



Full Committee Meeting Minutes *Friday, November 17, 2017*

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

Dental Hygiene Committee of California (DHCC) Members Present:

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

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, DHCC
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

Public Present:

Patrick Le, DCA Deputy Director of Boards and Bureau Services
Wilbert Rambaosa DCA Budgets
JoAnn Galliano, RDH, DHCC Educational Consultant
Mary Johnston, American Board of Dental Examiners (ADEX)
Maureen Titus, California Dental Hygienists' Association (CDHA)
Karen Fischer, Executive Officer, Dental Board of California (DBC)
Mary McCune, California Dental Association (CDA)
Lisa Okamoto, CDHA
Mary McCune, CDA
Maureen Titus, CDHA



Jennifer Schmit, CDHAP Public Health Committee
Vickie Kimbrough, Program Director, Taft College
Brenda Serpa, Program Director, San Joaquin Valley College
Joann Pacheo, Program Director, Fresno City College
Jean Kulbeth, Fresno City College
Jana Pierce, Interim Program Director, Shasta College
Dental Hygiene Students from Taft College

1. Roll Call and Establishment of a Quorum

Noel Kelsch, President of the DHCC called the meeting to order at 9:05 am. Roll call was taken and a quorum established with eight members present. Garry Shay was excused. President Kelsch thanked all in attendance and introduced the DHCC's new attorney, Jason Hurtado.

2. Public Comments for Items Not on the Agenda

Maureen Titus (CDHA) addressed the DHCC regarding Mobile Dental Hygiene Units and wanted to ensure the DHCC addresses this issue as soon as possible. Ms. Titus stated that the Dental Board of California (DBC) is moving forward with regulations that include RDHAPs and informed the DHCC that RDHAPs should not be added to their regulations, as the DHCC should have their own regulations.

President Kelsch acknowledged Ms. Titus' concerns and instructed staff to add "Mobile Dental Hygiene Unit" regulations on the next meeting agenda.

Jennifer Smit, RDH, California Dental Hygienists' Association Public Health Committee (CDHAPHC) requested the DHCC clarify the permitted duties section of the California Code of Regulations (CCR) 1088(b)(c)(7)(A)(8). Ms. Smit specifically requested clarification for duties allowed "without supervision" in non-governmental institutions (e.g. schools, health fairs, school screenings, and kindergarten assessments). Ms. Smit requested the DHCC to consider the following as duties allowed "without supervision" for RDH's: provide oral cancer screenings, oral health education, dental screenings, fluoride varnish, and sealants. In addition, Ms. Smit requested requirement clarification for general supervision in a non-governmental community based environment (e.g. blanket prescription for fluoride, liability insurance, consent form protocol, information on disclaimer for patient or record, Health Insurance Portability and Accountability Act (HIPPA) and confidentiality concerns with dental health report to parents, and disclaimer patient of record requirements).

President Kelsch acknowledged the request and directed staff to add "Delineation of duties acceptable in a public health environment." as a future agenda item.

President Kelsch presented a letter from Cabrillo College, submitted by Bridgete H. Clark, DDS, Assistant Director. Dr. Clark requested the DHCC to add local anesthesia injection requirements as a future agenda item to review required injections for schools and expanded duties courses.

Dr. Michelle Hurlbutt stated the expanded duties regulatory package has been pulled and will be a future agenda item. Dr. Hurlbutt suggested that the Task Force receive the information presented by Cabrillo College.

Public Comment: Mary McCune presented a letter from CDA in response to the Sunset Review of the DHCC. The letter was forwarded to the Sunset Review Chairperson, Dr. Michelle Hurlbutt, for the Subcommittee to review.

No further comments made.

3. Presidents Report

President Kelsch opening statement was with gratitude to the DHCC Interim Executive Officer, Anthony Lum, and staff for their diligence this year. She thanked Sandy Klein, Chairperson for the Executive Officer Recruitment Committee, and Susan Good, Vice President, for filling in for her at the Dental Board of California's August 2017 meeting.

President Kelsch reported the following items:

1. The DHCC sent a letter to Denti-Cal eighteen months ago regarding information reported on the scope of practice of RDHAP's, however, Dental-Cal has not responded. As the RDHAP representative, Ms. Kelsch will meet with Denti-Cal soon.
2. The DHCC and the DBC have been working together on Infection Control Regulations to make the regulations "user friendly". There will be a checklist available in 2018 that can be downloaded for every dental office. Ms. Kelsch informed the Committee of an approval for a water safety emergency regulation.
3. President Kelsch received correspondence from ADEX requesting another presentation to the DHCC. Ms. Kelsch stated another presentation was not required at this time and the DHCC is continuing to explore other methods of testing.

President Kelsch ended her report with gratitude to all, expressing the pleasure of serving as the DHCC's president.

4. Approval of June 10, 2017, Full Committee Meeting Minutes

Motion: Nicolette Moultrie moved to approve the June 10, 2017, full committee meeting minutes.

Second: Sandra Klein

President Kelsch requested comments.

No comments received.

Motion to adopt the June 10, 2017, Full Committee Meeting Minutes.

Vote: passed 7:0.

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

5. Interim Executive Officer’s Report

Anthony Lum, Interim Executive Officer (IEO) of the DHCC, expressed gratitude to President Kelsch for her assistance during his transition into the IEO position after Lori Hubble, former Executive Officer of the DHCC, retired.

Mr. Lum reported the following items:

1. DHCC’s Legislative and Regulatory Analyst left for a promotional opportunity at the end of October. The position is currently vacant and the DHCC is working to backfill the vacancy. In addition, the DHCC has a Probation Monitor position vacancy which is currently in the hiring process.
2. Mr. Lum reported that 2017 is a mandatory reporting year for the Department of Consumer Affairs (DCA). He will verify that all DHCC members are in compliance with mandatory reporting requirements.
3. Mr. Lum reported that he may be seeking a new, more affordable office location for the DHCC. Mr. Lum stated that the City of Sacramento has tentatively approved the building of homeless shelters in the surrounding areas of the DHCC’s current office location. With the proposed changes for the homeless shelter project, property management is working with the tenants to ensure there are property safety improvements.

6. Update from the Dental Board of California

Karen Fischer, Executive Officer of the Dental Board of California (DBC), reported to the DHCC on behalf of Bruce Whitcher, DBC President.

Ms. Fischer reported the following updates:

1. The DBC's Registered Dental Assistant (RDA) Examination was reviewed by the Office of Professional Examinations Services (OPES). The report identified flaws in the examination that needed immediate attention, and the DBC had a special meeting on April 6, 2017 to discuss findings. As a result, the RDA Examination was suspended from April 6, 2017 through July 1, 2017. Between April 6, 2017 and July 1, 2017, the DBC issued RDA licenses to all candidates that completed DBC requirements except for the passage of the practical examination.

The DBC pursued legislation to continue the suspension of the RDA examination from July 1, 2017 through January 1, 2020, to allow the DBC to research other methods of competency evaluation without reinstating the practical exam. Assembly Bill (AB) 1707, authored by Assemblyman Evan Low, was signed by Governor Jerry Brown to resume issuing RDA licenses effective August 8, 2017.

At the November 2017 meeting of the DBC, the RDA Examination will no longer require a practical examination. Requirements for RDA licensure will include the passage of the RDA Written Examination and the California Law Examination to be launched in 2018.

2. Radiographic Decision Making and Interim Therapeutic Restorations (RDM/ITR) regulations are in process. At the August meeting of the DBC, regulatory language was approved and directed staff to initiate the rule making package.
3. Staff is working on the regulatory language for Mobile and Portable Dental Clinics. The DBC is obtaining more comments and the regulatory language will go back before the DBC in February 2018 for consideration of amendments to the language.
4. Assembly Member Tom Daly had minimum standards of infection control legislation signed by Governor Jerry Brown to require the DBC to initiate an emergency rulemaking package regarding water safety. However, the emergency package did not give the DBC the authority to add additional information. The DBC will simultaneously file an emergency rulemaking file and a regulatory package that will include additional information for infection control. A checklist is to be incorporated that received approval by the Infection Control Subcommittee and the DBC.

5. Effective October 19, 2017, the DBC's application for new licenses, permits and renewal fees increased. The fee increase information is available on DBC's website.
6. The 2018 DBC Members are: Thomas Stewart, D.D.S. (President), Fran Burton, MSW (Vice President), Steven Chan, D.D.S., Yvette Chappell-Ingram (Secretary), Ross Lai, D.D.S., Huong Le, D.D.S, MA., Meredith McKenzie, ESQ, Steven Morrow, DDS, MS, Bruce Whitcher, D.D.S. The 15-member DBC has 4 vacancies.
7. The DBC's Sunset Review process will start in 2018 and the Sunset hearing will be in 2019.

Ms. Fischer requested questions.

President Kelsch thanked the DBC for their continued support and collaboration. She urged the DBC to move forward with the RDM/ITR regulation.

Ms. Moultrie requested the number of questions that will be on the Spring 2018 RDA examination.

Ms. Fischer replied that OPES is handling the process and unsure as to the number of questions on the new exam. The professional testing department of the DBC will hold an Item Writing Workshop to determine the number of questions for the new RDA examination.

Ms. Moultrie questioned if RDHs are the only dental professional that must take a practical examination.

Ms. Fischer stated RDAs will no longer be required to take the practical examination in California. The only other state that requires RDAs to take a practical examination is Minnesota. Most states have eliminated the practical examination.

Dr. Hurlbutt questioned if RDAs will be required to complete the educational requirements.

Ms. Fischer stated that individuals will be required to complete an approved educational program or on the job training for eligibility to become an RDA.

Ms. Galliano stated concerns about the DBC's RDM/ITR regulation package already going through the regulatory process without input from the DHCC. RDM/ITR legislation states the DBC should be developing the RDM/ITR regulations in conjunction with the DHCC. Ms. Galliano questioned if the regulation package was presented the DHCC.

Dr. Hurlbutt stated regulatory language was not presented to the DHCC.

Mr. Lum reported that he has had extensive communication with the DBC. Both DHCC and DBC understands that legislation states the DBC should work in conjunction with DHCC. However, both agreed that it would be more suitable for each program to develop their own regulatory package. The regulation will mimic what is in the RDM/ITR legislation and the regulatory package will be coming forward once the language has been developed.

Dr. Hurlbutt stated that the law is very clear that the DBC and DHCC are to be in consensus with RDM/ITR regulations. Dr. Hurlbutt questioned Ms. Fischer if the DBC has a plan in the event both boards are not in consensus or if they have a strategy.

Ms. Fischer replied that there is no plan.

President Kelsch questioned if the DHCC should add RDM/ITR regulatory language as a future agenda item, or if this would be more appropriate to be placed as a Legislative and Regulatory Subcommittee agenda item.

Dr. Hurlbutt stated that RDM/ITR regulatory language should be presented to the Legislative and Regulatory Subcommittee. Dr. Hurlbutt is of the opinion that the DHCC and DBC should collaborate on the regulations.

President Kelsch stated concerns that students are currently graduating with RDM/ITR education. However, currently licensed RDHAPs are not able to attend the program for additional training.

Dr. Hurlbutt stated certification may be granted if the Health Workforce Pilot Program (HWPP) protocol is followed. She would prefer that DHCC collaborates with DBC before the regulations are moved forward.

No further comments received.

7. Budget Report – DCA Budget Office to Provide Report

Wilbert Rumbaoa reported that effective July 10, 2017, DCA transitioned from the CalStars accounting system to the new Fi\$cal accounting system. He stated there were challenges with the new system.

Mr. Rumbaoa provided an overview of DHCC's expenditures and Fund condition in the Budget Report. DHCC reverted approximately \$400,000 this past fiscal year. DHCC's Fund Condition Actuals for 16/17 shows the DHCC having more revenue than expenditures.

Mr. Rumbaoa requested questions.

Dr. Hurlbutt asked if there is a protocol on how long a line item can have a zero before it can be removed from the budget report.

Mr. Rumbaoa stated the DHCC can't technically remove a line item, but it can be readdressed. Line items are limited to items such as general expenses, printing and postage, to name a few.

Mr. Lum stated that he will collaborate with Mr. Rumbaoa on the budget report to ensure the budget reflects an accurate account of the DHCC's spending.

No further comments made.

8. Presentation from the Office of Statewide Health Planning and Development on Underserved Areas of California (OSHPD)

Presentation by OSHPD's Hovik Khosrovian, Program Manager, and Bally Nagra, Program Analyst, provided an overview of the Dental Health Professional Shortage Areas (HPSA), how to apply for these areas and the benefits of practicing in a HPSA.

HPSAs are shortage designations established through criteria in regulations to identify geographic areas or populations with groups with a shortage of primary, dental, and mental health care services.

The benefits for providers of HPSAs include loan repayment programs, scholarships, and providing access to preventative dental care to the underserved communities.

9. Update and Presentation from the Central Regional Dental Testing Services (CRDTS)

Kim Laudenslager, Director of CRDTS, presented the difference between a member state and states that accept CRDTS for initial licensure.

CRDTS serves 22-member states, including California. Each member state has a representative from their respective dental board that sits on the Steering and Examination Committee. CRDTS is composed of, and driven by, the member states. As California is a member state, the DHCC determines the services offered by CRDTS in California. Currently over 40 states accept CRDTS for initial licensure, however, they do not have input regarding the CRDTS examination. Non-member states reviewed the CRDTS examination and determined that it met the needs of the citizens public safety.

Ms. Laudenslager stated the DHCC is well represented by Dr. Hurlbutt as a member on the Steering Committee, and Nicolette Moultrie as a member of the Examination Review Committee.

CRDTS provides every program director with a report identified with a confidential number unique to the dental hygiene program. The DHCC is provided with a report which

includes a list and master key to identify each California dental hygiene program. This report provides statistics regarding the dental hygiene educational program's performance.

President Kelsch stated if a candidate fails an examination three times in California that remediation is required. President Kelsch questioned if student statistics are sent to the DHCC.

Ms. Laudenslager stated program statistics are reported to the DHCC, however, CRDTS does not send individual candidate results. CRDTS provides DHCC access to a secured website portal to verify candidates results. Ms. Laudenslager stated the California dental hygiene programs are performing at or above the National average. CRDTS requires remediation if a candidate fails the examination three times. In addition, two CRDTS member states have a two-time failure remediation requirement.

Ms. Laudenslager reported that CRDTS and WREB are collaborating on an Occupational Analysis to reduce costs. Dr. Hurlbutt questioned if there is a reason why CRDTS chose to do the Occupational Analysis with WREB instead of ADEX.

Ms. Laudenslager stated ADEX decided not to collaborate on the Occupational Analysis with CRDTS and WREB. She stated CRDTS uses a "Curriculum Integrated Format" which includes 4 sections Restorative Dentistry, Periodontics, Prosthodontics, and Endodontics for the dental exam. Until there is an examination that can simulate a scaling exercise that's viable and valid, most member states are not comfortable with changing their current testing process.

Dr. Hurlbutt questioned if CRDTS was open to selecting a program that accepts CRDTS for licensure, conduct a chart audit of non-subject items, and compare the data to see if a chart audit would equal the results the candidates received in the exam. Ms. Laudenslager stated CRDTSs would be interested.

Dr. Hurlbutt questioned if CRDTS considered making the examination results available on site as an option for the candidates. Ms. Laudenslager responded that CRDTS has considered that as an option.

President Kelsch questioned if CRDTS prevents a candidate from re-examination if the candidate has failed the exam three times. Ms. Laudenslager stated CRDTS does not prevent candidates from re-examination if the candidate has failed the exam three times unless its required by the member state(s) like California. California would be notified and CRDTS conduct a background check to ensure honesty of the candidate.

Dr. Hurlbutt questioned if a candidate was dishonest, failed an examination three times, chose not to disclose the attempts, and ultimately passes a CRDTS exam, would CRDTS rescind the certification.

Ms. Laudenslager replied they would rescind the certification, depending on the member State's requirement.

President Kelsch questioned Mr. Lum if DHCC staff reviews the applicant's examination attempts for CRDTS and WREB.

Mr. Lum stated applicants are required to answer the "three-time failure" question during the application process.

President Kelsch questioned Mr. Lum if DHCC staff utilizes the CRDTS portal.

Mr. Lum stated that this examination portal was not brought to his attention but will direct DHCC staff to utilize the CRDTS portal moving forward.

Ms. Laudenslager stated that CRDTS is working on preventing "examination hopping".

President Kelsch questioned if the DHCC could share examination statistics of each school publicly.

Ms. Laudenslager stated that it is prudent to share other program statistics. The DHCC should communicate with programs that are performing well separately.

Ms. Moultrie stated the DHCC requested WREB to provide examination statistics specific to exams administered in California in May 2017.

10. Discussion and Possible Action on Final Revisions to Adopt the 2017 DHCC Sunset Review Report to the Legislature

Mr. Lum acknowledged and expressed gratitude to the Subcommittee and subject matter experts for their diligence and long hours to create the Sunset Review Report.

Mr. Lum presented an overview of the Sunset Review process which includes data and responses to questions submitted to the DHCC by the Legislature. This report is completed every four to five years and presents an opportunity for the Legislature to observe current DHCC processes.

President Kelsch appointed a Sunset Review Subcommittee at the May 7, 2017 DHCC meeting to address the workload of the DHCC 2018 Sunset Review Report to be submitted to the Joint Legislative Sunset Review Committee (JLSRC). A Subcommittee meeting was held on September 6, 2017, with an additional teleconference held on October 12, 2017 to complete the report.

Mr. Lum reported the draft Sunset Review Report was sent to the Committee in advance for their review and to provide edits to streamline the review process. As the Sunset Review

Report was a lengthy document, Mr. Lum suggested that the Committee review the report by each section and direct staff to make the necessary changes. Edits and revisions were made in the Sunset Review Report sections to the satisfaction of the Committee. Public comment was accepted and a motion to accept the report was made.

Nicolette Moultrie motioned to accept the Sunset Review Report with revisions and authorize the Interim Executive Officer to make any technical or non-substantive changes to the language and move forward with submitting the report to the JLSRC.

Second: Susan Good

Motion to accept the Sunset Review Report with revisions and authorize the Interim Executive Officer to make any technical or non-substantive changes to the language and move forward with submitting the report to the JLSRC.

Vote: passed (8:0).

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	Absent/Excused		
Evangeline Ward	X		

President Kelsch thanked the Sunset Review Subcommittee for their diligence and adjourned the Full Committee meeting at 12:36 pm.