



**Enforcement Committee Meeting Minutes
Thursday, February 25, 2010
San Diego, CA**

Members Present:

Rebecca Downing, Public Member, Chair
John Bettinger, DDS, Vice Chair
Stephen Casagrande, DDS
Huong Le, DDS
Thomas Olinger, DDS

Members Absent:

Staff Present:

Richard DeCuir, Executive Officer
Denise Johnson, Assistant Executive Officer
Nancy Butler, Acting Enforcement Chief
Teri Lane, Supervising Investigator 1, Southern California
Dawn Dill, Dental Assisting Unit Manager
Donna Kantner, Licensing & Examination Unit Manager
Jocelyn Campos, Enforcement Coordinator
Karen Fischer, Licensing Analyst
Kristy Schieldge, DCA Senior Staff Counsel
Greg Salute, Deputy Attorney General

Ms. Rebecca Downing, Chair, called the committee meeting to order at 2:13 p.m. Roll was called and a quorum was established.

ENF 1 – Acceptance of the November 9, 2009 Enforcement Committee Meeting Minutes

There was a correction to the minutes. Dr. Bettinger, Chair, called the committee meeting to order on November 9, 2009, not Mr. Baker. M/S/C (Casagrande/Olinger) to accept the Enforcement Committee meeting minutes of November 9, 2009, with the correction. The motion passed unanimously.

ENF 2 – Consumer Protection Enforcement Initiative (CPEI) – Presentation by Denise Johnson, Assistant Executive Officer

Richard DeCuir, Executive Officer introduced Denise Johnson, the new Assistant Executive Officer and outlined her credentials. She comes to the Board with depth of experience. Ms. Johnson updated the Board on the Consumer Protection Enforcement Initiative (CPEI), which is a comprehensive initiative the Department of Consumer Affairs (DCA) launched to reform and streamline the enforcement process for the healing arts boards. The program is intended to enable healing arts boards to more efficiently investigate consumer complaints and prosecute licensees under their jurisdiction. Problems within the enforcement process at some of these boards have pushed the timeline for investigation and prosecution of licensees to an average of three years. The CPEI will target three critical areas in reforming the enforcement process and is intended to reduce the average timeline from approximately 36 months to between 12 and 18 months. The three critical areas of reform are administrative improvements, increase in enforcement resources (staffing and IT issues), and pursuit of legislation. Administrative improvements will include, but not

be limited to, process improvements; establishment of a Deputy Director of Enforcement and Compliance who will regularly examine each board's enforcement program to monitor enforcement performance and compliance; and performance expectations with other agencies such as Attorney General's Office and the Office of Administrative Hearings. Ms Johnson went on to say that with regard to enforcement staffing and IT resources, the Dental Board was approved for a total of 12.5 additional positions in the Governor's 2010 budget. In addition, the Governor's budget authorizes DCA to redirect existing funds to begin implementation of a new IT system which will replace the antiquated system which impedes the Boards ability to meet their program goals and objectives. Lastly, Ms. Johnson outlined and discussed the 37 recommended enforcement changes being proposed by DCA. She identified those areas which would affect the Board. This working paper was just introduced as legislation in the form of Senate Bill 1111.

PUBLIC COMMENT

Dean Chalios, California Dental Association (CDA), commented that Senate Bill 1111 is monumental legislation that will change how business is conducted. He said that CDA has a number of attorneys reviewing SB 1111 and cautioned the Board to ensure fair treatment and protection of due process when analyzing this new legislation.

ENF 3 – Enforcement Statistics

Richard DeCuir, Executive Officer introduced and welcomed Teri Lane, Chief Enforcement Supervisor in Tustin. Nancy Butler, Acting Chief of Enforcement led the discussion and review of the complaint/compliance and investigation case aging statistics for four months which included complaints received, complaints/investigations closed, case aging data, and the average number of days to process complaint/Investigation from date received to date closed. Ms. Downing, Committee chair commented that in reviewing the data provided, the pending cases number is going down. This was attributed to staff vacancy being filled and the addition of Board consultants. Ms. Downing thanked staff for responding to the requests that data be reported to the Board in different ways. She indicated that the Board and staff will continue to work toward refining the reporting of the enforcement statistics.

ENF 4 – Diversion Statistics

Richard DeCuir, Executive Officer reported that the Dental Board entered into a revised contract with MAXIMUS (monitor for the Board's Diversion Program) which affords the Board an opportunity to modify any of the data fields in the MAXIMUS statistical reports. Dr. Bettinger and Mr. DeCuir will review the current reports and will revise the data fields to adequately reflect the dental profession. They will present a report at a future Board meeting.

ENF 5 –Cite and Fine Program Update

Effective February 1, 2010 the Board's Complaint and Compliance Unit uniformly began citing and fining licenses who fail or refuse to comply with the Board's request for dental records. Staff notified licenses and the general public by putting a message on the Board's internet website.

In the time period from February 1-17, 2010, the Board mailed out 133 request for record letters to 83 subject dentists and 50 subtreaters. As of February 17, 2010, two citation orders were issued in the amount of \$5000.00 each. There is an informal appeal process built into our laws which authorizes the Executive Officer to hear the informal appeals. The objective is for compliance, not discipline. If a licensee doesn't agree with the Executive Officer's decision, it can be appealed to the full Board. There was a question about what constitutes "good cause". Mr. DeCuir indicated that this is outlined in the law. A continued update will be provided at future Board meetings.

Public Comment

There was no additional public comment.

Adjournment

The committee meeting adjourned at 3:06 p.m.