



DENTAL HYGIENE MARCH 5, 2014 TELECONFERENCE MEETING MINUTES

**Lake Tahoe Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815
Wednesday, March 5, 2014**

ITEM 1 – Roll Call – Establishment of a Quorum

The Dental Hygiene Committee of California's (Committee) President, Michelle Hurlbutt, called the meeting to order with roll call at 12:02 p.m. She asked Noel Kelsch, RDHAP, Secretary, to take the roll to establish a quorum. She also asked the members to identify their location for the teleconference record and whether any public attendees were at their locations as well. With eight Committee members present via teleconference, a quorum was established.

Committee Members Present:

Michelle Hurlbutt, President, RDH Educator
Location: Upland, CA
Nicolette Moultrie, Vice President, RDH
Location: Pleasant Hill, CA
Noel Kelsch, Secretary, RDHAP
Location: Moorpark, CA
Susan Good, Public Member
Location: Fresno, CA
Sherrie Gordon, Public Member
Location: Pomona, CA
Susan Johnson, Public Member
Location: Sacramento, CA
Timothy Martinez, DMD
Location: Pomona, CA
Evangeline Ward, Secretary, RDH
Location: Vacaville, CA

Committee Members Absent:

Garry Shay, Public Member

Staff Present:

Lori Hubble, Executive Officer (EO),
Anthony Lum, Administrative Analyst,
Donna Kantner, Legislative and Regulatory Retired Annuitant,
Richard Wallinder, Retired Annuitant
Norine Marks, Department of Consumer Affairs (DCA) Legal
Representative

Public Present:

Cindy Callaghan, RDH, Education Consultant
Guadalupe Castillo, Legislative and Policy Analyst, DCA Division of
Legislative and Policy Review
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Gayle Mathe, California Dental Association (CDA)
Sarah Wallace, Legislative and Regulatory Analyst, DBC

President's Comments - President Hurlbutt welcomed all of the participants to the teleconference meeting and requested that when each individual speaks to identify themselves so that the other meeting participants know who is making the comment.

ITEM 2 – Public Comment for Items Not on the Agenda

President Hurlbutt asked whether there were public participants at any of the teleconference sites and if there were, whether there was any public comments for the Committee that was not on the meeting agenda. There was no public comment from any of the teleconference sites for items not on the agenda.

ITEM 3 – President's Report

President Hurlbutt reported that since the Committee's December 2013 meeting, she attended task force meetings regarding various Committee regulation packages. She stated that she also attended the February 28, 2014 DBC meeting in San Diego where she provided the DBC members with an update about Committee activities. She concluded her report by informing Committee members that she is planning on attending the Committee's Sunset Review hearing that will be held on March 17, 2014, in Sacramento. She noted that Dr. Martinez will also attend the hearing.

President Hurlbutt asked if there were any questions or comments from the public or the Committee members.

Ms. Kelsch asked if the Sunset Review hearing was open to the public. President Hurlbutt responded that the sunset review hearings are public hearings and that anyone may attend.

ITEM 4 – Discussion and Possible Action to Approve the December 7, 2013 DHCC Full Committee Meeting Minutes

President Hurlbutt asked for a motion to accept the December 7, 2013 Full Committee meeting minutes.

- **MOTION: Noel Kelsch moved to accept the December 7, 2013 Full Committee meeting minutes.**

Sherrie Gordon seconded the motion.

President Hurlbutt asked if there were any questions or comments from the public or Committee members. There were no questions or comments.

Vote: 8 - 0 to accept the motion via roll call of all participating members (Garry Shay was absent for the vote).

ITEM 5 – Discussion and Possible Action to Amend Proposed Regulatory Language as a result of Comments Received During the 45-Day Public Comment Period for the DHCC's Rulemaking to Add California Code of Regulations (CCR), Title 16, Division 11, §1100, 1101, 1121, 1122, 1124, 1126, 1127 and 1133 Relevant to Definitions, Administration, and Examinations

Lori Hubble, EO, requested that this item be deferred to a future meeting as the Committee had received additional comments beyond the 45-day comment period and would like to give staff and the ad hoc committee an opportunity to review those comments and then bring the item back to a future meeting.

- **MOTION: Nicolette Moultrie moved to continue this agenda item to a future meeting to allow the EO, ad hoc committee, and DCA legal counsel to work on issues that have been identified by the Committee staff related to public comments that have been received.**

Noel Kelsch seconded the motion.

President Hurlbutt responded to Susan Good's question that this agenda item will return to a future Committee meeting with the additional comments that were received after the 45-day comment period.

Gayle Mathe said that CDA appreciated the opportunity to attend the Committee's meeting and the action the Committee considered taking with regard to this regulation proposal. She remarked that CDA respects the Committee's authority to promulgate regulations, but believed that the Committee has exceeded their authority with this regulatory package. She added that the CDA has submitted letters asking for a resolution of jurisdictional issues that have been raised and appreciates the Committee addressing the issue.

Ms. Mathe then submitted two CDA letters to the Committee for the record. She said that the first letter was sent to the Department of Consumer Affairs and the DBC and is dated February 21, 2014. She indicated that it articulates the jurisdictional concerns that CDA has with this regulatory package. She stated that the second letter will be delivered to the Committee today (March 5, 2014) for their review. She explained that the letter reiterates the concerns regarding the regulation proposal, expresses CDA's desire to avoid costly challenges to the regulations should they become enacted, and requests that the Committee take no further action on this regulatory package until those jurisdictional issues have been resolved.

Lisa Okamoto asked if the Committee continued this agenda item to a future meeting, would it be on the agenda for the next planned Committee meeting. Ms. Hubble responded that this issue could possibly be on the next meeting agenda.

President Hurlbutt asked if there were any questions or comments from the public or Committee members. There were no questions or comments.

Vote: 7 – 1 to accept the motion via a roll call of all participating Committee members (Susan Good opposed and Garry Shay was absent for the vote).

ITEM 6 – Discussion and Possible Action on Feasibility Study Regulations, California Code of Regulations, Title 16, Division 11 § 1104, 1104.1 and 1104.2.

- **MOTION: Nicolette Moultrie moved to table this agenda item to the May 2-3, 2014 DHCC meeting.**

Noel Kelsch seconded the motion.

President Hurlbutt asked if there were any questions or comments from the public or the Committee members. There were no questions or comments.

Vote: 7 – 1 to accept the motion via a roll call of all participating Committee members (Susan Good opposed and Garry Shay was absent for the vote).

Before adjourning the meeting President Hurlbutt asked for any comments from Committee members or the public.

Ms. Good commented that she was disappointed that the staff recommendations pertaining to the regulatory comments received was not discussed before voting to continue the item. She noted that the meeting had been called, effort and time was made to conduct the meeting, and participants may have traveled a great distance to hear the items discussed.

President Hurlbutt thanked Ms. Good for her comments.

Adjournment:

The March 5, 2014 teleconference meeting adjourned at 12:25 p.m.