

Dental Board of California

March 5-6, 2008

Los Angeles, CA

DBC Committee Meetings

March 5, 2008

- 1) Enforcement Committee
 - a) A quorum was not present for this committee meeting; no business was conducted
- 2) Licensure, Certification and Permits Committee
 - a) Approved January 24, 2008 meeting minutes
 - b) Reviewed proposed legislation. Recommended the following positions:
 - i) SB 1178 (Aanestad) to clarify law related to registered sex offenders – support
 - ii) AB 2210 (Price) to clarify law related to dental professionals’ participation in emergency response – support with simple amendment to the language
 - iii) SB 1633 (Kuehl) related to establishing credit for dental services – oppose
 - iv) AB 2637 (Eng) related to Dental Assisting - support
 - c) SB 683 implementation: The Board approved some minor modifications to the licensure application and it is now posted on the DBC web site. Additionally, the regulatory process is progressing and the board will move forward with a public hearing if it becomes necessary (they do not anticipate opposition at this time)
 - d) The Board packet contained licensure and permit statistics. Additionally, Assistant Executive Officer, Richard Decuir, presented a legislatively required report on the effectiveness of Licensure by Credential (LBC). The report showed:
 - i) Number of dentists who applied for LBC between 1/1/2003 and 12/1/2007 = 1689; number who were licensed = 1506; total licensure rate = 89%
 - ii) Approximately 890 (60%) of the total LBC licentiates have a primary residence outside of California; 612 licentiates currently practice in California
 - iii) Dentists who came in through the “faculty practice” pathway in a dental shortage area represent ~ 1.5% (4)
 - iv) Of the total dentists licensed through LBC, only 4% were living in a dental shortage area
- 3) Examination Committee
 - a) Approved January 24, 2008 meeting minutes
 - b) Law and Ethic examinations occur on a monthly basis, have been well attended and a typically have a very high pass rate (January’s pass rate: 97%)
 - c) Reported that approximately ½ of RDAs consistently fail the written exam. COMDA Executive Officer, Lori Hubble, indicated that the RDA exam evaluation had been put on hold because of the expectation that the current exam would be eliminated with the implementation of SB 1546 and SB 1541. She reported that in view of the uncertainty of the dental assisting structure and the clear need to reevaluate the current examination, COMDA will conduct a review of the RDA examination this year.
 - d) The next clinical examination for dentists is scheduled for 3/27-30 at UOP
 - e) Portfolio licensure: The committee recommended rescinding the decision made at the January meeting to pursue legislation for two studies related to portfolio licensure. They realized that there is no need for legislation for the initial study and recommended staff move forward with the first study.
- 4) Diversion Committee
 - a) Approved January 24, 2008 meeting minutes
 - b) Chair reminded the committee of the important role Diversion and Enforcement together play to protect the public
 - c) Legal counsel from both departments will be meeting in April to update the Disciplinary Guidelines
 - d) The Board packet contained Diversion Program statistics for the quarter ending 12/2007, fiscal year-to-date and program-to-date.

- e) Diversion Evaluation Committee Members, Alan M. Schroeder, MD, Mark Grecco, DMD and Kathleen Shanel-Hogan, DDS were recommended for reappointment
 - f) DCA has approached Senator Aanestad to request he author the Diversion Program legislation approved by the Board at the January meeting.
- 5) Continuing Education Committee
- a) Approved January 24, 2008 meeting minutes
 - b) The committee voted to direct staff to draft language to allow PACE and CERP courses to meet California CE requirements. Staff was directed to bring this language back to the next Board meeting.
 - c) Staff research on regulatory board policy with regard to board members' receipt of CE for meeting attendance revealed that there are no other boards within DCA with this provision. The committee made no recommendation with regard to the proposal that board members receive CE credit for Board meetings.
- 6) General Anesthesia/Conscious Sedation Committee
- a) Approved January 24, 2008 meeting minutes
 - b) Rick Wallinder, EO, met with Pam Congdon and Barbara Holt at CALAOMS to discuss the General Anesthesia/Conscious Sedation contract
 - c) Dr. Whitcher reported that CalAOMS has scheduled a calibration course for May 7 in Pleasanton

Dental Board Meeting
Friday, March 7, 2008

- 1) President's Report
- a) Dr. Turchi attended CDA's Advocacy Conference on February 13 and addressed attendees on the Board's sunset.
 - b) Dr. Turchi and Rick Wallinder met with DCA personnel, Carrie Lopez, Scott Reid and Patty Harris, to discuss the appointments needed for the Board's work to carry on during its absence.
 - i) Board members will receive a letter inviting them to continue in an advisory capacity to DCA. DCA will pay hotel and travel for meetings.
 - ii) There is no guarantee that current Board members will be reappointed after the Board's sunrise.
 - c) Dr. Turchi and Dr. Mito will attend the ADEA meeting in Chicago. They anticipate discussion on the need for a 5th year in dental school and education ethics issues.
 - d) Reminded the audience of CDA Scientific Sessions dates, May 1-4
 - e) Announced a Board meeting has been scheduled at the LAX Hilton for June 26 & 27 to wrap up final business before the sunset
- 2) Executive Officer's Report
- a) Confirmed the move to their new location will take place March 21
 - b) Announced newly designed web site; plans to list information on disciplinary actions on the web site
 - c) PGY1 application now available online
 - d) Consistent with commitment to do more community outreach, Rick will attend the Contra Costa dental society meeting on April 25
 - e) There is currently only 1 application for a SB438 permit. The next meeting for that committee is scheduled for April 29
 - f) Sarah Wallace has been hired to replace Lori Hubble

3) Board Actions

- a) Approved January 25, 2008 meeting minutes
- b) Budget report: 50% of the budget has been spent so far. 4 new vehicles have been purchased for investigators. New office equipment related to the move has also been purchased.
- c) SB 1546 and SB 1541 regulations: CDA reported that stakeholders are engaged in discussions, utilizing a consensus model, for an alternative structure for dental assisting. It is too early in the process to report details. The board agreed to hold off on further action on these regulations while that process continues. CDA also reported they are sponsoring AB 2637 (Eng) to ensure that the upcoming deadlines in current statute are addressed.
- d) COMDA report: Accepted the COMDA report; approved RDA programs at San Joaquin Valley College, and Maric College in Bakersfield and Fresno. Once again expressed concern about the high failure rate on the RDA written examination and applauded COMDA for committing to an examination evaluation
- e) Exam Appeals Committee – accepted the committee report
- f) Licensure, Certification and Permits Committee – accepted the committee report and voted to support and oppose legislation per the committee’s recommendation
- g) Examination Committee – accepted the committee report; RT numbers are now quite small and the board anticipates the sunset of this examination as planned.
- h) Diversion Committee – accepted committee report; Mr. Baker had placed an item on the agenda related to suspension of license/ability to practice for dentists who are currently in diversion. Mr. Baker was not present, but other Board members were aware of his concern that impaired dentists may be continuing to practice. After some discussion, there was consensus among Board members that safeguards are in place to keep a dentist who is currently impaired from practicing. The Board heard testimony from Katie Dawson, RDH, related to her own experience that often the staff lacks awareness that they have a means to report impaired dentists. The Board recommended that the DBC web site clearly inform the public that they can confidentially report impaired licentiates online
- i) Enforcement Committee – no quorum at the committee meeting; no report submitted to the Board
- j) CE committee – accepted committee report
- k) General Anesthesia/Conscious Sedations Committee – accepted committee report
- l) Code amendments to CCR Sections 1016 and 1017 (CE regulation packet) – The regulatory process is moving forward to the public comment phase. If there are no opposing comments, the regulations will go to OAL next for approval
- m) Code amendments to CCR Section 1079.2 relating to RDHAP licensure – this was approved at the January meeting and is moving through the regulatory process
- n) Restorative Technique exam: The Board received a letter from Edmund Carolan notifying the Board that the RT exam has been out of compliance with regulations, CCR, Section 1041 (b) (2), with regard to the use of a specified typodont. The Board voted to develop regulatory language to address this discrepancy and requested staff send a letter to legislators to explain why the discrepancy occurred
- o) Retroactive approval of DOCS: DCA counsel, LaVonne Powell, reminded the Board that they had already specifically rejected retroactive approval for DOCS at their August 2006 meeting. In order for retroactive approval to occur, it must be in the regulations. She further reminded the Board that new regulations could be promulgated, but that would take another 12-18 months. Dr. McCormick reminded the Board that their original decision was based on the conviction that permits for OCS should require recent/ fresh instruction. The Board decided to let current regulations stand and require that permit holders take the course post-approval. The Board further suggested that DOCS consider allowing the 300+ dentists who took the course before approval to retake it for free.