



ENFORCEMENT COMMITTEE
Meeting Minutes
Monday, December 3, 2012
Embassy Suites LAX/South
1440 East Imperial Avenue, El Segundo, CA 90245

Members Present

Rebecca Downing, Public Member - Chair
Huong Le, DDS - Vice Chair
Steven Afriat, Public Member
Suzanne McCormick, DDS
Bruce Whitcher, DDS

Members Absent

Staff Present

Richard DeCuir, Executive Officer
Denise Johnson, Assistant Executive Officer
Kim Trefry, Enforcement Chief
April Alameda, Investigative Analysis Unit Manager
Jocelyn Campos, Enforcement Coordinator
Sarah Wallace, Legislative and Regulatory Analyst
Karen Fischer, Special Assistant to the Executive Officer
Linda Byers, Executive Assistant
Spencer Walker, DCA Senior Staff Counsel

ROLL CALL AND ESTABLISHMENT OF QUORUM

Rebecca Downing, Chair, called the Enforcement Committee to order at 9:58 a.m. Roll was called and a quorum established.

ENF 1 – Approval of the August 16, 2012 Enforcement Committee Meeting Minutes

M/S/C (Afriat/McCormick) to approve the minutes of the August 16, 2012 meeting of the Enforcement Committee of the Dental Board of California (Board). The motion passed with one abstention.

ENF 2 – Staff Update Regarding Enforcement Unit Projects and Improvements

Kim Trefry, Enforcement Chief, introduced April Alameda as the new manager of the Dental Assisting unit as well as the Investigative Analysis unit. Ms. Trefry gave an overview of the Enforcement Programs Projects and Improvements including Probation Procedure Training that was conducted in October and November by Supervising Investigator Teri Lane and lead Investigator Steve Nicas using the newly completed Probation Procedure Manual. The training helps insure that all personnel are approaching the Probation tasks consistently statewide. She reported that in October and November, sworn investigative staff completed

both the mandatory Tactical Weapons course and Arrest and Control training. These courses met the POST biennial Perishable Skills training requirement for a certified law enforcement agency. This is the first time in several years that staff met these two requirements. In addition, several of the staff participated in local task forces to network, share information, and maintain awareness of law enforcement trends. These included the Prescription Drug Abuse Task Force (PDATF) attended by Supervising Investigator Vicki Williams, the San Diego Insurance Premium Fraud Task Force attended by Investigator Stephen Nicas, the Consumer Fraud Task Force, and the Prescription Diversion Investigation Network (PDIN). Ms. Trefry also reported on Enforcement efforts, gave a vehicle update and reviewed staffing changes.

ENF 3 – Enforcement Program – Statistics and Status

Kim Trefry, Enforcement Chief, gave an overview of the Enforcement Program Statistics revealing that an average of 302 complaints per month were received over the last 12 months. Each Consumer Services Analyst (CSA) handles an average of 188 cases. Approximately 2,660 complaint files were closed in the last 12 months with an average number of days to closure being 75.

Ms. Trefry also reported there are currently 718 open investigative cases, 311 probation cases and 53 open inspection cases. Investigators handled an average of 35 cases each. The total number of investigation cases closed, filed with the Attorney General's Office or filed with the District/City Attorney during the last 12 months is 996, an average of 83 per month. It took an average of 401 days to complete an investigation.

Dr. Whitcher asked if there was any difference, to the licensee, whether a case is closed with merit or closed without merit as there is no discipline imposed in either case. Mr. DeCuir stated that if there are multiple cases closed with merit they will look for a pattern of practice. Dr. McCormick asked if the license holder is notified when a case is closed with merit. Ms. Trefry indicated that circumstances differ therefore notifications are not always sent. Dr. Whitcher commented that it might be a good idea to notify the licensee so that they would know when a complaint against them was closed with merit. Mr. DeCuir agreed.

ENF 4 – Review of First Quarter Performance Measures from the Department of Consumer Affairs

Kim Trefry, Enforcement Chief gave an overview of the first quarter performance measures that are compiled by the Department of Consumer Affairs. Data is collected quarterly and reported on the Department's website at: http://www.dca.ca.gov/about_dca/cpei/index.shtml

ENF 5 – Diversion Statistics

Ms. Trefry gave an overview of the Diversion statistics including one probation referral during July, one investigative referral in August and one probation referral in September totaling three for the quarter ending 9/30/2012. She reported that the Diversion Evaluation Committee conducted interviews on November 29, 2012 for the vacant positions on the Committee.

ENF 6 – Update on Implementation of Notice to Consumers of Licensure by the Dental Board (California Code of Regulations, Title 16, § 1065)

Sarah Wallace, Legislative and Regulatory Analyst, reported that in late October the Office of Administrative Law notified staff that the Board's rulemaking requiring dentists to provide notice to consumers of licensure by the Dental Board was approved and filed with the Secretary of State. The new regulatory requirement became effective on November 28, 2012.

The notice is required to be prominently posted in a conspicuous location accessible to public view on the premises where the dentist provides the licensed services. The notice must be in at least 48-point type font and include the following statement and information:

NOTICE TO CONSUMERS
Dentists are licensed and regulated
by the Dental Board of California
(877) 729-7789
www.dbc.ca.gov

To implement this new requirement, Board staff added information to Board's web site notifying all visitors of the new requirement. Additionally staff sent an email blast to all who have signed up to receive email notifications from the Board. As a courtesy, Board staff also provided a printable sign on the Board's web site.

Karen Fischer, Interim Executive Officer stated that a mass mailing will be done notifying all dental licensees about the new regulations regarding the Notice to Consumers and Sponsored Free Health Care Events.

There was no public comment.

The Enforcement Committee adjourned at 10:30 a.m.