

**DENTAL BOARD OF CALIFORNIA**

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**DENTAL BOARD OF CALIFORNIA  
QUARTERLY BOARD MEETING MINUTES**

**February 27-28, 2020**

DoubleTree by Hilton San Diego

1646 Front Street

San Diego, CA, 92101

**Members Present:**

Thomas Stewart, DDS, President  
Steven Chan, DDS, Vice President  
Joanne Pacheco, RDH, MAOB, Secretary  
Fran Burton, MSW, Public Member  
Ross Lai, DDS  
Lilia Larin, DDS  
Meredith McKenzie, ESQ, Public Member  
Steven Morrow, DDS, MS,  
Rosalinda Olague, RDA, BA  
James Yu, DDS, MS

**Members Absent:**

Alan Felsenfeld, DDS  
Abigail Medina, Public Member

**Staff Present:**

Karen M. Fischer, MPA, Executive Officer  
Sarah Wallace, Assistant Executive Officer  
Carlos Alvarez, Enforcement Chief  
Tina Vallery, Dental Assisting Unit Manager  
Wilbert Rumbaoa, Administrative Services Unit Manager  
Gabriel Nevin, Legislative and Regulatory Analyst  
Pahoua Thao, Associate Governmental Program Analyst  
Michael Kanotz, Legal Counsel  
Danielle Rogers, Legal Counsel

**THURSDAY, February 27, 2020**

**Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum**

The Board President called the meeting to order at 9:07 a.m. The Board Secretary called the roll and a quorum was established.

Agenda Item 2: Approval of November 14-15, 2019, Board Meeting Minutes Motion/Second/Call (M/S/C) (Burton/Yu) to approve the November 14-15, 2019 Board meeting minutes with the following changes:

- On Agenda Item 3, add Chief Consultant of the Assembly Business and Professions Committee before Robert Sumner, add as she ends her year, before the last sentence of the paragraph, delete the 6 at the end of ending, add Ms. Before Yvette Chappell- Ingram, add the before Executive Officer;
- On Agenda Item 6, add Ms. before Rosalinda Olague;
- On Agenda Item 10(a), capitalize the word State, under agenda item 15 of page 13, add Ms. Before Yvette Chappell-Ingram, add Process after Sunset Review, and add Ms. Before Yvette Chappell-Ingram towards the bottom of the page.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Felsenfeld, Medina.

Recusals: None.

The motion passed and the minutes were approved with the amended changes. There were no public comments.

### Agenda Item 3: Board President Welcome and Report

President Stewart welcomed all attendees and acknowledged the past President, Ms. Fran Burton, the past Vice President, Dr. Steven Morrow, Executive Officer, Karen Fischer, Assistant Executive Officer, Sarah Wallace, and Enforcement Chief, Carlos Alvarez in the success of the Sunset Review process. Dr. Stewart acknowledged Board members, staff and Legal Counsel, Michael Kanotz, for their contribution in the primary purpose of improving the lives of others. President Stewart reported that a one-day meeting will be held in Sacramento on the development of the Strategic Plan to carry the Board through the next four years. There were no public comments.

### Agenda Item 4: Report of the Department of Consumer Affairs (DCA) Staffing and Activities

The Department of Consumer Affairs (DCA) provided a written report which is available in the meeting materials published on the Board's website. The report covers updates regarding the Director's Quarterly and individual program meetings, DCA's new Regulations Unit at the Office of Legal Affairs, Fi\$Cal reports, Board Member orientation training, the annual filing of the Form 700, and the DCA Organizational Improvement Office.

Dr. Lai asked a question regarding the amount of the Board's budget allocated towards the DCA. Executive Officer Fischer provided a brief explanation of the pro-rata the Board pays to the DCA for the services it provides and stated that a more detailed report will be provided at a future meeting.

There were no public comments.

Agenda Item 5: Budget Report:

Wilbert Rumbaoa, Administrative Services Unit Manager, provided a report on the Board's funds it manages: the State Dentistry Fund and the State Dental Assisting Fund. As of January 10, 2020, the Board spent approximately \$5.6 million dollars or 36% of its total State Dentistry Fund appropriation for Fiscal Year (FY) 2019-20. Mr. Rumbaoa reported the State Dental Assisting Fund spent approximately \$671,000 or 26% of its total State Dental Assisting Fund appropriation for FY 2019-20.

Dr. Lai asked about the Board's savings. Mr. Rumbaoa responded that the savings is attributed to personnel services and pending contracts. Dr. Chan questioned if the funds in reserve roll over to the next fiscal year. Mr. Rumbaoa responded that the current year savings are transferred to funds in reserve and then gets rolled over. Dr. Larin asked for clarification on the reimbursements. Mr. Rumbaoa responded that there are some items that the Board reimburses which includes: fingerprinting and probation monitoring. Mr. Rumbaoa reported he would provide additional information at a future meeting.

There were no public comments.

Agenda Item 6: Discussion and Possible Action Regarding Appointment of New Registered Dental Assistant in Extended Functions (RDAEF) Examiners

Tina Vallery, Dental Assisting Unit Manager, reported the Board received an application from Dr. Frank Liu to serve as a RDAEF examiner. His qualifications were reviewed by Board staff and the Board's Chief RDAEF Examiner, Dr. Richard Frieden, and approval was recommended. Dr. Liu's Curriculum Vitae (CV) is available in the meeting materials.

M/S/C (McKenzie/Olague) to accept staff's recommendation to appoint Dr. Frank Liu as examiner for the RDAEF clinical and practical examinations.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Felsenfeld, Medina.

Recusals: None.

The motion passed. There were no public comments.

Agenda Item 7: Update Regarding Dental Assisting Council (DAC) Member(s)

Ms. Fischer provided an update regarding Dental Assisting Council members. There were no public comments.

At 9:47 a.m. the Board recessed to convene the Joint Full Board and Dental Assisting Council Meeting.

At 11:03 a.m. the Board reconvened in open session.

Agenda Item 8: Presentation by Carl Sonne, Senior Assistant Deputy Attorney General, Licensing Unit – Update of Attorney General’s Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies in Compliance with Business and Professions Code Section 312.2

Senior Assistant Deputy Attorney General, Carl Sonne, provided a background and update on the Attorney General’s Annual Report. There were no public comments.

President Stewart recognized and thanked Mr. Sonne for providing the information necessary to the Board.

Agenda Item 9(a): Review of Enforcement Statistics and Trends

Carlos Alvarez, Enforcement Chief, provided a report of the enforcement statistics and trends which is available in the meeting materials. Mr. Alvarez addressed Board Member’s questions regarding his report.

There were no public comments.

Agenda Item 10(a): Diversion Program Report and Statistics

Chief Alvarez provided the report, which is available in the meeting materials published on the Board’s website. Mr. Alvarez addressed Board Member’s questions regarding his report. Information regarding the Diversion Program costs and self-referrals will be provided at a future meeting.

There were no public comments.

Agenda Item 10(b): Update on Controlled Substance Utilization Review and Evaluation System (CURES) Report

Chief Alvarez provided the report which is available in the meeting materials published on the Board’s website.

There were no public comments.

At 1:20 p.m. the Board recessed to convene in closed session as a full Board to deliberate and take action on disciplinary matters and to discuss litigation.

At 2:30 p.m. the Board returned to open session.

At 2:32 p.m. the Licensing, Certifications, and Permit Committee convened in open session.

At 2:34 p.m. the Licensing, Certifications, and Permit Committee convened in closed session to discuss the issuance of new license(s) to replace cancelled license(s), General Anesthesia Permit Onsite Inspection and Evaluation Failure, and evaluation for Conscious Sedation Permits.

At 3:25 p.m. the Licensing, Certifications, and Permit Committee returned to open session.

At 3:27 p.m. the Licensing, Certifications, and Permit Committee adjourned.

At 3:29 p.m. the Board recessed until Friday, February 28, 2020.

### **Friday, February 28, 2020**

#### Agenda Item 11: Call to Order/Roll Call/Establishment of a Quorum

The Board President called the meeting to order at 9:00 a.m. The Board Secretary called the roll and a quorum was established.

#### Agenda Item 12: Executive Officer's

Ms. Karen Fischer, Executive Officer, provided a report, which is available in the meeting materials. There were no public comments.

#### Agenda Item 13: Report of the Dental Hygiene Board of California (DHBC) Activities

Dr. Timothy Martinez, DHBC President, and Anthony Lum, DHBC Executive Officer, provided a verbal report on their activities. There were no public comments.

Dr. Stewart and Dr. Morrow acknowledged and thanked President Martinez for working cohesively with the Dental Board.

#### Agenda Item 14: Presentation by Dr. Steven Friedrichsen – Update on the American Dental Education Association (ADEA) Compendium of Clinical Competency Assessment

Dr. Steven Friedrichsen, Dean at the College of Dental Medicine at Western University of Health Sciences, provided an update and presentation on the ADEA Compendium of Clinical Competency. There was no public comment. Dr. Stewart thanked and acknowledged Dr. Friedrichsen. Dr. Friedrichsen addressed Board member questions.

There were no public comments.

#### Agenda Item 15(a): Update on the Portfolio Pathway to Licensure

Tina Vallery, Dental Assisting Unit Manager, provided the report which is available in the meeting materials published on the Board's website. There were no public comments.

#### Agenda Item 15(b): Western Regional Examination Board (WREB) Report

Dr. Norm Magnuson, WREB representative, provided a verbal report and update regarding the WREB examination and data provided to the DCA Office of Professional Examination Services for review. Dr. Magnuson addressed Board member questions. There were no public comments.

Agenda Item 15(c): Update Regarding Implementation of the American Board of Dental Examiners (ADEX)

Tina Vallery, Dental Assisting Unit Manager, provided the report which is available in the meeting materials published on the Board's website. Ms. Vallery addressed Board member questions. There were no public comments.

Agenda Item 16(a) Review of Dental Licensure and Permit Statistics

Tina Vallery, Dental Assisting Unit Manager, provided the report which is available in the meeting materials published on the Board's website. Ms. Vallery addressed Board member questions. There were no public comments.

Agenda Item 16(b): General Anesthesia and Conscious Sedation Permit Evaluation Statistics

Tina Vallery, Dental Assisting Unit Manager, provided the report which is available in the meeting materials published on the Board's website. Ms. Vallery addressed Board member questions. There were no public comments.

Agenda Item 17: Update of the Dental Board of California 2017-2020 Strategic Plan  
Executive Officer, Karen Fischer, provided an overview of the Strategic Plan, which is available in the meeting materials. There were no public comments.

Agenda Item 18(a): 2020 Tentative Legislative Calendar – Information Only

Ms. Burton provided an overview of the 2020 Tentative Legislative Calendar. There were no public comments.

Agenda Item 18(b): Discussion and Possible Action on Tracking Legislation

Gabriel Nevin, Legislative and Regulatory Analyst, provided an overview of the bills the Board has currently been tracking: Assembly Bill (AB) 1263, AB 1998, Senate Bill (SB) 653, SB 776, SB 878. Summary of the bills are available in the meeting materials.

M/S/C (Burton/Morrow) to take a "watch" position on AB 1263.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Felsenfeld, Medina.

Recusals: None.

Mary McCune, California Dental Association (CDA), commented that the CDA is in support of AB 1263 as it relates to consumer safety.

The motion passed.

M/S/C (Burton/Chan) to take a "watch" position on AB 1998.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Morrow, Olague, Pacheco, Stewart, Yu.  
Nays: None.  
Abstentions: None.  
Absent: Felsenfeld, Medina.  
Recusals: None.

The motion passed. There were no public comments.

M/S/C (Burton/Chan) to take a “watch” position on SB 653.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Morrow, Olague, Pacheco, Stewart, Yu.  
Nays: None.  
Abstentions: None.  
Absent: Felsenfeld, Medina.  
Recusals: None.

Mr. Anthony Lum, DHBC Executive Officer, commented that the DHBC was watching the bill. Mary McCune, CDA, commented that the CDA is in support of the bill after months of negotiations with California Dental Hygienists’ Association (CDHA).

The motion passed.

M/S/C (Burton/Morrow) to take a “watch” position on SB 776.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Morrow, Olague, Pacheco, Stewart, Yu.  
Nays: None.  
Abstentions: None.  
Absent: Felsenfeld, Medina.  
Recusals: None.

Ms. Fran Burton commented that the process concerns her as she feels it is unfair for some students. Dr. Morrow agreed with Ms. Burton on the acceptance process and stated he believes the background check should come before the acceptance.

The motion passed.

M/S/C (Burton/Larin) to take a “watch” position on SB 878.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Morrow, Olague, Pacheco, Stewart, Yu.  
Nays: None.  
Abstentions: None.  
Absent: Felsenfeld, Medina.  
Recusals: None.

The motion passed. There were no public comments.

#### Agenda Item 19: Update on Pending Regulatory Packages

Mr. Nevin provided overview of the agenda item which is available in the meeting materials on the Board's website. Mr. Nevin addressed Board Member's questions. Ms. Burton acknowledged Mr. Nevin's work on moving the regulatory packages along. There were no public comments.

#### Agenda Item 20: Licensing, Certifications, and Permits (LCP) Committee Report on Closed Session

Dr. Lai, Chair of the LCP Committee, reported that the Committee met in closed session regarding applications for issuance of new license(s) to replace cancelled license(s) and whether to grant, deny, or request further evaluation for a conscious sedation (CS) Permits as it relates to an onsite inspection and evaluation failure. Dr. Lai and Ms. Olague presented the recommendations of the LCP Committee.

Ms. Olague reported the LCP Committee recommended denial of the CS Permit for the following candidate:

1. MD

Ms. Olague reported the LCP Committee recommended issuance of a new Registered Dental Assistant (RDA) license to replace a cancelled RDA license with the condition of successfully passing of the Combined California RDA Law & Ethics and General Written Examination for the following candidates:

1. CG
2. CM
3. JS
4. SS

M/S/C (Lai/Olague) to accept the LCP Committee's recommendations.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Felsenfeld, Medina.

Recusals: None.

The motion passed. There were no public comments.

#### Agenda Item 21: Public Comment on Items Not on the Agenda

There were no public comments for items not on the agenda.

#### Agenda Item 22: Board Member Comments on Items Not on the Agenda

Dr. Larin commented that the Centers for Disease Control and Prevention (CDC) issued alerts regarding the Coronavirus and asked how the Board is preparing to protect the public.



Dr. Morrow asked the Board discuss RDA educational programs be required to be approved by the American Dental Association (ADA) Commission on Dental Accreditation (CODA) as a future agenda item.

Agenda Item 24: Adjournment

The Board President adjourned the meeting at 11:00 a.m.