



Meeting August 20, 2016

DHCC Headquarters

2005 Evergreen St, 1st Fl. Hearing Room

Sacramento, CA 95815



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda



Notice is hereby given that a public meeting of the Dental Hygiene Committee of California (DHCC) 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, August 20, 2016
8:00 a.m. until completion of business
Department of Consumer Affairs
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, CA 95815
916-263-1978

8:00 a.m. Dental Hygiene Committee of California

Roll Call/Establishment of Quorum

1. President's Report
 - Education Subcommittee Appointment for Purposes of Establishment of a Quorum
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))]
3. Approval of the May 6-7, 2016 Meeting Minutes
4. Discussion and Possible Action Regarding Adoption of Revisions to the DHCC's Member Guidelines and Procedure Manual

<< The Full Committee shall recess so that the Education Subcommittee may meet >>

Subcommittee Meeting – See Attached Agenda for Education Subcommittee

<< The Full Committee shall reconvene after adjournment of Education Subcommittee >>

5. Education Subcommittee Report – Consideration of Committee Recommendation Discussion and possible Action regarding Registered Dental Hygiene Education Requirements for maintained approval by DHCC for Concorde Career College – Garden Grove
6. Closed Session

The DHCC may meet in closed session to deliberate on disciplinary matters pursuant to Government Code § 11126 (c) (3)

<< Return to Open Session >>

7. Future Agenda Items

8. Adjournment

Public comments will be taken on agenda items at the time the specific item is raised. The DHCC may take action on any item listed on the agenda including informational only items. 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**.

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 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, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Roll Call – Establishment of a Quorum



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda Item 1

President's Report:

Education Subcommittee Appointment for
Purposes of Establishment of a Quorum.



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda Item 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)]



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda Item 3

Approval of the May 6-7, 2016 Full Committee Meeting
Minutes



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/Legislative 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 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 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:

Bill	DHCC Position	Additional Info
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 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.



DENTAL HYGIENE COMMITTEE MEETING MINUTES

Saturday, May 7, 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 full committee meeting to order at 9:05 a.m. Anthony Lum took roll and a quorum was established with six DHCC members present.

DHCC Members Present:

Noel Kelsch, 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:

Jonnathan Burke, Boards and Bureau Relations Manager, Department of Consumer Affairs (DCA)
Karen Fischer, EO, Dental Board of California (DBC)
JoAnn Galliano, Education/Legal Consultant, California Dental Hygienists' Association (CDHA)
Lygia Jolley, President, CDHA
Vickie Kimbrough, Southwestern College
Ken Guerrero, President, Concorde College, Southern California

FULL 1 – Public Comment for Items Not on the Agenda

There were no public comments.

FULL 2 – Update on the Implementation of the BreEZe Computer System

Lori Hubble stated that BreEZe offers licensees the ability to renew their license, change their address, request license certification, initiate name change, request a duplicate license, and activate or inactivate a license. For applicants, BreEZe allows them to apply for licensure, submit their requirements, and view the status of their application anytime.

She also reported the following statistics:

Number of licensees using BreEZe through April 30, 2016:

- January renewal applications: 159
- February renewal applications: 461
- March renewal applications: 442
- March renewal applications: 442
- April renewal applications: 372

Number of online applications for Western Regional Examination Board (WREB) and Central Regional Dental Testing Services (CRDTS) examinations:

- January: 5
- February: 25
- March: 6
- April: 11

Numbers for other types of applications:

- Licensure by Credential (LBC): 6
- Fictitious Name Permits (FNP): 4
- RDHAP: 5

Ms. Hubble explained that although the DHCC is successfully transitioning to BreEZe as a step toward conducting business in a paperless environment, there are still several hurdles that must be overcome. She explained that DHCC staff spent months in testing to refine the program, but now many of the same functions that worked in the test environment are not working in the delivered product. DCA is working to correct the problems.

Michelle Hurlbutt asked about green cards (pocket licenses) not having the expanded procedures listed on them. Ms. Hubble replied that pocket licenses used to have the specific procedures each licensee is authorized to perform listed, but the authorized procedures are not printing on the new pocket licenses. DHCC staff submitted a fix request for this problem. Ms. Hubble also pointed out that employers can verify online which procedures a licensee is authorized to perform. Online checks such as this carry the additional advantage of safeguarding against forged pocket licenses. She noted that there seems to be a recent spike in pocket license forgeries.

Mr. Lum stated that fixes to the BreEZe system can take a long time due to current procedures. He said that programs must prioritize each fix and that patches are implemented every other month, except in emergency cases in which the fix gets top priority.

Nancy Gaytan added that even for areas of BreEZe that do work, there are sometimes significant issues. For example, when a probationer on a payment plan attempts to make a payment online (payment plans can recur monthly or quarterly and can range from three to five years in duration), BreEZe automatically checks the box for every remaining installment of the payment plan- meaning that for a probationer to pay only the current installment, that probationer must manually uncheck up to 59 fields. A fix request has been submitted for this problem. Nevertheless, a positive outcome from using BreEZe is that DHCC staff can easily and quickly see when a fee is paid and know that licensees are in compliance.

Public Comment: Gayle Mathe stated that CDA is currently producing an article to direct RDAs and hygienists to resources for licensure and career development. The article is expected to appear in CDA's July 2016 publication. Ms. Mathe offered to accept emailed suggestions for the article.

There were no further comments from members or the public.

FULL 3 – Update on the Little Hoover Commission Hearings

Mr. Lum reported that the Little Hoover Commission (LHC) is an independent state oversight commission created in 1962 to investigate state government operations, promote efficiency and economy, and improve service. The LHC is currently in the fact-finding stage of a project to review occupational licensing. They recently sent DHCC a letter

requesting information on occupational licensing pertinent to dental hygienists.

Mr. Lum reported the project's goals:

- Determine the impact of occupational licensing on upward mobility and opportunities for entrepreneurship as well as opportunities for Californians of modest means.
- Examine the impact of occupational licensing on cost and availability of services provided by licensed practitioners to consumers.
- Assess the connection between occupational licensing regulation and the underground economy.
- Explore the balance between protecting consumers and enabling Californians to enter the occupation of their choice.

Mr. Lum explained that some participants in LHC's project propose that certification may be preferable to licensure because they suggest that licensing segregates and discriminates against those without the means to obtain a license. He added that in his opinion licensure is preferable to certification because licensure creates a vetting process that ensures key qualifications are met. Ms. Hurlbutt remarked that in some cases certification is more costly to the applicant than is licensure.

There were no further comments from members or the public.

FULL 4 – Budget Report

Mr. Lum summarized DHCC's yearly expenditures and projected budget through the end of the 2015/2016 fiscal year (FY). He reported that DHCC expenditures have increased due to implementation of BreZE and the subsequent need for more personnel. He added that most of DHCC's current projected budget reversion is a result of salary savings. In fact, this year DHCC is saving around 25% of its budget, mostly from salary savings, and this will go back into the fund (savings account) as the reverted amount. However, DHCC recently hired Estelle Champlain to fill its vacant Associate Government Program Analyst position and there are still two unfilled positions to go: one Staff Services Analyst and one Enforcement Special Investigator. When all of the vacant positions are filled, there will be a minimal reversion.

Mr. Lum reported that if no action is taken to increase revenue, DHCC will be threatened with insolvency by FY 2017/2018. In fact, assuming DHCC's vacant positions are filled by then, at that time, there would be less than one month's worth of expenditures in reversion. Mr. Lum stated that the 2014 fee increase to \$160 would only sustain the DHCC for 4-5 years, which has come to fruition. He suggested a new fee cap be \$300. He

explained that this is not the actual projected amount of the license fee, just the maximum cap DHCC would be able to potentially charge. President Kelsch asked how many years an increase to \$300 would sustain the DHCC. Mr. Lum estimated five years.

Public Comment: JoAnn Galliano suggested that CDHA may support DHCC in asking for a fee ceiling higher than \$300 because this would prevent DHCC having to return to the legislature to request another increase in the next several years. She pointed out that continued requests to the legislature could result in the DHCC budget being held in suspense, leaving DHCC unable to fulfill its duties. President Kelsch agreed that a higher request would be preferable. She noted that if a higher fee ceiling were approved it would remain possible for DHCC to raise the fee incrementally within the boundary instead of spiking all at once. Garry Shay commented that he agreed as well.

Mr. Lum also stated that BreEZe bills DHCC quarterly and that this is reflected in the monthly expenditure fluctuation, namely, it creates an apparent spike in monthly expenditures when only the billed month is examined in isolation from the other months of the quarterly cycle. He continued that due to the current billing scheme, it would be impossible to include the BreEZe monthly cost in the expenditure projection report as requested by the DHCC.

Mr. Lum explained that DHCC had to increase its expenditure authority to pay for its portion of DHCC's transition to BreEZe. Maintenance costs for BreEZe are rolled into pro rata and will vary depending on how many fixes are required. Ms. Hurlbutt asked who is responsible to pay for the fixes to BreEZe when those fixes derive from malfunctions on BreEZe's part. Mr. Lum responded that DHCC is required to pay for all fixes DHCC submits to BreEZe, regardless of fault. Ms. Hurlbutt stated concern that pro rata needs may continue to increase, thereby extending the costs of BreEZe indefinitely.

Mr. Lum recommended to the DHCC that, in light of the fiscal situation, they carefully select which projects to pursue and which to delay. Things like alternative pathways to licensure that would require an additional position, with entailed costs, may be better initiated at a later time. He also cautioned against comparing the DHCC to other DCA programs as these programs likely have more time in service, more staff, and significantly higher budgets. DHCC is still in emerging stages, having only existed for six years. Considering all this, it may not be a fair comparison between the DHCC and another DCA program.

Ms. Hurlbutt reminded that for some projects, such as alternate pathways to licensure, there can be fees associated. She commented that the additional fees would perhaps cover the costs of the new program. Mr. Lum replied that the increase in cost would need to include not only additional personnel but also adjustment costs to BreEZe.

There were no further comments from members or the public.

FULL 5 – Discussion and Possible Action on Proposed Strategic Planning Dates

Mr. Lum stated that DHCC is currently operating under the original strategic plan created in FY 2009/2010. DHCC has undergone many changes since that time and would benefit from an updated strategic plan. Mr. Lum requested that DHCC approve a strategic planning session with the DCA SOLID Strategic Planning staff for Saturday, September 24, 2016 to create a new draft plan. The draft would then be presented to the full committee at the December 2016 meeting.

Ms. Hurlbutt stated that she has a prior commitment on September 24, 2016. Mr. Shay said he would be able to attend. Sandra Klein inquired if there would be more than one meeting. Ms. Hubble responded that at this time only one meeting is proposed but that there will be several opportunities for involvement outside of attending the meeting.

There were no further comments from members or the public.

Motion: Garry Shay moved to approve a strategic planning session with the DCA SOLID Strategic Planning staff for Saturday, September 24, 2016 to create a new draft plan.

Second: Edcelyn Pujol.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

FULL 6 – Ethical Decision Making Presentation for Members

Kelsey Pruden indicated that statute requires that protection of the public be paramount in actions taken by the DHCC. She explained that the purpose of a disciplinary hearing is not to punish licensees, but rather to promote the protection of the public. This pertains to two types of

scenarios: one is determining the fitness of an applicant for licensure, and the second is the discipline of a person who already holds a license. Ms. Pruden summarized the necessary steps in an administrative proceeding. She described the role of the administrative law judge as well as the role of DHCC members.

Ms. Pruden stated that “stipulated settlement” is the term used when the licensee and EO agree to a particular enforcement outcome prior to a formal hearing. She noted that conditions of the stipulated settlement may allow the licensee to continue to practice during the course of the administrative action.

Ms. Pruden also described the due process requirement and noted that adherence to due process is essential for ethical decision making. When the DHCC is deciding a case, its members must base their decision solely on the facts presented in the case; outside fact-finding and ex parte communications are strictly prohibited. The only case-related communication the DHCC is permitted with staff is to ask the Enforcement Analyst (Nancy Gaytan) procedural questions. If a stipulated settlement is in place, and if it allows for additional communication, then that communication is permissible.

Ms. Pruden presented information concerning burden of proof standards. She stated that applicants for initial licensure bear the burden of proof to show that by a “preponderance of evidence” he or she is fit for licensure. However, for disciplinary actions the burden of proof is on the DHCC to demonstrate by “clear and convincing evidence of reasonable certainty” that the respondent (licensee or applicant) is guilty of the charge. The variance in burden of proof standards is due to the licensee possessing a vested property right in his or her license. She also stressed that DHCC members are required to examine the entire record of evidence before coming to a decision.

Ms. Pruden advised that each DHCC member has the duty to disqualify or recuse himself or herself when there is an actual or apparent bias or a conflict of interest. If this occurs, the DHCC member should disclose the recusal as soon as possible. Also, statute requires that if a decision will have a material effect on a DHCC member’s finances then that member must recuse himself or herself.

Ms. Pruden finished her presentation by outlining various procedural matters on how to formulate and submit a judgement. President Kelsch requested for Ms. Pruden to provide a written copy of the presentation for the DHCC to keep as a reminder during their tenure.

There were no further comments from members or the public.

FULL 7 – Update on Pending Regulatory Packages

Mr. Lum presented a status report on the following regulatory packages:

- Administration and Examinations, California Code of Regulations (CCR), Title 16, Division 11, §§1101, 1121, 1122, 1124, 1126, 1127, and 1133. This package was submitted to the Office of Administrative Law (OAL) on April 26, 2016 and is currently under review.
- Definitions – CCR, Title 16, Division 11, §1101. This package was submitted to OAL on April 26, 2016.
- Educational Programs, CCR, Title 16, Division 11, §§1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, and 1106. This package was approved by OAL on April 20, 2016.
- Feasibility Study, CCR, Title 16, Division 11, §§1104, 1104.1, 1104.2 This package went to OAL on April 26, 2016 and is currently under review.
- Remedial Education, CCR, Title 16, Division 11, §1108. This package was approved by OAL on February 19, 2016.

Public Comment: Gayle Mathe stated that she had requested the final revisions to the Definitions package be sent to CDA before being finalized. President Kelsch thanked Ms. Mathe for disclosing the request.

There were no further comments from members or the public.

FULL 8 – Legislative and Regulatory Subcommittee Report

Ms. Hurlbutt reported the following outcomes from the Legislative and Regulatory Subcommittee meeting:

- Acceptance of May 2, 2015 Minutes;
- Review of 2016 Tentative Legislative Calendar ; and
- Action to Amend CCR, Title 16, Article 13, Section 1151, Out-of-State Practitioner Authorization to Participate in Sponsored Free Healthcare Events.
 - 1) She described the addition of language requiring each out-of-state participant to wear a badge during the event. This badge would list the name of the practitioner and the procedures that practitioner is authorized to perform. Additionally, the name of the application was amended for clarity. The new name is “Request for Authorization to Volunteer to Practice Without a California License at a Sponsored Free Health Care Event.”
 - 2) Also, the subcommittee agreed with staff’s recommendation on how many days would be allowed to approve procedures.

There were no comments from members or the public.

- **Motion: Michelle Hurlbutt moved to approve the proposed regulatory language as amended and direct staff to take all necessary steps to initiate the rulemaking process and set the proposed regulations for a 45-day public hearing and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.**

Second: Legislative and Regulatory Subcommittee.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

Ms. Hurlbutt reported that the subcommittee also took action to amend CCR Title 16, Section 1107, RDH Course in Local Anesthesia, Nitrous Oxide-Oxygen Analgesia, and Soft-Tissue Curettage. The changes are meant to increase clarity.

There were no comments from members or the public.

- **Motion: Michelle Hurlbutt moved to approve the proposed regulatory language as amended and direct staff to take all necessary steps to initiate the rulemaking process and set the proposed regulations for a 45-day public hearing and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.**

Second: Legislative and Regulatory Subcommittee.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent.)

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

Ms. Hurlbutt reported that the subcommittee recommends to the full committee the following positions:

- AB 12, Cooley. Watch;
- AB 648, Low. Watch;
- AB 1868, Wagner. Watch;
- AB 2701, Died, so no position was taken;
- AB 2859, Low. Support;
- SB 1033, Hill. Watch;
- SB 1155, Morrell. Watch; and
- SB 1217, Stone. Support.

There were no comments from members or the public.

Motion: Michelle Hurlbutt moved that the full committee adopt a support position for AB 2859 (Low) and SB 1217 (Stone); further, that the full committee maintain a watch position on AB 12 (Cooley), AB 648 (Low), AB 1868 (Wagner), SB 1033 (Hill), and SB 1155 (Morrell).

Second: Legislative and Regulatory Subcommittee.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

Ms. Hurlbutt stated that the subcommittee did not receive any future agenda item suggestions. President Kelsch thanked Ms. Hurlbutt for her report.

There were no further comments from members or the public.

Motion: Michelle Hurlbutt moved that the full committee accept the subcommittee's report.

Second: Legislative and Regulatory Subcommittee.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

FULL 9 – Licensing and Examination Subcommittee Report

Ms. Hurlbutt reported the following outcomes from the Licensing and Examination Subcommittee meeting:

- Acceptance of May 2, 2015 Minutes;
- Review of Licensure and Examination Statistics; and
- Proposal of Future Agenda Item: FNP/Practitioner’s True Name Disclosure Compliance.

There were no comments from members or the public.

Motion: Michelle Hurlbutt moved that the full committee accept the subcommittee’s report.

Second: Licensing and Examination Subcommittee.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

FULL 10 – Enforcement Subcommittee Report

Mr. Shay reported the following outcomes from the Enforcement Subcommittee meeting:

- Acceptance of May 2, 2015 Minutes; and
- Review of Enforcement Statistics and Performance Measures.
 - He noted that all statistics, with the exception of the formal discipline cycle, were below targets but that this is largely outside the control of DHCC because of delays in processing cases at the Attorney General’s office.

There were no comments from members or the public.

Motion: Garry Shay moved that the full committee accept the subcommittee's report.

Second: Enforcement Subcommittee.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

FULL 11 – Education Subcommittee Report

Ms. Hurlbutt reported the following outcomes from the Education Subcommittee meeting:

- Acceptance of May 2, 2015 Minutes;
- Review of Current Educational Trends in Interim Therapeutic Restorations (ITR) and Determination of Radiographs; and
- Review Update on Alternative Pathways to Licensure.

There were no comments from members or the public.

- **Motion: Michelle Hurlbutt moved that the full committee accept the subcommittee's report.**

Second: Education Subcommittee.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

Mr. Lum revisited the tabled agenda item number six item from the prior day. Mr. Lum stated that staff recommends a motion to approve a revised fee resolution to include a feasibility study with a curriculum review and site evaluation in the fee description to minimize any confusion from new dental hygiene educational program applicants. Mr. Lum clarified that this is an update to SB-1202 (Statutes of 2012, Chapter 331) and it is for record keeping purposes. Ms. Hurlbutt asked for clarification on whether this would expand the fees agreed upon in 2012. Mr. Lum answered that this would keep the fees in place but would clarify the language of the regulation to erase ambiguity.

There were no further comments from members or the public.

- **Motion: Garry Shay moved to approve a revised fee resolution to include a feasibility study with a curriculum review and site evaluation in the fee description to minimize any confusion from new dental hygiene educational program applicants.**

Second: Sandra Klein.

Vote: The motion passed 6-0 (Susan Good, Nicolette Moultrie, and Evangeline Ward were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Susan Good			X
Evangeline Ward			X
Nicolette Moultrie			X
Sandra Klein	X		
Noel Kelsch	X		
Michelle Hurlbutt	X		
Timothy Martinez	X		
Edcelyn Pujol	X		
Garry Shay	X		

President Kelsch announced that the committee would not move into Closed Session, (FULL12), as it was conducted the day before as time permitted.

FULL 13 – Future Agenda Items

- President Kelsch proposed discussing the prior day's public comment (from Francine Small) requesting a review of policies for out-of-state licensure candidates and the requirement for a California-based SLN course.
- President Kelsch requested discussion regarding site reviews for existing approved schools.
- Ms. Hurlbutt requested updates on SB 1098 and AB 1863.
- Ms. Hurlbutt requested an update on FNP status.
- Public Comment: Lygia Jolley requested the DHCC to review AB 2207.
- Ms. Jolley requested DHCC's consideration on how the DHCC might be able to impose fines or other punitive measures on noncompliant dental education programs.

FULL 14 – Adjournment

President Kelsch thanked participants for their contributions. She reminded all interested entities to keep their Internet Web sites up to date. She adjourned the full committee meeting at 11:20 a.m.



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda Item 4

Discussion and Possible Action Regarding
Adoption of Revisions to the DHCC's Member
Guidelines and Procedure Manual



MEMORANDUM

DATE	August 20, 2016
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer & Anthony Lum, Assistant Executive Officer
SUBJECT	Agenda Item 4 – Discussion and Possible Action Regarding Adoption of Revisions to the DHCC’s Member Guidelines and Procedure Manual

The current DHCC Member Guidelines and Procedure Manual was created in 2011 and revised in 2013. Since that time, there have been numerous changes to several guidelines and procedures that warrant an update to the manual. Some of the new revisions made are:

- 1) An easier read and identification so that specific details and member requirements are bulleted instead of in narrative form;
- 2) Links and email addresses for member requirements are provided for further information and completion;
- 3) Expanded details for each of the DHCC’s officers and the Executive Officer;
- 4) Provides the change in the Bagley-Keene Open Meeting Act that requires boards and committees to complete a roll call vote on all action items and record the results;
- 5) Improved details of member conduct and action for before, during, and after open meetings;
- 6) Explanation about the disciplinary procedures including mail ballots for Enforcement cases; and
- 7) A definitions page of Enforcement terminology.

Committee Action

- Staff request approval of the 2016 revised DHCC Member Guidelines and Procedure Manual.



DHCC

Dental Hygiene
Committee
of California

Member Guidelines & Procedure Manual

August 2016

CONTENTS

Chapter 1 Introduction 1

Chapter 2 Composition 3

Chapter 3 Training & Certification Requirements 5

Chapter 4 Bagley-Keene Open Meeting Act 7

Chapter 5 Operations 8

Chapter 6 Disciplinary Matters Involving Licensees 11

Chapter 7 Salary Per Diem 12

Chapter 8 Travel Reimbursement 13

Chapter 9 Additional Resources 14

Index 20

DRAFT

Chapter 1
INTRODUCTION

The Dental Hygiene Committee of California (DHCC) is the only self-regulating dental hygiene agency of its kind in the United States. The California Legislature established the DHCC in 2008 as an independent committee within the Department of Consumer Affairs (DCA). In California, the DHCC holds authority to regulate the dental hygiene profession under the guidance of statutes contained in the Business and Professions Code (B&P), Sections 1900 - 1967.4 and sections of the California Code of Regulations (CCR). The following is a summary of the DHCC's responsibilities:

- Pursue legislation;
- Author and enforce regulations;
- Grant, renew, and withdraw approval of dental hygiene educational programs;
- Conduct feasibility studies for new dental hygiene educational programs;
- Develop and maintain the dental hygiene Law and Ethics Examination in conjunction with the Office of Professional Examination Services;
- Issue, suspend, and revoke dental hygiene licenses and permits;
- Oversee licenses placed on probation;
- Conduct investigation of and administer enforcement for licensing violations; and
- Participate in outreach and support of the dental and dental hygiene community.

DHCC members are appointed by the Governor and serve at the pleasure of the Governor. A standard term of appointment is four years in duration. The Governor shall have the power to remove any member from the DHCC for neglect of duty required by law, for incompetence, or for unprofessional or dishonorable conduct. In the event that a member resigns, the resigning member shall send a letter to the Governor notifying the Governor of the member's resignation and effective last date of service. A copy of the letter of resignation shall be sent to the Director of DCA, the DHCC President, and the DHCC Executive Officer (EO).

This procedure manual is provided to guide members in the discharge of their duties and to ensure DHCC effectiveness and efficiency.

Chapter 2
COMPOSITION

Members - The DHCC shall consist of nine members. There shall be four public members, four registered dental hygienist (RDH) members, and one dentist member. Each licensed member shall possess, at the time of appointment and throughout the member's term on the DHCC, a valid California license in good standing to practice in the member's respective field of dentistry or dental hygiene.

- Public members - No public member shall have been licensed under this chapter within five years of the public member's date of appointment, nor shall the public member possess or acquire any financial interest in a business related to the practice of dentistry or dental hygiene during the public member's term on the DHCC.
- RDH members - Of the RDH members, one shall be licensed either in alternative practice or in extended functions; one shall be a dental hygiene educator; and two shall be RDHs.
- Dentist member - The dentist member shall be licensed either as a general dentist or a public health dentist.

Mid - term vacancies shall be filled by Governor appointment and the newly appointed member shall serve the remainder of his or her predecessor's unexpired term.

Member Officers - The DHCC shall elect a President, a Vice President, and a Secretary from its membership. The election shall be held at the final meeting of the calendar year. The DHCC's legal counsel shall conduct the election and shall set the election procedures. The newly elected member officers shall assume their respective offices on January 1st of the following year. Each term of service for a member officer position is one year. No person shall serve as a member officer for more than two consecutive terms unless extenuating circumstances prevail and unless the majority of the members vote in favor of an extension. If an office becomes vacant during the year, an election shall be held at the next meeting.

President - The President is the spokesperson for the DHCC. The President represents the DHCC by attending hearings and other meetings with legislators and stakeholders. The President attends Dental Board of California meetings as necessary. The President may testify, sign letters, and address the media on behalf of the DHCC. The President shall copy the EO on all written communications made on behalf of the DHCC and the EO shall forward the communication to all members.

The President is the chief official responsible for DHCC business. The President chairs and facilitates DHCC meetings, approves DHCC meeting agendas, signs specified full committee enforcement orders, establishes subcommittees, appoints the Chairperson and members of each subcommittee, and when necessary, assigns members at large to serve in the absence of subcommittee members. The President may establish task forces to research policy questions as needed.

The President is the immediate supervisor of the EO. Specific instructions for work on policy matters by the EO from DHCC members shall be coordinated through the President. The President shall meet and communicate with the EO on a regular basis. The President holds approval authority for the EO's timesheets, travel expense claims, and leave requests. The President performs the following duties to lead the EO evaluation process:

- The President shall obtain an Executive Officer Performance Evaluation Guide from DCA Human Resources.
- The President shall distribute the Executive Officer Performance Evaluation Guide to DHCC members.
- The President shall collect each member's input and creates a draft EO Performance Appraisal and Salary Administration.
- The President shall present a draft EO Performance Appraisal and Salary Administration to the DHCC annually.
- The President shall ensure that discussion of EO Performance Appraisal and Salary Administration is noticed on the DHCC meeting agenda for which it will be deliberated. Deliberation on EO Performance Appraisal and Salary Administration shall be conducted annually. Deliberation on the EO Performance Appraisal and Salary

Administration shall be conducted in closed session unless the EO requests to the President in writing that the matter be discussed in open session.

- Before the close of deliberations, the President shall ensure that the DHCC approves an EO Performance Appraisal and Salary Administration Report.
- The President shall provide the EO with a written EO Performance Appraisal and Salary Administration Report annually.

Vice President - The Vice President assists the President at the President's request and may assume the duties above in the President's absence.

Secretary - The Secretary calls the roll at each DHCC meeting and reports whether a quorum is established. The Secretary also calls the roll vote for each agenda item voted upon and records the official vote results for the record.

Executive Officer - The EO is the chief administrative officer responsible for implementing the policies and directives of the DHCC.

- **Recruitment and Selection** - The DHCC shall institute an open recruitment plan to maintain a pool of qualified candidates. The DHCC shall also work with the DCA's Office of Human Resources for recruitment procedures. The selection of an EO shall be included as an item of business which must be noticed in a written agenda and transacted at a public meeting.
- **Appointment** - The appointed EO is exempt from civil service and serves at the pleasure of the DHCC. Appointment of the EO is subject to approval by the Director of the DCA.
- **Supervision** – The President is the direct supervisor of the EO. The EO, with the assistance of an Assistant EO, manages and supervises the staff.
- **Vacancy** – In the event the EO's position becomes vacant, the DHCC shall appoint the Assistant EO to serve as Interim EO until a permanent appointment can be made. The Interim EO's salary shall be set at an amount within the EO's salary range and the salary shall be applied to the first day of service as an Interim EO. The DHCC shall hold a special meeting within 30 days of the EO's vacancy to appoint an Interim EO, confirm the salary amount, and to initiate the selection process for a new EO.

Staff - Employees of the DHCC, with the exception of the EO, are civil service employees. Their conditions of employment (including pay, benefits, discipline, and evaluations) are governed by a myriad of civil service laws and regulations as well as collective bargaining labor agreements. Because of this complexity, it is appropriate that the DHCC delegate all authority and responsibility for managing the DHCC staff to the EO.

Chapter 3

TRAINING & CERTIFICATION REQUIREMENTS

DHCC members are required to complete the following training. Upon completion of each course, members shall send a copy of their Certificate of Completion to the EO. The EO shall retain a copy of each certificate in the member's personnel file and shall forward additional copies to the appropriate oversight agencies as required.

- Board Member Orientation
- California Ethics Training for State Officials
- Conflict of Interest Certification
- Defensive Driver Training
- Sexual Harassment Prevention

Board Member Orientation Training - Every newly appointed and/or reappointed member is required to complete a New Board Member Orientation training program presented by the DCA within one year of assuming office. The training covers functions, responsibilities, and obligations entailed in service as a DHCC member. For more information and assistance with scheduling, please contact:

SOLID Training Solutions
1747 Market Blvd., Ste. 270
Sacramento, CA 95834
(916) 574-8316
SOLID@dca.ca.gov

California Ethics Training for State Officials - Every newly appointed and/or reappointed member is required to complete the California Ethics Training for State Officials course within six months of appointment and every two years thereafter. The Attorney General's Website, <http://oag.ca.gov/ethics>, contains both an interactive version of the training as well as an accessible text-only version.

Conflict of Interest Certification - Every newly appointed and/or reappointed member is required to certify, within 10 days of appointment, and each year thereafter, specific documents to the general effect that he or she will perform all duties of a DHCC member in an impartial manner, free from bias caused by personal financial interests or the interest of persons who have supported the member. These documents, along with further explanation of conflict of interest restrictions and requirements, are available through the Board Member Resource Center on the DCA Website at:

http://www.dcaboardmembers.ca.gov/member_info/conflict_interest.shtml.

Defensive Driver Training - Each member who will drive a vehicle in the course of any official function as a DHCC member, including commuting to DHCC meetings, shall complete, within 10 days of appointment, and every four years thereafter, the Department of General Service's (DGS) Defensive Driver Training. This training can be accessed through the DGS Website at:

www.dgs.ca.gov/orim/Programs/DDTOnlineTraining.aspx.

Sexual Harassment Prevention - Every newly appointed and/or reappointed member is required to complete Sexual Harassment Prevention training within six months of appointment and every two years thereafter. DCA's Equal Opportunity Employment Office can provide instructions on how to obtain this training.

Equal Employment Opportunity Office
1625 N. Market Blvd., Ste. N330
Sacramento, CA 95834
(916) 574-8280

http://www.dcaboardmembers.ca.gov/training/harassment_prevention.shtml

Chapter 4

BAGLEY-KEENE OPEN MEETING ACT

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of state regulatory boards and committee meetings of those boards when the committee consists of more than two members. The act specifies meeting notice and agenda requirements and prohibits discussing or taking action on items not included in the agenda.

All members are encouraged to read the entire Bagley-Keene Open Meeting Act guide prepared by DCA Legal Affairs and accessible through the DCA Internet Web Site at:

http://www.dca.ca.gov/publications/bagleykeene_meetingact.pdf.

Key points include the following:

- The DHCC shall post notice to the public on the Internet at least 10 calendar days before regular meetings are held. Alternate format notices shall be made available, upon request, for persons with disabilities.
- The notice shall include the agenda.
- During the meeting, the only items that shall be discussed are the items on the noticed agenda, with the exception that the public may raise issues during the Public Comment portion of the meeting.
- Issues raised during the meeting but not agenzized may, at the discretion of the President, be placed on a future meeting's agenda for discussion.
- For all action items at DHCC meetings, as well as subcommittee meetings of three or more members, the law now requires the DHCC to conduct a roll call vote for each action item voted upon for the record including the abstention of each member present for that action item. The DHCC shall include this information in its meeting minutes.
- Provision is made to allow special meetings for certain circumstances in which adherence to the 10 day notice requirement would impose a substantial hardship on the state body or where immediate action is required to protect public interest.
- Members shall not contact other members in order to discuss, deliberate, or take action outside the meeting on a matter within the subject matter of the DHCC.

- Members are strongly discouraged from using cell phones during any meeting as this may give the impression of unlawful member-to-member communication.
- Members may seek further clarification and instruction from the EO.

Chapter 5
OPERATIONS

General Rules of Conduct -

- Members shall recognize the valuable contributions of all DHCC members.
- Members shall commit appropriate time and effort to DHCC responsibilities including reviewing meeting notes, administrative cases, and other materials provided by staff.
- Members shall adhere to the principles of fairness and impartiality in the discharge of their duty to protect the public, without bias, through the enforcement of DHCC laws and the creation of regulations to govern the practice of dental hygiene.
- Members shall conduct their business in an open manner so that the public may be both informed and involved in accordance with the Bagley-Keene Open Meeting Act.
- Members shall neither privately nor publicly lobby for, nor shall they publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals when those views or goals are in opposition to a position adopted by the DHCC.
- Members shall never participate in making a governmental decision, or in any way attempt to use their official position to influence a governmental decision, in which there is a financial interest to the member or the potential of such. Any DHCC member who feels they are entering into a situation where there is a potential for a conflict of interest shall immediately consult the EO or DHCC's legal counsel.
- Members shall never accept gifts from applicants, licensees, or members of the profession while serving on the DHCC.
- Members shall not disclose or otherwise make known the contents or nature of sensitive, private, or confidential documents or information related to DHCC business.
- Members shall not speak or act on behalf of the DHCC without first notifying the EO and obtaining permission from the President.

Full Committee Meetings - The DHCC shall meet at least two times each calendar year and shall make a reasonable effort to vary the location of meetings, as economically feasible, to best serve the public and licensees.

Member attendance and active participation is critical to the success of DHCC meetings; therefore, if at any time a member cannot attend a meeting, it is imperative that the member notify the EO as soon as possible so that the EO can verify that a sufficient number of members will be present at the meeting to establish a quorum. To vote on an item of business, a quorum must be present. The presence of five members is necessary to establish a quorum. When a quorum is not present, but members are in attendance at a noticed meeting, members may discuss items of business but they may not take any action.

The President may ascertain from any member whose level of attendance and active participation at noticed meetings and whose timely submittal of mail votes is below standard whether or not the member is able or willing to continue to serve.

Agendas - Any member may submit items to the EO for consideration for future meeting agendas. The President and EO shall review all proposed agenda items received at least 30 days prior to the noticed meeting and the President shall determine which items shall be placed on that meeting's agenda. The EO shall provide the agenda to all members at least 10 days prior to the meeting and the EO shall provide the meeting packet to all members by email no later than seven days prior to the meeting.

Agendas shall focus on the specific tasks assigned by the DHCC and shall include:

- Time for public comment.
- Time for members to recommend new issues to be brought to the DHCC's attention.
- Time for a lunch break if the meeting is a full day.
- Subcommittee agendas shall only contain items dealing with subjects assigned to the respective subcommittee.

Subcommittees - Subcommittees are advisory groups formed to research and deliberate on specific categories of concern, then recommend actions to the full committee (DHCC) for approval. The President shall appoint members to fill positions on each standing subcommittee. A member may serve on multiple subcommittees. Members who attend a subcommittee meeting when not appointed to that subcommittee may sit in the audience, but shall not participate in the meeting. There are four standing subcommittees:

- Licensing and Examination Subcommittee
- Enforcement Subcommittee
- Legislative and Regulatory Subcommittee
- Education Subcommittee

Licensing and Examination Subcommittee - The purpose of the Licensing and Examination Subcommittee is to advise the DHCC on policy matters relating to examination and licensure.

Enforcement Subcommittee - The purpose of the Enforcement Subcommittee is to advise the DHCC on policy matters related to protecting the health and safety of consumers. This includes evaluation of disciplinary statutes and maintenance of regulations and guidelines pertaining to enforcement.

Legislative and Regulatory Subcommittee - The purpose of the Legislative and Regulatory Subcommittee is to review and track legislation that affects the DHCC and to recommend positions on legislation. The subcommittee also provides information and recommendations on regulatory additions or changes.

Education Subcommittee - The purpose of the Education Subcommittee is to advise the DHCC on granting, renewing, or withdrawing approval of educational programs and curriculum content. The subcommittee also provides information and recommendations on feasibility studies for new educational programs.

Ad Hoc Subcommittees - The President may establish ad hoc subcommittees as needed. Any member may request that an ad hoc subcommittee be established. The ad hoc

subcommittee is charged with an in-depth review of a specific issue and a recommendation to the DHCC.

Staff Assistance – The DHCC staff are available to provide support and consultation to the DHCC members and subcommittees; however, members must funnel all communications and requests for staff assistance through the EO.

Recordkeeping - All public meetings are recorded using either audio and/or video recording equipment. Recordings shall be maintained until either 30 days from the meeting or until after the minutes are approved or accepted, whichever is later.

Minutes - Meeting minutes are a summary, not a transcript, of the proceedings. Only a quorum may approve meeting minutes and when less than a quorum is present, they may accept the minutes. A vote shall be taken regarding whether or not to accept/approve the minutes at the next meeting following the meeting for which the minutes pertain. Approved or accepted minutes for the open session portions of DHCC meetings shall be made available for distribution to the public and placed on the DHCC's Internet Web Site within 30 working days of approval/acceptance.

Voting - All votes shall be captured in a roll call format as per the Bagley-Keene Open Meeting Act and reflected as such in the minutes.

Chapter 6

DISCIPLINARY MATTERS INVOLVING LICENSEES

When a disciplinary matter involving a licensee arises, the Enforcement Analyst shall prepare a comprehensive report on the issue and provide it to all DHCC members. At the close of the report, the Enforcement Analyst shall propose various positions or stipulations for members to consider regarding the matter and shall provide each member a mail ballot and copy of the voting policy.

Voting on Disciplinary Matters - Each member may vote by mail ballot in favor of one of the proposed disciplinary positions or stipulations, or the member may vote to hold for discussion

by writing on his or her ballot “hold for discussion” as well as the reason for the request to hold for discussion. If two or more members vote to hold for discussion, the matter is set aside until it can be discussed during a closed session at the next meeting. Members shall cast new votes after the discussion.

The DHCC shall approve, by a majority vote, any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A two-week deadline is generally given for return of the mail ballot to the DHCC’s office.

If the matter is held for discussion, legal counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

Security Regarding Disciplinary Matters - Members shall not directly participate in complaint handling or investigations. The following guidelines apply but members should contact the EO or DHCC legal counsel for answers to specific questions.

- No member shall access a licensee’s or candidate’s file.
- Members shall not intervene on behalf of a licensee, candidate for licensure, or respondent for any reason.
- If a member is contacted by a licensee, candidate for licensure, respondent, or by a respondent’s attorney, the member shall refer the person making contact to the EO and shall immediately notify the EO of the contact event.

Chapter 7

SALARY PER DIEM

Members fill non-salaried positions but are paid \$100 per day for each meeting day actually spent in the discharge of official duties. Members are reimbursed travel and other expenses necessarily incurred in the performance of official duties. They are paid from the DHCC’s funds

(Business and Professions Code, Section 103). Salary per diem and travel reimbursement shall be rendered in accordance with the following guidelines:

- The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a DHCC or subcommittee meeting until that meeting is adjourned. Travel time is not included in this component.
- No salary per diem or reimbursement for travel-related expenses shall be paid to members except for attendance at official meetings unless a substantial official service is performed by the member. In the event of attendance at gatherings, events, hearings, conferences, or meetings other than official DHCC or subcommittee meetings in which a substantial official service is performed, the member shall notify the EO and gain approval from the DHCC President prior to the member's attendance.
- For DHCC-specified work, members may be compensated for actual time spent performing work authorized by the President. This may include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences.
- Reimbursable work does not include miscellaneous reading and information gathering for business not related to any meeting, preparation time for a presentation, or participation at meetings not related to official duties.

Chapter 8

TRAVEL REIMBURSEMENT

Members shall obtain the President's approval prior to embarking on any travel in support of the DHCC except for DHCC meetings and mandatory training.

Rules governing members' reimbursement of authorized travel expenses are consistent with rules that apply to management-level state staff. Members shall coordinate with the EO as soon as possible upon return from travel to file travel expense claims.

Chapter 9
ADDITIONAL RESOURCES

Sample Mail Ballot

Model with Separate Hold Provisions

To: All DHCC Members

From: Enforcement Analyst

Date:

RE: Mail Ballot for [First] [Last], License No. _____ Case No. _____

THIS MAIL BALLOT MUST BE RETURNED TO THE DHCC NO LATER THAN _____
(If the ballot does not reach the DHCC by this date your vote may not be counted and the DHCC may lose jurisdiction to act).

Please review the attached documents and vote on the above case. Upon completion of this mail ballot, please return it to me in the enclosed envelope or fax it to me at (916) 263-2688 by the date noted above.

The decision presented is a:

- Proposed Decision. The DHCC will lose jurisdiction to act on _____
[Government Code Section 11517(d)].
- Stipulated Decision
- Default Decision
- Probationary License

Please choose one option:

- I vote to adopt (Choose this option if you accept the decision as written).
- I vote to reject (Choose this option if you have questions or concerns).
- I vote to recuse myself (Choose this option if you believe you have a conflict).
- I vote to hold for discussion (Choose this option if you would like to discuss at the next DHCC meeting)

DHCC Member Signature

Date

If you have procedural questions about the decision, please contact me at (916) 576-5005.

EXPLANATION OF ENFORCEMENT TERMS

Accusation - Charges filed against a licensee alleging violations of the laws and regulations relating to the practice of dental hygiene.

Default Decision - Licensee fails to respond to the Accusation by filing a Notice of Defense or fails to appear at the administrative hearing.

Denied - The application for licensure as a dental hygienist is denied.

Decision - The order of the DHCC in a disciplinary action.

Interim Suspension Order (ISO) - An order issued upon petition by the DHCC, suspending a licensee from all or a part of his or her practice in dental hygiene.

Petition to Revoke Probation - Charges filed against a probationer seeking revocation of their license based upon violation(s) of probation.

Probation - Terms and conditions placed on a licensee for a specific period of time as a result of disciplinary action.

Probationary License - A conditional license issued to an applicant with terms and conditions for a specific period of time.

Public Reprimand - Licensee was reprimanded for a minor violation(s).

Revoked - Licensee's right to practice is ended and the license is taken back.

Revoked, Stayed, Probation - "Stayed" means the revocation is postponed. Professional practice may continue so long as the licensee complies with the specific terms and conditions ordered. Violation of probation may result in the revocation that was postponed.

Statement of Issues - Charges filed against an applicant to deny licensure.

Stipulated Decision - A Settlement agreed to in lieu of a formal hearing to resolve the accusation and impose discipline.

Surrender - Licensee stipulates to surrender the license. The right to practice is ended.

Suspension - Licensee is prohibited from practicing for a specific period of time.

EXPLANATION OF MAIL BALLOT TERMS

Adopt - A vote to adopt the proposed action means that you accept the action as presented.

Default Decision - If an accusation mailed to the last known address is returned by the post office as unclaimed, or if a respondent fails to file a Notice of Defense or fails to appear at the hearing, the respondent is considered in default. The penalty in a case resolved by default is generally revocation of the license. A default decision can be set aside and the case set for hearing if the respondent petitions for reconsideration before the effective date of the decision and the DHCC grants the petition.

Hold for Discussion - In addition to voting, you should mark this box if you have a question or concern about the decision and would like to discuss the matter with fellow members during a closed session. If you vote to reject, you may also wish to hold the case. TWO votes must be received to hold a case. If the case is a **stipulated decision**, the DHCC staff can explain why they entered into the agreement. If the case is either type, you may contact the DHCC's assigned legal counsel to discuss the merits of the case.

Proposed Decision - Following a hearing, the administrative law judge shall draft a proposed decision recommending an outcome based on the facts and the DHCC's disciplinary guidelines. At its discretion, the DHCC may impose a lesser penalty than that in the proposed decision. If the DHCC desires to increase a proposed penalty, however, it must vote to reject or non-adopt the proposed decision, read the transcript of the hearing, and review all exhibits prior to acting on the case.

Recusal - Mark this box if you believe you cannot participate in making the decision because you have a specific conflict. Common examples are if the person is a member of your family, a close personal friend, or business partner. If you are unsure if you should recuse yourself, you should contact the EO or the assigned DHCC legal counsel.

Reject - A vote to reject (non-adopt) the proposed action means that you disagree with one or more portions of the proposed action and do not want it adopted as the DHCC's decision. This

vote should be used if you believe an additional term or condition of probation should be added (or deleted), or would otherwise modify the proposed penalty.

Stipulated Decision - At any time during the disciplinary process, the parties to the matter (the EO and the respondent) can agree to a disposition of the case. With the EO's consent, the Deputy Attorney General can negotiate a stipulated decision (also referred to as a stipulated agreement) based on the DHCC's disciplinary guidelines. The DHCC may adopt the stipulated decision as proposed, may counter-offer and recommend other provisions, or may reject the agreement. If respondent declines to accept a proposed counter-offer, the case continues in the standard disciplinary process.

Summary of Outcomes - If a proposed decision is rejected, the transcript will be ordered and the case scheduled for argument according to DHCC policy. After reviewing the record, the DHCC will be able to adopt the decision as previously written or modify the decision as it deems appropriate, except that a cost recovery order may not be increased. If a stipulated decision is rejected, the case will be set for hearing unless a counter offer is made during a closed session. If a default decision is rejected, the case will be set for hearing.

ACRONYMS

Agencies

AGO	Attorney General's Office
DBC	Dental Board of California
DCA	Department of Consumer Affairs
DHCC	Dental Hygiene Committee of California
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
OPES	Office of Professional Examination Services
PSI	Psychological Services Incorporated

Organizations

ADHA	American Dental Hygienists Association
CDHA	California Dental Hygienists Association
CDA	California Dental Association
CDHEA	California Dental Hygiene Educators Association
CAPS	California Assoc. of Private Post-Secondary Schools
CCC	California Community Colleges
CRDTS	Central Regional Dental Testing Services, Inc.
WREB	Western Regional Examination Board

Codes

B&P	Business and Professions Code
CAC	California Administrative Code
CCR	California Code of Regulations
CGC	California Government Code

Titles

AG	Attorney General
ALJ	Administrative Law Judge
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer

Licenses

FNP	Fictitious Name Permit
LBC	Licensure by Credential
RDH	Registered Dental Hygienist
RDHAP	Registered Dental Hygienist in Alternative Practice
RDHEF	Registered Dental Hygienist in Extended Functions
SLN	Soft Tissue Curretage, Local Anesthetic, and Nitrous Oxide and Oxygen Administration

INDEX

Agenda 7, 9

Bagley-Keene Open Meeting Act 7-8

Conflict of Interests 6, 12

Defensive Driver Training 6

Discipline, Licensee 11-12, 15-17

Ethics Training for State Officials 6

Executive Officer

Appointment4

Vacancy4

Meetings

Locations 9

Subcommittees 10

Member

Appointment 1

Conduct 8

Officers 2-4

Participation 9

Resignation 1

Minutes 11

Orientation 5

President 3-4

Quorum 9

Recusal..... 16

Salary Per Diem 12-13

Sexual Harassment Prevention Training..... 6

Staff 5,11

Travel Reimbursement 13

Voting 11, 14, 16-17



DHCC

Dental Hygiene
Committee
of California

***DHCC Member Guidelines and Procedure
Manual
December 2013***

CONTENTS

<u>04</u>	Chapter 1- INTRODUCTION
<u>04</u>	Chapter 2- DENTAL HYGIENE COMMITTEE OF CALIFORNIA (DHCC)
<u>04</u>	COMPOSITION
<u>05</u>	SALARY PER DIEM
<u>06</u>	GENERAL RULES OF CONDUCT
<u>07</u>	OFFICERS OF THE COMMITTEE
<u>07</u>	DHCC MEMBERS
<u>07</u>	ETHICS TRAINING
<u>07</u>	DHCC MEMBER ORIENTATION
<u>07</u>	SEXUAL HARASSMENT PREVENTION TRAINING
<u>08</u>	DHCC MEMBER REMOVAL
<u>08</u>	RESIGNATION OF COMMITTEE MEMBERS
<u>08</u>	CONFLICT OF INTEREST
<u>08</u>	DHCC COMMITTEE MEETINGS
<u>08</u>	Member Attendance at DHCC Meetings
<u>08</u>	Member Participation at DHCC Meetings
<u>09</u>	Quorum
<u>09</u>	Agenda Items
<u>09</u>	Record of Meetings
<u>09</u>	Audio or Video Recordings (Government Code Section 11124.1)
<u>09</u>	MEETING ON DISCIPLINARY MATTERS
<u>09</u>	Disciplinary Cases held for DHCC Meeting Closed Sessions
<u>10</u>	Mail Ballots (Government Code Section 11500) See Sample Mail Ballot on Page 17
<u>10</u>	DHCC MEMBER COMMUNICATIONS
<u>11</u>	CHAPTER 3 – DHCC PRESIDENT DUTIES
<u>11</u>	SUPERVISION OF THE EXECUTIVE OFFICER
<u>11</u>	PERFORMANCE APPRAISAL OF THE EXECUTIVE OFFICER
<u>11</u>	APPOINTMENTS
<u>11</u>	CHAPTER 4 - EXECUTIVE OFFICER
<u>11</u>	APPOINTMENT
<u>11</u>	ROLE
<u>12</u>	EXECUTIVE OFFICER RECRUITMENT
<u>12</u>	SELECTION
<u>12</u>	DHCC STAFF

12 CHAPTER 5 – SUBCOMMITTEES

<u>12</u>	FUNCTION
<u>12</u>	APPOINTMENTS
<u>12</u>	STANDING SUBCOMMITTEES
<u>13</u>	LICENSING AND EXAMINATION SUBCOMMITTEE
<u>13</u>	<i>ENFORCEMENT SUBCOMMITTEE</i>
<u>13</u>	LEGISLATIVE AND REGULATORY SUBCOMMITTEE
<u>13</u>	EDUCATION SUBCOMMITTEE
<u>13</u>	AD HOC COMMITTEES
<u>13</u>	DHCC AGENDAS
<u>14</u>	ATTENDANCE AT SUBCOMMITTEE MEETINGS
<u>14</u>	DUAL MEMBERSHIP
<u>14</u>	RECORD OF SUBCOMMITTEE MEETINGS
<u>14</u>	STAFF ASSISTANCE

14 CHAPTER 6 - TRAVEL PROCEDURES

<u>15</u>	Travel Arrangements
<u>15</u>	Out-of-State Travel
<u>15</u>	Travel Claims

15 CHAPTER 7- SECURITY PROCEDURES

<u>15</u>	REQUEST FOR RECORDS ACCESS
<u>15</u>	CONTACT WITH CANDIDATES, LICENSEES OR COMPLAINANTS
<u>15</u>	GIFTS FROM CANDIDATES

16 DEFINITION OF ACRONYMS

17-18 SAMPLE MAIL BALLOT MODEL WITH SEPARATE HOLD PROVISIONS

19 EXPLANATION OF MAIL BALLOT TERMS

Chapter 1- INTRODUCTION

The Dental Hygiene Committee of California (DHCC) was established by legislation passed in 2008 to become operational by 1 July 2009. The DHCC is one of many agencies within the Department of Consumer Affairs (DCA), part of the State and Consumer Services Agency under the aegis of the Governor. The DCA is responsible for consumer protection and representation through the regulation of licensed professionals and the provision of consumer services. While the DCA provides administrative oversight and support services, the DHCC has policy autonomy and sets its own policies, procedures, and regulations.

This procedure manual is provided to members as a ready reference of important laws, regulations, and policies in order to guide the actions of the members and ensure DHCC effectiveness and efficiency. The policies in this Manual can be amended by four affirmative votes of DHCC members.

Chapter 2 DENTAL HYGIENE COMMITTEE OF CALIFORNIA (DHCC)

COMPOSITION

The DHCC shall consist of nine members appointed by the Governor. Four shall be public members, one member shall be a practicing general or public health dentist who holds a current license in California and four members shall be registered dental hygienists who hold current licenses in California. Of the registered dental hygienists members, one shall be licensed either in alternative practice or in extended functions, one shall be a dental hygiene educator, and two shall be registered dental hygienists. No public member shall have been licensed under this chapter within five years of the date of appointment or have any current financial interest in a dentally related business

Members shall be appointed for a term of four years. All appointments will expire January 1, 2014 except two of the appointments, including the RDH educator or RDHAP or RDHEF members' appointments, which will extend through 2016.

The DHCC shall elect a President, a Vice President, and a Secretary from its membership. No person shall serve as an officer for more than two consecutive terms unless extenuating circumstances prevail and it is the will of the majority of the members to do so.

A vacancy shall be filled by appointment to the unexpired term.

SALARY PER DIEM

Each member of the DHCC shall receive a per diem and expenses as provided in Section 103 of the Business and Professions Code. Members fill non-salaried positions, but are paid \$100 per day for each meeting day they attend and are reimbursed travel expenses. Committee members are paid out of the funds of the Dental Hygiene Committee.

In relevant part, B&P Code Section 103 provides for the payment of salary per diem for Members “for each day actually spent in the discharge of official duties,” and provides that the Member “shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official meetings, unless a substantial official service is performed by the Member.

Attendance at gatherings, events, hearings, conferences or meetings other than official DHCC or subcommittee meetings in which a substantial official service is performed, the Executive Officer shall be notified and approval shall be obtained from the DHCC President prior to the Member’s attendance.

2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a subcommittee or committee meeting until that meeting is adjourned. Travel time is not included in this component.
3. For DHCC-specified work, members may be compensated for actual time spent performing work authorized by the President. This may include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings or conferences.
4. Reimbursable work does not include miscellaneous reading and information gathering for business not related to any meeting, preparation time for a presentation and participation at meetings not related to official duties of the DHCC.

The Governor shall have the power to remove any member from the DHCC for neglect of a duty required by law, for incompetence, unprofessional or dishonorable conduct.

GENERAL RULES OF CONDUCT

All members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. Members serve at the pleasure of the Governor, and shall conduct their business in an open manner so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar agencies within the State of California.

- ✚ Members shall comply with all provisions of the Bagley-Keene Open Meeting Act. (Attached)
- ✚ Members shall not speak or act for the DHCC without proper authorization.
- ✚ Members shall not privately or publicly lobby for or publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, when those are in direct opposition to an official position adopted by the DHCC.
- ✚ Members shall not discuss personnel or enforcement matters outside of their official capacity in properly noticed and agendized meetings or with members of the public or the profession.
- ✚ Committee members shall never accept gifts from applicants, licensees, or members of the profession while serving on the DHCC.
- ✚ Members shall maintain the confidentiality of confidential documents and information related to DHCC business.
- ✚ Members shall commit the time and prepare for DHCC responsibilities including the reviewing of meeting notes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the members by staff, which is related to official business.
- ✚ Members shall recognize the equal role and responsibilities of all DHCC members.
- ✚ Members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public and enforcing the laws governing the practice of dental hygiene in California.
- ✚ Members shall treat all consumers, applicants and licensees in a fair, professional, courteous and impartial manner.
- ✚ Members' actions shall serve to uphold the principle that the DHCC's primary mission is to protect the public.

- ✚ Members shall not participate in test development for examinations. A member can observe at an examination with the permission of the DHCC President as long as they only observe and in no way participate. If the member is associated with a school, they should not observe an examination if one of their students is taking the examination. Note: this is not to say that members are precluded from involvement with examination issues. Quite the contrary, members should be knowledgeable about the examination development process, occupational analysis, any exam security issues that arise, and so forth. This can be done by having those who develop and administer the examination present at committee meetings.
- ✚ Members shall not sit on advisory committees for any of the California RDH educational programs in any capacity due to a conflict of interest.

OFFICERS OF THE COMMITTEE

The DHCC shall annually elect, from its members, a President, a Vice-President and a Secretary each of whom shall hold office for a term of one year. An officer shall not serve in a particular office position for more than two consecutive terms unless extenuating circumstances prevail and it is the will of the majority of the members to do so.

Elections shall take place each year. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a member.

If the office of the President becomes vacant, the Vice President shall assume the office of the President. If the office of the Vice-President becomes vacant, an election shall be held at the next scheduled meeting. Elected officers shall then serve the remainder of the term.

DHCC MEMBERS

ETHICS TRAINING

Each member shall attend a course offered by the Department of Consumer Affairs in ethics upon appointment. Thereafter members shall attend an ethics course at least once during every two years of their appointment.

DHCC MEMBER ORIENTATION

Every member shall complete a training and orientation program offered by the DCA within one year of assuming office.

SEXUAL HARASSMENT PREVENTION TRAINING

Pursuant to the Department of Fair Employment and Housing laws, all newly appointed board, committee and commission members must complete the required training within six months of their assumption of office.

DHCC MEMBER REMOVAL

The Governor has the power to remove from office, at any time, any member appointed by him for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

RESIGNATION OF COMMITTEE MEMBERS

In the event that a member resigns, the resigning member shall send a letter to the appointing authority, the Governor, with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the Director of DCA, the DHCC President and the Executive Officer.

CONFLICT OF INTEREST

No DHCC member may make, participate in making, in any way attempt to use their official position to influence a governmental decision in which there is a direct financial interest or the potential of such.

Any DHCC member who has a direct financial interest shall disqualify themselves from making or attempting to use their official position to influence the decision. Any DHCC member who feels they are entering into a situation where there is a potential for a conflict of interest shall immediately consult the EO or the DHCC's legal counsel.

DHCC COMMITTEE MEETINGS

The DHCC shall meet at least two times each calendar year and shall conduct additional meetings in appropriate locations that are necessary to transact its business

The DHCC shall make every effort to hold meetings in different geographical areas throughout the state as a convenience to the public and licensees.

Member Attendance at DHCC Meetings

DHCC Members shall attend each scheduled meeting. If a member is unable to attend a meeting the DHCC President or the Executive Officer shall be contacted prior to the meeting to ensure a quorum can be established.

Member Participation at DHCC Meetings

The President may ascertain from members whose level of participation is below standard whether or not the member is no longer able or willing to continue serving as an active member. A 50% or greater absence rate shall constitute below-standard participation.

Quorum

Five members of the DHCC constitute a quorum. When a quorum of is not present, members may discuss items of business but may not take any action. A majority of the entire DHCC shall constitute a quorum for purposes of acting on noticed agenda items.

Agenda Items

Any member may submit items for a meeting agenda to the Executive Officer 30 days prior to the meeting. The items placed on a meeting agenda will be reviewed and approved by the President and Executive Officer prior to receipt of same by the Members.

The meeting agenda will be provided to all members ten days prior to the meeting and the agenda packet will be provided no later than seven days prior to the meeting.

Record of Meetings

Meeting minutes are a summary and not a transcript of the proceedings. Minutes are prepared for every meeting. The minutes and assignments of action items shall be prepared by staff.

The minutes shall be approved at the next scheduled meeting and serve as the official record of the previous meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on the website within ten working days following approval.

Audio or Video Recordings (Government Code Section 11124.1)

All public meetings are either audio or video recorded. Recordings shall be retained until either 30 days from the meeting or after the approval of the minutes whichever is the latter.

MEETING ON DISCIPLINARY MATTERS

Disciplinary Cases held for DHCC Meeting Closed Sessions

1. When voting on mail ballots for proposed disciplinary decisions or stipulations, a member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail ballot.

2. If two votes are cast to hold a case for discussion, the case is set aside and not processed regardless of whether a majority voted to either accept or reject the decision. Instead the case is scheduled for a discussion during a closed session at the next meeting and a new vote is taken.

Mail Ballots (Government Code Section 11500)
See Sample Mail Ballot on Page 17

1. The DHCC must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.
2. Proposed stipulations and decisions are mailed to each member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A two-week deadline generally is given for the mail ballots for stipulations and proposed decisions to be completed and returned to the DHCC's office.
3. If the matter is held for discussion, legal counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.
4. If a member is comfortable voting on the matter, but wishes to discuss the policy behind the decision or case, the ballot should be marked with their vote. The Executive Officer should then be contacted directly requesting clarification of DHCC's policy. If, after discussion, the policy issue is still unresolved the issue will be placed on the agenda for discussion and any appropriate action at the next Enforcement Meeting.

DHCC MEMBER COMMUNICATIONS

The President or the Executive Officer shall serve as spokesperson with the media on Committee actions or policies.

Any written or oral communications concerning matters of a sensitive nature shall be made only by the President or the Executive Officer.

All written communications of the President on behalf of the DHCC shall be copied to the Executive Officer. The Executive Officer shall forward the communication to all members.

The President may not represent the entire DHCC in any communication unless given express authority by a majority of the DHCC to do so unless reiterating a previous position taken. The President may speak for the DHCC if requested to testify to the Legislature or Administration on behalf of the DHCC without advance approval.

CHAPTER 3 – DHCC PRESIDENT DUTIES

SUPERVISION OF THE EXECUTIVE OFFICER

The President is the immediate supervisor of the Executive Officer. Specific instructions for work on policy matters by the Executive Officer from Committee members shall be coordinated through the President.

The incoming President shall assume all delegated duties at the close of the annual election meeting, including supervision of the Executive Officer.

PERFORMANCE APPRAISAL OF THE EXECUTIVE OFFICER

The President shall request from each member input to the performance appraisal and salary administration of the Executive Officer prior to compiling draft preparations. The appraisal shall be conducted as needed or at the discretion of the President.

The performance appraisal of the Executive Officer shall be presented in draft form to the DHCC by the DHCC President annually and shall be noticed on the meeting agenda.

Matters relating to the performance of the Executive Officer shall be discussed in closed session unless the Executive Officer requests that it be discussed in open session.

APPOINTMENTS

The President shall appoint the members or qualified persons to fill positions of oversight or representation for DHCC as delineated in statute, regulation or official capacity, regarding CODA or other entities acting on behalf of DHCC.

CHAPTER 4 - EXECUTIVE OFFICER

APPOINTMENT

The DHCC shall appoint an Executive Officer who is exempt from civil service and who shall serve at the pleasure of the DHCC. The Executive Officer shall exercise the powers and perform the duties delegated by the DHCC. The appointment of the Executive Officer is subject to approval of the Director of the Department of Consumer Affairs.

ROLE

The Executive Officer is the chief administrative officer responsible for implementing the policies developed by the DHCC.

EXECUTIVE OFFICER RECRUITMENT

The DHCC shall institute an open recruitment plan to maintain a pool of qualified candidates. The DHCC shall also work with the DCA's Human Resources Office for recruitment procedures.

SELECTION

The selection of an Executive Officer shall be included as an item of business which must be included in a written agenda and transacted at a public meeting.

DHCC STAFF

Employees of the DHCC, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, terminations, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, the Executive Officer has the authority and responsibility of overseeing the civil service staff.

No member may provide direction to civil service staff, unless consent of the majority is obtained during a public meeting. When consent of the majority is obtained, direction must go through the Executive Officer. Members shall not intervene or become involved in specific day-to-day personnel transactions or activities.

CHAPTER 5 – SUBCOMMITTEES

FUNCTION

Subcommittees are advisory and their purpose is to recommend actions on specific subject matter. The composition of the subcommittees may change as needed. Recommendations and reports shall be submitted to DHCC for consideration and approval.

APPOINTMENTS

The President shall appoint the members to fill positions of each standing subcommittee. DHCC members may volunteer to serve on a specific subcommittee.

STANDING SUBCOMMITTEES

-  Licensing and Examination Subcommittee
-  Enforcement Subcommittee
-  Legislative and Regulatory Subcommittee
-  Education Subcommittee

LICENSING AND EXAMINATION SUBCOMMITTEE

The purpose of the Licensing and Examination Subcommittee is to advise the DHCC on policy matters relating to the examining and licensing of individuals who want to practice dental hygiene in California. The subcommittee may also provide information and recommendations on issues relating to exam appeals, and laws and regulations.

ENFORCEMENT SUBCOMMITTEE

The purpose of the Enforcement Subcommittee is to advise the DHCC on policy matters that relate to protecting the health and safety of consumers. This includes maintenance of disciplinary guidelines, and other recommendations on the enforcement of the statutes and regulations.

LEGISLATIVE AND REGULATORY SUBCOMMITTEE

The purpose of the Legislative and Regulatory Subcommittee is to review and track legislation which affects the DHCC and recommends positions on legislation. It also provides information and recommendations to the full committee on regulatory additions or changes.

EDUCATION SUBCOMMITTEE

The purpose of the Education Subcommittee is to provide recommendations to the full committee on granting, renewing, and withdrawing approval of educational programs for registered dental hygienists, registered hygienists in extended functions, and registered dental hygienist in alternative practice and provide recommendations to the full committee regarding approval of a feasibility study for new educational programs. The subcommittee may also provide information and recommendations on issues relating to curriculum and school approval.

AD HOC COMMITTEES

The President may establish ad hoc Subcommittees as needed. Any member may request, subject to approval of the full DHCC, that an ad hoc committee be established. The ad hoc committee will be charged with an in depth review of a specific issue and a final recommendation to the full DHCC.

DHCC AGENDAS

Agendas shall focus on the specific tasks assigned by the DHCC and include:

-  Public Comment
-  Time for members to recommend new areas of study to be brought to the DHCC's attention for possible assignment.
-  Time for lunch break
-  Only those information items dealing with subjects assigned to the respective subcommittee.

Subcommittee chairs shall confer with the President prior to including any agenda item that is not clearly within that subcommittee's assigned purview.

If more than two members are to attend a committee meeting, the agenda shall contain the statement: "Notice of Committee meeting indicates that three or more members of the Committee are present. While the law requires the DHCC to notice this also as a Committee meeting, it is not the intent to take action as a Committee at this meeting".

ATTENDANCE AT SUBCOMMITTEE MEETINGS

Members who attend a subcommittee meeting when not appointed to that subcommittee shall sit in the audience and not participate in the meeting discussion.

DUAL MEMBERSHIP

A member may serve on multiple subcommittees.

RECORD OF SUBCOMMITTEE MEETINGS

The minutes are a summary, not a transcript of each committee meeting.

Minutes shall be prepared by staff and submitted for review by the Subcommittee.

Subcommittee minutes shall be approved at the next scheduled meeting and serve as the official record of the meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on website.

STAFF ASSISTANCE

Staff provides advice, consultation, and support to subcommittees. Members shall contact the Executive Officer to request staff assistance.

CHAPTER 6 - TRAVEL PROCEDURES

TRAVEL

Members shall notify the President and Executive Officer of all travel except for regularly scheduled meetings. The President shall relay any travel approvals to the Executive Officer.

No member shall attend any function at which the member is representing the DHCC without approval from the President and the Executive Officer. This includes speaking engagements, etc.

Travel Arrangements

Members are responsible for making their own travel arrangements. However, staff can assist in making necessary hotel and airline reservations for regularly scheduled meetings. When assistance with travel arrangements is needed, the Executive Officer should be contacted.

Out-of-State Travel

For out-of-state travel, members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

Travel Claims

Rules governing reimbursement of travel expenses for members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The staff maintains these forms and completes them as needed.

The Executive Officer's travel and per diem reimbursement claims shall be submitted to the DHCC President for approval.

It is advisable for members to submit their travel expense forms immediately following a meeting. If a travel claim requires amending, staff will make the amendment and submit the corrected claim to DCA's Travel Unit and provide members with a corrected copy.

Travel reimbursement processing time is approximately four to six weeks.

CHAPTER 7- SECURITY PROCEDURES

REQUEST FOR RECORDS ACCESS

No member may access a licensee's or candidate's file.

CONTACT WITH CANDIDATES, LICENSEES OR COMPLAINTANTS

Members shall not intervene on behalf of a licensee or candidate for any reason. They should forward all contacts or inquiries to the Executive Officer. Members shall not directly participate in complaint handling and resolution or investigations. If a member is contacted by a respondent, or respondent's attorney, that individual shall be referred to the Executive Officer.

GIFTS FROM CANDIDATES

A gift of any kind to members or staff from dental hygiene candidates for licensure is not permitted and is considered to be a conflict of interest.

DEFINITION OF ACRONYMS

Agencies

DHCC	Dental Hygiene Committee of California
DCA	Department of Consumer Affairs
AGO	Attorney General's Office
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
OPES	Office of Professional Examination Services
PSI	Psychological Services Incorporated

Codes

B&P	Business and Professions Code
CAC	California Administrative Code
CCR	California Code of Regulations
CGC	California Government Code

Organizations

ADHA	American Dental Hygienists Association
CDHA	California Dental Hygiene Association
CDA	California Dental Association
CDHEA	California Dental Hygiene Educators Association
CAPS	California Association of Private Post Secondary Schools
CCC	California Community Colleges
WREB	Western Regional Examination Board

Titles

AG	Attorney General
ALJ	Administrative Law Judge
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer

Licenses

LBC	Licensure by Credential
RDH	Registered Dental Hygienist
RDHAP	Registered Dental Hygienist in Alternative Practice
RDHEF	Registered Dental Hygienist in Extended Functions
SLN	Certification in Soft Tissue Curretage, Local Anesthetic, and Nitrous Oxide.

SAMPLE MAIL BALLOT

MODEL WITH SEPARATE HOLD PROVISIONS

To: All Board Members

From: Enforcement Staff

Date:

Re: Mail Ballot for **[FIRST] [LAST], LICENSE NO.** _____,
Case No. _____

THIS MAIL BALLOT MUST BE RETURNED NO LATER THAN _____
(If not timely returned, your vote may not count or the DHCC may lose jurisdiction to act.)

Please review the attached documents and vote on the above case. Upon completion of this mail ballot, please return it to me in the enclosed envelope or fax it to me at (916) 263-2688 by the date noted above. You may also email your vote to DHCC's Legal Desk, but be sure to include the person's name, license number (if any) and case number involved along with your vote.

The decision presented is a:

Proposed Decision

The board will lose jurisdiction to act on _____. Gov't Code § 11517(d)

Stipulated Decision

Default Decision

If you have procedural questions about the decision, please contact DHCC's Legal Desk. For all other questions, please contact _____, the Committee's assigned attorney, at (916) 574-8220.

DHCC Member Guidelines and Procedure Manual

BOARD MEMBER BALLOT

(Part A: Choose one option)

___ I VOTE TO ADOPT. Choose this option if you accept the decision as written.

___ I VOTE TO REJECT (NON-ADOPT). Choose this option if you have questions or concerns about the decision. Record your questions or concerns to facilitate any closed session discussion:

___ I RECUSE MYSELF from this case because

(Part B: Optional)

___ HOLD FOR DISCUSSION at the next board meeting. Mark your ballot above regardless of whether you request to hold. If you voted to reject, you may also wish to hold the case. If you did not do so above, record your questions or concerns here:

Date

Board Member's Signature

Printed Name

EXPLANATION OF MAIL BALLOT TERMS

PROPOSED DECISION:

Following a hearing, the administrative law judge drafts a proposed decision recommending an outcome based on the facts and the board's disciplinary guidelines. At its discretion, the board may impose a lesser penalty than that in the proposed decision. If the board desires to increase a proposed penalty, however, it must vote to reject or non-adopt the proposed decision, read the transcript of the hearing and review all exhibits prior to acting on the case.

DEFAULT DECISION:

If an accusation mailed to the last known address is returned by the post office as unclaimed, or if a respondent fails to file a Notice of Defense or fails to appear at the hearing, the respondent is considered in default. The penalty in a case resolved by default is generally revocation of the license. A default decision can be set aside and the case set for hearing if the respondent petitions for reconsideration before the effective date of the decision and the board grants the petition.

STIPULATED DECISION:

At any time during the disciplinary process, the parties to the matter (the Executive Officer and the respondent) can agree to a disposition of the case. With the Executive Officer's consent, the Deputy Attorney General can negotiate a stipulated decision (also referred to as a stipulated agreement) based on the board's disciplinary guidelines. The board may adopt the stipulated decision as proposed, may counter-offer and recommend other provisions, or may reject the agreement. If respondent declines to accept a proposed counter-offer, the case continues in the standard disciplinary process.

ADOPT:

A vote to adopt the proposed action means that you accept the action as presented.

REJECT (NON-ADOPT):

A vote to reject (non-adopt) the proposed action means that you disagree with one or more portions of the proposed action and do not want it adopted as the board's decision. This vote should be used if you believe an additional term or condition of probation should be added (or deleted), or would otherwise modify the proposed penalty.

If a **proposed decision** is rejected, the transcript will be ordered and the case scheduled for argument according to board policy. After reviewing the record, the board will be able to adopt the decision as previously written or modify the decision as it deems appropriate, except that a cost recovery order may not be increased. If a **stipulated decision** is rejected, the case will be set for hearing unless a counter offer is made during a closed session. If a **default decision** is rejected, the case will be set for hearing.

RECUSAL:

Mark this box if you believe you cannot participate in making the decision because you have a specific conflict. Common examples are if the person is a member of your family, a close personal friend, or business partner. If you are unsure if you should recuse yourself, you should contact the assigned board counsel.

HOLD FOR DISCUSSION:

In addition to voting, you should mark this box if you have a question or concern about the decision and would like to discuss the matter with fellow board members during a closed session. If you vote to reject, you may also wish to hold the case. TWO votes must be received to hold a case. If the case is a **stipulated decision**, the staff can explain why they entered into the agreement. If the case is either other type, you may contact the board's assigned counsel to discuss the merits of the case.



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda Item 5

Education Subcommittee Report – Consideration
of the Subcommittee Recommendation.

Discussion and Possible Action Regarding the
Registered Dental Hygiene Education
Requirements for Maintained Approval by the
DHCC for Concorde Career College – Garden
Grove Campus



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda Item 6

CLOSED SESSION

The DHCC may meet in closed session to deliberate on disciplinary matters pursuant to Government Code § 11126 (c)(3)



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda Item 7

Future Agenda Items



Saturday, August 20, 2016

Dental Hygiene Committee of California

Full Committee Meeting

Agenda Item 8

Adjournment