



**DENTAL HYGIENE COMMITTEE MEETING MINUTES**

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

**Roll Call –** Noel Kelsch, President of the Dental Hygiene Committee of California (DHCC), called the meeting to order with roll call at 9:05 a.m. Six DHCC members were present and a quorum was established.

DHCC Members Present:

Noel Kelsch, DHCC President, Registered Dental Hygienist in Alternative Practice (RDHAP)  
Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator  
Sandra Klein, Public Member  
Timothy Martinez, Doctor of Dental Medicine (DMD)  
Edcelyn Pujol, Public Member  
Garry Shay, Public Member

DHCC Members Absent:

Evangeline Ward, RDH  
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 College, San Bernardino Campus  
Gayle Mathe, California Dental Association (CDA)  
Steven Morrow, Doctor of Dental Surgery (DDS), President, DBC

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

President Kelsch opened the floor to public comment for items not on the agenda. President Kelsch advised that each public comment would be allotted three minutes due to a full meeting agenda.

Francine Small came forward to request that an exception to the licensing requirements be made for her daughter. She explained that although her daughter grew up in California and intended to work as a dental hygienist in California, the family found the availability and cost of education for dental hygienists in California prohibitive, therefore her daughter chose to attend college in Arizona. She claimed that before her daughter began studies in Arizona, the family checked (she did not specify with whom) and was assured that an Arizona education would satisfy California requirements for licensure, however, she stated that during her daughter's junior year (May 2015) the family discovered that California rules had changed and that this change would require her daughter to take an additional soft tissue curettage, local anesthesia, and nitrous oxide and oxygen (SLN) course in California at the cost of \$5,000.

Ms. Small read a letter aloud in which her daughter requested to be exempt from the SLN course requirement on the grounds that she had passed an Arizona course on curettage. Also stated in the letter, her daughter charged that California RDH training programs did not have such a course available to her under a Bachelor's degree program.

Ms. Small continued to read her daughter's letter listing several recent California college SLN course closures which the family had found frustrating. She continued to read the letter and when she was finished President Kelsch thanked Ms. Small for her comments.

There were no further comments from members or the public.

**FULL 2 – Approval of December 5, 2015 Teleconference Meeting Minutes**

- **Motion: Garry Shay moved to approve the December 5, 2015 Teleconference minutes.**

**Second: Michelle Hurlbutt.**

**Vote: The motion passed 5-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent; Edcelyn Pujol abstained because she was not present at the December 2015 meeting).**

| NAME               | Minutes<br>VOTE: |     | OTHER |
|--------------------|------------------|-----|-------|
|                    | Aye              | Nay |       |
| Susan Good         |                  |     | X     |
| Michelle Hurlbutt  | X                |     |       |
| Noel Kelsch        | X                |     |       |
| Sandy Klein        | X                |     |       |
| Timothy Martinez   | X                |     |       |
| Nicolette Moultrie |                  |     | X     |
| Edcelyn Pujol      |                  |     | X     |
| Garry Shay         | X                |     |       |
| Evangeline Ward    |                  |     | X     |

**FULL 3 – President’s Report**

President Kelsch briefed the DHCC on meetings she had attended over the past several months to include: January 2016, DCA in Sacramento for orientation; March 2016, DBC where she collaborated to incorporate two new Centers for Disease Control and Prevention (CDC) documents into DHCC regulations; December 2015, online meeting with the DHCC staff and Executive Office for an update on the implementation of the BreEZe program. President Kelsch thanked the involved parties for their time and hard work. She asked for DHCC member or public comments, but there were none.

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

Lori Hubble presented an overview of the DHCC’s staffing changes. She introduced new employee Estelle Champlain, Legislative and Regulatory Analyst. She also notified the DHCC of two vacant positions: one for a staff services analyst to review educational programs; the other is for a special investigator. She said she hopes to fill these positions by summer 2016. Recently, part-time DHCC employee and Retired Annuitant Rick Wallinder, departed. Ms. Hubble stated she interviewed a possible replacement retired annuitant on April 20, 2016 and will pursue the hiring process for this candidate in the coming weeks.

Ms. Hubble stated that the implementation of BreEZe has increased DHCC staff’s workload over the past few months both in the office and in the many hours expended conducting outreach visits across California to familiarize members of the RDH community with BreEZe. She explained that DHCC staff was heavily engaged in testing and training for BreEZe and has devoted a tremendous amount of time and effort to enable the program’s January 19, 2016 launch. As for outreach, during March 5-6, 2016, she presented BreEZe information to RDH students at both their regional conferences. Ms. Hubble, along with Retired Annuitant Investigator Karen Dunn, conducted additional outreach at Carrington College on March 22, 2016. Then, on April 12, 2016, she also presented BreEZe to RDH students at San Joaquin Valley College.

Besides managing DHCC's transition to BreEZe, Ms. Hubble held various engagements in support of DHCC's ongoing operations and interests. She met on January 21, 2016 with Denti-Cal to discuss Denti-Cal's many fraud cases regarding RDHAPs. She attended the DBC board meeting March 3, 2016 in San Diego. She met with new DHCC members Ms. Klein and Ms. Pujol the morning of March 30, 2016 prior to their Board Member Orientation Training.

Ms. Hubble conferred on March 16, 2016 with Deputy Secretary, Business and Consumer Relations from the Business, Consumer Services and Housing Agency (BCHS) Sonya Logman. Ms. Hubble stated her appreciation for BCHS's interest in and support for DHCC operations. Most recently, she collaborated with a representative from the Bureau of Private Postsecondary Education, via May 4, 2016 teleconference, to determine options for enforcing compliance among concurrently approved dental hygiene training programs.

Ms. Hubble concluded her comments with a status report on legislative bills of interest to the DHCC as follows:

| <b>Bill</b>                                      | <b>DHCC Position</b> | <b>Additional Info</b>         |
|--|----------------------|--------------------------------|
| Assembly Bill (AB)-12 Administrative Regulations | Watch                | Died, resurrected as 2-yr bill |
| AB-41 Healthcare Coverage                        | Support              | Died                           |
| AB-85 Open Meetings                              | Oppose               | Vetoed by Governor             |
| AB-178 Repeal DBC RDA Exam to 2017               | Watch                | Signed by Governor             |
| AB-179 DBC Sunset Regulation                     | Support              | Signed by Governor             |
| AB-351 Public Contracts                          | Watch                | Died                           |
| AB-366 Medi-Cal Reimbursement Rates              | Watch                | Died                           |
| AB-463 Healing Arts Licensing Fee                | Oppose               | Vetoed by Governor             |
| AB-467 Pro Rata & Performance Measures           | Watch                | Signed by Governor             |
| AB-502 Incorporation of RDHAP                    | Support              | Signed by Governor             |
| AB-611 Controlled Substance                      | Watch                | Died                           |
| AB-648 Virtual Dental Home                       | Watch                | Inactive File                  |
| AB-726 State Financial Reporting                 | Watch                | Signed by Governor             |
| AB-750 Retired Licensee                          | Support              | New, similar bill is proposed  |
| AB-797 Regulations Effective Dates               | Watch                | Became 2-yr bill               |
| AB-1060 Professional Vocations                   | Watch                | Vetoed by Governor             |
| AB-8880 Dental Students                          | Support              | Signed by Governor             |
| Senate Bill (SB)-351 Corp Liability in Emergency | Support              | Signed by Governor             |
| SB-800 Omnibus Feasibility Study                 | Support              | Signed by Governor             |

Ms. Hurlbutt thanked Ms. Hubble and DHCC staff for the work done to implement BreEZe.

JoAnn Galliano thanked Ms. Hubble and DHCC staff for keeping CDHA apprised of changes and impact analyses during BreEZe implementation.

She emphasized that strong partnership between CDHA and DHCC is highly beneficial to her association and the dental professionals they serve.

There were no further comments from members or the public.

#### **FULL 5 – Update from the DBC**

Dr. Steven Morrow described that rapid changes in provision of dental healthcare have necessitated collaboration of interested parties to accommodate adjustments in patient care delivery as well as in education. He went on to explain that as delivery of care changes, students' needs change. In this time of adjustments dental boards and committees face challenges such as how to conduct our duties regarding professional licensure. In light of the recent case involving the Federal Trade Commission (FTC) and North Carolina Supreme Court [*N.C. State Bd. Of Dental Examiners v. FTC*, 135 S. Ct. 1101 (2015)], state licensing boards must reassess whether they are bumping up to regulatory issues with the FTC and fair trade.

Dr. Morrow continued to the topic of clinical examination for licensure for dental health care providers. He stated that the American Dental Association (ADA) has ardently encouraged educational communities and licensing agencies in the state to work together to develop curriculum that includes integrated formats for clinical licensing examinations for students. This format would be preferred rather than having a post-graduation exam, which is more costly to students.

Dr. Morrow reported that ADA encourages the community to accept the results of all regional exams, not just one or two. DBC currently accepts those from the Western Regional Examination Board. DBC implemented the portfolio exam in November 2014; it was available for the graduating class of 2015 and nine students obtained licensure using the portfolio exam at that time. This year there are 200+ candidates for this process.

Dr. Morrow reported that he had recently visited the Colorado Dental Board where they voted to accept California's portfolio exam as eligibility for licensure in Colorado.

Dr. Morrow also noted that a dental school in the Republic of Moldova requested that DBC accept their graduates. Since DBC has a statutory mandate to process the application, Dr. Morrow is arranging a site visit for October 2016. DHCC member Dr. Martinez will be a part of that site visit.

Karen Fischer reported that DBC is also working through BreEZe challenges. She added that as of this summer at DBC, there will be a vacant position in enforcement. Also, she reported that Dr. Morrow will appoint a subcommittee to work on Dr. Glassman's Interim Therapeutic Restoration (ITR) regulations. This will involve collaboration among DBC, DHCC, and the appointed subcommittee to create a draft that will go before DBC in August 2016. Ms. Fischer concluded her comments with mention that DBC will monitor compliance with the Center for Disease Control (CDC) on infection control to determine if regulations need to be updated.

President Kelsch thanked the DBC for cooperation and communication. She allowed for DHCC member or public comments, but there were none.

**Full 6 – Discussion and Possible Action to Increase the Fee for Curriculum Review, Feasibility Study Review, and Site Evaluation and Educational Programs- Business and Professions Code §1944(a)(9)**

Mr. Lum announced that Edcelyn Pujol is the newest DHCC member and the DHCC welcomed her.

Mr. Lum notified the DHCC that the fee for curriculum review does not need to be increased, as it is presently set at its statutory maximum. Instead, he advised that the resolution itself be modified for clarity.

Mr. Lum recommended the language of the fee be revised to indicate more directly that a feasibility study is also a covered component for the fee. This would erase ambiguity in the fee which could lead some readers to erroneously perceive that curriculum review and site evaluation are the only covered components. Ms. Hurlbutt requested Mr. Lum prepare a written motion to this effect and present it to the DHCC the next day.

- **Motion: Michelle Hurlbutt moved to table the matter until the next day.**

**Second: Sandra Klein.**

**Vote: The motion to table the matter until the next day passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).**

| NAME               | Minutes<br>VOTE: |     | OTHER |
|--------------------|------------------|-----|-------|
|                    | Aye              | Nay |       |
| Susan Good         |                  |     | X     |
| Michelle Hurlbutt  | X                |     |       |
| Noel Kelsch        | X                |     |       |
| Sandy Klein        | X                |     |       |
| Timothy Martinez   | X                |     |       |
| Nicolette Moultrie |                  |     | X     |
| Edcelyn Pujol      | X                |     |       |
| Garry Shay         | X                |     |       |
| Evangeline Ward    |                  |     | X     |

President Kelsch recessed the full committee until 9:00 a.m. Sunday, May 7, 2016.