



Enforcement Subcommittee Meeting Minutes *November 17, 2017*

Department of Consumer Affairs
Dental Hygiene Committee of California
2005 Evergreen Street, Hearing Room
Sacramento, CA 95815

DHCC Members Present:

Timothy Martinez, Doctor of Dental Medicine (DMD)
Edcelyn Pujol, Public Member
Evangeline Ward, Registered Dental Hygienist (RDH)

DHCC Members Absent:

Garry Shay, Public Member

DHCC Staff Present:

Anthony Lum, Interim Executive Officer
Brittany Alicia, Office Receptionist
Nancy Gaytan, Enforcement Analyst
Traci Napper, Licensing Program Analyst
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational Specialist
Daniel Rangel, Enforcement Special Investigator
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

Roll Call and Establishment of a Quorum

Timothy Martinez, Acting Chairperson of the Enforcement Subcommittee in absence of Chair Garry Shay, called the meeting to order at 2:49 p.m. Roll call was taken and quorum established with three members present.

Public Comments for Items Not on the Agenda

Acting Chair Martinez requested comments for items not on the agenda.

There were no comments from the public.

Chairperson's Report

Acting Chair Martinez deferred the Chairpersons report.

Approval of the May 6, 2017 ENF Subcommittee Minutes

Acting Chair Martinez asked for a motion to approve the May 6, 2017 Enforcement Subcommittee Meeting Minutes.

Motion: Evangeline Ward moved to adopt the May 6, 2017, Enforcement Subcommittee Meeting Minutes.

Second: Edcelyn Pujol

Acting Chair Martinez requested comments.

No comments received.

Vote: The motion to adopt the May 6, 2017, Enforcement Subcommittee Meeting Minutes,

Vote: Pass (3:0).

Name	Aye	Nay	Abstain
Garry Shay	Absent		
Timothy Martinez	X		
Edcelyn Pujol	X		
Evangeline Ward	X		

Enforcement Statistics and Performance Measures

Nancy Gaytan, Enforcement Analyst, introduced Daniel Rangel, Enforcement Special Investigator and a new employee of the DHCC. Ms. Gaytan stated that Daniel will present Enforcement statistics and provide an overview of his position. Ms. Gaytan will report Performance Measures.

Mr. Rangel reported the enforcement statistics for Fiscal Years 2013-14, 2014-15, 2015-16, 2016-17 and year to date 2017-2018. Investigations, complaints, and convictions have been consistent throughout those years. A decline in citations was attributed to address changes. Registered dental hygienists are now aware that it is the licensee's responsibility to maintain a current address. The BreEZe online system made it more convenient for licensees to update their address.

Ms. Gaytan reported Enforcement Performance Measures were established by the DCA for each Board, Bureau, or Committee to review their progress toward meeting its enforcement goals and targets. Performance Measures can be found on the DCA website at www.dca.ca.gov.

Ms. Gaytan presented Performance Measures (PM) statistics for the fourth quarter April – June 2017.

1. PM 1 Complaints
 - a. Volume: Number of complaints and convictions received - 44.
2. PM 2 Intake
 - a. Volume: Number of complaints closed or assigned to an investigator - 46.
 - b. Cycle Time: Average number of days a complaint is received to closure or assigned to an investigator – 6.
 - i. Target time was 30 days.
3. PM 3 Investigations
 - a. Volume: Number of investigations closed not including cases transmitted to the Attorney General - 57.
 - b. Cycle Time: 178 days.
 - i. Target time was 270 days.
4. PM 4 Formal Discipline
 - a. Volume: Cases closed after transmission to the Attorney General for formal disciplinary action – 2
 - i. Inclusive of formal discipline and closures without formal discipline.
 - b. Cycle Time: DHCC enforcements average was 892 days.
 - i. Target average was 540 days.
 - ii. Delay due to one case skewing the data.
 - c. Number of Complaints and convictions received per quarter – 46
 - i. 8 Consumer complaints
 - ii. 36 Convictions reports
5. PM 5 Probation Intake
 - a. Volume: Number of new probation cases - 3.
 - b. Cycle Time: 6 days.
 - i. Target average was 10 days.
6. PM 6 Probation Violation Response
 - a. Volume: number of probation violation cases – 0.

Acting Chair Martinez requested clarification for the complaint process.

Ms. Gaytan stated when the DHCC receives an arrest notification, the DHCC will then open a case.

Acting Chair Martinez questioned the disparity between complaints and convictions.

Ms. Gaytan stated complaints are generally received from the public, patient or another licensee. Complaint cases opened during a subsequent arrest or conviction notification are logged and counted as a conviction.

Acting Chair Martinez requested comments.

No comments received.

Mr. Rangel reported that he has been with the DHCC for approximately one year. The enforcement unit has met the Performance Measures and continue to work on process improvement. A central case log was created and implemented. Ms. Gaytan oversees conviction cases the DHCC receives and Mr. Rangel oversees complaints received from individuals. Each enforcement staff utilizes their own case tracking system. The central case log provides an overview of all the cases in the unit and as to their status to ensure the statute of limitations is met and continue to improve on the Enforcement Performance measures.

Acting Chair Martinez requested clarification as to the process as to out of state arrests and notification of the DHCC.

Ms. Gaytan stated that the DHCC licensees are required to submit live scan fingerprints at the time of licensure. The DHCC is notified by the Department of Justice anytime an arrest of a licensee is made.

No further comments received.

Future Agenda Items

Chair Martinez requested future agenda items.

No agenda items received.

Adjournment

Chair Martinez adjourned the Enforcement Subcommittee at 3:01 p.m.