



Dental Hygiene Board of California Teleconference Meeting Minutes

Saturday, August 29, 2020

Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-25-20, dated March 12, 2020, neither a public nor teleconference location was provided.

Members of the public observed and participated by using the link that was provided in the agenda.

DHBC Members Present:

President – Dr. Timothy Martinez, Public Health Dentist Member
Vice President – Nicolette Moultrie, RDH Member
Secretary – Garry Shay, Public Member
RDH Educator Member – Dr. Michelle Hurlbutt
RDHAP Member – Noel Kelsch
RDH Member – Evangeline Ward
Public Member – Susan Good

DHBC Members Absent:

Public Member – VACANT
Public Member – VACANT

DHBC Staff Present:

Anthony Lum, Executive Officer
Elizabeth Elias, Assistant Executive Officer
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational, Legislative, and Regulatory Specialist
Daniel Rangel, Special Investigator
William Maguire, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC
Danielle Rogers, DCA Regulatory Unit Legal Counsel for the DHBC

1. Roll Call and Establishment of a Quorum

Dr. Timothy Martinez, President of the Dental Hygiene Board of California (DHBC, Board), reviewed teleconference meeting guidelines and called the meeting to order at **10:08 a.m.** Secretary Garry Shay completed the roll call and a quorum was established with seven members present.

2. Public Comment for Items Not on the Agenda.

Dr. Melissa Fellman urged the Board to consider regulatory language to be more prescriptive as to time devoted to teaching students versus administrative responsibilities for Dental Hygiene Educational Program Directors.

3. President's Report (Informational Only).

Dr. Martinez stated that due to the continuing Coronavirus (COVID-19) pandemic, the Board changed to virtual meeting methods to inhibit the spread of the virus and foresees this method continuing minimally through the end of the year.

Dr. Martinez reminded the Board's licensee population that they are some of the most highly educated and trained professionals pertaining to infection control and advised them to utilize their knowledge to educate others in the proper use of Personal Protective Equipment (PPE) and infection control procedures and urged all in attendance to follow the accepted actions to inhibit the spread of the virus by social distancing, wearing masks, and utilizing personal hygiene best practices.

There was no Board member or public comment.

4. Update from the Department of Consumer Affairs (DCA) Executive Staff on DCA Staffing and Activities (Informational Only).

Carrie Holmes, DCA Deputy Director, Board and Bureau Relations updated the Board on the role of DCA Board and Bureau relations. Additionally, she updated the Board on the new leadership team at the Business, Consumer Services, and Housing Agency as well as at DCA. Ms. Holmes advised the Board of four new reports developed by the Budget Office and the Office of Informational Services at DCA to allow the Board access to more accurate business reporting tools.

Ms. Holmes reported on the DCA Regulations Unit which was developed to assist the Board with regulation packages and advised that testing of the new Cherwell submission platform is complete and will be reviewed to allow for all DCA Board and Bureau usage.

Ms. Holmes reported on DCA's response to the COVID-19 pandemic and advised of the status of waivers to the law requested by Boards and Bureaus within DCA, and advised that Boards review regulations for ongoing, permanent changes.

There was no Board member or public comment.

5. Discussion and Possible Action to Approve the May 29, 2020 Full Board WebEx Teleconference Meeting Minutes.

Motion: Garry Shay moved to approve the May 29, 2020 Full Board WebEx Teleconference Meeting Minutes.

Second: Susan Good.

Member discussion: None.

Public comment: None.

Vote: Motion to approve the May 29, 2020 Full Board WebEx Teleconference Meeting Minutes. Passed 6:0:1.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt			X (Lost connection.)
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		

6. Executive Officer’s Report (Informational Only).

COVID-19:

Executive Officer (EO) Anthony Lum reported that the Board office reopened as of mid-June to normal operational hours of 8 – 5 and that staff have adapted well to teleworking on a rotational schedule to be in the office for coverage while our public counter is open, with no programmatic functions disrupted.

EO Lum reported that on August 27, 2020, the DCA Director approved a new CE waiver (DCA 20-53) that allows licensees whose licenses expire or expired at the end of March – October 2020 to temporarily waive CE requirements to renew their licenses. For any licensees who has or had a CE deficiency to renew their license at the time of expiration, they will have until the waiver expiration date, which is February 27, 2021 to complete the deficient CE hours unless the waiver is amended and extended. This waiver supersedes the prior 2 authorized CE waivers issued which were withdrawn.

EO Lum reported that DCA approved to temporarily waive the wet laboratory requirement for prerequisite biomedical science courses for prospective dental hygiene students. This waiver (DCA 20-35) was effective as of July 13, 2020 and expires 60 days from that date unless amended and extended. The tentative expiration date is September 11, 2020. He communicated a request to the administration to have this waiver extended until the end of the year because of the

normal length of the courses being a quarter or semester in length, but no official notification has been released and the waiver will be reassessed soon.

Personnel:

EO Lum reported on staffing changes and advised that Brittany Elliott who was our Citation and Fine Analyst, will now assume the Probation Monitoring functions and continue the citation and fine desk until the position can be backfilled. Additionally, the Board hired Sabra D'Ambrosio to work the Board's continuing education program and an additional Licensing Analyst position was filled and that person will start working in September.

Budget:

EO Lum reported on the current FY 2020/21 budget, the Budget Expenditure Report for FY 2019/20, and the latest Fund Condition. Additionally, he advised that the Board will probably need to review methods to increase revenue in the near future.

Board Comment: Noel Kelsch voiced concern as to the staff pay-cuts due to the State Budget and acknowledged staff for their diligent work efforts.

There was no Board member or public comment.

7. Report from the Dental Board of California (DBC) by DBC Representative on DBC Activities.

Dr. Thomas Stewart, DBC President, reported on current DBC activities and Board member appointments. Additionally, Dr. Stewart reported that the availability of online WebEx meetings has enhanced the Board's outreach and have been fiscally advantageous for the DBC.

Dr. Stewart reported on COVID-19 pandemic impact on the DBC, education, and licensee population. He reported measures taken by the DBC to address the impact on education, including acceptance of alternative testing options.

There was no Board member or public comment.

8. Discussion and Possible Action on Temporary Acceptance of Alternative Licensure Examinations as Proposed by WREB, CRDTS, and ADEX in place of the Clinical Examination due to the Pandemic and Review Report and Recommendations by the DCA Office of Professional Examination Services (OPES) of the Alternative Examinations.

Executive Officer Anthony Lum reported that at the May 29, 2020 WebEx Teleconference Board meeting, the Board requested and authorized the DCA Office of Professional Examination Services (OPES) to review all nonpatient-based clinical

examinations presented to the Board as an alternative to the live, patient-based clinical examinations. Submissions reviewed by OPES included the Western Regional Examination Board (WREB) 2020 Dental Hygiene Objective Structured Clinical Examination (OSCE), the Central Regional Dental Testing Services (CRDTS) 2020 Dental Hygiene Simulated Patient Clinical Examination (Simulated Patient DHE), and the American Board of Dental Examiners, Inc. (ADEX) Manikin Treatment Clinical Examination (MTCE).

Heidi Lincer, Chief of OPES and Tracy Montez, Chief of DCA's Policy and Program Review Division presented the process for review of the non-patient-based examination formats and the results of the review. Based on the results of this evaluation, OPES determined that the non-patient-based examination formats offered by ADEX, CRDTS, and WREB are not viable alternatives to the patient-based clinical examinations at this time.

Motion: Susan Good moved for the Board to decline the proposed alternative licensure examinations as proposed by WREB, CRDTS, and ADEX in place of the current patient-based clinical examinations based upon OPES's recommendation that none of the examinations could establish validation as an adequate substitute alternative to the live, in-person dental hygiene clinical examination. The Board requests for the exam administrators to revise their respective alternative examinations and propose them to the Board at a future meeting date for approval consideration.

Second: Garry Shay.

Member discussion: Discussion took place regarding the proposed alternative licensure examinations as proposed by WREB, CRDTS, and ADEX in place of the current clinical examinations.

Public comment: Many public comments were received from dental hygiene students and faculty in support of the Board approving alternative testing options to move the RDH licensing process forward.

Vote: Motion for the Board to decline the proposed alternative licensure examinations as proposed by WREB, CRDTS, and ADEX in place of the current clinical examinations based upon OPES's recommendation that none of the examinations could establish validation as an adequate substitute alternative to the live, patient-based dental hygiene clinical examination. The Board requests for the exam administrators to revise their respective alternative examinations and propose them to the Board at a future meeting date for consideration. Failed 2:5:0.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt		X	
Noel Kelsch		X	
Timothy Martinez		X	
Nicolette Moultrie		X	
Garry Shay		X	
Evangeline Ward	X		

Motion: Dr. Michelle Hurlbutt moved for the Board to temporarily accept the mannequin-based alternative licensure examinations as proposed by CRDTS and ADEX, and a mannequin-based WREB exam, if available, in addition to the current clinical examinations due to the COVID-19 pandemic from August 29, 2020 until March 31, 2021 and reassess the examinations at the November 2020 Board meeting.

Second: Noel Kelsch.

Member discussion: Further discussion took place regarding the proposed alternative licensure examinations as proposed by WREB, CRDTS, and ADEX in place of the current clinical examinations.

Public comment: Many additional public comments were received from dental hygiene students and faculty in support of the Board approving alternative testing options to move the RDH licensing process forward.

Vote: Motion for the Board to temporarily accept the mannequin-based alternative licensure examinations as proposed by CRDTS and ADEX, and a mannequin-based WREB exam, if available, in addition to the current clinical examinations due to the COVID-19 pandemic from August 29, 2020 until March 31, 2021 and reassess at the November 2020 Board meeting. Passed 5:2:0.

Name	Aye	Nay	Abstain
Susan Good		X	
Michelle Hurlbutt	X		
Noel Kelsch	X		

Name	Aye	Nay	Abstain
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward		X	

9. Discussion and Possible Action on Proposed Amended Regulatory Package: 16 California Code of Regulations (CCR) Section 1104.3: Reviews, Site Visits, Citation and Fine, and Probationary Status for Dental Hygiene Educational Programs.

Dr. Adina Pineschi-Petty reported that at the May 29, 2020 WebEx Teleconference Board meeting, the Board approved the proposed regulatory language to implement the mandates in Business and Professions Code (BPC) section 1941.5. However, during the rulemaking process, substantive changes were made to the Board-approved draft regulatory language for California Code of Regulations (CCR), Title 16, section 1104.3 to include specific factors to be considered for issuance of citations and fines. Dr. Pineschi-Petty recommended to the Board to re-review the proposed language, determine whether additional information or language is required, complete the draft of proposed regulatory language, and direct staff to take all steps necessary to initiate the formal rulemaking process.

Motion: Garry Shay moved for the Board to approve the proposed amended language for 16 CCR section 1104.3 and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations, Title 16, Division 11 section 1104.3.

Second: Nicolette Moultrie.

Member discussion: Member discussion took place regarding proposed amended regulatory package: 16 CCR section 1104.3: Reviews, Site Visits, Citation and Fine, and Probationary Status for Dental Hygiene Educational Programs.

Public comment: None.

Vote: Motion for the Board to approve the proposed amended language for 16 CCR section 1104.3 and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations, Title 16, Division 11 section 1104.3. Passed 7:0:0.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		

10. Discussion and Possible Action on Proposed Amended Regulatory Package: 16 CCR Section 1105: Requirements for RDH Educational Programs.

Dr. Adina Pineschi-Petty reported that at the Board’s November 23, 2019 meeting, this proposal was presented to the Board for its review and approval. The Board approved the proposed language and delegated authority to the Board’s executive officer to make any technical, non-substantive changes, if necessary. However, in response to challenges experienced by dental hygiene educational programs (DHEPs) encountered during the Coronavirus pandemic (COVID-19), substantive changes were made to the Board-approved draft regulatory language for 16 CCR section 1105. Dr. Pineschi-Petty recommended to the Board to re-review the proposed language, determine whether additional information or language is required, complete the draft of proposed regulatory language, and direct staff to take all steps necessary to initiate the formal rulemaking process.

Motion: Nicolette Moultrie moved for the Board to approve the proposed amended language for 16 CCR section 1105 and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for

45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations, Title 16, Division 11 section 1105.

Second: Garry Shay.

Member discussion: Discussion took place regarding proposed amended regulatory package: 16 CCR Section 1105: Requirements for RDH Educational Programs.

Public comment: None.

Vote: Motion for the Board to approve the proposed amended language for 16 CCR section 1105 and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations, Title 16, Division 11 section 1105. Passed 7:0:0.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		

11. Discussion and Possible Action on Fee Resolutions for 16 CCR Section 1105.2(d)(3)(E-F): Applications for Acceptance of Out-of-State Expanded Duty Education and Training in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide and Oxygen Analgesia.

Dr. Adina A. Pineschi-Petty reported that at the May 29, 2020 WebEx Teleconference Board meeting, the Board approved the proposed regulatory language and fees for 1105.2: Applications for Acceptance of Out-of-State Expanded Duty Education and Training in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide and Oxygen Analgesia. She advised the Board that pursuant to BPC section 1944 (a), the Board shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. Dr. Pineschi-Petty recommended for the Board to approve the fee resolution for 16 CCR section 1105.2 and direct staff to take all steps necessary to initiate the formal rulemaking process.

Motion: Garry Shay moved for the Board to approve the fee resolution for 16 CCR section 1105.2 and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to California Code of Regulations, Title 16, Division 11 section 1105.2 as noticed.

Second: Susan Good.

Member discussion: Discussion took place regarding the fee resolutions for 16 CCR section 1105.2(d)(3)(E-F): Applications for Acceptance of Out-of-State Expanded Duty Education and Training in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide and Oxygen Analgesia.

Public comment: The public voiced concerns with regard to Board oversight of the out-of-state programs and requested the Board to consider those approved out-of-state programs to submit tracking forms, in addition to the biennial reports.

No further comments.

Vote: Motion for the Board to approve the fee resolution for 16 CCR section 1105.2 and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the

proposed text to California Code of Regulations, Title 16, Division 11 section 1105.2 as noticed. Passed 7:0:0.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		

12. Discussion and Possible Action on Proposed Regulatory Package: 16 CCR Section 1117: Reporting Dental Relationships Between Registered Dental Hygienists in Alternative Practice (RDHAP) and Licensed Dentists.

Dr. Adina A. Pineschi-Petty reported the Board is only informed of the relationship between an RDHAP and dentist when an RDH applies for the RDHAP license and stated that currently, there is no ongoing provision in regulation to report the relationship of a RDHAP with a licensed dentist who is available for referral, consultation, and emergency services for the RDHAP’s patients of record. She stated this compromises consumer protection by not having a dental resource for the RDHAP to refer for further, more comprehensive treatment outside the scope of the licensee’s practice. Dr. Pineschi-Petty recommended to the Board to review the proposed language and associated form, determine whether additional information or language is required, complete the draft of proposed regulatory language, and direct staff to take all steps necessary to initiate the formal rulemaking process.

Motion: Nicolette Moultrie moved for the Board to approve the amended proposed language including removal of “and” between “dentist” and “located” in subdivision (a) and amended associated form (adding “application number or” to “RDHAP License Number”) for 16 CCR 1117 and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations (CCR), Title 16, Division 11 section 1117.

Second: Evangeline Ward

Member discussion: Discussion took place regarding proposed regulatory package: 16 CCR Section 1117: Reporting Dental Relationships Between Registered Dental Hygienists in Alternative Practice (RDHAP) and Licensed Dentists.

Public comment:

The public voiced concerns regarding reporting requirements of the RDHAP/Dentist relationship as some RDHAPs are unsure of their initial use of the license and may not have an initial RDHAP/Dentist relationship, and that the reporting requirement may be considered as a hurdle which could limit access to care.

Vote: Motion for the Board to approve the amended proposed language including removal of “and” between “dentist” and “located” in subdivision (a) and amended associated form (adding “application number or” to “RDHAP License Number”) for 16 CCR 1117 and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations (CCR), Title 16, Division 11 section 1117. Passed 6:0:1.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X (Left meeting at 12:05)
Evangeline Ward	X		

13. Discussion and Possible Action on Proposed Statutory Language Amendments to BPC Section 1903: Board Member Terms (staggering).

Executive Officer Anthony Lum reported that the Board’s current status of appointed terms for board members is separated into two groups. One group of four member’s terms expires at the end of a particular year (2019) at the same time (unless reappointed) and the second group of five member’s terms expires at the same time

three years later (2022) unless they are reappointed, serve a final grace year, or leave prior to the term expiration to stagger the terms. These situations are not assured and may not happen, and future planning based on the members serving their full maximum two, four-year terms is needed. The grouping of so many members together in each group may pose an issue for the Board to establish a quorum at meetings to conduct its business, especially the group of five members as we wouldn't have a quorum, should they be termed out at the same time.

Executive Officer Lum requested for the Board to consider the proposed amended statutory language as presented in the meeting materials, determine whether additional information or language is required, and direct staff to complete the draft of proposed statutory language and seek sponsored legislation for 2021.

Motion: Dr. Michelle Hurlbutt moved for the Board to table the discussion on the proposed amended language for BPC section 1903, direct staff to work on the statutory language, and bring back to the November 20, 2020 meeting.

Second: Noel Kelsch.

Member discussion: Discussion took place regarding proposed amendments to statutory language for BPC Section 1903: Board Member Terms.

Public comment: None.

Vote: Motion for the Board to table the discussion on the proposed amended language for BPC section 1903, direct staff to work on the statutory language, and bring back to the November 2020 Board meeting. Passed 4:2:1.

Name	Aye	Nay	Abstain
Susan Good		X	
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X (Left meeting at 12:05)
Evangeline Ward		X	

14. Discussion and Possible Action on Proposed Statutory Language Amendments to BPC Section 1917.1: Clinical Work Hour Accumulation.

Executive Officer Anthony Lum reported that the Board has received requests from out of state applicants pursuing licensure through the Licensure By Credential (LBC)

pathway to apply additional clinical hours worked in excess of the minimally required 750 hours per year to credit clinical hours where they are deficient in a year due to a life changing event such as pregnancy, illness, temporary disability caused by an accident or other reason, active military assignment, or caring for a dependent family member. He stated that pursuant to the law, LBC applicants are required to accumulate a minimum of 750 hours per year for five years immediately preceding the date of the application. However, more requests are being received when the life changing events occur within the preceding three years from the date of the application where they couldn't accumulate the required minimal 750 clinical hours for one year due to the life-changing event.

Executive Officer Lum requested for the Board to consider the proposed amended statutory language, determine whether additional information or language is required, and direct staff to complete the draft of proposed statutory language and seek sponsored legislation for 2021.

Motion: Susan Good moved for the Board to approve the proposed amended language for BPC section 1917.1 and direct staff to seek sponsored legislation for 2021.

Second: Evangeline Ward.

Member discussion: Discussion took place regarding proposed amendments to statutory language for BPC Section 1917.1: Clinical Work Hour Accumulation.

Public comment: None.

Vote: Motion for the Board to approve the proposed amended language for BPC section 1917.1 and direct staff to seek sponsored legislation for 2021. Failed 2:4:0.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt		X	
Noel Kelsch		X	
Timothy Martinez		X	
Nicolette Moultrie		X	
Garry Shay			X (Left meeting at 12:05)
Evangeline Ward	X		

15. Discussion and Possible Action on Proposed Statutory Language Amendments to BPC Section 1926.1: Operation of Mobile Dental Hygiene Clinics; Requirements.

Dr. Adina Pineschi-Petty reported that at the Board's November 16-17, 2018 meeting, proposed regulatory language for mobile dental hygiene clinics (proposed California Code of Regulations (CCR) Title 16, section 1116) was presented to the Board for its review and approval. The Board approved the proposed language and delegated authority to the Board's executive officer to make any technical, non-substantive changes, if necessary. After consultation with the California Department of Consumer Affairs legal department, it was determined that the Board did not have statutory authority for inspections of mobile dental hygiene clinics and suggested the Board seek statutory authority to allow 16 CCR 1116 to move forward in the rulemaking process.

Dr. Pineschi-Petty requested for the Board to consider the proposed amended statutory language, determine whether additional information or language is required, and direct staff to complete the draft of proposed statutory language and seek sponsored legislation for 2021.

Motion: Dr. Michelle Hurlbutt moved for the Board to approve the proposed amended language for BPC section 1926.1 and direct staff to seek sponsored legislation for 2021.

Second: Evangeline Ward

Member discussion: Discussion took place regarding proposed amendments to statutory language for BPC section 1926.1: Operation of Mobile Dental Hygiene Clinics; Requirements.

Public comment: Public comments cited concerns with language removed from BPC section 1926.1 and to requested for the Board to establish permanent regulations to allow applications for mobile dental hygiene clinics.

Vote: Motion for the Board to approve the proposed amended language for BPC section 1926.1 and direct staff to seek sponsored legislation for 2021. Passed 5:0:2.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch			X (Not available.)
Timothy Martinez	X		

Name	Aye	Nay	Abstain
Nicolette Moultrie	X		
Garry Shay			X (Left meeting at 12:05)
Evangeline Ward	X		

16. Discussion and Possible Action on Proposed Statutory Language Amendments to BPC Section 1926.3: Registered Dental Hygienist in Alternative Practice; Registration; Time Period.

Dr. Adina Pineschi-Petty reported that in existing law, RDHAPs are allowed to operate physical dental hygiene facilities in certain locations in the state; however, the Board has no oversight of these facilities other than requiring the licensee to register the location with the Board. She stated that these facilities treat many of the most underserved and vulnerable people in the population and the Board needs to ensure that they are operated safely and in accordance with all applicable laws and regulations. After consultation with the California Department of Consumer Affairs legal department, it was determined that the Board did not have statutory authority for the oversight of physical dental hygiene facilities and to seek statutory authority.

Dr. Pineschi-Petty requested for the Board to consider the proposed amended statutory language, determine whether additional information or language is required, and direct staff to complete the draft of proposed statutory language and seek sponsored legislation for 2021.

Motion: Noel Kelsch moved for the Board to table the discussion on the proposed amended language for BPC section 1926.3, direct staff to work on the statutory language with the RDHAP Representative and bring back to the November 2020 Board meeting.

Second: Dr. Michelle Hurlbutt.

Member discussion: Discussion took place regarding proposed amendments to statutory language for BPC section 1926.3: Registered Dental Hygienist in Alternative Practice; Registration; Time Period.

Public comment: Public comments requested for the Board to review the statutory language with RDHAP representatives to ensure RDHAP facility oversight is equitable among portable, mobile, and brick and mortar facilities.

Vote: Motion for the Board to table the discussion on the proposed amended language for BPC section 1926.3, direct staff to work on the statutory language with the RDHAP Representative and bring back to the November 2020 Board meeting. Passed 6:0:1.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X (Left meeting at 12:05)
Evangeline Ward	X		

17. Discussion and Possible Action on Proposed Statutory Language Amendments to Business and Professions Code (BPC) Section 1941: Addition of RDHAP and RDHEF to subdivisions (b) and (c) for congruency.

Dr. Adina Pineschi-Petty reported that at the November 23, 2019 Full Board meeting, the Board approved the changes in the attached document for statutory language to BPC section 1941. After consultation with the California Department of Consumer Affairs legal department, the following attached language was recommended. To be consistent with statutory language throughout the BPC, newly proposed RDHAP and RDHEF educational programs will need to complete a feasibility study demonstrating a need for new educational programs prior to pursuing approval of the programs. This proposal presents congruency in the language requirement between the licensure categories of RDH, RDHAP, and RDHEF.

Dr. Pineschi-Petty requested for the Board to consider the proposed amended statutory language, determine whether additional information or language is required, and direct staff to complete the draft of proposed statutory language and seek sponsored legislation for 2021.

Motion: Nicolette Moultrie moved for the Board to approve the proposed amended language, with addition of “any required” between “seeking” and “approval” in subdivision (b) for BPC section 1941 and direct staff to seek sponsored legislation for 2021.

Second: Noel Kelsch.

Member discussion: Discussion took place regarding BPC section 1941: Addition of RDHAP and RDHEF to subdivisions (b) and (c) for congruency.

Public comment: Public comments proposed concerns regarding RDHAP programs requiring feasibility studies prior to opening.

Vote: Motion for the Board to approve the proposed amended language, with addition of “any required” between “seeking” and “approval” in subdivision (b), for BPC section 1941 and direct staff to seek sponsored legislation for 2021. Passed 6:0:1.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			X (Left meeting at 12:05)
Evangeline Ward	X		

18. Legislative Update (Informational Only).

Dr. Adina Pineschi-Petty updated the Board on the current status of legislation that is of interest to the Board.

No Board or public comment.

19. Future Agenda Items.

1. 1105.1: Dental Hygiene Educational Program Director to define majority of time devoted to program management. (Board)
2. Long-term examination methods with a taskforce formed. (Board)
3. Review of RDHAP practice setting statutory language with Board staff, Legal Counsel, and the Board RDHAP Representative. (Board)
4. Disciplinary Guidelines. (Board)
5. RDHAP mobile dental unit applications. (Public Comment)

The meeting proceeded into Closed Session where enforcement issues were discussed.

20. Adjournment

Meeting was adjourned at 7:30 p.m.