



DENTAL BOARD OF CALIFORNIA MEETING MINUTES

May 12-13, 2022

Sheraton Garden Grove
12221 Harbor Blvd., Emerald/White Diamond Room
Garden Grove, CA 92840

Members Present:

Alan Felsenfeld, MA, DDS, President
James Yu, DDS, MS, Vice President
Sonia Molina, DMD, MPH, Secretary
Steven Chan, DDS
Lilia Larin, DDS
Angelita Medina, Public Member
Steven Morrow, DDS, MS
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH, MAOB

Members Absent:

Meredith McKenzie, Esq., Public Member

Staff Present:

Sarah Wallace, Interim Executive Officer
Tina Vallery, Chief of Administration and Licensing
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
David Bruggeman, Legislative and Regulatory Specialist
Patrick Morrissey, Supervisory Special Investigator
Mirela Taran, Administrative Analyst
Tara Welch, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

1:00 p.m., Thursday, May 12, 2022

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

The Board President, Dr. Alan Felsenfeld, called the meeting to order at 1:02 p.m. The Board Secretary, Dr. Sonia Molina, called the roll; nine 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 March 14, 2022 and March 28, 2022 Board Meeting Minutes

Motion/Second/Call (M/S/C) (Chan/Morrow) to approve the March 14, 2022 meeting minutes with no changes.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

(M/S/C) (Medina/Chan) to approve the March 28, 2022 meeting minutes with no changes.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Felsenfeld reported that he attended the February 22, 2022 DCA Board President's Training (alongside the Board Vice President, Dr. James Yu), March 19, 2022 Dental Hygiene Board of California (DHBC), and April 12, 2022 DCA Board Leadership (alongside Vice President Yu) meetings. He mentioned that he had an opportunity to speak at the California Dental Society of Anesthesia (CDSA) meeting to discuss the process relative to regulatory changes and the complexity of how the Board develops regulations. He noted that he continues to meet with the Board's Interim Executive Officer on a weekly basis which has helped him with setting up Board

meetings and understanding the issues before the Board. President Felsenfeld mentioned that two Board Members, Dr. Alicia Montell and Mr. Mark Mendoza, resigned from the Board.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 5: Interim Executive Officer Report

Ms. Sarah Wallace, Interim Executive Officer, provided a report on the Board's personnel updates, recruitments, Strategic Plan, and COVID-19 vaccination and testing requirements. Ms. Wallace noted that at the beginning of March 2022, she attended a DCA onboarding alongside different levels of executive leadership at DCA and learned more about their centralized services and value they provide to the Board. She also attended the March 9, 2022 DCA Board Member Orientation Training, March 14, 2022 Board meeting, and March 28, 2022 Board meeting. Additionally, the Board has continued to work on the implementation of Senate Bill (SB) 501, which included the regulation development and the Breeze implementation. Ms. Wallace stated that the Board held staff meetings over the last several months, and Board Executive Management has been working on providing a True Colors training with all Board staff.

Board Member Steven Morrow thanked Ms. Wallace for stepping in and taking over her current position.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

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

Ms. Carrie Holmes, Deputy Director of DCA Board and Bureau Relations, provided a departmental update. On April 5, 2022, Board and Bureau Relations distributed its iteration of a new quarterly newsletter titled "Board Members Do you Know." On April 1, 2022, boards and bureaus returned to meeting in accordance with all aspects of the Open Meeting Act, including publicly noticing all meeting locations. Board and Bureau Relations distributed guidelines and requirements to adhere to when conducting in-person meetings. DCA has also shared guidance and tips from the California Health and Human Services Agency to reduce the spread of COVID-19 for in-person meetings. Ms. Holmes verbalized that legislation was introduced that would permanently allow boards and committees to meet remotely, while also providing physical options for members of the public to participate. Additionally, Assembly Bill (AB) 1733 was not heard in committee in time to move and has become a dead bill. Ms. Holmes addressed surveys that would capture the costs and attendance for various meeting formats, vacancies, and board appointments. On a personal note, Ms. Holmes noted that her last day with DCA would be on May 13, 2022.

President Felsenfeld requested public comment on this item. 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 fiscal year (FY) 2021-22.

Dr. Morrow made a comment to correct a spelling error in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 8: Report on Dental Hygiene Board of California (DHBC) Activities

Dr. Carmen Dones, President of the DHBC, provided a verbal report on their activities.

Dr. Morrow asked if the DHBC reviews educational programs that are accredited by the Commission on Dental Accreditation (CODA) or only those approved by the DHBC. Mr. Anthony Lum, DHBC Executive Officer, replied that the DHBC investigates and does site visits for both programs. Programs have to be CODA approved and Board approved in order to offer their educational programs in the State of California. Dr. Morrow requested a ballpark figure of the number of hygiene programs in California that are not CODA approved. Mr. Lum did not believe there were any and voiced that over the years, the DHBC has had numerous requests to open up new schools. Since that time, the DHBC has implemented some laws that provide the authority for the DHBC to accept feasibility studies in order to identify needs.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 9: Enforcement - Review of Statistics and Trends

Mr. Patrick Morrissey, Supervising Investigator I, provided the report, which is available in the meeting materials. Mr. Morrissey stated that one statistic that is noteworthy since the July 1 fiscal year is that probationers have dropped by about 40 probationers.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 10: Examinations

Agenda Item 10.a.: Report from Commission on Dental Competency Assessment and Western Regional Examining Board (CDCA-WREB)

Dr. William Pappas, President of the American Board of Dental Examiners (ADEX), provided a verbal report on their activities.

Board Member Lilia Larin noted that she was invited to be an observer at the ADEX exam and encouraged the Board members to participate at future exams. She noted that her experience had changed her perspective on education. Dr. Pappas responded that Ms. Wallace can reach out to CDCA-WREB's Executive Director, Kathleen Kelly,

and arrange an observation for any Board Member who would like to participate at future exams.

President Felsenfeld asked whether California is 100 percent mannikin-based in regard to the CompeDont teeth. Dr. Pappas replied that it is up to the school to determine what type of exam they wish to offer. If a school prefers to go 100 percent mannequin, that is up to them.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 10.b.: Discussion and Possible Action on Prioritization of Examination Reviews to be Conducted by DCA, Office of Professional Examination Services (OPES)

Ms. Wallace provided the report, which is available in the meeting materials. Based on recent meetings with OPES, it was disclosed that the Integrated National Board Dental Examination (INDBE) vendor requested that the Board push out their review as INDBE further develops their occupational analysis. OPES recommended that the Board push the review out a year, which consequently opened up a spot for the Board to reprioritize the order in which examination evaluations should be conducted by OPES.

Dr. Morrow asked if the Portfolio Examination is up for review simply due to statute requirement. Ms. Wallace replied that his statement is correct and that it is a California board examination that is currently in statute. Furthermore, the Board has an obligation in statute to ensure that its examinations are psychometrically valid and legally defensible. As far as the review of the INDBE, Dr. Morrow asked if the Board needed to statutorily go through the review process. Ms. Wallace replied that Dr. Morrow's statement is correct and that this examination had been for a long time required in statute for dental licensure, and OPES had not had an opportunity to review the exam.

Dr. Larin asked what would happen to students who have taken the INDBE before the new changes have gone into effect. Ms. Wallace replied that she has discussed this issue with OPES, and there was no reason to believe that there was any issue with the examination. Dr. Larin asked if it would be better to place the evaluation of INDBE in first place, as it is already being taken by dental students. President Felsenfeld believed OPES did not want to go that way, as there was going to be something holding that exam out for their own occupational analysis. Ms. Wallace responded that the vendor for INDBE had requested its review be delayed one year.

(M/S/C) (Morrow/Chan) to prioritize the order in which examination evaluations should be conducted by OPES in the following order: 1. Dental Licensure Objective Structured Clinical Examination (DLOSCE) California, 2. Portfolio Examination, and 3. Integrated National Board Dental Examination (INBDE).

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 11: Licensing, Certifications, and Permits

Agenda Item 11.a.: Review of Dental Licensure and Permit Statistics

Ms. Jessica Olney, Anesthesia Unit Manager, provided the report, which is available in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 12.a. Discussion and Possible Action to Consider Comments Received During the 15-Day Public Comment Period Relative to Proposed Modified Text and Amendments to CCR, Title 16, Section 1031; and b. Discussion and Consideration of Proposed Regulation to Amend CCR, Title 16, Section 1031 Related to the California Dentistry Law and Ethics Examination.

Mr. David Bruggeman, Legislative and Regulatory Specialist, presented the agenda item. At its February 2019 meeting, the Board approved regulatory language to amend California Code of Regulations (CCR), title 16, section 1031 related to the passing score of the California Dentistry Law and Ethics Examination to allow for OPES to use a criterion-referenced passing score to make the Board's California Dentistry Law and Ethics Examination legally defensible. At its August 2020 meeting, the Board approved revised regulatory language. The final rulemaking was submitted to the Office of Administrative Law (OAL) on December 7, 2021.

On January 21, 2022, OAL advised staff of a clarity issue with the Board's rulemaking text. The Initial Statement of Reasons referenced the Board would be utilizing the modified Angoff standard setting method. However, the proposed language did not specify that methodology when defining the term "criterion-referenced passing score." At the Board's February 2022 meeting, the Board approved modified regulatory language to describe the Angoff standard-setting method in connection with the law and ethics examinations.

The modified text was noticed for a 15-day comment period that ran from February 18 through March 7, 2022. The Board received one comment, and drafted a proposed response, both of which are summarized below.

Comment and Proposed Response

February 18, 2022 email from Dr. Lewis Turchi, DDS

Comment Summary:

Commenter appears to be seeking clarity on the proposed changes, but also expresses skepticism at the ability to teach ethics, given the high debt and pressure to make money facing most dentists entering practice today. Commenter would like to know how the proposed changes would encourage ethics but is not asking for a specific change.

Staff Recommended Proposed Response:

The Board has considered the comment and has decided to make no changes to the proposed text.

The comment does not make a request for a specific change. It does appear to raise a concern about the clarity of the overall proposed changes. The intent of these changes is to change the requirement for passing the law and ethics exam from a specified passing score to a criterion-based passing score. The modified text describes this criterion-based approach as involving licensees and testing experts in evaluating the examination questions to determine that the passing score represents entry-level competence in applying California law and principles of ethics to the practice of dentistry.

Shifting the assessment of a passing score to the individual questions rather than a specific percentage of questions answered correctly is expected to better connect the concepts in each exam question to California law and ethics in the practice of dentistry. The proposed modified text provides greater specificity regarding how the score will be calculated and therefore the Board believes the modified text is sufficiently clear to place licensees on notice regarding the new examination scoring process.

Staff requested that the Board reject the comment and either approve the suggested response or revise it as the Board saw fit. The Board was also requested to direct staff to provide the agreed upon response to the requestor.

There was no Board discussion.

(M/S/C) (Morrow/Chan) to reject the received comment and send the proposed response to the requestor.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

The Board was also requested to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as described in the modified text notice for 16 CCR section 1031.

There was Board discussion. Dr. Morrow expressed his support for the change.

(M/S/C) (Felsenfeld/Chan) to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as described in the modified text notice for 16 CCR section 1031.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 13: Update on Pending Regulatory Packages

Mr. Bruggeman provided the report, which is available in the meeting materials. Mr. Bruggeman disclosed that one major update since the table was prepared was that the

rulemaking file for SB 501 was filled with OAL on May 2, 2022, and is currently with them for review. Ms. Wallace indicated that the Dental Assisting Comprehensive Rulemaking, which the Board previously approved in December of 2019, went through a preliminary review by the Board's Regulatory Counsel. Ms. Wallace expressed that the language has a few issues with it relating to consistency, clarity, and non-duplication, which are all standards necessary to be met going through an OAL review. She noted that it is the recommendation that the package be re-referred, most likely to the Dental Assisting Council, and that Board staff work with Subject Matter Experts (SMEs) to reorganize the language.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 14: Recess Open Session Until May 13, 2022, at 9:00 a.m.
President Felsenfeld recessed Open Session at 2:10 p.m.

At 2:10 p.m., the Board recessed for a break.

Agenda Item 15: Convene Closed Session
At 2:25 p.m., the Board convened Closed Session.

Agenda Item 16: Pursuant to Government Code Section 11126(c)(2), the Board Will Meet in Closed Session to Deliberate and Vote on Whether or Not to Grant, Deny, or Request Further Evaluation of a Conscious Sedation Permit as it Relates to an Onsite Inspection and Evaluation Failure

The Board convened in Closed Session to deliberate and vote on whether or not to grant, deny, or request further evaluation of a Conscious Sedation Permit as it related to an onsite inspection and evaluation failure.

Agenda Item 17: 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

This item was not discussed as there were no disciplinary matters to take action upon.

Agenda Item 18: Adjourn Closed Session
President Felsenfeld adjourned Closed Session at 2:44 p.m.

9:00 a.m., Friday, May 13, 2022

Agenda Item 19: Reconvene Open Session– Call to Order/Roll Call/Establishment of a Quorum

President Felsenfeld called the meeting to order at 9:03 a.m. Secretary Molina called the roll; nine Board Members were present, and a quorum was established.

Agenda Item 20: President's Report on Closed Session Items

President Felsenfeld provided a verbal report to the Board regarding Closed Session items. He reported the Board denied the Conscious Sedation Permit for the following candidate: 1. CM. Additionally, Dr. Felsenfeld reported that no new Application(s) for Issuance of New License(s) to Replace Cancelled License(s) were discussed.

The Board did not take public comment on this item.

Agenda Item 21: Dental Assisting Council (DAC) Meeting Report

Ms. Jeri Fowler, Chair of the DAC, provided a verbal report on the May 12, 2022 DAC meeting. Ms. Fowler announced that two Council Members, Ms. Kandice Pliss and Ms. De'Andra Epps-Robbins, were appointed to fill the two vacancies for RDAs employed in a private dental practice or public safety net or dental health care clinics. Ms. Fowler advised the Board regarding DAC discussion of DAC meeting agenda items 3 through 10.

For DAC Agenda Item 11.a., Ms. Fowler advised the Board the DAC made a recommendation to the Board to oppose AB 2276 unless amended to address the following: (1) remove the pit and fissure component from the bill, leaving just coronal polishing; (2) require permitting for coronal polishing administered by the Board, with required proof of Basic Life Support and infection control submitted to the Board for renewal of the coronal polish permit; (3) direct supervision over the dental assistant by a dentist; and (4) require 400 hours of direct clinical patient care before taking the coronal polishing course. [See DAC, May 12, 2022 Meeting Minutes for full DAC recommendation.]

Dr. Morrow expressed his thanks and sincere appreciation for all of the effort and time Ms. Fowler had put into her position as Chair of the DAC.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 22: Substance Use Awareness

Agenda Item 22.a.: Diversion Program Report and Statistics

Ms. Wallace provided the report, which is available in the meeting materials. The Diversion Evaluation Committee (DEC) was able to return to in-person meetings and held their first in-person meeting in two years on April 6, 2022. Ms. Wallace mentioned that the next DEC Meeting was scheduled for July 13, 2022.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 22.b.: Discussion and Possible Action Regarding Appointment of Diversion Evaluation Committee (DEC) Member

Ms. Wallace provided the report, which is available in the meeting materials. Ms. Wallace stated that the DEC had a resignation of one of its members, and there was a need to fill the vacancy. Board staff posted a recruitment notice and received an application from a previous DEC member – James Tracy, DDS.

(M/S/C) (Chan/Yu) to accept the recommendation to appoint Dr. Tracy to the DEC.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

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

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

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 23: Anesthesia

Agenda Item 23.a.: General Anesthesia and Conscious Sedation Permit Evaluations Statistics

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

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 23.b.: Discussion and Possible Action Regarding Appointment of General Anesthesia and Conscious Sedation Evaluators

Ms. Olney provided the report, which is available in the meeting materials. Ms. Olney commented that the on-site inspection evaluators are required of permit holders, depending on the type of permit, every five to six years.

President Felsenfeld asked if it was critical that the Board appoint Dr. Han as both a conscious sedation and general anesthesia evaluator or just appoint him as a general anesthesia evaluator, which would allow him to also evaluate Conscious Sedation permits. Ms. Olney responded that she believed that appointing Dr. Han as a general anesthesia evaluator will allow him to also be an evaluator for conscious sedation onsite inspection.

(M/S/C) (Chan/Yu) to appoint Dr. James Bum-Suk Han as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Larin) to appoint Dr. Christopher Chiu as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Pacheco) to appoint Dr. Feras Al Rezk as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment. As a general anesthesia evaluator for 30 years, Dr. Bruce Witcher, representing himself, inquired as to why the Board had to appoint evaluators, as it delayed the appointment of new evaluators. Ms. Wallace responded that the Board had consulted with Legal Counsel and determined that per statute, it should be referred to the Board for appointment.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 23.c.: Update Regarding Board Implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018)

Ms. Olney provided the report, which is available in the meeting materials. Ms. Olney mentioned that Senator Bates submitted a bill, SB 652, which was to be used as a vehicle to carry the Board's amendments. The bill was not yet amended to include the Board's legislative proposal, but the Board anticipated that it would. Ms. Wallace stated that SB 652 was intended to carry the Board's legislation, and she had been in contact with the bill's sponsor, the lobbyist for CalAMOS, and explained that it was likely that the Board would no longer need the SB 501 implementation date to be pushed back as part of the legislative proposal. However, the Board was still in need of the fee authority for the pediatric endorsement and the clarification for the moderate sedation renewal. She believed the bill had been referred to the Assembly Committee on Business and Professions; therefore, it was still in the legislative process.

President Felsenfeld requested public comment on this item. The Board received public comment. Dr. Guy Acheson, general dentist, stated that the *Education Courses Acceptable In Lieu of Pediatric Advanced Life Support (PALS)* topic bubbled up from those who are evaluators. Dr. Acheson stated that both Pediatric Advanced Life Support (PALS) and Advanced Cardiovascular Life Support (ACLS) are frankly adequate in providing high level airway management training. Dr. Acheson stated that he understood the difficulty the Board had in trying to come up with an alternative to PALS or ACLS as the American Heart Association (AHA) was constantly refining their requirements and the course. He suggested an alternative consideration for the Board would be to create or approve a hands-on advanced airway management course that would be taken in addition to PALS or ACLS. Dr. Acheson requested the Board consider bringing up an agenda item in the future to look at creating an addendum course in advanced airway management that would go along with moderate sedation.

Agenda Item 23.d.: Discussion and Possible Action on Supplemental Report to California State Legislature Regarding Findings Relevant to Inform Dental Anesthesia and Sedation Standards as Required by SB 501 (Glazer, Chapter 929, Statutes of 2018) and Business and Professions Code Section 1601.4, subdivision (a)(2)

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

(M/S/C) (Yu/Chan) to direct staff to finalize the Supplemental Report and submit it to the California State Legislature.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment. Dr. Acheson commented this report that the Board and staff have complied together was important, especially the refinements to break it down by location of sedation and the type of provider. He applauded the Board Members and staff for the report. Furthermore, Dr. Acheson stated that it would be wonderful if the Board were able to find the total number of sedations that are happening in the state; perhaps incorporating a requirement to provide the number of different types of sedation that were provided during each licensed renewal period.

Dr. Whitcher thanked President Felsenfeld's Committee and Board staff for the hard work and for going back over all of the reporting forms and making corrections. He stated that with respect to the number of cases, there were very practical considerations involved in collecting the n (denominator) number. The challenge is that it is essential to have at least a million cases before rare events start becoming apparent. Even if you have an n or a number, that gives you a measure of the prevalence or incidence of bad outcomes, it does not tell you why they occurred or what to do to prevent them. Dr. Whitcher stated that the question was how do we get the numbers lower.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 24: Legislation – Update, Discussion, and Possible Action on:
Agenda Item 24.a.: 2022 Tentative Legislative Calendar – Information Only

Mr. Bruggeman provided an overview of the 2022 Tentative Legislative Calendar, which is available in the meeting materials. Mr. Bruggeman stated that one relevant deadline recently passed on April 29, 2022, which was the last day for policy committees to hear and report to fiscal Committees fiscal bills introduced in their house. Some of the bills

that the Board had been tracking did not make that deadline. Mr. Bruggeman noted that the last day for each house to pass bills introduced in that house was May 27, 2022, and the last day for each house to pass bills was August 31, 2022.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 24.b.–dd.: Update, Discussion, and Possible Action on Legislation

Mr. Bruggeman provided the report, which is available in the meeting materials. Board staff identified 20 bills, AB 225, AB 562, AB 646, AB 657, AB 1102, AB 1604, AB 1756, AB 1795, AB 1982, AB 1996, AB 2055, AB 2104, AB 2107, AB 2145, AB 2539, AB 2948, SB 49, SB 731, SB 1237, and SB 1310 of potential interest to the Board. Board staff identified 10 bills, AB 1662, AB 1733, AB 2276, SB 652, SB 889, SB 1031, SB 1365, SB 1443, SB 1471, and SB 1495 of having a direct impact on the Board.

SB 1662

Currently with the Assembly Appropriations Committee, this bill concerned section 480 of the Business and Professions Code and it would revise that section to permit prospective applicants to inquire with the Board if any criminal conviction that they may have could result in denial of their application. Based on the information that the applicant would provide, a board would be expected to determine whether or not that conviction may result in an application being denied. The bill, as currently written, indicated that boards would be able to charge a fee for this, but it would be limited to either \$50 or the cost of administering these procedures, whichever is smaller.

(M/S/C) (Morrow/Chan) to oppose SB 1662.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

AB 1733

This bill would amend the current Bagley-Keene Open Meeting Law to allow for boards to hold meetings by teleconference. Unfortunately, this bill did not make the late April deadline in order to move forward and the bill is dead.

Ms. Wallace verbalized that Board staff recommends the Board take a support in concept position. This would allow the Board to communicate that to the author's office and to the Legislature on what the benefits of this bill would bring to the Board.

(M/S/C) (Morrow/Chan) to support the concept of AB 1733.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

AB 2276

The bill would add section 1750.1.5 to the Business and Professions Code, which would permit dental assistants (DAs) to conduct coronal polishing or pit and fissure sealing if certain requirements are met. Mr. Bruggeman noted that the bill would require the DA to provide evidence to the Board they have completed a board-approved course in the procedure, which would place a burden on Board staff to create a certification system in which the Board would collect the evidence and track the certifications for an otherwise unlicensed population. He stated the Board staff recommendation was to support the bill if amended to remove that requirement.

Ms. Fowler discussed the amendments that the DAC agreed upon for this bill. She stated that the DAC voted to oppose AB 2776 unless amendments included the following: removing the pit and fissure component; requiring permitting for coronal polish administered by the Dental Board and require proof of current Basic Life Support (BLS) and Infection Control submitted to the Board for renewal for the coronal polish permit; direct supervision level by the licensed dentist; and 400 hours of clinical direct patient care performed by the DA before taking a coronal polishing course. Ms. Wallace mentioned that the only amendment staff is recommending is removing the requirement that the certificate of completion is submitted to the Board and instead require the certificate of completion be submitted to the supervising dentist and put the responsibility on the supervising dentist to maintain that compliance. Dr. Molina inquired if the Board was asking DAs to do 400 hours of clinical direct patient care before they can take the exam. Ms. Fowler responded that that is one of the amendments and that

there is a certain amount of clinical expertise that DAs would need to gain in order to understand and to also apply that skill set in basic dentistry.

Ms. Tina Vallery, Chief of Administration and Licensing, clarified that currently, unlicensed DAs could take coronal polishing without any formal training. She believed that the law has been this way since at least January 1, 2010. Therefore, unlicensed DAs have been able to take coronal polishing at any point of their career.

In response to Dr. Molina's Inquiry, Ms. Wallace responded that through the on-the-job training pathway, a candidate applying for a registered dental assistant (RDA) license can perform 15 months of on-the-job training through a supervising dentist and can take the coronal polishing course at any given time. When applying to the Board for RDA licensure, it is a requirement to provide a certificate of completion of the coronal polishing course. If that certificate of completion is submitted to the Board and they are deemed qualified, the candidate would be issued eligibility to take the RDA written examination. If the candidate passes the written examination, they would have the ability to become a licensed RDA.

Ms. Wallace noted that the amendment proposed by the DAC is different in that the 400 hours of direct patient care would be required to be signed off by the supervising dentist before they could enroll in the coronal polishing course. She reiterated that over the past few years, there had been an ongoing review in the Legislature of regulatory boards and determining whether unnecessary barriers to licensure are being imposed. Ms. Wallace stated that as the Board makes recommendations on bills, it is important to remember and take into consideration whether there is necessity behind recommending certain positions on bills or amendments and ensuring that the actions taken are in the best interest of public protection. She voiced concern that it could be misconstrued that requiring an unlicensed DA to take a certificate of completion for a coronal polishing course, which is required for additional licensure, but setting a higher standard for an unlicensed DA could be met with some trepidation.

Dr. Larin stated that she is in support of this bill with the amendments that the DAC provided and can see how this bill would help underserved populations and with access to care. She inquired as to what the Board should do in relation to the background checks of DAs.

Ms. Welch provided additional clarifying comments. She stated that if a permit requirement is added for a DA to perform coronal polishing, the access to care starts to drift away. The current bill is trying to increase access to care by not requiring any permitting. Therefore, if the permit aspect is included, the balance between access to care and barriers to licensure starts to get fuzzy. To answer Ms. Larin's inquiry regarding the 400 direct patient care hours, Ms. Welch indicated that the DAC did not have a discussion regarding examinations for permitting and that an exam component is not part of what the DAC was recommending. Ms. Wallace clarified that as part of the DAC's recommendations, the permitting requirement would require Board staff to

implement an entire permitting structure. The Board does not currently have the mechanism in BreEZe to track this information. She suggested the Board Members consider fee authority to offset the cost of the permitting structure and delayed implementation, as it will take upwards of a year and a half to potentially have to do regulations and implement BreEZe changes to implement these provisions. Ms. Welch added that the Board could also require fingerprinting with that permit process.

Dr. Larin asked that if a permit had to be attached if the Board decided to implement fingerprints. Ms. Wallace replied that Board staff would recommend not issuing permits and that from a staff perspective, her other concern is that there would be a disparity between RDAs and unlicensed DAs. There would be a group of DAs, who if they seek a coronal polishing certificate to perform coronal polishing, would be fingerprinted while all other DAs would not be fingerprinted. Additionally, Ms. Wallace indicated that currently fingerprinting is required as an RDA licensure requirement. Dr. Larin asked how the Board can protect the public better. Ms. Wallace replied that if the Board implemented a background check, it would take time to set that up. Furthermore, she stated that for the Board to be able to issue the permits, it would have to have a delay in the timeline to put the mechanism in place to be able to issue those permits.

Dr. Larin moved to accept the DAC recommendation without the amendment to permit. There was no second on the motion, so the motion failed.

Dr. Molina asked if the Board could support the bill without the DAC amendments. Ms. Wallace clarified the amendment is to remove the requirement for the Board to collect the certificates of completion and instead place the responsibility on the supervising dentist.

(M/S/C) (Molina/Olague) to support the bill if amended to remove the requirement for the certificate of completion to be submitted to the Board for tracking and instead place that burden on the supervising licensed dentist to oversee and ensure compliance.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment. Ms. Mary McCune, representing California Dental Association (CDA), agreed with the motion and informed the Board that the purpose of the bill was to provide short-term relief for the workforce shortage issues that dentistry is experiencing. Ms. McCune stated that CDA planned on having more longer-term and more expansive conversations with opposition and other stakeholders this year, and CDA would like to come back to the Board with a more comprehensive proposal for possible support as soon as next year.

Dr. Whitcher, representing CDA, pointed out that while a member of the Board, there had not been any quality of care complaints that he could think of that related to RDAs. Therefore, he did not believe it was a large enforcement issue. To complicate DAs' ability to possibly get a minor scope expansion would be an access to care issue. Dr. Whitcher reiterated CDA's support for the staff recommendation on the bill.

Ms. Melodi Randolph, California Association of Dental Assisting Teachers (CADAT) and the Dental Assisting Alliance representative, stated that they had worked very hard to oppose this bill as there were a substantial number of issues present. It would be beneficial to come back to patient safety and have the DAs learn the basics before they take a coronal polishing course. Ms. Randolph stated that they are working with CDA to work to out some sort of revision.

Ms. Fowler stated that DAs have no occlusal training and, regarding the pit and fissure sealants, questioned how DAs would adjust their occlusion on the sealants when they are unable to use hand instrumentation to adjust occlusions like RDAs can.

Ms. Zena Delling, representing California Dental Assistants Association (CDAA), commented that if the Board had the capability of permitting two other categories, she did not know why the Board was not able to permit the DA.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Yu.

Nays: None.

Abstentions: Pacheco.

Absent: McKenzie.

Recusals: None.

The motion passed.

SB 652

This bill is the placeholder bill for the extension of requirements connected to SB 501.

President Felsenfeld stated that the Board was waiting for Senator Bates to carry out her actions. Public comments were not requested on this item.

SB 889

This bill would establish an anesthesia permit process for nurse anesthetists. However, this bill did not pass the policy committee in the Senate and was essentially dead. The Board did not expect action on this bill to take place in the Legislature.

Public comments were not requested on this item.

SB 1031

This concerns the inactive license fees that boards can charge. The Dental Board currently charges the same amount for an active license as it does for an inactive license. However, this bill would cap the ability to charge a fee for an inactive license to 50 percent of the active license fee.

(M/S/C) (Morrow/Yu) to oppose SB 1031.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

SB 1365

This bill would add a section to the Business and Professions Code requiring boards posted on their websites the criteria they use for evaluating applicants with criminal conviction. It also would require DCA to establish a process for these boards to post the criteria to their websites, develop a process for boards for use in verifying applicant information in the process of background checks, and to develop an informal appeals process.

Public comments were not requested on this item.

SB 1443

This bill would extend the board sunset date until January 1, 2025.

(M/S/C) (Chan/Felsenfeld) to support SB 1443.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

SB 1471

This bill would amend section 1636.5 of the Dental Practice Act and repeal section 1636.6 concerning the deadlines for foreign dental schools to maintain their current accreditation as they shift over to CODA. The bill did not pass the late April deadline and the Board does not expect it to move forward in the legislature this year.

Public comments were not requested on this item.

SB 1495

This bill primarily makes a number of non-substantive changes connected to the revision of the name of the Office of Statewide Health Planning and Development to the Department of Health Care Access and Information. It does amend section 1936.1 of the Dental Practice Act to change the assurances made concerning continuing education of dental hygienists from prospective that when they renew, they are required to state that they will fulfill certain continuing education requirements. The bill would change that to a retrospective assertion that they have completed certain continuing education requirements.

Public comments were not requested on this item.

Agenda Item 25: Discussion on Prospective Legislative Proposals

President Felsenfeld introduced the report, which is available in the meeting materials. There were no stakeholder proposals submitted to the Board and public comments were not requested on this item.

Agenda Item 26: Adjournment

President Felsenfeld adjourned the meeting at 10:38 a.m.