



Legislative & Regulatory Subcommittee Minutes

November 17, 2017

Department of Consumer Affairs
Dental Hygiene Committee of California
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

DHCC Members Present:

Susan Good, Chairperson, Public Member
Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator
Nicolette Moultrie, RDH

Members Absent:

Garry Shay, Public Member

DHCC Staff Present:

Anthony Lum, Interim Executive Officer
Brittany Alicia, Office Receptionist
Nancy Gaytan, Enforcement Analyst
Traci Napper, Licensing Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational Specialist
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

Public Present:

JoAnn Galliano, RDH, DHCC Educational Consultant
Maureen Titus, California Dental Hygienists' Association (CDHA)
Vickie Kimbrough, Program Director (Taft College) and CDHA
Mary McCune, California Dental Association (CDA)

Roll Call and Establishment of a Quorum

Susan Good, Chairperson, called the meeting to order at 3:55 p.m. Roll call was taken and quorum established with three members present.

Public Comments for Items Not on the Agenda

No comments received.

Chairperson's Report

Chair Good expressed her appreciation to Estelle Champlain, Legislative and Regulatory Analyst, for her diligence, and Anthony Lum for taking over in her absence and presenting agenda items for the meeting.

Chair Good reported on legislation that the DHCC was following or took a position on. Two of the four support bills were chaptered and ten additional bills were reported as: four to "watch", three to "oppose", two to "support", and one to "support if amended". All ten of the additional bills have been carried over to the second year of the legislative session. Bills carried over to the new legislative year will be presented as an agenda item.

Chair Good requested comments.

No comments received.

Approval of the May 2, 2017, Legislative and Regulatory Subcommittee Minutes

Chair Good reported the May 2, 2017 minutes were sent as an addendum.

Motion: Michelle Hurlbutt moved to adopt the May 2, 2017 Legislative and Regulatory Subcommittee Meeting Minutes.

Second: Nicolette Moultrie

Chair Good requested comments.

No comments received.

Vote: The motion to adopt the November 17, 2018 Legislative and Regulatory Subcommittee Meeting Minutes as amended.

Vote: Pass (3:0).

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Nicolette Moultrie	X		
Garry Shay	Absent/Excused		

Status Report on Legislative Bills of Interest to the DHCC

Chair Good reported the chart listed legislation that was for informational purposes only. The DHCC's position on AB 15 was "support if amended". Forty million dollars was allocated to help with the Dental-Cal reimbursement that was not part of the bill. The DHCC had concerns regarding procedures that would be reimbursed by Dental-Cal, but AB15 did not include periodontal codes that RDHs perform. The legislation only included the top 25 codes utilized.

Chair Good requested comments.

No comment received.

Discussion and Possible Action, and Recommendation to the Full Committee to Amend California Code of Regulations (CCR) Title 16, Division 11, § 1103 Definitions, to Update Reference to the Commission on Dental Accreditation's Most Current Revision to Accreditation Standards for Dental Hygiene Educational Programs

Anthony Lum reported that on August 4, 2017, the Commission on Dental Accreditation (CODA) adopted revisions to their "Accreditation Standards for Dental Hygiene Education Programs". CODA adopted revisions to Standards 2-14, related to competence in providing dental hygiene care for patients with peri-implant disease, and 3-7, related to faculty qualifications. The DHCC recommends updating the current regulations from the 2015 version to the 2017 version of the CODA Standards.

The DHCC uses CODA's Accreditation Standards as the official definition for "approved accreditation standards" and incorporates them by reference into the DHCC's regulations.

The proposed amendment would update the reference in the DHCC's regulations to reflect the most current CODA Accreditation Standards.

Mr. Lum requested that the Legislative and Regulatory Subcommittee recommend to the Full Committee to adopt the proposed amendment to 16 CCR §1103, and authorize the Interim Executive Officer to make any technical and non-substantive changes to the language and move forward with the rulemaking file.

Chair Good requested comments.

Michelle Hurlbutt moved to insert under 16 CCR § 1103(c) the February date that the Commission will be acting on new standards coming out in 2018. These standards will include "dental hygiene diagnosis". Dr. Hurlbutt requested the Subcommittee wait until CODA adopts that language to insert the most current CODA Standards to utilize as the date the DHCC incorporates by reference.

The motion died due to lack of a second.

Chair Good requested other motions.

Motion: Michelle Hurlbutt moved that the Legislative and Regulatory Subcommittee recommend to the Full Committee to approve the proposed amendment to 16 CCR § 1103 and authorize the Interim Executive Officer to make any technical and non-substantive changes to the language and move forward with the rulemaking file with the insertion of February 2, 2018 instead of February 6, 2015 on item "c".

Second: Nicolette Moultrie

Dr. Hurlbutt asked legal counsel if date could be left "open".

Jason Hurtado advised inserting February 2018 in the place of the older date of February 2016.

Chair Good requested comments.

Comments: Michelle Hurlbutt stated the DHCC regulations should include the most current CODA Standards incorporated by reference. Additional CODA revisions are forthcoming and if approved, the DHCC should have it incorporated into law.

No further comments received.

Vote: Motion that that the Legislative and Regulatory Subcommittee recommend to the Full Committee to approve the proposed amendment to 16 CCR § 1103 and authorize the Interim Executive Officer to make any technical and non-substantive changes to the language and move forward with the rulemaking file with the insertion of February 2018 date instead of the proposed August 4, 2017, date.

Vote: Pass (3:0).

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Nicolette Moultrie	X		
Garry Shay	Absent/Excused		

Discussion and Possible Action, and Recommendation to the Full Committee for 2018 Legislative Proposals: Omnibus Bill

Mr. Lum reported that every year the Senate Business, Professions, and Economic Development (BP&ED) Committee plans to introduce two technical, non-substantive committee bills during the 2018 legislative year that revise provisions in the Business and Professions Code relating to the state's licensure of non-health and health professionals and vocations under DCA. One bill will be for non-health related fields and the second for health-related professions. The BP&ED Committee requires that proposals should include statutory changes that are non-controversial and non-substantive, intended to clarify, update, and strengthen current law.

The BP&ED Committee's deadline to accept proposed language is January 9, 2018, but should be submitted prior to this date for review.

Mr. Lum stated the BP&ED Committee reached out to see if there was anything the DHCC would request to add to the Omnibus Bill. The original proposal had been addressed in Business and Professions Code (BPC) § 1917. The DHCC requested to remove the clinical examination as the DHCC no longer administers examinations, however, this change was considered a substantive change.

Mr. Lum requested if the subcommittee had non-substantive or non-controversial changes to add to the Omnibus Bill.

Chair Good requested comments.

JoAnn Galliano requested information regarding a list that was previously drafted by Estelle Champlain for items requested to add to the Omnibus Bill.

Mr. Lum stated staff will locate the list.

Maureen Titus, CDHA, requested BPC § 1911(a) regarding unsupervised duties be added to the Omnibus Bill.

Mr. Lum stated that unsupervised duties would be a controversial issue and defined non-substantive and noncontroversial issues. Mr. Lum stated that this item would be a substantive change.

Lisa Okamoto stated fluoride varnish may be applied without supervision. Ms. Okamoto questioned as to why it was placed in BPC § 1910.

Dr. Hurlbutt stated that 16 CCR § 1107 “RDH Course in Local Anesthesia, Nitrous Oxide-Oxygen Analgesia and Periodontal Soft Tissue Curettage” (SLN) was written using the Malamed text book as a reference. When the DHCC used the term “intraseptal” it became controversial. The intent of the injection was always to be interpapillary. Dr. Hurlbutt questioned if the term “interpapillary” could be placed in parentheses.

Nicolette Moultrie questioned if the SLN regulatory package was returning for revision.

Motion: Ms. Moultrie requested staff to collaborate with Mr. Lum and for the Committee to assemble a task force to review other non-substantive and noncontroversial changes to be added to the BP&ED Committee to be included in the 2018 Omnibus Bill.

Second: Michelle Hurlbutt

Chair Good requested comments.

JoAnn Galliano questioned if language was added to place schools on probation and would it be considered controversial.

Mr. Lum stated the subject would be considered controversial.

No further comments were received.

Vote: Motion to review existing language in the BPC to determine whether any language would benefit from any non-substantive and non-controversial changes to

the DHCC statutes to be proposed to the BP&ED Committee for inclusion in the 2018 Omnibus Bill.

Vote: Pass (3:0).

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Nicolette Moultrie	X		
Garry Shay	Absent/Excused		

Future Agenda Items

Chair Good requested future agenda items.

1. Chair Good requested revisiting AB15 to add periodontal permitted duties to the bill.

Dr. Hurlbutt requested clarification if the position is still “support if amended”. Dr. Hurlbutt questioned if the DHCC wrote a “letter of support” to the author to include the periodontal duties for a registered dental hygienist.

Mr. Lum replied that a letter of support was not drafted, as specific content to be added would need to be drafted by the Committee.

Dr. Hurlbutt requested the Committee to draft a letter to the author. Dr. Hurlbutt stated a letter should be sent to the author if the DHCC is taking a position and asking for a change.

Mr. Lum, stated a letter will be drafted to be sent to the author once specific content is received.

Dr. Hurlbutt questioned as to how other regulatory boards request changes.

Mr. Lum stated when Boards vote for support it is noted on public record and a letter is not necessarily sent to the author.

Chair Good stated if a letter is sent to the author, the letter is added as part of the analysis for support or opposing the bill and it has an impact. The Subcommittee could recommend to the full Committee to direct staff to draft a letter to be sent to the author.

Dr. Hurlbutt requested a letter be drafted by staff to be sent to the author, as AB15 was discussed in length at the last Subcommittee meeting. Dr. Hurlbutt requested to advise the

author in the letter that the DHCC will support AB15 if amended to add periodontal codes for the registered dental hygienist.

Motion: Dr. Hurlbutt moved to recommend to the full committee that a letter of support if amended to add to the top 25 duties to add the periodontal duties for registered dental hygienist.

Second: Nicolette Moultrie.

Chair Good requested questions or comments.

Dr. Hurlbutt requested the DHCC to revisit B&P codes. A list of items to be addressed included educational programs and mobile units.

Mr. Lum stated the DHCC is in possession of a list of items to be addressed.

Ms. Galliano requested legislative language to add “cite and fine and probation” for educational programs. Language is due in January, unless an author could be found to carry a bill for the DHCC. Ms. Galliano requested to add this as a future agenda item, however, it would need to be addressed prior to the next meeting.

Mr. Lum stated that should not preclude the committee from looking for an author. A teleconference may be held to approve the language.

Ms. Galliano requested the language for “cite and fine and probation” to be added as a future agenda item prior to the January due date.

Revisited Status Report on Legislative Bills of Interest to the DHCC

Dr. Hurlbutt requested the Subcommittee to request a letter to the author under Agenda Item 5.

Chair Good and Nicolette Moultrie agreed to recommend a letter be sent to the author,

Motion: Dr. Hurlbutt moved to direct staff to draft a letter of support for AB15, if amended, to add periodontal codes for the registered dental hygienist.

Second: Nicolette Moultrie

Chair Good requested discussion or comments.

No comments received.

Chair Good requested clarification if the Subcommittee will be listing specific periodontal procedures to be added to AB15.

Ms. Moultrie stated the Subcommittee would like to ensure all periodontal codes are added into the Bill for Dental-Cal.

Dr. Hurlbutt stated there are approximately twelve codes.

Mr. Lum questioned if codes listed were included in the legislation.

Dr. Hurlbutt stated the codes were not included and the DHCC would need to add to the language.

Ms. Moultrie stated she will provide staff with the periodontal codes.

The motion to direct staff to draft a letter of support for AB 15 if amended to add the periodontal codes for registered dental hygienist.

Vote: Pass (3:0).

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Nicolette Moultrie	X		
Garry Shay	Absent/Excused		

Chair Good requested questions or comments.

No comments received.

Chair Good adjourned the meeting at 4:30 p.m.