



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Full Committee**

**Agenda**



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

### **DHCC MEETING AGENDA**

The DHCC welcomes and encourages public participation in its meetings. The public may take appropriate opportunities to comment on any issue before the Committee at the time the item is heard.

**Friday, November 16, 2018**

Radisson Hotel Fresno

Conference Center

1055 Van Ness Avenue

Fresno CA 93721

9:00 am until adjournment

### **AGENDA**

1. Roll Call & Establishment of Quorum
2. Public Comment for Items Not on the Agenda  
*[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a))]*
3. President's Report
4. Approval of the April 20, 2018 Full Committee Meeting Minutes and August 8, 2018 Full Committee Teleconference Meeting Minutes.
5. Executive Officer's Report
  - Personnel
  - EO Activities
  - Budget Report
  - BreEZe Update
  - Office Lease
  - Status of Previously Requested Future Agenda Items
6. Update from the Dental Board of California

**Recess to Convene Subcommittee Meetings of the Dental Hygiene Committee of California**

**Subcommittee Meetings** for Friday, November 16, 2018 – See Attached Agendas for Subcommittee Items

7. Education Subcommittee:  
See Attached Agenda
8. Enforcement Subcommittee:  
See Attached Agenda
9. Licensing and Examination Subcommittee:  
See Attached Agenda
10. Legislative and Regulatory Subcommittee:  
See Attached Agenda

**Recess to Reconvene the Full Committee**

**11. Closed Session – Full Committee**

*The DHCC may meet in closed session to deliberate on disciplinary matters pursuant to Government Code §11126 (c)(3)*

**Return to Open Session**

**12. Recess until Saturday, November 17, 2018 at 9:00 am**

Public comments will be taken on agenda items at the time the specific item is raised. The DHCC may take action on any item listed on the agenda including informational only items. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access DHCC'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 Brittany Alicia at (916) 576-5001, via e-mail at: [brittany.alicia@dca.ca.gov](mailto:brittany.alicia@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.



*Roll Call for the Dental Hygiene Committee of California  
Full Committee Meeting*

*November 16, 2018*

	Present	Absent
Susan Good, Public Member, President		
Nicolette Moultrie, RDH Member, Vice President		
Edcelyn Pujol, Public Member, Secretary		
Michelle Hurlbutt, RDH Educator Member		
Noel Kelsch, RDHAP Member		
Sandra Klein, Public Member		
Timothy Martinez, Public Health Dentist Member		
Garry Shay, Public Member		
Evangeline Ward, RDH Member		



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Item 2**

**Public Comment for Items Not on the Agenda**

[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a))]



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Item 3**

**President's Report  
- Activities**



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Item 4**

**Approval of the April 20, 2018 Full Committee Meeting  
Minutes**



## Dental Hygiene Committee Meeting Minutes

*Friday, April 20, 2018*

### Location:

Doubletree by Hilton Hotel – San Diego Mission Valley  
7450 Hazard Center Drive  
San Diego, CA 92108

### DHCC Members Present:

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

### DHCC Members Absent:

Nicolette Moultrie, RDH  
Evangeline Ward, RDH

### DHCC Staff Present:

Anthony Lum, Executive Officer  
Brittany Alicia, Receptionist  
Nancy Gaytan, Enforcement Analyst  
Adina Pineschi-Petty, RDH and Doctor of Dental Surgery (DDS), Education Specialist  
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

### Public Present:

Beth Wilson, California Dental Hygienist's Association (CDHA)  
Maureen Titus, CDHA  
Heidi Cossam, CDHA  
Karen Fischer, Executive Officer, Dental Board of California (DBC)  
Thomas Stewart, DDS, President, DBC  
JoAnn Galliano, Dental Hygiene Committee of California Education Consultant, CDHA  
Legislative Consultant  
Debra Daniels, Taft College  
Vickie Kimbrough, Taft College, Purple Pen  
Leslie Nazaroff, San Joaquin Valley College (SJVC) – Ontario  
Brenda Serpa, SJVC – Visalia  
Morgan Stacey, Duane Marris, LLP  
Kelly Reich, Western Regional Examination Board (WREB)  
Sabrina Santucho, Concorde Career College (CCC) – San Bernardino  
Jana Pierce, Shasta College  
Meg Robison, Southwestern College (SWC), Dental Hygiene Student



Jen Stoehr, SWC Dental Hygiene Student  
Amanda Friednchs, SWC Dental Hygiene Student  
Kassandra Brown, SWC Dental Hygiene Student  
Kerrin Bradford, SWC Dental Hygiene Student  
Amelia Mosser, SWC Dental Hygiene Student  
Lisa Kamibayashi, West Los Angeles College (WLAC)  
Arezou Goshtasbi, Concorde Career College (CCC) – Garden Grove  
Laurel Sampson, CCC – San Diego  
Veronica Patino, SWC  
Victoria Mayfield, SWC  
Summery Cheam, SWC  
Jeressa Balagot, SWC  
Farah Al-jay, SWC  
Jean Honny, SWC

## 1. Roll Call and Establishment of a Quorum

Susan Good, President of the Dental Hygiene Committee of California (DHCC), called the meeting to order at 9:00 a.m. DHCC Secretary, Edcelyn Pujol, took roll call and a quorum was established with seven Members present.

## 2. Public Comments for Items Not on the Agenda

There were no comments from the public.

## 3. President's Report

President Good awarded former President Noel Kelsch with a Certificate of Appreciation for her dedication, commitment, and invaluable leadership in the protection of consumers of dental hygiene services from January 1, 2016 to December 31, 2017.

On January 30, 2018, a position transition teleconference was conducted with DHCC's Executive Officer Anthony Lum, President Good, and Ms. Kelsch where outstanding items to be addressed by the DHCC and the role of president were discussed.

On February 6, 2018, President Good visited Sacramento on behalf of the DHCC to attend the Agency Sunset Meeting with the California Business, Consumer Services and Housing Agency staff. The meeting was to discuss the Sunset Review process. President Good recognized Vice President Nicolette Moultrie for her attendance because it helped to have a Public Member and a Professional Member participate in the meeting.

On February 9, 2018, President Good represented the DHCC and provided an update of DHCC activities to the Dental Board of California in San Diego, CA.

On February 20, 2018, President Good and Executive Officer Lum participated in a mock Sunset Review Hearing in front of the 'Murder Board'. The 'Murder Board' consisted of department executive staff who acted as legislators. The purpose was to prepare the DHCC for the official Sunset Review Hearing before the legislature.

On February 26, 2018, President Good, Michelle Hurlbutt, and Executive Officer Lum attended the Sunset Review Hearing.

On March 21, 2018, President Good chaired the DHCC teleconference meeting to finalize the DHCC's responses to the Legislative Background paper that was required 30 days after the Sunset Review Hearing. President Good thanked the DHCC Members, Executive Officer Lum, and audience participants for their comments and recommendations.

#### 4. Approval of the November 17, 2017 Full Committee Meeting Minutes

Motion: Michelle Hurlbutt moved to adopt the November 17, 2017 Full Committee Meeting Minutes.

Second: Sandra Klein

President Good asked if any Member of the DHCC or public would like to comment.

When the item was open for discussion, Garry Shay and Dr. Vickie Kimbrough requested punctuation and spelling errors to be fixed.

***Vote: The motion to adopt the November 17, 2017 Full Committee Meeting Minutes as amended passed 6:0:3.***

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

## 5. Approval of the March 21, 2018 Full Committee Teleconference Meeting Minutes Finalizing the Revisions to the DHCC Responses in the 2018 Sunset Background Paper

Motion: Michelle Hurlbutt moved to approve the March 21, 2018 Full Committee Teleconference.

Second: Noel Kelsch

President Kelsch asked if any Member of the public or the DHCC would like to comment. There were no comments.

***Vote: The motion to approve the March 21, 2018 Full Committee Teleconference Meeting Minutes 6:0:3.***

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

## 6. Budget Report – DCA Budget Office to Provide Report (Update Only)

Mark Ito, DCA Budget Manager, reviewed the information available in the meeting material binder and provided the DHCC Members with handouts of the DHCC's Fund Condition, Expenditure Projections, and BreEZe Fund Condition Analysis. Mr. Ito reported that the status of the DHCC Fund is healthy.

Ms. Kelsch inquired about using excess money to hire more staff and how to incorporate that into the budget.

Mr. Ito suggested that the DHCC submit a Budget Change Proposal for staff that could be hired as of July 1, 2019. Another suggestion would be to consider temporary help so that savings costs could be absorbed.

Executive Officer Lum stated that when the DHCC was formed, the ratio of staff to licensees was disproportionate. Since that time, the DHCC has been pursuing full time staff positions.

Mr. Ito explains that the DHCC Expenditure Projection is much greater than historical saving values which could help to hire on more staff.

Executive Officer Lum stated that after hiring additional full-time staff, the actual reversion will decrease.

Dr. Hurlbutt asked if the high Expenditure Projection will negatively affect future budget allowances.

Mr. Ito suggested that it will not be affected because the Expenditure Projection is based off of where the DHCC left off in the previous fiscal year.

Mr. Ito presented the BreEZe Fund Condition. He reported that BreEZe costs to the DHCC are decreasing because the program is transitioning into its maintenance phase.

Mr. Ito stated that Fi\$cal report month seven is ready and will be sent to the DHCC. Additionally, any future expenditure reports are scheduled to be sent out in a timely manner. He continued that the budget change proposal concepts will be reviewed by the Budget Analyst. The Budget Office is making the commitment to work collaboratively with the DHCC so that the best product is pushed forward.

## 7. Executive Officer's Report (Update Only)

Mr. Lum provided an update on some of the issues he's been addressing since the last meeting.

### *Personnel:*

Mr. Lum reported that three (3) vacant positions remain. A second round of interviews was conducted for the Probation Monitor position. The Legislative and Regulatory Analyst position is currently being advertised. Finally, the Assistant Executive Officer position is pending advertisement due to the revision of its Duty Statement.

### *Dental Therapists:*

Mr. Lum stated that in December 2017, a research individual from Washington D.C. inquired about the utilization of Dental Therapists in California and asked if the DHCC would like to start a pilot program. The inquiry was deferred to the Office of Statewide Health Planning and Development (OSHPD), where they assist in starting pilot programs. It

was determined by OSHPD that statutory language regarding Dental Therapists needs to exist before a pilot project can begin.

*BreEZe Update:*

Mr. Lum stated that BreEZe updates occur on a quarterly basis. The next set of updates are scheduled to take place on May 23, 2018. The updates will include updated signatures on wall licenses.

Additionally, all maintenance necessities are assessed when considering the BreEZe maintenance annual appropriation; therefore, all costs for BreEZe maintenance updates will be absorbed in the BreEZe budget.

*Office Location:*

Mr. Lum reports that he had considered moving the DHCC office to a different location. However, research has proven that the budget does not allow for the costs of moving to a different location.

Meanwhile, meetings between DCA Programs and the building owners were conducted to review tenant improvements. Building managers and owners agree to most of the tenant improvements suggested. A meeting to finalize the improvements is pending.

*Sunset Review:*

Mr. Lum stated that the Sunset Review Report was completed and submitted by the December 1, 2017 deadline. Additionally, President Good and Mr. Lum participated in a mock sunset hearing provided by DCA as practice to prepare for the official Sunset Review.

On February 16, 2018, Senator Jerry Hill sponsored Senate Bill No. 1482, the DHCC Sunset Bill, to begin the legislative process to make the DHCC an independent Board.

On February 26, 2018, President Good, Mr. Lum, and Dr. Hurlbutt participated in the Sunset Hearing and provided testimony to the Sunset Committee. No major issues were presented; however, a legislative member recognized that the DHCC is understaffed.

On March 21, 2018, a teleconference was held to finalize the Background Paper responses to the Sunset Committee. It is required that each program respond to the questions and concerns of the Sunset Committee within 30 days of the hearing.

On March 26, 2018, the DHCC's final response to the Sunset Hearing was submitted to the Legislature.

On April 16, 2018, Mr. Lum sent his letter of support on behalf of the DHCC regarding Senate Bill 1482 to the Senate.

On April 23, 2018, Mr. Lum will provide testimony regarding Senate Bill 1482 to the Senate Business, Professions and Economic Development (BP & ED) Committee located at the California State Capitol.

*EO Activities:*

On December 29, 2017, Mr. Lum was sworn into the Executive Officer position by former President Noel Kelsch with the assistance of DCA Deputy Director Christopher Castrillo.

At the end of January 2018, Mr. Lum made a presentation to the California Dental Hygiene Educators' Association (CDHEA) about the education programs on dental hygiene law and how it affects the educational programs.

Mr. Lum reviewed the Registered Dental Hygienist (RDH) and Registered Dental Hygienist in Alternative Practice (RDHAP) Law and Ethics Examination with the purpose of implementation. The review was conducted with the Office of Professional Examination Services (OPES) and the exams were approved.

On February 8-9, 2018, Mr. Lum participated in the Dental Board of California (DBC) board meeting where President Good updated the Board with DHCC's activities.

On February 12, 2018, Mr. Lum and Ms. Kelsch met with the Department of Healthcare Services to open dialogue for future communications regarding Denti-Cal.

On March 20, 2018, Mr. Lum gave a presentation to the California Dental Hygienist Association (CDHA) on their Legislative Day.

On March 30, 2018, Mr. Lum participated in the Infection Control Subcommittee Meeting with DBC and Ms. Kelsch.

Mr. Lum helped with three (3) dental hygiene education program outreach sessions which included Oxnard College, Southwestern College, and Cabrillo College.

Dr. Hurlbutt requested clarification on the revision of the California Law and Ethics Exam. She wanted to verify that in the revised version of the Law and Ethics Exam, CDA Code of Ethics questions have been removed to match the standards of the law. Only the CDHA and ADHA Code of Ethics can be used according to the law.

Mr. Lum stated that he expressed this concern to OPES. OPES stated that they would parallel the exam from the ADHA Code of Ethics.

## 8. Update, Discussion, and Possible Action on California Code of Regulations (CCR) § 1005 Minimum Standards for Infection Control

On January 4, 2017 and March 30, 2018 the joint Infection Control Subcommittee consisting of DHCC Member Noel Kelsch, DBC Member Dr. Le and staff from both programs, convened to revise and update California Code of Regulations (CCR) § 1005 Minimum

Standards for Infection Control. This section was thoroughly reviewed to amend the language to current infection control standards accepted by the CDC, Cal/OSHA, and other agencies that monitor infection control issues.

Ms. Kelsch added that several key points were mentioned during the meeting on infection control. The first being the usage of dental hygiene tools as directed in the instructions. The second being the mention of water lines and the importance of following the manufacturer's instructions.

Motion: Garry Shay moved to approve the proposed amendments to California Code of Regulations (CCR) § 1005 Minimum Standards for Infection Control.

Second: Edcelyn Pujol

President Good asked if any Member of the DHCC or public would like to comment.

Ms. Kelsch commented that the amended language is more concise and will assist in keeping consumers safe.

There was no further comment.

***Vote: The motion to approve the proposed amendments to California Code of Regulations (CCR) § 1005 Minimum Standards for Infection Control 7:0:2.***

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

## 9. Update from Dental Board of California

Thomas Stewart, DDS, President, Dental Board of California (DBC) stated that Governor Edmund G. Brown Jr. appointed four new members to the Dental Board; one being Joanne Pacheco, RDH. Additionally, one Public Member vacancy remains.

Dr. Stewart reported that DBC will be preparing its Sunset Review Report and submitting it to the oversight Committee by the end of 2018. The Sunset Review Report submission will be followed by legislative hearings in 2019.

Karen Fischer, Executive Officer, DBC stated that the California Code of Regulations (CCR) § 1005 Minimum Standards for Infection Control, that was just approved by the DHCC, will be discussed at the DBC Board Meeting in May 2018 to begin the formal process for implementation.

Ms. Fischer stated that AB 1277 required that the Board move forward emergency regulations relating to Assembly Member Daly's Water Bill. The Board has approved the language at the last meeting. As a result, DBC submitted the emergency rule making, only relating to the Water Bill issue, to the department on March 14, 2018.

Ms. Fischer stated that the language was approved by the Board last August for regulations regarding the determination of radiographs and placement and therapeutic restorations (ITR). Staff is in the process of developing the initial statement of reasons.

Ms. Fischer also stated the Board initiated language regarding mobile and portable dental unit registration requirements at the August 2017 Board Meeting. Staff is developing the initial statement of reasons.

President Good asked if any Member of the DHCC or public would like to comment.

There were no further comments.

President Good recessed the Full Committee at 12:37 p.m. so that the Subcommittees could convene.





**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Item 4.10**

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

**DENTAL HYGIENE COMMITTEE OF CALIFORNIA**  
 2005 Evergreen Street, Suite 2050 Sacramento, CA 95815  
 P 916.263.1978 | F 916.263.2688 | [www.dhcc.ca.gov](http://www.dhcc.ca.gov)

## Teleconference Meeting Minutes August 8, 2018

Department of Consumer Affairs  
 2005 Evergreen Street, 1st Fl. Silverwood Lake Room  
 Sacramento, CA 95815  
 916-263-1978

(No members, only administrative staff at this location)

### Additional Locations:

Susan Good, President, Public Member Catalano Fenske c/o Bitwise Industries Sim City Conference Room, 2 <sup>nd</sup> Fl. 700 Van Ness Avenue Fresno, CA 93721	Edcelyn Pujol, Secretary, Public Member Walnut Creek Public Library Study Room 1644 N. Broadway Walnut Creek, CA 94596
Michelle Hurlbutt, RDH Educator West Coast University Education Suite Conference Room, 2 <sup>nd</sup> Fl. 1477 S. Manchester Avenue Anaheim, CA 92802	Sandra Klein, Public Member Congregation B'nai Israel 2111 Bryan Ave. Tustin, CA 92782
Timothy Martinez, DMD 1700 Iowa Street, Suite 290 Riverside, CA 92507	Noel Kelsch, RDHAP Cabrillo College HAWK Bldg. (next to parking lot J) Room. 2147 6500 Soquel Dr Aptos, CA, 95003

### DHCC Members Present:

Susan Good, President, Public Member  
 Edcelyn Pujol, Secretary, Public Member  
 Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator  
 Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP)  
 Sandra Klein, Public Member  
 Timothy Martinez, Public Health Dentist

## DHCC Members Absent and Excused:

Nicolette Moultrie, RDH  
Garry Shay, Public Member  
Evangeline Ward, RDH

## DHCC Staff Present:

Anthony Lum, Executive Officer  
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational Program Specialist  
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

## Public Present:

JoAnn Galliano, DHCC Educational Consultant and Subject Matter Expert  
Joanne Pacheco  
Vickie Kimbrough, Program Director, Taft College  
Edward Cramp, Legal Counsel, Concorde Career Colleges, via Zoom  
Cecelia Livengood, Concorde Career Colleges, via Zoom  
Laurel Sampson, Program Director, Concorde Career College - San Diego (CCC-SD)  
Arezou Goshtasbi, Program Director, Concorde Career College - Garden Grove (CCC-GG)  
Lisa Rhodes, Campus President, CCC-GG  
Sabrina Santucho, Program Director, Concorde Career College – San Bernardino (CCC-SB)  
Nick Ewell, Campus President, CCC-SB  
Susan McClaren, California Dental Hygiene Educators' Association (CDHEA)

## Roll Call and Establishment of a Quorum

Susan Good, President of the Dental Hygiene Committee of California (DHCC), covered rules regarding teleconference meetings. President Good called the meeting to order at **11:05 a.m.**

DHCC Secretary, Edcelyn Pujol, took roll call and a quorum was established with six members present.

Noel Kelsch questioned the legality of two members of the public attending the meeting over the “Zoom” application as it was not noticed.

Jason Hurtado, DHCC Legal Counsel (LC), stated that within his knowledge there was no conflict with members of the public attending the teleconference via “Zoom”. LC Hurtado stated he will refer to the open meeting act.

Ms. Livengood stated that they requested and received permission to attend via “Zoom”.

Executive Officer (EO) Anthony Lum concurred that permission was given for Mr. Cramp and Ms. Livengood to attend via “Zoom”. He was of the opinion that the law has not caught up with technology.

Ms. Kelsch stated it was her intention to ensure the meeting would be legitimate and not be required to be re-held.

## Public Comments for Items Not on the Agenda

None.

## Discussion and Possible Action for Approval of the November 18, 2017 DHCC Full Committee Meeting Minutes

President Good presented the November 18, 2017 Full Committee Meeting Minutes and requested member and public comment.

No member or public comment received.

**Motion:** The Full Committee to adopt the November 18, 2017 DHCC Full Committee Meeting Minutes.

**Moved:** Michelle Hurlbutt

**Second:** Noel Kelsch

Name	Aye	Nay	Abstain	Absent
Susan Good	X			
Michelle Hurlbutt	X			
Noel Kelsch	X			
Sandra Klein	X			
Timothy Martinez	X			
Nicolette Moultrie				X
Edcelyn Pujol	X			
Garry Shea				X
Evangeline Ward				X

**Vote:** Motion for the Full Committee to adopt November 18, 2017 DHCC Full Committee Meeting Minutes.

**Vote:** Pass 6:0

Discussion and Possible Action on Approval Status for Concord Career College's Three Campuses (Garden Grove, San Bernardino, and San Diego) due to Dental Hygiene Program Deficiencies.

President Good presented the history as to the deficiencies in length and content of the three Dental Hygiene Educational Programs (DHEP) of Concorde Career College (CCC) of California.

EO Lum presented the agenda item and background of the CCC program deficiencies and stated staff recommendation was to continue the “Stay of Withdrawal” for the three CCC DHEPs until the November 2018 meeting to allow for a fair opportunity for the DHEPs to comply with the DHCC requirements to correct discovered deficiencies as well as to obtain approval from other agencies that accredit DHEPs in California.

**Member Discussion:**

Michelle Hurlbutt questioned if it was staff’s opinion that everything would be in order by the November 2018 meeting to make a final decision.

EO Lum stated that the it is his recommendation to continue the “Stay of Withdrawal”. He then stated that the schools could provide better input as to if the CCC DHEPs will be in compliance by the November 2018 DHCC meeting.

Laurel Sampson, CCC-SD Program Director, stated the timeline would work well for the CCCs. She updated the Committee as to the current status of the approvals by the other regulatory agencies and stated that to her knowledge the approvals should be received by mid-September. She stated Bureau of Private Postsecondary Education (BPPE) and Accrediting Commission of Career Schools and Colleges (ACCSC) have already approved the changes for the new incoming cohorts.

President Good requested a motion.

**Motion:** DHCC allow the “Stay of Withdrawal” for the Concorde Career Colleges to stay in effect until the November 2018 DHCC Committee Meeting and to approve the action plan submitted by the Concorde Career College Dental Hygiene Education Programs.

**Motion:** Michelle Hurlbutt

**Second:** Noel Kelsch

**Member Discussion:**

Ms. Kelsch stated that it was brought up at the April DHCC Committee meeting that the current graduating cohorts are deficient in hours. As they are deficient, she questions the legality of issuing licenses to applicants who have not met educational requirements of the State of California.

LC Hurtado stated that the program retains full accreditation until the final decision by the Committee.

Ms. Kelsch stated that other boards have not accepted applicants if they have not completed all their educational hours even if it is an accredited institution and requested clarification how it would apply to the CCC graduates.

EO Lum stated CCC had been operating in full compliance until the DHCC identified the educational hours deficiency. He stated that the CCCs have worked diligently to come into compliance, and due process would still apply to their approval even if the Committee withdrew approval in November 2018. The CCCs would continue with their current curriculum as they would still be approved.

Ms. Kelsch stated that if an applicant came from out-of-state and did not have the required hours, the DHCC would not license them.

Dr. Hurlbutt commented that the hours are tied to the approval process for the programs. If the program retains approval in the “eyes of the law” the DHCC would have to accept the current hours.

JoAnn Galliano clarified that the CCCs are deficient ten weeks or two hundred hours, as defined by California law, BPPE, and CODA of two full academic years of program length required by law.

Dr. Hurlbutt requested clarification if that the deficiency of ten weeks or two hundred hours is tied to the approval process and stated that until the appeals process is complete.

EO Lum confirmed the weeks and hours is tied to the approval process.

LC Hurtado confirmed that in case law, until the appeals process is complete, the programs are still approved, but the Committee is the final authority on the decision.

Dr. Hurlbutt questioned if the Committee allows the approval to continue, and if at the November meeting the issues are not corrected, what the next step in the process would be.

LC Hurtado stated the Committee would vote to withdraw the approval and direct the EO to issue a formal written decision stating the reasons for withdrawal within 90 days and set up the informal conference.

Dr. Hurlbutt requested clarification if the formal written decision would begin the formal appeals process.

LC Hurtado confirmed that the formal written decision would begin the formal appeals process.

#### **Public Comment:**

JoAnn Galliano requested confirmation that as there are current classes graduating in October, they would not be required to complete the full two academic years as requested by the Committee in April 2018.

Dr. Hurlbutt stated that even if the Committee withdrew approval and directed the EO to issue a formal written decision, classes graduating in October would still be able to graduate due to the appeals process. If the CCCs are not in compliance in November, the March graduating class would not possibly be able to graduate.

EO Lum stated he and Dr. Petty reviewed the compliance plan and that if they enact it, it appears the CCCs could possibly correct the deficiencies by the November deadline and enact for the March cohort. EO Lum stated the timeframe is very short to enact the corrections earlier than the November deadline.

President Good stated that the Committee discovered these deficiencies during a site visit. There have been many CCC graduating classes that did not meet these requirements. The DHCC must operate the best as they can within the confines of the law. The DHCC and the CCCs are responding to the deficiencies with proper diligence. If the DHCC moved forward with requiring the current graduating classes to complete the additional education, it would place an undue burden on them.

Ms. Kelsch stated her utmost concern is for consumer safety and was concerned due the history of noncompliance by the CCCs. She called on EO Lum to begin working on legislation to assist the DHCC in the enforcement of compliance in educational regulations to ensure the safety of the consumer.

EO Lum stated changes are coming and presented in the Sunset Bill. The current issue is that the only recourse the DHCC currently has is "Withdrawal". The Sunset Bill introduces intermediary consequences for schools to work with the DHCC to become compliant.

Ms. Kelsch stated that the Sunset Bill accomplishes her concerns for the DHCC but if the Bill does not come to fruition, she requests the EO to follow other legislative avenues to accomplish enforcement of compliance in educational regulations. Ms. Kelsch stated the DHCC desires the DHEPs to be open and for students to receive a quality education. The DHCC's primary purpose is to protect the consumer's health and safety.

President Good stated that she is of the opinion that all Committee members would agree that the primary concern of the DHCC is consumer protection. She stated the Sunset Bill is moving forward and is optimistic for its passage. In addition, it is the Committee's responsibility to ensure needed legislation to protect the consumer comes to fruition. The Committee should direct the EO to continue his priority of seeking legislation to ensure consumer protection.

Ms. Galliano stated there is are October cohorts graduating (CCCSB and CCCSD) and requested clarification as to why the CCCs could not implement the additional ten weeks prior to their graduation.

Ms. Sampson stated the additional ten weeks have not been approved by CODA and therefore can not implement any changes to the curriculum until all accrediting and approval bodies approve the changes.

Ms. Galliano stated that the CCCs must follow all state and local laws and regulations and questioned why the CCCs felt that CODA would take a course of action against the CCCs.

Ms. Sampson stated to retain their accreditation and the ability of CCC students to become licensed, the CCCs feel strongly that CCC must obtain all necessary approvals prior to any curriculum changes.

Ms. Galliano stated CODA would have to take action against the CCCs in order to withdraw their accreditation. Ms. Galliano questioned as to why CODA would withdraw accreditation if the CCCs are following state laws and regulations. She clarified that the CCCs are only requesting a major change to come into compliance with state requirements, which would not affect their current approval as it is in CODA's Standards to comply with state requirements.

Ms. Sampson stated that she could not speak for CODA and stated CODA makes it clear that any major change must be preapproved. CCC feels very strongly that they must have written approval prior to implementing any programmatic changes to maintain their approval.

Ms. Galliano stated that the decision has already been made by CODA as indicated by CCC's timeline submitted in the July 2, 2018 response.

Ms. Sampson stated the CCCs have not received the written approval as of yet and can take up to 30 days to receive their decision.

Ms. Galliano stated that CODA made their decision and questioned why CCC could not reach out to CODA to confirm the decision made. She stated the students are consumers as well and are not receiving the education that they are entitled to as well. By law the students are deficient. The DHCC is delaying the decision due to waiting on a CODA decision that has already been made but not received. She is of the opinion that the CCCs should request the decision to allow the CCCs to add the deficient curriculum and come into compliance.

Dr. Hurlbutt acknowledged Ms. Galliano's concerns and stated she understood the dilemma, as her past experience with CODA has followed a similar timeline. She stated if the notification were to be received in thirty days, she was unsure if realistically the additional time could be added for the October graduates. Dr. Hurlbutt questioned Ms. Sampson if CCC feels the additional time could be added for the October graduates.

Ms. Kelsch stated that at the April 2018 meeting CCC answered in the affirmative that the additional time could be added to the curriculum of the October graduates.

Ms. Sampson stated she did not remember stating that the additional time could be added to the curriculum of the October graduates.

EO Lum stated that the Draft of the April 2018 meeting minutes was given to the Committee as an addendum and confirmed that the affirmative statement was in the minutes. EO Lum stated that CODA requirements state any change in the program length must be reported to CODA by June 1<sup>st</sup>. In addition, EO Lum stated he is of the opinion that the CCCs are doing everything possible to comply.



Dr. Hurlbutt stated she was of the opinion that the patience of the Committee and the DHCC consultant was wearing thin and desired resolution to the deficiencies of the CCCs. Dr. Hurlbutt repeated the question if CCC feels the additional time could be added for the October graduates.

Ms. Sampson stated that CCC had to speak with ACCSC as an additional accrediting body.

Ms. Kelsch requested clarification if CCC has approached ACCSC.

Ms. Sampson stated CCC has received approval of the curriculum change for future cohorts and not current cohorts.

Dr. Hurlbutt stated CCC has been approved for a March 2019 implementation of the curriculum change. If CCC were to apply it to current cohorts, CCC would have to reapply to all the agencies to add additional time to the current cohorts.

EL Lum stated ACCSC stated CCC is allowed to teach out the current cohorts before the changes are implemented.

Ms. Galliano stated that ACCSC is allowing CCC to teach out but not required to.

EO Lum clarified that ACCSC is allowing CCC to teach out and retain their accreditation.

Ms. Kelsch stated that the DHCC is its own agency and is not bound by the ACCSC decision.

EO Lum stated the DHCC must accomplish a balance for CCC as they answer to other accrediting agencies. In law one does not supersede another.

President Good requested further comments.

President Good stated the DHCC is in an uncomfortable position to have to vote on withdrawal of a DHEP and yet it is a decision to have to be made.

Edcelyn Pujol requested clarification if an answer was received with regard to the additional ten weeks for the October 2018 cohort and if the "Stay" remains what would happen for those students.

EO Lum stated the October 2018 cohort would be allowed to graduate as CCC is still approved.

LC Hurtado stated these deficiencies have been present for some time, the Committee is now aware of the situation and is assisting CCC to come into compliance, and at this time it is the best the Committee can do. He is of the opinion that legally the DHCC cannot compel CCC to add the additional ten weeks to the October cohorts. However, the Committee has the final decision.

Dr. Pineschi-Petty requested clarification as to which cohorts would the new curriculum be applied to.

Dr. Hurlbutt stated that CCC clarified all incoming cohorts will be on the new curriculum and the currently entering cohort will be on the new curriculum track. The October 2018 and March 2019 cohorts will not be on that track.

Ms. Sampson stated the March 2019 cohort will possibly have a compromise for remediation that is waiting for ACCSC approval. There will be an additional ten weeks added to the curriculum which will cover deficient curriculum and have a pass/fail grading system, no credit or fee to the students but will be recorded on their transcripts and allow demonstration of compliance to the DHCC.

Ms. Kelsch commended all involved at CCC for taking the situation seriously, cooperating with the DHCC, and making significant strides to come into compliance with DHCC laws and regulations and that the DHCC is here to support them.

President Good requested further comments.

No further comments received.

President Good requested the motion to be restated and called for a vote.

**Motion:** DHCC allow the “Stay of Withdrawal” for the Concorde Career Colleges to stay in effect until the November 2018 DHCC Committee Meeting and to approve the action plan submitted by the Concorde Career College Dental Hygiene Education Programs.

Name	Aye	Nay	Abstain	Absent
Susan Good	X			
Michelle Hurlbutt	X			
Noel Kelsch	X			
Sandra Klein	X			
Timothy Martinez	X			
Nicolette Moultrie				X
Edcelyn Pujol	X			
Garry Shea				X
Evangeline Ward				X

***Motion: DHCC allow the “Stay of Withdrawal” for the Concorde Career Colleges to stay in effect until the November 2018 DHCC Committee Meeting and to approve the action plan submitted by the Concorde Career College Dental Hygiene Education Programs.***  
***Vote: Pass (6:0).***

## Future Agenda Items

Future Agenda Items:

Noel Kelsch requested discussion of disclosure of RDH Clinical Board testing results to identify tracking failures as to not exceed three failures during the licensing process.

Public Comment: None

## Adjournment

**Move:** Michelle Hurlbutt

**Second:** Noel Kelsch

Name	Aye	Nay	Abstain	Absent
Susan Good	X			
Michelle Hurlbutt	X			
Noel Kelsch	X			
Sandra Klein	X			
Timothy Martinez	X			
Nicolette Moultrie				X
Edcelyn Pujol	X			
Garry Shea				X
Evangeline Ward				X

Susan Good adjourned the Full Committee Teleconference meeting at **12:12 p.m.**



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Item 5**

**Executive Officer's Report**

**A Verbal Report Will Be Provided**



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Item 6**

**Update from Dental Board of California (DBC)**

**A Verbal Report Will Be Provided**



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Items 9 - 12  
Subcommittee Meetings:**

**Education  
Enforcement  
Legislative & Regulatory  
Licensing & Examination**



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Item 13**

**Closed Session**

**The DHCC may meet in closed session to deliberate on disciplinary matters pursuant to  
Government Code § 11126 (c)(3)**



**Friday, November 16, 2018**

**Dental Hygiene Committee of California**

**Agenda Item 14**

**Recess until Saturday, November 17, 2018  
at 9:00 a.m.**