



**DENTAL BOARD OF CALIFORNIA
MEETING MINUTES
August 19-20, 2021**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, the Dental Board of California (Board) met on August 19-20, 2021, via teleconference/WebEx Events, and no public locations or teleconference locations were provided.

Members Present:

Joanne Pacheco, RDH, MAOB, President
Rosalinda Olague, RDA, BA, Vice President
Alan Felsenfeld, DDS, MA, Secretary
Fran Burton, MSW, Public Member
Steven Chan, DDS
Lilia Larin, DDS
Meredith McKenzie, Esq., Public Member
Angelita Medina, Public Member
Mark Mendoza, Public Member
Sonia Molina, DMD, MPH
Alicia Montell, DDS
Steven Morrow, DDS, MS
Thomas Stewart, DDS
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
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
Kayla Surprenant, Dentistry Licensing and Examination Unit Manager
Emilia Zuloaga, Dental Assisting Program Manager
Daniel Rangel, Supervising Special Investigator I
Mirela Taran, Administrative Analyst
Tara Welch, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

1:30 p.m., Thursday, August 19, 2021

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

The Board President, Ms. Joanne Pacheco, called the meeting to order at 1:56 p.m. The Board Secretary, Dr. Alan Felsenfeld, called the roll; 14 Board Members were present, and a quorum was established.

Agenda Item 2: Public Comment on Items Not on the Agenda

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

Agenda Item 3: Discussion and Possible Action on May 13, 2021, May 14, 2021, and June 14, 2021 Board Meeting Minutes

Motion/Second/Call (M/S/C) (Morrow/Burton) to approve the May 13, 2021, May 14, 2021, and June 14, 2021 meeting minutes with no changes.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 4: Board President Report

President Pacheco indicated that she looks forward to meeting again in person. She thanked the Board Executive Officer and Board staff for their efforts in maintaining Board operations during the continued Coronavirus (COVID-19) pandemic. President Pacheco reported that she continues to attend weekly meetings with the Board's Executive Officer. She mentioned that the members of the Board individually, as well as collectively, are dedicated to the legislative mandate that protection of public shall be their highest priority. There were no public comments made on this item.

Agenda Item 5: Executive Officer Report

Ms. Karen Fischer, Executive Officer, provided an update on the Board's staff vacancies, DCA Annual Report, registered dental assistant in extended functions (RDAEF) clinical and practical examinations, and discussed the Board's strategic plan. Ms. Fischer mentioned that the Board is continuing to improve the investigative processes within the enforcement program with an emphasis on the protection of the California consumer. Enforcement managers and Board consultants, Dr. Paul Jo and Dr. Patrick Schenk, have been working for over a year to develop subject matter expert (SME) training and guidelines. SME training sessions have been scheduled for September 15, 2021, and October 1, 2021. Ms. Fischer also stated that the annual election of officers for the Board will take place at the November meeting.

Board Member, Dr. Steven Morrow, inquired about the process of recruiting SMEs and whether they provide a paid service or a volunteer service. Mr. Carlos Alvarez, Chief of Enforcement Field Offices, explained that SMEs are paid for reviewing cases. He mentioned that if the Board wishes to recruit, it would obtain a recommendation from an expert. In addition, the Board reaches out to universities to inquire whether they have anyone who would be interested in becoming an expert with the Board. Dr. Morrow asked whether it is within the scope for a Board Member to recruit a SME. Ms. Fischer and Board Counsel, Ms. Tara Welch, answered that Board Members could direct potential expert candidates to the Board for additional information.

There were no public comments made on this item.

Agenda Item 6: Report on Department of Consumer Affairs (DCA) Activities

Ms. Brianna Miller, Board and Bureau Relations Manager, provided a departmental update. After September 30, 2021, all boards and committees will be required to return to in-person meetings with publicly noticed meeting locations. California is implementing enhanced safety measures for state employees and healthcare settings. State employees will be required to provide proof of COVID-19 vaccination or be subject to weekly testing. DCA waivers are in the process of coming to an end, although some waivers might be extended. Boards are encouraged to move forward with statutory and regulatory changes as soon as feasible. Ms. Miller emphasized that 2021 is a mandatory training year for sexual harassment prevention. As a result, all employees and Board Members are required to complete training during the year.

There were no public comments made on this item.

Agenda Item 7: Budget Report

Mr. Wilbert Rumbaoa, Administrative Services Unit Manager, provided a report on the State Dentistry Fund, which the Board manages, for FY 2020-21. As of May 31, 2021, the Board spent approximately \$13.4 million of its total State Dentistry appropriation. Of that amount, approximately \$7 million of the expenditures were for Personnel Services and \$6.4 million were for Operating Expenses and Equipment. Based on reports received from DCA, the Board is expected to revert \$2.6 million dollars at the end of the fiscal year.

Secretary Felsenfeld, inquired whether a budget gets cut if a federal government agency does not utilize all of its funds. Mr. Rumbaoa replied that after reviewing the Board's budget drills, it is not expected for the budget appropriation to be reduced at this time. Board Member, Ms. Meredith McKenzie, commented that by looking at the months in reserve, the Board Fund is going down drastically. She noted that in the future, the Board should consider whether it is an issue that the Board is getting down to a projected 3.8 months in reserve. Board Member, Dr. Lilia Larin, asked whether the Board collected interest from the state loan being taken from the Dental Fund. Mr. Rumbaoa replied that the general fund loan of \$5 million has not been repaid, but the control section has been repaid in the amount of \$984,000. Mr. Rumbaoa will obtain

more information by the next Board meeting on the exact percentage on the interest amount for the \$5 million loan and whether the \$984,000 has accrued interest. Ms. Sarah Wallace, Assistant Executive Officer, mentioned that the Board is currently working with the DCA Budget Office on monitoring the Board's fund. She elaborated that while the months in reserve are significantly reducing year over year, at this point, financial issues are not foreseeable.

There were no public comments made on this item.

Agenda Item 8: Discussion and Possible Action Regarding the American Dental Association (ADA) Dental Licensure Objective Structured Clinical Examination (DLOSCE) as a Pathway to Licensure

Ms. Fischer provided the report, which is available in the meeting materials.

(M/S/C) (Burton/Felsenfeld) to request the DCA Office of Professional Examination Services (OPES) review the ADA DLOSCE for compliance with California state examination requirements and report back to the Board at a future meeting.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. The Board received public comment. Dr. David Carsten, American Dental Association (ADA) and Joint Commission on National Dental Examinations (JCNDE) representative, thanked the Board for considering the DLOSCE for licensure.

At 2:52 p.m., the Board recessed for a break.

At 3:00 p.m., the Board reconvened.

Agenda Item 9: Report Regarding May 25, 2021 California Department of Public Health Statewide Partnership for Oral Health Meeting

Board Member, Ms. Fran Burton, provided a report regarding the May 25, 2021 meeting of the California Department of Public Health (DPH) Statewide Partnership for Oral Health. During the May 25, 2021 meeting, there were discussions on the statistics of sugary drinks consumed by children, Our Choice project that the DPH is conducting, and hydration programs in Oakland schools. Ms. Burton mentioned that the impact of COVID-19 has led to exponential decay and lack of treatment and coverage for about 6 million families and children who lost their dental coverage.

Board Member, Dr. Sonia Molina, inquired whether the legislation passed to reduce consumption of sugary drinks and sodas is the reason for the decrease in the number of

carries in 3rd graders. Ms. Burton responded that she does not believe so, due to the fact that 61% of children and 50% of adults consumed at least one sugary drink daily in the statistics going back to 2014. Board Member, Dr. Thomas Stewart, asked Ms. Burton to elaborate on the hydration programs in Oakland schools.

There were no public comments made on this item.

Agenda Item 10: Recess Open Session

President Pacheco recessed the Open Session at 3:09 p.m.

Agenda Item 11: Convene Closed Session

At 3:11 p.m., the Board convened Closed Session.

Agenda Item 12: Pursuant to Government Code Section 1126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

The Board convened in Closed Session to discuss disciplinary matters.

Agenda Item 13: Adjourn Closed Session

President Pacheco adjourned Closed Session at 3:26 p.m.

Agenda Item 14: Reconvene Open Session

President Pacheco reconvened Open Session at 3:27 p.m.

Agenda Item 15: Recess until Friday, August 20, 2021

At 3:29 p.m., the Board recessed until Friday, August 20, 2021.

9:00 a.m. Friday, August 20, 2021

Agenda Item 16: Reconvene – Call to Order/Roll Call/Establishment of a Quorum

President Pacheco called the meeting to order at 9:08 a.m. Secretary Felsenfeld called the roll; fourteen (14) Board Members were present, and a quorum was established.

Agenda Item 17: Dental Assisting Council (DAC) Meeting Report

Ms. Jeri Fowler, Vice Chair of the DAC, provided a verbal report to the Board regarding the DAC's August 19, 2021 meeting. There were no public comments made on this item.

Agenda Item 18: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code (BPC) Section 1750, Infection Control Course Requirements for Unlicensed Dental Assistants

Ms. Emilia Zuloaga, Dental Assisting Program Manager, provided the report, which is available in the meeting materials. At its April 30, 2021 meeting, the DAC discussed whether the infection control course requirements for unlicensed dental assistants should

be amended to increase consumer protection. After reviewing the proposed options to amend the statute, the DAC took action to recommend the Board consider a legislative proposal to amend BPC Section 1750. The Board was asked to discuss and approve the DAC's recommendation.

(M/S/C) (Felsenfeld/Yu) to accept the DAC's recommended legislative proposal to amend BPC Section 1750 and submit the legislative proposal to the California State Legislature for inclusion in a future healing arts omnibus bill or as part of the Board's next Sunset Review report.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: Olague.

Absent: None.

Recusals: None.

The motion passed. The Board received public comment. Mary McCune, representing California Dental Association (CDA), expressed opposition to this specific proposal because in light of COVID-19 and before, there was no evidence of transmission of airborne diseases in a dental facility. Ms. McCune expressed concern with requiring an 8-hour course before allowing dental assistants to provide substantive dental services and offered to continue discussions on these issues.

Ms. Melodi Randolph, California Association of Dental Assisting Teachers (CADAT) and the Dental Assisting Educator's Group representative, voiced her concern with CDA's comments and expressed support for the legislative proposal.

Dr. Bruce Witcher, representing CDA and himself, opposed the legislative proposal citing a survey that fewer than 1% of nationwide dentists tested positive for COVID-19, and fewer than 1% of the allegations of Dental Practice Act violations submitted to the Board involved infection control practices. Dr. Witcher states the legislative proposal will be a barrier on entry to the workplace and recommended the Board examine these issues further.

Agenda Item 19: Discussion Regarding RDAEF Administering Local Anesthesia and Nitrous Oxide and Merging RDAEF Scope of Practice

Ms. Sarah Wallace provided the report, which is available in the meeting materials. At its November 2018 meeting, the DAC heard a presentation from Joan Greenfield, RDAEF, MS, regarding a proposal to add the administration of local anesthesia and nitrous oxide to the scope of practice of RDAEFs licensed on or after January 1, 2010, as an optional post-licensure permit with conditions determined by the Board. During this meeting, the DAC discussed the necessity of adding the administration of local anesthesia and nitrous oxide to the scope of practice for RDAEFs and expressed concern for public protection. The DAC directed staff to conduct more in-depth surveys

of both dentists and a larger sample of RDAEFs to assess their opinions on adding the administration of local anesthesia and nitrous oxide to the RDAEF scope of practice. In addition, the DAC directed the formation of a working group consisting of dentists, hygienists, RDAEFs, and other interested stakeholders to research and evaluate the proposal, and recommended the Board consider exploring the possibility of eliminating the multiple layers of RDAEF certifications by incorporating all of them under one general RDAEF license. Ms. Wallace advised the Board that it does not have sufficient staff resources to conduct the surveys requested by the DAC. Board staff determined that in order to move forward with the DAC's request, a Board Member would be needed to assist staff with the surveys and working groups.

Board Member, Dr. Alicia Montell, asked for clarification regarding the 50-hour competency course instruction. Ms. Wallace responded that the 50-hour competency course was given to the Board by the DAC.

The Board Members held a robust discussion of the issues. Ms. Burton was not convinced of the need for the surveys. Ms. McKenzie would support the study because there was no information on whether or not to proceed with the DAC's recommendation on RDAEF certifications. Ms. Olague agreed with Ms. McKenzie and supported further exploration of these issues. Dr. Morrow stated he had spoken to faculty members who employ RDAs and RDAEFs and the need to refresh anesthetic treatment; there is a need to get more information on these issues.

Dr. Molina inquired how much it would cost the Board to study these issues. Dr. Morrow noted the Board's mandate to protect the public and stated the Board should not be concerned about the cost of performing a survey if it will protect the public.

Ms. Burton stated that the DAC recommendation did not provide enough detail as to their request. Since the proposal was not well-defined, she expressed concern with the Board moving forward at this time. Dr. Larin agreed and stated it was unclear what the DAC intended to be studied. Dr. Montell favored a study, but stated there was not enough information from the DAC.

(M/S/C) (Felsenfeld/Olague) to conduct more in-depth surveys of both dentists and a larger sample of RDAEFs to assess their opinions on adding the administration of local anesthesia and nitrous oxide to the RDAEF scope of practice.

Ayes: Larin, McKenzie, Medina, Morrow, Olague.

Nays: Burton, Chan, Felsenfeld, Mendoza, Molina, Montell, Pacheco, Stewart, Yu.

Abstentions: None.

Absent: None.

Recusals: None.

The motion was failed. The Board received public comment. Claudia Pohl, representing California Dental Assistants Association (CDAA), indicated that they would support

exploring and gathering more data and information for the potential scope of practice change for the RDAEF. Ms. Pohl stated that if the Board decides not to move forward with this, she would hope that the DAC, as allowed in BPC section 1742, would request in writing from the Board its reasoning for rejecting the recommendation. Ms. Randolph also expressed support for research.

Ms. Greenfield verbalized that a comprehensive survey on the need for this was presented at the Board meeting several times including in 2018, and she hopes the Board moves forward with getting information the Board feels it needs to make a decision. Dr. Witcher stated that he would question the use of Board resources to carry out this task if the Board does decide to devote resources to expanding the practice scope of RDAEFs. Dr. Witcher advised the Board to consider enlisting the aid of an outside agency, such as OPES, if they do decide to conduct this task and to consider the cost of training. Anthony Lum, Executive Officer of the Dental Hygiene Board of California, opined on the anesthesia education required for dental hygienists and noted that both local anesthesia and nitrous oxide are potentially harmful procedures for the patient that require a lot of time and knowledge to administer safely and appropriately. Ariane Terlet spoke in opposition to this practice scope expansion. Dr. David Gibson stated dentists have to leave one patient to add more numbing to another patient, and expanding the RDAEF practice scope would help dentists with patient care.

At 10:26 a.m., the Board recessed for a break.

At 10:40 a.m., the Board reconvened.

Agenda Item 20: Licensing, Certification, and Permits Committee (Committee) Meeting Report

Dr. Steven Chan, Chair of the Board's Licensing, Certification, and Permits Committee (Committee), provided a verbal report on the Committee's August 19, 2021 meeting.

Dr. Chan reported the Committee recommended denial of the Conscious Sedation (CS) Permit for the following candidate:

1. CS

(M/S/C) (Molina/Mendoza) to accept the Committee's recommendation to deny the CS Permit.

Ayes: Burton, Chan Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 21: Enforcement - Review of Statistics and Trends

Mr. Alvarez provided the report, which is available in the meeting materials.

Ms. Burton asked for an explanation of a typical Subsequent Arrest Report (SAR) case. Mr. Alvarez responded that the majority of SARS (for both dentists and registered dental assistants) indicate arrests for driving under the influence (DUI), misdemeanor battery, and domestic violence. Dr. Chan inquired whether there are any trends in probation cases. Mr. Alvarez replied that with all of his unit's probation cases, audits are conducted. Supervisors meet with staff to go over notes. If they identify whether there are issues with certain probationers, the supervisor would prepare a report for the executive team and review the cases to ensure that the probationers are compliant and within their terms. Dr. Morrow asked for an explanation of the difference between sworn and non-sworn officers, as well as what factors are making it necessary to extend the closing of the case for more than three years. Mr. Alvarez responded that sworn officers have attended the police academy and have authority to make arrests and execute search warrants, while non-sworn officers have no peace officer power. The cases that extend over three years are all fraud cases submitted to the Board from consumer insurance companies.

The Board received public comment. Dr. Witcher commented he has not heard about any dental office COVID-19 transmission complaints; examining such complaints may help support or explain the need for new infection control course requirements.

Agenda Item 22: Substance Use Awareness

Agenda Item 22(a): Diversion Program Report and Statistics

Mr. Bernal Vaba, Chief of Regulatory Compliance and Discipline, provided the report, which is available in the meeting materials. Mr. Vaba mentioned that the next Diversion Evaluation Committee Meeting is scheduled for October 20, 2021. There were no public comments made on this item.

Agenda Item 22(b): Controlled Substance Utilization Review and Evaluation System (CURES) Report

Mr. Alvarez provided the report, which is available in the meeting materials.

Dr. Morrow inquired whether the Board is provided information on CURES data on out-of-state licensees. Mr. Alvarez responded that the Board does not receive that information, but he would reach out to the Board's Deputy Attorney General (DAG) liaison for more information. Dr. Chan inquired if it would be of value to gather statistics of licensees who drop out of CURES by surrendering their Drug Enforcement Administration (DEA) license. Mr. Alvarez responded that to obtain this data, the Board would have to go through the DCA liaison and meet with CURES stakeholders. Dr. Larin asked if the Board can prescribe narcotics via e-scripts and whether e-scripts are reported to the CURES database. Mr. Alvarez replied that narcotics can be prescribed via e-scripts. Further, once an e-script is issued, the dispenser reports the information to

CURES, but Mr. Alvarez was not certain whether e-scripts can be automatically reported to the CURES database.

There were no public comments made on this item.

Agenda Item 23: Examinations

Agenda Item 23(a): Update Regarding Merger of Commission on Dental Competency Assessment (CDCA) and the Western Regional Examining Board (WREB)

Ms. Wallace provided the report, which is available in the meeting materials.

Dr. Morrow provided a report on his July 2021 WREB's dental exam review meeting. He noted that the two organizations (ADEX and WREB) discussed their merger. Dr. Morrow stated that the exam will be the closest exam to a universal licensing examination in the United States in the sense that it would be accepted in 49 of the 50 states. Dr. Chan stated that these two organizations are constructing their examination on the premise that judgment and decision-making are important, and it is consistent with the Board's role to protect the public. Dr. Molina mentioned that the exam will be safer for the public as the students will be practicing on typodonts and not on actual patients.

The Board received public comment. Sade stated that this merger will be beneficial for people who are in the military and move state to state.

Agenda Item 23(b): WREB Report

Dr. Bruce Horn, Director of Dental Examinations for WREB, provided a verbal update of the WREB examination. The 2022 WREB examination has no changes to content or administration and will be the same examination that was offered and implemented last year. Dr. William Pappas, President of ADEX, commented that this merger provides benefit to all of their stakeholders, which include candidates, schools, boards, and educators. As a single national clinical exam universally accepted by all state dental boards, this new exam truly is a national exam. Dr. Pappas further stated that this exam will give educators an opportunity to prepare their students for a single examination and provide valid results to state dental boards.

Agenda Item 23(c): American Board of Dental Examiners (ADEX) Report

Dr. Pappas provided a verbal update of the ADEX examination. Dr. Pappas welcomed WREB to the ADEX family. The combined organization intends to administer both the ADEX exam and the current WREB exam throughout 2022 to fulfill commitments made to students who have already begun that pathway to licensure. By the beginning of 2023, the ADEX exam will be offered in every dental school in the United States, Puerto Rico, and the U.S. Virgin Islands. Dr. Pappas stated that the WREB and ADEX exams test the same skill set.

Dr. Guy Champaine, former Chief Executive Officer of ADEX, mentioned that the exam identifies individuals who do not perform exceptionally, as a licensure exam is meant to identify those who are not ready for a license. He further stated that two of the criticisms

of the integrated exam are predictive value and single encounters. Dr. Pappas mentioned that the DSE OSCE is one of the most advanced computer-based exams seen today. By January 01, 2023, only one universal exam with universal portability and a non-patient alternative will be present, which is the beginning of a new era of dentistry.

Dr. Montell asked for more information on where coverage of pediatric dentistry is seen and the reason as to why there is no clinical piece to that. Dr. Champaine stated that the exam is based on an occupational analysis of what entry-level dentists do. The exam does test pediatrics in the OSCE section because it seems that entry-level dentists in their first five years of practice do not perform pediatric dentistry; they evaluate and refer to pediatric dentists. Dr. Morrow inquired whether the new entity will be offering a patient-centered, curriculum-integrated format for the next exam. Dr. Champaine responded that they will have to offer that format as there are three states that require a patient-based exam.

The Board received public comment. Dr. Witcher commented that the Board moved to have OPES review the Dental Licensure Objective Structured Clinical Examination (DLOSCE) that is being proposed by the Joint Commission on National Dental Examinations (JCNDE). If this comes to fruition, there could potentially be two licensure pathways in California. David Waldschmidt responded to a statement that was made that conflicts with the statement he made when the Joint Commission presented in May.

At 11:58 a.m., the Board recessed for lunch.

At 12:30 p.m., the Board reconvened.

Agenda Item 24: Licensing, Certifications, and Permits

Agenda Item 24(a): Review of Dental Licensure and Permit Statistics

Ms. Jessica Olney, Anesthesia Unit Manager, provided the report, which is available in the meeting materials. There were no public comments made on this item.

Agenda Item 24(b): General Anesthesia and Conscious Sedation Permit Evaluations Statistics

Ms. Olney provided the report, which is available in the meeting materials. Secretary Felsenfeld inquired whether the Board has general anesthesia evaluators perform conscious sedation evaluations when the Board has trouble obtaining evaluators. Ms. Olney stated that the Board does so on occasion. However, the Board always attempts to have one conscious sedation evaluator or one conscious sedation permit holder. In these cases, the Board's current regulations state that the evaluator has to be familiar with the method of administration, but does not specify that it must be a similar permit holder.

The Board received public comment. Dr. Witcher commented that it is refreshing to see the number of evaluations performed increasing after 2020. It is pleasing to witness the

Board cleaning up non-compliant permits and that things are heading in the right direction with the program.

Agenda Item 25: Legislation – Update, Discussion, and Possible Action on:
Agenda Item 25(a): 2021 Tentative Legislative Calendar

Ms. Burton provided an overview of the 2021 Tentative Legislative Calendar, which is available in the meeting materials. There were no public comments made on this item.

Agenda Item 25(b): Discussion and Possible Action on Pending Legislation

Ms. Fischer provided the report, which is available in the meeting materials. Board staff identified nine bills, Assembly Bill (AB) 526, AB 885, AB 1552, Senate Bill (SB) 534, SB 607, SB 652, and SB 772, of potential interest to the Board. Ms. Fischer reported that since the posting of the meeting materials, AB 1552 died in the Assembly Business and Professions Committee, and there was no action required from the Board. In addition, SB 652 by Senator Bates will not be moving forward this legislative session. Ms. Fischer presented the following five bills that may have direct impact on the Board for review and consideration.

AB 526

AB 526 would allow dentists with the necessary training to administer influenza and COVID-19 vaccines approved by the United States Food and Drug Administration (FDA). This bill would also add dentists to the list of persons qualified to be a laboratory director for purposes of the federal Clinical Laboratory Improvement Amendments (CLIA) program which would authorize dentists to perform waived tests such as rapid point-of-care tests for COVID-19.

The Board has submitted a support letter for AB 526. Ms. Fischer stated that this bill is moving through the legislature. Ms. Fischer suggested that the Board continue to support this bill. Dr. Chan mentioned that he is very supportive of legitimizing dentists as part of the distribution system of a vaccine. Drs. Morrow and Larin both indicated that they support the bill. There were no public comments made on this item.

AB 885

This bill would require the Board to designate one primary physical meeting location when conducting teleconferences and post an agenda at that location.

Ms. Fischer stated that there is no other bill out there to allow meetings by teleconference with no public locations to continue at this time. The Board received public comment. Dr. Witcher stated that even though this bill did not pass, he believed it would be possible for the Board to meet via WebEx as long as the meeting location was disclosed.

AB 1552

AB 1552 proposes an extension of the time period to January 1, 2030, during which previously approved foreign dental schools do not have to submit a renewal application

and must also obtain CODA accreditation to remain an approved foreign dental school. The bill's author suggests the international CODA approval is an 8 to 10-year process. This bill is now dead.

Dr. Molina stated that she would still like to consider this in the future. She feels very strongly that this subject is very important for the community.

The Board received public comment. Mr. Francisco Leal, representative of the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova, commented that this deadline does not provide the university adequate time to complete CODA accreditation. Mr. Leal inquired what the time frame is to complete the accreditation process.

Dr. Alejandra Galindo-Magallanes expressed support for this bill. She wanted to know why the Board wants to get rid of foreign dental schools and encouraged the Board to keep these programs. Christian Magallanes and Gerardo Zelaya, students at the University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova, voiced their concerns with the prior legislation [AB 1519 (2019)] that enacted the current CODA-accreditation requirements. Mr. Zelaya pleaded for the Board to reconsider its endorsement of the prior legislation that will terminate the university's accreditation. Mr. Raj Gautan, parent of a student at the University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova, made similar comments.

SB 534

This bill makes several revisions and changes to the operations of RDHs, RDHAPs, and the Dental Hygiene Board of California (DHBC).

Ms. Fischer stated that the Board supported this bill in the past and would recommend continuing to support it.

The Board received public comment. Anthony Lum, Executive Officer of the DHBC, thanked the Board for its support of this bill.

SB 607

This bill would require a board to waive all fees associated with the application and initial license for an applicant who meets expedited licensing requirements for military spouses, specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600, and make several changes affecting other boards and bureaus within DCA. The bill also would allow the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova to continue to be Board approved until June 30, 2026, which allows it to remain approved until the class of 2019 graduates.

Ms. Fischer stated that there had been two amendments that were made to the bill on July 6, 2021, and July 13, 2021. The Board had submitted a support letter for SB 607 in

April, and Ms. Fischer recommended that the Board continue to support this bill. There were no public comments made on this item.

SB 652

This bill would extend the current requirements for dental patients under 13 years of age, specifically that an operating dentist and at least two additional personnel be present throughout a procedure involving deep sedation or general anesthesia, and that the dentist and one additional personnel maintain current certification in Advanced Cardiac Life Support (ACLS), for treatment of all patients, regardless of age.

The Board received public comment. Dr. Witcher stated that the author might make this a two-year bill. Therefore, the Board could potentially be seeing this bill in the future.

SB 772

This bill would prohibit the assessment of an administrative fine for a minor violation, and would specify that a violation shall be considered minor if it meets specific conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

Ms. Fischer stated that there was opposition to this bill, and it did not look like it was moving forward in 2021.

The Board would continue to watch the additional nine bills (AB 2, AB 29, AB 107, AB 646, AB 1026, AB 1236, AB 1273, AB 1386, SB 731) listed on page 203 of the meeting materials.

(M/S/C) (Burton/Pacheco) to continue to support SB 607 as amended on July 13, 2021 and send a letter of support to the bill's author.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart.

Nays: None.

Abstentions: None.

Absent: Yu.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 25(c): Prospective Legislative Proposals

Ms. Burton provided the report, which is available in the meeting materials. There were no stakeholder proposals presented to the Board and no public comments made on this item.

Agenda Item 26: Regulations

Agenda Item 26(a): Update on Pending Regulatory Packages

Ms. Wallace provided the report, which is available in the meeting materials. Ms. Wallace was happy to report that the Diversion Evaluation Committee Membership rulemaking package was approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on July 13, 2021; the regulations will become effective on October 1, 2021. The rulemaking packages relating to continuing education, telehealth notifications, dental assisting radiographic decision making, elective facial cosmetic surgery permit application renewal requirements, and mobile and portable dental units, minimal standards for infection control, and the SB 501 anesthesia and sedation requirements are still being worked on.

Dr. Stewart requested a timeline of the work on the rulemaking files. Ms. Wallace replied that Board staff continue to work with the Board's Regulatory Counsel. Until the Regulatory Counsel signs off on a rulemaking file, Ms. Wallace is unable to provide a timeframe on the package. Once Regulatory Counsel signs off on the package, it takes approximately three to six months for the rulemaking file to reach OAL and begin the 45-day public comment period. It typically takes another year for the rulemaking to complete the review process and be filed with the Secretary of State. So, it takes at least 18 months for packages to get through the rulemaking process.

The Board received public comment. In response to an inquiry mentioned earlier in the meeting as to what happens to a conscious sedation permit holder whose permit is denied renewal, Dr. Whitcher noted that there is a provision in the SB 501 regulatory proposal giving the Board the option of requiring remedial education prior to issuing a permit.

Agenda 27: Discussion and Possible Action Regarding 2022 Meeting Dates

Ms. Fischer led the discussion on the selection of Board meeting dates for 2022. She mentioned that staff requested the Board to consider holding Friday, October 7, 2022, for a special meeting to review the Draft Sunset Review Report that will likely be required to be submitted to the Legislature by December 1, 2022.

Ms. Fischer proposed the following meeting dates for 2022:

- February 10-11, 2022
- May 12-13, 2022
- August 25-26, 2022
- November 17-18, 2022

There were no public comments made on this item.

Agenda Item 28: Future Agenda Items

President Pacheco inquired if any Board Members had any agenda items they would like to discuss in the future.

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There were no public comments made on this item.

Agenda Item 29: Adjournment

President Pacheco adjourned the meeting at 1:54 p.m.