



DENTAL HYGIENE COMMITTEE OF CALIFORNIA
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Teleconference Meeting Minutes *August 8, 2018*

Department of Consumer Affairs
 2005 Evergreen Street, 1st Fl. Silverwood Lake Room
 Sacramento, CA 95815
 916-263-1978

(No members, only administrative staff at this location)

Additional Locations:

Susan Good, President, Public Member Catalano Fenske c/o Bitwise Industries Sim City Conference Room, 2 nd Fl. 700 Van Ness Avenue Fresno, CA 93721	Edcelyn Pujol, Secretary, Public Member Walnut Creek Public Library Study Room 1644 N. Broadway Walnut Creek, CA 94596
Michelle Hurlbutt, RDH Educator West Coast University Education Suite Conference Room, 2 nd Fl. 1477 S. Manchester Avenue Anaheim, CA 92802	Sandra Klein, Public Member Congregation B'nai Israel 2111 Bryan Ave. Tustin, CA 92782
Timothy Martinez, DMD 1700 Iowa Street, Suite 290 Riverside, CA 92507	Noel Kelsch, RDHAP Cabrillo College HAWK Bldg. (next to parking lot J) Room. 2147 6500 Soquel Dr Aptos, CA, 95003

DHCC Members Present:

- Susan Good, President, Public Member
- Edcelyn Pujol, Secretary, Public Member
- Michelle Hurlbutt, Registered Dental Hygienist (RDH) Educator
- Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP)
- Sandra Klein, Public Member
- Timothy Martinez, Public Health Dentist

DHCC Members Absent and Excused:

Nicolette Moultrie, RDH
Garry Shay, Public Member
Evangeline Ward, RDH

DHCC Staff Present:

Anthony Lum, Executive Officer
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational Program Specialist
Jason Hurtado, Department of Consumer Affairs (DCA) Legal Counsel for the DHCC

Public Present:

JoAnn Galliano, MEd, RDH DHCC Educational Consultant and Subject Matter Expert (SME)
Joanne Pacheco, Fresno City College
Vickie Kimbrough, Program Director, Taft College
Edward Cramp, Legal Counsel, Concorde Career Colleges, via Zoom
Cecelia Livengood, Concorde Career Colleges, via Zoom
Laurel Sampson, Program Director, Concorde Career College - San Diego (CCC-SD)
Arezou Goshtasbi, Program Director, Concorde Career College - Garden Grove (CCC-GG)
Lisa Rhodes, Campus President, CCC-GG
Sabrina Santucho, Program Director, Concorde Career College – San Bernardino (CCC-SB)
Nick Ewell, Campus President, CCC-SB
Susan McClaren, California Dental Hygiene Educators' Association (CDHEA)

Roll Call and Establishment of a Quorum

Susan Good, President of the Dental Hygiene Committee of California (DHCC), covered rules regarding teleconference meetings. President Good called the meeting to order at **11:05 a.m.**

DHCC Secretary, Edcelyn Pujol, took roll call and a quorum was established with six members present.

Noel Kelsch questioned the legality of two members of the public attending the meeting over the “Zoom” application as it was not noticed.

Jason Hurtado, DHCC Legal Counsel (LC), stated that within his knowledge there was no conflict with members of the public attending the teleconference via “Zoom”. LC Hurtado stated he will refer to the open meeting act.

Ms. Livengood stated that they requested and received permission to attend via “Zoom”.

Executive Officer (EO) Anthony Lum concurred that permission was given for Mr. Cramp and Ms. Livengood to attend via “Zoom”. He was of the opinion that the law has not caught up with technology.

Ms. Kelsch stated it was her intention to ensure the meeting would be legitimate and not be required to be reconvened.

Public Comments for Items Not on the Agenda

None.

Discussion and Possible Action for Approval of the November 18, 2017 DHCC Full Committee Meeting Minutes

President Good presented the November 18, 2017 Full Committee Meeting Minutes and requested member and public comment.

No member or public comment received.

Motion: The Full Committee to adopt the November 18, 2017 DHCC Full Committee Meeting Minutes.

Moved: Michelle Hurlbutt

Second: Noel Kelsch

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

Vote: Motion for the Full Committee to adopt November 18, 2017 DHCC Full Committee Meeting Minutes.

Vote: Pass 6:0

Discussion and Possible Action on Approval Status for Concord Career College's Three Campuses (Garden Grove, San Bernardino, and San Diego) due to Dental Hygiene Program Deficiencies.

President Good presented the history as to the deficiencies in length and content of the three Dental Hygiene Educational Programs (DHEP) of Concorde Career College (CCC) of California.

EO Lum presented the agenda item and background of the CCC program deficiencies and stated staff recommendation was to continue the “Stay of Withdrawal” for the three CCC DHEPs until the November 2018 meeting to allow for a fair opportunity for the DHEPs to comply with the DHCC requirements to correct discovered deficiencies as well as to obtain approval from other agencies that accredit DHEPs in California.

Member Discussion:

Michelle Hurlbutt questioned if it was staff’s opinion that everything would be in order by the November 2018 meeting to make a final decision.

EO Lum stated that it is his recommendation to continue the “Stay of Withdrawal”. He then stated that the schools could provide better input as to whether the CCC DHEPs will be in compliance by the November 2018 DHCC meeting.

Laurel Sampson, CCC-SD Program Director, stated the timeline would work well for the CCCs. She updated the Committee as to the current status of the approvals by the other regulatory agencies and stated that to her knowledge the approvals should be received by mid-September. She stated that the Bureau of Private Postsecondary Education (BPPE) and Accrediting Commission of Career Schools and Colleges (ACCSC) have already approved the changes for the new incoming cohorts.

President Good requested a motion.

Motion: DHCC to allow the “Stay of Withdrawal” for the Concorde Career Colleges to stay in effect until the November 2018 DHCC Committee Meeting and to approve the action plan submitted by the Concorde Career College Dental Hygiene Education Programs.

Motion: Michelle Hurlbutt

Second: Noel Kelsch

Member Discussion:

Ms. Kelsch stated that it was brought up at the April DHCC Committee meeting that the current graduating cohorts are deficient in hours. As they are deficient, she questions the legality of issuing licenses to applicants who have not met educational requirements of the State of California.

LC Hurtado stated that the program retains full accreditation until the final decision by the Committee.

Ms. Kelsch stated that other boards have not accepted applicants if they have not completed all their educational hours even if it is an accredited institution and requested clarification how it would apply to the CCC graduates.

EO Lum stated CCC had been operating in full compliance until the DHCC identified the educational hours deficiency. He stated that the CCCs have worked diligently to come into compliance, and due process would still apply to their approval even if the Committee withdrew approval in November 2018. The CCCs would continue with their current curriculum as they would still be approved.

Ms. Kelsch stated that if an applicant came from out-of-state and did not have the required hours, the DHCC would not license them. Dr. Hurlbutt commented that the hours are tied to the approval process for the programs. If the program retains approval in the “eyes of the law” the DHCC would have to accept the current hours.

JoAnn Galliano clarified that the CCCs are deficient ten weeks or two hundred hours, as defined by California law, BPPE, and CODA of two full academic years of program length required by law.

Dr. Hurlbutt requested clarification if that the deficiency of ten weeks or two hundred hours is tied to the approval process and stated that this would be in effect until the appeals process is complete.

EO Lum confirmed the weeks and hours is tied to the approval process.

LC Hurtado confirmed that in case law, until the appeals process is complete, the programs are still approved, but the Committee is the final authority on the decision.

Dr. Hurlbutt questioned if the Committee allows the approval to continue, and if at the November meeting the issues are not corrected, what the next step in the process would be.

LC Hurtado stated the Committee would vote to withdraw the approval and direct the EO to issue a formal written decision stating the reasons for withdrawal within 90 days and set up the informal conference.

Dr. Hurlbutt requested clarification whether the formal written decision would begin the formal appeals process for the educational program.

LC Hurtado confirmed that the formal written decision would begin the formal appeals process.

Public Comment:

JoAnn Galliano requested confirmation that as there are current classes graduating in October, they would not be required to complete the full two academic years as requested by the Committee in April 2018.

Dr. Hurlbutt stated that even if the Committee withdrew approval and directed the EO to issue a formal written decision, classes graduating in October would still be able to graduate due to the appeals process. If the CCCs are not in compliance in November, the March graduating class would not possibly be able to graduate.

EO Lum stated he and Dr. Petty reviewed the compliance plan and that if they enact it, it appears the CCCs could possibly correct the deficiencies by the November deadline and enact them for the March cohort. EO Lum stated the timeframe is very short to enact the corrections earlier than the November deadline.

President Good stated that the Committee discovered these deficiencies during a site visit. There have been many CCC graduating classes that did not meet these requirements. The DHCC must operate the best as they can within the confines of the law. The DHCC and the CCCs are responding to the deficiencies with proper diligence. If the DHCC moved forward with requiring the current graduating classes to complete the additional education, it would place an undue burden on them.

Ms. Kelsch stated her utmost concern is for consumer safety and was concerned due the history of noncompliance by the CCCs. She called on EO Lum to begin working on legislation to assist the DHCC in the enforcement of compliance in educational regulations to ensure the safety of the consumer.

EO Lum stated changes are coming and presented in the Sunset Bill. The current issue is that the only recourse the DHCC currently has is full "Withdrawal" of a program. The Sunset Bill introduces intermediary consequences such as probation and citation and fine for schools to work with the DHCC to become compliant.

Ms. Kelsch stated that the Sunset Bill accomplishes her concerns for the DHCC but if the legislation does not come to fruition, she requests the EO to follow other legislative avenues to accomplish enforcement of compliance in educational regulations. Ms. Kelsch stated the DHCC desires the DHEPs to be open and for students to receive a quality education. The DHCC's primary purpose is to protect the consumer's health and safety.

President Good stated that she is of the opinion that all Committee members would agree that the primary concern of the DHCC is consumer protection. She stated the Sunset Bill is moving forward and is optimistic for its passage. In addition, it is the Committee's responsibility to ensure needed legislation to protect the consumer comes to fruition. The Committee should direct the EO to continue his priority of seeking legislation to ensure consumer protection.

Ms. Galliano stated there are October cohorts graduating (CCCSB and CCCSD) and requested clarification as to why the CCCs could not implement the additional ten weeks prior to their graduation.

Ms. Sampson stated the additional ten weeks have not been approved by CODA and therefore can not implement any changes to the curriculum until all accrediting and approval bodies approve the changes.

Ms. Galliano stated that the CCCs must follow all state and local laws and regulations and questioned why the CCCs felt that CODA would take a course of action against the CCCs.

Ms. Sampson stated to retain their accreditation and the ability of CCC students to become licensed, the CCCs feel strongly that CCC must obtain all necessary approvals prior to any curriculum changes.

Ms. Galliano stated CODA would have to take action against the CCCs in order to withdraw their accreditation. Ms. Galliano questioned as to why CODA would withdraw accreditation if the CCCs are following state laws and regulations. She clarified that the CCCs are only requesting a major change to

come into compliance with state requirements, which would not affect their current approval as it is in CODA's Standards to comply with state requirements.

Ms. Sampson stated that she could not speak for CODA and stated CODA makes it clear that any major change must be preapproved. CCC feels very strongly that they must have written approval prior to implementing any programmatic changes to maintain their approval.

Ms. Galliano stated that the decision has already been made by CODA as indicated by CCC's timeline submitted in the July 2, 2018 response.

Ms. Sampson stated the CCCs have not received the written approval as of yet and can take up to 30 days to receive their decision.

Ms. Galliano stated that CODA made their decision and questioned why CCC could not reach out to CODA to confirm the decision made. She stated the students are consumers as well and are not receiving the education that they are entitled to. By law the students are deficient of the requirements set by law. The DHCC is delaying the decision due to waiting on a CODA decision that has already been made but not received. She is of the opinion that the CCCs should request the decision to allow the CCCs to add the deficient curriculum and come into compliance.

Dr. Hurlbutt acknowledged Ms. Galliano's concerns and stated she understood the dilemma, as her past experience with CODA has followed a similar timeline. She stated if the notification were to be received in thirty days, she was unsure if realistically the additional time could be added for the October graduates. Dr. Hurlbutt questioned Ms. Sampson if CCC feels the additional time could be added for the October graduates.

Ms. Kelsch stated that at the April 2018 meeting CCC answered in the affirmative that the additional time could be added to the curriculum of the October graduates.

Ms. Sampson stated she did not remember stating that the additional time could be added to the curriculum of the October graduates.

EO Lum stated that the Draft of the April 2018 meeting minutes was given to the Committee as an addendum and confirmed that the affirmative statement was in the minutes. EO Lum stated that CODA requirements state any change in the program length must be reported to CODA by June 1st. In addition, EO Lum stated he is of the opinion that the CCCs are doing everything possible to comply.

Dr. Hurlbutt stated she was of the opinion that the patience of the Committee and the DHCC consultant was wearing thin and desired resolution to the deficiencies of the CCCs. Dr. Hurlbutt repeated the question if CCC feels the additional time could be added for the October graduates.

Ms. Sampson stated that CCC had to speak with ACCSC for approval as an additional accrediting body.

Ms. Kelsch requested clarification if CCC has approached ACCSC.

Ms. Sampson stated CCC has received approval of the curriculum change for future cohorts and not current cohorts.

Dr. Hurlbutt stated CCC has been approved for a March 2019 implementation of the curriculum change. If CCC were to apply it to current cohorts, CCC would have to reapply to all the agencies to add additional time to the current cohorts.

EO Lum stated ACCSC stated CCC is allowed to teach out the current cohorts before the changes are implemented.

Ms. Galliano stated that ACCSC is allowing CCC to teach out but not required to.

EO Lum clarified that ACCSC is allowing CCC to teach out and retain their accreditation.

Ms. Kelsch stated that the DHCC is its own agency and is not bound by the ACCSC decision.

EO Lum stated the DHCC must accomplish a balance for CCC as they answer to other accrediting agencies. In law one does not supersede another.

President Good requested further comments.

President Good stated the DHCC is in an uncomfortable position to have to vote on withdrawal of a DHEP and yet it is a decision to have to be made.

Edcelyn Pujol requested clarification if an answer was received with regard to the additional ten weeks for the October 2018 cohort and if the "Stay" remains what would happen for those students.

EO Lum stated the October 2018 cohort would be allowed to graduate as CCC is still approved.

LC Hurtado stated these deficiencies have been present for some time, the Committee is now aware of the situation and is assisting CCC to come into compliance, and at this time it is the best the Committee can do. He is of the opinion that legally the DHCC cannot compel CCC to add the additional ten weeks to the October cohorts. However, the Committee has the final decision.

Dr. Pineschi-Petty requested clarification as to which cohorts would the new curriculum be applied to.

Dr. Hurlbutt stated that CCC clarified all incoming cohorts will be on the new curriculum and the currently entering cohort will be on the new curriculum track. The October 2018 and March 2019 cohorts will not be on that track.

Ms. Sampson stated that the March 2019 cohort will possibly have a compromise for remediation that is waiting for ACCSC approval. There will be an additional ten weeks added to the curriculum which will cover deficient curriculum and have a pass/fail grading system, no credit or fee to the students but will be recorded on their transcripts and allow demonstration of compliance to the DHCC.

Ms. Kelsch commended all involved at CCC for taking the situation seriously, cooperating with the DHCC, and making significant strides to come into compliance with DHCC laws and regulations and that the DHCC is here to support them.

President Good requested further comments.

No further comments received.

President Good requested the motion to be restated and called for a vote.

Motion: The DHCC to allow the “Stay of Withdrawal” for the Concorde Career Colleges to remain in effect until the November 2018 DHCC Committee Meeting and to approve the action plan submitted by the Concorde Career College Dental Hygiene Education Programs.

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

Motion: DHCC allow the “Stay of Withdrawal” for the Concorde Career Colleges to stay in effect until the November 2018 DHCC Committee Meeting and to approve the action plan submitted by the Concorde Career College Dental Hygiene Education Programs.

Vote: Pass (6:0).

Future Agenda Items

Future Agenda Items:

Noel Kelsch requested discussion of disclosure of RDH Clinical Board testing results to identify tracking failures as to not exceed three failures during the licensing process.

Public Comment: None

Adjournment

Move: Michelle Hurlbutt

Second: Noel Kelsch

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

Susan Good adjourned the Full Committee Teleconference meeting at **12:12 p.m.**