reinstating a license or permit or modifying a penalty.
- (g) A petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole.
- (h) A petition shall not be considered while there is an accusation or petition to revoke probation pending against the person.
- (i) The committee may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section. Nothing in this section shall be deemed to alter Sections 822 and 823.

Comment [D39]: Omnibus - Removed
"certificate"

Comment [D40]: Omnibus - Removed
"certificate"

1958. A person, company, or association is guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment in a county jail not less than 10 days nor more than one year, or by a fine of not less than one hundred dollars (\$100) nor more than one thousand five hundred dollars (\$1,500), or by both that fine and imprisonment, who does any of the following:

- (a) Assumes the title of "registered dental hygienist," "registered dental hygienist in alternative practice," or "registered dental hygienist in extended functions" or appends the letters "R.D.H.," "R.D.H.A.P.," or "R.D.H.E.F." to his or her name without having had the right to assume the title conferred upon him or her through licensure.
- (b) Assumes any title, or appends any letters to his or her name, with the intent to represent falsely that he or she has received a dental hygiene degree or a license under this article.
- (c) Engages in the practice of dental hygiene without causing to be displayed in a conspicuous place in his or her office his or her license under this article to practice dental hygiene.
- (d) Within 10 days after demand is made by the executive officer of the committee, fails to furnish to the committee the name and address of all persons practicing or assisting in the practice of dental hygiene in the office of the person, company, or association, at any time within 60 days prior to the demand, together with a sworn statement showing under and by what license or authority this person, company, or association and any employees are or have been practicing or assisting in the practice of dental hygiene. This sworn statement shall not be used in any prosecution under this section.
- (e) Is under the influence of alcohol or a controlled substance while engaged in the practice of dental hygiene in actual attendance on patients to an extent that impairs his or her ability to conduct the practice of dental hygiene with safety to patients and the

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

public.

1958.1 (a) Notwithstanding any other provision of law, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, under military law, or under federal law, shall be subject to the following requirements:

Comment [d41]: Need to add

(1) The committee shall deny an application by the individual for licensure pursuant to this article.

(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 nor place the license on probation.

(3) The committee shall not reinstate or reissue the individual's licensure under this article. The committee shall not issue a stay of license denial and place the license on probation.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the committee from exercising its discretion to discipline a licensee under other provisions of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to January 1, 2008. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition against reinstating a license to an individual who is required to register as a sex offender shall be applicable.

1959. A person who holds a valid, unrevoked, and unsuspended certificate as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions under this article may append the letters "R.D.H.," "R.D.H.A.P.," or "R.D.H.E.F.," respectively, to his or her name.

Comment [d42]: Omnibus

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, or by both that fine and imprisonment, who does any of the following:

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

(a) Sells or barter or offers to sell or barter a dental hygiene degree or transcript or a license issued under, or purporting to be issued under, laws regulating licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(b) Purchases or procures by barter a diploma, license, or transcript with intent that it shall be used as evidence of the holder's qualification to practice dental hygiene, or in fraud of the laws regulating the practice of dental hygiene.

(c) With fraudulent intent, makes, attempts to make, counterfeits, or materially alters a diploma, certificate, or transcript.

(d) Uses, or attempts or causes to be used, any diploma, certificate, or transcript that has been purchased, fraudulently issued, counterfeited, or materially altered or in order to procure licensure as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions.

(e) In an affidavit required of an applicant for an examination or license under this article, willfully makes a false statement in a material regard.

(f) Practices dental hygiene or offers to practice dental hygiene, as defined in this article, either without a license, or when his or her license has been revoked or suspended.

(g) Under any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name other than the name under which he or she is licensed, practices, advertises, or in any other manner indicates that he or she practices or will practice dental hygiene, except a name specified in a valid permit issued pursuant to Section 1962 of this article.

Comment [d43]: 1960.(g) Need to add

1961. A person who willfully, under circumstances that cause risk of bodily harm, serious physical or mental illness, or death, practices, attempts to practice, advertises, or holds himself or herself out as practicing dental hygiene without having at the time of so doing a valid, unrevoked, and unsuspended license as provided in this article, is guilty of a crime, punishable by imprisonment in a county jail for up to one year. The remedy provided in this section shall not preclude any other remedy provided by law.

Comment [d44]: Omnibus

1962. (a) An association, partnership, corporation, or group of three or more registered dental hygienists in alternative practice engaging in practice under a name that would otherwise be in violation of Section 1960 may practice under that name if the association, partnership, corporation, or group holds an unexpired, unsuspended, and unrevoked permit issued by the committee under this section.

Comment [D45]: Omnibus

(b) An individual registered dental hygienist in alternative practice or a pair of registered dental hygienists in alternative practice who practice dental hygiene under a name that would otherwise violate Section 1960 may practice under that name if the licensees hold a valid permit issued by the committee under this section. The committee shall issue a written permit authorizing the holder to use a name specified in the permit in connection with the holder's practice if the committee finds all of the following:

Comment [D46]: Omnibus

(1) The applicant or applicants are duly licensed registered dental hygienists in alternative practice.

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

(2) The place where the applicant or applicants practice is owned or leased by the applicant or applicants, and the practice conducted at the place is wholly owned and entirely controlled by the applicant or applicants and is an approved area or practice setting pursuant to Section 1926.

Comment [D47]: Omnibus

(3) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "dental hygiene group," "dental hygiene practice," or "dental hygiene office," contains the family name of one or more of the past, present, or prospective associates, partners, shareholders, or members of the group, and is in conformity with Section 651 and not in violation of subdivisions (i) and (l) of Section 1950.5.

Comment [D48]: Omnibus

(4) All licensed persons practicing at the location designated in the application hold valid licenses and no charges of unprofessional conduct are pending against any person practicing at that location.

(c) A permit issued under this section shall expire and become invalid unless renewed in the manner provided for in this article for the renewal of ~~certificates~~ permits issued under this article.

(d) A permit issued under this section may be revoked or suspended if the committee finds that any requirement for original issuance of a permit is no longer being fulfilled by the permitholder. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

Comment [D49]: Did not change permitholder to two words

(e) If charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a member of an association, partnership, group, or corporation to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until a final determination of the charges of unprofessional conduct, unless the charges have resulted in revocation or suspension of a license.

1963. The committee may file a complaint for violation of any part of this article before any court of competent jurisdiction and may, by its officers, counsel and agents, assist in presenting the law or facts at the trial. The district attorney of each county in this state shall prosecute all violations of this article in their respective counties in which the violations occur.

Comment [D50]: Omnibus – changed from prefer to file

1964. In addition to the other proceedings provided for in this article, on application of the committee, the superior court of any county shall issue an injunction to restrain an unlicensed person from conducting the practice of dental hygiene, as defined in this article.

1965. If a person has engaged in or is about to engage in an act that constitutes an offense against this chapter, the superior court of any county, on application of 10 or more persons holding licenses to practice dental hygiene issued under this article, may issue an injunction or other appropriate order restraining that conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

DHCC's STATUE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

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 be established by the committee. The committee shall 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.

1966.1. (a) The committee shall 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. (b) A licensee who is not the subject of a current investigation may self-refer to the diversion program on a confidential basis, except as provided in subdivision (f). (c) A licensee under current investigation by the committee may also request entry into a diversion program by contacting the committee. The committee may refer the licensee requesting participation in the program to a diversion evaluation committee for evaluation of eligibility. Prior to authorizing a licensee to enter into the diversion program, the committee may require the licensee, while under current investigation for any violations of this article or other violations, to execute a statement of understanding that states that the licensee understands that his or her violations of this article or other statutes, that would otherwise be the basis for discipline, may still be investigated and the subject of disciplinary action. (d) If the reasons for a current investigation of a licensee are based primarily on the self-administration of any controlled substance or dangerous drugs or alcohol under Section 1951 of Business and Professions Code, or the illegal possession, prescription, or nonviolent procurement of any controlled substance or dangerous drugs for self-administration that does not involve actual, direct harm to the public, the committee shall close the investigation without further action if the licensee is accepted into the committee's diversion program and successfully completes the requirements of the program. If the licensee withdraws or is terminated from the program by a diversion evaluation committee, the investigation shall be reopened and disciplinary action imposed, if warranted, as determined by the committee. (e) Neither acceptance nor participation in the diversion program shall preclude the committee from investigating or continuing to investigate, or taking disciplinary action or continuing to take disciplinary action against, any licensee for any unprofessional conduct committed before, during, or after participation in the diversion program.

Comment [d51]: Omnibus

DHCC's STATUTE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATUTORY CHANGES 2012.

(f) All licensees shall sign an agreement of understanding that the withdrawal or termination from the diversion program at a time when a diversion evaluation committee determines the licensee presents a threat to the public's health and safety shall result in the utilization by the committee of diversion treatment records in disciplinary or criminal proceedings.

(g) Any licensee terminated from the diversion program for failure to comply with program requirements is subject to disciplinary action by the committee for acts committed before, during, and after participation in the diversion program. A licensee who has been under investigation by the committee and has been terminated from the diversion program by a diversion evaluation committee shall be reported by the diversion evaluation committee to the committee.

1966.2. Each diversion evaluation committee shall have the following duties and responsibilities:

(a) To evaluate those licensees who request to participate in the diversion program according to the guidelines prescribed by the committee and to consider the recommendations of any licensees designated by the committee to serve as consultants on the admission of the licensee to the diversion program.

(b) To review and designate those treatment facilities to which licensees in a diversion program may be referred.

(c) To receive and review information concerning a licensee participating in the program.

(d) To consider in the case of each licensee participating in a program whether he or she may safely continue or resume the practice of dental hygiene.

(e) To perform other related duties as the committee may by regulation require.

1966.3. Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a diversion evaluation committee may convene in closed session to consider reports pertaining to any licensee requesting or participating in a diversion program. A diversion evaluation committee shall only convene in closed session to the extent that it is necessary to protect the privacy of a licensee.

1966.4. Each licensee who requests participation in a diversion program shall agree to cooperate with the treatment program designed by a diversion evaluation committee and to bear all costs related to the program, unless the cost is waived by the committee. Any failure to comply with the provisions of a treatment program may result in termination of the licensee's participation in a program.

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 purge and destroy all records pertaining to the licensee's participation in the diversion program.

(b) Except as authorized by subdivision (f) of Section 1966.1, all committee and diversion evaluation committee records and records of proceedings pertaining to the

DHCC's STATUE EFFECTIVE 2012 HIGHLIGHTED IN YELLOW. ALSO INCLUDES NEW LANGUAGE FOR STATATORY CHANGES 2012.

treatment of a licensee in a program shall be kept confidential and are not subject to discovery or subpoena.

1966.6. The committee shall provide for the representation of any person making reports to a diversion evaluation committee or the committee under this article in any action for defamation for reports or information given to the diversion evaluation committee or the committee regarding a licensee's participation in the diversion program.



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 14**

Committee Member Administrative Procedure Manual –
Review and Update as Necessary



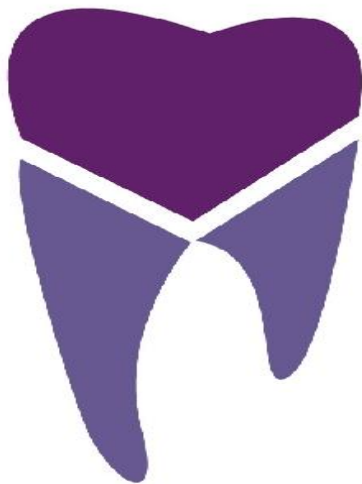
MEMORANDUM

DATE	December 13, 2011
TO	Dental Hygiene Committee of California
FROM	Tony Lum, Administration Analyst
SUBJECT	Agenda Item 14 DHCC Member Guidelines and Procedural Manual Update

The DHCC's Member Guidelines and Procedure Manual have been updated with the following changes:

- 1) Added Table of Contents (pages 2-3)
- 2) Edits in Chapter 2:
 - a) Composition (page 4)
 - b) General Rules of Conduct (page 7)
- 3) Edits in Chapter 3: Appointments (page 11)

These changes were the result of legislation, the Department of Consumer Affairs, or DHCC's Policy and Procedures.



DHCC

Dental Hygiene
Committee
of California

***DHCC Member Guidelines and
Procedure Manual
~~April 2010~~ December 2011***

CONTENTS

04 Chapter 1- INTRODUCTION

04 Chapter 2- DENTAL HYGIENE COMMITTEE OF CALIFORNIA (DHCC)

04 COMPOSITION

05 SALARY PER DIEM

06 GENERAL RULES OF CONDUCT

07 OFFICERS OF THE COMMITTEE

07 DHCC MEMBERS

07 ETHICS TRAINING

08 DHCC MEMBER ORIENTATION

08 SEXUAL HARASSMENT PREVENTION TRAINING

08 DHCC MEMBER REMOVAL

08 RESIGNATION OF COMMITTEE MEMBERS

08 CONFLICT OF INTEREST

08 DHCC COMMITTEE MEETINGS

09 Member Attendance at DHCC Meetings

09 Member Participation at DHCC Meetings

09 Quorum

09 Agenda Items

09 Record of Meetings

09 Audio or Video Recordings (Government Code

Section 11124.1)

10 MEETING ON DISCIPLINARY MATTERS

10 Disciplinary Cases held for DHCC Meeting Closed Sessions

10 Mail Ballots (Government Code Section 11500) See Sample

Mail Ballot on Page 17

10 DHCC MEMBER COMMUNICATIONS

11 CHAPTER 3 – DHCC PRESIDENT DUTIES

11 SUPERVISION OF THE EXECUTIVE OFFICER

11 PERFORMANCE APPRAISAL OF THE EXECUTIVE OFFICER

11 *APPOINTMENTS*

11 CHAPTER 4 - EXECUTIVE OFFICER

11 APPOINTMENT

11 ROLE

11 EXECUTIVE OFFICER RECRUITMENT

12 SELECTION

12 DHCC STAFF

12 CHAPTER 5 – SUBCOMMITTEES

12 FUNCTION

- 12 APPOINTMENTS**
- 12 STANDING SUBCOMMITTEES**
- 13 LICENSING AND EXAMINATION SUBCOMMITTEE**
- 13 ENFORCEMENT SUBCOMMITTEE**
- 13 LEGISLATIVE AND REGULATORY SUBCOMMITTEE**
- 13 EDUCATION AND OUTREACH SUBCOMMITTEE**
- 13 AD HOC COMMITTEES**
- 13 DHCC AGENDAS**
- 14 ATTENDANCE AT SUBCOMMITTEE MEETINGS**
- 14 DUAL MEMBERSHIP**
- 14 RECORD OF SUBCOMMITTEE MEETINGS**
- 14 STAFF ASSISTANCE**

14 CHAPTER 6 - TRAVEL PROCEDURES

- 15 Travel Arrangements**
- 15 Out-of-State Travel**
- 15 Travel Claims**

15 CHAPTER 7- SECURITY PROCEDURES

- 15 REQUEST FOR RECORDS ACCESS**
- 15 CONTACT WITH CANDIDATES, LICENSEES OR COMPLAINTANTS**
- 16 GIFTS FROM CANDIDATES**

17 DEFINITION OF ACRONYMS

18 SAMPLE MAIL BALLOT MODEL WITH SEPARATE HOLD PROVISIONS

20 EXPLANATION OF MAIL BALLOT TERMS

Chapter 1- INTRODUCTION

The Dental Hygiene Committee of California (DHCC) was established by legislation passed in 2008 to become operational by 1 July 2009. The DHCC is one of many agencies within the Department of Consumer Affairs (DCA), part of the State and Consumer Services Agency under the aegis of the Governor. The DCA is responsible for consumer protection and representation through the regulation of licensed professionals and the provision of consumer services. While the DCA provides administrative oversight and support services, the DHCC has policy autonomy and sets its own policies, procedures, and regulations.

This procedure manual is provided to members as a ready reference of important laws, regulations, and policies in order to guide the actions of the members and ensure DHCC effectiveness and efficiency. The policies in this Manual can be amended by four affirmative votes of DHCC members.

Chapter 2 DENTAL HYGIENE COMMITTEE OF CALIFORNIA (DHCC)

COMPOSITION

The DHCC shall consist of nine members appointed by the Governor. Four shall be public members, one member shall be a practicing general or public health dentist who holds a current license in California and four members shall be registered dental hygienists who hold current licenses in California. Of the registered dental hygienists members, one shall be licensed either in alternative practice or in extended functions, one shall be a dental hygiene educator, and two shall be registered dental hygienists. No public member shall have been licensed under this chapter within five years of the date of appointment or have any current financial interest in a dentally related business

~~Except for the initial term, members shall be appointed for a term of four years. The terms for the initial Member appointments shall expire on December 31, 2011.~~ **All appointments will expire January 1, 2014 except two of the appointments, including the RDH educator or RDHAP or RDHEF members' appointments, which will extend through 2016.**

The DHCC shall elect a President, a Vice President, and a Secretary from its membership. No person shall serve as a member for more than two consecutive terms unless extenuating circumstances prevail and it is the will of the majority of the members to do so.

A vacancy shall be filled by appointment to the unexpired term.

SALARY PER DIEM

Each member of the DHCC shall receive a per diem and expenses as provided in Section 103 of the Business and Professions Code. Members fill non-salaried positions, but are paid \$100 per day for each meeting day they attend and are reimbursed travel expenses. Committee members are paid out of the funds of the Dental Hygiene Committee.

In relevant part, B&P Code Section 103 provides for the payment of salary per diem for Members “for each day actually spent in the discharge of official duties,” and provides that the Member “shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official meetings, unless a substantial official service is performed by the Member.

Attendance at gatherings, events, hearings, conferences or meetings other than official DHCC or subcommittee meetings in which a substantial official service is performed, the Executive Officer shall be notified and approval shall be obtained from the DHCC President prior to the Member's attendance.

2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a subcommittee or committee meeting until that meeting is adjourned. Travel time is not included in this component.
3. For DHCC-specified work, members may be compensated for actual time spent performing work authorized by the President. This may include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings or conferences.
4. Reimbursable work does not include miscellaneous reading and information gathering for business not related to any meeting, preparation time for a presentation and participation at meetings not related to official duties of the DHCC.

The Governor shall have the power to remove any member from the DHCC for neglect of a duty required by law, for incompetence, unprofessional or dishonorable conduct.

GENERAL RULES OF CONDUCT

All members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. Members serve at the pleasure of the Governor, and shall conduct their business in an open manner so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar agencies within the State of California.

- ✚ Members shall comply with all provisions of the Bagley-Keene Open Meeting Act. (Attached)
- ✚ Members shall not speak or act for the DHCC without proper authorization.
- ✚ Members shall not privately or publicly lobby for or publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, when those are in direct opposition to an official position adopted by the DHCC.
- ✚ Members shall not discuss personnel or enforcement matters outside of their official capacity in properly noticed and agendaized meetings or with members of the public or the profession.
- ✚ Committee members shall never accept gifts from applicants, licensees, or members of the profession while serving on the DHCC.
- ✚ Members shall maintain the confidentiality of confidential documents and information related to DHCC business.
- ✚ Members shall commit the time and prepare for DHCC responsibilities including the reviewing of meeting notes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the members by staff, which is related to official business.
- ✚ Members shall recognize the equal role and responsibilities of all DHCC members.

- ✚ Members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public and enforcing the laws governing the practice of dental hygiene in California.
- ✚ Members shall treat all consumers, applicants and licensees in a fair, professional, courteous and impartial manner.
- ✚ Members' actions shall serve to uphold the principle that the DHCC's primary mission is to protect the public.
- ✚ Members shall not participate in test development for ~~written~~ examinations. A member can observe at an examination with the permission of the DHCC President as long as they only observe and in no way participate. If the member is associated with a school, they should not observe an examination if one of their students is taking the examination. Note: this is not to say that members are precluded from involvement with examination issues. Quite the contrary, members should be knowledgeable about the examination development process, occupational analysis, any exam security issues that arise, and so forth. This can be done by having those who develop and administer the examination present at committee meetings.
- ✚ Members shall not sit on advisory committees for any of the California RDH educational programs in any capacity due to a conflict of interest.

OFFICERS OF THE COMMITTEE

The DHCC shall annually elect, from its members, a President, a Vice-President and a Secretary each of whom shall hold office for a term of one year. An officer shall not serve in a particular office position for more than two consecutive terms unless extenuating circumstances prevail and it is the will of the majority of the members to do so.

Elections shall take place each year. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a member.

If the office of the President becomes vacant, the Vice President shall assume the office of the President. If the office of the Vice-President becomes vacant, an election shall be held at the next scheduled meeting. Elected officers shall then serve the remainder of the term.

DHCC MEMBERS

ETHICS TRAINING

Each member shall attend a course offered by the Department of Consumer Affairs in ethics upon appointment. Thereafter members shall attend an ethics course at least once during every two years of their appointment.

DHCC MEMBER ORIENTATION

Every member shall complete a training and orientation program offered by the DCA within one year of assuming office.

SEXUAL HARASSMENT PREVENTION TRAINING

Pursuant to the Department of Fair Employment and Housing laws, all newly appointed board, committee and commission members must complete the required training within six months of their assumption of office.

DHCC MEMBER REMOVAL

The Governor has the power to remove from office, at any time, any member appointed by him for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

RESIGNATION OF COMMITTEE MEMBERS

In the event that a member resigns, the resigning member shall send a letter to the appointing authority, the Governor, with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the Director of DCA, the DHCC President and the Executive Officer.

CONFLICT OF INTEREST

No DHCC member may make, participate in making, in any way attempt to use their official position to influence a governmental decision in which there is a direct financial interest or the potential of such.

Any DHCC member who has a direct financial interest shall disqualify themselves from making or attempting to use their official position to influence the decision. Any DHCC member who feels they are entering into a situation where there is a potential for a conflict of interest shall immediately consult the EO or the DHCC's legal counsel.

DHCC COMMITTEE MEETINGS

The DHCC shall meet at least two times each calendar year and shall conduct additional meetings in appropriate locations that are necessary to transact its business

The DHCC shall make every effort to hold meetings in different geographical areas throughout the state as a convenience to the public and licensees.

Member Attendance at DHCC Meetings

DHCC Members shall attend each scheduled meeting. If a member is unable to attend a meeting the DHCC President or the Executive Officer shall be contacted prior to the meeting to ensure a quorum can be established.

Member Participation at DHCC Meetings

The President may ascertain from members whose level of participation is below standard whether or not the member is no longer able or willing to continue serving as an active member. A 50% or greater absence rate shall constitute below-standard participation.

Quorum

Five members of the DHCC constitute a quorum. When a quorum of is not present, members may discuss items of business but may not take any action. A majority of the entire DHCC shall constitute a quorum for purposes of acting on noticed agenda items.

Agenda Items

Any member may submit items for a meeting agenda to the Executive Officer 30 days prior to the meeting. The items placed on a meeting agenda will be reviewed and approved by the President and Executive Officer prior to receipt of same by the Members.

The meeting agenda will be provided to all members ten days prior to the meeting and the agenda packet will be provided no later than seven days prior to the meeting.

Record of Meetings

Meeting minutes are a summary and not a transcript of the proceedings. Minutes are prepared for every meeting. The minutes and assignments of action items shall be prepared by staff.

The minutes shall be approved at the next scheduled meeting and serve as the official record of the previous meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on the website within ten working days following approval.

Audio or Video Recordings (Government Code Section 11124.1)

All public meetings are either audio or video recorded. Recordings shall be retained until either 30 days from the meeting or after the approval of the minutes whichever is the latter.

MEETING ON DISCIPLINARY MATTERS

Disciplinary Cases held for DHCC Meeting Closed Sessions

1. When voting on mail ballots for proposed disciplinary decisions or stipulations, a member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail ballot.
2. If two votes are cast to hold a case for discussion, the case is set aside and not processed regardless of whether a majority voted to either accept or reject the decision. Instead the case is scheduled for a discussion during a closed session at the next meeting and a new vote is taken.

Mail Ballots (Government Code Section 11500)

See Sample Mail Ballot on Page 17

1. The DHCC must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.
2. Proposed stipulations and decisions are mailed to each member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A two-week deadline generally is given for the mail ballots for stipulations and proposed decisions to be completed and returned to the DHCC's office.
3. If the matter is held for discussion, legal counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.
4. If a member is comfortable voting on the matter, but wishes to discuss the policy behind the decision or case, the ballot should be marked with their vote. The Executive Officer should then be contacted directly requesting clarification of DHCC's policy. If, after discussion, the policy issue is still unresolved the issue will be placed on the agenda for discussion and any appropriate action at the next Enforcement Meeting.

DHCC MEMBER COMMUNICATIONS

The President or the Executive Officer shall serve as spokesperson with the media on Committee actions or policies.

Any written or oral communications concerning matters of a sensitive nature shall be made only by the President or the Executive Officer.

All written communications of the President on behalf of the DHCC shall be copied to the Executive Officer. The Executive Officer shall forward the communication to all members.

The President may not represent the entire DHCC in any communication unless given express authority by a majority of the DHCC to do so unless reiterating a previous position taken. The President may speak for the DHCC if requested to testify to the Legislature or Administration on behalf of the DHCC without advance approval.

CHAPTER 3 – DHCC PRESIDENT DUTIES

SUPERVISION OF THE EXECUTIVE OFFICER

The President is the immediate supervisor of the Executive Officer. Specific instructions for work on policy matters by the Executive Officer from Committee members shall be coordinated through the President.

The incoming President shall assume all delegated duties at the close of the annual election meeting, including supervision of the Executive Officer.

PERFORMANCE APPRAISAL OF THE EXECUTIVE OFFICER

The President shall request from each member input to the annual performance appraisal and salary administration of the Executive Officer prior to compiling draft preparations.

The performance appraisal of the Executive Officer shall be presented in draft form to the DHCC by the DHCC President annually and shall be noticed on the meeting agenda.

Matters relating to the performance of the Executive Officer shall be discussed in closed session unless the Executive Officer requests that it be discussed in open session.

APPOINTMENTS

The President shall appoint the members or qualified persons to fill positions of oversight or representation for DHCC as delineated in statute, regulation or official capacity, regarding CODA or other entities acting on behalf of DHCC.

CHAPTER 4 - EXECUTIVE OFFICER

APPOINTMENT

The DHCC shall appoint an Executive Officer who is exempt from civil service and who shall serve at the pleasure of the DHCC. The Executive Officer shall exercise the powers and perform the duties delegated by the DHCC. The appointment of the Executive Officer is subject to approval of the Director of the Department of Consumer Affairs.

ROLE

The Executive Officer is the chief administrative officer responsible for implementing the policies developed by the DHCC.

EXECUTIVE OFFICER RECRUITMENT

The DHCC shall institute an open recruitment plan to maintain a pool of qualified candidates. The DHCC shall also work with the DCA's Human Resources Office for recruitment procedures.

SELECTION

The selection of an Executive Officer shall be included as an item of business which must be included in a written agenda and transacted at a public meeting.

DHCC STAFF

Employees of the DHCC, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, terminations, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, the Executive Officer has the authority and responsibility of overseeing the civil service staff.

No member may provide direction to civil service staff, unless consent of the majority is obtained during a public meeting. When consent of the majority is obtained, direction must go through the Executive Officer. Members shall not intervene or become involved in specific day-to-day personnel transactions or activities.

CHAPTER 5 – SUBCOMMITTEES

FUNCTION





Subcommittees are advisory and their purpose is to recommend actions on specific subject matter. The composition of the subcommittees may change as

needed. Recommendations and reports shall be submitted to DHCC for consideration and approval.

APPOINTMENTS

The President shall appoint the members to fill positions of each standing subcommittee. DHCC members may volunteer to serve on a specific subcommittee.

STANDING SUBCOMMITTEES

-  Licensing and Examination Subcommittee
-  Enforcement Subcommittee
-  Legislative and Regulatory Subcommittee
-  Education and Outreach Subcommittee

LICENSING AND EXAMINATION SUBCOMMITTEE

The purpose of the Licensing and Examination Subcommittee is to advise the DHCC on policy matters relating to the examining and licensing of individuals who want to practice dental hygiene in California. The subcommittee may also provide information and recommendations on issues relating to curriculum and school approval, exam appeals, laws and regulations.

ENFORCEMENT SUBCOMMITTEE

The purpose of the Enforcement Subcommittee is to advise the DHCC on policy matters that relate to protecting the health and safety of consumers. This includes maintenance of disciplinary guidelines, and other recommendations on the enforcement of the statutes and regulations.

LEGISLATIVE AND REGULATORY SUBCOMMITTEE

The purpose of the Legislative and Regulatory Subcommittee is to review and track legislation which affects the DHCC and recommends positions on legislation. It also provides information and recommendations to the full committee on regulatory additions or changes.

EDUCATION AND OUTREACH SUBCOMMITTEE

The purpose of the Education and Outreach Subcommittee is to provide recommendations on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines and attending trade shows.





AD HOC COMMITTEES

The President may establish ad hoc Subcommittees as needed.

Any member may request, subject to approval of the full DHCC, that an ad hoc committee be established. The ad hoc committee will be charged with an in depth review of a specific issue and a final recommendation to the full DHCC.

DHCC AGENDAS

Agendas shall focus on the specific tasks assigned by the DHCC and include:

-  Public Comment
-  Time for members to recommend new areas of study to be brought to the DHCC's attention for possible assignment.
-  Time for lunch break
-  Only those information items dealing with subjects assigned to the respective subcommittee.

Subcommittee chairs shall confer with the President prior to including any agenda item that is not clearly within that subcommittee's assigned purview.

If more than two members are to attend a committee meeting, the agenda shall contain the statement: "Notice of Committee meeting indicates that three or more members of the Committee are present. While the law requires the DHCC to notice this also as a Committee meeting, it is not the intent to take action as a Committee at this meeting".

ATTENDANCE AT SUBCOMMITTEE MEETINGS

Members who attend a subcommittee meeting when not appointed to that subcommittee shall sit in the audience and not participate in the meeting discussion.

DUAL MEMBERSHIP

A member may serve on multiple subcommittees.

RECORD OF SUBCOMMITTEE MEETINGS

The minutes are a summary, not a transcript of each committee meeting.

Minutes shall be prepared by staff and submitted for review by the Subcommittee.

Subcommittee minutes shall be approved at the next scheduled meeting and serve as the official record of the meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on website.

STAFF ASSISTANCE

Staff provides advice, consultation, and support to subcommittees. Members shall contact the Executive Officer to request staff assistance.

CHAPTER 6 - TRAVEL PROCEDURES

TRAVEL

Members shall notify the President and Executive Officer of all travel except for regularly scheduled meetings. The President shall relay any travel approvals to the Executive Officer.

No member shall attend any function at which the member is representing the DHCC without approval from the President and the Executive Officer. This includes speaking engagements, etc.

Travel Arrangements

Members are responsible for making their own travel arrangements. However, staff can assist in making necessary hotel and airline reservations for regularly scheduled meetings. When assistance with travel arrangements is needed, the Executive Officer should be contacted.

Out-of-State Travel

For out-of-state travel, members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

Travel Claims

Rules governing reimbursement of travel expenses for members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The staff maintains these forms and completes them as needed.

The Executive Officer's travel and per diem reimbursement claims shall be submitted to the DHCC President for approval.

It is advisable for members to submit their travel expense forms immediately following a meeting. If a travel claim requires amending, staff will make the amendment and submit the corrected claim to DCA's Travel Unit and provide members with a corrected copy.

Travel reimbursement processing time is approximately four to six weeks.

CHAPTER 7- SECURITY PROCEDURES

REQUEST FOR RECORDS ACCESS

No member may access a licensee's or candidate's file.

CONTACT WITH CANDIDATES, LICENSEES OR COMPLAINTANTS

Members shall not intervene on behalf of a licensee or candidate for any reason. They should forward all contacts or inquiries to the Executive Officer. Members shall not directly participate in complaint handling and resolution or investigations. If a member is contacted by a respondent, or respondent's attorney, that individual shall be referred to the Executive Officer.

GIFTS FROM CANDIDATES

A gift of any kind to members or staff from dental hygiene candidates for licensure is not permitted and is considered to be a conflict of interest.

DEFINITION OF ACRONYMS

Agencies

DHCC	Dental Hygiene Committee of California
DCA	Department of Consumer Affairs
AGO	Attorney General's Office
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
OPES	Office of Professional Examination Services
PSI	Psychological Services Incorporated

Codes

B&P	Business and Professions Code
CAC	California Administrative Code
CCR	California Code of Regulations
CGC	California Government Code

Organizations

ADHA	American Dental Hygienists Association
CDHA	California Dental Hygiene Association
CDA	California Dental Association
CDHEA	California Dental Hygiene Educators Association
CAPS	California Association of Private Post Secondary Schools
CCC	California Community Colleges
WREB	Western Regional Examination Board

Titles

AG	Attorney General
ALJ	Administrative Law Judge
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer

Licenses

LBC	Licensure by Credential
RDH	Registered Dental Hygienist
RDHAP	Registered Dental Hygienist in Alternative Practice
RDHEF	Registered Dental Hygienist in Extended Functions
SLN	Certification in Soft Tissue Curretage, Local Anesthetic and Nitrous Oxide.

SAMPLE MAIL BALLOT

MODEL WITH SEPARATE HOLD PROVISIONS

To: All Board Members

From: Enforcement Staff

Date:

Re: Mail Ballot for [FIRST] [LAST], LICENSE NO. _____, Case No.

THIS MAIL BALLOT MUST BE RETURNED NO LATER THAN _____
(If not timely returned, your vote may not count or the DHCC may lose jurisdiction to act.)

Please review the attached documents and vote on the above case. Upon completion of this mail ballot, please return it to me in the enclosed envelope or fax it to me at (916) 263-2688 by the date noted above. You may also email your vote to DHCC's Legal Desk, but be sure to include the person's name, license number (if any) and case number involved along with your vote.

The decision presented is a:

☐ Proposed Decision

The board will lose jurisdiction to act on _____. Gov't Code § 11517(d)

☐ Stipulated Decision

☐ Default Decision

If you have procedural questions about the decision, please contact DHCC's Legal Desk. For all other questions, please contact _____, the Committee's assigned attorney, at (916) 574-8220.

BOARD MEMBER BALLOT

(Part A: Choose one option)

____ I VOTE TO ADOPT. Choose this option if you accept the decision as written.

____ I VOTE TO REJECT (NON-ADOPT). Choose this option if you have questions or concerns about the decision. Record your questions or concerns to facilitate any closed session discussion:

____ I RECUSE MYSELF from this case because _____.

(Part B: Optional)

____ HOLD FOR DISCUSSION at the next board meeting. Mark your ballot above regardless of whether you request to hold. If you voted to reject, you may also wish to hold the case. If you did not do so above, record your questions or concerns here:

Date

Board Member's Signature

Printed Name

EXPLANATION OF MAIL BALLOT TERMS

PROPOSED DECISION:

Following a hearing, the administrative law judge drafts a proposed decision recommending an outcome based on the facts and the board's disciplinary guidelines. At its discretion, the board may impose a lesser penalty than that in the proposed decision. If the board desires to increase a proposed penalty, however, it must vote to reject or non-adopt the proposed decision, read the transcript of the hearing and review all exhibits prior to acting on the case.

DEFAULT DECISION:

If an accusation mailed to the last known address is returned by the post office as unclaimed, or if a respondent fails to file a Notice of Defense or fails to appear at the hearing, the respondent is considered in default. The penalty in a case resolved by default is generally revocation of the license. A default decision can be set aside and the case set for hearing if the respondent petitions for reconsideration before the effective date of the decision and the board grants the petition.

STIPULATED DECISION:

At any time during the disciplinary process, the parties to the matter (the Executive Officer and the respondent) can agree to a disposition of the case. With the Executive Officer's consent, the Deputy Attorney General can negotiate a stipulated decision (also referred to as a stipulated agreement) based on the board's disciplinary guidelines. The board may adopt the stipulated decision as proposed, may counter-offer and recommend other provisions, or may reject the agreement. If respondent declines to accept a proposed counter-offer, the case continues in the standard disciplinary process.

ADOPT:

A vote to adopt the proposed action means that you accept the action as presented.

REJECT (NON-ADOPT):

A vote to reject (non-adopt) the proposed action means that you disagree with one or more portions of the proposed action and do not want it adopted as the board's decision. This vote should be used if you believe an additional term or condition of probation should be added (or deleted), or would otherwise modify the proposed penalty.

If a **proposed decision** is rejected, the transcript will be ordered and the case scheduled for argument according to board policy. After reviewing the record, the board will be able to adopt the decision as previously written or modify the decision as it deems appropriate, except that a cost recovery order may not be increased. If a **stipulated decision** is rejected, the case will be set for hearing unless a counter offer is made during a closed session. If a **default decision** is rejected, the case will be set for hearing.

RECUSAL:

Mark this box if you believe you cannot participate in making the decision because you have a specific conflict. Common examples are if the person is a member of your family, a close personal friend, or business partner. If you are unsure if you should recuse yourself, you should contact the assigned board counsel.

HOLD FOR DISCUSSION:

In addition to voting, you should mark this box if you have a question or concern about the decision and would like to discuss the matter with fellow board members during a closed session. If you vote to reject, you may also wish to hold the case. TWO votes must be received to hold a case. If the case is a **stipulated decision**, the staff can explain why they entered into the agreement. If the case is either other type, you may contact the board's assigned counsel to discuss the merits of the case.



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 19**

Closed Session
Evaluate the Performance of the DHCC's
Executive Officer



Tuesday, December 13, 2011

Dental Hygiene Committee of California

**Full Committee
Agenda Item 20**

Closed Session



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Lori Hubble, DHCC Executive Officer
SUBJECT	Closed Session

There are no disciplinary matters to be heard at this time.