



**DENTAL HYGIENE LEGISLATIVE AND REGULATORY
SUBCOMMITTEE MEETING MINUTES**

**Friday, May 6, 2016
Marriott Hotel – Los Angeles International Airport
Atlanta/Boston Room
5855 West Century Blvd.
Los Angeles, CA 90004**

LEG 1 – Roll Call

Noel Kelsch, President of the Dental Hygiene Committee of California (DHCC), called the Dental Hygiene Legislative and Regulatory Subcommittee meeting to order at 11:15 a.m. Due to absences, she appointed Michelle Hurlbutt as Chair and she appointed herself as a subcommittee member. A quorum was established with four subcommittee members present. Chair Hurlbutt conducted roll call.

DHCC Legislative and Regulatory Subcommittee Members Present:

Michelle Hurlbutt, Acting Chair, Registered Dental Hygienist (RDH)
Educator
Noel Kelsch, DHCC President, Registered Dental Hygienist in Alternative
Practice (RDHAP)
Sandra Klein, Public Member
Garry Shay, Public Member

DHCC Legislative and Regulatory Subcommittee Members Absent:

Susan Good, Public Member
Nicolette Moultrie, RDH

DHCC Staff Present:

Lori Hubble, Executive Officer (EO)
Anthony Lum, Assistant EO
Estelle Champlain, Legislative and Regulatory Analyst
Nancy Gaytan, Enforcement Analyst
Kelsey Pruden, Department of Consumer Affairs (DCA) Legal Counsel

Public Present:

Jonathan Burke, Board and Bureau Relations Manager, Department of
Consumer Affairs (DCA)
Karen Fischer, EO, Dental Board of California (DBC)
JoAnn Galliano, Education Consultant, California Dental Hygienists'
Association (CDHA)
Lygia Jolley, President, CDHA

Vickie Kimbrough, Southwestern College
 Shawn Leetch, Concorde Career College, San Bernardino Campus
 Gayle Mathe, California Dental Association (CDA)
 Steven Morrow, Doctor of Dental Surgery (DDS), President, DBC

LEG 2 – Public Comment for Items Not on the Agenda

There were no public comments for items not on the agenda.

LEG 3 – Approval of the May 2, 2015 Legislative and Regulatory Subcommittee Meeting Minutes

- **Motion: President Kelsch moved to accept the May 2, 2015 Legislative and Regulatory Subcommittee meeting minutes.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

LEG 4 – 2016 Tentative Legislative Calendar- Informational Only

Chair Hurlbutt remarked that inclusion of the tentative legislative calendar is helpful.

There were no other comments from the subcommittee nor from the public.

LEG 5 – Discussion and Possible Action to Initiate to Amend California Code of Regulations (CCR), Title 16, Article 13, Section 1151, Out-of-State Practitioner Authorization to Participate in Sponsored Free Healthcare Events, Including Recommendation to the Full Committee.

Lori Hubble reminded the subcommittee that a member of the public had requested DHCC revise this regulation on the grounds that it was prohibitive to out-of-state licensees wishing to participate in free sponsored health care events in California. She presented a revised text for the subcommittee’s consideration. Proposed changes include language to require out-of-state practitioners to give written notification to patients regarding specific areas in which the practitioner is not licensed. Also, out-of-state practitioners would be required to wear a name badge listing the procedures that practioner is authroized to perform.

Garry Shay said that the word “shall” is preferred in place of “must.” After discussion between Chair Hurlbutt and Kelsey Pruden, it was determined that “shall” would be adopted throughout the document for instances when mandate under the purview of DHCC is intended and directed at dental health professionals, while “must” would be applied to actors outside of DHCC’s purview, such as students.

Ms. Hubble presented proposed modifications to regulatory language in the application titled, “Request for Authorization to Practice Without a License.” This change would allow out-of-state practitioners wishing to participate in free sponsored health care events in California to submit fingerprints via California ink fingerprint card since the electronic Livescan service normally required for California practitioners does not offer state-to-state transferability. To accommodate these changes, the application processing time allotted the DHCC would be adjusted from 20 days to 30-60 days.

Ms. Hubble provided proposed text modifications to allow out-of-state practitioners not trained through a California-approved SLN course to be permitted to participate in free sponsored health care events in California provided that they do not perform SLN procedures at the event.

Public Comment: Gayle Mathe suggested changing the title of the application to reflect that the practitioner would specifically work as a volunteer. After discussion which included Mr. Shay, President Kelsch, and Ms. Hubble, it was determined that “Request for Authorization to Volunteer to Practice Without a California License at a Sponsored Free Health Care Event” would be the preferred verbiage for the regulation.

There were no further comments.

- **Motion: Chair Hurlbutt moved to adopt as amended, present to full committee, direct staff to take all necessary steps to initiate the formal rulemaking process, set the regulation to a 45-day public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

LEG 6 – Discussion and Possible Action to Initiate Rulemaking to Amend CCR Title 16, Section 1107, RDH course in Local Anesthesia, Nitrous Oxide-Oxygen Analgesia, and Soft-Tissue Curettage, Including Recommendation to the Full Committee.

Ms. Hubble suggested omitting various nonessential or difficult to understand terms. Her recommendation included replacing “analgesia” with the more common term “sedation;” including the phrase, “all students shall have access to a copy of the course’s bloodborne and infectious diseases exposure control plan...” ; in the interest of preventing limitations to free trade, striking the phrase, “a facility shall not include a dental office unless such office is an extramural facility of an educational program approved by the Committee;” and for curriculum, increasing the required hours of instruction and instances of experiences performing nitrous oxide-oxygen sedation.

There were no further comments.

- **Motion: Garry Shay moved to approve as amended, present to the full committee, direct staff to take all necessary steps to initiate the formal rulemaking process, set the regulation to a 45-day public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.**

Second: President Kelsch.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

LEG 7 – Discussion and Possible Action Including Recommendations to the Full Committee on the Following Legislation:

Estelle Champlain reported the status of bills of interest to the DHCC. The subcommittee adopted the positions as follow:

- Assembly Bill (AB) 12, Wood. Administrative Regulations.

There were no comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on AB 12.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- b. AB 648, Low. Establishment of Virtual Dental Home and Appropriation of \$4 Million Funding.

There were no comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on AB 648.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- c. AB 1868, Wagner. Proposed Regulations with Cost Impact to be Forwarded to Legislature.

Public Comment: Ms. Mathe inquired as to how this bill would change anything. Mr. Shay responded that it was likely a measure to increase transparency.

There were no further comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on AB 1868.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

d. AB 2701, Jones. Training for Newly Appointed Board Members.

Ms. Hubble informed the subcommittee that this bill died so no further action is required.

There were no further comments from the subcommittee nor from the public.

e. AB 2859, Low. Creation of Retired Category Licenses.

Mr. Lum and Ms. Hubble added that due to pre-arranged settings in BreEZe, implementation of a new licensure category would be costly but that the cost should not necessarily be a reason to withhold support since the passage of this bill could lay the groundwork for implementation of the preferred retiree license category at a later, more feasible date.

Public Comment: Ms. Mathe inquired whether the retiree licensee applicant would be charged a fee. Ms. Hubble answered that the bill would authorize the DHCC to develop regulations which may include a fee.

There were no comments from the subcommittee nor from the public.

- **Motion: Garry Shay moved to recommend to the full committee to take a support position on AB 2859.**

Second: President Kelsch.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- f. Senate Bill (SB) 1033, Hill. Medical Board Requiring Physicians on Probationary Status to Notify Patients.

Mr. Lum advised that this bill may have downstream effects on DHCC in that DHCC may be required to do the same as the Medical Board of California (MBC) in the future.

There were no further comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on SB 1033.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- g. SB 1155, Morrell. Waiver for Application Fee and Initial Licensure for Honorably Discharged Veterans.

President Kelsch asked what percentage of DHCC applicants are veterans. Ms. Hubble responded that to date no veterans have applied but there have been several military spouses. Chair Hurlbutt commented that as a dental college dean, she has noticed an increase in veteran enrollment, indicating probable future cost impact.

There were no further comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on SB 1155.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- h. SB 1217, Stone. Increase Threshold of Dollar Amount Settlements for Reporting Purposes.

There were no comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to take a support position on SB 1217.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

LEG 8 – Future Agenda Items

Chair Hurlbutt opened the floor for future agenda item proposals. JoAnn Galliano requested that the subcommittee consider SB 1098 from Senator Cannella regarding the establishment of a Denti-Cal advisory group to provide fiscal oversight. There were no further comments.

LEG 9 – Adjournment

The Dental Hygiene Legislative and Regulatory Subcommittee meeting adjourned at 11:08 a.m.