



Legislative and Regulatory Subcommittee Meeting Minutes

Friday, April 12, 2019

Location:

DHBC Headquarters Building
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815

DHBC Members Present:

Noel Kelsch, Chair, Registered Dental Hygienist in Alternative Practice (RDHAP) Member
Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator Member
Garry Shay, Public Member
Evangeline Ward, RDH Member

DHBC Staff Present:

Anthony Lum, Executive Officer (EO)
Elizabeth Elias, Assistant Executive Officer (AEO)
Traci Napper, Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist
Daniel Rangel, Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC

Public Present:

Mary McCune, California Dental Association (CDA)
Lisa Okamoto, California Dental Hygienist's Association (CDHA)
Melissa Fellman, Sacramento City College
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Fran Burton, President, DBC
Tonette Steeb, Diablo Valley College
Vickie Kimbrough, Taft College, Purple Pen
Maureen Titus, CDHA
JoAnn Galliano, MEd, RDH, DHBC Educational Consultant and Subject Matter Expert (SME)
Lisa Kamibayashi, West Los Angeles College (WLAC)
Joanne Pacheco, Fresno City College (FCC)
Jean Kulbeth, FCC
Lori Mc Donald, Truckee Meadows Community College, Reno, NV, CDHEA
Laurel Sampson, Concorde Career College – San Diego

1. Roll Call and Establishment of a Quorum

Noel Kelsch, Chairperson of the Legislative and Regulatory Subcommittee, called the meeting to order at **11:56 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 Kelsch reported that she has been busy with reviewing the many bills brought forth during this legislative session with Executive Officer (EO) Lum.

4. Approval of the November 16, 2018 Legislative and Regulatory Subcommittee Meeting Minutes

Motion: Garry Shay moved to accept the November 16, 2018 Legislative and Regulatory Subcommittee Meeting Minutes.

Second: Michelle Hurlbutt

Chair Kelsch requested comments from the Subcommittee or public. There were no comments.

Vote: Motion to accept the November 16, 2018 Legislative and Regulatory Subcommittee Meeting Minutes. Passed 4:0.

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

5. Discussion, Possible Action, and Recommendation to the Full Board for the Following Legislative Bills:

- AB 5 (Gonzales): Worker Status: Independent Contractors.
- AB 62 (Fong): State Government: FI\$Cal: Transparency.
- AB 71 (Melendez Kiley): Employment Standards: Independent Contractors and Employees.
- AB 193 (Patterson): Professions and vocations.
- AB 312 (Cooley): State government: administrative regulations: review.
- AB 316 (Ramos Robert Rivas): Medi-Cal: benefits: beneficiaries with special dental care need.
- AB 476 (Rubio): Department of Consumer Affairs: task force: foreign-trained professionals.
- AB 496 (Low): Business and professions.
- AB 544 (Brough): Professions and vocations: inactive license fees and accrued and unpaid renewal fees.

- AB 613 (Low): Professions and vocations: regulatory fees.
- AB 744 (Aguiar-Curry): Healthcare coverage: telehealth.
- AB 768 (Brough): Professions and vocations.
- AB 862 (Kiley): Professions and vocations: license revocation and suspension: student loan default.
- AB 931 (Boerner Horvath): State and local boards and commissions: representation: appointments.
- AB 954 (Wood): Dental services: third-party network access.
- AB 1076 (Ting): Criminal records: automatic relief.
- AB 1271 (Diep): Licensing examinations: report.
- AB 1519 (Committee on Business and Professions): Healing arts: Dental Board of California.
- AB 1529 (Low): Telephone medical device services.
- AB 1622 (Carrillo): Family physicians.
- SB 53 (Wilk): Open meetings.
- SB 66 (Atkins McGuire): Medi-Cal: federally qualified health center and rural health clinic services.
- SB 144 (Mitchell): Fees: criminal administrative fees.
- SB 154 (Pan): Medi-Cal: restorative dental services.
- SB 601 (Morrell): State agencies: licenses: fee waiver.
- SB 653 (Chang): Dental Hygienists: RDHAP: Scope of Practice
- SB 786 (Senate Committee on Business, Professions and Economic Development): Healing arts.

Dr. Adina Pineschi-Petty reported the current status of legislative bills of interest to the DHBC.

Discussion: The Subcommittee requested staff have a more thorough recommendation for the Subcommittee to consider when presenting bill recommendations.

Public comments: JoAnn Galliano urged the Subcommittee and Board to take a position and support in concept on bills that are of immediate concern to RDHs. Maureen Titus of the California Dental Hygienist's Association (CDHA) presented amended language for Senate Bill (SB) 653, drafted on 4-11-19, to the Subcommittee and explained that the new language was as a result of a cooperative effort with the California Dental Association (CDA) and Senator Chang's Office. Mary McCune (CDA) spoke to areas of Dental Health Professional Shortage Areas (DPSA) requirements and clarified that there are no laws that require dentists to serve a minimum percentage of patients that are covered by Denti-Cal and stated the CDA is in support of this bill as amended. Ms. McCune stated the CDA would urge the Board to take a support position for Assembly Bill (AB) 1519 Dental Board of California (DBC) Sunset Bill.

The Subcommittee discussed all bills presented and took the following positions for recommendation to the full Board. Additionally, the Board requested if there are any substantive changes with the bills, the staff is requested to notify the full Board.

Motion: Michelle Hurlbutt motioned to recommend to the full Board the recorded positions on the bills reviewed by the Legislative and Regulatory Subcommittee.

Second: Garry Shay

No further questions or comments received from the Subcommittee or public.

Legislation	Topic	DHBC Position
AB 5 (Gonzales)	Worker Status: Independent Contractors	Watch
AB 62 (Fong)	State Government: FI\$Cal: Transparency.	Watch
AB 71 (Melendez Kiley)	Employment Standards: Independent Contractors and Employees	Watch
AB 193 (Patterson)	Professions and vocations.	Watch
AB 312 (Cooley)	State government: administrative regulations: review.	Watch
AB 316 (Ramos Robert Rivas)	Medi-Cal: benefits: beneficiaries with special dental care needs	Support as written as of 4-12-19
AB 476 (Blanca Rubio)	Department of Consumer Affairs: task force: foreign-trained professionals.	Watch
AB 496 (Low)	Business and professions.	Watch
AB 544 (Brough)	Professions and vocations: inactive license fees and accrued and unpaid renewal fees.	Oppose as written as of 4-12-19
AB 613 (Low)	Professions and vocations: regulatory fees.	Watch
AB 744 (Aguiar-Curry)	Healthcare coverage: telehealth.	Watch
AB 768 (Brough)	Professions and vocations.	Watch
AB 862 (Kiley)	Professions and vocations: license revocation and suspension: student loan default.	Gutted and Amended
AB 931 (Boerner Horvath)	State and local boards and commissions: representation: appointments.	Watch
AB 954 (Wood)	Dental services: third-party network access.	Watch
AB 1076 (Ting)	Criminal records: automatic relief.	Watch
AB 1271 (Diep)	Licensing examinations: report.	Watch
AB 1519 (Committee on Business & Professions)	Healing arts: Dental Board of California.	Support as written as of 4-12-19
AB 1529 (Low)	Telephone medical device services.	Watch
AB 1622 (Carillo)	Family physicians.	Watch
SB 53 (Wilk)	Open meetings.	Watch

Legislation	Topic	DHBC Position
SB 66 (Atkins McGuire)	Medi-Cal: federally qualified health center and rural health clinic services.	Support as written as of 4-12-19
SB 144 (Mitchell and Hertzberg)	Fees: criminal fees.	Watch
SB 154 (Pan)	Medi-Cal: restorative dental services.	Support as written as of 4-12-19
SB 601 (Morrell)	State agencies: licenses: fee waiver.	Watch
SB 653 (Chang)	Dental hygienists: registered dental hygienist in alternative practice: scope of practice.	Support as written as of 4-12-19
SB 786 (Senate Committee on Business, Professions and Economic Development)	Healing arts.	Support as written as of 4-12-19

*Vote: Motion to Recommend to the Full Board the Recorded DHBC Positions on the Legislative Bills Reviewed by the Legislative and Regulatory Subcommittee.
Pass 4:0.*

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

6. Discussion and Possible Action, and Recommendation to the Full Committee on Proposed Draft Regulatory Language to Implement AB 2138.

Legal Counsel (LC) Jason Hurtado reported the history and intent of legislation behind the passage of AB 2138 and informed the Subcommittee of their statutory authority to draft regulatory language to implement the mandates of AB 2138 with regard to requiring boards to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria. LC Hurtado presented draft regulatory language for the Subcommittee to discuss, take possible action, and recommend to the full Board.

Discussion took place regarding the presented language as written in relation to other boards within DCA, the layers of review of the package language, as well as to the areas of exemptions of crimes found within the Penal Code that would not apply to AB 2138.

Motion: Michelle Hurlbutt moved to approve and recommend to the full Board the proposed regulatory language relative to substantial relationship criteria and criteria for evaluating rehabilitation.

Second: Garry Shay

No further questions or comments received by the Subcommittee or public.

Vote: Motion to Approve and Recommend to the Full Board the Proposed Regulatory Language Relative to Substantial Relationship Criteria and Criteria for Evaluating Rehabilitation. Pass 4:0.

Name	Aye	Nay	Abstain
Noel Kelsch	X		
Michelle Hurlbutt	X		
Garry Shay	X		
Evangeline Ward	X		

7. Future Agenda Items

No items proposed.

8. Adjournment

Chair Kelsch adjourned the Dental Hygiene Legislative and Regulatory Subcommittee meeting at **1:35 p.m.**