



## **Dental Board of California Meeting Minutes**

**Friday, February 24, 2012**

Holiday Inn on the Bay, 1355 North Harbor Drive  
San Diego, CA 92101

### **Members Present:**

Bruce Whitcher, DDS President  
Huong Le, DDS, Vice President  
Fran Burton, Secretary  
Steven Afriat, Public Member  
John Bettinger, DDS  
Stephen Casagrande, DDS  
Luis Dominicus, DDS  
Rebecca Downing, Public Member  
Judith Forsythe, RDA  
Suzanne McCormick, DDS  
Steven Morrow, DDS  
Thomas Olinger, DDS

### **Members Absent:**

### **Staff Present:**

Richard DeCuir, Executive Officer  
Denise Johnson, Assistant Executive Officer  
Kim Trefry, Enforcement Chief  
Teri Lane, Supervising Investigator I  
Sarah Wallace, Legislative and Regulatory Analyst  
Karen Fischer, Associate Analyst  
Linda Byers, Executive Assistant  
Kristy Shellans, DCA Senior Staff Counsel  
Greg Salute, Deputy Attorney General

President Whitcher called the meeting to order at 8:05 a.m. Secretary Burton called the roll and a quorum was established.

### **AGENDA ITEM 6: Approval of the Full Board Meeting Minutes from November 7-8, 2011 and December 12, 2011**

M/S/C (Afriat/McCormick) to approve the November 7-8, 2011 Full Board Meeting minutes. The motion passed unanimously. M/S/C (McCormick/Le) to approve the December 12, 2011 teleconference meeting minutes. There was no public comment. The motion passed unanimously with 2 abstentions.

### **AGENDA ITEM 7: President's Report**

Dr. Whitcher reported that he came to Sacramento 3 times in January to attend Senate meetings. After the Senate hearing on January 9<sup>th</sup>, 2012, Dr. Whitcher, Dr. Le and Ms. Burton stopped by Assemblyperson Mary Hayashi's office to thank her and her chief of staff for their help and support

during our Sunset Review process. Following the January 17, 2012 Senate hearing Dr. Whitcher introduced himself to Senator Price and thanked him for his help on Sunset Review and on January 27, 2012 after the Senate hearings he introduced himself to Bill Gage and Rosielyn Pulmano and thanked them for their help during our Sunset Review process. Dr. Whitcher thanked all the sub-committee members for their continuing work on all of our projects. He thanked staff for assisting him with preparations for the Board meeting. Dr. Whitcher gave special thanks to Dr. McCormick for her service as Board liaison to the EFCS committee and presented her with a crystal plaque. Dr. Whitcher also gave special thanks to Richard DeCuir, Executive Officer of the Dental Board for delaying his retirement in order to continue serving the Board.

#### **AGENDA ITEM 8: Executive Officer's Report**

Mr. DeCuir reported that the new 2012 Dental Practice Act is available. The Department of Consumer Affairs has a new Director, Denise Brown, new Chief Deputy Director, Awet Kidane, and new Deputy Director of Board/Bureau Relations, Reichel Everhart. Mr. DeCuir informed everyone that Donna Kantner; Licensing Manager will be retiring on February 29, 2012. Dawn Dill the current Dental Assisting Program Manager will be taking over management of the Licensing unit. Mr. DeCuir reminded all the Board members that their annual form 700's are due by April 1, 2012. Mr. DeCuir reported that for the first time ever we are at a full complement of staff. He thanked Kim Trefry, Nancy Butler and Teri Lane, and their investigators for their efforts leading to the December 11, 2011 sentencing of Mario Pacheco to the maximum of 3 years, 8 months in prison for his role in the unlicensed practice of dentistry. Kyle Clanton served as the lead investigator on that case. Juan Pedro Hernandez was arrested February 2, 2012 on felony charges relating to unlicensed practice of dentistry in Santa Rosa. Mr. DeCuir thanked Greg Salute and Teri Lane, for speaking to the senior dental students at UCSF Dental School on February 10, 2012. They will also be speaking to the dental students at Loma Linda University Dental School on March 1, 2012.

**Agenda items were taken out of order to accommodate speakers.**

#### **AGENDA ITEM 10: Budget Reports: Dental Fund & Dental Assisting Fund and Discussion Regarding the Need for a Possible Fee Increase**

Mr. DeCuir reported that as of December 31, 2011, the Dental Board had spent approximately 44% of its Fiscal Year (FY) 2011-12 Dentistry budget appropriation (roughly \$4.9 million). In the Dental Assisting appropriation, the Board had spent approximately 43% (roughly \$717,000). When these figures are compared to figures from the same time period for FY 2010/11 it indicated an upward trend in spending for both funds.

In January 2011, a hiring freeze was implemented by the Governor, which allowed for filling only the most critical positions. Additionally, the hiring freeze set budgetary reduction goals for each Department. On November 1, 2011, the Department of Consumer Affairs met these goals. With these goals met, the hiring freeze was lifted for the Department, and the Board began aggressively recruiting candidates for all vacant positions. As of February 1, 2012, the Dental Board of California had filled all of its vacant positions (with three Investigators in background). With those filled positions, came an increase in both Personnel Services and Operating Expense and Equipment (OE&E). This is the primary reason for the upward trend in spending, and it is anticipated this trend will continue into future years.

Over the past 10 years the Board's expenditures have been roughly equivalent to the Board's revenues, hovering just below \$9 million. However, in fiscal year 2010-2011, as part of a Department wide Budget Change Proposal called the Consumer Protection Enforcement Initiative (CPEI), the Board received 12.5 new positions (11.0 permanent) along with an expenditure increase of approximately \$1.2 million. Currently, all positions are filled. This has resulted in the Board spending an additional \$1.2 million in excess of its revenues. While the Board still has \$4.4 million in outstanding General Fund loans yet to be repaid, even with the loan repayment the Board will likely be out of revenue in fiscal year 2013-2014. With approximately 37,500 active licensed

dentists, the Board will likely be looking at a biennial fee increase of approximately \$40.00, raising the biennial license fee to \$405.00 between years 2013-14 and 2014-15. Staff will present the Board with more definitive statistics at the next Board meeting with a request for Board approval to move forward with a regulatory package to increase fees in order to keep the Board solvent.

Dr. Whitcher asked if staff wanted to begin the regulatory process for the fee increase. Mr. DeCuir replied, yes.

Dr. Paul Reggiardo, California Society of Pediatric Dentistry, asked if the fee increases were for all licensees or just dentists.

Mr. DeCuir responded that we are looking at initial and renewal license fees and we will be looking at other fees as well.

#### **AGENDA ITEM 9: Update on Dental Hygiene Committee of California (DHCC) Activities**

Alex Calero, President of DHCC, thanked Mr. DeCuir for inviting the DHCC to participate in the meeting. Mr. Calero reported that in December 2011 former DHCC President Rhona Lee resigned as did committee member Miriam De La Roi. The Governor recently appointed Evangeline Ward, RDH, to the DHCC. Mr. Calero reported that staff and the committee members have been working very hard to get their own regulations in place. They have divided the project into 3 phases with phase 1 to be completed this year, phase 2 to begin this year and phase 3 scheduled to begin in 2013. Mr. Calero extended an invitation to the Board and staff to attend one of the next DHCC meetings being held April 16-17 in San Diego or December 3-4 in Sacramento. Dr. Olinger asked what the typical number of enforcement actions per month are. Mr. Calero stated that he doesn't know those statistics off the top of his head. Mr. Salute, legal counsel stated that they receive about 5-6 each year and turnaround time is within DCA guidelines. Dr. McCormick asked Mr. Calero to expand upon the regulatory packages that the DHCC is putting forward. Mr. Calero stated that there were no previous regulations so they are starting from scratch. Phase 1 is largely non controversial regulations that they are mirroring from when the DHCC was COMDA. The 2<sup>nd</sup> phase will be regulations that may be more controversial and would require creating more justifications and the 3<sup>rd</sup> phase would be those regulations which the DHCC does not currently have the statutory authority to implement. Dr. Whitcher asked if the DHCC was planning on seeking statutory authority through legislation for phase 3. Lori Hubble, Executive Officer of the DHCC, stated that they just got an author for the proposed bill to obtain statutory authority.

#### **AGENDA ITEM 11: Update Regarding Dental Board of California's Strategic Plan**

Dr. Whitcher reported that based on feedback received during our Sunset Review process, he drafted an updated version of the Strategic Plan which included action items and areas for setting target dates for consideration by the Board at its August 2011 meeting. Due to time constraints, the item was held over for consideration at a future meeting in 2012. In the interim, Dr. Whitcher asked for Mr. DeCuir and his staff's input. Dr. Whitcher assigned a subcommittee of Dr. Le and Dr. Bettinger to work with staff to develop possible changes to the goals and objectives before the item is brought before the full Board for review and consideration by the end of the year.

#### **AGENDA ITEM 12: Examination Committee Report**

Dr. Casagrande, Chair of the Examination Committee reported that a quorum was established and the minutes of the November 7, 2011 meeting were approved. He stated that in the review of the Dental Assisting examination statistics, some headway is being made on the pass rate of the written exam but this still may be a barrier for those trying to get their Registered Dental Assistant (RDA) license. Dr. Casagrande reported that the committee came up with a recommendation to direct staff to produce an exit survey for the RDA exam. He further reported that as the new liaison to the Western Regional Examination Board (WREB), Dr. McCormick will pursue a seat on the WREB Board of Directors. Dr. McCormick suggested that in order to broaden the availability of competency testing, the Board may want to look at other testing opportunities such as Southeast

Regional Testing Agency (SRTA), Central Regional Dental Testing (CRDTS) and the American Board of Dental Examiners (ADEX). Dr. Casagrande suggested possibly inviting them to speak at a future Board meeting. M/S/C (Afriat/Downing) to accept the Examination Committee report. The motion passed unanimously.

Dr. Guy Acheson, Academy of General Dentistry, applauds the Board for looking out for the students by creating the exit survey and examining why the pass rates are lower than expected. Dr. Acheson voiced his concern that the lowest pass rate is for the RDAEF written examination. He would like the Board to compare the pass rates in the public versus private institutions to be sure that private institutions are not taking advantage of their students.

**AGENDA ITEM 13: Examination Appeals Committee Report**

There were no examination appeals.

**AGENDA ITEM 14: Licensing, Certification & Permits Committee Report**

Dr. Olinger, Chair of the Licensing, Certification and Permits committee reported that a quorum was established and the minutes of the November 7, 2011 meeting were approved. There was one candidate granted replacement of a cancelled license. He reported that Ms. Johnson gave an update of all the statistics. There is still a lack of evaluators and staff was directed to try to find new ways of recruitment. Dr. Witcher stated that calibration courses are given twice a year in an effort to recruit new evaluators. Unfortunately, many attendees are just there to gain continuing education units. M/S/C (Afriat/Bettinger) to approve the recommendation of the LCP committee to replace the cancelled RDA license of candidate ABV and accept the committee report. The motion passed unanimously.

**AGENDA ITEM 15: Dental Assisting Committee Report**

Judith Forsythe, Chair of the Dental Assisting committee reported that a quorum was established and the minutes of the November 7, 2011 meeting were approved. Ms. Forsythe reported that there are currently 34 pending applications for programs and course providers. She stated that the RDAEF survey was implemented and over 100 responses were received. Ms. Forsythe reviewed the committee's discussion regarding splitting the RDAEF examination. M/S/C (Forsythe/Burton) to split the RDAEF examination into two components with a time limit of 2 years from the date of the prior failure and direct staff to begin the rulemaking process. The motion passed unanimously. (Morrow/Afriat) to accept the Dental Assisting committee report. The motion passed unanimously.

Dr. Witcher stated that this will be the last meeting of the Dental Assisting Committee; these items will be taken over by the Dental Assisting Council.

**AGENDA ITEM 16: Discussion and Possible Action Regarding the Dental Assisting Committee's Recommendations to Appoint Dental Assisting Council Members**

As a result of the Sunset Review process, legislation was signed by Governor Edmund G. Brown Jr. (SB 540, Chapter 385, 2011 statutes) which required the Dental Board of California (Board) to establish a seven member Dental Assisting Council (Council) which will consider all matters relating to dental assistants in California and will make appropriate recommendations to the Board and the standing Committees of the Board. The members of the Council shall include the registered dental assistant member of the Board, another member of the Board, and five registered dental assistants.

A subcommittee (Dr. Witcher and Ms. Forsythe) was formed to review all initial applications for membership on the Council; and to bring recommendations to the Board for consideration.

Ms. Forsythe reported that the Board received 16 applications from people interested in serving on the Council. All applications were distributed to the Board in it's meeting packet. She asked the Board to review the qualifications and terms of office in accordance with Business & Professions Code, Section 1742 when considering the Subcommittee's recommendations and it's appointments

to the Council. Dr. Witcher reported that the subcommittee reviewed all applications and conducted telephone interviews of those candidates they felt were best qualified. The Subcommittee's recommendations were as follows:

M/S/C (Afriat/Dominicis) to appoint Denise Romero, RDA to fill the position on the Council designated for a faculty member of a registered dental assisting education program approved by the Board. Ms. Romero's term is for one (1) year. There was no public comment. The motion passed unanimously.

M/S/C (Dominicis/Afriat) to appoint Emma Ramos, RDA to fill the position on the Council designated for a faculty member of a registered dental assisting education program approved by the Board. Ms. Ramos' term is for three (3) years. There was no public comment. The motion passed unanimously.

M/S/C (Casagrande/Olinger) to appoint Teresa Lua, RDAEF to fill the position on the Council designated for a registered dental assistant in extended functions who is employed clinically in a private dental practice or public safety net or a dental health care clinic. Ms. Lua's term is for four (4) years. There was no public comment. The motion passed unanimously.

M/S/C (Morrow/Afriat) to appoint Anne Contreras, RDA to fill the position on the Council designated for a registered dental assistant who is employed clinically in a private dental practice or public safety net or a dental health care clinic. Ms. Contreras' term is for two (2) years. There was no public comment. There was no public comment. The motion passed unanimously.

M/S/C (Afriat/McCormick) to appoint Pamela Davis-Washington, RDA to fill the position on the Council designated for a registered dental assistant who is employed clinically in a private dental practice or public safety net or a dental health care clinic. Ms. Davis-Washington's term is for three (3) years. There was no public comment. The motion passed unanimously.

Statute requires that the dental assistant member of the Dental Board serve on the Dental Assisting Council, as well as another member of the Board. M/S/C (Afriat/McCormick) to appoint Ms. Judith Forsythe, RDA and Board member as a member of the Council; and Bruce Witcher, DDS and Board President as a member of the Council. There was no public comment. The motion passed unanimously.

### **Public Comment**

Dr. Lori Gagliardi, representing CADAT, praised the Subcommittee for its integrity in the process of reviewing the applications and recommending candidates for the Council.

Bill Lewis, representing California Dental Association, complimented the Board on its effort to move quickly and efficiently in appointing the Dental Assisting Council members. His organization is looking forward to how this new Council will unfold.

There was no additional public comment.

### **AGENDA ITEM 17: Legislative and Regulatory Committee Report**

Fran Burton, Chair of the Legislative and Regulatory committee reported that a quorum was established and the minutes of the November 7, 2011 meeting were approved. Ms. Burton reported that the committee reviewed many bills, those bills that they had already taken a position on did not change; AB 127 – watch, AB 991 – watch, SB 103 – watch, SB 544 – previously watch – returned to Senate, essentially dead now. There was a lot of discussion during the committee meeting surrounding SB 694. Ms. Wallace reported that SB 694 would create the Statewide Office of Oral Health with a dentist as its director. SB 694 would also establish a study to assess the safety, quality, cost-effectiveness, and patient satisfaction of expanded dental procedures for the purpose

of informing future decisions about how to meet the state's unmet oral health need for the state's children. Ms. Burton stated that during the committee meeting she pointed out how many times this bill has been amended. The bill is currently in the Assembly awaiting its first hearing. We had a watch position on the bill and it was suggested and accepted to continue with the watch position for SB 694. Dr. Casagrande asked if the Board will still have an opportunity in the future to weigh in on this bill. Ms. Burton stated that it is not anticipated that this bill will even have its first hearing before our next meeting in May. She stated that the sponsors will stay in contact with the Board. Ms. Burton said she will attend the hearings and keep Mr. DeCuir up to date. If the bill starts to move too quickly we can hold a teleconference.

Katherine Scott, Children's Partnership, stated that SB 694 will likely be heard in June.

Dr. McCormick asked how the public safety issues are being addressed. Ms. Scott answered that the author's office is bringing stakeholders together including the Dental Board to collaborate. In addition, the fact that it is a university based study provides certain safety protocols.

Ms. Burton brought up Dr. Morrow's concern about where the funding for the university based study would come from. Ms. Scott answered that they are looking at private funding and any available educational funding and for the director's position they are looking toward some federal and state funding.

Dr. Olinger asked what the relationship is between the Children's Partnership and the PEW Foundation. Ms. Scott stated that the PEW Foundation is funding this project for the Children's Partnership. The Children's Partnership has had a long-standing goal to meet access to care needs for children particularly focusing on dental health over the past few years.

Dr. Bettinger commented that the mission of the Dental Board is to protect the health and safety of consumers, license healthcare professionals, enforce the Dental Practice Act and strive to enhance the education of consumers. He noted that in his previous work with under-served populations he came to believe that prevention is what is most important and that is achieved through education. Dr. Bettinger suggested adding language to the bill specifying that general and special funds may not be used so that it is clear that the Dental Board's licensing fees will not be used. He also stated his concern that the ultimate goal of the study is to develop a mid-level provider with a minimum amount of training and education creating two very different standards of care. Dr. Bettinger stated that he agrees with the San Diego Dental Health Foundation's suggestion to change the study so that it focuses on the capacity, feasibility and utilization of our existing RDA's, RDAEF's, RDH's and RDHAP's. Ms. Burton asked Dr. Bettinger what he is asking the Board to do. Dr. Bettinger responded that he would like to protect our funding by adding Federal Funding and making sure that they will not use special funds (i.e. our licensing fees). He would like the Board to take the position of opposing this bill unless amended to include; special funds should not be tapped and the study be limited to utilizing our existing workforce and determining if we already have the capacity in our workforce to meet the demand. Ms. Burton stated that she would open that up for discussion but without everyone having the information that Dr. Bettinger read they may not be prepared to make a decision. Dr. Morrow asked Mr. DeCuir to explain how the special funds might be used for the study. Mr. DeCuir stated that his only concern is that legislation is introduced to take money out of our special funds at a time when the Board is facing a shortage of funds and is looking to increase licensing fees just to remain solvent. He said he has made this clear to the sponsors. Ms. Scott stated that she wanted to address the 'public funds' issue. She noted that the appropriations committee suggested that they use the phrase 'public funds' rather than just 'federal funds' so as not to preclude others such as counties etc. She further stated that in the committee, they, as sponsors, committed to not attaching or going after any funds related to the Dental Board and only asking for participation. Mr. Afriat commented that he found a lot of merit in what the author of this bill is attempting to do so he probably would not support a motion that had the word "opposed" in it. He suggested that we retain the watch position or possibly let the committee know that we may take

a position of 'support' if amended. Ms. Burton stated that she respectfully disagrees because this bill is still a work in progress. Mr. Afriat stated that he wouldn't mind the watch position but he didn't want to go down the path of an opposed position. Ms. Burton stated that she would ask that the Board's concerns be heard by the sponsors attending this public meeting and go forward from there. Dr. Bettinger agreed to go with the majority. Mr. Afriat commented that perhaps we could maintain our watch position but ask that staff send a letter to Senator Padilla expressing the Board's concerns about these 2 issues. Ms. Shellans reminded the Board that they have a motion recommendation from the committee to 'watch' so you would need to split that into 2 separate items. Mr. DeCuir stated that as staff to the Board it is not his intent to get involved in a policy decision however, in looking at the number of amendments this bill has already taken in its house of origin, I believe it may be prudent just to 'watch' at this time.

M/S/C (Afriat/ McCormick) to accept the Legislative and Regulatory committee report. The motion passed unanimously.

Ms. Scott commented that the Partnership completely and wholeheartedly committed to prevention. She further stated that she has not seen the language that Dr. Bettinger read but she is sure the sponsor would like to see it. (Someone handed her a copy) She stated that she will make sure the sponsor gets a copy.

Dr. Guy Acheson commented that he thinks the Board should take a position of "oppose unless amended." There are many merits to this bill. The idea of a Dental Director is a good one but the mid-level provider is bad. Dr. Acheson stated that as he understands it the only way in California for a new workforce category to be tested is through the Office of Statewide Health, Planning and Development (OSHPD). A study of our existing workforce would have great value. Dr. Acheson also feels that private funding has a great potential for private agendas. Dr. McCormick stated that all the information received today supports a 'watch' position.

Dr. Paul Reggiardo, California Society of Pediatric Dentists (CSPD), respectfully disagreed; he feels that this bill is not a scope of practice bill but one which establishes the Statewide Office of Oral Health, a state Dental Director, and a research study. He stated that the CSPD supports this bill and in his opinion, the Board should take a 'watch' position.

Katie Dawson, California Dental Hygienists Association (CDHA) is concerned that we are limiting ourselves by restricting the new Dental Director position to only Dentists. Another concern of CDHA is the creation of a new workforce category when the current workforce is under-utilized. They would also like to see the focus expanded beyond just children. Ms. Dawson stated that she has brought up on many occasions her concern that there is no Dental Hygiene representation on the Dental Board and hasn't been for almost 4 years. Dr. Bettinger commented that he tried to get a hygienist appointed but it's the Governor's appointment and we have nothing to do with it.

Rebecca Downing commented that there is no wording in the bill about creating a new licensure category. She suggested that maybe we should propose expansion of the language to ensure what goes on in the study including the study of our current workforce. Dr. Casagrande reminded everyone of the UOP study where the Board wrote a letter to voice their concerns. He suggested that maybe we should send a similar letter to the author.

M/S/C (Burton/Olinger) to take a watch position on SB 694. The motion passed unanimously.  
M/S (Bettinger/Dominicis) to send a letter to the bills' authors that the Board is currently watching the bill and recommend that language be added to prohibit special funds from being used to fund the study and emphasize that the study should primarily focus on the utilization of existing workforce categories and the potential for them to address the healthcare needs of Californians.

Ms. Burton stated that not everyone has seen the language that Dr. Bettinger is referring to and she is not comfortable accepting a motion before she has had a chance to review all of the information.

Dr. Olinger commented that he would like to see a letter sent to the authors from the Dental Board outlining the priorities that the Dental Board would like to see in the study.

Bill Lewis, California Dental Society (CDA), commented that CDA will be holding a special House of Delegates meeting next week specifically to revisit CDA's position on the Access to Care report. He will be better able to report CDA's position at the next Board meeting. Mr. Lewis stated that he thinks the Board will have a better idea of other groups' positions and a clearer view of how this bill will look at the next meeting. He suggested that it might be better to postpone discussions of sending a letter to the authors until the May meeting where some possible language might be presented for the Board's approval.

Dr. Whitcher stated that he is hearing that a letter at this time may be premature. He has been following this bill very closely. He stated that anyone can subscribe by email to receive updates as they occur. Dr. Whitcher commented that he and Fran Burton will be at the Capitol for these hearings and they will provide the Board with information. If need be the Board can hold a special teleconference meeting to address concerns.

Ms. Scott stated that the author is not moving this bill before June.

A vote was taken on the motion. Six aye votes and six opposed, the motion failed.

#### **AGENDA ITEM 18: Enforcement Committee Report**

Rebecca Downing, chair of the Enforcement Committee reported that a quorum was established and the minutes of the November 7, 2011 Enforcement Committee meeting were approved. Ms. Downing reported that the Enforcement statistics continue to improve. They are getting closer and closer to the time limit of 1½ years to close enforcement matters that DCA has requested. Ms. Downing reported that Ms. Trefry and Mr. Salute stated that they would like to do more calibration training and recruitment of experts but are hampered by travel restrictions. The committee proposed that the Board adopt the following motion; M/S/C (Afriat/McCormick) the Board finds that recruitment, training and calibration of its subject matter experts is critical to its mission of protecting the public through the Board's enforcement program, and therefore urges the Department of Consumer Affairs to facilitate the identification and training of subject matter experts by approving necessary travel for recruitment as well as for training and calibration. The motion passed unanimously.

Diversion statistics were reviewed. Ms. Downing reported that the request for new enforcement tools is still pending. Ms. Trefry reported that 80% of cases do not rise to the level of an accusation but the investigators would like some way to convey to the licensee's how and where they are lacking. She went over her report analyzing how the new tools would be utilized. The new Q2 (second quarter) report from DCA was reviewed. Ms. Downing thanked Ms. Trefry for the new and interesting data.

Dr. Olinger asked if the new enforcement tools required a legislative change. Ms. Downing stated that it requires a statutory change. Dr. Olinger asked if the Board was prepared to make a motion to request that change. Ms. Downing reported that the Board has already acted on this and will seek an author if Senate B & P doesn't act on it. Ms. Burton suggested that we follow-up with a letter of justification to the Senate B & P committee. Ms. Burton offered to work with Ms. Trefry and Mr. DeCuir to draft a letter to the Senate B & P committee outlining specific details of our request with justification.

M/S/C (Afriat/Olinger) to accept the Enforcement Committee report. The motion passed unanimously.

**AGENDA ITEM 19: Update on Portfolio Licensure Examination for Dentistry (AB 1524, Stats 2010 ch 446)**

Dr. Casagrande reported that all 6 schools have participated in developing the 6 areas of the grading system. Dr. Morrow reported that 5 of the 6 focus groups have met with number 6 meeting next week. He stated that he has attended 2 of the focus group meetings and will be attending the last one next week. Dr. Casagrande reported that they are on schedule as far as implementation goes.

**AGENDA ITEM 20: Report on the January 18, 2012 meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; and Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits**

Dr. Suzanne McCormick reported that she attended the meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee on January 18, 2012 which was held in the Dental Board's Orange Office. This was Dr. McCormick's last meeting, as Dr. Bruce Whitcher will be replacing her as Board Liaison.

Dr. McCormick reported that Dr. Brian Wong, newly appointed Committee member was sworn in and welcomed by the Committee members. For the benefit of the new members on the Committee, staff presented an overview of Business & Professions Code, Section 1638.1 relating to the EFCS Permit application process.

In closed session, the Credentialing Committee reviewed two (2) applications. According to statute, the Committee shall make a recommendation to the Dental Board on whether to issue or not issue a permit to the applicant. The permit may be unqualified, entitling the permit holder to perform any facial cosmetic surgical procedure authorized by the statute, or it may contain limitations if the Credentialing Committee is not satisfied that the applicant has the training or competence to perform certain classes of procedures, or if the applicant has not requested to be permitted for all procedures authorized in statute.

The Committee's recommendations to the Board were as follows:

1. Applicant: Dr. A.A. – Requested unlimited privileges for Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited to, rhinoplasty and otoplasty) and Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation).

The Credentialing Committee recommended the Board reject A.A's application because the applicant failed to meet the minimum requirements of Business and Professions Code 1638.1 (C)(2)(B)(i): Insufficient documentation that the applicant has been granted privileges by the medical staff at a licensed general acute care hospital to perform the procedures requested in his application. The applicant would be given the opportunity to re-apply. M/S/C (Morrow/Afriat) to approve the Committee's recommendation. There was no public comment. The motion passed unanimously.

2. Applicant: Dr. Michael P. Morrisette. – Requested unlimited privileges for Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited to, rhinoplasty and otoplasty) and privileges for Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation) limited to submental liposuction, Botox and fillers, and chemical peels.

The Credentialing Committee recommended the Board deny Category I privileges, and issue a permit limited to the following Category II procedures: submental liposuction, Botox and fillers, and chemical peels. Applicant did not submit operative reports that demonstrate training to perform all requested classes of procedures. The Committee recommended suggesting that Dr. Morrissette reapply for Category I if he would like to obtain this permit. M/S/C (Bettinger/Morrow) to approve the Committee's recommendation. There was no public comment. The motion passed unanimously.

M/S/C (Afriat/Olinger) to accept the Committee's report. There was no public comment. The motion passed unanimously.

**AGENDA ITEM 21: Discussion and Possible Action Regarding Changing the November 8-9, 2012 Meeting Date**

The Board discussed possible alternate dates for the November Board meeting in Los Angeles. The Board agreed to hold the Dental Board meeting December 3-4, 2012.

There was no further public comment.

The meeting adjourned at 11:18 a.m.