



MINUTES FROM THE JOINT MEETING OF THE DENTAL BOARD AND DENTAL ASSISTING COUNCIL

Thursday, March 3, 2016

Humphreys Half Moon Inn & Suites
2303 Shelter Island Drive
San Diego, CA 92106

Members of the Board

Steven Morrow, DDS, MS, President
*Judith Forsythe, RDA, Vice President (Also a Council member)
Fran Burton, MSW, Public Member
Stephen Casagrande, DDS
Yvette Chappell-Ingram, Public Member
Katie Dawson, RDH
Luis Dominicis, DDS
Kathleen King, Public Member
Ross Lai, DDS
Huong Le, DDS, MA
Meredith McKenzie, Public Member
Thomas Stewart, DDS
*Bruce Witcher, DDS, (Also a Council member)
Debra Woo, DDS

Members Absent

Steven Afriat, Public Member, Secretary

Members of the Dental Assisting Council

Chair – Anne Contreras, RDA
Vice Chair – Emma Ramos, RDA
Pamela Davis-Washington, RDA
Teresa Lua, RDAEF
Tamara McNealy, RDA
Judith Forsythe, RDA
Bruce Witcher, DDS

Members Absent

JNT 1 - Call to Order/Roll Call/Establishment of Quorum

President Steven Morrow called the meeting to order at 1:45 p.m. Anne Contreras, Dental Assisting Council Chair, called the roll and a quorum was established.

JNT 2 - Approval of the December 3, 2015 Joint Dental Board and Dental Assisting Council Meeting Minutes.

A comment was made by Fran Burton that the word “spelling” in page 1 of the minutes was misspelled, and the words “introduced”, “occupational”, “recipient”, “subject”, “environments”, and “consistency” in page 4 of the minutes were also misspelled.

President Morrow asked that the motion be ammended to approve the corrected minutes.

The motioner (Dr. Whitcher) and seconder (Yvette Chappell-Ingram) agreed.

Support: Morrow, Forsythe, Burton, Casagrande, Chappelle-Ingram, Dawson, Dominicis, King, Lai, Le, McKenzie, Stewart, Whitcher, Woo, Contreras, Ramos, Davis-Washington Lua, McNealy. **Oppose:** 0 **Abstain:** 0

The motion passes.

JNT 3 - Dental Assisting Staff Update.

Sarah Wallace, Assistant Executive Officer gave a staff update. Ms. Wallace reported there are currently no vacancies in the dental assisting unit, two staff members are on leave of absence, and since the last Board meeting, two AGPA positions have been filled. Katie Le will be running the Educational and Course oversight program and Leslie Campaz will be running the Dental Assisting Regulatory Program. Ms. Wallace went on to mention that Katie will be responsible for planning the upcoming site-visits for Dental Assisting programs that need re-evaluations and will be working closely with Leslie Campaz regarding regulations and outlining areas of concern. Leslie will be taking the lead on the development of the regulatory workshops.

Ms. Wallace added that with the launch of Breeze in January 2016, the dental assisting unit is undergoing learning experiences and is trying to get acclimated to the new licensing program, but that she is pleased to report that the learning process is coming along quite well. Ms. Wallace also pointed out that because of the new licensing system in place, it is imperative that examination applicants submit their applications by the final filling date.

Questions:

Tamara McNealy, DAC member, asked for an update on the fulfillment of the dental assisting unit manager position per Business and Professions Code 1616.6. or if there exists a different provision to enable the Board to hire a manager solely dedicated to the dental assisting unit. Ms. Wallace responded there is currently no single manager overseeing the dental assisting unit due to not having position authority at this moment. Ms. Fischer commented that even though in statutes there are provisions for managers, often times the personnel department doesn't necessarily agree with that. Therefore it's been determined and stated as state policy that the dental assisting unit needs to have oversight, but not necessarily from a manager. In previous years there was a manager position overseeing the dental assisting unit, but that position was taken from the Board. However, in the future we will be trying to make the necessary changes to obtain that position back because we agree that the dental assisting unit needs a manager dedicated to that unit.

JNT 4 - Update on Registered Dental Assistants (RDAs) and Registered Dental Assistants in Extended Functions (RDAEFs) Practical Examinations Statistics.

Ms. Wallace gave an overview of the information provided. She explained that as was requested, the written examination and the law and ethics examination statistics information was compiled into one table that outlines the scores for each of the individual programs so it's easily accessible. She also disclosed that the statistics were pulled during the conversion period from the previous licensing system to Breeze and that there might be errors or inconsistencies in the information. She apologized and stated that staff is still getting acclimated to the new licensing and reports system.

Board Comment:

An inconsistency in the examination statistics was pointed out. Ms. Wallace confirmed it to be a typographical error and that it would be corrected.

President Morrow pointed out that the pass rate on the RDA written examination is not really showing a significant difference from the RDA practical examination pass rate and went on to pose the question if the Board considers the written examination pass rates satisfactory. Ms. Wallace responded that the Board contracts with the Office of Professional Examination Services (OPES) to develop our written examination and that it's a continual workshop process. Subject matter experts continually work on developing new questions and releasing different series of questions out into the PSI examination. She went on to state that based on the information she's been given by the Chief of OPES, a passing score of 65% to 72% is within the psychometrically valid range and that there is nothing in the statistics that would warrant concern at this moment.

Fran Burton commented that since the board presents the practical examination statistics broken up by month and by north, south and central regions, and since the question has been raised in the past about disparity between the past failures between the northern and southern regions, it would be helpful to see something else that shows a grand total.

Ms. Fisher added a comment and directed the Board and DAC members to look at the written examination statistics. She pointed out that it's the repeat examinees who continue to re-take the exam, that bring the overall pass rate down. She also stated that the question whether or not staff feels the pass rates are appropriate is really what all the Board and DAC members need to be looking at here. She asked if the Board and the Council feel that these pass rates are appropriate. Dr. Witcher commented that his understanding is that our pass rate on repeat exams should be much less if it's a valid exam. He added that the "exam people" are telling us that the exam should be a competency exam where the board is not grading to a curve but to a standard which should be tied back to the clinical duties at least in the practical exam. He doesn't believe we are quite there yet but he believes if we do the exam review through OPES we might be better able to answer that question.

Public Comment:

Zannia Delling, J and Z Dental Rentals and Seminars, asked why the 2015 written exam statistics report starts in April verses January through December. Ms. Wallace responded that she believes it is because we had already presented the statistics up

until the April meeting held last year. Therefore the present statistics are from April 2015 up until now.

JNT 5 – Update on Registered Dental Assistants (RDAs) and Registered Dental Assistants in Extended Functions (RDAEFs) Licensing Statistics.

Ms. Wallace gave an overview of the information provided.

Board Comment:

Fran Burton asked if the number of delinquencies is accurate and if there is any mechanism that can be utilized, to know if delinquent licensees are practicing or not. Ms. Wallace responded that if we receive a complaint then we would know or if one of our inspectors out in the field certifies they've got the licenses valid. She went on to say that it comes of no surprise to see such a high number of delinquencies due to the nature of the profession where a high percentage of the population often times stops practicing and does not renew their license. She added that the high number can also have something to do with the conversion over to Breeze and it's a possibility that it's not a true number, but that we are in the process of doing a lot of cleanup by running reports and identifying areas where there's deficiency's. Ms. Burton also asked if Breeze will facilitate something that alerts staff on approaching delinquencies. Ms. Wallace responded that one of our main goals for the dental assisting unit is to become more proactive when it comes to licensure, applications and better tracking of these to reduce the amount of calls we get. She believes that Breeze will afford us that opportunity; however she is still in the process of reviewing the types of information that can be pulled out of Breeze. Ms. Wallace also pointed out that licensees are required to notify the Board of their address changes, however there has been issues with licentiates failing to notify the Board of their address changes and therefore do not receive their renewal notices. She also mentioned that staff is currently working on collecting email addresses from licentiates which will help get in contact with the licensees and inform them of their delinquencies.

Ms. Fischer commented as a follow up to Ms. Burton's question as to if whether or not there is a mechanism to inform Board staff if there are delinquent licensees practicing or not. She stated that the responsibility falls on the supervising dentist to track that information. Dentists should be periodically checking that their employee's licenses are up to date because the Board doesn't have a way of tracking that. However she is hopeful that the gathering of email address will better enable us to contact licensees. Ms. Fisher added that we've had traditionally high statistics on delinquency rates and that another reason behind it could be that RDAEFs don't renew their RDA licenses because they're under the impression it's not necessary.

Anne Contreras asked if there's any way to reduce the delinquencies by notifying the dentists or perhaps place an announcement on our website or send out a newsletter informing the dentists how they can go online and check the license status of their staff. Ms. Wallace responded she would look into that and added that Breeze does allow dental auxiliaries to renew online, something which in the past was not feasible, but with Breeze up and running, we have seen a lot of people take advantage of this new online tool which makes the renewal process quicker. If there are no deficiencies at time or renewal, then the renewal is instantaneous, it is a live update and it will be reflected in

the license verification tool. Ms. Wallace went on to disclose a trend that staff has been seeing. There have been numerous cases of applicants that renew online or on paper format that answer “yes” to the renewal question that relates to fingerprints, but go out and spend money to get re-fingerprinted. If a licensee has already submitted a live scan form to the Board then there is no need to get re-fingerprinted every time they renew.

Tamara McNealy commented that she’s noticed that a lot of dental hygienists let their RDA license lapse once they obtain their RDH license because they don’t see the need to have a dual license. She went on to ask if in the mix of delinquencies are possibly 1st time licensees who don’t seem to understand even though they don’t have to submit their CE units the 1st time they renew, they do have to renew their license when they get the renewal form which will be before the 2 year mark. Ms. Wallace responded that is information we can pull from Breeze and that staff will look into this.

Dr. Dominicis asked if there’s a box on the renewal form that gives licensees the option to opt out of renewing their license. Ms. Wallace responded there is an option to renew as inactive but there is not an option to cancel the license. Dr. Casagrande mentioned that is probably another cause of why there are so many delinquent licenses.

Tamara McNealy pointed out that when she tried to register online through Breeze, her social security number could not be found. Therefore she wasn’t able to register online and rather she had to fill out a paper registration. She asked if any other licentiates have run into this problem. Ms. Wallace responded she would look into this issue.

JNT 6 – Staff Update on the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) Occupational Analysis of the Registered Dental Assistant (RDA) and Registered Dental Assistant in Extended Functions (RDAEF) Practical Examinations.

Ms. Wallace reported that the Board was able to meet the required goal of the percentage of responses needed in order for OPES to continue on with the analysis. The survey was successful according to OPES. Additionally, OPES moved forward and conducted 2 additional workshops, one in January and the other in February. Ms. Wallace went on to say that now that the workshops have been concluded, OPES will start to compile all the results from the surveys and the workshops that have been conducted over the last 6 to 8 months. Staff anticipates having a final report to the Board at the May 2016 Board meeting.

Questions:

Dr. Casagrande asked if OPES, when conducting their analyses, looks to other states to see how they license their registered dental assistants? Ms. Wallace responded that it’s to her understanding OPES surveys out the occupational analysis to all licentiates and educators in California. Dr. Casagrande additionally asked what is done in the workshops OPES conducts. Ms. Wallace responded they discuss the occupation and that they have dentist attend the workshop.

Dr. Witcher asked if we are getting the word out to the programs so they can schedule the practical exam. He gets asked all the time what the timeline is for the practical exam to remain in place. Ms. Wallace responded that at this time she cannot comment on

how long the practical exam has still left to go. It will all depend on the findings we get back from the occupational analysis and the action the Board and the Dental Assisting Council will take.

Dr. Casagrande asked if during the occupational analysis the question is being asked whether the clinical exam is necessary or not. Is the practical clinical exam a necessary licensure feature for an RDA? Additionally, is it being asked whether the clinical exam itself is being given in a fair manner.

Ms. Fischer commented that Heidi the chief of OPES gave a presentation at the December meeting that addressed the questions that Dr. Casagrande had asked and that she would be happy to explain them to him offline. She went on to mention that staff is moving forward assuming that the practical exam might not be suspended and is carrying on as normal. Once the Board receives a report from OPES, it can continue to discuss the challenges that may arise. Because this occupational analysis is not going to necessarily address all of the challenges that have been discussed throughout the years which are standardization of locations, equipment that's being used, and if we have an equitable examination across the state based on how we currently administer the examination. Those things still need to be discussed however that's a separate topic for another time.

JNT 7 - Discussion and Possible Action Regarding Legislative Counsel's Opinion, Dated February 10, 2016, Relating to the Registered Dental Assistant Practical Examination.

Ms. Fischer gave an overview of the information provided. She briefly discussed the legislative process that took place for Assembly Bills 178 and 179. She went on to state she expressed her concern to assembly woman Bonillas office that there may be some confusion about whether or not the Board can continue issuing RDA licenses if the Board did indeed suspend the RDA practical examination. Assemblywoman Bonilla office and staff always believed that would be the case and therefore requested a legal opinion by way of Legal Counsel to essentially define that. At that point Spencer Walker, Legal Counsel, clarified that even though it's not written clearly in statute, the Board has the authority to continue issuing RDA licenses without the requirement of applicants passing the practical examination. The Board can continue to issue RDA licenses to applicants whom pass the written examination and fulfill all of the requirements without having to pass the practical examination.

Ms. Fischer added a comment recommending that applicants not hold off to apply for licensure until the RDA practical exam is suspended in the hopes of not having to take the practical exam. Because there is the possibility that the practical exam will continue in place and will not be suspended. In the event that the practical is suspended, it would only be for a short period of time, at which point staff and the Board will work toward composing another practical exam, finding other ways to test the skills that might come out of this occupational analysis, or developing a stronger written exam.

Questions:

It was asked that in the event that the Board does vote to suspend the practical examination, what would happen to those candidates who took the written exam before

the suspension. Would they be able to apply for licensure? Also, for those who took the written exam and passed, but took the practical exam and failed it before the suspension, would they be able to apply for licensure?

Ms. Fischer responded affirmatively to both questions. She added that as long as all other exams and requirements are passed and fulfilled, the applicant would be able to get licensed. Even if they fail the practical exam before the suspension period, if they have successfully passed the other exams and have fulfilled all the other requirements, their application for licensure is still “alive”, and they would get a notice in the mail confirming their eligibility for licensure.

Claudia Pohl, CDAA, asked if there’s a timeframe in which people will be grandfathered in using the criteria discussed. In other words, how far back of a period would the Board allow applicants who have failed the practical exam, to now apply for licensure meeting all other requirements?

Ms. Wallace responded that applicants would have to have a “live” application in order to qualify. However staff would have to review this in a case-by-case basis.

President Morrow asked if the results of the written examination are valid for a specified period of time before having to re-take it if a given applicant hasn’t completed the application process.

Ms. Wallace responded that the current process is that if an applicant passes both written exams but fails to take the practical exam within 2 years, then that would be considered abandonment of application and applicant would have to re-apply for licensure and take all exams and fulfill all requirements again.

Ms. Fischer added that once the newly proposed regulations on Abandonment of Applications pass, then staff will have a better idea on how to monitor how much activity has been on an application and after a certain period of time it will be deemed abandoned. At that point the applicant would have to start all over again.

President Morrow asked once the abandonment of application regulations come into effect, would they be retroactive applying to previous applicants.

Spencer Walker confirmed they would be retroactive.

Pam Baldwin, RDA 4U, asked if the practical examination does get suspended, would the Board discontinue the examination dates immediately and would it send notices to candidates. She also asked how long would the practical exam be suspended for.

Ms. Wallace confirmed that the suspension of the practical exam would be immediate and staff would start the process of sending out notices to exam candidates.

Ms. Fischer stated that unless there’s a statutory change, the practical exam goes back into effect July 1, 2017.

JNT 8 – Update on Dental Assisting Council Regulatory Workshops.

Sarah Wallace gave an overview of the Boards plan to conduct regulatory workshops throughout 2016 for the purpose of developing the dental assisting comprehensive rulemaking package. She went on to describe how these meetings will be conducted and what the topics of discussion would be for the upcoming workshop as well as the possibility of having workshops in Southern California if staff is able to secure a location that would meet the Board's needs.

Questions:

It was asked if the workshops would only focus on RDA programs and not the RDAEF programs.

Ms. Wallace responded that both programs would be discussed.

Tamara McNealy asked how the Board wants stakeholders and others involved to implement their suggestions in the regulations.

Ms. Wallace responded that if a group of stakeholders has amendments they want considered they need to submit these in a written form to herself or Leslie Campaz. If the suggested amendments are received before the scheduled workshops, we will be able to bring these to the table during the workshop for discussion. No action will be taken at the workshops. The intention of the workshops is to discuss and get feedback from the council to be able to further develop the regulations and to bring back a solid regulatory proposal to the full board and the council for consideration.

Tamara McNealy commented for clarification purposes that there would be a timeframe to submit recommendations to staff and that the purpose of the workshop is strictly for discussion and not to take action on any single item.

Ms. Wallace responded affirmatively to both notions.

JNT 9 – Update on Dental Assisting Council Recruitment.

Sarah Wallace reported that effective the month of March, the initial term for one of the DAC members expired. Therefore the recruitment process has begun and concurrently staff has posted the announcement on the Boards website. At the May meeting, the Board can begin to consider appointments to fill that vacancy.

Dr. Whitcher commented that a change was implemented allowing for "term limits" for DAC members which will be implemented going forward. He then asked if a member served 1 term and applied for another term, would they presumably be able to serve for 2 terms.

Ms. Fisher responded that if a member has not served two full 4-year terms, then they are still eligible to apply to serve another term.

It was asked if the language found on page 2 applicable to an RDA applies to an RDAEF applicant as well.

Spencer Walker and Ms. Fischer confirmed the language to be applicable to an RDAEF as well.

JNT 10 - Public Comment on Items Not on the Agenda

Cara Miyasaki, Foothill College and Northern CA Educators Group, asked if it would be possible for educators to work collaboratively with the calibration or the examiners in regards to the grading criteria for the RDA written exam. As an educator it's really difficult to teach somebody how to fulfill the requirements but not know what the criterion is.

President Morrow thanked Ms. Miyasaki for her comment but let her know the Board cannot discuss her comment at this time except to agree to place it on the agenda at a future meeting.

JNT 11 - Adjourn Joint Meeting of the Dental Board and the Dental Assisting Council.

President Morrow adjourned the council meeting at 2:40 p.m.