



QUARTERLY BOARD MEETING MINUTES

FEBRUARY 8-9, 2018

Embassy Suites by Hilton San Diego La Jolla
4550 La Jolla Village Drive, Embassy Ballroom
San Diego, CA 92122

Members Present:

Thomas Stewart, DDS, President
Fran Burton, MSW, Public Member, Vice
President
Yvette Chappell-Ingram, Public Member,
Secretary
Steven Chan, DDS
Ross Lai, DDS
Huong Le, DDS, MA
Abigail Medina, Public Member
Steven Morrow, DDS, MS
Bruce L. Whitcher, DDS

Members Absent:

Meredith McKenzie, Public Member

Staff Present:

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Carlos Alvarez, Enforcement Chief
Jocelyn Campos, Associate Governmental Program Analyst
Allison Viramontes, Associate Governmental Program Analyst
Jeri Westerfeld, Executive Assistant
Michael Santiago, Legal Counsel

Agenda Item 1: Call to Order/Roll Call/Establishment of Quorum

A regular meeting of the Dental Board of California (Board) was called to order by Dr. Stewart at 9:00 a.m. on Thursday, February 8, 2018. Ms. Chappell-Ingram called the roll and a quorum was established.

Agenda Item 2: Board President Welcome and Report

Dr. Stewart provided a verbal report. He thanked Board members for continuing to study the items in the meeting packets, attending the Board meetings, and participating in the discussions. He reminded Board members that the 2018 Sunset Review Report, which is due to the Legislature by the end of 2018, will be the Board's focus for the year. Board members will begin the process by reviewing the issues outlined by the Legislature during the last Sunset Review and the Board's response to each issue. Additionally, new issues will be included in the report.

Dr. Stewart would like to see the Board take an active role in getting the word out to consumers and licensees about opioid use and abuse in the nation and California. He encouraged the Substance Abuse Awareness Committee to increase the number of resources available on the Board’s website to address the national epidemic. He stated that a priority for Board staff is to ensure dentist licensees, who are required to be registered in the CURES system, know of the July 1, 2016 registration requirement.

Dr. Stewart explained there are five vacancies on the Board and the Governor’s Office is aware and making appointments is a priority. Eight members in attendance are needed to meet the quorum requirement to proceed with meetings.

Dr. Stewart explained there would not be a Joint Meeting of the Dental Assisting Council (Council) with the full Board due to three vacancies on the Council and not having a quorum of members. Dr. Stewart appointed a subcommittee, consisting of Dr. Witcher and Ms. Burton, to review applications, conduct interviews, and make recommendations to fill the vacancies at the May Board meeting.

Dr. Stewart explained there would be a change to the order of business and Agenda Item 8, would be heard next. He introduced and welcomed Ms. Linda Schneider, Senior Assistant Attorney General, who provided the Board with a report on the accusations prosecuted on behalf of the Dental Board of California.

Agenda Item 8: Presentation from Linda Schneider, Senior Assistant Attorney General regarding the Attorney General’s Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies

Ms. Linda Schneider, Senior Assistant Attorney General of the Licensing Section, and Mr. Gregory Salute, Supervising Deputy Attorney General, presented the Attorney General’s Annual Report on Accusations Prosecuted for Department of Consumer Affairs’ agencies.

Agenda Item 3: Approval of the November 2-3, 2017, Board Meeting Minutes

Motion/Seconded/Called the Question (M/S/C): (Morrow/Chappell-Ingram) to approve the November 2-3, 2017, Board meeting minutes with the following corrections: Mr. Anthony Lum, Executive Officer of Dental Hygiene Committee of California (DHCC), requested the name of Ms. Susan Good, DHCC President be changed to Noel Kelsch, President for Agenda Item 12 on page 11. Mr. Lum also requested removing “acting” and inserting “interim” in his title.

| Board Member: | Aye: | Nay: | Abstain: | Absent: | Recusal: |
|-----------------|------|------|----------|---------|----------|
| Burton | | | | X | |
| Chan | X | | | | |
| Chappell-Ingram | X | | | | |
| Lai | X | | | | |
| Le | X | | | | |
| McKenzie | | | | X | |
| Medina | X | | | | |

| Board Member: | Aye: | Nay: | Abstain: | Absent: | Recusal: |
|---------------|------|------|----------|---------|----------|
| Morrow | X | | | | |
| Stewart | X | | | | |
| Whitcher | x | | | | |

The motion passed, and minutes were accepted with the requested changes.

Agenda Item 4: Budget Report

Ms. Wallace introduced Kevin Driskill, Department of Consumer Affairs (DCA) Budget Officer, and provided an overview of the information included in the meeting materials. She explained that the budget report materials provided were estimated expenditures .

The State Dentistry Fund has expended 44% of expenditures through Fiscal Month (FM) 06, ending December 31, 2017, which is comparable to last year. The State Dental Assisting Fund expended 37% of expenditures through FM 06, ending December 31, 2017, which is also comparable to last year.

Ms. Wallace provided an overview regarding the fees charged to the Board for Fi\$Cal, and explained that fees are charged to each fund that utilizes the system for their accounting and budget needs. Mr. Driskill provided an update of the Fi\$Cal system. Fi\$Cal is the accounting system used by the State of California for contracts, procurement, accounting, budget, and cash management processes.

Ms. Wallace provided an overview of expenses incurred related to the BreEZe system and reported the Board is now in the maintenance and operations contract, which includes updates for the system (i.e.: credit card processing and fee increases).

Agenda Item 5A: Staff Update on Dental Assisting Program

Ms. Wallace provided a report on new staff hired to fill vacancies in the Dental Assisting Unit.

Agenda Item 5B: Update on Dental Assisting Program and Course Applications

Ms. Wallace gave an overview of the information provided. The Board recently finished a recruitment for Course and Curriculum Evaluators and Site Visit Evaluators. Staff held a training for a dozen potential consultants on December 14-15, 2017, in Sacramento. Staff is hoping to increase the evaluators pool to assist in the re-evaluation of Registered Dental Assistant (RDA) and Registered Dental Assistant in Extended Functions (RDAEF) programs. Ms. Wallace stated they hope to complete five reviews per month of the education programs for a period of 18 months in order review all programs.

Agenda Item 5C: Update on Dental Assisting Examination Statistics

Ms. Wallace provided a report on the dental assisting examination statistics. The pass/fail rates of each program are being utilized to help determine which programs will be re-evaluated first.

Ms. Wallace reported the RDAEF exam dates for this year have been posted on the website.

Public Comment:

Dr. Guy Acheson asked what is the threshold for failure rate and what steps will be taken with an educational program who has high failure rate. Ms. Wallace responded that this is being evaluated and might need to be addressed in future regulations as the Board has no authority to discipline education programs in response to failure rates. Staff is also working on forming partnerships with the Bureau for Private Postsecondary and the State Board of Education.

Ms. Wallace stated that the examination statistics are available on the website, but statistics will be made more easily visible to students and those who may be considering RDA education.

Ms. Lori Gagliardi recommended first time and re-examinations should be looked at separately when considering pass/fail rate.

Agenda Item 5D: Update on Dental Assisting Licensing Statistics

Ms. Wallace provided a report on the dental assisting licensing statistics

Agenda Item 5E: Update regarding the Combining of the Registered Dental Assistant (RDA) Law and Ethics and General Written Examinations

Ms. Wallace reported the combined examination is anticipated to be launched in May 2018. In November 2017, the Board posted an examination plan for the new combined RDA Law and Ethics and Written Examination. Board staff received feedback from stakeholders regarding the examination plan; and as a result, the Office of Professional Examination Services (OPES) made some minor revisions to the document. The updated examination plan was posted to the Board's website. The candidate exam guide will be posted once it becomes available.

Public Comment:

Ms. Gagliardi, representing the California Association of Dental Assisting Teachers (CADAT), stated their organization is trying to prepare students for May exam, but they are not sure of the format or resources used for the new test questions.

Claudia Pohl, California Dental Assistant Association (CDAA), agrees with Ms. Gagliardi and would prefer to see the exam launch moved back to allow educators to teach the new material.

Cindy Ovard, San Joaquin Valley College, explained that the blueprint is important, and it usually states where the information for the questions are found, which is an important resource for educators.

Board staff indicated they would consult with OPES as to whether the examination implementation could be delayed.

Agenda Item 5F: Report on the Results of the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) Review of the Registered Dental Assistant in Extended Functions (RDAEF) Clinical and Practical Examination

Ms. Wallace gave an overview of the information provided. On October 7, 2017, OPES staff observed the RDAEF Clinical and Practical Examinations held at the University of California, Los Angeles (UCLA) School of Dentistry in Los Angeles. On October 14, 2017, OPES staff observed the examiner training and scoring of the RDAEF Clinical and Practical Examinations held at the University of California, San Francisco (UCSF) School of Dentistry in San Francisco. OPES established that the examinations would meet professional guidelines and technical standards in terms of reliability of measurement, examiner training and scoring, test administration, test security, and fairness if they meet the test and occupational standards.

This information, coupled with OPES' observation of two test administrations at two different locations, established that the examinations meet professional guidelines and technical standards with regard to reliability of measurement, examiner training and scoring, test administration, test security, and fairness. However, OPES recommended the Board include additional slides during examiner training to enhance the level of examiner calibration, and that the Board institute a few minor improvements to the testing procedures and the testing environment to further improve the test administration process for all candidates (i.e., provide additional signage and clocks, provide additional reminders about prohibited items during check-in, and check room temperature). OPES believes that these small recommendations would increase the reliability and validity of the examinations.

Board staff will be working with OPES and the RDAEF examination team to implement the recommendations.

Agenda Item 5G: Update on Dental Assisting Council Member Recruitment

Ms. Wallace reported a recruitment notice had been posted on the Board's website and applications are now being accepted from qualified registered dental assistants to fill the vacancies. She noted that a subcommittee had been appointed by the Board President to review applications and conduct interviews. The subcommittee will bring their recommendations for candidate appointments to the May meeting for the Board's consideration.

Agenda Item 6A: 2018 Tentative Legislative Calendar – Information Only

Ms. Viramontes provided an overview of the information provided in the meeting materials. She stated the information was for the Board's information only.

Agenda Item 6B: Discussion and Possible Action Regarding Legislation

Ms. Viramontes reported Board staff are currently tracking six bills pertaining to the dentistry industry as it relates to anesthesia and sedation, DCA board meetings, and the CURES database. She reported Assembly Bill (AB) 12 has died pursuant as of February 1, 2018 and there were no other updates on AB 224, Senate Bill (SB) 392, SB 501, and SB 641. Ms. Viramontes reported the Board's Omnibus bill proposal was

submitted to the Senate Business, Professions, and Economic Development Committee (BP&ED Committee) on January 4, 2018, and the boards and bureaus anticipate being notified by late January of the Senate BP&ED Committee’s decision whether to include the Dental Board’s proposal.

Agenda Item 6C: Discussion and Possible Action Regarding Additional Amendments to the Board’s Proposal for the 2018 Healing Arts Omnibus Bill (WITHDRAWN)
 Ms. Viramontes stated this meeting agenda was withdrawn. Ms. Fischer noted that Omnibus bills are to be non-substantive and non-controversial and management felt CDA’s request does not meet these two conditions. CDA was contacted by Ms. Fischer and told that the two issues could be addressed as part of the Sunset Review

Agenda Item 6D: Discussion of Prospective Legislative Proposals

Ms. Viramontes provided an overview of the information provided.

Agenda Item 6E: Update on Pending Regulatory Packages

Ms. Viramontes provided a report on the status of pending regulatory packages.

Agenda Item 6F: Discussion and Possible Action Regarding Decreasing the Licensure by Residency Fee

Ms. Viramontes provided a report. AB 179 increased the maximum fee amount the Board may assess for the Licensure by Residency (LBR) pathway. The fee increase was implemented in BreEZE on October 19, 2017. At the November 2017 meeting, there were many comments regarding the increase of the LBR fee. Ms. Wallace stated that a fee audit was conducted, and all fee increases were evaluated through the regulatory process. Making another change would require a new rulemaking to be initiated. Further adjustments would require a review of all license fees and expenditures because fees are the sole revenue source for the Board.

Public Comment:

Mary McCune, CDA, stated it has received comments about the increase for the General Anesthesia and Conscious Sedation Onsite Inspection fees as well.

M/S/C: (Morrow/Medina) for the Board to be aware of the LBR application fee increase and gather more information, so it can be reviewed and addressed once another fee audit is completed.

| Board Member: | Aye: | Nay: | Abstain: | Absent: | Recusal: |
|-----------------|------|------|----------|---------|----------|
| Burton | X | | | | |
| Chan | X | | | | |
| Chappell-Ingram | X | | | | |
| Lai | | X | | | |
| Le | X | | | | |
| McKenzie | | | | X | |
| Medina | X | | | | |
| Morrow | X | | | | |
| Stewart | X | | | | |

| Board Member: | Aye: | Nay: | Abstain: | Absent: | Recusal: |
|---------------|------|------|----------|---------|----------|
| Whitcher | x | | | | |

The motion passed.

Agenda Item 6G: Discussion and Possible Action Regarding a Regular Rulemaking to Amend California Code of Regulations, Title 16, Section 1049 Relating to Mobile and Portable Dental Units

M/S/C: (Whitcher/Morrow) accept the amended proposed regulatory language relative to the registration requirements for mobile and portable dental units, and direct staff to take all steps necessary to continue the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.

| Board Member: | Aye: | Nay: | Abstain: | Absent: | Recusal: |
|-----------------|------|------|----------|---------|----------|
| Burton | X | | | | |
| Chan | X | | | | |
| Chappell-Ingram | X | | | | |
| Lai | X | | | | |
| Le | X | | | | |
| McKenzie | | | | X | |
| Medina | X | | | | |
| Morrow | X | | | | |
| Stewart | X | | | | |
| Whitcher | x | | | | |

The motion passed.

Public Comment:

Elliott Schlang, Big Smiles California, provider of in-school dental care felt the proposed rulemaking language will assist in assuring processes are met in the schools, nursing homes, locations where mobile and portable dental units are utilized. He stated one thing concerning him, which was not addressed in the proposed language, is the digitally-recorded and preservation of verbal consent. In section (k)(1), there is no mention of digitally-recorded verbal consent. The program sends flyers home with children, and when the flyers are returned, the program uses the information to get additional information and verbal consent. He also recently contracted with the UCLA Dental School to have them start providing preventive and restorative services after contacting parent and getting consent. He would like (k)(1) to read: *No dental services including dental examination or disease prevention services shall be performed on a patient without signed written consent or digitally-recorded and preserved consent.*

Ms. Mary McCune stated CDA will have a few non-substantive comments and recommendations that will be submitted in the 45-day comment period.

Agenda Item 6H: Discussion and Possible Action Regarding an Emergency Rulemaking to Amend California Code of Regulations, Title 16, Section 1005 Relating to Minimum Standards for Infection Control

M/S/C: (Morrow/Le) to, pursuant to Government Code 11346.1, adopt the amended proposed regulatory language relative to minimum standards for infection control and direct staff to take all steps necessary to continue the emergency rulemaking process, including noticing the proposed language for 5-days, and authorizing the Executive Officer to make any non-substantive changes to the emergency rulemaking package before completing the emergency rulemaking process.

| Board Member: | Aye: | Nay: | Abstain: | Absent: | Recusal: |
|-----------------|------|------|----------|---------|----------|
| Burton | X | | | | |
| Chan | X | | | | |
| Chappell-Ingram | X | | | | |
| Lai | X | | | | |
| Le | X | | | | |
| McKenzie | | | | X | |
| Medina | X | | | | |
| Morrow | X | | | | |
| Stewart | X | | | | |
| Whitcher | x | | | | |

The motion passed.

Public Comment:

Ms. Mary McCune, CDA, reiterated the proposed language submitted by CDA reflects Assembly Member Daly’s intent by specifying that only the fluids used during irrigation of the exposed pulp and not the entire procedure itself shall be sterile, or contain disinfecting or antibacterial agent. There has been some confusion whether legislation would require sterile, or contain disinfecting or antibacterial agent water to be used for all procedures, which might contain exposed pulp. CDA is requesting that the Board not release the emergency regulation until CDA could get further clarification with the Assembly Member Daly’s office. CDA’s deputy counsel and representatives from Assembly Member Daly’s office will meet next week to further discuss legislative intent.

Dr. Guy Acheson, Academy of General Dentistry, asked where the standards will come from and who will be responsible to complete water testing.

Dr. Whitcher was concerned about compliance issues if the Board move forward with the emergency rulemaking.

Dr. Chan stated that some irrigation equipment instructions refer to the manufacture for assistance, but is not sure if the manufacturer will be informed about new standards.

Ms. Fischer asked Ms. McCune why the Board should hold off on completing the emergency regulation if CDA will not be changing statute. Ms. McCune stated CDA is

meeting with Assembly Member Daly's office but have not committed to any legislative or regulatory changes to address the issue.

Mr. Santiago stated that the legislation passed last year set forth what the Board has to do, what it must follow, and that this language is to change the statute. Ms. Fischer stated that the language and the change in statute could be moved forward and CDA would be welcome to submit comments in 45-day comment period.

Agenda Item 7: Update Regarding Status of Two-year Provisional Approval of the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova's Faculty (School) of Dentistry- Schools Response to Deficiencies Outlined by the Dental Board of California

Ms. Fischer gave an update on Two-year Provisional approval and stated that the Board received more information regarding the deficiencies previously reported to the school by the subcommittee. Dr. Morrow stated that there was further clarification needed from the last submission regarding the deficiencies. The submission will be reviewed by the Site Team. Senator Polanco, representative of the school, stated they believe the necessary information to meet the four deficiencies was submitted.

Open Session recessed at 12:40 p.m. for lunch.

The Board reconvened in closed session at 2:00 p.m. to deliberate and take action on disciplinary matters. The closed session meeting of the Board adjourned at 5:00 p.m.

The Licensing, Certifications, and Permits Committee convened in closed session at 5:05 p.m. to deliberate on applications for issuance of new licenses to replace cancelled licenses and to grant, deny, or request further evaluation of a conscious sedation permit and a general anesthesia permit. The closed session meeting of the Licensing, Certifications, and Permits Committee adjourned at 5:30 p.m.

The Board reconvened on Friday, February 9, 2018 at 9:00 a.m.

Agenda Item 9: Call to Order/Roll Call/Establishment of Quorum

A regular meeting of the Board was called to order by Dr. Stewart, at 9:00 a.m. on Friday, February 9, 2018. Ms. Chappell-Ingram called the roll and a quorum was established.

Agenda Item 10: Executive Officer's Report

Ms. Fischer provided a report. She reported on the following information: staffing vacancies, Board member vacancies, the deadline to file the Statement of Economic Interests (Form 700), the implementation of the National Board Dental Examination (INBDE), information received regarding dental therapists, the American Dental Education Association (ADEA) statistics, Board committee assignments, upcoming Sunset Review, the University De La Salle Bajio School of Dentistry's renewal application, the DHCC Sunset Review, and upcoming legislation.

Agenda Item 11: Report of Dental Hygiene Committee of California (DHCC) Activities

Ms. Good, DHCC President, and Mr. Lum gave an update of the DHCC's activities. Ms. Good reiterated that the Sunset Review Report was submitted to the Legislature on December 1, 2017 and the DHCC is preparing for the Sunset Review Committee hearing on February 26, 2018. The DHCC is reviewing all educational hygiene programs in the state. Programs who have been identified with issues are in the process of correcting them to comply with the law. The DHCC is updating its laws and regulations to incorporate new and existing language not included in prior versions. Regulatory changes are in process for retired licensees.

Agenda Item 12: Report of Department of Consumer Affairs (DCA) Staffing and Activities

Mr. Chris Castrillo, Deputy Director of the DCA Office of Board and Bureau Services, provided a verbal report. He shared that the Director's Quarterly Meeting was held the week prior, and they discussed the DCA's Strategic Plan and are establishing workgroups for enforcement and licensing. He stated Director's Quarterly Meetings are held to provide executive officers an opportunity to share information between the boards. He reminded Board Members that the Board Member Orientation Training (BMOT) is an opportunity to meet other Board Members and find out the requirements of representing a board. The DCA will be initiating an Executive Officer salary study, which will base salaries on the number of licensees and staff each Board has under the Executive Officer.

Agenda Item 13: Report on the December 13, 2017, California Department of Public Health (CDPH) Oral Health Program Advisory Committee Partnership

Ms. Burton reported the conference call was an update on the release of the approved county funding grants. She also announced the release of the CDPH 2018-2028 California Oral Health Plan. The CDPH will be providing workshops and a summit in May 2018. Ms. Fischer reported Dr. Kumar reached out to the Board and would like to partner with staff to assist with increasing the utilization of the State Loan Repayment Program.

Agenda Item 14A: Review of Dental Licensure and Permit Statistics

Ms. Wallace reported on the dental licensure and permit statistics.

The Board recessed at 10:17 a.m. for break.

The Board reconvened in open session at 10:27 a.m.

Agenda Item 15A: Update on the Portfolio Pathway to Licensure

Ms. Wallace gave an overview of the information. At the November 2017 meeting, Board staff reported on the feedback received from each of the six (6) dental schools in California regarding the Portfolio Pathway to Licensure. Based on the discussion and feedback received from all dental schools in California, the Board devised some short-term goals, which include:

- Clarifying Patient Criteria Regarding Each Competency Exam
- Reciprocity Requirements in Other States
- Digitizing Portfolio Rubrics and Grading Sheets
- Inform Public About Portfolio Through Board's Website

Dr. Morrow stated that the Request for Portfolio Candidate Identification Number and Law and Ethics Examination Eligibility form is located under the Forms and Publication tab on the website.

Ms. Fischer stated that during the Sunset Review process, the Board should consider or at least discuss statutory changes to allow a student who is using California Portfolio program at their school in another state, to utilize reciprocity towards a pathway to licensure in California (i.e. students in Iowa).

Agenda Item 15B: Western Regional Examination Board (WREB) Report

Dr. Le provided a report. She clarified that the Periodontal section is still mandated to be taken for licensees who want to practice in California and utilize the WREB pathway. Dr. Le introduced Dr. Mark Christensen from WREB.

Dr. Lai asked whether a student who took the WREB and didn't take the Periodontal portion would receive a certificate separately should they take the Periodontal section at a later time. Dr. Christensen stated that the Periodontal section would show a pass/fail when WREB verification was sent to the Board. The results will also show how many times they had to take different sections.

Ms. Fischer reiterated that if the first operative procedure was passed with a score of three or higher, then a second operative procedure would not be required. A letter was sent to all the dental schools with clarification of what is acceptable in California for the WREB examination.

Agenda Item 15C: Status of Occupational Analysis for Dentists and the Implementation of AB 2331 (Chapter 572, Statutes of 2016) – American Board of Dental Examiners (ADEX) Examination as an Additional Pathway to Licensure

Ms. Wallace reported that the occupational analysis workshops have gone well, and OPES is preparing the pilot survey, which is anticipated to be distributed in mid-February. The occupational analysis report is anticipated to be completed in June 2018, but is dependent upon the recruitment and participation of subject matter experts during the workshops and the survey.

Once the occupational analysis is complete, the OPES will initiate the review of the ADEX examination and conduct the linkage study to the occupational analysis. This project is anticipated to begin in July 2018 and be completed in early 2019.

Agenda Item 16A: Review of Enforcement Statistics and Trends

Mr. Carlos Alvarez provided a report of the enforcement statistics and trends.

Agenda Item 16B: Review of Fiscal Year 2017-2018 First Quarter Performance Measures from the Department of Consumer Affairs

Mr. Alvarez provided a status update on the availability of performance measure data. The Q1 and Q2 performance measures data will be available in March of 2018.

Agenda Item 16C: Update Regarding Utilization of Correct Prescription Pads

Mr. Alvarez stated that the Board was notified by the California State Board of Pharmacy (Pharmacy Board) that some dentists are not using compliant security forms for prescribing controlled substances in California. One of the problems appears to be a lack of boxes for ordering refills – a required element under the security forms requirements in Health and Safety Code Section 11162.1, which has been required for years.

There are a number of noncompliant forms in use by health care professions that were printed by Department of Justice (DOJ) licensed security form printers. The DOJ is working now to get the printers compliant. Meanwhile the Pharmacy Board is advising the DCA regulatory boards about the problem.

Recently some pharmacies have begun to refuse to fill prescriptions written on noncompliant forms where items required by Health and Safety Code Section 11162.1(a)(10) is not fully compliant. One of the 14 required elements is: *“Check boxes shall be printed on the form so that the prescriber may indicate the number of refills ordered.”* There are also additional elements missing on some forms, including a lack of the watermark on the reverse of the form.

Agenda Item 17A: Diversion Evaluation Program Report and Statistics

Mr. Alvarez reported on the Diversion Evaluation Program and statistics. There has been a large decrease in the number of participants in the program. Mr. Alvarez stated that the decrease could be due to the number of court ordered programs that are being required or due to CDA’s Wellness Program being suggested by CDA instead of the Board’s Diversion program.

The Board is currently recruiting for a public member position, two dental positions, and one physician/psychologist position, and two dental auxiliary positions. The next Diversion Evaluation Committee meeting is scheduled on April 5, 2018 in Northern California.

Agenda Item 17B: Update Regarding Controlled Substance Utilization Review and Evaluation System (CURES 2.0) Registration

Mr. Alvarez gave an overview of the information provided in the meeting materials and stated that the number of registered dentists has increased in this quarter. There has also been an increase in the usage of the Patient Activity Reports (reports that specify a

patient's prescription history). New legislation was introduced this year regarding CURES 2.0. (AB 1751, AB 1752, and AB 1753).

SB 641 states that police officers will not be able to review data. Previously, Dr. Stewart requested that staff look at what other states have in place to record prescription history. Pennsylvania has a system like our CURES system, only 17 states share and view the data, unlike the CURES system which is only California. Also, Pennsylvania is now requiring at least 4 hours of Continuing Education (CE) units of Board-approved education for dental licensure and renewal of licensure.

Agenda Item 18A: General Anesthesia and Conscious Sedation Evaluation Statistics

Ms. Wallace reported on the general anesthesia and conscious sedation evaluation statistics.

Dr. Witcher stated the program is doing well, despite the shortage of evaluators. He stated that it is a three-part evaluation: 1) facilities and equipment; 2) drug inspection and case demonstration; and 3) a simulated emergency.

Agenda Item 19: Licensing, Certifications, and Permits Committee Report on Closed Session

Dr. Lai, Chair of the Board's Licensing, Certifications, and Permits Committee, reported that the Committee met in closed session regarding applications for issuance of new license(s) to replace cancelled license(s) and whether or not to grant, deny, or request further evaluation for a Conscious Sedation Permit as it relates to an onsite inspection and evaluation failure.

Dr. Lai reported the Committee recommends issuance of a new dental license to replace a cancelled dental license with the condition of successfully passing the California Dentistry Law and Ethics Written Examination for the following candidates:

1. KH
2. KC
3. GM
4. MP

Dr. Lai reported the Committee recommends issuance of a new registered dental assistant license to replace a cancelled registered dental assistant license with the condition of successfully passing the California Registered Dental Assistant Law and Ethics Written Examination for the following candidates:

1. PA

Dr. Lai reported the Committee recommends issuance of a new registered dental assistant license to replace a cancelled registered dental assistant license with the condition of successfully passing the California Registered Dental Assistant Law and Ethics Written Examination and the Registered Dental Assistant Written Examination for the following candidates:

1. LG

2. IH
3. PP
4. GS
5. DS

The application for RB was deemed incomplete and sent back to Board staff to address deficiencies.

M/S/W (Chan/Medina) – to accept committee’s recommendations

| Board Member: | Aye: | Nay: | Abstain: | Absent: | Recusal: |
|-----------------|------|------|----------|---------|----------|
| Burton | | | | X | |
| Chan | X | | | | |
| Chappell-Ingram | X | | | | |
| Lai | X | | | | |
| Le | X | | | | |
| McKenzie | | | | X | |
| Medina | X | | | | |
| Morrow | X | | | | |
| Stewart | X | | | | |
| Whitcher | x | | | | |

The motion passed.

Agenda Item 20: Public Comment on Items Not on the Agenda

No public comments.

Agenda Item 21: Board Member Comments on Items Not on the Agenda

Dr. Chan requested that staff review the new marijuana laws that might affect the Board for a future meeting.

Dr. Lai requested a future agenda item to discuss mail order or online orthodontia as well as storefront orthodontia.

Dr. Le requested a future agenda item to discuss Portfolio examinations administered at out of state schools.

Ms. Medina requested further information regarding the State Loan Repayment Program and how one would apply.

Ms. Chappell Ingram wondered about discussing whether Loan Repayment Program is an Access to Care Committee activity at a future meeting.

Agenda Item 22: Adjournment

The Board adjourned on Friday, February 9, 2018 at 11:48 a.m.