



Enforcement Subcommittee Meeting Minutes

Friday, November 16, 2018

Radisson Hotel Fresno - Conference Center
1055 Van Ness Avenue
Fresno CA 93721

DHCC Members Present:

Michelle Hurlbutt, Chairperson, Registered Dental Hygienist (RDH) Educator
Timothy Martinez, Doctor of Dental Medicine (DMD)
Edcelyn Pujol, Public Member
Garry Shay, Public Member

DHCC Staff Present:

Anthony Lum, Executive Officer
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational, Legislative, and Regulatory Specialist
Daniel Rangel, DHCC Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

Public Present:

Vickie Kimbrough, Taft College, Purple Pen
Jean Kulbeth, Fresno City College
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Joanne Pacheco, Fresno City College
JoAnn Galliano, MEd, RDH, DHCC Educational Consultant and Subject Matter Expert (SME)
Brenda Serpa, SJVC – Visalia
Leslie Nazaroff, San Joaquin Valley College (SJVC) – Ontario
Kelly Reich, Western Regional Examining Board (WREB)
Maureen Titus, California Dental Hygienist's Association (CDHA)
Sabrina Santucho, Concorde Career College (CCC) – San Bernardino
Arezou Goshtasbi, CCC – Garden Grove
Laurel Sampson, CCC – San Diego
Brianna Pittman-Spencer, California Dental Association (CDA)
Kim Laudenslager – Central Regional Dental Testing Service (CRDTS)
Sandra Henriquez, CDHA
Tracy Goldman, CDHA
Lisa Okamoto, CDHA
Rhoda Gonzales, CDHA
Thomas Stewart, DDS, President, DBC
Edward Cramp, Duane Morris, LLP

1. Roll Call and Establishment of a Quorum

Dr. Michelle Hurlbutt, Chairperson of the Enforcement Subcommittee, called the meeting to order at **11:11 a.m.** Roll call was taken, and a quorum was established with all four members present.

2. Public Comments for Items Not on the Agenda

There were no comments from the public.

3. Chairperson's Report

Chair Hurlbutt: Stated that she attended the August 20, 2018 meeting with Senator Hill with the educators who were concerned with the DHCC Sunset legislation. In addition, she spoke with EO Lum with regard to the Subcommittee's concerns about the Diversion program. Research will commence shortly as the contract is up for renewal in March 2019.

No questions or comments received.

4. Approval of the April 20, 2018 Enforcement Subcommittee Meeting Minutes

Chair Hurlbutt: Requested a motion.

Motion: Motion to Adopt the April 20, 2018 Enforcement Subcommittee Meeting Minutes.

Motion: Garry Shay

Second: Edcelyn Pujol

Chair Hurlbutt: Requested comments from the public or the Subcommittee.

No questions or comments received.

Vote: Motion to Adopt the April 20, 2018 Enforcement Subcommittee Meeting Minutes. Passed 4:0.

Name	Aye	Nay	Abstain
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

5. Enforcement Statistics and Performance Measures (Informational Only)

Daniel Rangel presented Enforcement Statistics and Performance Measures

Statistics: Complaint intake was consistent throughout the years and continued throughout the first quarter. Number of citations is lower than past years, as past years included a backlog due to fingerprinting issues.

Enforcement actions: Five cases are with the Attorney General's Office. Majority allegations are due to criminal actions and not related to duties as a dental hygienist.

Probationers: Forty-four probationers. Higher than past years, expects to see a few more.

Open Complaints: Thirty-five complaints are currently being investigated. Large amount within the one-two year timeframe that are currently being prioritized. Tracking system currently in use. Greater concern are cases over two years old. One currently in the Attorney General's Office. Second one being prepared for the Attorney General's Office. Three are pending closure. Goal is to close all cases over two years old within the next few months.

Performance Measures: Limited amount of data present as we are only one quarter into this fiscal year and dissemination of information is behind due to DCA staffing issues.

EO Lum: DCA staff who tracked the performance measures moved on and DCA is trying to backfill those positions. DCA is working diligently to bring all information current.

Chair Hurlbutt: Requested comments from the Subcommittee members or public.

Mr. Shay: Questioned if the Committee could assist to "speed-up" the process.

Mr. Rangel: Explained that the process may slow down for various legal reasons and not necessarily under our control.

Chair Hurlbutt: Questioned the sixteen complaints that are in process. That are one to two years old. She requested clarification if that was under the Committee's control. She questioned the plan to resolve the open cases.

Mr. Rangel: Confirmed the sixteen complaints that are in process are under the Committee's control. Prioritization is taking place and processes are being worked on (investigations, SME contract renewals, etc.). Standardization of the investigative processes is in progress and is being vetted through the EO and Legal.

EO Lum: Stated investigations are a lengthy process and staff works to expedite the process to the best of their ability, however there are many third-parties not under our control which may delay the process.

Chair Hurlbutt: Requested the current plan for the sixteen open cases.

EO Lum: Stated they are in process and awaiting documentation to continue the process.

Chair Hurlbutt: Questioned the need for more investigators.

EO Lum: Stated he is working on additional staff.

Chair Hurlbutt requested questions from the public.

None received.

6. Future Agenda Items

Chair Hurlbutt requested future agenda items.

Mr. Shay: Stated that in the previous meeting minutes there was a motion to postpone discussion of amendments to the Uniform Standards related to Substance Abuse and Disciplinary Guidelines and was tabled until this meeting.

EO Lum: Stated that this item was not added to the agenda as language stalled in the vetting process as well as to a department-wide language update, as the language is from 2012.

Mr. Shay: Requested the item to be placed on the next meeting agenda.

Chair Hurlbutt: Questioned if the DCA will be providing language to the DHCC that may affect the seven years in the Disciplinary Guidelines.

EO Lum: Stated that this may be possible but is unknown at this time.

Chair Hurlbutt: Requested Diversion to be placed on the agenda.

Chair Hurlbutt requested additional agenda items or comments from the Subcommittee and public.

None received.

7. Adjournment

Chair Hurlbutt adjourned the Dental Hygiene Enforcement Subcommittee meeting at **11:25 a.m.**