

DENTAL BOARD OF CALIFORNIA

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**DENTAL BOARD OF CALIFORNIA
TELECONFERENCE PUBLIC BOARD MEETING
MEETING MINUTES
FRIDAY, JULY 24, 2020**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.

Members Present:

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

Members Absent:

None.

Staff Present:

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Carlos Alvarez, Chief of Enforcement Field Offices
Bernal Vaba, Chief of Regulatory Compliance and Discipline
Tina Vallery, Chief of Administration and Licensing
Wilbert Rumbaoa, Administrative Services Unit Manager
Gabriel Nevin, Legislative and Regulatory Analyst
Pahoua Thao, Administrative Analyst
Michael Kanotz, Legal Counsel

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

The Board President called the meeting to order at 9:11 a.m. The Board Secretary called the roll and a quorum was established.

Agenda Item 2: Discussion and Possible Action Regarding May 14, 2020 and June 5, 2020, Board Meeting Minutes

Board staff requested the Board to table the May 14, 2020 for a future meeting.

Motion/Second/Call (M/S/C) (Morrow/Burton) to approve the June 5, 2020 Board meeting minutes.

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

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

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

Agenda Item 3: President's Report

President Stewart welcomed all attendees and acknowledged the Board staff's work to ensure the protection of the public while considering stakeholder's concerns. He pointed out that he is in constant communication with the Executive Officer and senior staff of the Board to better improve the Board's service. Dr. Stewart congratulated the class of 2020 and recognized Dr. Steven Friedrichsen, representative for the deans at the dental schools in California, on collaboratively working with the Board and agencies to create a pathway for licensure. Dr. Stewart also acknowledged and thanked the Western Regional Examining Board (WREB), American Board of Dental Examiners (ADEX), and the California Dental Association (CDA), and CDA representative, Ms. Mary McCune, for their proactive work in overseeing and addressing competency for licensure. Dr. Stewart reported the Board will focus on developing the next strategic plan and will work closely with the Department of Consumer Affairs (DCA) to determine if it will be held in-person or through WebEx Teleconference. There were no public comments

Agenda Item 4: Executive Officer's Report

Ms. Karen Fischer, Executive Officer, provided an update on the impact of the Coronavirus (COVID-19) pandemic on Board's operations. Additionally, she reported on budget updates which included Governor Newsom's action to borrow five (5) million dollars from the Board's fund and a budget letter released on April 30, 2020 by the Department of Finance – urging all agencies under the governor to reduce current years expenditures. She also provided updates regarding the Board's personnel activities, facility update, Executive Officer meeting with the Director of the DCA, Ms. Kimberly Kirchmeyer, the Dental Hygiene Board of California WebEx meeting held on May 9, 2020, Dr. Alan Felsenfeld's Board Meeting Orientation Training on June 25, 2020, and a meet and greet on July 26, 2020 with Ms. Sarah Wallace, Assistant Executive Officer, and Carrie Holmes, newly appointed Deputy Director of Board and Bureau Relations at the DCA. There were no public comments.

Dr. Morrow acknowledged the management team and Board staff's work.

Agenda Item 5: Report of the Dental Hygiene Board of California (DHBC) Staffing and Activities

Dr. Timothy Martinez, DHBC President, provided a verbal report on their activities.

Dr. Ross Lai commented there were reports of hygienists who were having issues with dental providers regarding patient care. Dr. Lai also asked how the Hygiene Board will handle the examination process due to impacts from the COVID-19 pandemic. Dr. Timothy Martinez responded the issues will have to be handled through human resource if both providers adhered to guidelines from the Centers for Disease Control and Prevention. Mr. Anthony Lum, DHBC Executive Officer, responded that the DHBC will do their best to enforce patient safety in the work environment. Additionally, he responded it would be out of the Hygiene Board's jurisdiction when it comes to employee relations. Mr. Lum reported that the DHBC is currently reviewing exam alternatives for its hygiene students and an update will be provided at their August 19, 2020 Board meeting. There were no public comments.

Agenda Item 6: Report of the Department of Consumer Affairs (DCA) Staffing and Activities

Ms. Carrie Holmes, newly appointed Deputy Director of Board and Bureau Relations of the Department of Consumer Affairs, provided a brief summary of her background and a verbal report on their activities. Ms. Holmes reported on appointments made by Governor Gavin Newsom: Lourdes Castro Ramirez appointed as the new Secretary of the Business Consumer Services and Housing Agency, Jennifer Simoes as the DCA's Deputy Director of Legislation; Christine Lally as the Chief Deputy Director of the DCA. She congratulated Dr. James Yu and Ms. Meredith McKenzie on their reappointment to the Dental Board. Additionally, Ms. Holmes congratulated Dr. Alicia Montell, DDS on her appointment to the Dental Board of California on July 23, 2020. There were no public comments.

Agenda Item 7: Discussion and Possible Action Regarding Appointment of Dental Assisting Council Member(s)

Ms. Rosalinda Olague, the Chair of the Dental Assisting Council (DAC) Subcommittee, reported that after a thorough review of the applicants, eight (8) candidates were interviewed by telephone: Cara Miyasaki, RDA, Jeri Fowler, RDAEF, Melodi Randolph, RDAEF, Belinda Irlanda, RDA, Elizabeth Balboa Brooks, RDA, Michelle Jawad, RDA, Norissa Ramirez, RDA and Traci Reed Espinoza, RDAEF. The subcommittee recommended Cara Miyasaki, RDA, and Jeri Fowler, RDAEF, to serve as faculty members and Michelle Jawad, RDA and Traci Reed Espinoza, RDAEF, to serve as clinical members for the DAC.

(M/S/C) (Chan/Felsenfeld) accept the Dental Assisting Council (DAC) Subcommittee's recommendation to appoint Cara Miyasaki, RDA, and Jeri Fowler, RDAEF employed as faculty members of an RDA educational program approved by the Board; Traci Reed Espinoza, RDAEF as a RDAEF member employed clinically in private dental practice or public safety net or dental health care clinics; and Michelle Jawad, RDA employed clinically in private dental practice or public safety net or dental health care clinics.

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

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

At 10:20 a.m. the Board recessed for a break.

At 10:35 a.m. the Board reconvened to open session.

Agenda Item 8(a): Update on New Dental Assisting Program and Course Applications

Tina Vallery, Chief of Administration and Licensing, provided the report, which is available in the meeting materials.

Ms. Fran Burton asked for a comparison of the total approvals for the dental assisting program and course applications compared to last year's results. Ms. Vallery responded she can provide an update at a future meeting. She reported the approval process has been moving rapidly since the revamping of the program and course applications process. There were no public comments.

Agenda Item 8(b): Update on Registered Dental Assistant (RDA) Program Re-Evaluations

Tina Vallery, Chief of Administration and Licensing, provided the report, which is available in the meeting materials.

Dr. Lilia Larin asked when the application process will be ready for dental assisting programs and courses. Ms. Vallery responded that Board staff is hoping to complete it before the initiation of the Dental Assisting Comprehensive Rulemaking. Dr. Steven Chan asked for clarification on programs that are deficient and if those programs responded to the deficiency status. Ms. Vallery responded that the Board works directly with the programs to mediate the deficiency status and had no issues in getting it resolved.

Ms. Claudia Pohl, California Dental Assistants Association (CDAA) representative, asked when an updated chart will be provided. Ms. Vallery responded that an update will be provided at a future meeting.

Agenda Item 8(c): Update on Dental Assisting Examination Statistics

Tina Vallery, Chief of Administration and Licensing, provided the report, which is available in the meeting materials.

Dr. Lai pointed out the orthodontist assistants have a high failure rate. Dr. Chan commented in support of Dr. Lai's comment. Ms. Vallery responded that she can reach out

to the Office of Professional Examination Services (OPES) for statistical data and provide it at a future meeting. Sarah Wallace, Assistant Executive Officer, reported that the Board is working on the orthodontist assistant written examination with the OPES and will provide more information at a future meeting. Dr. Traci Montez, Chief of Division of Programs and Policy Review at the DCA, commented that the Board is on schedule to complete the occupational analysis examination.

Ms. Claudia Pohl, CDAA representative, asked if the Board has considered publishing examinations in different languages. Ms. Vallery responded that an update can be provided at a future meeting.

Agenda Item 8(d): Update on Dental Assisting Licensing Statistics

Tina Vallery, Chief of Administration and Licensing, provided the report, which is available in the meeting materials. There were no public comments.

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

Carlos Alvarez, Chief of Enforcement Field Offices, provided the report, which is available in the meeting materials.

The Board members had a lengthy conversation regarding the enforcement process since the COVID-19 pandemic. Chief Alvarez addressed Board member questions. Dr. Larin asked about the continuing education (CE) audit process. Ms. Vallery reported that there are not a lot of individuals who fail the CE audit but will provide more information at a future Board meeting. Dr. Chan pointed out the California Dental Association's (CDA) is planning to cease its peer review process soon. Ms. Fischer responded that the CDA review licensees who have already been disciplined by the Board.

Mary McCune, CDA representative, reported the CDA is currently in the process of closing the peer review and no longer accepting new cases. She will provide updates to the Board at a future meeting.

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

Bernal Vaba, Chief of Regulatory Compliance and Discipline, provided the report, which is available in the meeting materials. There were no public comments.

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

Carlos Alvarez, Chief of Enforcement Field Offices, provided the report, which is available in the meeting materials. There were no public comments.

Dr. Lai asked how the unit addressed issues around pharmacies who refuse to refill patients' prescriptions. Chief Alvarez responded that the pharmacies typically reach out to the Board to notify why they are unable to refill the prescriptions. From there, the Board would initiate a complaint. There were no public comments.

Agenda Item 11: Report on the July 8, 2020 Meeting of the Elective Facial Cosmetic Surgery (EFCS) Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits

Karen Fischer, Executive Officer, provided a brief background of the EFCS Credentialing Committee. There were no public comments

The committee recommended issuance of permits for two applicants who were reviewed at the July meeting: Francesca Verratti Di Paolo, DDS, and Elise Ehland, DDS.

M/S/C (Larin/Felsenfeld) To issue permit to Francesca Verratti Di Paolo, DDS, and Elise Ehland, DDS, 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) privileges.

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

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

At 12:00 p.m. the Board recessed for lunch.

At 12:35 p.m. the Board reconvened to open session.

Agenda Item 12(a): Western Regional Examination Board (WREB) Report

Dr. Bruce Horn, Director of Dental Examinations for the WREB, provided an update regarding the WREB examination and the passing rates. Dr. Morrow thanked and acknowledged the WREB for working on the alternative exam. Dr. Morrow expressed concern regarding the fail rate around the endodontic examination. Dr. Horn responded that students might have failed the endodontic exam due to restricted ability to practice on a typodont. Dr. Lai asked if the WREB is developing a mannikin based exam to replace the live patient examinations for the RDAEFs. Dr. Horn responded that the OPES at the DCA would have to reach out to WREB to discuss the possibilities of developing an alternative exam. Dr. Horn addressed other Board member questions. There were no public comments.

Agenda Item 12(b): American Board of Dental Examiners (ADEX) Report

Dr. William Pappas, President of the ADEX, and Dr. Guy Champaine, Chief Executive Officer of the ADEX, provided an update regarding the ADEX examination and the passing rates. Dr. Pappas and Champaine addressed Board member questions.

Agenda Item 12(c): Update Regarding Office of Professional Examination Services Review on the WREB Mannikin Based Examination and ADEX CompeDont Examination

Sarah Wallace, Assistant Executive Officer, provided an update regarding the acceptance of the WREB Mannikin Based Examination and ADEX CompeDont Examination. Ms. Wallace reported that it was determined the Board accepted, without any further action necessary, the WREB and ADEX manikin-based examinations for dentist licensure in California.

Dr. Morrow asked if the non-patient-based exam format will be a permanent exam. Dr. Montez responded that the OPES believes the non-patient-based format will be the standard approach for testing. There were no public comments.

Agenda Item 13(a): Review of Dental Licensure and Permit Statistics

Tina Vallery, Chief of Administration and Licensing, provided the report, which is available in the meeting materials.

Dr. Chan asked if the Board recruited any dental professionals from the California Health Corps since the COVID-19 outbreak. Ms. Wallace reported there is currently one (1) dentist who pursued a licensure reinstatement with the Board. There were no public comments.

At 1:37 p.m. the Board recessed for break.

At 1:52 p.m. Board reconvened to open session.

Agenda Item 13(b): General Anesthesia and Conscious Sedation Permit Evaluation Statistics

Jessica Olney, Licensing Analyst, provided the report, which is available in the meeting materials. There were no public comments.

Agenda Item 14(a): 2020 Tentative Legislative Calendar

Gabriel Nevin, Legislative and Regulatory Analyst, provided an overview of the 2020 Tentative Legislative Calendar. There were no public comments.

Agenda Item 14(b): Discussion and Possible Action on Legislation:

Gabriel Nevin, Legislative and Regulatory Analyst, provided an overview of the bills the Board has currently been tracking: Assembly Bill (AB) 613, AB 1998, AB 2028, AB 2113, AB 2520, AB 2549, AB 3045, Senate Bill (SB) 878, SB 1168, SB 1474. Summary of the bills are available in the meeting materials. Ms. Fran Burton led the discussion and pointed out that AB 613 will not be discussed because some of the provisions were amended into SB 1474. Ms. Burton also commented that the Assembly will return to session for hearing on August 10, 2020 and the Senate will return on August 8, 2020.

(M/S/C) (Burton/Yu) to take a “watch” position on AB 1998.

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

Ms. Mary Mccune, CDA representative, urged the Board to take a support position on AB 1998. CDA believes it clarifies consumer protection and the specifications around the radiographic requirement for orthodontic treatment.

The motion passed.

(M/S/C) (Burton/Morrow) to take an “oppose” position on AB 2028 and send a letter to the author outlining concerns regarding the Board’s ability to provide accurate and updated information at Board meetings. Specifically, the language would prevent discussions at the Board meetings regarding regulations and other new materials sent from stakeholders and the public.

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

The motion passed. There were no public comments.

(M/S/C) (Burton/Morrow) to take a “support” position on AB 2113 and send a letter to the author. The Board believes the actions in the bill will result in increased access to dental services for Californians as it will expedite the licensure process for new community members to become dental practitioners.

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

The motion passed. There were no public comments.

(M/S/C) (Burton/Lai) to take a “support” position on AB 2520 and send a letter to the author indicating the bill would require a health care provider including Board licensed dentists to provide an employee of a nonprofit legal services entity representing a patient a copy of the patient’s medical records at no charge if the records are needed to make a claim or appeal a determination of eligibility for a public benefit program. The bill

also would prohibit a health care provider from charging a fee for filling out forms for providing information that supports a claim or eligibility.

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

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

(M/S/C) (Morrow/Yu) to take an “oppose” position on AB 2549 and send a letter to the author indicating the Board already has a Licensure by Credential Pathway for Dentist licensees, which allows dentists licensed in other states to apply for licensure in California. Additionally, the bill imposes a 30-day limitation on processing the out of state temporary license applications which limits the Board’s capacity for a thorough review of the licensee’s fitness to practice in California.

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

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

(M/S/C) (Larin/Felsenfeld) to take an “oppose” position on AB 3045 and send a letter to the author outlining concerns regarding the restriction on the Board’s oversight authority over the RDA and RDAEF licensee population. Some states do not license RDAs or RDAEFs at all and the Board is unable to offer a reciprocal license.

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

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

M/S/C) (Stewart/McKenzie) to take an “watch” position on SB 878.

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

Nays: None.
Abstentions: None.
Absent: None.
Recusals: None.

The motion passed. There were no public comments.

M/S/C) (Stewart/Burton) to take an “watch” position on SB 1168.

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

Nays: None.
Abstentions: None.
Absent: None.
Recusals: None.

The motion passed. There were no public comments.

(M/S/C) (Burton/McKenzie) to take an “oppose” position on SB 1474 and send a letter to the author indicating the bill would reverse the policies the Board already determined for dentist to gain licensure as all candidates required to pass the prosthodontic section of the WREB examination. The Board’s highest priority is protection of the public health and the Board is opposed to allowing applicants to gain licensure using an examination which does require applicants to demonstrate competency to be licensed.

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

Nays: Chan, Felsenfeld, Larin, Medina.
Abstentions: None.
Absent: None.
Recusals: None.

Mary Mccune, CDA representative, commented CDA is in support of the bill and believes it will clean up AB 1519. Ms. Mccune also pointed out that there was no statutory requirement for individuals to take the prosthodontic section of the exam prior to January 1, 2020.

The motion passed.

Agenda Item 15(a): Update on Pending Regulatory Packages

Gabriel Nevin, Legislative and Regulatory Analyst, provided an overview of the agenda item which is available in the meeting materials published on the Board’s website. There were no public comments.

Agenda Item 16: Discussion and Possible Action Regarding Meeting Dates for 2021

Pahoua Thao, Administrative Analyst, provided the proposed meeting dates for 2021:

- February 25-26, 2021
- May 12-13, 2021
- August 19-20, 2021
- November 18-19, 2021

There were no public comments.

Agenda Item 17: Public Comment on Items Not on the Agenda

Ms. Claudia Pohl, CDAA representative, on behalf of CDAA, California Association of Dental Assisting Teachers, and Dental Assisting Educator's Group of California, requested the Board to reevaluate the minimum qualifications relative to infection control for dental assistants.

Agenda Item 18: Board Member Comment on Items Not on the Agenda

Dr. Lai commented that he is hopeful the new Dental Assisting Council members will be active in assisting with future agenda items.

Agenda Item 12: Adjournment

The Board President adjourned the meeting at 3:23 p.m.