



DENTAL BOARD OF CALIFORNIA

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**DENTAL BOARD OF CALIFORNIA
DENTAL ASSISTING COUNCIL
MEETING MINUTES
November 8, 2023**

The Dental Assisting Council (Council) of the Dental Board of California (Board) met by teleconference/WebEx Events on Wednesday, November 8, 2023, with the following location available for Council and public member participation:

Department of Consumer Affairs
1747 N. Market Blvd., Hearing Room #186
Sacramento, CA 95834

Members Present:

Cara Miyasaki, RDA, RDHEF, MS, Vice Chair
De'Andra Epps-Robbins, RDA
Jeri Fowler, RDAEF, OA
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH, MAOB
Kandice Rae Pliss, RDA

Members Absent:

Traci Reed-Espinoza, RDAEF, Chair

Staff Present:

Tracy A. Montez, Ph.D., Executive Officer
Paige Ragali, Chief of Dental Programs and Customer Support
Tina Vallery, Chief of Dental Assisting
Jessica Olney, Anesthesia Unit Manager
Rikki Parks, Dental Assisting Program Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
David Bruggeman, Legislative and Regulatory Specialist
Joe Tippins, Investigator
Juan Fuentes, Investigator
Mirela Taran, Administrative Analyst
Kristy Schieldge, Regulatory Counsel, Attorney IV, Legal Affairs Division, Department of Consumer Affairs (DCA)
Cesar Victoria, Office of Public Affairs, DCA
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

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

Council Vice Chair, Ms. Cara Miyasaki, called the meeting to order at 9:06 a.m.; six members of the Council were present, and a quorum was established.

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

There were no public comments made on this item.

Agenda Item 3: Discussion and Possible Action on August 17, 2023 Meeting Minutes Motion/Second/Call the Question (M/S/C) (Fowler/Olague) to approve the August 17, 2023 Meeting Minutes.

Vice Chair Miyasaki requested public comment before the Council acted on the motion. There were no public comments made on the motion.

Vice Chair Miyasaki called for the vote on the motion. Ms. Mirela Taran took a roll call vote on the motion.

Ayes: Epps-Robbins, Fowler, Miyasaki, Olague, Pacheco, Pliss.

Nays: None.

Abstentions: None.

Absent: Reed-Espinoza.

Recusals: None.

The motion passed and the minutes were approved.

Agenda Item 4: Executive Officer Report

Dr. Tracy Montez stated that by statute, the Board has authority to operate until January 1, 2025. The sunset date provision is applied to all DCA boards and bureaus on a staggered basis to allow California State Legislature to review each entity and its operation and amend that entity's laws as it sees fit. She shared that the Board last went through this process in 2018 and 2019 and that this process begins with the Board drafting a report based upon questions provided by the Legislature. In October of 2023, the Board approved the sunset review report and authorized her to make non-substantive changes that may be needed. Dr. Montez stated that this report will then be submitted to the Legislature by the due date of January 4, 2024, will be posted on the Board's website, and Board staff will await a hearing date. At that time, the Board President and she will be at the hearing to respond to any questions the Legislature may have. Upon that, the Legislature will make a determination whether or not to extend the Board's operations.

Vice Chair Miyasaki requested public comment on this item. There were no public comments made on this item.

Agenda Item 5: Update on Dental Assisting Examination Statistics

Rikki Parks provided the report, which is available in the meeting materials.

Vice Chair Miyasaki requested public comment on this item. There were no public comments made on this item.

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Agenda Item 6: Update on Dental Assisting Licensing Statistics

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

Ms. Parks conveyed that one of the questions that has come up for Board staff is what are the most common reasons for incomplete registered dental assistant (RDA) applications. She stated that Board staff often receive applications for RDA licensure that are incomplete due to missing information, such as mailing address and a signature, failure to submit required course completion certificates, or failure to submit pathway documents, such as a diploma or a work experience. Another question was what are the common reasons for RDA application denial. She stated that Assembly Bill (AB) 2138 prevents the Board and other DCA boards from asking the applicant to report to the Board their prior convictions when applying. Additionally, the Board revised its applications to comply with AB 2138 a few years ago and has posted a link on the applicant page of its website that provides information about licensed applicants who were convicted of a crime or formally disciplined. The Board will consider convictions that are substantially related to the qualifications, functions, and duties of the profession. The Board also considers the nature and gravity of the offense and the number of years elapsed since the date of the offense.

Vice Chair Miyasaki asked for clarification regarding the applications and whether it is correct that convictions are discovered during the application process through fingerprinting as the Board is no longer asking about convictions on the application. Ms. Parks replied that was correct. Vice Chair Miyasaki asked whether an expunged criminal conviction will still show up. Ms. Parks replied that it will and is reported to the Board from the Department of Justice (DOJ). She added that AB 2138 outlined the information that can be part of the decision making when deciding to issue a license or not. Vice Chair Miyasaki asked whether the candidate is asked for documentation or whether that is decided solely on the information provided by the DOJ. Ms. Parks responded that the candidate can submit information on a voluntary basis. Vice Chair Miyasaki voiced her understanding that a program director cannot advise on whether an individual who discloses they have a misdemeanor or felony would be accepted for RDA licensure. The individual would have to go through the program, apply, and pass, and then would be examined by the Board for consideration. Ms. Parks replied that a final decision would not be made until the candidate has met all requirements, including the examination.

Vice Chair Miyasaki requested public comment on this item. The Council received public comment.

Ms. Claudia Pohl, representing California Dental Assistants Association (CDAA), stated that on page 19 of the meeting materials in Dental Assistant Applications Approved by Month, the number for the RDA exam in 2022/23 was 3,837, which is almost double the two previous years. However, on page 20 under Dental Assistant Licenses Issued by Month, it is up from previous years but not as much. As it is significantly lower than the

number of applications approved, she questioned that disconnect between application approval and licenses issued.

Dr. Montez noted that many variables are involved with approving applications, and there is not always going to be a perfect trend of how many individuals apply and how many are eventually licensed. She added that there are deficiencies involved in the process, and it sometimes takes individual up to a year to pass the examination.

Agenda Item 7: Update on the Occupational Analysis of the Registered Dental Assistant Profession

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

Vice Chair Miyasaki noted the test was or is now called the RDA General and Law and Ethics Written Exam, and the name of the test has changed to the RDA Written Exam. She asked whether that is the way the title of the test will be worded. Ms. Parks replied that it is also referred to as the RDA combined exam, and the Board's regulations are intertwined. Vice Chair Miyasaki noted she was not able to find the part where ethics was in the exam outline. Ms. Parks replied that it is in the task and knowledge statement ratings tables, which can be found on tables 13 and 14 of the Occupational Analysis of the Registered Dental Assistant Profession report.

Dr. Montez stated that if you look at those tables, it may not necessarily call out ethics, as ethics is woven throughout the exam plan, which is why they did the combined exam. When the item writers and subject matter experts write the test questions, they will write questions dealing with the ethics associated with performing those various tasks. When they write questions for the test, they are focusing on the task statements that are outlined in that examination plan, and then they use the knowledge base to support that. Dr. Montez added that the occupational analysis was a methodological study of the RDA profession of what is currently being done in the job. This process is mandated by Business and Professions Code (BPC) section 139, which is based on national testing standards and what makes the examination fair, valid, and legally defensible. She voiced that the Board does an occupational analysis about every five years, which is what drives the exam plan and can also be used for training and various other things. The exam does not test everything but tests what is most critical for safe and effective practice. Whereas educational programs test the entire profession, the exam only takes a sample of that. Dr. Montez noted that the Board is meeting this statutory mandate.

Vice Chair Miyasaki requested public comment on this item. There were no public comments made on this item.

Agenda Item 8: Presentation from the Board's Access to Care Committee

Lilia Larin, Board Secretary, provided the report, which is available in the meeting materials.

Vice Chair Miyasaki voiced that a lot of individuals are always asking for review textbooks for examinations, and the review textbooks that are offered on a nationwide basis are often targeted toward the Certified Dental Assistant (CDA) exam and are at times better than the others. In California, there are RDA review courses offered by for-profit private programs that will review for the RDA exam on a weekend, or they might offer an online course for that. She stated that the Dental Assisting National Board (DANB) that offers the CDA exam has the DALE Foundation, and their review materials for the general chairside, infection control, and radiology are excellent. She added that they also offer review tests at a cost.

Council Member De'Andra Epps-Robbins asked for clarification whether a foreign dentist could come in and possibly do a survey or some type of questionnaire. Secretary Larin responded that recommendation number 4 on the agenda item was merely a possibility. Council Member Epps-Robbins asked whether that would have a cost to them to do this and if that would be placed as a public survey once that data was received. Secretary Larin responded that recommendation number 4 will possibly look into foreign dental graduates being able to take their RDA exam for which they would study on their own, and there would be no cost.

Dr. Montez indicated that this is simply a general outline that the Board's Access to Care Committee has provided. After the new year, Board staff will delve in each of these and anticipate providing updates at future meetings. She asked the Council to work through her, and she can relay feedback to Secretary Larin and the Board to ensure collaboration on these issues. Dr. Montez cautioned that the Board is not permitted to ask any kind of information in a survey, as there are codes and laws that govern what the Board can and cannot ask for. Therefore, Board staff will be working with the Board's attorneys to receive guidance on how to gather information.

Regarding number 3 on the agenda item, Vice Chair Miyasaki commented that from her experience being an educator and hearing other educators discuss the work experience pathway, it should be noted that many people that do the work experience pathway may not work in a general chairside office but might work in pedodontics, periodontics, orthodontics, or endodontics. She added that many individuals have informed her that they go online and look at Quizlets. She has looked at the Quizlets and often the answers are wrong. Vice Chair Miyasaki suggested explaining to candidates via the Board's website that Quizlets not coming from a valid entity might not be a great resource.

She added that on agenda 6 under Dental Assistant License Status Statistics, in California for 2023, for RDA there are 28,000 active licenses, almost 4,000 inactive, almost 14,000 delinquent, and 54,000 cancelled. She noted that it seems hard to believe that they would all move out of the state, and that might be a source to investigate.

Vice Chair Miyasaki requested public comment on this item. The Council received the following public comments.

Tooka Zokaie, CDA representative, shared that CDA is aligned with the goals of the Board's Access to Care Committee and the actions to explore strategies to increase pathways to licensure. She noted that CDA also wanted to comment on opportunities to further these efforts and encouraged the Board to explore how the RDA exam can be offered in different languages as a recommendation from the data collected from AB 269. Ms. Zokaie conveyed that in January 2024, DANB will begin offering its Radiation Health and Safety (RHS) exam in Spanish, making it the first Spanish language dental assisting credentialing exam to be offered nationally. CDA encouraged the Board to explore dental assistant certification exams that can be offered in plain language similar to Oregon's House Bill 3223 that now offers exams in English, Spanish, and Vietnamese.

Joan Greenfield, representing the Dental Assisting Alliance, stated that one of the big issues has been salary, which individuals who are trying to figure out how to bring more people into the profession are not addressing. There is a plethora of dental assistants, whether dental assistants or RDAs, who are getting paid \$20 an hour or less and have to jump through a lot more hoops than those outside of the profession who do not have a license. She conveyed that when the exams are done, there is an analysis of questions that are in the exam but not counted to see whether they are valid and so forth. She inquired as to whether anyone has done an analysis of what subject areas people are continuing to fail. In regard to failure on the exam, there could be some information there. She voiced that another issue is that perhaps there is a perception in the general public of what RDAs do, and maybe there needs to be more advertising on the part of the profession to interest people in the profession.

Agenda Item 9: Update, Discussion, and Possible Recommendations on Proposed Regulations

Agenda Item 9.a.: Discussion and Possible Action to Form an Advisory Working Group to Review and Revise the Dental Assisting Comprehensive Rulemaking (California Code of Regulations (CCR), Title 16, Sections 1014, 1067-1071, 1076-1077.3, 1080-1081.3, 1083, 1085-1087)

David Bruggeman provided the report, which is available in the meeting materials.

Kristy Schieldge expressed that she was the Board's Counsel around 13 or 14 years ago and worked on the existing dental assisting educational program regulations, which have not been updated since she left as Board Counsel. Now that she is back, it does seem that they do need to be updated again. As past Counsel for the Bureau for Private and Post-Secondary Education for a decade, she is very familiar with educational programs and how approvals work. Ms. Schieldge expressed that the best approach is that a one- or two-person Advisory Group be formed so that they can meet frequently and consistently over time to get these regulations where they need to be for the profession and for the Board's regulation of these professions.

(M/S/C) (Olague/Epps-Robbins) to create a working group composed of Council Member Jeri Fowler and Vice Chair Miyasaki to review and make recommendations to possibly revise the Board's regulations on dental assisting in consultation with Regulations Counsel and Board staff and bring back any revised text for discussion and possible action at a future Council meeting.

Vice Chair Miyasaki requested public comment before the Council acted on the motion. The Council received the following public comment.

Caller 3 requested an investigation or inquiry as to why the Board's complaint department has a poor rating and what can be done for improvement. The caller requested the item be put on a future meeting agenda.

Vice Chair Miyasaki called for the vote on the motion. Ms. Taran took a roll call vote on the motion.

Ayes: Epps-Robbins, Fowler, Miyasaki, Olague, Pacheco, Pliss.

Nays: None.

Abstentions: None.

Absent: Reed-Espinoza.

Recusals: None.

The motion passed.

Agenda Item 9.b.: Consideration of Proposed Regulatory Language, and Discussion and Possible Recommendation to Initiate a Rulemaking to Amend CCR, Title 16, Sections 1080, 1080.3, 1081, and 1081.2, Adopt Sections 1081.3 and 1081.4, and Repeal Sections 1080.1, 1080.2, 1081.1, 1082, 1082.1, 1082.3, and 1083 Related to Dental Assisting Examinations

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

Council Member Fowler indicated that on page 46 of the meeting materials referencing the proposed text of the dental assisting examination, it states "If an examinee does not have a thumb, or the print cannot be captured, the test center proctor shall scan the pointer finger. If the examinee has no thumbs or fingers, the test center...". Council Member Fowler asked whether the word "fingers" can be substituted for "fingerprints that are able to be captured".

Ms. Schieldge replied that Board staff have been advised not to use the word "fingerprints" because it implies collection for the purpose of checking criminal history. In previous interactions with the Department of General Services (DGS), Executive Officer Montez has advised that DGS requested Board staff to not to use that word when not actually talking about fingerprinting for rap sheets or running criminal

background checks as it might confuse people into thinking that their fingerprints are being taken for that purpose when it is retained on site only to be used for identification purposes at the exam site. She mentioned that the test center specialists for the exam administrator told Board staff to use this language.

Dr. Montez added that this is model language that is used for other boards and bureaus when candidates go get their computer-based testing.

Vice Chair Miyasaki asked if the language could be revised to state that the candidate only be required to provide an anatomic landmark in order to avoid revisions in the near future. Ms. Schieldge responded that the problem is that the Office of Administrative Law (OAL) would probably raise a clarity problem with that language because not everyone has the same understanding of what that term means. Therefore, it has to be a universally understood and accepted term or the Board would have to define what “anatomic landmark” means in every case.

Vice Chair Miyasaki inquired whether the acceptable government-issued photographic identification cards include the Veterans Affairs (VA) identification as well. Ms. Schieldge responded that there is military identification that would include active duty, retiree, or reservist. Vice Chair Miyasaki asked if that applies to someone that works at the VA but is not in the military, such as in the dental clinic. Ms. Schieldge replied that DCA is looking for a photographic identification document (ID) that is typically accepted by Immigration and Naturalization Service (INS) or governmental entities that use photographic identification to verify an individual’s legal presence in the state, and this is the list of identifying documents that she believes has been used universally by the Board’s test administrator. The recommendation would be to stay consistent with test administrator procedures.

(M/S/C) (Miyasaki/Fowler) to recommend to the Board approval of the proposed regulatory text in Attachment A and recommend the Board consider all of the following actions: (1) Direct staff to submit the text in Attachment A to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. (2) If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed for title 16, California Code of Regulations sections 1080, 1080.3, 1081,1081.2, 1081.3,and 1081.4, and repeal Sections 1080.1, 1080.2,1081.1, 1082, 1082.1, 1082.3, and 1083.

Vice Chair Miyasaki requested public comment before the Council acted on the motion. There were no public comments made on the motion.

Vice Chair Miyasaki called for the vote on the motion. Ms. Taran took a roll call vote on the motion.

Ayes: Epps-Robbins, Fowler, Miyasaki, Olague, Pacheco, Pliss.

Nays: None.

Abstentions: None.

Absent: Reed-Espinoza.

Recusals: None.

The motion passed.

Agenda Item 10: Update on Legislation

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

He verbalized that AB 481, which is a bill introduced in the Legislature this year to make significant revisions to the dental assisting chapter of the Dental Practice Act, did not move out of the Senate Appropriations Committee and was not passed by the Legislature this year. As of November 7, 2023, it has not been designated as a two-year bill, and if that remains the case, once the Legislature reconvenes in 2024, the bill would need to be reintroduced or the stakeholders supporting that particular bill would seek to have the changes that were suggested in the bill incorporated into the Board's sunset legislation, which will be dealt with in the spring of 2024.

Vice Chair Miyasaki requested public comment on this item. There were no public comments made on this item.

Agenda Item 11: Election of 2024 Council Chair and Vice Chair

Dr. Montez facilitated the election. She opened the floor for nominations for the position of Chair. Dr. Montez stated that Vice Chair Miyasaki was nominated for appointment as the 2024 Council Chair; Vice Chair Miyasaki accepted the nomination. There were no other nominations.

Dr. Montez requested public comment on the nomination. There were no public comments made on the nomination.

(M/S/C) (Fowler/Epps-Robbins) to elect Vice Chair Miyasaki as the 2024 Council Chair.

Dr. Montez requested public comment before the Council acted on the motion. There were no public comments made on the motion.

Dr. Montez called for the vote on the motion. Ms. Taran took a roll call vote on the motion.

Ayes: Epps-Robbins, Fowler, Miyasaki, Olague, Pacheco, Pliss.

Nays: None.

Abstentions: None.
Absent: Reed-Espinoza.
Recusals: None.

The motion passed. Vice Chair Miyasaki was elected as 2024 Council Chair.

Dr. Montez opened the floor for nominations for the position of Vice Chair of the Council. Dr. Montez stated that Council Member Fowler was nominated for appointment as the 2024 Vice Chair; Council Member Fowler accepted the nomination. There were no other nominations.

(M/S/C) (Miyasaki/ Epps-Robbins) to appoint Council Member Fowler as the 2024 Council Vice Chair.

Dr. Montez requested public comment before the Council acted on the motion. There were no public comments made on the motion.

Dr. Montez called for the vote on the motion. Ms. Taran took a roll call vote on the motion.

Ayes: Epps-Robbins, Fowler, Miyasaki, Olague, Pacheco, Pliss.
Nays: None.
Abstentions: None.
Absent: Reed-Espinoza.
Recusals: None.

The motion passed. Council Member Fowler was elected as 2024 Council Vice Chair.

Dr. Montez noted the Chair and Vice Chair terms would begin on January 1, 2024.

Agenda Item 12: Adjournment

Vice Chair Miyasaki adjourned the meeting at 10:26 a.m.