



**Friday, May 6, 2016**

**Dental Hygiene Committee of California**

**Enforcement Subcommittee**

**Agenda**



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

**ENFORCEMENT SUBCOMMITTEE MEETING**

**Friday, May 6, 2016  
9:00 a.m. until Adjournment  
Marriott Hotel - Los Angeles International Airport  
5855 West Century Blvd., Atlanta/Boston Room  
Los Angeles, CA 90004**

**Enforcement Subcommittee Members:**

Garry Shay, Public Member, Chair  
Timothy Martinez, DMD  
Edcelyn Pujol, Public Member  
Evangeline Ward, RDH

**Upon conclusion of Licensing and Examination Subcommittee**

**Agenda**

**ENF 1 – Roll Call**

**ENF 2 – Public Comment for Items Not on the Agenda**

[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a))]

**ENF 3 – Approval of the May 2, 2015 Enforcement Subcommittee Meeting Minutes**

**ENF 4 – Enforcement Statistics – Informational Only**

**ENF 5 – Update on the Department of Consumer Affairs' Enforcement Performance Measures – Informational Only**

**ENF 6 – Future Agenda Items**

**ENF 7 – Adjournment**

DHCC members who are not members of this subcommittee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum. All times are approximate and subject to change. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee'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 or e-mail [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.



**Friday, May 6, 2016**

**Dental Hygiene Committee of California**

**Enforcement Subcommittee**

**Agenda Item 1**

**Roll Call**

**Establishment of a Quorum**



**Friday, May 6, 2016**

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**Agenda Item 2**

**Public Comment for Items Not on the Agenda**

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**Friday, May 6, 2016**

**Dental Hygiene Committee of California**

**Enforcement Subcommittee**

**Agenda Item 3**

**Approval of the May 2, 2015 Enforcement  
Subcommittee Meeting Minutes**



**DRAFT - ENFORCEMENT SUBCOMMITTEE MEETING MINUTES**

**Saturday, May 2, 2015  
Embassy Suites Anaheim - Orange  
400 N. State College Blvd.  
Orange, CA 92868**

**ENF 1 – Roll Call**

Nicolette Moultrie, in Chair Garry Shay's absence, acted as chair of the Enforcement Subcommittee. She called the meeting to order at 2:05 p.m. with a roll call. With three of the four (4) subcommittee members present, a quorum was established.

Enforcement Subcommittee members present:

Nicolette Moultrie, RDH  
Timothy Martinez, DMD  
Evangeline Ward, RDH

Enforcement Subcommittee members absent:

Garry Shay, Public Member

**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 – Approval of the December 5, 2014 Enforcement Subcommittee Meeting Minutes.**

- **Motion: Evangeline Ward moved to accept the December 5, 2014 Enforcement Subcommittee meeting minutes.**

**Timothy Martinez seconded the motion.**

**Vote: The motion passed 3-1 (Garry Shay was absent)**

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay			Absent
Evangeline Ward	X		

**ENF 5 – Enforcement Statistics**

Nancy Gaytan, Enforcement Analyst, informed the subcommittee members that the meeting materials contained in the meeting packet were the Enforcement statistics for the period from December 2014 to March 2015. She directed the members to the memorandum that summarized the Enforcement activity during this time and reviewed the statistics. She stated that when she began to work for the Committee, there were four probationers, but today, there are in excess of 25 and she anticipated that by the end of the year, there may be close to 40.

Evangeline Ward inquired as to why the number of probationers is growing so quickly. Ms. Gaytan responded by indicating that the Committee has had an increase in the number of consumer complaints received and are taking more disciplinary action against licensees who have at least two offenses on their record.

Acting Chair Moultrie inquired as to what the issues the complaints are about. Ms. Gaytan stated that the topics of complaints are patient abandonment, scope of practice issues, unlicensed practice, and when a licensee fails to notify the Committee of an address change within the mandated 30 days, those are being opened as complaint cases by the Committee. She added that the majority of the complaints are criminal in nature.

**ENF 6 – Department of Consumer Affairs (DCA) Performance Measures – Informational Only**

Ms. Gaytan reported that the measures presented in the meeting packet are for the period from October to December 2014 and based on 48 cases. She stated that the Committee has met or exceeded all of the department's target dates. She said that when the performance measures began, the Committee timelines did not meet the performance measure expectations, but since that time, the Committee has surpassed them.

**ENF 7 – Future Agenda Items**

No future agenda items were suggested.

**ENF 8 – Adjournment**

The Enforcement Subcommittee meeting adjourned at 2:13 p.m.



**Friday, May 6, 2016**

**Dental Hygiene Committee of California**

**Enforcement Subcommittee**

**Agenda Item 4**

**Enforcement Statistics – Informational Only**

## DHCC ENFORCEMENT STATISTICS

FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16 YTD
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### ***Investigations***

(July 2015 - April 2016)

<b>Complaints</b>						
Complaints Received	19	10	23	66	78	45
Convictions/Arrests Received	102	210	162	102	132	104
<b>Total Intake</b>	<b>121</b>	<b>220</b>	<b>185</b>	<b>168</b>	<b>210</b>	<b>149</b>

### ***Citations***

Issued	-	-	8	68	85	27
Dismissed	-	-	2	1	-	-

\*Citations were not issued prior to FY 2012-13

### ***Enforcement Actions***

Cases Referred to AG	4	4	13	17	18	13
Accusations Filed	3	1	8	6	15	3
Statement of Issues Filed	1	0	2	2	2	2
Decisions / Stipulations Adopted	1	2	3	16	14	14

### ***Allegations***

Criminal Charges	102	210	162	102	132	104
Drug Related Offenses	1	-	1	2	3	5
Fraud	4	-	1	6	2	5
Mental Impairment	1	-	-	-	-	-
Non-Jurisdictional	-	-	1			3
Failure to notify of address change	-	-	2	32	48	1
Unlicensed or Expired License	6	2		5	7	13
Unprofessional Conduct	7	8	17	20	18	18
Sexual Misconduct	-	-	1	-	-	-

### ***Probationers***

Active	7	6	6	12	27	31
Tolling	5	5	4	4	4	4



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**Agenda Item 5**

**Update on the Department of Consumer Affairs'  
Enforcement Performance Measures –  
Informational Only**



# MEMORANDUM

<b>DATE</b>	May 6, 2015
<b>TO</b>	Enforcement Committee Dental Hygiene Committee of California
<b>FROM</b>	Nancy Gaytan, Enforcement Analyst
<b>SUBJECT</b>	<b>Agenda Item 9 - Q2 Performance Measures (October – December 2015)</b>

Performance Measures was established by DCA in order for each Board, Bureau or Committee to review its progress toward meeting its enforcement goals and targets.

**Volume: 43** Total (14 Consumer complaints, 29 Conviction reports)  
 Number of complaints and convictions received per quarter

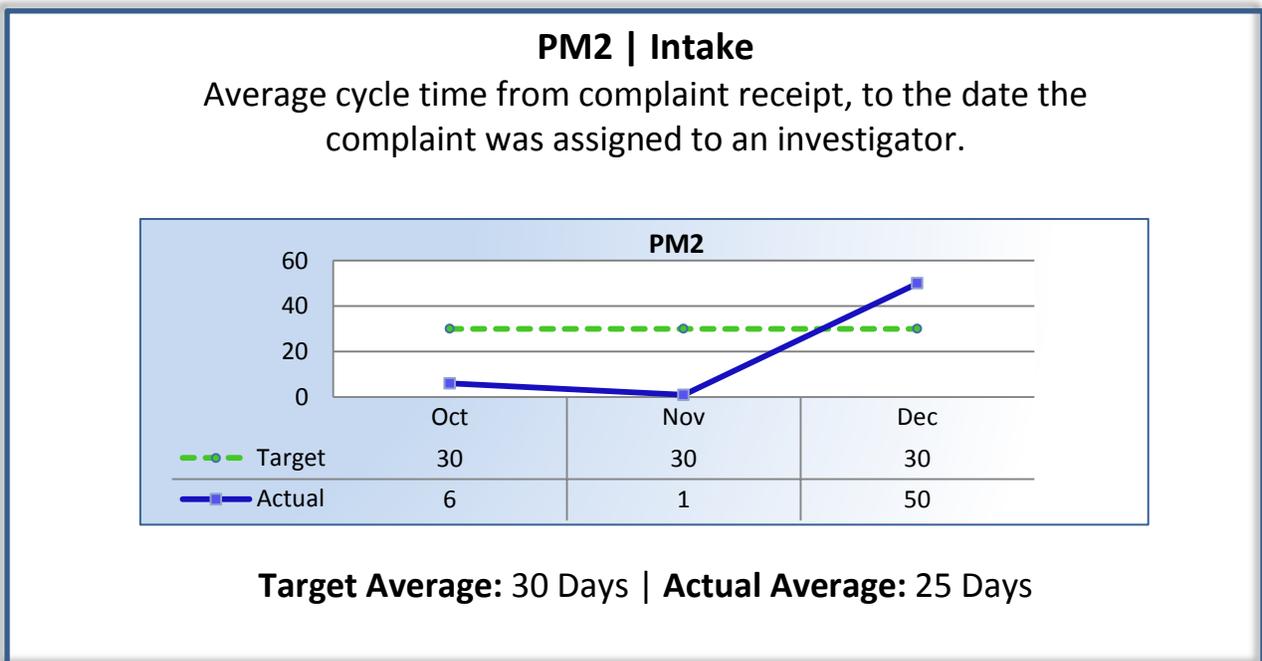
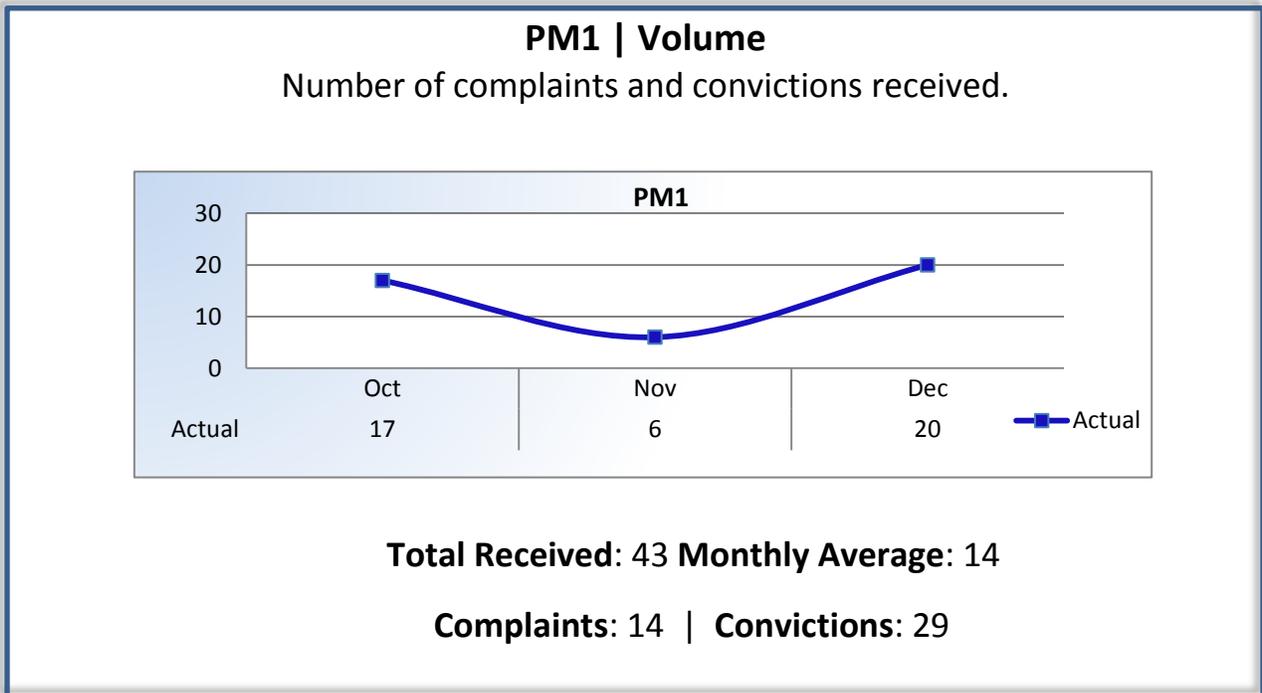
**Cycle Time:**

- Intake – Target: 30 Days** **Q2 Average: 25 Days**  
 Average cycle time from complaint receipt, to the date the complaint was acknowledged and assigned for processing.
- Intake & Investigation – Target: 120 Days** **Q2 Average: 78 Days**  
 Average time from complaint receipt to closure of the investigation process (does not include cases sent to the Attorney General (AG) or other forms of formal discipline).
- Formal Discipline – Target: 540 Days** **Q2 Average: 899 Days**  
 Average number of days to complete the entire enforcement process for cases resulting in formal discipline (includes intake and investigation by the Committee and prosecution by the AG).
- Probation Intake – Target: 10 Days** **Q2 Average: 0**  
 Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer. **None to report**
- Probation Violation Response – Target: 10 Days** **Q2 Average: 0**  
 Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action. **None to report**

## Performance Measures

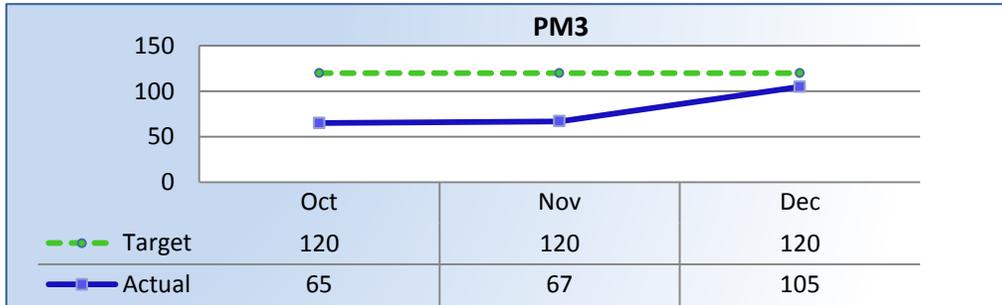
### Q2 Report (October - December 2015)

To ensure stakeholders can review the Committee's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



### PM3 | Intake & Investigation

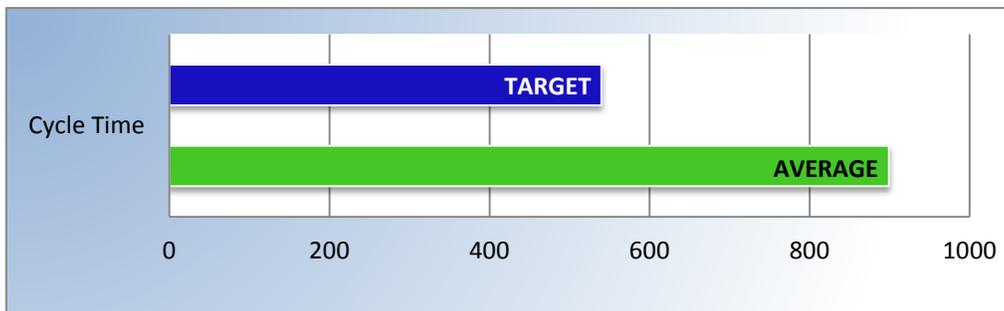
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 120 Days | Actual Average: 78 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



**Target Average: 540 Days | Actual Average: 899 Days**

### **PM7 | Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Committee did not contact any new probationers this quarter.*

**Target Average:** 10 Days | **Actual Average:** 4 Days

### **PM8 | Probation Violation Response**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Committee did not have any probation violations this quarter.*

**Target Average:** 15 Days | **Actual Average:** N/A



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**Agenda Item 7**

**Future Agenda Items**



**Friday, May 6, 2016**

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**Agenda Item 8**

**Adjournment**