



ENFORCEMENT SUBCOMMITTEE MEETING MINUTES

**Evergreen Hearing Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815
Friday, December 6, 2013**

ENF 1 – Roll Call

Garry Shay, Chair of the Enforcement Subcommittee, called the meeting to order at 11:17 a.m. with roll call. With all four (4) subcommittee members present, a quorum was established.

Enforcement Subcommittee members present:

Garry Shay, Chair, Public Member
Sherrie-Ann Gordon, Public Member
Noel Kelsch, RDHAP
Nicolette Moultrie, RDH

Enforcement Subcommittee members absent:

None

ENF 2 – Public Comment for Items Not on the Agenda

There was no public comment for items not on the agenda.

ENF 3 – Chairperson's Report

There was no chairperson's report for this subcommittee meeting.

ENF 4 – Enforcement Statistics

Nancy Gaytan, DHCC Enforcement Analyst, provided the subcommittee members with a written statistical summary chart of the DHCC Enforcement activity. She informed the subcommittee members that the chart covered the period from December 2012 through November 2013. She noted that there were five (5) main categories in the chart: complaints, allegations, citations, enforcement actions, and probation.

Within the Investigations category, she noted that 31 complaints had been received. She reported that 151 conviction/arrest reports had been received and that she was awaiting on information for one (1) pending report.

Ms. Gaytan reported that most of the allegations completed were related to drug and alcohol type offenses. She then stated that 26 citations had been issued from December 2012 through November 2013. She explained that the majority of the citations were issued for convictions related to drugs and alcohol.

Ms. Gaytan stated that the Enforcement Actions category provided a breakdown of the cases that were submitted to the Attorney General's (AG's) Office. She informed members that:

- 11 cases had been referred to the AG's Office;

- 6 accusations had been filed;
- 1 Statement of Issues was filed; and
- 6 Decisions/Stipulations were adopted.

Under the Probation category, six (6) initial probationary licenses were issued. Additionally, nine (9) licensees are on active probation and five (5) are tolling their probation.

ENF 5 – Department of Consumer Affairs (DCA) Performance Measures

Ms. Gaytan reported that the DHCC was well within the performance measures (cycle time for intake, intake and investigation, formal discipline, probation intake, and probation violation and response) established by the DCA.

ENF 6 – Update on Citation and Fine Program

Ms. Gaytan informed the members that since regulations were approved in December 2012, 26 citations have been issued. Examples of the citations issued include false advertising and failure to notify the DHCC of a licensee's address or name change.

Ms. Gaytan added that part of the citation and fine program includes audits of licensees' continuing education (CE) requirements. She stated that if a licensee is found to be out of compliance with CE requirements, a fine of \$500 will be levied and the license inactivated until proof of CE completion is received by the DHCC.

ENF 7 – Update on Continuing Education Program

Ms. Gaytan explained that in the future, the DHCC will have a staff person dedicated to CE audits and follow-up for compliance. Until that person is hired, she will help other staff and the Executive Officer conduct the CE audits.

Ms. Gaytan informed the members that the DHCC recently conducted CE audits on four (4) licensed DHCC members, 100 examination personnel, and all 28 of the dental hygiene education program directors. She noted that only one (1) licensee was out of compliance. She added that the individual will receive a citation and fine for the non-compliance of CE.

ENF 8 – Future Agenda Items

There were no future agenda items for the subcommittee.

ENF 9 – Adjournment

The Enforcement Subcommittee meeting adjourned at 11:25 a.m.