

Dental Hygiene Board of California Meeting Minutes

Saturday, February 4, 2023

Pursuant to the provisions of Government Code section 11133, neither a public nor teleconference location was provided. Members of the public observed and participated using the WebEx link provided in the agenda.

DHBC Members Present:

President – Dr. Carmen Dones, Registered Dental Hygienist (RDH) Educator Member
Secretary – Denise Davis, Public Member
RDH Member – Sonia “Pat” Hansen
Public Member – Sherman King
Public Member – Erin Yee

DHBC Member Absent:

Registered Dental Hygienist in Alternative Practice (RDHAP) Member – Vacant
RDH Member – Vacant
Public Health Dentist Member – Vacant
Public Member – Vacant

DHBC Staff Present:

Anthony Lum, Executive Officer
Albert Law, Special Investigator
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist
Michael Kanotz, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC
John Kinn, DCA Legal Counsel for the DHBC
Danielle Rogers, DCA Regulatory Unit Legal Counsel for the DHBC

1. Agenda Item 1: Roll Call and Establishment of a Quorum.

Dr. Carmen Dones, President of the Dental Hygiene Board of California (DHBC, Board), reviewed meeting guidelines and called the meeting to order at **10:00 a.m.** Board Member Denise Davis completed the roll call, and a quorum was established with five members present.

Note: Due to technical Webex connection issues, after establishing a quorum, the Board addressed Closed Session out of order so that the technical issues could be resolved to continue the meeting.

2. Agenda Item 8: CLOSED SESSION.

A closed session was held.

3. Agenda Item 2: Public Comment for Items Not on the Agenda.

None.

4. Agenda Item 3: Discussion and Possible Action to Approve the November 19, 2022, Full Board Meeting Minutes.

Motion: Denise Davis moved to approve the November 19, 2022, Full Board Meeting Minutes.

Second: Erin Yee.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to approve the November 19, 2022, Full Board Meeting Minutes. Passed 4:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King			X
Erin Yee	X		

5. Agenda Item 4: Discussion and Possible Action to Approve Modified Text for 16 CCR Section 1104.3: Reviews, Site Visits, Citation and Fine, and Probationary Status for Dental Hygiene Educational Programs.

Dr. Adina Petty reported that at the July 23, 2022 Full Board meeting, the Board approved substantive changes to the proposed regulatory language for California Code of Regulations (CCR), Title 16, section 1104.3 to include specific factors to contest citations and regarding compliance with citations or orders of abatement and implement the mandates in Business and Professions Code (BPC) section 1941.5. She stated that during review by the Office of Administrative Law (OAL), additional substantive changes were recommended, and that staff developed the modified text regarding 16 CCR section 1104.3 for the Board to review to implement the provisions of BPC section 1941.5.

Dr. Petty recommended that in response to comments made from the review of the regulatory language by OAL, staff recommends the Board review the proposed modified text in the attached document, determine whether additional information or language is required, complete the draft of the proposed modified text, and direct staff to submit the proposed modified text to the Director of the DCA and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to continue the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation at Section 1104.3 as noticed.

Motion: Sonia “Pat” Hansen moved for the Board to approve the proposed modified text for section 1104.3 and direct staff to submit the proposed modified text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to continue the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation at Section 1104.3 as noticed.

Second: Carmen Dones.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to approve the proposed modified text for section 1104.3 and direct staff to submit the proposed modified text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to continue the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation at Section 1104.3 as noticed. Passed 5:0:0.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Sonia “Pat” Hansen	X		

Name	Aye	Nay	Abstain/Absent
Sherman King	X		
Erin Yee	X		

6. Agenda Item 5: Election of New Board Vice President.

Executive Officer (EO) Anthony Lum reported that at its November 19, 2022, Board meeting, the Board voted to maintain the slate of officers from 2022 for 2023 to maintain consistency while proceeding through the Sunset Review process. He stated that unfortunately, the Vice President and RDHAP member, Noel Kelsch, resigned from the Board at the end of November due to personal reasons. He requested the Board to nominate and vote for a new Vice President for 2023.

Motion: Denise Davis moved for the Board to nominate and vote for Sonia “Pat” Hansen as the new Vice President for 2023.

Second: Erin Yee.

Member discussion: None.

Public comment: None.

Vote: Motion for the Board to nominate and vote for Sonia “Pat” Hansen as the new Vice President for 2023. Passed 5:0:0.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Erin Yee	X		

7. Agenda Item 6: Discussion and Possible Action to Approve Submission of Second Exempt Position Request for Executive Officer Upgrade Exempt Level Status and Salary.

EO Anthony Lum reported that in fiscal year 2009/10, the Dental Hygiene Committee (now Board) began its operations for consumer protection. The EO position was established at a specific exempt level and salary appropriate at the time to oversee the entirety of

committee operations. Since then, there hasn't been a change or upgrade in the EO exempt level to allow for professional and program growth. He stated that over the last decade, there's been significant organizational growth, programmatic changes and added staff responsibilities assigned to the EO since the Board's inception. The additional programs, in conjunction with the expansion of existing programs and additional staff to operate them, created a greater and more complex management workload added to the EO's responsibilities.

EO Lum requested the Board to approve the second request to upgrade the Executive Officer's exempt level status equivalent to a Staff Services Manager III for professional and programmatic growth and associated salary range commensurate of the current EO oversight responsibilities through a DCA Exempt Position Request (EPR) and then forward the request to the Business, Consumer Services and Housing Agency, Honorable Governor Newsom's Office, and the California Department of Human Resources for approval.

Motion: Carmen Dones moved for the Board to approve the second request to upgrade the Executive Officer's exempt level status equivalent to a Staff Services Manager III for professional and programmatic growth and associated salary range commensurate of the current EO oversight responsibilities through a DCA Exempt Position Request (EPR) and then forward the request to the Business, Consumer Services and Housing Agency, Honorable Governor Newsom's Office, and the California Department of Human Resources for approval.

Second: Erin Yee.

Member discussion: None.

Public comment: Susan McLearn, representing the California Dental Hygienists Association (CDHA), stated the CDHA is in support of the submission of a second exempt position request for the executive officer to upgrade the position's exempt level status and salary.

Vote: Motion for the Board to approve the second request to upgrade the Executive Officer's exempt level status equivalent to a Staff Services Manager III for professional and programmatic growth and associated salary range commensurate of the current EO oversight responsibilities through a DCA Exempt Position Request (EPR) and then forward the request to the Business, Consumer Services and Housing Agency, Honorable Governor Newsom's Office, and the California Department of Human Resources for approval. Passed 5:0:5.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		

Name	Aye	Nay	Abstain/Absent
Sonia “Pat” Hansen	X		
Sherman King	X		
Erin Yee	X		

8. Agenda Item 7: Future Agenda Items.

Member discussion: None.

Public comment: Kristy Menage Bernie - Status of open position on Board.
Michael Kanotz stated that question can't be answered at this time as it was not agendized.

9. Adjournment

Meeting was adjourned at 11:23 a.m.