



DENTAL BOARD OF CALIFORNIA
 1432 HOWE AVENUE, SUITE 85, SACRAMENTO, CA 95825-3241
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Meeting Minutes – Full Board
November 18, 2005
 San Diego, CA

Members Present:

Newton Gordon, DDS
 George SooHoo, DDS
 Kevin Biggers, Public
 Alan Kaye, DDS
 Lawrence Hundley, DDS
 David Baron, Public
 Patricia Osuna, RDH
 Kamran Sahabi, DDS
 Lewis Turchi, DDS
 Harriet Seldin, DMD
 Nora Vargas, Public

Members Absent:

None

Dr. Gordon called the meeting to order at 8:40a.m. and by taking roll, established a quorum.

Agenda Item 1 – Approval of Minutes of May 19, August 18 and August 31 2005 Meetings:

It was M/S/C (Osuna/Kaye) to accept the minutes of the May 19 meeting as presented. It was M/S/C (Osuna/Kaye) to accept the minutes of the August 18 meeting with the correction by Member Turchi that he excused himself from the meeting Friday afternoon. It was M/S/C (Kaye/Osuna) to accept the minutes of the August 31 meeting as presented.

Agenda Item 2 – President's Report:

Board President Gordon was pleased to report the following accomplishments during his tenure resolution to the Dental Materials Fact Sheet, implementation of the Loan Repayment Program and completion of the WREB analysis. He noted that additionally, a Blue Ribbon Panel on Anesthesia was set up to update the regulations regarding General Anesthesia, Conscious Sedation and Oral Conscious Sedation for Minors and Adults, to be a hallmark for the United States. He gave plaudits to Ms. Coleman-Griffith for her fine job as Interim Executive Officer, adding that the Board is fortunate to have had such a dedicated leader. He reported that he was part of the search for a new Executive Officer, noting that Bob Hedrick was chosen from a field of over thirty candidates for his experience in advocacy and the belief that he would serve the Board well. He noted that the Board had lost two members, Brandon Hernandez and LaDonna Drury Klein, but gained a new public member

Ms. Nora Vargas.

President Gordon reported that one of his concerns during his tenure has been the pass rate at exams. He noted that the pass rate for RDA candidates over 5 years is 63-68%, with no significant difference between candidates qualifying through education or on-the-job experience. He continued that the pass rate for RDH candidates over the same period is 56% - 86%, Dental candidates 67% - 75%. Those graduating from California schools passed at a 73% - 81% rate, while candidates graduating from other states passed at a much lower 55% - 58% rate. He stated his belief that this is an impediment to entry into the profession and advised that it behooves the Board to make changes or at least make way for them. He noted that it had been a tumultuous 4 years, but he felt that he had made a significant contribution to dentistry and public protection.

Public Member Biggers commended Ms. Coleman-Griffith on a job well done, and thanked President Gordon for his leadership. Member Kaye commended President Gordon for his vision and his willingness to share his expertise with young upcoming dentists.

President Gordon then presented Ms. Coleman-Griffith with an award for 24 years of committed, dedicated service.

Agenda Item 3 – Executive Officer’s Report:

Executive Officer Hedrick reported that he had come on board October 17th and is still getting to know everyone. He added that he is looking at processes, taking stock of needs and scrutinizing what we do well and what we do less well. He reported that he has met with the Tustin Enforcement Office and CDA and has developed a close working relationship with Legal staff. He noted that the next few weeks and months will focus on communication, clear lines of authority and accountability.

He reported that a Chief Investigator is close to being hired, and he will be hiring an Executive Secretary soon, but for the short term he intends to implement faster, more improved communication and a quicker, sharper response to members and the public. He added that there is a good core of staff to build around.

Agenda Item 3.1 – Visit to Manipal, India:

This item is informational only.

Agenda Item 4 – Budget Report:

Executive Officer Hedrick presented the Budget report. Edmund Carolan, California Dental Association (CDA), asked if all vacancies have been filled. Hedrick noted that for budget projections, the assumptions for filling staff vacancies are noted in the report, although the vacancies may not actually be filled by the projected dates.

Agenda Item 5 – Set Board Meeting Dates for 2006:

Legal Counsel Powell noted that since this Board was the last one to set meeting dates, her schedule had conflicts with the dates previously discussed. After discussion and consultation with Legal Counsel, the Meeting Dates for 2006 were tentatively set for Thursday and Friday, January 26 and 27, Tuesday and Wednesday, April 11th and 12th, Thursday and Friday, August 3rd and 4th, and Tuesday and Wednesday, November 14th and 15th.

Agenda Item 6.1 – COMDA Report-Approval of Auxiliary Educational Programs:

The Committee on Dental Auxiliaries (COMDA) recommends that the Board approve the Coronal Polishing Course of Colleen M. Hanley, Anaheim Hills, the Radiation Safety Courses of Dental Advantage, Newhall, Dental Advantage, Glendale, San Diego Dental Careers, San Diego, California Dental Careers, Los Gatos, California Dental Careers, Sunnyvale, Southeast Regional Occupational Program and the Pit and Fissure Sealant Courses of Pasadena City College, Pasadena and Dental Specialties Institute, San Diego. It was M/S/C (Osuna/Kaye) to approve the programs.

Agenda Item 6.2 – COMDA Report - Recommendations to Increase Auxiliary Fees:

Member Biggers thanked COMDA's Executive Officer Karen Wyant for all her hard work on the proposals. It was M/S/C (Biggers/Hundley) to accept the proposed increases outlined in Attachment B. Cathy Mudge, CDA, noted that there is currently an impasse regarding the on-the-job training path to licensure for RDAs, adding that CDA intends to pursue legislation.

Agenda Item 7.1 – Diversion Program Statistics:

This item is informational only.

Agenda Item 8 – Remedial Education Hours

Member Osuna noted that apparently the schools are unable to remediate a general dentist to a specialty category in an educational program of 150 hours, as is currently allowed by the Board. She asked if any action is required. Vice President SooHoo noted that an Ad Hoc Committee could be appointed to investigate, however Osuna felt that if the schools would not provide such a program, a Committee would not change that fact. President Gordon stated that if the schools will not do so, then it is an enforcement issue. Legal Counsel Powell suggested that the Board look at the PACE Program utilized by the Medical Board as a model. Member Kaye saw it from an enforcement and ethical viewpoint, noting that if the dentist wishes to practice the specialty, it is incumbent upon him to go back to school. He felt that they should not have performed the specialty function if not competent to do so. Member Osuna suggested the issue be referred to the Enforcement Committee. Earl Johnson, California Association of Orthodontists (CAO), objected to the concept of remediation for dental specialties, believing it is not possible to be educated to a specialty in only 150 hours when the full program is 5,000 hours. Member Hundley felt the discipline should be the same for any dentist or specialist practicing outside their area of expertise.

President Gordon referred the issue to the Enforcement Committee.

Agenda Item 9 – Approval to Notice WREB and Licensure Application

Executive Officer Hedrick reported that these regulations are needed to implement the statute and allow staff to accept applications and fees. He noted that Section 1034.1 of the regulations had to be changed to reflect the statute, adding that any earlier version approved by the Board was a misinterpretation of the statute. Member Hundley asked if each state did not, in fact, set its own pass point for the exam. Dr. Bill Woods, WREB representative and California and Arizona licensed dentist, replied that no individual state sets its own pass point, the exam requires a 75% overall score to pass. Edmund Carolan, CDA, noted that the letter from DCA's Office of Examination Resources indicates a similar pass rate for both exams. Member Osuna indicated that she and Member Seldin had met with WREB representatives to discuss the Board's concerns.

Dr. Woods, WREB, noted that their exam historically has had up to an 84% pass rate, however due to changes in the psychometrics of the exam, currently the pass rate is 74% for California graduates, similar to California's exam statistics. He added that the 11 Western states that are members of WREB determine the pass rate, and there is a 55% minimum passing score for each section. Del Hammond, psychometrician for WREB, added that the pass rate represents the lowest cut score, which is integrated into exam development. Dr. Woods reported that 32 states accept the WREB examination for dental licensure. Member Kaye asked how problems with the exam could be addressed, Legal Counsel Powell felt that this could be done if there was a determination that the requirements of Section 139 were not being met. She added that an Occupational Analysis must be completed at least once every 7 years.

Executive Officer Hedrick noted that the Board must report to the Legislature regarding the pass rates of the exam, if there is a problem the Board could ask the Legislature to take action. Legal Counsel Powell added that the Board could request another review by the Department's Office of Examination Resources, depending on the situation.

M/S/C (Seldin/Turchi) to approve the regulations to enable implementation of the WREB examination as an alternative to the California clinical dental exam and move forward with an Emergency filing of the regulation package. The motion carried unanimously.

Agenda Item 10 – Continuing Education Committee

10.1 - Chair Osuna reported that the minutes of the August 18th Continuing Education Committee meeting were approved.

10.2 - Chair Osuna reported that the Continuing Education Committee tabled a proposal to allow continuing education units for subject matter experts for General Anesthesia or Conscious Sedation site evaluations to the next meeting date for interested parties to participate in the discussion.

10.3 – Chair Osuna reported that a motion to add a mandatory course on Dental Professionals Against Violence (DPAV) to renewal requirements for all licensees had failed to pass in the CE Committee. In response to further testimony by Kathleen Shanell-Hogan, DDS, MA, and comments from Members Seldin and Kaye M/S/C (Sahabi/Osuna) to include recognitions of the signs and symptoms of abuse, and California mandated reporting responsibilities, procedures, penalties, legal rights of immunity and for child abuse, neglect and domestic violence within the current mandatory California Dental Practice Act and Ethics course. Legal Counsel Powell stated that this would require a regulatory change noting that the Child Abuse Reporting Act is normally updated each year. Osuna asked that regulatory language be brought to the next meeting for consideration.

10.4 – Chair Osuna reported that a motion to modify the renewal notice to include continuing education units taken by the licensee failed to pass the CE Committee.

M/S/C (Hundley/Kaye) to accept the Continuing Education Committee report with the modifications.

Chair Osuna reported that several individuals had questioned her regarding the letter outlining the changes to required units, which was sent only to course providers. She felt this information should be available to all licensees, each of whom is responsible for completing the units required to maintain their licenses. She believed that it should at least be posted on the website. Member Kaye suggested the next newsletter also contain the information.

Agenda Item 11 – Examination Committee

11.1 -11.2 – Chair SooHoo reported that the minutes of the August 18th Examination Committee meeting were approved with minor corrections and historical examination statistics were provided to the Committee for each of the auxiliary examination programs.

11.3 – Ad Hoc Committee on Grading Report – Member Hundley reported that the law requires successful completion of a written exam in English, a clinical component and the California law and ethics exam. He reported that the Committee evaluated methods of testing and observation of candidates' work. He reported that the Committee felt that developing other testing categories could change the scoring process for the clinical exam and by allowing successful completion to include two categories failed that the pass rate could be improved.

11.4 – Consideration of ADEX Proposal for Membership – Chair SooHoo reported that the American Board of Dental Examiners (ADEX) requested that their exam be recognized. Legal Counsel Powell advised that this would require a Legislative change. This item was tabled until the January meeting.

11.5 – Chair SooHoo noted that exam statistics for USC and UOP clinical exams in September and October are in the Board packets. This item is informational only.

11.6 – Consideration of Increasing Examiner Compensation - Chair Soo Hoo reported that the Examination Committee M/S/C (Kaye/Gordon) to increase examiner compensation from the current \$125 per day plus expenses to \$250 per day plus expenses, contingent upon the Budget Change Proposal required.

11.7 – Review and Discussion of the Occupational Analysis of the Dental Licensure Examination – Chair SooHoo reported that the Committee had briefly discussed the Occupational Analysis.

11.8 - Tentative Exam Dates for 2006 – Chair SooHoo reported that the February dates have been removed and it was M/S/C (Kaye/Gordon) to approve the dates in the packet.

Chair SooHoo reported that future items agendaized were the CDA Pilot and he had called an Examination Committee meeting for December 5. He reported that Member Osuna had requested that an RDH Member be added to the Examination Committee.

M/S/C (Kaye/Osuna) to accept the report of the Examination Committee

Executive Officer Hedrick noted that Chair SooHoo requested that a Task Force be appointed to evaluate the review and bring back any recommended changes to the exam.

Edmund Carolan, CDA, advised that Dr. SooHoo had asked if CDA could assist in the Board's efforts in recruiting qualified examiners and indicated that CDA would publish a notice if provided by the Board.

Agenda Item 12 – Licensing Committee Report

12.1 – Chair Kaye reported that the August 18 minutes of the Licensing Committee were approved as presented.

12.2 - Approval of Extramural Facilities pursuant to CCR Section 1025 – Chair Kaye reported that the Committee approved the request for approval of Extramural Facilities of Hamilton Family Center, San Francisco.

12.3 – Licensure by Credential Statistics – Chair SooHoo reported that statistics for Dentists were provided by Dental Board staff, and statistics for Registered Dental Hygienists were provided by COMDA. Karen Wyant, COMDA E.O. reported that no hygienists have qualified by contract to date, and that information will be provided to the Legislature by 12/31 as required. Ariane Terlet requested that this information be provided for Dentists.

12.4 – Consideration of Application for a New License to Replace Cancelled License – Chair SooHoo reported that after consideration the Committee recommends issuance of a new RDA license to the applicant.

It was m/s/c (Seldin/Hundley) to accept the report of the Licensing Committee as read.

Agenda Item 13 – General Anesthesia Committee Report

13.1 – Chair Kaye reported that the August 18 minutes of the Anesthesia Committee were approved as corrected.

13.2 - Proposed Changes to CCR Section 1044 et seq. Adult Oral Conscious Sedation - Chair Kaye requested that Legal Counsel report on the Committee's actions. Legal Counsel Powell reported that the Committee approved the language, which incorporate the changes made to the Section for Oral Conscious Sedation of minors, and directed changes to be made by staff and Legal Counsel to clarify and make consistent with statute Sections 1044.1 and 1044.2, eliminate "in a facility" in Section 1044.3(b), and clarify that if a licensee holds a permit to administer Oral Conscious Sedation to Minors, it would include adults.

13.3 – Bis-Phosphonate Osteonecrosis – Chair Kaye reported that the Committee discussed the issue and recommended adding a link to the information on the Board's webpage.

13.3 – Appeal of Onsite Inspection – Chair Kaye reported that the Committee determined that the fail result will stand and the applicant be re-inspected at no charge.

It was M/S/C (Turchi/Biggers) to accept the report of the Anesthesia Committee.

Lola Swaby, Dental Organization for Conscious Sedation, urged the Board to reconsider the current 25-hour requirement and adopt the ADA guideline of 18 hours for this training. She further asked that instruction be allowed either by supervised administration or by group observation with an age-appropriate patient. President Gordon and Member Kaye felt that discussion with Dr. Yagiela, Chair of the Blue Ribbon Panel, was needed prior to making any such change. Dr. Seldin asked what public protection would be impacted by acceptance of the proposed changes. Jeff Gray, DDS, explained that the group instruction by videotape gave several different scenarios as to the effects on various patients, giving a fuller instructional experience than one live patient would. Member Kaye stated that he would transmit the information to Dr. Yagiela. Dr. Reggiardo pointed out that these regulations cover both Minor and Adult patients, he cautioned against such a change as it would also affect very young minor patients. Legal Counsel Powell agreed that the Section applies to both, and this would require addition of a separate section, possibly bring forward to the regulatory hearing.

Agenda Item 14 – Exam Appeals Committee Report

14.1 – Review of Appeals Re-Examination Policy - Chair Hundley reported that the current letter granting a candidate may not state clearly that if the candidate failed the appealed portion of the examination, all parts of the examination must be re-taken. Executive Officer Hedrick stated that the letter would be revised to make this clear to the candidate.

14.2 – Review of Exam Appeals - Chair Hundley reported that there were no appeals to be considered. It was m/s/c (Turchi/Biggers) to accept the report as presented.

Agenda Item 15 – Election of 2006 Officers

M/S/C(Sahabi) to nominate Vice President SooHoo for President, M/S/F (Biggers) to nominate Member Osuna for Vice President, M/S/C(Turchi) to nominate Member Kaye for Vice President, M/S/C(SooHoo) to nominate Member Sahabi for Secretary.

Public Comment

An audience member advised the Board of an issue that could affect dentistry. He read an article regarding the recall of a grafting tissue product that he felt licensees should be advised of. He read that these tissues may have been implanted into patients from early 2004 until September 2005, and was widely used by periodontists. The unused tissue is being recalled, and the dentists who may have used this tissue are being contacted. Processors are informing dentists of the recall and advising them to notify their patients who may be affected. He felt some consumers may contact the Board regarding this issue, and wanted the Board to be aware of it. Legal Counsel Powell noted that no action could be taken unless agendized. M/S/C (Kaye/SooHoo) to agendize for the next Board meeting.

Member Seldin requested that staff consider setting up a planning session, noting that at the orientation she attended she understood that there were facilitators available and other boards are doing this. She requested that staff bring information back to the next meeting. She further requested that an update on the Commission on Dental Accreditation's efforts in looking at International Dental School accreditation be agendized.

Adjournment

The meeting was adjourned at 1:50pm.

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**CONTINUING EDUCATION COMMITTEE MEETING**

BEST WESTERN ISLAND PALMS HOTEL and MARINA
2051 Shelter Island Drive, San Diego, CA 92106
Thursday, November 18, 2005

Members Present:

Patricia Osuna, RDH
Kamran Sahabi, DDS
Lewis Turchi, DDS

Members Absent:

None

Staff Present:

Robert Hedrick, Executive Officer
Georgetta Coleman-Griffith, Assistant Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Chair Osuna called the meeting to order at 1:40p.m., introduced the new Executive Officer, Robert Hedrick and called the roll, establishing a quorum.

Agenda Item 10.1 – Approval of Minutes of August 18, 2005 Meeting:

It was M/S/C (Turchi/Osuna) to accept the minutes of the August 18 meeting as presented.

Agenda Item 10.2 – Proposal to Allow CE Credits for GA/CS On-Site Evaluations:

Chair Osuna noted that this is a proposal to grant continuing education credits for site evaluations done by its subject matter experts. Legal Counsel LaVonne Powell noted that this would require a regulation. She suggested that this may be policy, but currently is not in regulation.

Assistant Executive Officer Coleman-Griffith explained that if these units were to be granted, it must be determined how many hours or how many evaluations would be allowed for credit. Chair Osuna noted that an approved provider gives the eight-hour clinical orientation. Edmund Carolan, CDA, believed that the issue was brought forward by Dental Board Member Alan Kaye, adding that CDA would most likely be in favor of moving forward with this. He noted that this could be an incentive. Chair Osuna suggested the item be tabled to the next meeting for the input of interested parties.

Agenda Item 10.3 – Consideration of Mandatory CE Course on DPAV (Dental Professionals Against Violence):

Chair Osuna stated that this issue has been discussed before, she would like to see a decision on this matter. Member Sahabi asked how many hours are being recommended. Kathleen A. Shanel-Hogan, DDS, MA, stated that three hours would definitely be sufficient, recommending a one-time requirement. Member Turchi asked if this is not redundant to current mandatory requirements. Shanel-Hogan noted that this would educate licensees in their mandatory reporting requirements. Member Turchi asked if it is necessary to put another mandatory course on dental professionals. Shanel-Hogan agreed that is the reason she had changed her recommendation to a one-time course requirement. Dr. Doug Kassen, stated that he would object to the addition of another mandatory course, adding that it is available to those who wish to take it for their CE requirements.

Member Sahabi asked if a sufficient number of providers is available if this course is mandated. Shanel-Hogan noted that CDA's foundation has an online training program that is currently available at no charge through their website with slides, a video and script to give the information necessary to meet the reporting obligation. Member Osuna noted that if the course is mandatory, any provider may give the course, as long as the required subject matter is contained. Cathy Mudge, CDA, recognized the need for this information, but did not believe the course should be mandatory. She felt the information has broad availability as Dr. Shanel-Hogan has noted. JoAnn Galliano, CDHA, agreed that the issue is important, however another mandatory course is not required, noting that it is currently contained within the hygiene curriculum for all students. M/S/F (Sahabi/Osuna) to require 3 hours of instruction be taken one time by all licensees. Former Dental Board member Ariane Terlet noted that the Board could suggest that all the schools incorporate the course requirements into their programs. Chair Osuna stated that the Board does not have the authority to tell the schools what to teach, however a letter could be sent indicating the responsibilities of licensees and asking that this information be incorporated into the dental assisting and dental hygiene programs. She noted that schools are currently required to teach their students their reporting responsibilities and any further mandate of courses to be taught in the programs would have to be addressed legislatively. Member Sahabi asked if physicians and nurses are required to take these courses. Dr. Shanel-Hogan responded that at this time physicians and nurses are not required to take them, however psychologists, social workers and marriage and family health counselors are. Dorothy Cox, The Alliance, noted that many continuing education providers offer this information. M/S/F (Turchi/Osuna) to not make this course a mandatory requirement. Earl Johnson, Marin County Dental Society, felt that two hours was ample time, three hours too long. Shanel-Hogan felt that adding one hour would be better than nothing at all. Dr. Kassen felt that offering the CE course would be the first step. Chair Osuna noted that this is currently the case, and Shanel-Hogan agreed that this has been the case for the last 10 years. She has had reports that this information is not getting out to everyone and felt it should be mandatory, and she encouraged the dispersion of this information by whatever means possible. Dr. Kassen continued to oppose a mandatory course. M/S/F (Sahabi/Osuna) to incorporate the abuse reporting, recognition and responsibility requirements into the current mandatory CE requirements of the California Dental Practice Act and increase the length of the course from two to three hours. Chair Osuna noted that the Board's facilitation of disseminating this information will be agendaized for the next meeting.

Agenda Item 10.4 – Discussion of Modifying the Renewal Notice to include CEU

Chair Osuna noted that there was a suggestion made that the renewal notice contain an area where the applicant completes the date the course number and the number of units, however the issue is that the renewal form currently has no space available to contain this information. It would involve restructuring the renewal form. Legal Counsel Powell stated that there is no room on the form to indicate all the information requested. Assistant Executive Officer Georgetta Coleman-Griffith noted that this would address the concerns raised, however it would require a multi-page renewal form. Karen Wyant, noted that currently renewals are handled by the Department of Consumer Affairs in a computerized process. She reported that any time there is missing material or odd notations it gets kicked out of that automatic process back to the agency for processing. Anything that increases that will increase the workload. Edmund Carolan, CDA, asked if the form was not completed to indicate the required CE information if it would mean automatic rejection of the license renewal. Chair Osuna clarified that if the information was incomplete, missing, or unclear, the renewal payment would be cashed, however the license would not be issued and the form would be returned to the board for complete information. Dorothy Cox, The Alliance, felt there would be a tremendous workload associated with this. As a continuing education provider she noted that her workload has increased considerably by the necessity of issuing duplicate CE information to licensees who have lost their information. She asked that no further burden of workload be placed upon her or staff. M/S/F(Turchi/Sahabi) to add a check-box to include the 80%-20% CE requirements to the renewal form.

Public Comment – none

The meeting of the CE committee adjourned at 2:35p.m.

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**GENERAL ANESTHESIA/CONSCIOUS SEDATION AD HOC COMMITTEE MEETING**

BEST WESTERN ISLAND PALMS HOTEL and MARINA

2051 Shelter Island Drive, San Diego, CA 92106

Thursday, November 17, 2005

Members Present:

Alan Kaye, DDS, Chair
Kevin Biggers, Public
Newton Godon, DDS
Lawrence Hundley, DDS

Members Absent:

None

Staff Present:

Robert Hedrick, Executive Officer
Georgetta Coleman-Griffith, Assistant Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Chair Kaye called the meeting to order at 4:15p.m., and called roll to establish a quorum.

Agenda Item 13.1 – Approval of Minutes of August 18, 2005 Meeting:

Item 13.3, CS Evaluation should read "the decision was based upon the fact that the licensee did notify CALAOMS that he felt that the evaluators would be biased against him, however, the licensee's concerns did not come to the attention of Board staff. The Committee determined that there was nothing in the evaluations that would question the bias of the evaluators, however, in light of the Board's staff not knowing that the licensee had contacted CALAOMS, the Committee voted to allow another evaluation at no cost to the licensee. The evaluation will remain a fail, and the permit will continue to be suspended unless another onsite is successfully completed." M/S/C (Gordon/Hundley) to accept the minutes as corrected.

Agenda Item 13.2 – Proposed Changes to CCR Section 1044 et seq. – Adult Oral Conscious Sedation

Chair Kaye recommended holding off on this item, as Dr. Yagiela of the Blue Ribbon Panel has some concerns regarding the language, one of which is the number of cases required. Legal Counsel Powell noted that according to SB 1386 the number of cases is in statute as of January 1, 2006, therefore cannot be changed. Edmund Carolan, CDA, felt that the

regulation seems to imply that a dentist that holds an OCS permit for minors must obtain a permit to administer OCS to adults although this is clearly not the intent of the statute. Legal Counsel Powell agreed and noted that this can be clarified.

Dr. Paul Reggiardo noted that Section 1044.2 , Board Approved Programs, asked if this replaces the changes made for Oral Conscious Sedation for Minors. Legal Counsel Powell noted that the regulatory package for Oral Conscious Sedation for Minors is in process, but not complete, therefore the language will mirror that already approved by the Board.

Lola Swaby, Dental Organization for Conscious Sedation (DOCS), stated that she has distributed a compilation of information from other states and ADA's guidelines regarding oral conscious sedation. She noted that she had highlighted DOCS suggestions for changes to California's regulations that would conform to the ADA guidelines for OCS. She asked that videotape be allowed for the hours of instruction required and invited the board to attend a DOCS course.

Dr. Jeff Gray, General Dentist, spoke in favor of the DOCS instruction and noted that the triazolam utilized is extremely safe. He supported the training requirement and noted the DOCS course covers several different patient alternatives within administration of OCS.

Dr. Reggiardo recommended recognition of educational programs in pediatric dentistry and and periodontics as they have the component on OCS. He added that not all general dentistry programs contain this component.

M/S/P (Gordon/Biggers) to approve the language submitted with the addition of the changes requested by Dr. Reggiardo and elimination of the phrase "in a facility" in 1044.3(b), and clarification of "age-appropriate" in 1044.1 to be filed on an emergency basis if necessary.

Agenda Item 13.3 – Bisphosphonate Osteonecrosis

Chair Kaye noted that there has been some concern regarding the potential effects of these drugs which are used to treat osteoporosis and also for certain cancers. He felt that all practitioners should be aware of the problem. JoAnn Galliano, CDHA, reported that CDHA recently had a seminar regarding this problem. The Committee agreed that the Executive Officer put a link to the Medwatch Alert on the website.

Agenda Item 13.4 – Appeals of Onsite Inspection

Chair Kaye noted that there are two appeals. In the first appeal, M/S/P (Gordon/Hundley) to delegate the Executive Officer to appoint a staff member to attend the third evaluation.

In the second appeal, the appellant requested that the pass/fail split be changed to a pass result. M/S/P (Gordon/Hundley) to allow a re-evaluation at no cost with the Executive Officer appointing a staff member to attend the re-evaluation.

The meeting adjourned at 5:20p.m.



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LICENSES AND PERMITS AD HOC COMMITTEE

BEST WESTERN ISLAND PALMS HOTEL and MARINA

2051 Shelter Island Drive, San Diego, CA 92106

Thursday, November 17, 2005

Members Present:

Alan Kaye, DDS, Chair
George SooHoo, DDS
Lewis Turchi, DDS

Members Absent:

None

Staff Present:

Robert Hedrick, Executive Officer
Donna Kantner, Regulations Analyst
Greg Salute, Deputy Attorney General
LaVonne Powell, DCA Legal Counsel

Chair Kaye called the meeting to order at 3:35p.m., and called the roll, establishing a quorum.

Agenda Item 12.1 – Approval of Minutes of August 18, 2005 Meeting:

It was M/S/C (SooHoo/Turchi) to accept the minutes of the August 18 meeting as presented.

Agenda Item 12.2 – Approval of Extramural Facilities Pursuant CCR 1025

M/S/P (SooHoo/Turchi) to approve the Hamilton Family Center in San Francisco.

Agenda Item 12.3 – Licensure by Credential Statistics

Chair Kaye noted that this item is for information only. Dr. Ariane Terlet asked if there are any practitioners with contracts in public health. Karen Wyant, COMDA Executive Officer, reported that there were no hygiene applicants that have qualified by contract to date and COMDA will report to the Legislature by December 31 regarding that information.

Agenda Item 12.4 – Application for Issuance of New License to Replace Cancelled License

Closed session.

The meeting adjourned at 4:10p.m.

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**EXAMINATION COMMITTEE MEETING**

BEST WESTERN ISLAND PALMS HOTEL and MARINA

2051 Shelter Island Drive, San Diego, CA 92106

Thursday, November 17, 2005

Members Present:

George SooHoo, DDS, Chair

Newton Gordon, DDS

Alan Kaye, DDS

Harriet Seldin, DDS

Members Absent:

None

Staff Present:

Robert Hedrick, Executive Officer

Georgetta Coleman-Griffith, Assistant Executive Officer

Donna Kantner, Regulations Analyst

Greg Salute, Deputy Attorney General

LaVonne Powell, DCA Legal Counsel

Chair SooHoo called the meeting to order at 2:40p.m., and Member Gordon called the roll, establishing a quorum.

Agenda Item 11.1 – Approval of Minutes of August 18, 2005 Meeting:

Legal Counsel asked that her comment regarding the contract negotiation process be taken out of the minutes on page 2, 6th paragraph. Edmund Carolan, CDA, noted that Dr. Yokoyama was indicated as an absent member when he was no longer a member of the Board. Member Gordon felt that the minutes should be corrected because they erroneously report that foreign trained dentists are allowed to take the ADEX exam. Dr. Ariane Terlet, the maker of the statement clarified that she had said that, but that the ADEX exam would be given in two formats: the SIF format and also an examination similar to the Board's at the end of the year. Member Gordon felt that should be clarified in the minutes. It was M/S/C (Gordon/Kaye) to accept the minutes of the August 18 meeting as corrected.

Agenda Item 11.2 – Auxiliary Examination Statistics

Informational item only. No discussion.

Agenda Item 11.3 – Ad Hoc Committee on Grading Report

Member Hundley reported that he and Dr. Sahabi had evaluated methods to improve the pass rate of the candidates for the state board exam. He reported that applicants must

demonstrate fitness in written English, clinical components, and California law and ethics. He reported that they had evaluated the methods of testing, including examiner calibration and observation of work done by candidates. In order to have a better pass rate, they recommended that the scoring process be changed to four categories – satisfactory, minimally satisfactory, moderately substandard and critically deficient.

JoAnn Galliano, CDHA, was concerned that dentists are allowed to pass an examination in which they failed one portion. She noted that hygienists are required to pass each segment of their clinical examination to achieve licensure and felt public protection could be compromised by licensing dental candidates who have failed portions of the examination.

Dr. Ariane Terlet noted that California is one of very few states that allow a candidate to be licensed after failing one segment of the exam, much less two. She felt it is a critical issue.

Dr. Earl Johnson felt that it is the job of the Board to establish that if a candidate fails, they shouldn't pass.

Chair SooHoo noted that the pass rate is 75%, the Occupational Analysis has recently been completed, that will be taken into account along with the recommendation of the Committee. Member Seldin asked if by approving the report the Board was adopting the recommendation. Chair SooHoo responded that it meant that the report would be taken under advisement and the recommendation would be discussed along with other information.

Agenda Item 11.4 – Consideration of ADEX Proposal for Membership

Chair SooHoo noted that ADEX had sent a letter out to all the state boards encouraging membership and participation in their exam development process.

Dr. Ariane Terlet, speaking as a board member of ADEX, reported that ADEX understands that California cannot participate because under California law the ADEX examination cannot be recognized. She indicated that this would require legislative action, and asked that the ADEX examination be agendized for the January meeting of the Examination Committee for a presentation of the ADEX examination content and grading process.

Chair SooHoo agreed to agendize the presentation for the January meeting.

Agenda Item 11.5 – Examination Statistics

Chair SooHoo noted that this item is informational only.

Agenda Item 11.6 – Consideration of Increasing Examiner Compensation

Chair SooHoo noted that examiner compensation for California board examiners is substantially less than what is paid by other examining entities such as WREB, NERB, Southern Regional and Central Regional. Edmund Carolan, CDA, felt that comparison with other states would be valuable. Member Seldin asked why this issue arose, is there an

insufficient number of examiners or are there complaints by examiners. Member Kaye noted that the examiners felt they are underpaid for their time and expertise, and to retain good examiners the incentive must be there. Member Gordon noted there should not be an extreme negative cash flow for examiners attending exams, it causes examiners to drop out. Dr. Bob White, Chief Examiner for Southern California, stated that most examiners give up income of \$1200 – 1500 per day to do our exam. He felt that pay was probably the least of the reasons that examiners come out for exams, however it would be a compliment to those who do exams to receive an increase.

Chair SooHoo reported that examiners arrive at 6:00a.m. and many times are not finished until 7:30pm. He noted it is difficult to recruit new examiners at \$125 per day. M/S/P (Kaye/Gordon) to increase the per diem paid to examiners to \$250 per day plus travel expenses, subject to a Budget Change Proposal.

Agenda Item 11.7 – Review and Discussion of the Occupational Analysis of the Dental Licensure Examination

Chair SooHoo proposed a Task Force to restructure the examination, composed of two educators, two private practitioners, the Office of Exam Resources, Chief Examiners and the calibrator. This Task Force would review the Occupational Analysis, Part 1 and Part 2 of the National Board exam, and the current Dental Licensure exam to streamline the current exam by eliminating duplicative testing and review the grading of the California dental exam.

Agenda Item 11.8 – Tentative Exam Dates for 2006

Chair SooHoo asked that the proposed dates of February 9-12 be eliminated due to calibration and examiner constraints. M/S/P (Kaye/Gordon) to accept the dates as published with the elimination of February 9-12.

Public Comment

Teresa Pichay, CDA, asked for the Board's support and the input of Board staff and examiners for development of a pilot exam for licensure by graduation models. M/S/P (Kaye/Seldin) to agendaize for the next meeting of the Examination Committee.

George Greg, USC graduate, asked when information would be available regarding application for WREB candidates for dental licensure. Legal Counsel Powell noted that this discussion would take place at the full Board meeting tomorrow.

JoAnn Galliano, CDHA, asked that the RDH member of the Board be on the Exam Committee as decisions are made regarding hygiene exams.

Edmund Carolan, CDA, asked about the discrepancy in the dates for the Board meeting, Executive Officer Robert Hedrick noted that those dates had been adjusted to accommodate the tentative exam date schedule.

The meeting adjourned at 3:30p.m.