



Dental Hygiene Board of California Meeting Minutes

Saturday, July 22, 2023

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

DHBC Members Present:

President – Dr. Carmen Dones, Registered Dental Hygienist (RDH) Educator Member
Vice President – Sonia “Pat” Hansen, RDH Member
RDH Member – Naleni “Lolly” Tribble-Agarwal
Registered Dental Hygienist in Alternative Practice (RDHAP) Member – Vacant
Public Health Dentist Member – Vacant
Public Member – Sherman King
Public Member – Dr. Justin Matthews
Public Member – Erin Yee
Public Member - Vacant

DHBC Staff Present:

Anthony Lum, Executive Officer
Albert Law, Assistant Executive Officer
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislation, and Regulatory Specialist
Michael Kanotz, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC
Elizabeth Dietzen-Olsen, DCA Regulatory Counsel for the DHBC

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 **9:00 a.m.** Dr. Adina Petty completed the roll call, and a quorum was established with 6 members present.

2. Public Comment for Items Not on the Agenda.

None.

3. President’s Report (Informational Only).

President Dr. Carmen Dones welcomed all in attendance. She stated she has been very busy and meets with Executive Officer (EO) Anthony Lum a couple of times each month for updates on Board issues that needs her attention. She stated current projects such as the new strategic plan are ones that are not completed quickly and need substantial time and resources to complete. Dr. Dones reported the Board met in June for the pre-strategic planning session with no additional activities occurring.

Board member comment: None.

Public comment: None.

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

Yvonne Dorantes, Assistant Deputy Director of the Department of Consumer Affairs' (DCA) Board and Bureau Relations Office, reported the following:

1. Diversity, Equity, and Inclusion (DEI) Update

On May 12, 2023, DCA's DEI Steering Committee held its quarterly meeting in person and elected a Chairperson Yeaphana La Marr, who currently service as the Department's Tribal Liaison and is the Chief of Legislation for the Contractors State License Board and Vice Chairperson Paul Sanchez, who is the Executive Officer of the Speech-Language Pathology and Audiology Board. The Committee discussed training, strategic planning, and DEI activities through the end of the calendar year. Providing employees access to DEI training is a priority for the DEI Steering Committee. In June, DCA began offering three DEI courses which are available to all DCA employees. DCA is working on virtual DEI training for Board Members that will be available at the end of October or beginning of November. The courses are: Understanding the Value of DEI in the Workplace, How to Decode Our Unconscious Bias, and Unleash the Power of Generational Differences.

2. In-Person Meetings and the Bagley-Keene Open Meeting Act

The changes to the Bagley-Keene Open Meeting Act that allowed Board Members to not have to notice their meeting location or meet in an ADA accessible location expired on July 1, 2023. Beginning July 1, 2023, public meetings are subject to the traditional pre-COVID requirements for open meetings. The Board should be prepared to conduct public meetings compliant with the Bagley-Keene Open Meeting Act. This includes:

- Whether a meeting is held at a single centralized location or at multiple teleconference locations, each physical meeting location will need to be identified in the meeting public notices and agendas.
- Board Members must attend meetings in person at the noticed meeting locations.
- All noticed meeting locations, including locations where a single board member will be, must be ADA accessible, have an agenda posted, and be open to the public.
- The public will be permitted to attend meetings at any noticed meeting location. Additionally, members of the public need to be able to hear the meeting and participate in public comment from each location.

DCA provided EO Lum with a Bagley-Keene Open Meeting Act Guide which has a list of available meeting locations throughout the state.

Senate Bill (SB) 544, may allow for some meetings to be held without noticing the location of the Board Member, thus allowing remote virtual meetings is still going through the legislative process. The Department's Division of Legislative Affairs is working with stakeholders and providing updates to the boards and bureaus on the status of the bill.

3. Enlighten Enforcement Project

On July 21, 2023, DCA will attend the third walk-through session for the Enlightened Enforcement Project that has been piloted by the Dental Board of California. The walkthrough session will cover citations, discipline, and probation processes. The project aims to learn best practices between boards to improve efficiency and standardize procedures for all Boards and Bureaus.

4. Data Governance Project

DCA is continuing its efforts to improve its reports regarding licensing and enforcement activities. The Director recently led multiple workgroup meetings beginning in late April through early July with staff from each board and bureau to update the data metrics reported in DCA's Annual Report. DCA's goal is to ensure consistency where we report data, such as our Annual Report, DCA's Data Portal, and board and bureau Sunset Reports. Future meetings are expected in August and ongoing to help build new reports or modify existing ones to provide these new metrics for next year's Annual Report.

DCA held a meeting on July 17th with all boards and bureaus to review guidance on how boards and bureaus can compile and report data to the Department for inclusion in this year's upcoming Annual Report. The Department has asked all boards and bureaus to provide their Annual Report data by Friday, August 4th.

5. Press Release Translations

To further the Department's efforts to reach the Californians we serve, DCA requests the Boards to translate any press releases issued into Spanish. California's top non-English language spoken is Spanish and establishing a standard of translating releases into both English and Spanish will enhance the reach of information released. The Board is also encouraged to evaluate any additional language(s) outside of Spanish that may serve their audiences.

6. Onboarding

Board members who have been appointed and reappointed cannot begin their service or perform any official functions without first taking the oath of office. Unless otherwise provided, the oath may be taken before any officer authorized to administer oaths. Board members should contact EO Lum to arrange taking the oath of office. Board members are required to complete the documents listed on the "Board Member Appointment Checklist," or "HR 5," and return them to the Office of Human Resources

before assuming duties, but no less than 30 days after their appointment or reappointment. Duties cannot be assumed, and appointments cannot be processed until documents are received and are accurately completed. Incomplete packets may delay per diem payments and travel reimbursements due to the member.

7. Required Board Member Trainings

There are two DCA-wide mandatory trainings for 2023 – this includes sexual harassment prevention training and information security awareness. All DCA employees and appointees, including board and advisory council members, will need to complete the sexual harassment prevention training this year. Board members must take the two-hour supervisory training. This training is required every odd-numbered year and is online, self-paced and approximately two-hours. Board members with an assigned DCA email (i.e., dca.ca.gov) are required to complete the “Information Security Awareness Fundamentals” training. This training addresses everyone’s role in protecting DCA data and information. The training is online and required every year. Both the sexual harassment prevention training and information security awareness training are available in the DCA’s “Learning Management System.”

8. Board Member Travel

All state travel arrangements must be made through DCA's authorized travel agency, CalTravelStore or Concur. When traveling by air on official state business, all Board members and staff must use the most economical fares possible. If the flight is changed, there may be additional charges. Flight changes for personal convenience are not permitted or justified, and the traveler is responsible for any associated charges.

9. Board Member Orientation Training (BMOT) – October 10, 2023

Board members must complete BMOT within one year of their appointment or re-appointment. On October 10, 2023, BMOT will be offered virtually. This will be the last meeting of the year. Members can register for this training via LMS.

Board member comment: None.

Public comment: None.

5. Discussion and Possible Action to Approve the June 17, 2023, Full Board WebEx Teleconference Meeting Minutes.

Motion: Justin Matthews moved to approve the June 17, 2023, Full Board WebEx Teleconference Meeting Minutes.

Second: Erin Yee.

Member discussion: None.

Public comment: None.

Vote: Motion to approve the June 17, 2023, Full Board WebEx Teleconference Meeting Minutes. Passed 6:0:0.

Name	Aye	Nay	Abstain/Absent
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Justin Matthews	X		
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee	X		

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

Executive Officer (EO) Anthony Lum reported on the following:

1. Personnel:

Board management has been working to fill vacant staff positions and still have a few to fill. Albert Law, the Board’s prior Special Investigator, filled the Assistant Executive Officer (AEO) position in April and has been a pleasure to work with as he’s assumed many functions from the EO and addressed them himself.

Interviews were conducted for the Citation and Fine Analyst position, but no promising candidate was found. Board management is readvertising the position for additional candidates. Interviews for the Enforcement Analyst were conducted this week, and management is discussing the candidates to fill the position. The Special Investigator position applications are still under review and management will be conducting interviews soon.

EO Lum thanked existing Board staff for stepping up and going above and beyond what’s expected to cover these desks, in addition to their own workload, while management works to fill the vacancies.

2. Budget:

EO Lum provided “Budget Expenditure” and “Revenue” reports. He reported the DHBC’s current year budget and stated these reports reflect from Fiscal Month 11, so there’s still a month of expenditures and revenue missing as year-end totals are being calculated and finalized.

Additionally, EO Lum reported on the Board's Fund Condition (FC) which shows a point-in-time of how much the Board has in the Board's "savings account" by fiscal year. He stated the Board's fund is healthy, and optimally, he'd like to see the Board maintain at least 10 months in reserve. Barring any future large expenses, the Board should accomplish that reserve by the end of next year.

3. Administration - EO Activities and Sunset Review:

EO Lum reported:

- Addressing Sunset Review issues and our sunset bill (AB 1257) by meeting with Assembly staff and testifying before the Senate in July; the bill is currently moving through the Senate with no issues.
- Participated in an outreach session with CDHA at the end of June where I had the opportunity to answer questions from their members.
- Participated in several meetings with DCA on various topics including departmental and Board issues; military licenses; and regulations.
- Attended the Dental Board's May 2023 Board Meetings in Anaheim.
- And we were able to purge a lot of our outdated computer and phone equipment during a recent DCA e-waste event in June.

4. Update on Exempt Position Request (EPR):

EO Lum reported the latest EPR proposal was approved in May and now the Board has an opportunity to organize the Board's management structure to where it's optimal for program oversight. He thanked the Board for its support and patience on this proposal as it took two years to get it approved. He stated the approval elevates his position one step so he can obtain a correct level manager to oversee all staff.

5. Military Practice Update:

a. Temporary Licenses:

In 2021, AB 107 was approved to provide a means for active military persons and their spouses to obtain temporary licensure in CA using active military orders. These temporary licenses, once issued, are valid for 12 months and are not renewable. To qualify for the temporary license, the applicant is required to submit the following:

- A completed application for the temporary license.
- Copy of the active military orders.
- Copy of the out-of-state dental hygiene license that's in good standing and has no disciplinary action taken against it.
- Submit fingerprints for a background check.
- Complete the CA dental hygiene Law and Ethics examination.

This provision was effective July 1, 2023, and the Board has promulgated regulations to implement this provision.

b. Federal Law H.R. 7939, Sec. 19

Effective January 5, 2023, this Federal Law provides the authority for any out-of-state dental hygiene licensee to come to CA and practice using their respective state's dental hygiene license and theirs or their spouse's active military orders. The individuals using this authority are only required to notify the Board of their intent to practice in CA under this provision and provide a copy of the active military orders.

EO stated the law was not announced and the Board had no prior knowledge before its effective date of January 5, 2023. The Board discovered this information when an out-of-state licensee inquired with us to start practicing under this authority in March and brought it to DCA's attention. Since that time, and because it affects many DCA Boards, there's been multiple Executive-level meetings and discussions on the process to have this provision operational in California. More discussions are forthcoming, but in the meantime, out-of-state applicants are informed to provide us with copies of the active military orders and the current dental hygiene license they're practicing under to notify the Board. This is not an approval by the Board to allow these out-of-state practitioners to provide dental hygiene services, only an informational notification that they are working here as prescribed by the Federal Law.

Member comment: None.

Public comment: None.

7. Discussion and Possible Action to Elect a New Board Secretary.

EO Lum stated 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 Secretary and Public Member, Denise Davis, resigned from the Board at the beginning of June due to personal reasons.

Motion: Naleni "Lolly" Tribble-Agarwal moved for the Board to approve Naleni "Lolly" Tribble-Agarwal as Board Secretary.

Second: Erin Yee.

Member discussion: None.

Public comment: None.

Vote: Motion to approve Naleni “Lolly” Tribble-Agarwal as Board Secretary. Passed 6:0:0.

Name	Aye	Nay	Abstain/Absent
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Justin Matthews	X		
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee	X		

8. Regulatory Update: Status of Dental Hygiene Board of California Regulatory Packages (Informational Only).

Dr. Adina Petty reported as to the current status of DHBC proposed regulatory packages completed and in process for the Board. Additionally, she provided an overview of the regulatory process.

Member discussion: None.

Public comment: None.

9. Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Title 16, California Code of Regulations (CCR) Section 1105(b)(4). Faculty to Student Ratio in Dental Hygiene Educational Programs.

Dr. Adina Petty reported that at the March 18, 2023 Full Board’s Teleconference Meeting, it was brought to the Board’s attention that at the open session of the February 10, 2023 meeting of the Commission on Dental Accreditation of the American Dental Association (CODA), there was discussion concerning increasing the student to instructor ratio. In the February 10, 2023 meeting materials, CODA provided background materials stating that on January 16, 2023, CODA received a letter from 17 state dental associations related to workforce shortages in dental hygiene, and requested CODA:

“Immediately make the faculty to student ratio in the Dental Hygiene Accreditation Standards (Section 3-6) (Sic) the same as the faculty to student ratios in the Dental Therapy Accreditation Standards (Section 3-5) and the Dental Assisting Accreditation Standards (Section 3-8). The result of this change would be that the Accreditation Standards for all three auxiliary professions would be identical with a faculty to student ratio of 1 to 6.”

The Board received many Member and Public comments urging the Board to amend 16 CCR section 1105(b)(4) to maintain current faculty to student ratios for California dental hygiene educational programs.

First Motion: Justin Matthews moved for the Board to approve the proposed language for section 1105(b)(4), and direct staff to submit the language 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 initiate 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 45-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 regulations at Section 1105(b)(4) as noticed.

Second: Naleni “Lolly” Tribble-Agarwal.

Member discussion: Robust discussion took place regarding amending 16 CCR section 1105(b)(4) to maintain current faculty to student ratios for California dental hygiene educational programs.

Public comment: Tooka Zokaie, California Dental Association, thanked the Board for taking a measured approach on the faculty to student ratio decision and supports further exploration by the Board.

Vote: Motion to approve the proposed language for section 1105(b)(4), and direct staff to submit the language 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 initiate 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 45-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 regulations at Section 1105(b)(4) as noticed. Failed 3:4:0.

Name	Aye	Nay	Abstain/Absent
Carmen Dones		X	
Sonia “Pat” Hansen		X	
Sherman King		X	
Justin Matthews	X		
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee		X	

Second Motion: Carmen Dones moved to table the original motion indefinitely.

Second: Sherman King.

Member discussion: Robust discussion took place regarding amending 16 CCR section 1105(b)(4) to maintain current faculty to student ratios for California dental hygiene educational programs.

Public comment: None.

Vote: Motion to table the original motion indefinitely. Failed 3:3:0.

Name	Aye	Nay	Abstain/Absent
Carmen Dones	X		
Sonia “Pat” Hansen	X		
Sherman King	X		
Justin Matthews		X	
Naleni “Lolly” Tribble-Agarwal		X	
Erin Yee		X	

Third Motion: Sonia “Pat” Hansen moved to reconsider the original motion of Agenda Item 9.

Second: Naleni “Lolly” Tribble-Agarwal.

Member discussion: None.

Public comment: None.

Vote: Motion to reconsider the original motion of Agenda Item 9. Passed 4:1:1.

Name	Aye	Nay	Abstain/Absent
Carmen Dones		X	
Sonia “Pat” Hansen	X		
Sherman King			X (Abstain)
Justin Matthews	X		
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee	X		

Fourth Motion: Justin Matthews moved to approve the proposed language for section 1105(b)(4), and direct staff to submit the language 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 initiate 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 45-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 regulations at Section 1105(b)(4) as noticed.

Second: Naleni “Lolly” Tribble-Agarwal.

Member discussion: Further discussion took place regarding amending 16 CCR section 1105(b)(4) to maintain current faculty to student ratios for California dental hygiene educational programs.

Public comment: None.

Vote: Motion to approve the proposed language for section 1105(b)(4), and direct staff to submit the language 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 initiate 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 45-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 regulations at Section 1105(b)(4) as noticed. Passed 4:1:1.

Name	Aye	Nay	Abstain/Absent
Carmen Dones		X	
Sonia “Pat” Hansen	X		
Sherman King			X (Abstain)
Justin Matthews	X		
Naleni “Lolly” Tribble-Agarwal	X		
Erin Yee	X		

10. Update on Current Legislation (Informational).

Dr. Adina Petty provided updates on new and previously reviewed proposed legislative packages of concern for the Board which included:

Legislation	DHBC Position
AB 477 Waldron: Legislative review of state boards.	Watch.
AB 481 Carrillo: Dentistry: dental assistants.	Watch.
AB 557 Hart: Open meetings: local agencies: teleconferences.	Watch.
AB 820 Reyes: State boards and commissions: seniors.	Watch.
AB 883 Mathis: Business licenses: United States Department of Defense SkillBridge program.	Watch.
AB 936 Wood: Dentistry: exemptions.	Watch.
AB 996 Low: Department of Consumer Affairs: continuing education: conflict-of-interest policy.	Watch.
AB 1028 McKinnor/Wicks: Reporting of crimes: mandated reporters.	Watch.
AB 1257 Assembly Business & Professions: Dentistry: Dental Hygiene Board of California.	Support. Letter sent 6.12.23
AB 1395 Garcia: Licensed Physicians and Dentists from Mexico Pilot Program: requirements.	Watch.
AB 1396 Garcia: Licensed Physicians and Dentists from Mexico Pilot Program: requirements.	Watch.
AB 1707 Pacheco: Health professionals and facilities: adverse actions based on another state's law.	Watch.
Senate Bill (SB) 259 Seyarto: Reports submitted to legislative committees.	Watch
SB 372 Menjivar: Department of Consumer Affairs: licensee and registrant records: name and gender changes.	Watch.
SB 544 Laird: Bagley-Keene Open Meeting Act: teleconferencing.	Support. Letter sent 6.12.23
SB 802 Roth: Licensing boards: disqualification from licensure: criminal conviction.	Watch.
SB 820 Alvarado-Gil: Consumer complaints.	None.

Member discussion: Discussion took place regarding current legislation.

Public comment: None.

11. Education Update (Informational Only).

Dr. Petty reported the current status of Dental Hygiene Educational Program (DHEP) compliance at Diablo Valley College, Pasadena City College, Loma Linda University, Carrington College-Sacramento, Carrington College-San Jose, and Chabot College.

Additionally, she provided the Board the current Site Visit schedule for upcoming program reviews.

Member discussion: President Dones questioned as to the status of Pasadena City College as it is taking some time for them to come into compliance. Dr. Petty and EO Lum informed her that staff is working towards bringing Pasadena City College into compliance and will have more information for the Board after their September 1, 2023 deadline.

Public comment: None.

12. Enforcement Update: Statistical Report (Informational Only).

AEO Albert Law reported the Board's enforcement unit currently has three vacancies: the Special Investigator, Enforcement Analyst, and Cite and Fine position. Management is working to fill all the positions, and have started conducting interviews. Management is hopeful that all positions will be filled by the end of the year. The Board's enforcement staff continues to take on additional tasks and duties to ensure that all enforcement matters continue to be processed.

AEO Law reported Enforcement Statistics and reported on the current status for consumer complaints, arrest/conviction complaints, desk investigations, field investigations, citations and fines, as well as probation violations for 2022/2023 fiscal year.

Member discussion: None.

Public comment: None.

13. Licensing and Examination Statistics and Continuing Education Audits Update (Informational Only).

a. Licensing and Examination Statistics:

EO Anthony Lum reported application statistics through the end of June 2023.

b. Continuing Education Update

EO Lum reported that from Continuing Education (CE) audits, there continues to be similar trends in the pass and fail rate of audited licensees. He stated the Board receives many reasons from licensees for failure to comply with the CE Audit and frequently, licensees have expressed they have misplaced, destroyed, or lost their records.

EO Lum stated that to communicate to licensees and the public, the Board has posted a link on the homepage of the website (www.dhbc.ca.gov) that opens directly to important continuing education information, as well as can be found under the "Licensee" tab on the website.

Member discussion: Discussion took place regarding application statistics, as well as regarding CE pass rates.

Public comment: None.

14. Future Agenda Items.

None.

15. Adjournment

Meeting was adjourned at **11:39 a.m.**