



Dental Hygiene Committee of California

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LICENSING AND EXAMINATION SUBCOMMITTEE MEETING MINUTES

Monday, December 3, 2012

**Department of Consumer Affairs Headquarters
EI Dorado Room
1625 North Market Street 2nd Floor North, Room 220
Sacramento, CA 95834**

LIC/EXAM - 1 Roll Call

The Licensing and Examination Subcommittee Chair Michelle Hurlbutt called the meeting to order with roll call at: 11:05 a.m. With four subcommittee members present, a quorum was established.

Subcommittee members present:

Michelle Hurlbutt, Registered Dental Hygienist (RDH)
Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP),
Timothy Martinez, Doctor of Medical Dentistry (DMD)
Evangeline Ward, RDH

Subcommittee members absent:

None.

Staff present:

Lori Hubble, Executive Officer
Nancy Gaytan, Enforcement Analyst
Donna Kantner, Retired Annuitant
Anthony Lum, Administration Analyst
Traci Napper, Program Analyst
Eleonor Steiner, Examination Analyst
Rick Wallinder, Retired Annuitant.

Claire Yazigi, Department of Consumer Affairs' (DCA) Legal Representative

LIC/EXAM - 2 Public Comment for Items Not on the Agenda

Chair Hurlbutt asked for any public comment for items not on the agenda.

There was no public comment for items not on the agenda.

LIC/EXAM - 3 Approval of April 16, 2012 Minutes

Chair Hurlbutt requested a motion to accept the April 16, 2012, Licensing and Examination Subcommittee meeting minutes.

- **Motion: Noel Kelsch moved to accept the minutes as presented.**

Evangeline Ward seconded the motion.

Chair Hurlbutt asked for discussion of the subcommittee regarding the April 16, 2012 subcommittee meeting minutes. There was no discussion.

Chair Hurlbutt asked for public comment or questions on the April 16, 2012 subcommittee meeting minutes.

There was no public comment.

Chair Hurlbutt called for the vote to accept the the April 12, 2012 subcommittee meeting minutes as presented.

Vote: The minutes were accepted unanimously (4-0).

LIC/EXAM - 4 Chairperson's Report

Chair Hurlbutt reported that since the April 2012 meeting, the June, July, and October 2012 RDH clinical examinations were held and she commended examiners and staff for doing an outstanding job administering the clinical exam.

She reported that in June 2012, a formalized calibration session for examiners was held and went very well.

Chair Hurlbutt commended Chief Examiner Kerri Brumbaugh and PJ Atteberry, Assistant Chief Examiner, for doing an outstanding job at the clinical examinations. She formally thanked and acknowledged Stephanie Lemos for her 30 years of service at the exams. She indicated that since 2006, Ms. Lemos served as Clinical Supervisor in the exam candidate clinic. Vicki Fershin will replace Ms. Lemos as Clinical Supervisor starting with the June 2013 exam.

Chair Hurlbutt stated that this is the first exam cycle that the Committee will not be utilizing Loma Linda University and indicated that the March 2013 RDH clinical examination will be eliminated due to a decrease in the number of applicants for the exam.

Chair Hurlbutt reported that a letter was received from the Western Regional Examining Board (WREB) informing the Committee that we must accept their examination criteria and passing grade "as is," otherwise, the Committee cannot become a member board. In addition, She reported that because California is not a WREB member, all of the California examiners were dismissed from the WREB examiner pool. She continued that this issue is not on the current agenda, but the topic may be re-examined in the future.

Chair Hurlbutt informed the new members of the subcommittee that at the April 2011 meeting, it was decided that she assign educators to write a "white paper" regarding the investigation of alternative pathways for initial licensure. She indicated that the project was delayed in the past due to travel and budgetary restrictions; however, the Committee has decided to proceed despite the restrictions. She stated that in the near-future, she will appoint subject matter experts to create the "white paper" to help support the strategic plan for alternate pathways of initial licensure. She indicated that copies of an article on the ethics of using live patients in clinical hygiene exams were distributed to the subcommittee members for their review.

Chair Hurlbutt reported that since Senate Bill (SB) 1202 (Ch. 331, Statutes of 2012) passed, a newsletter would be created to inform the public and dental hygiene programs of the changes and will be posted on the website. She stated that one important issue is that if a candidate fails the clinical exam three times, whether in combination of failing WREB or conducts gross trauma during an exam, remedial education is required.

Chair Hurlbutt attended the Office of Statewide Health Planning and Development (OSHDP) Health Workforce Pilot project evaluation that involved teledentistry. She explained that the project reviewed whether or not the RDA, RDH, or RDHAP has the ability to choose the correct radiograph to take under the circumstances, the way that the patient presents, as well as if the interim restorative technique is conducted safely. She indicated that she attended three evaluations where the sites were also evaluated. She reported that the evaluations were positive and informative. She continued that the goal of the evaluation team is to evaluate four out of the six sites before a final report is submitted. She added that she will be attending another evaluation in May 2013.

Chair Hurlbutt announced that there will be an upcoming instrumentatation calibration meeting and training held for the examiners in January 2013.

Chair Hurlbutt asked if there were any questions or public comment on her report. There was no public comment.

LIC/EXAM - 5 Clinical and Written Exam Statistics

Chair Hurlbutt asked Ms. Steiner to present the agenda item. Ms. Steiner reported that the results of the RDH clinical exams in 2012 had an 88% pass rate. She indicated that the 2012 pass rate is consistent with the previous year's pass rate. She reported that for the written law and ethics exam, the pass rate for RDHAP was 75%, while the RDH written law and ethics exam pass rate was 84%.

She reported that the Committee licensed 305 applicants through the WREB.

Chair Hurlbutt asked for any questions or public comment on the clinical and written exam statistics

Ms. Kelsch inquired as to why the pass rate for the RDHAP written law and ethics exam is lower than the newly licensed RDH written law and ethics exam. Ms. Hubble answered that the committee does not know why the RDHAP written law and ethics is pass rate is lower than the RDH. Chair Hurlbutt stated that the RDHAP written law and ethics exam is different than the RDH law ethics exam.

Ms. Kelsch asked when the last time the Committee looked at the RDHAP curriculum. Ms. Hubble answered that the RDHAP directors are aware that their pass rate on the exam is lower. Chair Hurlbutt inquired when was the last time we looked at the RDHAP written Law and Ethics Exam? Ms. Hubble answered that a new form of the RDHAP exam was recently developed. She further stated that with the recent passage of SB 1202, the Committee will be looking at the RDHAP written law and ethics exam again and new questions will be added.

LIC/EXAM - 6 Licensure Statistics

Chair Hurlbutt asked Ms. Napper to present the agenda item. Ms. Napper reported by the individual breakdown of license types. She stated that there are 18,521 active,

3,565 inactive, 2,189 delinquent, and 42 deficient RDHs. The overall current total of licensees for the RDH is 30,381, and that figure includes cancelled and deceased licenses.

Ms. Napper reported that the Registered Dental Hygienist in Extended Functions (RDHEF) license population has not increased because there have not been any RDHEF examinations administered. She pointed out that the RDHAP and the Fictitious Name Permits have increased since her last report. Ms. Napper provided the statistical information for licenses issued in 2011 in the meeting packet for the Committee's review.

Chair Hurlbutt asked for an explanation of a delinquent license versus a deficient license. Ms. Napper explained that a delinquent license indicates that a licensee has not paid their renewal fee, versus a deficient license indicates that a licensee may not have completed all of their renewal requirements such as certifying the required continuing education or any enforcement issue. Ms. Hurlbutt asked which category does a fingerprint issue fall into. Ms. Napper answered that a fingerprinting issue falls into a deficient license category.

Chair Hurlbutt asked for any comments from the subcommittee members. There was no comment from the subcommittee.

Chair Hurlbutt asked for any questions or comments from the public. A member of the public asked why the report reveals only 200 new licensees from December 2011 through November 2012. Ms. Napper answered that there is a lag time between when licenses are issued until they actually appear on a documented statistical report.

Chair Hurlbutt asked for any other questions or comments from the public. There were no further comments.

LIC/EXAM - 7 Update Regarding the Selection Process for the RDH Clinical Chief Examiner

Chair Hurlbutt asked Ms. Hubble to present the agenda item. Ms. Hubble reported that in June 2012, an Ad-hoc committee met to establish a permanent Chief Examiner application, duty statement, interview questions, and interview dates. She stated that in July and October 2012, the Chief Examiner applications were given to the examiners and only one individual expressed interest in the position. She indicated that at this time, the Committee will continue utilizing Kerry Brumbaugh as Chief Examiner, PJ Atteberry as Assistant Chief Examiner, and Lori DeCaro as the Examiner Statistician until more applications are submitted.

Chair Hurlbutt asked for any comments from the subcommittee members or the public. There were no comments.

LIC/EXAM - 8 Update on Examination Personnel Regarding Clinical Supervisor and New Examiners

Chair Hurlbutt explained the process in selecting examiners for training prior to Ms. Steiner presenting the agenda item. She stated that an examiner first serves as a recorder for a minimum of two years. She explained that a recorder assists the examiner during the evaluation process by recording the examiner's findings. She continued that typically there are two ways in which a recorder can be moved into an examiner in training position:

- 1) After serving for two or more years, a recorder may express interest be moved into an examiner position to staff, the Chief Examiner, Assistant Chief Examiner, or Examiner statistician; or
- 2) The Chief Examiner, Assistant Chief Examiner, or Examination Statistician may approach a recorder who has shown commitment and ask if they are interested in serving as an examiner.

The recorder is then invited to the examiner orientation and calibration sessions and is evaluated by the educators, Chief Examiner, Assistant Chief Examiner, and Examination Statistician.

Chair Hurlbutt asked Ms. Steiner to present the agenda item.

Ms. Steiner reported that the following recorders expressed interest in becoming examiners: Kelly Leisten, Laura Stevens, Rebecca Stoll, and Stephanie Zannotto. She stated that they will be attending the upcoming instrumentation calibration course in January 2013. She continued that Stephanie Lemos retired as the Clinic Supervisor and will be replaced by Vicki Fershin.

Chair Hurlbutt asked for any comments from the subcommittee or the public. There were none.

LIC/EXAM - 9 Update on Consideration Course Approval in Soft Tissue Curettage, Administration of Nitrous Oxide and Oxygen and Administration of Local Anesthetic Agents

Chair Hurlbutt informed the Committee members that the Committee received a letter concerning whether it has authority to approve courses without specific regulations. She deferred to Ms. Yazigi to explain the subcommittee's position. Ms. Yazigi explained that the Committee has the authority to approve courses under Business and Professions Code Section 1905. She continued that in absence of a regulation, the Committee is authorized to approve courses on a case by case basis.

Chair Hurlbutt asked if the subcommittee had any questions or comments. There were none.

Chair Hurlbutt asked if there were any public comments. Joan Greenfield commented that there was significant disagreement in the discussions with respect to minimum competency at the December 10, 2009 Committee meeting to create new regulations to deal with the three expanded duties. She said these issues were never presented again in a public setting. She urged the Committee to pass regulations to judge all expanded duty courses to protect the public.

Before moving onto the discussion regarding the two applications for course approval, Chair Hurlbutt recused herself from any discussion, as she has worked with one of the applicants on creating other regulatory language for the DHCC, so Ms. Hubble conducted the discussion on the issue.

Discussion on two course applications -

Ms. Kelsch asked Ms. Yazigi if it is accurate for the Committee to move forth with the course applicants on a case by case basis or do regulations have to be in place prior to the Committee acting. Ms. Yazigi answered that it is costly to review the courses on a case by case basis and advised to have regulations in place; however, in the

absence of regulation, the Committee has the authority to look at the applicants on a case by case basis.

Ms. Kelsch asked Ms. Hubble where the draft regulatory language is and whether the Committee can approve the two course applicants. Ms. Hubble answered that the Committee has the statutory authority to approve the courses under Business and Professions Code section 1905. She added that an Ad-hoc committee will convene in January 2013 to discuss the specific regulatory language and then a Committee teleconference meeting will be conducted to review the language as it will be included in an upcoming regulatory request.

Ms. Cindy Callaghan, RDH, subject matter expert, explained how she evaluated the courses of the two applicants based on her professional judgment in terms of the depth of the curriculum. She reviewed Chabot's and Southwestern College's applications and made recommendations that the courses be accepted and utilized. She reviewed and analyzed the courses, syllabus, methodology, materials, objectives, and didactic and clinical competency levels as a part of her evaluation. She asked if there were any questions about her evaluation. Ms. Greenfield asked what standardized method was used to evaluate the courses and whether it would be better to have regulations and guidelines in place prior to approving the applications.

Ms. Kelsch asked how the courses were approved in the past. Ms. Hubble answered that in the past, the Dental Board approved the course on a case by case basis and that Ms. Greenfield's course was evaluated by the Dental Board of California years ago. Ms. Greenfield disagreed and stated that regulations were in place 30 years ago. Ms. Hubble responded that there were course guidelines indicated, but no regulations in place to approve Ms. Greenfield's course.

JoAnne Galliano, Program Director, Chabot College, stated that Chabot and Southwestern Colleges are accredited institutions and modified their programs to create a continuing education program that emphasizes skill competency. Ms. Greenfield commented that Ms. Galliano's educational program is a Commission on Dental Accreditation (CODA) approved school and CODA does not review expanded duties for individual states. Ms. Galliano responded that she is a CODA examiner and CODA does look at expanded function courses. Ms. Kelsch asked if the curriculum is the same for all three schools and the duration of the curriculum. Ms. Callahan stated that Chabot and Southwestern's curriculum is similar and that their course is approximately 60 hours in length.

Katie Dawson commented that Ms. Greenfield's expanded duties program is the only one currently offered in the state. Ms. Yazigi stated that an important point is to review whether the Chabot and Southwestern courses will adequately educate licensees to work on and protect the public. She indicated that the Committee is to vote on the recommendation of approving the courses at this meeting.

Ms. Hubble asked if the subcommittee or public had any further questions. There were no additional questions or comments.

Ms. Hubble asked for a motion on the recommendation.

- **Ms. Kelsch motioned to move forward on the recommendation to approve the applications for the expanded duties courses at Chabot and Southwestern colleges.**

Timothy Martinez seconded the motion.

**Vote: The motion passed 3-0-1
(Chair Hurlbutt recused from the discussion and vote).**

LIC/EXAM - 10 Update on Survey Sent to Regional Testing Agencies Regarding Their Respective Examination Criteria

Chair Hurlbutt asked Rick Wallinder to present this agenda item. Mr. Wallinder reported that the Committee survey was sent to the various testing agencies around the country for a response. He distributed copies of the survey to the Committee members that was sent to the five regional testing agencies [i.e., Council of Interstate Testing Agencies (CITA), Central Regional Dental Testing Service (CRDTS), Northeast Regional Board of Dental Examiners (NERB), Southern Regional Testing Agency (SRTA), and the Western Regional Examining Board (WREB)]. He stated that there were 45 questions on the survey for the testing agencies to complete and it was mailed to them on September 27 2012 for their response. He reported that to date, a complete set of responses from all of the regional testing agencies have not been received.

Chair Hurlbutt asked for any public comments. Laura Jacob, Executive Director, CRDTS introduced herself to the Committee, and Kim Laudenslager, Director of Dental Hygiene Examinations, CRDTS, indicated that CRDTS did respond to the Committee's survey. She added that CRDTS tests a large number of California candidates. She asked if California would accept CRDTS in the future, adding that California would be welcomed as a member state.

Chair Hurlbutt asked for other public comment. There was no further public comment.

LIC/EXAM - 11 Closed Session

Chair Hurlbutt reported that the subcommittee was adequately informed of the performance, orientation, calibration, and validation of the clinical examiners during the closed session.

LIC/EXAM - 12 Future Agenda Items

Chair Hurlbutt asked for any future agenda items for the subcommittee. She indicated that the "white paper" on the alternative pathways for initial licensure should be a future agenda item for discussion.

Ms. Kelsch asked when the Committee might see specific language to deal with the approval of expanded duty courses. Ms. Hubble answered that the Ad-hoc committee will meet in January 2013 and that a teleconference meeting would be conducted soon thereafter to discuss the issue.

Chair Hurlbutt asked for any further public comment on future items. Ms. Galliano asked whether the subcommittee will report on remediation. Ms. Hubble answered that the Legislation and Regulatory Subcommittee will look at remediation under Business and Professions Code section 1202.

Ms. Laudenslager commented on whether the Committee would add consideration of accepting CRDTS for California licensure to a future agenda item. Chair Hurlbutt answered that surveys were sent out to all regional testing agencies asking specific questions on what testing agencies are examining for and the survey results will be compiled and considered at a future meeting.

Chair Hurlbutt asked for any other member or public comments or recommendations for future agenda items for the subcommittee. There were no further comments or recommendations.

LIC/EXAM - 13 Adjournment

The Licensing and Examination Subcommittee meeting adjourned at 1:44 p.m.