



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Full Committee**

Agenda



Notice is hereby given that a public meeting of the Dental Hygiene Committee of California will be held as follows:

## **DHCC MEETING AGENDA**

The DHCC welcomes and encourages public participation in its meetings. The public may take appropriate opportunities to comment on any issue before the Committee at the time the item is heard.

**Saturday, May 2, 2015**  
**9:00 a.m. – Adjournment**  
**Embassy Suites Anaheim-Orange**  
**400 N. State College Blvd.**  
**Orange, CA 92868**  
**(714) 938-1111**

### **9:00 a.m. Dental Hygiene Committee of California**

Roll Call/Establishment of Quorum

1. Public Comment for Items Not on the Agenda
2. Approval of the December 5, 2014 and December 6, 2014 Meeting Minutes
3. Approval of the March 2, 2015 Teleconference Meeting Minutes
4. President's Report
5. Executive Officer's Report

**Recess of the Full Committee until 9:00 a.m. Sunday, May 3, 2015**

**Subcommittee Meetings** – See Attached Agendas for Subcommittee Items

6. Legislative and Regulatory Subcommittee:  
See Attached Agenda
7. Licensing and Examination Subcommittee:  
See Attached Agenda
8. Enforcement Subcommittee:  
See Attached Agenda
9. Education Subcommittee:  
See Attached Agenda

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access DHCC's Web Site at [www.dhcc.ca.gov](http://www.dhcc.ca.gov).

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 576-5004, via e-mail at: [anthony.lum@dca.ca.gov](mailto:anthony.lum@dca.ca.gov) or send a written request to DHCC at 2005 Evergreen Street, Ste. 2050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Full Committee**

**Roll Call**

Establishment of a Quorum



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Full Committee**

**Agenda Item 1**

Public Comment for Items Not on the Agenda



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Full Committee**

**Agenda Item 2**

Approval of the December 5 – 6, 2014 Meeting Minutes



**DRAFT – DENTAL HYGIENE COMMITTEE MEETING MINUTES**

**Evergreen Hearing Room  
2005 Evergreen Street, 1<sup>st</sup> Floor  
Sacramento, CA 95815  
Friday, December 5, 2014**

**Roll Call/Establishment of Quorum**

President Michelle Hurlbutt called the meeting to order at 8:35 a.m. Roll call was taken and quorum established

DHCC members present:

Susan Good, Public Member  
Sherrie-Ann Gordon, Public Member  
Michelle Hurlbutt, President, Registered Dental Hygienist (RDH) Educator  
Timothy Martinez, Doctor of Medical Dentistry (DMD)  
Nicolette Moultrie, Vice President, RDH  
Garry Shay, Public Member  
Evangeline Ward, RDH

DHCC members absent:

Noel Kelsch, Secretary, Registered Dental Hygienist in Alternative Practice (RDHAP)

DHCC Staff present:

Lori Hubble, Executive Officer (EO)  
Anthony Lum, Assistant Executive Officer (AEO)  
Guadalupe Castillo, Legislative and Regulatory Analyst  
Nancy Gaytan, Enforcement Analyst  
Traci Napper, Program Analyst  
Donna Kantner, Retired Annuitant  
Karyn Dunn, Enforcement Subject Matter Expert  
Claire Yazigi, Department of Consumer Affairs (DCA) Legal Counsel  
Sabina Knight, Department of Consumer Affairs (DCA) Legal Counsel

Public present:

Kristy Menage Bernie, UC San Francisco  
Rebecca Browning, Concorde Career College  
Fran Burton, President, Dental Board of California (DBC)  
Lori DeCaro, RDH  
Karen Fischer, Executive Officer, DBC  
Mariann Fujimoto, RDH

JoAnn Galliano, California Dental Hygienists' Association (CDHA), Chabot College

Tom Jurach, DCA Office of Information Systems, BreEZe Team

Vickie Kimbrough, Southwestern College

Gayle Mathe, California Dental Association (CDA)

Jennifer Mathis, Concorde Career College

Susan McLearn, CDHA, Sacramento Valley Dental Hygienists' Association

Narie Oh, UC San Diego School of Law

Lisa Okamoto, Past President, CDHA

Kelly Reich, Western Regional Examination Board (WREB)

Laurel Sampson, Concorde Career College

Karine Strickland, President, CDHA

**FULL 1 – Public Comment for Items Not on the Agenda**

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

**FULL 2 – President's Announcements**

President Hurlbutt announced two new DHCC employees:

Guadalupe Castillo introduced herself as DHCC's new Legislative and Regulatory Analyst, noting that she is a UC San Diego graduate who came to Sacramento for the Capitol Fellows program in 2007 and stayed.

Karyn Dunn introduced herself as a retiree with over 30 years of State service, working in enforcement for the Medical Board and Dental Board for 25 years.

President Hurlbutt acknowledged audience members Karen Fischer, Executive Officer of the Dental Board of California (DBC), Sarah Wallace, Assistant Executive Officer of the DBC, Marcus McCarther of the Department of Consumer Affairs' (DCA) Executive Office, Gayle Mathe of the California Dental Association (CDA), Lori DeCaro, DHCC RDH Exam Chief, and representatives from BreEZe.

**FULL 3 – Update on BreEZe Project**

Jason Piccone, Chief of Enterprise Technology Services for DCA's Office of Information Services (OIS), reported that the team is working to deliver the best end product possible. He noted that the negotiations for the BreEZe contract have concluded, and the current development and design contract will conclude with the implementation of Phase 2, but the maintenance portion will continue as before. Tom Jurach, OIS, complimented Ms. Hubble and DHCC's staff for their input, noting that it took long hours of work to create the blueprint for DHCC's program and Traci Napper and Anthony Lum spent many hours drafting and proofing. Ms. Hubble thanked Mr. Jurach for his hard work as well.

President Hurlbutt asked if the budget for BreEZe had not doubled or tripled. Mr. Piccone said that those numbers will not be available until January 2015, when the contract is finalized. She asked how Phase 1 is proceeding, and Mr. Piccone responded that the product continues to be improved, and Phase 2 will be implemented in December 2015, with the maintenance contract continuing for bug fixes and maintenance. Mr. Jurach noted that due to his knowledge of DHCC's internal program as a former employee, he was able to

address some issues and circumvent others. Susan Good asked if there were unexpected changes would those increase costs? Mr. Jurach said that remains to be seen.

**FULL 4 – Update from the Dental Board of California**

Fran Burton, Dental Board President, noted the good working relationship between DHCC and DBC, that it is valuable since we serve the same profession, and there are things coming up that will continue the relationship. She reported that the DBC voted to continue all their current officers, she as President, Dr. Bruce Whitcher as Vice President, and Judith Forsythe, RDA, as Secretary. She reported that two regulatory packages were completed, the Portfolio regulation allows California dental students to build a portfolio of experiences during instruction that if successfully completed, the student may apply for licensure without further clinical examination. The other rulemaking was regarding sexual misconduct by licensees, and allows the Board to revoke a license for any instance of sexual misconduct. Sherrie Gordon asked about misconduct by applicants. Sarah Wallace clarified that the Business and Professions Code already contains this provision for applicants, but the DBC's regulation strengthened it for licensees.

Ms. Burton reported ongoing rulemakings for the abandonment of applications and delegation to the Executive Officer of license revocations and suspensions, and DBC's intent to pursue regulations relative to continuing education, mobile dental units and portable equipment, elective facial and cosmetic surgery permit requirements, dental assisting, and implementation of AB 1174 (Ch. 662, Statutes of 2014). She reported that the DBC established a Prescription Drug Committee and an Access to Care Committee, and will undergo Sunset Review this coming year. She thanked Ms. Hubble and Mr. Lum for their involvement at the Legislature. President Hurlbutt noted that DHCC is looking at the portfolio concept, adding that it took the DBC several years to develop.

**FULL 5 – Petition for Reinstatement of Revoked License – Sara Smith**

Deputy Attorney General Phillip Arthur provided information regarding Ms. Smith's completion of programs, completion of continuing education, case records showing case dismissal based on completion of deferred entry of judgement, and letters of support and submitted it to the Administrative Law Judge (ALJ) as Exhibit 1. Ms. Smith asked to address the Committee and informed them of her activities since revocation of her RDH license in 2011, and her love for the profession. President Hurlbutt asked if she would be willing to take remedial education to ensure that her skills are current. Ms. Smith said that she would be willing to take remedial education.

The Committee then went into Closed Session for deliberations, followed by a return to Open Session at noon. The Committee a broke for lunch and reconvened at 12:40 p.m. to move into subcommittee meetings.



**DRAFT – DENTAL HYGIENE COMMITTEE MEETING MINUTES**

**Evergreen Hearing Room  
2005 Evergreen Street, 1<sup>st</sup> Floor  
Sacramento, CA 95815  
Saturday, December 6, 2014**

**Roll Call/Establishment of Quorum**

President Michelle Hurlbutt called the meeting to order at 9:05 a.m. Roll call was taken and a quorum established.

DHCC members present:

Susan Good, Public Member  
Sherrie-Ann Gordon, Public Member  
Michelle Hurlbutt, President, Registered Dental Hygienist (RDH) Educator  
Timothy Martinez, DMD  
Nicolette Moultrie, Vice President, RDH  
Garry Shay, Public Member  
Evangeline Ward, RDH

DHCC members absent:

Noel Kelsch, Secretary, Registered Dental Hygienist in Alternative Practice (RDHAP)

DHCC Staff present:

Lori Hubble, Executive Officer (EO)  
Anthony Lum, Assistant Executive Officer (AEO)  
Guadalupe Castillo, Legislative and Regulatory Analyst  
Donna Kantner, Retired Annuitant  
Claire Yazigi, Department of Consumer Affairs (DCA) Legal Counsel

Public present:

Kristy Menage Bernie, UC San Francisco  
Lori De Caro, RDH  
Karen Fischer, Executive Officer, Dental Board of California  
Mariann Fujimoto, RDH  
JoAnn Galliano, California Dental Hygienists' Association (CDHA), Chabot College  
Vickie Kimbrough, Southwestern College  
Kim Laudenslager, Central Regional Dental Testing Service (CRDTS)  
Susan Lopez, CDHA  
Susan McLearn, CDHA, Sacramento Valley Dental Hygienists' Association  
Lisa Okamoto, Past President, CDHA

Sharon Osborn Popp, Western Regional Examining Board (WREB)  
Kelly Reich, WREB  
Laurel Sampson, Concorde Career College  
Karine Strickland, President, CDHA

**FULL 1 – Public Comment for Items Not on the Agenda**

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

**FULL 2 – Approval of the May 3, 2014 Full Committee Meeting Minutes**

Sherrie Gordon asked the minutes to reflect at the top of page 10 that the Committee's final position on AB 2058 be changed to "watch". M/S/P (Shay/Moultrie) to approve the minutes as amended.

**FULL 3 – President's Report**

President Hurlbutt reported that since May 2014, she had attended the June 2014 exam orientation, various meetings regarding AB 1174 (Ch. 662, Statutes of 2014), and represented the DHCC at Dental Board meetings. She announced her appointments to the Task Force on Alternative Pathways for Licensure: Phyllis Sprague, Vicki Kimbrough-Walls, JoAnn Galliano and Michelle Hurlbutt. She recognized audience members Rebecca May from the Department of Consumer Affairs' (DCA) Executive Office, Corrine Strickland of the California Dental Hygienists' Association (CDHA), Gayle Mathe of the California Dental Association (CDA), Executive Officer Karen Fischer of the Dental Board, WREB and CRDTS representatives, and thanked staff for their hard work.

**FULL 4 – Executive Officer's Report**

Executive Officer Lori Hubble reported that two vacancies remain at the Dental Hygiene Committee, an Office Technician and a half-time Investigator. She thanked staff for all their hard work. She noted that former DHCC Member Susan Johnson had resigned to take a position at the Bureau of Security and Investigative Services. She reported that DHCC had published its 3<sup>rd</sup> newsletter and the booklet of statutes was distributed to members. She reported that our regulations are moving along well, and examination results were mailed within five days of the October examinations. She noted that the DHCC received an update on the new BreEZe system yesterday which will provide even better services to the public, that DHCC's fingerprint process was audited and adheres to policies for handling fingerprints, that the Central Regional Dental Testing Service (CRDTS) clinical exam is now accepted and members Nicolette Moultrie and Michelle Hurlbutt are CRDTS examiners.

Ms. Hubble stated that she is looking at further developing DHCC's strategic plan in 2015, which will require physical meetings. She indicated that this is President Hurlbutt's final meeting as President after serving in that role for two years, although she will continue as a member of the Committee, and presented a plaque in recognition of her service and leadership as a gift from the Dental Hygiene Committee members.

**FULL 5 – Discussion and Possible Action on the Dental Board of California’s (DBC) Sunset Review Report, Section 11, regarding DHCC’s relationship with DBC in promulgating regulations**

Legislative and Regulatory Analyst Guadalupe Castillo reported that the DBC submitted their Sunset Review report this year, and one of the issues listed concerned regulations, and another was the DHCC’s wish to become an independent board. She noted that currently the DHCC is only required to consult with DBC on infection control and scope of practice issues and regulations, which is different in comparison of the Physician Assistant Board and Medical Board. She stated that in their statutory language, it requires collaboration from both programs on all regulations. President Hurlbutt noted that the DHCC never said we wished to “sever all ties” with the DBC, and she is saddened at this misconception. M/S/P to Direct the Executive Officer to continue to monitor the issues, track legislation, attend all meetings and hearings, and any other necessary actions.

**FULL 6 – Presentation from the Western Regional Examining Board regarding: Update on Organizational Structure, Update on Dental Hygiene Exam, and a Summary of Dental Hygiene Exam Psychometrics for 2014**

Representatives from the Western Regional Examining Board (WREB) provided information regarding the participating and member states and WREB’s organizational structure. WREB’s Director of Development for Dental Hygiene, Kelly Reich, reported that upcoming changes to the dental hygiene examination include a decrease in fees to \$650, preliminary results onsite, and immediate onsite retakes for another \$650 fee, adding that these fees do not include the school use fees of \$125 to \$195. She reported that the process of care exam will not be required or administered in 2015. WREB psychometrician Sharon Osborn-Popp explained that WREB looks at exam performance, examiner performance and exam sites to ensure validity and fairness. She noted that the first attempt pass rate is near 91%, and the second attempt pass rate is 79%, with the third attempt at 69%. She stated that remediation is required after three attempts. Ms. Gordon asked about the diversity of WREB. Director Reich responded that each state chooses their representative member and WREB does not dictate the choice.

**FULL 7 – Budget Report**

AEO Anthony Lum provided a financial update, noting that the fund condition is fluid and can change depending on actual expenditures and disbursements. He reported that the License Renewal Fee increase for all licensure categories and Fictitious Name Permits went into effect January 1, 2014. Vice President Moultrie asked if there were no longer a licensure exam, where would those monies be directed in the budget. Mr. Lum said they would likely be directed toward enforcement.

**FULL 8 – Update on Regulations: a) Courses in Administration of Local Anesthesia, Nitrous Oxide-Oxygen Analgesia, and Periodontal Soft Tissue Curettage, CCR, Title 16, Division 11, Section 1107; b) Remedial Education, CCR, Title 16, Division 11, Section 1108; and c) Educational Programs, CCR, Title 16, Division 11, Sections §§1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4 and 1106**

Donna Kantner provided an update on the three rulemaking files currently in process. President Hurlbutt questioned the length of time that some of the files take to move through DCA's review process. Ms. Kantner explained that the file must be reviewed by DCA Legal, Legislative and Regulatory Review Unit, Budgets, and the Executive Office before it can be forwarded to Agency, Department of Finance (DOF), and the Office of Administrative Law (OAL). She noted that it seemed to take a lengthy time for Budgets to review the Economic and Fiscal Impact form and Attachment(s), adding that Agency's and DOF's review has been rapid lately, only a week or two at most. She reported that the Remedial Education file may go to OAL by the end of the year, who has 30 working days for review.

**FULL 9 – Discussion and Possible Action to Amend Proposed Regulations Relative to Approval of Educational Programs, CCR, Title 16, Division 11, Section 1104, 1104.1 and 1104.2**

Ms. Kantner reported that when this file was submitted to DCA for review, the Legislative and Regulatory Review Unit advised that the form accompanying these regulations be revised to contain the specific fee. She noted that the fee and citation in the form were the only changes to the regulatory text. M/S/P(Gordon/Good) to approve the proposed amendments to the Instructions and direct staff to take all necessary steps to complete the rulemaking process, including posting the proposed amendments for a 15-day public notice, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package to complete the rulemaking process.

**FULL 10 – Election of Officers**

President Hurlbutt noted that elections are normally held at this time each year. Member Gordon nominated Nicolette Moultrie for President. Members voted unanimously to elect Ms. Moultrie President. Ms. Moultrie nominated Noel Kelsch for Vice President. There was no public comment and the Committee voted unanimously to elect Ms. Kelsch Vice President. Ms. Moultrie nominated Susan Good for Secretary. There was no public comment, and the Committee voted unanimously to elect Ms. Good Secretary. There was no public comment on this item.

Officer Election Results:

President – Nicolette Moultrie, RDH  
Vice President – Noel Kelsch, RDHAP  
Secretary – Susan Good, Public Member

**FULL 11 – Proposed 2015 DHCC Meeting Schedule**

Executive Officer Hubble presented the proposed meeting dates, noting that the spring dates are in conjunction with CDA's and CDHA's Spring Session in Southern California, and the fall dates coincide with Dental Board's meeting dates and might be held in the same place so that members could attend both. Members felt that a midweek meeting is difficult, Member Good asked if Saturday-Sunday, May 2-3 would be viable. M/S/P (Moultrie/Gordon) to meet May 2-3, 2015 in Orange County, and check with Member Kelsch. M/S/Withdrawn (Good/Moultrie) to meet in Fresno in December. After discussion, M/S/P(Ward/Moultrie) to meet in Sacramento December 4-5, 2015, with Members Good and Shay dissenting.

M/S/P (Shay/Good) that staff make every effort to facilitate meeting in Fresno in 2016, and directed that staff report back. Member Ward agreed, suggesting spring, since December can be very foggy there.

**FULL 12 – Licensing and Examination Subcommittee Report**

Acting Chair Ward reported that the Licensing and Examination Subcommittee approved the May 2, 2014 minutes, accepted clinical and written exam statistics as presented, accepted the licensure statistics as corrected, reviewed a survey on dental hygiene continued competency developed by Kristie Menage Bernie, RDH for her Capstone Research Project at UC San Francisco and provided feedback and suggestions. She reported there was no public comment on items not on the agenda, and no future agenda items were requested. She reported that the Subcommittee recommends that the Committee accept the 2015 Clinical Examination schedule as presented, except with the change of dates from October 10<sup>th</sup> and 11<sup>th</sup> to October 24<sup>th</sup> and 25<sup>th</sup> at San Joaquin Valley College, and also recommends that the Committee adopt the DHCC RDH Clinical Examination observer policy as presented.

M/S/P(Subcommittee) to accept the 2015 proposed Clinical Exam dates, and M/S/P(Subcommittee) to adopt the observer policy as presented. Both votes were unanimous.

**FULL 13 – Legislative and Regulatory Subcommittee Report**

Chair Good reported that the Legislative and Regulatory Subcommittee approved the May 2, 2014 minutes, accepted an update on legislation, and recommended the Committee approve the proposed regulatory language and direct staff to take all necessary steps to initiate the formal rulemaking process and set proposed regulations relative to dental hygiene definitions for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package to complete the rulemaking process. M/S/F(Subcommittee)(Unanimous) to adopt the report and recommendations.

Gayle Mathe, CDA, spoke to concerns with the definitions, noting that there are two letters from outside counsel, 1 to the Dental Board and 1 to the DHCC, questioning the legality of these regulations being pursued without the Dental Board's input. She felt that the two regulatory boards need to coordinate.

JoAnn Galliano, CDHA, said that there has been a long process in looking at these definitions, and they are used in educational programs, are accepted by the American Dental Educators Association, and have been used for many years. Ms. Mathe responded that the definitions are used for education, not to be taken out of context. President Hurlbutt noted that there is a public hearing process. Legal Counsel Yazigi noted the comments and suggested submitting the regulations to the Dental Board pursuant to Section 1905.2 of the Business and Professions Code, who may then approve, modify or reject them. Member Shay noted that the Dental Board does not have veto power. Counsel Yazigi noted that all comments must be submitted to OAL and that OAL is the ultimate determiner. Ms. Galliano suggested taking out the controversial ones and send the remainder through, since the package has already expired once.

Karen Fischer, Executive Officer of the Dental Board, noted that Legal Counsel's recommendation is a good one, and shows that the DHCC is moving forward in good faith. She added that CDA and the Dental Board do not always agree, so send the entire package and if there is any question of what is scope

of practice, it can be discussed. She said that since the Board meets four times annually, there would be more opportunity for public comment, and believed it was a great idea procedurally. Counsel Yazigi noted that the Board has 90 days to review and that DHCC cannot send over only certain portions of the regulation, and that adding in light of the discussion, she felt it necessary to forward to DBC. Member Shay agreed that the DBC has special rights of notice according to Section 1905.2 M/S/W (Shay/Gordon) to direct staff to submit the language to the Dental Board, give them 90 days to approve, reject or modify, and if modified or rejected, provide the reasons within 30 days. He continued that if there are no modifications, the package will move forward. President Hurlbutt was opposed to sending definitions outside the scope of practice to the DBC, suggesting two packages. Kristie Menage Bernie was concerned, since the regulations have already gone through this process once, saying the Committee was backtracking. Lisa Okomoto, CDHA President, also spoke against further delay. Vice President Moultrie asked if public comment is received and text is modified, will the language have to return to the DBC again. Member Shay felt the Committee should move forward and let OAL know that the DBC was specifically notified and had opportunity to comment. President Hurlbutt noted the continued confusion when setting regulations. Ms. Fischer noted that the record will show that there was no discussion or consensus, no good faith effort to demonstrate open communication. She stated that the DBC did not see the package at a formal meeting, feeling that it would not be an undue delay to allow the DBC to comment. She stated her desire to work together and make every effort to move the package along. Member Shay noted that the DBC is allowed 90 days to comment by law. Ms. Kantner stated that the public comment period must be a minimum of 45 days, it could be longer, but not less, adding that the hearing could be scheduled for after the DBC provided comments. M/S/P (Shay/Gordon)(Unanimous) that the Subcommittee recommends that the full Committee approve the proposed dental hygiene regulations relative to definitions and direct staff to take all necessary steps to initiate the formal rulemaking process, set the proposed regulations for a 90 day public hearing, send the proposal to the DBC per Business and Professions Code Section 1905.2, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package and complete the rulemaking process. M/S/P(Subcommittee) (Unanimous) to accept the Subcommittee's recommendation to move forward with the regulations package relative to administration and examinations.

Chair Good reported that the Subcommittee considered the proposed bill language drafted by CDHA to address issues raised in the Committee's sunset review and DCA Legal Counsel's suggested changes to the language. The Subcommittee voted to recommend that the Committee agree in concept with the proposed language to address issues raised in the Committee's Sunset Review, add DHCC's legal counsels' comments into the bill, and direct staff to monitor. Ms. Good reported that the Subcommittee voted to recommend that the Committee consider a tentative March teleconference meeting date, if necessary, to review the revised language. M/S/P(Subcommittee) (Unanimous).

Chair Good reported that a future agenda item was suggested by Vice President Moultrie relative to using a multi-criteria screening process to admit students into dental hygiene educational programs rather than a lottery system. Ms. Ward said she preferred the lottery system, as the point system can rule out qualified candidates.

M/S/P (Subcommittee)(Unanimous) to accept the Legislative and Regulatory Subcommittee's report.

**FULL 14 – Enforcement Subcommittee Report**

Chair Shay reported that the Subcommittee approved its December 2013 and May 2014 minutes, and received enforcement statistics and DCA Performance Measures from Enforcement Analyst Nancy Gaytan. He noted that he had previously commented on the lateness of cases filed, but now all are within the standards.

M/S/P(Subcommittee)(Unanimous) to accept and file the Subcommittee report.

**FULL 15 – Education Subcommittee Report**

Chair Moultrie reported that the Subcommittee accepted its May 2014 minutes and added, "After a collaborative discussion and suggestions for amendments to the text from subcommittee and audience members," at the beginning of this paragraph dealing with Agenda Item EDU 4, as well as an attachment providing language drafted as a result of the discussion.

Chair Moultrie reported that the Subcommittee received an update on SB 850 and noted that DHCC will follow the progress of the bill and report if any dental hygiene programs in community colleges are approved for the pilot project to issue a baccalaureate degree.

Chair Moultrie reported that the Subcommittee received an update on AB 1174, adding that Section 1910.5 of the bill allows the DHCC to approve programs to teach the new duties in advance of regulations.

M/S/P(Subcommittee) (Unanimous) to accept and file the Education Subcommittee's report.

**FULL 16 – Closed Session**

There was no closed session at this meeting.

**FULL 17 – Future Agenda Items**

Vicki Kimbrough-Walls asked for an item regarding remediation, saying that Southwestern was the only institution who offers this program and it is unclear how disciplinary cases are to achieve clinical competence in their remediation.

**FULL 18 – Adjournment**

The meeting adjourned at 12.35 p.m.



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Full Committee**

**Agenda Item 3**

Approval of the March 2, 2015 Teleconference Meeting  
Minutes



**DRAFT DENTAL HYGIENE COMMITTEE OF CALIFORNIA**  
**MARCH 2, 2015**  
**TELECONFERENCE MEETING MINUTES**

Department of Consumer Affairs  
 2005 Evergreen Street, 1<sup>st</sup> Floor  
 Silverwood Lake Room  
 Sacramento, CA 95815  
 Wednesday, March 2, 2015

**ITEM 1 – Roll Call and Establishment of a Quorum**

The Dental Hygiene Committee of California's (Committee) Executive Officer, Lori Hubble, called the meeting to order with roll call at 12:00 p.m. She asked Susan Good, Public Member, Secretary, to take the roll to establish a quorum. She also asked the members to identify their location for the teleconference record and whether any public participants were present at each location. With seven Committee members present via teleconference, a quorum was established.

**Committee Members Present:**

| <b>Committee Member</b>              | <b>Location</b>   |
|--------------------------------------|-------------------|
| Nicolette Moultrie, RDH, President   | Pleasant Hill, CA |
| Noel Kelsch, RDHAP, Vice President   | Moorpark, CA      |
| Susan Good, Public Member, Secretary | Fresno, CA        |
| Sherrie-Ann Gordon, Public Member    | Inglewood, CA     |
| Michelle Hurlbutt, RDH Educator      | Anaheim, CA       |
| Timothy Martinez, DMD                | Boston, MA        |
| Evangeline Ward, RDH                 | Pleasant Hill, CA |

**Committee Members Absent:**

Garry Shay, Public Member

**Staff Present (Sacramento):**

Lori Hubble, Executive Officer  
 Anthony Lum, Assistant Executive Officer  
 Guadalupe Castillo, Legislative and Regulatory Analyst  
 Traci Napper, Program Analyst  
 Donna Kantner, Retired Annuitant  
 Sabina Knight, Department of Consumer Affairs (DCA) Legal Counsel  
 Kelsey Pruden, DCA Legal Counsel

**Public Present (Sacramento):**

Megan Allred, California Dental Association  
Pamela Cortez, Guest  
Jeannie Huber, RDHAP  
Michael Placencia, Legislative & Regulatory Analyst, Dental Board of CA  
Karine Strickland, California Dental Hygienists' Association (CDHA)

**ITEM 2 – Public Comment for Items Not on the Meeting Agenda**

President Moultrie asked if there was any public comment for the Committee for items not on the meeting agenda. There was no public comment.

**ITEM 3 – Discussion and Possible Action on the California Dental Hygienists' Association's Legislative Proposal Relating to Registered Dental Hygienists in Alternative Practice – *Business and Professions Code §§ 1924, 1926, and 1931, Corporations Code §§13401 and 13401.5, and adding Health and Safety Code §1374.196, and Insurance Code §10120.4***

Donna Kantner presented the agenda item to the Committee members and reminded the members that during their December 5, 2014 meeting, the members took a position to support the concept of the language that has now been introduced as Assembly Bill (AB) 502 (Chau). Ms. Kantner stated that AB 502 does not contain all of the elements reviewed by the Committee at their last meeting, but does contain certain provisions regarding Registered Dental Hygienists in Alternative Practice (RDHAP) including language to strengthen the ability for RDHAP's to become incorporated. Ms. Kantner also stated that the Committee can take an official position on the bill since the language is now in print via AB 502 (Chau, 2015).

President Moultrie asked the Committee members for a motion or discuss the issue.

Vice President Kelsch stated that AB 502 should be discussed by the Committee since it contains issues raised during the Sunset Review process and is important for consumer protection.

DCA Legal Counsel Sabina Knight introduced incoming DCA Legal Counsel Kelsey Pruden. Ms. Knight reminded the Committee that the language in AB 502 belongs to CDHA and that the Committee is only able to make recommendations and suggestions, but cannot change the language.

Ms. Pruden shared that she conducted research for Business and Professions Code Section 1931. This section states that an RDHAP can provide services to a patient for 18 months without written verification that the patient has been examined by a dentist, physician or surgeon in this state. The Committee added injunction authority for unprofessional conduct for failure to obtain written verification to treat a patient after an 18 month period. This was done legislatively and became effective January 1, 2013.

President Moultrie shared her experience as an RDHAP in private practice and mentioned that she has not had issues with the prescription requirement.

Vice President Noel Kelsch shared her experience working as an RDHAP in public health settings and informed the Committee that the requirements are different in public health settings than in private practice. Her main concern is access to care for the consumer.

Evangeline Ward shared that she is also supportive of this effort and supportive of access to care for everyone.

Secretary Susan Good agreed that access to care is important, especially in rural areas. She asked if the RDHAP refers someone to a dentist and the patient decides not to go, how is the RDHAP liable? Isn't it the patient's decision whether or not to go to the dentist?

Ms. Kelsch stated that the patient cannot be forced to see a dentist, however; the RDHAP would have to dismiss the patient from their practice if they did not go.

Ms. Good stated that she was in favor of this bill because she believed the public is protected under this proposal. Access to care takes precedence and the public is safe since the RDHAPs are properly trained.

Sherrie Gordon also is in favor of removing the prescription requirement especially because she believes that treatment should continue to be provided even after the 18-month period has elapsed.

Michelle Hurlbutt asked DCA Legal Counsel if we could take disciplinary action on an RDHAP that did not refer a patient to a dentist or doctor.

Ms. Knight cited Business and Professions Code, Sections 1949 and 1950.5, to illustrate that the Committee would have the ability to take disciplinary action if a patient was not referred to a dentist.

Public Comment – Karine Strickland, CDHA President, commented that there are nursing home patients that decide against seeing a dentist. The RDHAPs usually go to a medical doctor for a prescription to obtain and comply with this statute. Most of the time, these medical doctors are not looking into the patient's mouths and are not providing an exam. This statute does not prompt an exam by a dentist the way it is currently written. CDHA has also found that the medical doctors are often hesitant to write a prescription because they do not understand why the patient needs a note to get their teeth cleaned.

Executive Officer Lori Hubble advised the Committee that in conversations with CDHA, the sponsor of the bill, she was informed that the Moscone-Knox sections in AB 502 (Chau) will be amended out of the bill and placed in the Committee on Banking and Financial Institutions' Omnibus Bill.

Guadalupe Castillo informed the Committee that the bill will be amended in April 2015 and the Committee will have an opportunity to see a revised version of the bill at the May 2015 meeting.

The members then discussed the issue of health insurance reimbursement for RDHAPs.

President Moultrie shared that as an RDHAP, she can only receive reimbursement from providers in California. If an insurance company carrier is outside of California, they do not reimburse the RDHAP. If she bills an insurance carrier out of state, she does not get payment.

Ms. Hurlbutt expressed concern to DCA Legal Counsel that there are additional changes needed in the statute to allow the RDHAP's to incorporate.

Ms. Knight informed the Committee that Agenda Item 4 is meant to address those issues. She also mentioned that the Committee can take a position on AB 502 (Chau). Agenda Item 4 was intended as preliminary research on what could be changed. She pointed out that in the meeting materials are examples of language from the Physical Therapy Board of California and the Speech-Language Pathology, Audiology and Hearing Aid Dispensers Board on how incorporation of their licensees is addressed in their relevant Acts.

Ms. Hurlbutt suggested that the Committee may want to table Agenda Item 3 for the moment in order for the members to have an opportunity to review Agenda Item 4 in case they would like to suggest amendments.

Public Comment: Ms. Strickland informed the Committee that they would most likely accept the Committee's recommendations on this issue because it is important to CDHA.

After a collaborative discussion, Ms. Hurlbutt made a motion.

**MOTION: Ms. Hurlbutt moved that the Committee Support AB 502 if amended and direct staff to work with DCA Legal Counsel to provide necessary amendments to provide to the authors office to allow an RDHAP to become incorporated including language for discipline of a professional corporation.**

**Ms. Kelsch seconded the motion.**

### **Discussion**

Ms. Ward asked the RDHAPs present how many patients they have had to dismiss due to the 18-month restriction?

Ms. Moultrie never dismissed a patient.

Ms. Kelsch abstained from comment.

Public Comment:

Ms. Strickland (CDHA) shared that in her practice she dismissed five. She added that in CA, there are over 500 RDHAPs practicing and a survey has not been taken. There are many RDHAPs that struggle with this restriction.

Vice President Kelsch shared that CDHA may want to look into the issue of the patient's right to choose a provider. She stated that she has found that hygienists are not getting access to their established patients when a corporation takes over at skilled nursing facilities.

President Moultrie called for the vote.

**Vote:** 7-0-0 Motion passed.

| <b>DHCC Member</b>  | <b>Yes</b> | <b>No</b> | <b>Abstain</b> |
|---------------------|------------|-----------|----------------|
| Evangeline Ward     | X          |           |                |
| Nicolette Moultrie  | X          |           |                |
| Noel Kelsch         | X          |           |                |
| Michelle Hurlbutt   | X          |           |                |
| Sherrie-Ann Gordon  | X          |           |                |
| Susan Good          | X          |           |                |
| Timothy Martinez    | X          |           |                |
| Garry Shay - Absent |            |           |                |

**ITEM 4 - Discussion and Possible Action related to the Dental Hygiene Committee of California's potential sponsored legislation - Business and Professions Code §§1925, 1950.5, 1960, 1962 and review of how other Boards have approached the issue**

President Moultrie asked the Committee if they would like to move forward with Agenda Item 4 or if the motion from the Agenda Item 3 is sufficient.

DCA Legal Counsel confirmed that Agenda Item 4 has been addressed.

President Moultrie asked if there was any public comment. There was no public comment.

**Adjournment:**

The March 2, 2015 teleconference meeting adjourned at 1:00 P.M.



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Full Committee**

**Agenda Item 4**

President's Report:

A verbal report will be provided.



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Full Committee**

**Agenda Item 5**

Executive Officer's Report:  
A verbal report will be provided.



**Saturday, May 2, 2015**

**Dental Hygiene Committee of California**

**Full Committee**

Recess of the Full Committee until  
9:00 a.m. Sunday, May 3, 2015.  
Commence with the DHCC Subcommittee Meetings