



DENTAL BOARD OF CALIFORNIA
1432 HOWE AVENUE, SUITE 85, SACRAMENTO, CA 95825-3241
TELEPHONE: (916) 263-2300
FAX: (916) 263-2140
www.dbc.ca.gov



Sheraton San Diego Hotel & Marina
1380 Harbor Island Drive
San Diego, CA 92101

May 16-17, 2002
Board Meeting
Minutes

Dr. Alan Kaye, Board President, called the meeting to order at 9:20 am. Roll was called and a quorum established.

Members Present

David Baron
Officer
Newton Gordon, DDS
Lawrence Hundley, DDS
Alan Kaye, DDS
LaDonna Drury-Klein, RDA
Patricia Osuna, RDH
Michael Pinkerton, Public Member
George SooHoo, DDS
Ariane Terlet, DDS
Chester Yokoyama, DDS

Staff Present

Richard DeCuir, Assistant Executive
Alan Mangels, Attorney General Liaison
Norine Marks, Legal Counsel
Anita Scuri, Legal Counsel
Peggy Bagdasarian, Enforcement Coordinator
Errol Chisom, Legislative Coordinator
Irene Gonzales, Budget Analyst
La Rita Abdul-Rahman, Secretary

AGENDA ITEM 4 Assistant Executive Officer's Report

Mr. Richard DeCuir provided an update on Budget Hearings. As a point of information, Mr. DeCuir informed the members of the increasing number of calls received from the Press regarding oral conscious sedation.

Mr. DeCuir informed the board of Restorative Technique Exam being held at UOP May 17-19. 300 hundred candidates were to be tested. 240 candidates were turned away because this exam was filled to capacity by 11 am on the 1st day of the filing period. In an attempt to accommodate the overflow of candidates, an additional Restorative Technique Exam was added to the schedule for August 2002 at USC.

Mr. DeCuir, along with Errol Chisom, Dr. Ariane Terlet and Dr. George SooHoo met yesterday to organize the first out of country foreign dental school evaluation. The onsite team will be visiting Leon Mexico on June 9, 2002. The Onsite team will consist of board member Dr. Ariane Terlet, Dr. Jamie Lazada, Dr. Charles Warkomski, and Dr. Luis Dominicus. Legal Counsel, Norine Marks will be attending as support staff at the request of the committee.

AGENDA ITEM 5 Acceptance/Approval of Minutes

At the April board meeting, acceptance of the November 30,2001 meeting minutes was tabled due to inaccuracies and omissions of content. The following change was added to the Examination Committee section:

- 1) Ms. Katie Dawson requested that the periodontal section of the clinical exam be referred to an ad hoc committee for review. It was recommended that Chanda Wallis, RDH, Chief Examiner be a member of this ad hoc committee.
- 2) With regard to the grading criteria, there are some concerns with regards to the grading process of the exam. It allows for failure of the perio portion of the exam and not prohibit licensure or would still allow a dentist candidate who fails the board exams to practice as a hygienist. This, in affect, establishes a two-tier system of licensure for the portion of the exam dealing with perio.

It was m/s/c (Klein/Osuna) that the November minutes be approved as amended and that the corrected minutes be distributed to each board member.

On Agenda Item 16 of the April minutes, Legal Counsel, Anita Scuri requested a change to the wording (on the motion on the second to the last line) “based on” be replaced with “contingent upon”. The motion was amended to read: It was m/s/c to grand a replacement license for Dr. Lamont contingent upon verification of his continuing education courses.

On page 2, the motion of SooHoo/Pinkerton to elect officers for an 18-month term was amended to read: It was m/s/c (SooHoo/Pinkerton) to elect officers for the year 2002-2003.

It was m/s/c (SooHoo/Osuna) to accept the April minutes as amended.

AGENDA ITEM 6 Establishment of New Committee and Assignments

At the April meeting of the Board, each member was given the opportunity to state which committees they would like to serve on. As a result of these requests, the board president made committee assignments. Ms. Osuna had expressed an interest in being on the Examination Committee, but originally was not appointed to the Exam Committee. After discussion, Ms. Drury-Klein voluntarily removed herself from that committee in order to let Ms. Osuna serve in her place.

The following is a list of new committees that were introduced as special interest areas of the board members for possible establishment:

Ad Hoc Committee on Anesthesia

Dental Material Fact Sheet Committee
Internet Research Committee
Access to Care for Children Committee
Dental Hygiene Board Committee
Continuing Education Committee
Committee on Accreditation
Computer Based Exam Development Committee

Judy Babcock of the California Dental Association gave public comment urging the board to appoint a Strategic Plan Committee in order to prioritize projects of the board.

Dr. Yokoyama commented on his desire to not only develop a Consumer Friendly Fact Sheet, but to review the current Fact Sheet.

Ms. Collette Galvez, an attorney with the Center on Public Interest Law, also expressed their desire for the current board to redo the Dental Material Fact Sheet. They feel current Fact Sheet should be scraped and totally rewritten.

AGENDA ITEM 7 Budget Report

Ms. Irene Gonzales provided a historical profile of the board's budget for the past five years, as well as a question and answer period of the board's fund condition and the steps taken for preparing a Budget Change Proposal.

AGENDA ITEM 8 Legislative Report

Committee Chair, Mr. Michael Pinkerton requested that the legislative committee and staff meet prior to having to report to the full board. This will allow the committee to gather recommendations and get an update on any changes prior to the board's consideration.

The board took the following positions:

- AB 1026 – it was m/s/c (Baron/Osuna) for the board to take a watch position.
- AB 2270 – died in the legislature. However, it was m/s/c (Yokoyama/Osuna) for the board to watch this bill.
- AB 2302 – it was m/s/c (Osuna/Baron) for the board to take a watch position.
- AB 2721 – it was m/s/c (Gordon/Osuna) to support.
- AB 2818 – it was m/s/c (Osuna/Terlet) to support.
- AB 2821 – it was m/s/c (Hundley/Gordon) for the board to oppose this bill.
- SB 1589 – it was m/s/c (Terlet/Osuna) to support
- SB 2059 – it was m/s/c (Yokoyama/SooHoo) for the board to take a watch position.

AGENDA ITEM 9 Overview of COMDA

Patty Morris, Vice Chair of COMDA, gave a brief overview presentation of that committee's activities, past and present. The members asked that a hard copy of this presentation be provided for a more in depth review.

It was m/s/c (Klein/Hundley) to accept the report as presented.

AGENDA ITEM 10 COMDA Report

This one page summary was provided as an informational item to make the board aware of COMDA's activities.

AGENDA ITEM 11 Proposed Regulatory Language Implementing LBC

Regulation Coordinator, Mr. Errol Chisom stated that after consulting with legal counsel, staff was requesting the board to review and change section 1021 of the bill that deals with the fee structure for Licensure by Credentials. He noted that the Business & Profession Code was pretty explicit in terms of the criteria that must be met before they can be licensed in California. Staff came up the figure of \$750 after including all the necessary steps and procedures that will be necessary to process the application, issue the license, and review the fingerprint cards. Dr. SooHoo asked if the \$750 included staffing. Mr. DeCuir stated that the \$750 did not include the additional augmentation of staff. Dr. Newton Gordon asked if language could be added to the criteria to encourage some of the applicants to go into underserved areas. Ms. Scuri stated that the board could not force a dentist licensed by credentials to work in underserved areas, however, this bill did offer incentives.

It was m/s/c (SooHoo/Yokoyama) to set for regulatory hearing and to raise the application fee to \$2,000.

AGENDA ITEM 12 Examination Committee Report

Committee Chair, Dr. George SooHoo reported on the outcome of the Examination Committee meeting held yesterday. The minutes of this committee are attached.

It was m/s/c (Hundley/Baron) to approve the Examination Committee Report and recommendations.

AGENDA ITEM 13 Enforcement Committee Report

Committee Chair, Mr. Michael Pinkerton reported the outcome of the Enforcement Committee meeting held yesterday. The minutes of this committee are attached.

Extramural Facility Approval – Mr. Richard DeCuir received written clarification on how one person could supervise multiple facilities. As a result of the information received, staff recommended approval of all four applications.

It was m/s/c (SooHoo/Gordon) to approve as recommended.

Issuance of a New License to Replace Cancelled License – It was m/s/c (SooHoo/Terlet) to table this issue until further discussion. Staff was asked to provide examples of past practices for the committee's review. The Chair requested this issue to be heard in closed session.

Approval of Courses in Administration of Oral Conscious Sedation for Minor

Patients- It was m/s/c (Gordon/Hundley) to renew this application as recommended.

Review of Pass/Fail Evaluation – It was m/s/c (Hundley/Gordon) to fail evaluation as recommended.

Develop Policy Allowing Staff to Handle Probationary Proposals – It was m/s/c (Gordon/Baron) to approve as requested.

AGENDA ITEM 14 Diversion Evaluation Committee Report

Ms. LaDonna Drury-Klein reported on the current status of this committee. It was m/s/c (Gordon/Osuna) to accept report as given. It was m/s/c (SooHoo/Terlet) to appoint Mark Grecco, DMD and Sandra Schlageter, DDS as new DEC members.

AGENDA ITEM 15 Discussion and/or Adoption of Language Regarding Addition of CE

At the May 2001 board meeting, the California Dental Assistants Association requested the Board make California Law and Infection Control continuing education courses mandatory for all licensees. At the August 2001 meeting, the Board discussed whether four hours of CA Law and four hours of Infection Control, every other renewal cycle, was sufficient. The Board concluded that two units of CA Law and two units of Infection Control, every other renewal cycle, for all dental licensees should be required. Staff was directed to develop regulatory language for consideration.

It was m/s/c (Osuna/Pinkerton) to set this item for hearing.

AGENDA ITEM 16 Policy on Petitioner Hearings going Before an ALJ

Staff recommended adoption of a policy to assign petitioner hearings to an Administrative Law Judge. ~~unless otherwise specified by the Board~~. This would reduce the amount of time the Board spends hearing such matters and still allow the Board control over the final decision on a case-by-case basis.

It was m/s/c (Gordon/Osuna) to adopt with the above change:

AGENDA ITEM 17 Discussion on Possible Policy on Responding to Media Issues

The current policy (adopted May 9, 2000) is that the President is the official spokesperson of the Board. Mr. Charlie Brown of Consumers for Dental Choice spoke to the issue that board members have the right to speak freely on Board issues. Mr. Richard DeCuir recommended that the board adhere to the current established policy and if an individual board member is asked to speak to the media or to do an interview on their prospective opinions, they need to make it clear that what is said is their opinion and not the opinion of the board. Ms. Kelly Gallagher, from the audience, asked the members why they are so reluctant to speak to the media, what are they trying to hide.

Ms. Osuna made a motion that the media protocol be:

1. The president or his/her designee shall serve as the official spokesperson of the board.
2. The board president should be made aware of all press contacts.
3. It is suggested that the board president be notified of all requests for press conferences.
4. The part relating to the Board Staff is to remain the same.

Ms. Judy Babcock commented that “if the board has an official position, if the board has taken a position on something, or if they haven’t, as a board member that is approached by the media or a group, isn’t it their obligation to say that the board really has not addressed that issue, but I personally feel...or the board’s position is _____, but I feel.... The first obligation of a member should be to express the position and policy of the board and then your personal opinion if you’re being approached as a board member.”

Ms. Osuna’s motion was 2nd by Dr. Newton Gordon and the vote carried.

AGENDA ITEM 18 Meeting Dates for 2003 and Agenda Items for Next Meeting
Dr. Alan Kaye asked that the board reconsider its meeting dates for the August meeting because he will be out of the country. Ms. JoAnn Galliano of CDHA commented on the fact that it was disconcerting as an organization that is trying to represent an association to have adjust their schedules because the board set meeting dates and then change them. She asked that they set a calendar and just stick with this, acknowledging there will be times when someone will not be able to be there, but as long as there is a quorum of the board, to not change the meeting dates.

It was determined that there will still be a quorum for August 8-9, therefore the calendar remained the same.

Traditionally, meeting dates for the next calendar year is set at the November meeting once the examination schedule has been tentatively set.

It was m/s/c (Osuna/Klein) to hold the first board meeting of 2003 January 30-31 in Northern, CA.

It was m/s/c (Terlet/Baron) to table the remaining 2003 calendar dates until the November meeting.

The following items were requested as future agenda items:

- RDHAP Curriculum
- The Location of the Course Work for the RDHAP
- Revisit the 1/30/01 memo regarding speaking engagements
- Compensation for Assistant Executive Officer, acting as Executive Officer
- Unlicensed Dental Assistants

AGENDA ITEM 19 Executive Officer Search Sub-Committee Report &

Recommendation

Mr. Michael Pinkerton reported on the activity of the EO Selection Subcommittee. The charge of this committee by this board was to bring back three applicants for the board to consider as Executive Officer. The following candidates were selected: Mr. Richard DeCuir, Mr. Jeff Harrison, and Ms. Lynn Morris.

It was m/s/c (SooHoo/Osuna) that the full board interview the three candidates selected by the subcommittee.

It was m/s/c (SooHoo/Gordon) to hold the interviews for the Executive Officer and possible selection on July 10th in Sacramento.

It was m/s/c (Osuna/Hundley) to hold the Executive Officer interviews in closed session.

AGENDA ITEM 20 Public Comment

Ms. Judy Babcock of CDA asked board bring forth at its August meeting a plan for its strategic planning process.

Ms. JoAnn Galliano of CDHA suggested the board formalize the guidelines as to how the Board will run its meetings. She suggested that it would be helpful to the audience for it to understand whether the Board will respond to the open meetings act vs Roberts Rules of Order.

Dr. Kennedy spoke to the CDA/ADA position statement regarding exposure to mercury and erroneous information submitted by dentists. Is it ethical to make false statements and at what point does the jurisdiction of this board cease?

Ms. Anita Vasquez-Tibau spoke in favor of a more consumer friendly fact sheet.

It was m/s/c (Pinkerton/Osuna) to adjourn the meeting at 4:07pm.



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EXAMINATION COMMITTEE MEETING
May 16, 2002
SAN DIEGO, CA

MINUTES

Members Present:

George SooHoo, DDS, Chair
Newton Gordon, DDS
LaDonna Drury-Klein, RDA
Ariane Terlet, DDS
Chester Yokoyama, DDS

Staff Present:

Richard DeCuir, AEO
La Rita Abdul-Rahman, Secretary
Norine Marks, Legal Counsel
Anita Scuri, Legal Counsel

The meeting was called to order at 2:30 pm. All members of the committee were present and a quorum was established.

AGENDA ITEM 3 - Approval of Examination Committee Minutes

This item was a hand-carry and to give the members time to review the minutes, the Dr. SooHoo asked that approval of this item be postponed until the Committee Report to the full board. If there are no changes, the Chair will recommend approval of the Exam Committee Minutes from the November 2001 meeting be approved as presented.

AGENDA ITEM 4 - Discussion of Utilization of Amalgam as a Portion of Licensure Exam

At the last board meeting, Dr. Chester Yokoyama asked that this item be placed on the next agenda. Dr. SooHoo turned this item over to Dr. Yokoyama for discussion.

Dr. Yokoyama stated that he was upset when Dr. Kennedy brought this issue up during public comment of the last meeting, because it appeared that the points brought up by Dr. Kennedy were being ignored or not taken as very important. Although Dr. Yokoyama feels there are very valid concerns that need to be addressed in the future, he felt now is not the time to address these issues

as it would be too overwhelming. He would however, like to see these issues addressed in a subsequent committee meeting in the near future.

AGENDA ITEM 5 - Approval of Auxiliary Educational Programs

COMDA Vice Chair, Patty Morris, along with EO, Karen Wyant, requested approval of the three programs as presented in the packet.

It was m/s/c (Gordon/Yokoyama) to recommend provisional approval for the following RDA Educational Programs;

Bryman College in Los Angeles
Bryman College in Whittier

and 1 Coronal Polishing Program - College of Alameda. Ms. Drury-Klein recused herself from voting on the Coronal Polishing Program because it is for her program.

No Public Comments were given.

It was m/s/c (Gordon/Yokoyama) to adjourn the meeting at 2:50pm.