



DENTAL HYGIENE FULL COMMITTEE MEETING MINUTES –
2013/14 SUNSET REVIEW

Embassy Suites – South San Francisco
Golden Gate Meeting Room
250 Gateway Boulevard
South San Francisco, CA 94080
Saturday, September 7, 2013

Roll Call – The Dental Hygiene Committee of California (DHCC) President called the meeting to order with roll call at 9:07 a.m. With seven DHCC members present, a quorum was established.

DHCC members present:

Susan Good, Public Member
Michelle Hurlbutt, President, Registered Dental Hygienist (RDH) Educator
Joyce Noel Kelsch, Registered Dental Hygienist in Alternative Practice
(RDHAP)
Timothy Martinez, DMD
Nicolette Moultrie, RDH
Garry Shay, Public Member
Evangeline Ward, RDH

DHCC members absent:

Sherrie-Ann Gordon, Public Member

DHCC Staff present:

Lori Hubble, Executive Officer (EO)
Anthony Lum, Administrative Analyst
Donna Kantner, Retired Annuitant
Richard Wallinder, Retired Annuitant

Public present:

Diane Azevedo, California Dental Hygiene Association (CDHA)
Jason Bryant, California Dental Association (CDA)
JoAnn Galliano, Program Director, Chabot College
Kim Laudenslager, Director of Dental Hygiene Examinations, Central
Regional Dental Testing Service (CRDTS)
Nadine Lavell, CDHA
Bill Lewis, California Dental Association (CDA)
Stephanie Pengilly, Center for Public Interest Law (CPIL)

Narine Strickland, CDHA
Maureen Titus, CDHA

FULL 1 – Public Comment for Items Not on the Agenda

President Hurlbutt asked for any public comment for items not on the agenda.

Amber Howell, an RDH student, asked that the DHCC maintain its annual March clinical licensure examination administrations as students who graduate in January of each year will be forced to take the Western Regional Examination Board (WREB) instead of the DHCC Clinical Licensure Examination.

Kim Laudenslager introduced herself to the DHCC members and asked that they consider accepting the CRDTS Regional Examination for purposes of licensure in California. She added that the examination is already accepted in 40 states.

FULL 2 – Discussion and Possible Action on the 2014 DHCC Sunset Review Report

President Hurlbutt said that Lori Hubble would lead the discussion on the DHCC's Sunset Review Report.

Ms. Hubble directed the DHCC members to the 2014 DHCC Sunset Review Report Table of Contents where the first 10 sections of the report were discussed and approved in concept:

Section 1 – Background and Description of the Board and Regulated Professions

Section 2 – Performance Measures and Customer Satisfaction Surveys

Section 3 – Fiscal and Staff

Section 4 – Licensensing Program

Section 5 – Enforcement Program

Section 6 – Public Information Policies

Section 7 – Online Practice Issues

Section 8 – Workforce Development and Job Creation

Section 9 – Current Issues

Section 10 – Board Action and Response to Prior Sunset Issues

Section 11 – New Issues:

- **MOTION: Nicolette Moultrie moved to include in the DHCC Sunset Report that staff be directed to seek an increase in the statutory maximum for RDH, RDHAP, and RDHEF license and delinquent fees as appropriate.**

Noel Kelsch seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: the motion passed (7-0 Sherrie-Ann Gordon was absent).

- **MOTION: Evangeline Ward moved to include in the the new issues for the DHCC Sunset Review Report: 1) the addition of a managerial position to alleviate the Executive Officer (EO) from direct office oversight and thus, allow the EO to concentrate on EO functions; and 2) add an additional staff position to implement the continuing education (CE) audit, CE course, and CE provider review program.**

Garry Shay seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0 Sherrie-An Gordon was absent).

- **MOTION: Garry Shay moved to include in the DHCC Sunset Review Report that a Statute of Limitations for enforcement actions be added to the DHCC statutes.**

Noel Kelsch seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Noel Kelsch moved to create a new section of law within the Dental Hygiene Practice Act that would implement penalties for failure to report unprofessional conduct that are currently within Business and Professions Code (BPC) Section 1950.5 of the Dental Practice Act.**

Nicolette Moultrie seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The mtion passed (7-0; Sherrie-Ann Gordon was absent.)

- **MOTION: Noel Kelsch motioned to move the direct supervision duties listed in BPC Section 1909 to BPC Section 1910 (General Supervision).**

Evangeline Ward seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Garry Shay moved to include in the DHCC Sunset Review Report as an issue that an alternative dental hygiene practice established within a designated shortage area will remain in full effect regardless of the desingation period.**

Nicolette Moultrie seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Garry Shay recommended that language be added to BPC Section 1936.1 that would enable the DHCC to establish a measure of continued competency as a condition of license renewal.**

Noel Kelsch seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Noel Kelsch moved to include in the New Issues section of the Sunset Review Report that BPC Section 1928 be amended to include:**
 - a) **A registered dental hygienist in alternative practice (RDHAP) may submit or allow to be submitted any insurance or third-party claims for patient services performed as authorized pursuant to this article.**
 - b) **Whenever any such insurance policy or plan provides for reimbursement for any service which may be lawfully performed by a person licensed in this state for the practice of dental hygiene, reimbursement under such policy or plan shall not be denied when such service is rendered by a person so licensed.**

- c) **Nothing in this article shall preclude an insurance company from setting different fee schedules in an insurance policy for different services performed by different professions, but the same fee schedule shall be used for those portions of health services which are substantially identical although performed by different professions.**

Nicolette Moultrie seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Nicolette Moultrie moved to amend BPC Section 1917(b) to eliminate the term “clinical” to allow for the development of alternative pathways for licensure.**

Noel Kelsch seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Garry Shay moved to include in the DHCC Sunset Review Report recommendations that BPC Section 1901 be amended to read:**
 - (a) **There is hereby created ~~within the jurisdiction of the Dental Board of California~~ a the Dental Hygiene Commttée Board of California in which the administration of this article is vested.**
 - (b) **This article may be hereby known as the Dental Hygiene Practice Act.**
(b)(c) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the committee subject to review by the appropriate policy committees of the Legislature. This article may be hereby known as the Dental Hygiene Practice Act.

Nicolette Moultrie seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Garry Shay moved to include the following recommendations in the DHCC Sunet Review Report:**
 - a) **Remove BPC § 1905 (a)(8) – deletes requirement to make recommendations to the Dental Board regarding dental hygiene scope of practice issues.**
 - b) **Remove BPC §1905.2 – eliminate requirement for Dental Board to respond in writing regarding reasons for not accepting recommendations within 30 days.**
 - c) **Add BPC §1905 (a) (10) – to require a seal for the Dental Hygiene Board of California.**

Nicholette Moultrie seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Nicolette Moultrie moved to include in the DHCC Sunset Review Report an amendment to BPC Section 1917.3 to include a requirement that any applicant who fails the DHCC Law and Ethics Examination three times must successfully complete remedial education at an approved dental hygiene program or a comparable organization approved by the DHCC.**

Noel Kelsch seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

- **MOTION: Garry Shay moved to include in the DHCC Sunset Review Report that BPC Section 1922.1 be added wherein any applicant for an RDHAP who fails to pass the DHCC Law and Ethics Examination after three attempts shall not be eligible for further re-examination until the examinee has successfully completed remedial education at a DHCC-approved provider.**

Nicolette Moultrie seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

Section 12 – Attachments:

No action was required concerning this section.

Section 13 – Board Specific Issues:

- **MOTION: Garry Shay moved to accept the changes discussed in the DHCC’s Sunset Review Report and direct staff to complete the report.**

Susan Good seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7 – 0; Sherrie-Ann Gordon was absent).

FULL 3 – The California Dental Hygiene Association’s Report on the 2014 DHCC Sunset Review

JoAnn Galliano presented the CDHA Sunset Review document that CDHA will be submitting to the Joint Legislative Sunset Review Committee. She noted that the CDHA draft report contains three items that RDH’s are not already doing:

- 1) Remove prescription requirement for RDHAP’s: Removal of BPC Section 1931;
- 2) Allow RDH/RDHAP’s to prescribe topical agents such as fluoride products and chlorohexidine; and
- 3) Allow RDHAP’s to establish corporations.

- **MOTION: Susan Good moved to support, in concept, the CDHA Sunset Review Report as presented.**

Evangeline Ward seconded the motion.

President Hurlbutt asked whether there was any further comment from the public or DHCC members. There was no further comment.

Vote: The motion passed (7-0; Sherrie-Ann Gordon was absent).

FULL 4 – Adjournment

The Saturday, September 7, 2013 Full Committee Sunset Review meeting adjourned at 1:57 p.m.