



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Enforcement Subcommittee**

Agenda



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

**ENFORCEMENT SUBCOMMITTEE MEETING**

**Saturday, May 2, 2015**  
**Embassy Suites Anaheim-Orange**  
**400 N. State College Blvd.**  
**Orange, CA 92868**  
**(714) 938-1111**

**Enforcement Subcommittee Members:**

Garry Shay, Public Member, Chair  
Nicolette Moultrie, RDHAP  
Timothy Martinez, DMD  
Evangeline Ward, RDH

**Upon conclusion of Licensing and Examination Subcommittee**

**Agenda**

**ENF 1 – Roll Call**

**ENF 2 – Public Comment for Items Not on the Agenda**

**ENF 3 – Chairperson's Report**

**ENF 4 – Approval of the December 5, 2014 Enforcement Subcommittee Meeting Minutes**

**ENF 5 – Enforcement Statistics – Informational Only**

**ENF 6 – Update on the Department of Consumer Affairs' Enforcement Performance Measures – Informational Only**

**ENF 7 – Future Agenda Items**

**ENF 8 – Adjournment**

A quorum of the Committee may be present at the subcommittee meeting. However, Committee members who are not on the subcommittee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The subcommittee 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, for convenience, 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](http://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](mailto:anthony.lum@dca.ca.gov) or send a written request to DHCC at 2005 Evergreen Street, Ste. 2050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



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**Agenda Item 1**

**Roll Call:**

Establishment of a Quorum



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**Agenda Item 2**

Public Comment for Items Not on the Agenda



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**Agenda Item 3**

Chairperson's Report:

A verbal report will be given



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**Agenda Item 4**

Approval of the December 5, 2014 Enforcement  
Subcommittee Meeting Minutes



**DRAFT – ENFORCEMENT SUBCOMMITTEE MEETING MINUTES**

**Evergreen Hearing Room  
2005 Evergreen Street, 1<sup>st</sup> Floor  
Sacramento, CA 95815  
Friday, December 5, 2014**

**ENF 1 – Roll Call**

Chair Garry Shay of the Enforcement Subcommittee, called the meeting to order at 12:30 p.m. with roll call and established a quorum with all subcommittee members, Evangeline Ward and Timothy Martinez, present.

**ENF 2 – Public Comment for Items Not on the Agenda**

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

**ENF 3 – Chairperson's Report**

There was no chairperson's report for this subcommittee meeting.

**ENF 4 – Enforcement Statistics**

Nancy Gaytan, the DHCC Enforcement Analyst, presented enforcement statistics for the year in the areas of Complaints, Allegations, Enforcement Actions, and Probation. She noted an increase in the number of citations issued due to implementation of regulations last year authorizing citations.

M/S/P (Martinez/Ward) to accept the report.

**ENF 5 – Department of Consumer Affairs (DCA) Performance Measures**

Ms. Gaytan provided Performance Measures gathered by DCA to help boards, bureaus, and committees review progress toward meeting their enforcement goals and targets. Chair Shay noted that all of the categories are well within the target times.

M/S/ P (Ward/Martinez) to accept the report.

**ENF 6 – Approval of the December 6, 2013 Enforcement Subcommittee Meeting Minutes**

As a quorum was not established for the May 2013 subcommittee meeting, the December 6, 2013 subcommittee meeting minutes were not approved.

M/S/P (Martinez/Shay) to approve the minutes as presented.

**ENF 7 – Approval of the May 2, 2014 Enforcement Subcommittee Meeting Minutes**

M/S/P(Ward/Shay) to approve the minutes as presented.

**ENF 8 – Future Agenda Items**

No future agenda items were suggested.

**ENF 9 – Adjournment**

The Enforcement Subcommittee meeting adjourned at 12:49 p.m.



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Enforcement Subcommittee**

**Agenda Item 5**

**Enforcement Statistics – Informational Only**



## MEMORANDUM

<b>DATE</b>	May 2, 2015
<b>TO</b>	Enforcement Committee Dental Hygiene Committee of California
<b>FROM</b>	Nancy Gaytan, Enforcement Analyst
<b>SUBJECT</b>	<b>ENF 5 – Enforcement Statistics</b>

Attached please find the Enforcement Statistics for the period from December 2014 to March 2015.

**Complaints/Convictions/Arrests Received:** The total number received was 59

**Pending Cases:** 8

**Allegation Types:** The attached summary provides a breakdown of the open and closed cases by the type of allegation. Again, the majority of our cases were drug and alcohol related.

**Citations Issued:** 31

**Enforcement Actions:** The total number of cases referred to the Attorney General's Office was 6. The total number of filed cases is: 7 accusations and 1 Statement of Issues.

**Probation:** The total number of probationers is 25; 5 of which are currently on a tolling status.

# DHCC ENFORCEMENT STATISTICS

(December 2014 - March 2015)

<b>Investigations</b>	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Total</b>
<b>Complaints</b>					
Received	5	4	13	4	26
Pending	5	0	1	1	1

	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Total</b>
<b>Convictions/Arrest Reports</b>					
Received	4	9	7	13	33
Pending	15	13	14	7	7

<b>Allegations</b>	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Total</b>
Assault / Battery	0	1	1	1	3
Drug / Alcohol Related Offenses	4	5	4	11	24
Excessive Treatment	0	1	2	0	3
Failure to Notify Address Change	5	2	9	4	20
Patient Abandonment	0	0	1	0	1
Theft	0	3	2	1	6
Unlicensed Practice	0	0	1	0	1
Working Beyond Scope of License	0	1	0	0	1

<b>Citations</b>	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Total</b>
Issued	3	9	7	12	31
Dismissed	0	0	0	0	0

<b>Enforcement Actions</b>	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Total</b>
Cases Referred to AG	4	1	0	1	6
Accusations Filed	1	0	3	3	7
Statement of Issues Filed	1	0	0	0	1
Decisions / Stipulations Adopted	1	0	3	1	5

<b>Probation</b>	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Total</b>
<b>Initial Probationary Licenses</b>					
Issued	1	0	0	0	1

<b>Probationers</b>	<b>Total</b>
Active	20
Tolling	5



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**Agenda Item 6**

Update on the Department of Consumer Affairs'  
Enforcement Performance Measures – Informational Only



# MEMORANDUM

<b>DATE</b>	May 2, 2015
<b>TO</b>	Enforcement Committee Dental Hygiene Committee of California
<b>FROM</b>	Nancy Gaytan Enforcement Analyst
<b>SUBJECT</b>	<b>ENF 6: Q2 Performance Measures (October – December 2014)</b>

Performance Measures was established by the Department in order for each Board, Bureau or Committee to review its progress toward meeting its enforcement goals and targets. Data is collected quarterly and reported on the Department’s website.

**Volume: 48 Total** (23 Consumer complaints, 25 Conviction reports)  
 Number of complaints and convictions received per quarter

**Cycle Time:**

- Intake – Target: 30 Days** **Q1 Average: 21 Days**  
 Average cycle time from complaint receipt, to the date the complaint was acknowledged and assigned for processing.
- Intake & Investigation – Target: 270 Days** **Q1 Average: 58 Days**  
 Average time from complaint receipt to closure of the investigation process (does not include cases sent to the Attorney General (AG) or other forms of formal discipline).
- Formal Discipline – Target: 540 Days** **Q1 Average: 110 Days**  
 Average number of days to complete the entire enforcement process for cases resulting in formal discipline (includes intake and investigation by the Committee and prosecution by the AG).
- Probation Intake – Target: 10 Days** **Q1 Average: 4**  
 Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer;

Probation Intake measures the time between when the probation monitor is assigned the case file and the date they meet with their assigned probationer to review monitoring terms and conditions. In some cases, probation monitoring may not take place until an applicant has completed all their licensing requirements.

- Probation Violation Response – Target: 10 Days** **Q3 Average: 0**  
 Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action. **None to report**



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**Agenda Item 7**

Future Agenda Items



**Saturday, May 2, 2015**

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**Agenda Item 8**

Adjournment