



DENTAL HYGIENE TELECONFERENCE MEETING MINUTES

Wednesday, March 21, 2018
DHCC Headquarters, 1st Fl., Silverwood Lake Room
2005 Evergreen Street
Sacramento, California 95815
(and other teleconference locations listed below)

Other Teleconference Locations and Member Participants:

<p>Susan Good, President, Public Member Catalano-Fenske & Associates Conference Room 1999 Tuolumne, Suite 801 Fresno, CA 93721</p>	<p>Nicolette Moultrie, Vice President, RDH Evangeline Ward, RDH Diablo Valley College 321 Golf Club Road, Room LHS 115 Pleasant Hill, CA 94523</p>
<p>Michelle Hurlbutt, RDH Educator West Coast University 1477 S. Manchester Avenue Anaheim, CA 92802 Room 207: Education Suite Conference Room</p>	<p>Sandra Klein, Public Member Congregation B'nai Israel 2111 Bryan Ave. Tustin, CA 92782</p>
<p>Timothy Martinez, DMD 1700 Iowa St. Riverside, CA 92507</p>	<p>Edcelyn Pujol 1990 N. California Blvd., 8th Fl. Walnut Creek, CA 94596</p>

DHCC and Department of Consumer Affairs (DCA) Staff Present:

Anthony Lum, Executive Officer
Kelsey Pruden, DCA Legal

Public Participants and Location:

JoAnn Galliano, DHCC Subject Matter Expert, California Dental Hygienists' Association (CDHA), Diablo Valley College
Patrick Le, DCA Assistant Deputy Director, Board and Bureau Services, Sacramento
Rose Turner, DCA Legislative and Policy Review Office, Sacramento
Susan McLearn, CDHA, Sacramento
Lisa Okamoto, CDHA, Diablo Valley College
Mary McCune, California Dental Association (CDA), Sacramento

Item 1 - Roll Call

President Susan Good of the Dental Hygiene Committee of California (DHCC), called the March 21, 2018 teleconference meeting to order at 10:03 a.m. She asked Secretary Edcelyn Pujol to take the roll call and a quorum was established with four Education Subcommittee members present.

Item 2 – Public Comment for Items Not on the Agenda

No public comments were received.

Item 3 – Discussion and Possible Action on the DHCC’s 2018 Sunset Review Background Paper – Written Responses to the Joint Legislative Committee’s Recommendations to DHCC Issues

Issue 1 – DHCC is completely comprised of Gubernatorial appointees.

Anthony Lum, Executive Officer, presented Issue 1 with his response.

President Good stated that she had some grammatical, non-substantive changes to present to the Executive Officer to make the changes and read the changes proposed. JoAnn Galliano said that there’s no indication of who the appointees would be based upon what President Good read. President Good then read the entire response on the issue that indicated who the appointees would be.

President Good asked for any other comments. There were none.
(vote on this issue reserved for voting on multiple issues at once)

Issue 2 – DHCC is struggling to meet statutory mandates because of staffing shortages.

Mr. Lum presented Issue 2 with his response. He explained that the Committee has been trying to obtain additional positions for the past couple of years through the normal process, but has not been successful and the legislature is recognizing it.

President Good asked whether there were any comments or amendments to the Committee’s response for Issue 2.

Ms. Galliano suggested the removal of the last sentence pertaining to fee. Ms. Hurlbutt agreed as an amendment to the language.

President Good clarified on the voting procedures for each issue in that if there is an issue with the language from Committee member(s), there will be a vote on that issue at the time. If there is no issue with the changes, the vote will be reserved for a later, all-encompassing vote on multiple issues.

(vote on this issue reserved for voting on multiple issues at once)

Issue 3 – There may be more effective means to test clinical skills than the traditional hygiene clinical examination.

Mr. Lum presented Issue 3 with his response. He stated that the Legislature recommended that the Committee research other avenues for licensure and he said that the Committee had already commenced in doing so with the assigned taskforce a couple of years ago, but due to staffing issues, it has been postponed.

President Good asked whether there were any comments from members or the public.

Ms. Moultrie said that based upon the occupational analysis (OA) conducted for the Dental Board of California for dentists and dental assistants, it found that clinical examinations were not needed to show minimum competency of an individual to perform dental services. She said that she believed that dental hygiene is now behind with their current requirements of still requiring a clinical examination. She continued that if the Committee need to conduct an OA to confirm whether a clinical examination is needed, we can have a subcommittee address the issue of alternative pathways to licensure. She said that dental hygiene is the only profession that still requires a clinical examination to obtain licensure. She believes that the Committee's response to this issue should be stronger so that it gets a higher priority of the things the Committee needs to address.

Mr. Lum stated that he has a meeting with the Office of Professional Examination Services in the next week to address the occupational analysis and exam development issues. He explained that this is a preliminary meeting to obtain logistics and when it's time to involve subcommittee members, he will arrange it.

Ms. Moultrie inquired as to whether we could include that the Committee will be conducting an OA to address this issue. Ms. Hurlbutt said that the OA must be conducted by an outside agency (OPES) and suggested to add a sentence to state that the Committee has made this issue a high priority for 2018. She added that an OA is not necessary to pursue researching an implementing an alternative pathway to licensure.

President Good suggested to remove 'high priority' and '2018' because we have previously mentioned our staffing shortages, but yet, we are unable to address our current workload. By removing these terms, it would soften the timeline of when this issue would be addressed. Mr. Lum stated that even with the language of stating a high priority and for 2018, we would begin the process of

this issue by initiating a contract, but it would not necessarily mean that we have to complete it by this date.

President Good asked for any further comments or comments from the public.

Ms. Pruden clarified for the Committee that pursuant to Business and Professions Code § 139 does require the Committee to work with OPES to complete examination validation and the OA is a part of it.

Ms. Galliano suggested to change 'gladly share' to 'will share' in the last sentence of the response.

President Good asked for any further comments or comments from the public. There were no further comments.

(vote on this issue reserved for voting on multiple issues at once)

Issue 4 – DHCC wants to be renamed as an independent board under the DCA and sever its remaining ties to the Dental Board of California (DBC).

Mr. Lum presented the issue with his response.

President Good asked for any further comments or comments from the public. There were no comments received.

(vote on this issue reserved for voting on multiple issues at once)

Issue 5 – According to the DHCC, RDHAPs are authorized to unsupervised dental hygiene services only in specified areas which create barriers to practice in other dental care settings.

Mr. Lum presented Issue 5 with his response.

President Good asked for any comments from the members.

Timothy Martinez, DMD, said that there were national studies on this issue which indicated that there was no greater public risk or safety problems from this issue and asked whether these studies were researched in crafting the Committee's response. Mr. Lum stated that staff did not have an opportunity to research the national studies. He said that the issue was brought up at the February 26, 2018 Sunset Review hearing by one of the legislative committee members to be cautious because the intent of the RDHAP license category was to be specific to service dentally underserved areas. The member was wary in that initially, a licensure category is presented to the legislature to serve populations that are underserved and then request them to be full service to anyone later which was not the original intent of the license.

President Good said that the legislative member believed that if RDHAPs are made available to provide dental services to all populations, they would move away from the underserved populations for more prosperous areas and then what would happen to the underserved population.

President Good asked for any comments from the members or public.

Susan McLearan said that she is aware that the mandate of the Committee is to permit full utilization of RDHs, RDHAPs, and RDHEFs to meet all of the dental care needs of all California citizens. However, the background paper provided for this meeting in the Committee's role in workforce development states that the primary reason for impeding the full utilizations of dental hygienists is restrictive supervision requirements, scope of practice limitations, and the inability to obtain direct payment. She disagrees that these are the only issues impeding utilization. Restrictions of practice settings does not support the mandate of the Committee. She continued that there is data that shows there are plenty of dental disease in all geographic areas and backgrounds of the U.S. population and for RDHAPs to practice, especially preventative duties, anywhere where the disease exists. The concern that RHDAPs would not treat the underserved in practice settings where practice is expanded is not true. Expansion of practice settings is the very thing needed to meet the mandate of the dental care needs of the state's citizens. The Committee needs to think of the dental hygienist as a part of the broader medical team

Ms. Hurlbutt said that she did not disagree with Ms. McLearan's comment; however, she believed that the legislature would need some data analysis on the issue of expanding the setting which the Committee does not have. She suggested to possibly soften the stance in the Committee's response and her participation at the Sunset hearing verified that the legislature will need some form of data analysis to justify expanding the setting.

Lisa Okamoto concurred with Ms. McLearan's comments. She said that there are many underserved populations who access medical facilities and do not go to dental facilities, so allowing RDHAPs to practice in medical settings would provide the access to care. She disagrees with the Committee's response and believes that it is counterproductive.

Ms. Galliano stated that the RDHAP licensure category was originally set up without any practice restrictions at all. The legislature changed the scope to only service underserved populations. She said that underserved populations are not only restricted to the practice settings that are mentioned in the law. She continued that CDHA may look into expanding RDHAP settings to medical facilities and dental offices. The way that the response is currently worded is that RDHAPs cannot look at any other practice settings and she suggested amending the response. She said that the response needs to be changed to reflect that

there are alternative practice settings such as dental and medical offices in the areas where an RDHAP is restricted from practicing because they are not listed in the law.

President Good asked for any additional comment from members or the public and requested suggestions as to amendments to the response.

President Good provided some amendments to the response, but found it difficult to work on amendments while addressing the issues.

Dr. Martinez believed that an RDHAP could provide dental services in the dental and medical facilities. Ms. Hurlbutt read what is stated for practices authorized for RDHAPs pursuant to BPC § 1925.

Ms. Galliano suggested additional amendments to the response for this issue that deleted some of the language and revised other areas.

Motion: Michelle Hurlbutt moved to strike the 4th sentence which begins with ‘if they are allowed to practice...’ and amend the 5th sentence by striking ‘appreciate’ and inserting ‘support;’ striking ‘the idea of;’ striking ‘can’ and put a period after ‘services’ to read:

“The DHCC supports expanding the setting where RDHAPs provide their services.” Then strike the rest of the remaining sentence and keep the second paragraph the same.”

Second: Nicolette Moultrie.

President Good asked for any comment from the members or the public on the motion presented.

Ms. McLearan asked about the status of the last sentence in the issue regarding Issues #6 & 7. President Good indicated that the last sentence would be removed.

Vote: The motion to amend the response for Issue 5 as stated above.
The motion passed (5:1:2)

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

Issue 6 – RDHAPs report difficulty in receiving payment from insurers based outside of California due to insurer’s unfamiliarity with the title.

Mr. Lum presented the issue with his response followed by President Good asking for any comments for discussion.

Dr. Martinez asked whether there was any discussion of a 2-tiered system of reimbursement when this issue was discussed when hygienists are paid through 3rd parties? Mr. Lum stated that there may have been discussions on the issue; however, he was not aware of any or a participant in them. Dr. Martinez indicated that he had seen this scenario before and wanted to make sure that the Committee was aware of the issue. Mr. Lum did say that he received a comment where they believed that RDHAPs need to take an active role in informing and educating 3rd party insurance companies of who they are and what they do and not be passive as to the communication with them. He believed that it could help the RDHAPs with reimbursement issues from out of state companies if they communicate these aspects of the profession. Dr. Martinez asked whether the Committee has been in communication with the national agency for dental plans where the RDHAP information could be communicated. Mr. Lum stated that the Committee has not been in contact with this agency.

Ms. Hurlbutt commented that on page 17 of the Background Paper, there is language that was submitted to address this issue. In the background part of Issue 6, it’s items (a) and (b) that are underlined that address reimbursement issues. She stated that the Committee was provided advice that RDHAPs could not prescribe that they obtain reimbursement exactly as any other care provider. The language allowed the insurance company to set the amount of the reimbursement amount for each provider.

Dr. Martinez believes that there is further work that needs to be done on this issue. He said that the first priority is to get payment for services to RDHAPs, but to be aware that there could be a differential based on credentials how they are reimbursed. He would love to be a proponent of equality or equity with

reimbursement for the dental services provided. He simply wanted to make the Committee aware of this situation. He said that he was fine with the language on page 17 of the Background Paper for now.

President Good asked for any further comments from the members or the public. There were no further comments.

Issue 7 – RDHAPs are required to receive a prescription from a dentist or physician prior to providing prolonged patient treatment.

Mr. Lum presented Issue 7 with his response.

President Good asked for any comments from the members or the public. There were no comments received.

Issue 8 – According to the DHCC, a RDH (Registered Dental Hygienist) can only perform dental hygiene preventative services in public health settings.

Mr. Lum presented Issue 8 with his response.

President Good asked for any further comments from the members or the public. There were no further comments.

Issue 9 – DHCC does not have the authority to place dental hygiene educational programs on probation or have the ability to cite and fine programs in violation of the law.

Mr. Lum presented Issue 9 with his response.

President Good asked for any further comments from the members or the public. There were no further comments.

Issue 10 – DHCC does not use its authority to support a diversion program.

Mr. Lum presented Issue 10 with his response.

President Good asked for any further comments from the members or the public.

President Good said that there was a concern with the Legislature that they may want to see the Committee continue its diversion program, especially with the new cannabis laws going into effect. She said that originally, this issue was slated to be requested to be removed from our laws; however, it will be an issue brought back to the Committee for discussion and possible action on a new contract.

Ms. Hurlbutt had some minor edits for clarity of the Committee's response.

Issue 11 – DHCC could help spread awareness about screening for domestic abuse.

Mr. Lum presented Issue 11 with his response.

President Good asked for any further comments from the members or the public. There were no further comments.

Issue 12 – Dental Practice Act updates.

Mr. Lum presented Issue 12 with his response.

President Good asked for any further comments from the members or the public. There were no further comments.

Issue 13 – (CONTINUED REGULATION BY THE DHCC) Should the licensing and regulation of the hygiene profession be continued and be regulated by the current DHCC membership?

Mr. Lum presented Issue 13 with his response.

President Good asked for any further comments from the members or the public. There were no further comments.

President Good asked for a motion to accept the remaining issues that require amendment with non-substantive changes and authorize the Executive Officer to make said changes.

Motion: Michelle Hurlbutt moved to adopt the DHCC responses to the 2018 Sunset Review Background Paper as amended to Issues 2, 3, 4, 5, & 10 and authorize the Executive Officer to make any non-substantive technical changes as presented by the DHCC members.

Second: Edcelyn Pujol

President Good asked for any comment from the members or the public on the motion presented. No comments were received.

Vote: The motion to adopt the responses as stated above.
The motion passed (6:0:3)

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

Issue 4 – Future Agenda Items

Ms. Hurlbutt requested a clarification of RDHAP practice settings.

Issue 5 – Adjournment

President Good adjourned the March 21, 2018 Teleconference meeting at 11:36 a.m.