



Dental Hygiene Committee of California Meeting Minutes

Friday, November 16, 2018

Radisson Hotel Fresno - Conference Center
1055 Van Ness Avenue
Fresno CA 93721
9:00 am until adjournment

DHCC Members Present:

Susan Good, President, Public Member
Nicolette Moultrie, Vice President, RDH
Edcelyn Pujol, Secretary, Public Member
Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator
Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP)
Timothy Martinez, Public Health Dentist
Garry Shay, Public Member
Evangeline Ward, RDH

DHCC Members Absent

Sandra Klein, 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

Susan Good, President of the Dental Hygiene Committee of California (DHCC), welcomed all in attendance and called the meeting to order at 9:30 a.m. President Good stated Sandy Klein was absent and excused. DHCC Secretary, Edcelyn Pujol, took roll call and a quorum established with eight Members present.

2. Public Comments for Items Not on the Agenda

Lisa Okamoto, CDHA: The CDHA recently brought to the attention of the DHCC the California Department of Health Care Services (DHCS) recent state plan amendment which placed Registered Dental Hygienists in Alternative Practice (RDHAPs) under the general supervision of the dentist. Ms. Okamoto stated that she did not see this placed on the agenda and would like it placed on a future agenda along with any other discussion the DHCC has had with the DHCS.

Maureen Titus, CDHA: Requested clarification of the April 20, 2018 DHCC meeting minutes under section "7" of the Executive Administrator's report regarding "Dental Therapists". Ms. Titus stated a comment was made that the Office of Statewide Health Planning and Development (OSHPED) stated that statutory language must be in place prior to beginning a pilot program. Ms. Titus was not sure that there was statutory language for RDHAPs prior to having an HMPP. Ms. Titus requested clarification if this was the correct procedure.

3. President's Report (Informational Only)

President Good reported since the last meeting that she has went over the annual evaluation with Executive Officer (EO) Anthony Lum. In addition, President Good has had weekly teleconference update meetings with EO Lum and with some having been joined by Vice President Nicolette Moultrie.

President Good stated she was reappointed to the Committee and attended the required board member orientation and training in September. In addition, President Good approved a mentoring program proposed by EO Lum for the public members of the Committee.

4. Approval of the April 20, 2018 Full Committee Meeting Minutes

Motion: Michelle Hurlbutt moved to adopt the April 20, 2018 Full Committee Meeting Minutes.

Second: Garry Shay

President Good requested comments from members of the DHCC or public.

Dr. Vickie Kimbrough requested under "Public Present" that "Heidi Cossam" be corrected to "Coggan" and stayed spelling errors to be corrected and President Good requested "President Kelsch" to be changed to "President Good" on item 5.

Garry Shay moved to amend the minutes to make the corrections.

Vote: Motion to adopt the April 20, 2018 Full Committee Meeting Minutes as Amended. Passed 6:0:3.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Sandra Klein			X (absent)
Timothy Martinez	X		
Nicolette Moultrie			X
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			X

Approval of the August 8, 2018 Full Committee Teleconference Meeting Minutes

Motion: Michelle Hurlbutt moved to approve the August 8, 2018 Full Committee Teleconference Meeting Minutes.

Second: Noel Kelsch

President Good requested comments from members of the DHCC or public.

Garry Shay requested correction of his name in voting tables.

Vote: Motion to approve the March 21, 2018 Full Committee Teleconference Meeting Minutes. Passed 5:0:4.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein			X (absent)

Nicolette Moultrie			X
Edcelyn Pujol	X		
Garry Shay			X
Evangeline Ward			X

5. Executive Officer’s Report (Update Only)

EO Lum provided an update on issues being addressed since the last meeting.

Personnel:

EO Lum reported that the DHCC Enforcement Analyst Nancy Gaytan retired at the end of October and that he is working to backfill her position. In addition, two staff members received promotions and left the DHCC. The receptionist left at the beginning of November and the probation monitor left in the middle of October. Currently there are five (5) vacant positions. EO Lum is making filling those positions his priority after the meeting concludes. He stated the advertised assistant executive officer position (AEO), which received a provisional acceptance, is in the human resources (HR) office processing. In addition, EO Lum requested three additional staff positions and he is waiting to hear on the status.

EO Activities:

In May, EO Lum attended CDHA scientific session. In May and August, he attended the Dental Board of California (DBC) meetings. At the meetings “J Productions”, owned by Joan Greenfield, requested the DBC allow Registered Dental Assistants in Expanded Functions (RDAEFs) to administer local anesthesia and Nitrous Oxide-Oxygen Analgesia. As RDAEFs do not have the education or the experience in either of those duties, he expressed his concern and spoke in opposition at both meetings. At the May meeting it was referred to the Dental Assisting Council (DAC) and at the August meeting it was tabled until the next meeting so EO Lum believes it is on the agenda for the DBC meeting in two weeks. He will continue to speak with concern and in opposition to allowing RDAEFs to administer local anesthesia and nitrous oxide-oxygen analgesia.

EO Lum completed a few outreach sessions with dental hygiene educational programs (DHEPs). EO Lum stated a few community college representatives were concerned with the DHCC becoming a board and questioned our site visit procedures. On August 20, 2018, DHCC staff had a meeting with Senator Hill to discuss these concerns and EO Lum felt that this was a very productive meeting. EO Lum will continue communication with these representatives and looks forward to a positive conclusion.

EO Lum attended three quarterly DCA Director meetings which inform of updates within the department. DCA has been hosting substance abuse coordination meetings which address the number of tests the probationer must be subjected to when under probation for substance abuse issues.

EO Lum proposed to postpone the occupational analysis due to staffing shortages. He is working with the Office of Professional Examination Services to see what he can do with workload and time duration to allow him to place staff to assist with this project.

EO Lum stated he is in communication with DHCS and will have future meetings to correct the inaccuracies of the recent state plan amendment which stated that RDHAPs were placed under the general supervision of the dentist.

Budget Report:

Budget addendum to the report as the data was received late. Within the expenditure report the numbers are dated. The department is changing over to the FISCAL system. EO Lum stated that historically, the DHCC has been frugal with expenditures and does not foresee going over the budget even after the hiring process is complete. 10%-15% should be left of the DHCC budget at the end of the fiscal year. Fund Condition is currently healthy with a nine-month reserve. As more expenditures occur it will be lower.

BreEZe Update:

EO Lum stated that the BreEZe system allows licentiates to update their licenses. BreEZe updates are called "SIRs" and the DHCC has sixty-six updates in queue. Process is slow as all programs have a list of their priorities, and DHCC priorities are triaged as to the DHCC's immediate needs. The DHCC becoming a Board takes the highest priority, and there are thirty-seven changes within BreEZe which need to take place. The DHCC website address will be outstanding and will remain www.dhcc.gov for the time being as the change is dependent upon a third party to make this change. Website address are not the highest priority if they are still functioning. In addition, staff has been working to make the DHCC website more user friendly.

Office Location:

DHCC is in a "soft lease" currently. Changes will occur as EO Lum has been looking for more space. He will present plans to the Committee when there is more concrete information.

Status of Previously Requested Future Agenda Items:

1. **Out-of-State (OOS) Local Anesthesia & Nitrous Oxide-Oxygen Analgesia Requirement and Determination if an OOS Course is Equivalent to California Requirements:**
Program will be presented for approval by DHCC at November 2018 meeting.
2. **Citation and Fine for Dental Hygiene Educational Programs (DHEPs):**
Obtaining statutory authority for probation and to cite/fine DHEPs. Staff working on regulations to provide intermediary steps prior to resorting to the full withdrawal of a DHEP's approval.
3. **RDM (Radiographic Decision Making) & ITR (Interim Therapeutic Restoration) Regulations:**
Draft regulatory language is in progress and will be presented to the DHCC for approval when complete.
4. **Legislation to Prevent Closure of Registered Dental Hygienist in Alternative Practice (RDHAP) Practices due to an "Underserved Area" Status Change:**
Issue will be presented at the Licensing Subcommittee meeting.
5. **Business and Professions Code Revisions:**
Continuous changes are made on an as-needed basis.
6. **Fictitious Name Permit (FNP) Online Website Process:**
Once website is revised, will post FNP procedures online.
7. **Add BreEZe Special Point of Contact (SPOC) on Website:**
Unnecessary as SPOC is internal. BreEZe help line is available to the public for assistance.
8. **Report on California-specific Pass Rates for Western Regional Examining Board (WREB) & Central Regional Dental Testing Service (CRDTS):**

Requested California specific data from WREB and CRDTS and to be presented during the scheduled presentation.

9. **Self-remediation During California Law and Ethics Exam:**
Not the purpose or function of the Office of Professional Examination Services (OPES) or Licensing and Examination (L&E) to allow for remediation during the exam. Testing for knowledge and remediation is not under their purview.
10. **Enforcement Tracking Methods to Decrease Case Processing Times:**
Enacted internal process and ongoing to track cases. Some cases are dependent on third party reviews and may be subject to delays.
11. **Remedial Education Programs:**
Dependent on individual DHEPs to implement as DHCC has no authority to enforce DHEPs to create remediation programs.
12. **Examinations Requiring 2nd and 3rd Attempts to Pass:**
Pass rates are currently high and it is dependent on the individual applicant to find help with remediation.
13. **Alternative Pathways to Licensure (APL):**
Future item is pending and to be discussed by DHCC's APL Taskforce in the future.
14. **Registered Dental Hygienists (RDH), RDHAP, and (Registered Dental Hygienist in Extended Functions) RDHEF Scope List of Duties:**
DHCC has not decided as to whether to create a list for these duties.

Member Comment:

Discussion took place regarding personnel concerns and suggestions of hiring a retired annuitant (RA) to staff to assist with the shortage. EO Lum stated that the current focus is to fill current staff vacancies prior to considering adding temporary help like an RA. He stated that the hiring process is similar for a regular staff position as it is for an RA, so his focus is on filling current staff positions first.

Discussion took place regarding the law and ethics exam. Dr. Hurlbutt questioned if the law and ethics exam could be changed to a module-type exam which allows the examinee to be tested along the way and requested to place "Law and Ethics Exam Revision" as an agenda item.

Ms. Moultrie requested clarification if the taskforce has met for APL and EO Lum stated that as soon as the DHCC adds staff, APL will be addressed.

Discussion took place regarding a table of permitted duties. Ms. Kelsch informed the Committee that the DBC has a table of permitted duties on the DBC website that was revised 9/18 which includes all auxiliaries. She stated that the DBC requires the table of permitted duties to be posted in the dental office and questioned if the duty table is required by the DHCC to be posted. EO Lum stated he will research if posting is mandatory.

Public Comment:

None

6. Update from Dental Board of California

Thomas Stewart, DDS, President of the DBC, on behalf of himself and Karen Fischer, Executive Officer of the DBC, thanked the DHCC for their hospitality and the opportunity to share the DBC update. He stated that at a Special Meeting in Sacramento on October 5, 2018, the DBC voted to approve the Sunset Review Background Report and authorize staff to publish and submit to the Legislature by the December 1, 2018 deadline.

Key issues where the DBC will be requesting statutory changes:

1. Merging the Dental Assisting and Dental Funds.
2. Removing the DBC's authority to approve foreign dental schools and relying on CODA for approval of international dental schools.
3. Removing a practical exam as a requirement of licensure for RDAs.

At the upcoming November 29-30, 2018 meeting in Sacramento, the Licensing, Certification, and Permits Committee will be discussing licensure of faculty that are exempt and not licensed in California to be required to hold a special faculty license. This will require a statutory change.

The DBC acknowledged the opioid crisis. It has risen to an epidemic level and that dentists in California should play an active role in the solution to it. Educating licensees and the public is paramount to consumer protection and encourages the licensees to learn about this epidemic and the tragic effects on individuals and families as well as to examine personal prescribing practices. In response to SB 1109, the Substance Use Awareness Committee will begin discussion of a regulatory proposal to require the completion of mandatory continuing education relating to the risks of addiction of Schedule II drugs as a requirement of license renewal.

Dental Assisting Council (DAC) will be hearing testimony on scope of practice issues for RDAEF IIs regarding administration of Local Anesthesia and Nitrous Oxide-Oxygen Analgesia. The DAC and the DBC acknowledge they have received opposition letters from various Dental Hygienists and Associations.

The DBC congratulated the DHCC for successful completion of their Sunset Report and becoming the Dental Hygiene Board of California. The DBC looks forward to a successful continuing relationship with the DHBC.

President Good requested comments from members of the DHCC or public.

Discussion took place on the opioid crisis. Dr. Hurlbutt questioned what percentage of the opioid crisis is attributable to dentists. Dr. Stewart stated the percentage is in the 11-19% rate as dentists are a significant provider, most notably to the younger 3rd molar age.

President Good thanked Dr. Stewart and DBC EO Fischer for their participation.

President Good stated the Subcommittees will be taken out of order, beginning with the Legislative and Regulatory and Enforcement Subcommittees, to allow Mr. Shay to attend.

President Good recessed the Full Committee at **10:16 p.m.** to allow the Subcommittees to convene.