



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, June 10, 2017
12:00 p.m. until adjournment of the Full Committee
Embassy Suites Irvine Orange County Airport
Ambassador Room
2120 Main Street
Irvine, CA 92614
949-553-8332

(The Full Committee Meeting will commence upon adjournment of the Education Subcommittee Meeting)

EDUCATION SUBCOMMITTEE MEETING

Members:

Michelle Hurlbutt, Chair, RDH Educator
Susan Good, Public Member
Sandy Klein, Public Member
Timothy Martinez, DMD

1. Roll Call/Establishment of 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, 2017 Education Subcommittee Meeting Minutes
4. Discussion and Possible Recommendation to the Full Committee regarding Maintaining or Withdrawing Approval of Taft College Dental Hygiene Educational Program: Program Deficiencies
5. Discussion and Possible Recommendation to the Full Committee regarding Maintaining or Withdrawing Approval of Concorde Career College - Garden Grove: Substantive Changes to their Dental Hygiene Educational Program
6. Discussion and Possible Recommendation to the Full Committee regarding Maintaining or Withdrawing Approval of Shasta College Dental Hygiene Educational Program: Faculty Compliance Requirements

7. Future Agenda Items
8. Adjournment of the Education Subcommittee

A quorum of the Committee may be present at the Subcommittee meeting. Committee members who are not on the Subcommittee may observe, but may not participate or vote.

FULL COMMITTEE MEETING

Members:

Noel Kelsch, President, RDHAP
Susan Good, Vice President, Public Member
Evangeline Ward, Secretary, RDH
Michelle Hurlbutt, RDH Educator
Sandy Klein, Public Member
Timothy Martinez, DMD
Nicolette Moultrie, RDH
Edcelyn Pujol, Public Member
Garry Shay, Public Member

1. Roll Call/Establishment of Quorum
2. President's Report
3. 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)]
4. Consideration of and Potential Action on Education Subcommittee Recommendations:
 - a) Maintaining or Withdrawing Approval of Taft College Dental Hygiene Educational Program: Program Deficiencies
 - b) Maintaining or Withdrawing Approval of Concorde Career College – Garden Grove: Substantive Changes to their Dental Hygiene Educational Program
 - c) Maintaining or Withdrawing Approval of Shasta College Dental Hygiene Educational Program: Faculty Compliance Requirements
5. Approval of the May 6-7, 2017 Full Committee Meeting Minutes
6. Discussion and Possible Action on the Revised Duty Statement for the Executive Officer
7. Future Agenda Items
8. Adjournment of the Full Committee

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 Estelle Champlain at (916) 576-5007, via e-mail at: Estelle.champlain@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, June 10, 2017

Dental Hygiene Committee of California

Agenda Item 2

President's Report



Saturday, June 10, 2017

Dental Hygiene Committee of California

Agenda Item 3

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, June 10, 2017

Dental Hygiene Committee of California

Agenda Item 4

Consideration of and Potential Action on Education
Subcommittee Recommendations:

- a) Maintaining or Withdrawing Approval of Taft College
Dental Hygiene Educational Program: Program
Deficiencies
- b) Maintaining or Withdrawing Approval of Concorde
Career College – Garden Grove: Substantive
Changes to their Dental Hygiene Educational Program
- c) Maintaining or Withdrawing Approval of Shasta College Dental
Hygiene Educational Program: Faculty Compliance
Requirements



MEMORANDUM

DATE	June 10, 2017
TO	Full Committee
FROM	Michelle Hurlbutt, Chair, Education Subcommittee, RDH Educator
SUBJECT	FULL 4 Consideration of and Potential Action on Education Subcommittee Recommendations

The Education Subcommittee Chair will present the subcommittee's recommendations regarding Taft College, Concorde Career College – Garden Grove Campus, and Shasta College to the Full Committee for consideration and potential action.

Committee Decision for Taft College:

Committee Decision for Concorde Career College – Garden Grove:

Committee Decision for Shasta College:



Saturday, June 10, 2017

Dental Hygiene Committee of California

Agenda Item 5

**Approval of the May 6-7, 2017 Full Committee
Meeting Minutes**



Dental Hygiene Committee Meeting Minutes

Saturday, May 6, 2017

Primary Location:
Atrium Hotel at Orange County Airport
18700 MacArthur Blvd.
Irvine, CA 92612

Teleconference Location:
Catalano-Fenske and Associates
1401 Fulton St., Ste. 801
Fresno, CA 93721

DHCC Members Present:

Noel Kelsch, President, Registered Dental Hygienist in Alternative Practice (RDHAP)
Susan Good, Vice President, Public Member (At the Fresno Teleconference Location)
Evangeline Ward, Secretary, Registered Dental Hygienist (RDH)
Michelle Hurlbutt, RDH Educator
Sandra Klein, Public Member
Timothy Martinez, Doctor of Dental Medicine (DMD)
Nicolette Moultrie, RDH
Edcelyn Pujol, Public Member
Garry Shay, Public Member

DHCC Staff Present:

Anthony Lum, Interim Executive Officer
Estelle Champlain, Legislative and Regulatory Analyst
Nancy Gaytan, Enforcement Analyst
Adina Pineschi-Petty, RDH and Doctor of Dental Surgery (DDS), Education Specialist
Michael Santiago, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

Public Present:

Luisa Bransford, Fresno City College
Julie Coan, California Dental Hygienist's Association (CDHA)
Pat Connolly-Atkins, American Board of Dental Examiners (ADEX)
Natalie Ferrigno, West Los Angeles College
Mariann Fujimoto, RDH
JoAnn Galliano, RDH, Education Consultant
Mary Johnston, ADEX
Lygia Jolley, CDHA
Vickie Kimbrough, Purple Pen Seminars and CDHA
Mary McCune, California Dental Association (CDA)
Sharon Osborn Popp, Western Regional Examining Board (WREB)
Tricia Osuna
Joanne Pacheco, Fresno City College
Laurie Petralia, Concorde Career College
Kelly Reich, WREB
Sabrina Santucho, Concorde Career College, San Bernardino
Maureen Titus, CDHA
Bruce Witcher, DDS, Dental Board of California (DBC)

1. Roll Call and Establishment of a Quorum

Noel Kelsch, President of the Dental Hygiene Committee of California (DHCC), called the meeting to order at 9:00 a.m. DHCC Secretary, Evangeline Ward, took roll call and a quorum was established with all nine members present.

2. Public Comments for Items Not on the Agenda

There were no comments from the public.

3. Approval of the December 3, 2016 Full Committee Meeting Minutes

When the item was open for discussion, a Committee member requested a clarifying amendment.

Motion: Garry Shay moved to adopt the December 3, 2016 Full Committee Meeting Minutes as amended.

Second: Sandra Klein

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

Vote: The motion to adopt the December 3, 2016 Full Committee Meeting Minutes as amended passed 9:0.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			

4. Approval of the December 17, 2016 Teleconference Full Committee Meeting Minutes

When the item was open for discussion, a Committee member requested a clarifying amendment.

Motion: Nicolette Moultrie moved to approve the December 17, 2016 Teleconference Full Committee Meeting Minutes as amended.

Second: Michelle Hurlbutt

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

Vote: The motion to approve the December 17, 2016 Teleconference Full Committee Meeting Minutes as amended passed 6:0.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez			X
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay			X
Evangeline Ward			X

5. Approval of the August 20, 2016 Full Committee Meeting Minutes

Motion: Garry Shay moved to adopt the August 20, 2016 Full Committee Meeting Minutes.

Second: Nicolette Moultrie

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

Vote: The motion to adopt the August 20, 2016 Full Committee Meeting Minutes passed 7:0.

Name	Aye	Nay	Abstain
Susan Good	X		
Michelle Hurlbutt			X
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein			X
Nicolette	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward	X		

6. President's Report

President Noel Kelsch expressed her appreciation for the continued cooperation between the Dental Board of California (DBC), California Dental Hygienist's Association (CDHA), the California Dental Association (CDA), and the DHCC.

In January 2017, there was an infection control incident in Southern California in which children were impacted by waterborne pathogens. President Kelsch represented the DHCC at a meeting with stakeholders to discuss ways the dental healthcare community could work for better protection of the public.

Later in January, President Kelsch and Sandra Klein met as a Selection Committee to begin their work to hire a new executive officer for the DHCC. They met again in March and April.

In February, the Infection Control Committee conferred with the DBC to discuss how best to update infection control laws. An outcome of that meeting was that there will be a checkoff list to help dental healthcare workers, consumers, and inspectors to more clearly understand what needs to be done to maintain safe infection control.

President Kelsch attended the DBC public meeting on February 24, 2017.

In March, President Kelsch met with staff at DHCC headquarters to review current laws for educational programs and to discuss related issues.

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

7. Interim Executive Officer's Report

Anthony Lum, Interim Executive Officer of the DHCC, thanked the Committee for the opportunity to serve.

Sunset Review:

Mr. Lum discussed the Sunset Review process and proposed that the DHCC should use the Sunset Review forum to request a change in status from a committee to a board.

He also proposed that the DHCC should use the Sunset Review forum to request statutory changes that would improve the DHCC's ability to enforce current laws pertaining to dental hygiene education in California. Specifically, Mr. Lum suggested that if a dental hygiene education program in California was not in compliance with the law, the DHCC should have, in statute, the option to impose citations, fines, and probationary status to bring the program into compliance. This would allow programs whose noncompliance did not pose an immediate threat to public safety an avenue to remedy the problem while still operating. Currently, the DHCC only has the authority to approve or withdraw approval of a California dental hygiene education program. When approval is withdrawn, the program's graduates cannot gain licensure in California based on their training in that program.

Hiring:

Mr. Lum stated that the DHCC will begin advertising for a probation monitor within the next few weeks. He also explained the state hiring process because a member of the public had asked, during a previous meeting, that this be addressed.

Outreach:

Mr. Lum reported that since January 2017, he had participated in infection control meetings with the DBC, attended a workshop sponsored by the Office of Statewide Health Planning and Development (OSHPD) regarding underserved areas, discussed examination matters with the American Board of Dental Examiners (ADEX), and presented dental hygiene career information to youth at an event sponsored by the Health Occupation Student Association (HOSA).

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

8. Dental Board of California

Bruce Whitcher, DDS, President, Dental Board of California (DBC) stated that the DBC has been involved with the waterborne pathogen infection control incident in Orange County since the issue arose. He noted that Assembly Bill (AB) 1277 would close the gaps that exist in current regulation by covering infection control safety for waterborne pathogens.

Dr. Whitcher reported that DBC is in the process of creating a rulemaking file for interim therapeutic restoration (ITR) regulations but this rulemaking file was being temporarily delayed due to a shortage of staff.

Dr. Whitcher reported that the registered dental assistant (RDA) practical examination was suspended as of April 6, 2017, due to the Office of Professional Examination Services (OPES) finding that the practical examination did not adequately measure competency. During the period the practical examination is suspended, all RDA applicants who meet every required component for licensure except passage of the practical examination will be issued a license. DHCC members expressed concern. Dr. Whitcher explained that the DBC is currently pursuing alternatives that would measure competency in place of the suspended practical examination.

President Kelsch asked if any member of the public or the Committee would like to comment.

Public Comment: Joann Galliano, Education Consultant for the DHCC, noted that statute mandates the DHCC, in concert with the DBC, promulgate ITR regulations by January 2018. She observed that the DHCC would be in an impossible position if the DBC's rulemaking file were held up.

Michael Santiago, Legal Counsel for the DHCC, explained that, as a general matter, unless the statute contains a penalty for not meeting a deadline, courts will usually not impose one in cases such as this.

Ms. Galliano suggested that if the DBC sent the DHCC a copy of the DBC's working draft of proposed language for ITR regulations, this would allow the DHCC to begin working on the DHCC's portion of the rulemaking file. Dr. Whitcher agreed to make the arrangements.

Public Comment: Mariann Fujimoto commented that the suspension of the RDA practical examination is frightening news to her as a professional and as a consumer. She added that in her years working as a clinical supervisor and an examiner, she has formed the opinion that there are many RDA candidates who cannot follow instructions and who present low levels of competency. She stated that up until now the practical examination was the last chance to eliminate these candidates. She therefore concluded that she does not feel safe knowing that RDAs are being licensed to practice without a competency evaluation. President Kelsch thanked Ms. Fujimoto for her comments and suggested that Ms. Fujimoto should also address the DBC with her concerns.

There were no further comments.

9. Western Regional Examining Board (WREB) Presentation

Kelly Reich and Sharon Osborn Popp presented an overview of the WREB examination content and the WREB examination process. The DHCC was concerned that some candidates who failed the examination multiple times due to critical errors could attempt to pass via a different examining company without first undergoing remedial education. The DHCC therefore expressed interest in WREB instituting a reporting mechanism that

would enable the DHCC to track which candidates failed the examination due to a critical error (tissue trauma).

President Kelsch asked if any member of the public or the Committee would like to comment.

Public Comment: Laurie Petralia asked that the DHCC address why the DHCC is not currently a member of WREB. President Kelsch replied that the question would be placed on a future agenda.

There were no further comments.

President Kelsch recessed the Full Committee at 10:19 a.m. so the Subcommittees could meet.



Dental Hygiene Committee Meeting Minutes *Sunday, May 7, 2017*

Atrium Hotel at Orange County Airport
18700 MacArthur Blvd.
Irvine, CA 92612

DHCC Members Present:

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

DHCC Members Absent and Excused:

Susan Good, Vice President, Public Member
Evangeline Ward, Secretary, RDH

DHCC Staff Present:

Anthony Lum, Interim Executive Officer
Estelle Champlain, Legislative and Regulatory Analyst
Nancy Gaytan, Enforcement Analyst
Adina Pineschi-Petty, RDH and Doctor of Dental Surgery (DDS), Education Specialist
Michael Santiago, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

Public Present:

Luisa Bransford, Fresno City College
Pat Connolly-Atkins, American Board of Dental Examiners (ADEX)
Natalie Ferrigno, West Los Angeles College
Mariann Fujimoto, RDH
JoAnn Galliano, RDH, Education Consultant
Mary Johnston, ADEX
Vickie Kimbrough, Purple Pen Seminars and CDHA
Nicole Le, Assistant Chief of Human Resources, Department of Consumer Affairs (DCA)
Mary McCune, California Dental Association (CDA)
Joanne Pacheco, Fresno City College
Kelly Reich, WREB
Sabrina Santucho, Concorde Career College, San Bernardino
Maureen Titus, CDHA

1. Roll Call and Establishment of a Quorum

Noel Kelsch, President of the Dental Hygiene Committee of California (DHCC), called the meeting to order at 9:00 a.m. She announced that Susan Good and Evangeline Ward had been excused. Acting DHCC Secretary, Nicolette Moultrie, took roll call and a quorum was established with seven members present.

2. Public Comments for Items Not on the Agenda

There were no comments from the public.

3. Discussion and Possible Action on the Revised Duty Statement for the Executive Officer

Nicole Le, Assistant Chief of Human Resources, Department of Consumer Affairs (DCA) presented the revised duty statement for the DHCC's Executive Officer. She asked that the Committee review and amend, approve, or disapprove each task on the duty statement.

President Kelsch suggested that the Committee postpone a decision on this matter until a later date. She explained that since the revised duty statement was several pages long, the time needed to thoroughly review the document would be significant. Since the Committee did not receive the document in advance, it may be prudent for Committee members to individually review their copies outside the present meeting time and then return to the matter during a public meeting in the near future.

Motion: Garry Shay moved to refer the duty statement for the Executive Officer to the Selection Committee so the Selection Committee could refine the document and make any changes they saw fit then present the refined document to the Full Committee at a future meeting for a vote.

Second: Michelle Hurlbutt

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

Vote: The motion to refer the duty statement for the Executive Officer to the Selection Committee so the Selection Committee could refine the document and make any changes they saw fit then present the refined document to the Full Committee at a future meeting for a vote passed 7:0.

Name	Aye	Nay	Absent
Susan Good			X
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			X

4. American Board of Dental Examiners (ADEX) Examination Presentation

President Kelsch said that a letter was sent to all of the dental hygiene education programs stating that the DHCC would soon accept ADEX testing for licensure. She clarified that this letter did not originate from the DHCC and that the DHCC does not accept ADEX testing for licensure and does not currently have plans to do so.

Nonetheless, she added that the DHCC appreciates ADEX’s representatives coming to the present meeting and that the DHCC is interested in learning more about the ADEX process.

Pat Connolly-Atkins and Mary Johnston presented information on the ADEX process. They emphasized ADEX’s broad jurisdiction and that if the DHCC were to join there would be options for the DHCC to be involved at a level of the DHCC’s choosing.

5. BreEZe Computer System Update

Anthony Lum, Interim Executive Officer of the DHCC, reported that most of the feedback from consumers regarding their experience using BreEZe has been positive. The few issues that have arisen were corrected in a timely manner.

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

6. Budget Report

Mr. Lum reported that the DHCC's budget is in good order. He explained that projections show that the DHCC will have maintained 21% below budget by the final month of the 2016-2017 fiscal year. He stated that part of the excess funds would be used to purchase a vehicle for the DHCC's Special Investigator to use on the job.

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

7. Discussion and Possible Action on Proposed Sunset Review Dates

Mr. Lum reported that the DHCC's Sunset Review would be due to the California Legislature by December 1, 2017. He noted that he had not yet received the Legislature's questions for the report but that as soon as those questions arrived he would begin making the report.

He requested that the DHCC hold an additional meeting in late September 2017 or early October 2017 to review the draft of the report. This would allow him time to make any changes necessary to present a final draft for approval at the DHCC's November 2017 meeting before submitting it to the Legislature by December 1, 2017.

President Kelsch suggested appointing a Sunset Review Subcommittee to assist staff in creating the report. The DHCC members discussed it and concluded that a two-person subcommittee would be a wise choice. President Kelsch appointed Michelle Hurlbutt and Nicolette Moultrie.

8. Update on Pending Regulatory Packages

Estelle Champlain, Legislative and Regulatory Analyst for the DHCC, presented a status report on the following regulatory packages:

California Code of Regulations (CCR) Title 16, Division 11, § 1105.2 Change Without Regulatory Effect – Completed and approved by the Office of Administrative Law on March 27, 2017.

CCR Title 16, Division 11, § 1107 Local Anesthesia, Nitrous Oxide and Oxygen, and Periodontal Soft Tissue Curettage Course – The rulemaking file will be recalled per the Legislative and Regulatory Subcommittee's request.

CCR Title 16, Division 11, §§ 1150, 1151, & 1153 Sponsored Free Health Care Events – The rulemaking file was recalled to clarify language for volunteers’ name badges. The Legislative and Regulatory Subcommittee approved the clarifying language, so this rulemaking file will be resubmitted to the Department of Consumer Affairs (DCA) for their approval.

Proposed CCR Title 16, Division 11, § 1109.4 Retired License – The DHCC approved language for the regulation and forms at the December 2016 meeting. Since then, the Notice and Initial Statement of Reasons have been written, but the rulemaking file was incomplete without adopted minutes from the December 2016 meeting. Once the Full Committee adopts those minutes, the rulemaking file can be submitted for DCA’s review.

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

9. Legislative and Regulatory Subcommittee Report

Michelle Hurlbutt presented the report. She stated that the Subcommittee accepted revised minutes for the December 2016 meeting. She also reported that the Subcommittee recommended that the Full Committee adopt the following positions on current bills in the California Legislature:

Assembly Bill (AB) 15	Support if amended	Senate Bill (SB) 300	Watch
AB 224	Watch	SB 379	Support
AB 387	Oppose	SB 508	Watch
AB 703	Support	SB 572	Oppose
AB 706	Watch	SB 707	Support
AB 753	Watch		
AB 767	Oppose		
AB 1277	Support		

Ms. Hurlbutt reported that the Subcommittee discussed possible amendments to Business and Professions Code (BPC) § 1950.5 Unprofessional Conduct, to add mandated reporting requirements specific to the profession. The Subcommittee recommended that the Full Committee pursue amending BPC § 1950.5 Unprofessional Conduct, to add mandated reporting requirements, but that staff continue to refine the proposed language and return it to the Committee at a future meeting.

The Subcommittee accepted staff’s recommended language to clarify the name badge requirement for volunteers found in CCR Title 16, Division 11, § 1153 Sponsored Free Health Care Events. The Subcommittee recommended that the Full Committee vote to move this rulemaking file forward with the amended language.

The Subcommittee recommended that the Full Committee pursue a Section 100: Change Without Regulatory Effect to add a chart to CCR Title 16, Division 11, § 1107(b)(9)(A-B) Courses in Local Anesthesia, Nitrous Oxide-Oxygen Analgesia, and Periodontal Soft Tissue Curettage. Adding the chart would make the regulation more easily understood by the regulated audience.

The Subcommittee recommended that the Full Committee recall CCR Title 16, Division 11, § 1107 Local Anesthesia, Nitrous Oxide and Oxygen, and Periodontal Soft Tissue Curettage Course so that the regulation can be reviewed for possible additional revisions.

The Subcommittee recommended that the Full Committee approve proposed regulatory language to amend CCR Title 16, Division 11, § 1104 Review of Educational Programs, and that the Full Committee direct staff to take all necessary steps to initiate the formal rulemaking process, set the proposed regulations for a 45-day public hearing, and authorize the Interim Executive Officer to make any needed non-substantive changes to the rulemaking file.

The Subcommittee’s suggested future agenda items include discussion concerning the following bills currently before the California Legislature: AB 710, AB 1732, SB 392, and SB 501.

Motion: Michelle Hurlbutt moved that the Full Committee accept all of the Legislative and Regulatory Subcommittee’s recommendations.

Second: Noel Kelsch

President Kelsch asked if any member of the public or the Committee would like to comment. There were no comments.

Vote: The moved that the Full Committee accept all of the Legislative and Regulatory Subcommittee’s recommendations passed 7:0.

Name	Aye	Nay	Absent
Susan Good			X
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		

Garry Shay	X		
Evangeline Ward			X

10. Licensing and Examination Subcommittee’s Report

Nicolette Moultrie, Chairperson of the Licensing and Examination Subcommittee, presented the Subcommittee’s report. She stated that the Subcommittee voted to accept the December 2016 meeting minutes, they received information on licensure and written examination statistics, and discussion about the definition on trauma in the context of a clinical examination as well as opportunities and notices for examination retakes were topics suggested for future agendas.

Motion: The Licensing and Examination Subcommittee recommended that the Full Committee accept the Subcommittee’s report.

Second: Michelle Hurlbutt

Nicolette Moultrie asked if any member of the public or the Committee would like to comment. There were no comments.

Vote: The motion that the Full Committee accept the Licensing and Examination Subcommittee’s report passed 7:0.

Name	Aye	Nay	Absent
Susan Good			X
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			X

11. Enforcement Subcommittee’s Report

Garry Shay, Chairperson of the Enforcement Subcommittee, presented the Subcommittee’s report. He stated that the Subcommittee voted to approve the December 2016 Subcommittee minutes, they received information from staff regarding the enforcement statistics and performance measures, and there were no future agenda items proposed.

Motion: Garry Shay moved that the Full Committee accept the Enforcement Subcommittee’s report.

Mr. Shay asked if any member of the public or the Committee would like to comment. There were no comments.

Vote: The motion that the Full Committee accept the Enforcement Subcommittee’s report passed 7:0.

Name	Aye	Nay	Absent
Susan Good			X
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			X

12. Education Subcommittee’s Report

Michelle Hurlbutt, Chairperson of the Education Subcommittee presented the report. She stated that the Subcommittee voted to adopt the Subcommittee minutes from December 2016.

The Subcommittee received information from staff regarding the results of analyses to registered dental hygiene education program faculty biosketches. She reported that the Subcommittee discussed requirements for faculty and that she was prepared to make a recommendation to the Full Committee that the faculty members whose circumstances prevented them from being able to produce proof of having successfully completed courses in local anesthesia, nitrous oxide-oxygen analgesia, and soft tissue curettage be allowed to certify by affidavit that they had taken those courses and these faculty members would also

have to show proof of compliance with the requirements of CCR Title 16, Division 11, § 1105.1(d)(1-2).

Ms. Hurlbutt asked if there were any questions or comments from the Subcommittee or the public regarding the recommendation that the DHCC accept affidavits from faculty whose circumstances preclude their being able to produce proof of course passage and requiring that these individuals comply with § 1105.1(d)(1-2).

Ms. Moultrie stated that she is a program director at a dental hygiene education program. Two of her faculty members are among the faculty under discussion. She stated that during 2016 she had conferred with the past executive officer of the DHCC and had been advised that the faculty members must (re)take the courses or lose their teaching positions. Ms. Moultrie stated that one of the individuals chose to retire while the other retook the courses. The faculty member who chose to retake the courses was moved to a different assignment within the program so that she would not teach the courses until she provided proof of having retaken and passed them herself. Ms. Moultrie expressed that these steps to comply were taken at great expense and at a great inconvenience to the faculty member and the educational program. She stated that she did not think it would be fair for the Committee to offer an affidavit option to other faculty members when the two individuals in her own program had been faced with a much stricter ultimatum by the previous executive officer.

Ms. Hurlbutt replied that the Subcommittee did not have this information during its deliberations the prior day when they made their recommendation in favor of an affidavit.

Ms. Moultrie stated that she had the additional concern that if the DHCC were to allow affidavits for proof of completion of a required course for educators, then non-educator practicing dental hygienists may wish to bring legal action if affidavits were not accepted for proof of completion of their courses. Mr Lum replied that the affidavits would be specific to the educational setting. Both Ms. Moultrie and President Kelsch expressed doubt on whether that would be practical, citing that a dental hygienist does not give up the right to practice when he or she becomes an educator.

President Kelsch noted that when a person completes a course, it is usually that person's responsibility to retain acceptable forms of proof. She questioned whether each case had been fully investigated to ascertain that there (1) the individual in question believed he or she had successfully completed the course, and (2) there was no surviving proof of having him or her having done so. Ms. Hurlbutt replied that the Subcommittee had been led to believe that this had already been accomplished.

Ms. Moultrie added that in her capacity as a program director, while trying to determine what to do about her two faculty members who could not prove completion of extended functions course completion, she researched the catalogs in her education program's records and found that soft tissue curettage and administration of local anesthetic were taught during the time in question, but administration of nitrous oxide-oxygen was not. She

further stated that her two faculty members admitted that they had not taken a course in administration of nitrous oxide-oxygen and that this information had been shared with the former executive officer in 2016.

President Kelsch asked Dr. Pineshi-Petty, Education Specialist for the DHCC, to look through her files to verify the number of faculty members in question. Dr. Pineschi-Petty stated there were eight.

President Kelsch noted that since there had been a change in staff leadership with the former executive officer retiring in December 2016 and the interim executive officer taking on the work, there were bound to be some issues that were not fully communicated. She advised that the DHCC try to work through these issues.

Ms. Moultrie pointed out that since her faculty member who retook the course submitted paperwork to the DHCC's office in January 2017, this means that the DHCC should have been aware of what was happening regardless of the change in leadership. Mr. Lum stated that he did not know about this correspondence.

President Kelsch stated that the core of the issue was that there appeared to be dental hygienists practicing beyond the scope of their licenses.

Motion: Garry Shay moved that staff work with a Subcommittee of two members, designated by the Chairperson of the Education Subcommittee, then place this item (CCR Title 16, Division 11, § 1105.1(d)(1-2), Education Program Faculty Requirements) on the next agenda so that the Full Committee could consider the matter after more facts had been discovered and evaluated.

Second: Nicolette Moultrie

Ms. Hurlbutt asked if any member of the public or the Committee would like to comment.

Public Comment: JoAnn Galliano, Education Consultant for the DHCC, requested guidance on how to deal with this issue in the meantime. She stated she needed to know whether the DHCC intended for these faculty members to continue their work supervising in clinics.

Ms. Hurlbutt replied that the DHCC had already sent letters to the education programs stating that no faculty member could not supervise any course for which that faculty member was missing proof of qualifications.

Public Comment: Vickie Kimbrough stated that as a former program director, her opinion was that allowing a faculty member to supervise the extended functions for which that faculty member has proof of qualification, yet not another extended function, would be logistical problem because it would alter the student to instructor ratio while the faculty members were switching off to fill the requirement.

Ms. Hurlbutt agreed that this would present a problem for the educational programs but that at this time there was no other option presented that would maintain consumer safety.

There were no comments.

Vote: The motion that staff to work with a Subcommittee of two members, designated by the Chairperson of the Education Subcommittee, then place this item (CCR Title 16, Division 11, § 1105.1(d)(1-2), Education Program Faculty Requirements) on the next agenda so that the Full Committee could consider the matter after more facts have been discovered and evaluated passed 7:0.

Name	Aye	Nay	Absent
Susan Good			X
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			X

Motion: Ms. Hurlbutt reported that the Subcommittee recommended that the Full Committee direct staff to pursue a Section 100: Change Without Regulatory Effect to renumber the subsections in CCR Title 16, Division 11, § 1105.1 Educational Program Faculty Requirements, to increase clarity.

Ms. Hurlbutt asked if any member of the public or the Committee would like to comment.

There were no comments.

Vote: The motion to direct staff to pursue a Section 100: Change Without Regulatory Effect to renumber the subsections in CCR Title 16, Division 11, § 1105.1 Educational Program Faculty Requirements, to increase clarity passed 7:0.

Name	Aye	Nay	Absent
Susan Good			X
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			X

Motion: Garry Shay moved to direct staff to work with a Subcommittee of two members, designated by the Chairperson of the Education Subcommittee, to refine amendments to the regulatory language in CCR Title 16, Division 11, § 1105.1 Educational Program Faculty Requirements, to make the intent of the law more explicit and clear, and to bring the language back to the Full Committee at a future meeting.

Second: Nicolette Moultrie.

Ms. Hurlbutt asked if any member of the public or the Committee would like to comment.

There were no comments.

Vote: The motion to direct staff to work with a Subcommittee of two members, designated by the Chairperson of the Education Subcommittee, to refine amendments to the regulatory language in CCR Title 16, Division 11, § 1105.1 Educational Program Faculty Requirements, to make the intent of the law more explicit and clear, and to bring the language back to the Full Committee at a future meeting passed 7:0.

Name	Aye	Nay	Absent
Susan Good			X
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			X

President Kelsch stated that she would like to emphasize that staff is instructed to pursue each instance of adherence to the regulations fully and equally. No educational program or individual should be treated in a more or less favorable manner than others – the regulations are in place for consumer protection and everyone must abide by the regulations.

Michelle Hurlbutt asked Dr. Pineschi-Petty if there were known cases of educational programs that continue to have dental hygienist faculty instructing courses without a bachelor’s degree. Dr. Pinesch-Petty responded that there were.

Michelle Hurlbutt asked what was being done about it. Mr. Lum replied that letters had been sent during March 2017 to these programs asking the program administrators to reply by May 1, 2017, with a plan of remediation. Ms. Hurlbutt inquired whether the programs had responded and if so, what was their response. Mr. Lum stated that they had responded but he had not yet read their letters.

Ms. Moultrie asked why these programs have been allowed an extension when others have had to comply with a deadline that already passed.

Motion: Garry Shay moved to adopt the Education Subcommittee report as amended.

Second: Nicolette Moultrie.

Ms. Hurlbutt asked if any member of the public or the Committee would like to comment.

There were no comments.

Vote: The motion to adopt the Education Subcommittee report as amended passed 7:0.

Name	Aye	Nay	Absent
Susan Good			X
Michelle Hurlbutt	X		
Noel Kelsch	X		
Timothy Martinez	X		
Sandra Klein	X		
Nicolette Moultrie	X		
Edcelyn Pujol	X		
Garry Shay	X		
Evangeline Ward			X

There were no further comments.

13. Future Agenda Items

Ms. Moultrie requested follow up on progress between the DBC and DHCC toward promulgating Interim Therapeutic Restoration laws and regulations.

Public Comment: Joann Galliano asked that the DHCC make a policy statement on the DHCC's official position on enforcement.

14. Adjournment

President Kelsch recessed the Full Committee at 10:19 a.m.



Saturday, June 10, 2017

Dental Hygiene Committee of California

Agenda Item 6

**Discussion and Possible Action on the Revised
Duty Statement for the Executive Officer**



MEMORANDUM

DATE	June 10, 2017
TO	Full Committee
FROM	Noel Kelsch, President, RDHAP
SUBJECT	FULL 6 Discussion and Possible Action on the Revised Duty Statement for the Executive Officer

BACKGROUND

On May 7, 2017, the Committee received a draft copy of the executive officer duty statement from Nicole Le, Assistant Chief from the Department of Consumer Affairs' Office of Human Resources. Having no prior review of the duty statement, the Committee directed the Executive Officer Selection Committee to revise the duty statement and return with its revisions for the Committee's approval at a future meeting. The Selection Committee will present the revised duty statement at the June 10, 2017 meeting.

STAFF RECOMMENDATION

The Executive Officer Selection Committee recommends to the Full Committee to accept the revised executive officer duty statement as presented or to incorporate additional edits as needed.



Saturday, June 10, 2017

Dental Hygiene Committee of California

Agenda Item 7

Future Agenda Items



Saturday, June 10, 2017

Dental Hygiene Committee of California

Agenda Item 8

Adjournment of the Full Committee