



DENTAL BOARD OF CALIFORNIA

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DENTAL BOARD OF CALIFORNIA MEETING MINUTES February 9, 2024

Pursuant to Government Code section 11213.2, the Dental Board of California (Board) met by teleconference/WebEx Events on February 9, 2024, with the following location available for Board and public member participation:

Department of Consumer Affairs
1625 N. Market Blvd., Hearing Room #102
Sacramento, CA 95834

Board Members Present:

Alan Felsenfeld, MA, DDS, President
Joanne Pacheco, RDH, MAOB, Vice President
Lilia Larin, DDS, Secretary
Steven Chan, DDS
Joni Forge, DDS (remote participant)
Meredith McKenzie, Esq., Public Member
Angelita Medina, MHS, Public Member
Sonia Molina, DMD, MPH
Rosalinda Olague, RDA, BA
Yogita Thakur, DDS, MS (remote participant)
James Yu, DDS, MS

Staff Present:

Tracy A. Montez, Ph.D., Executive Officer
Carlos Alvarez, Enforcement Chief (South)
Paige Ragali, Chief of Administration and Compliance
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
David Bruggeman, Legislative and Regulatory Specialist
Mirela Taran, Administrative Analyst
Joseph Tippins, Investigator
Yvonne Dorantes, Assistant Deputy Director, Board and Bureau Relations, Department of Consumer Affairs (DCA)
Kristy Schieldge, Regulatory Counsel, Attorney IV, Legal Affairs Division, DCA
Trisha St. Clair, Moderator, SOLID, DCA
Alex Cristescu, Office of Public Affairs, DCA
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

8:30 a.m., Friday, February 9, 2024

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

The Board President, Dr. Alan Felsenfeld, called the meeting to order at 8:38 a.m. The Board Secretary, Dr. Lilia Larin, called the roll; eleven 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 Board Meeting Minutes

Agenda Item 3.a.: November 8-9, 2023

(M/S/C) (Chan/Yu) to approve the November 8-9, 2023 meeting minutes.

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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: Medina.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 3.b.: December 15, 2023

(M/S/C) (Chan/McKenzie) to approve the December 15, 2023 meeting minutes.

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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: Medina.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Felsenfeld reported that on February 2, 2024, he, along with some fellow Board members and the Board's Executive Officer, attended a training provided by the California Highway Patrol regarding threat and situational awareness. He stated that he reappointed the current Board Members to serve on the same committees as they did the previous year and continued his weekly meetings with the Board's Executive Officer. President Felsenfeld noted he is working on an enforcement presentation for the California Dental Society of Anesthesiology in a few weeks, and he will report his experience at the next Board meeting.

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

Agenda Item 5: Executive Officer Report

Dr. Tracy Montez shared that she continues to have weekly meetings with President Felsenfeld discussing Board operations and business. She is very pleased with the progress Board staff is making as they continue to have reduced backlogs across enforcement cases and are up to date with licensing and permits. She shared that two Dental Assisting Council (DAC) members resigned from the DAC for professional reasons, and the Board is recruiting to fill those positions. Dr. Montez noted DCA has implemented the Federal Professional License Portability and State Registration portal, which is based on the federal Servicemembers Civil Relief Act (SCRA) and authorizes service members and their spouses who currently hold a valid license in good standing in another state to practice in California within the same profession if they are required to relocate to California due to military orders. California recognizes these licenses and these military orders, and to date, the Board has registered three dentists, one being from Ohio, one from Utah, and one from South Carolina. She emphasized these are registrations, not licenses, and these individuals are allowed to practice during the time their military orders require them to be in California.

Paige Ragali was recognized as the Board's new Chief of Administration and Compliance. Ms. Ragali introduced several Board employees in attendance.

Dr. Montez disclosed that California has a Merit Award Program, and within this award program, there is a Superior Accomplishment Award that departments have the option of offering to employees. It is a very specific award that includes things like an important contribution to science or research, a contribution that results in substantial cost savings to the department or the state, or potentially a major improvement of methods, organization, or procedures. She added that the Board submitted an employee's name to be considered by the department, and DCA's Merit Board reviewed the various applications that were submitted. As a result, the Board's nominee, Matt Pendergast, was selected as a recipient of the Silver Superior Accomplishment Award.

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 Activities, which may include updates on the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters

Yvonne Dorantes provided a departmental update. She stated that Board and Bureau Relations (BBR) will have its winter newsletter coming out soon in the next couple weeks, as well as the monthly BBR email. In December 2023, the Department of Finance issued a budget letter that directs all agencies and departments under the Governor to take immediate action to reduce current year expenditures. Given the fiscal outlook, the State of California anticipates a significant general fund budget deficit in fiscal years (FYs) 2023-2024 and 2024-2025, which will require all state entities to take immediate measures to ensure more prudent spending, except for time sensitive, emergency related, mission critical, and information security needs. Immediate actions include the cancellation of nonessential travel, such as participation in seminars, conferences, and training both in state and out of state. She noted that boards should immediately review all spending and determine where savings can be realized.

Ms. Dorantes voiced that the DCA Diversity, Equity, and Inclusion (DEI) Steering Committee held its quarterly meeting in December 2023 and reviewed a draft DEI internet report on the webpage for employees, re-elected its chairperson and vice chairperson for 2024, and discussed DEI trainings. After approval at the meeting, the Committee announced the launch of the DEI internet page to department staff, which provides a centralized location with DEI related tools and information, as well as real-time updates on the department's DEI activities for all employees. As providing DEI opportunities continues to be a priority for the department, the Committee is now offering board members a DEI training on How Leaders Navigate DEI Dialogue in the Workplace. The training, provided by Christopher Veal, is recorded and can be taken online via DCA's Learning Management System (LMS). Additionally, DCA continues to support DCA boards and bureaus in expanding culturally competent communications and promoting the importance of meeting the needs of all California consumers, licensees, and applicants. The latest issue of DCA's Consumer Connection magazine includes articles with information important to consumers, including a feature cover story translated into three languages.

Ms. Dorantes stated that Senate Bill (SB) 372 [(Menjivar, Chapter 225, Statutes of 2023)] was signed by Governor Newsom in September 2023 and became effective the first of the year. SB 372 requires DCA boards and bureaus to update licensee records if they receive government-issued documentation demonstrating a legal change of name or gender for gender transition or domestic violence reasons. This bill allows licensees to request their prior name not to be published online in connection with the license or the current name and establishes a process for individuals to access a licensee's enforcement records under a prior name.

Ms. Dorantes provided updates on Bagley-Keene Open Meeting Act amendments and addressed the Federal Professional License Portability and State Registration portal, DCA's threat assessment training, and DCA's annual Presidents Training and Board Member Orientation Training (BMOT).

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

Agenda Item 7: Budget Report

Wilbert Rumbaoa provided a report on the State Dentistry Fund, which the Board manages, for FY 2023-2024. Mr. Rumbaoa conveyed that the Board began FY 2022-2023 with an adjusted beginning balance of \$17.6 million. The Board is projected to collect approximately \$19.1 million in revenues with \$3.1 million from initial licensing fees and \$14.8 million from licensing renewals. The Board's expenditures for this FY as of Fiscal Month 6 are projected to be \$19.1 million out of the current appropriation of \$21 million. Based on the projections, the Board is expected to revert \$1.9 million for this FY. Expenditure and revenue projections may change with actual returns in the remaining fiscal months. Board staff, in conjunction with the DCA Budget Office, will continue to monitor these expenditures and revenues and report back to the Board with monthly projections at future fiscal meetings. Mr. Rumbaoa stated that as a result of Budget Letter 23-27, which will reduce board expenditures to items that are mission critical in the current year, the state anticipates significant General Fund budget deficits in FYs 2023-2024 and 2024-2025. Although Board funding derives from the State Dentistry Fund, the Board is to follow state guidance described in Budget Letter 23-27. He added that any future legislation or unanticipated events could result in the Board's need for additional resources. Additional information will be provided at the Board's Sunset review hearing in March 2024.

Dr. Montez reassured Board members, stakeholders, and the public that the Board does run very efficiently. Just about everything the Board does is mission critical as its mission is protection of the public. She added that Board staff is very careful in how money is spent, and the department requires justifications to support mission-critical requests that the Board makes. She conveyed the department has been very supportive with the requests that Board staff have made.

President Felsenfeld requested public comment on this item. The Board received public comment.

Dr. Bruce Witcher voiced that in the past when there have been budget crises, there have been special fund loans from the Board fund to the state government. He inquired whether there have been any indications of that in 2024. Mr. Rumbaoa responded that as of now, the Board still has an outstanding General Fund loan of \$5 million, which was taken out in the Budget Act of 2020 and is scheduled to be repaid in June of 2025; the return rate on that is .67%.

Dr. Montez added the Board has not heard of any additional requests for loans against its fund.

Agenda Item 8: Enforcement

Agenda Item 8.a.: Update on “Attorney General’s Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies, Business and Professions Code Section 312.2, January 1, 2024”

Carl Sonne, Senior Assistant Attorney General, Office of the Attorney General (OAG), Department of Justice, provided a verbal update and presentation on the Attorney General’s Annual Report.

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

Agenda Item 8.b.: Review of Statistics and Trends

Carlos Alvarez provided the report, which is available in the meeting materials. Mr. Alvarez expressed that in the past, there were 98 inspections cases open in the Orange Field Office, being that the number of cases received in Southern California are much higher than in Northern California. In addition to hiring another inspector, Board staff have set timelines with its inspectors and have brought down inspection cases. He believed that at the last presentation that was provided, the Board had 14 open inspection cases.

Dr. Montez expressed that in the prior presentation, there was an indication that the Board’s cases moving to OAG had decreased; however, that is not the case. As a result of not having the staff, being backed up and backlogged, OAG referrals have gone down. As she shared at the last quarterly Board meeting, the Orange Field Office is fully staffed, and very shortly, the Sacramento office will be fully staffed. As a result, it is anticipated that number will increase. Dr. Montez communicated the Board is on track to receive about a thousand more complaints this year, and Board staff have redirected one of its positions to complaint and compliance to help with the efficiencies, so that staff can do a thorough job in investigating those complaints, being responsive, and moving them forward to the Board’s enforcement division as needed.

President Felsenfeld pointed out that it is his understanding that as the Board receives about 4,000 complaints a year, that is going to go to 5,000, which is about a 25% increase. Dr. Montez responded that part of this is due to the Board providing good outreach, and the public can access the Board’s website if they have concerns. She believed it was important to have a mode or a means for consumers to reach out to the Board.

President Felsenfeld requested public comment on this item. The Board received public comment.

Shari Becker, representing the Dental Assisting Alliance, asked whether there was data on specifics of what “other” might include in the “Complaints Received” chart located on page 101 of the meeting materials. Mr. Alvarez responded that if it does not involve a dentist or registered dental assistant, “other” entails complaints of non-licensees where they are making complaints against a manager or staff who are not licensed by the Board. Ms. Becker asked whether there would be a possibility to have a breakdown of those categories. Dr. Montez replied that because there are so few of them, it is a confidentiality thing and is kept generic.

Agenda Item 9: Substance Use Awareness

*Agenda Item 9.a.: Diversion Program Report and Statistics

Dr. Montez 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 9.b.: Controlled Substance Utilization Review and Evaluation System Report

Mr. Alvarez 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.

At 9:58 a.m., the Board recessed for a break.

At 10:17 a.m., the Board reconvened.

Agenda Item 10: Licensing, Certifications, and Permits

Agenda Item 10.a.: Update on Dental Licensure and Permit Statistics

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

Board Member Steven Chan voiced that on page 131 of the meeting materials in the “Denied Dental Applications by Month” chart, the ADEX 23/24, as well as the Credential 23/24 totals, should be 0. Ms. Ragali responded that those numbers should be 0, and Board staff will fix the error for the next Update on Dental Licensure and Permit Statistics report.

Dr. Montez mentioned that the dentist occupational analysis due date is 2025 and reported that the Office of Professional Examination Services (OPES) will distribute the occupational analysis survey within the next two weeks via email. The survey will take about an hour to two hours to complete, and the Board will award two continuing education units for completing the survey. She encouraged all dentist licensees to complete the survey, because the survey data will be used for updating the Law and Ethics Examination, as well as informing the practice. As it is developed with licensed

dentists under the guidance of test specialists, the format may appear a little bit awkward.

President Felsenfeld requested public comment on this item. The Board received public comment.

Ms. Becker, representing the California Dental Assistants Association, commented that as the DAC meeting was cancelled, it would be helpful to have the dental assisting statistics also inserted in the Board meeting materials.

Agenda Item 11: Examinations

Agenda Item 11.a.: Report on Commission on Dental Competency Assessment, Western Regional Examining Board, and Council of Interstate Testing Agencies (CDCA-WREB-CITA)

Dr. Guy Shampaine, Senior Advisor to CDCA-WREB-CITA, provided a verbal report on their activities. Dr. Shampaine noted that presently the American Board of Dental Examiners (ADEX) exam is taken by 99.7% of all dental graduates out of the 7,000 dental graduates and given in every dental school in the United States. It is also given at Dalhousie in Canada, is the national exam for Jamaica, and is now the national exam for Saudi Arabia. Every dental school in the United States in which the CDCA-WREB-CITA exam is given has consultant examiners who function as examiners so they can take that information directly back to their schools. Dr. Shampaine added that there are no patient-based exams scheduled in 2024, and as of next year, no patient-based exams will be allowed. Additionally, an individual will not be able to get ADEX status by doing a patient-based exam. Furthermore, when the ADEX exam was done as and still is a curriculum integrated format exam, it is given earlier in the training program than normal. He explained retake rules apply to those who take the ADEX exam before graduation, and there are a separate set of rules on failure after graduation. Typically, students take the endodontics, prosthodontics, and periodontics at the end of the third year, and take restorative in the second semester of their last year. However, there are some schools in the country that move the endodontics and prosthodontics to the end of the second year. It is earlier and meant to help schools identify students who need remediation. Therefore, a failure is not counted as a failure of the exam until there has been three unsuccessful attempts. However, if you are a dentist and graduated dental school, or you are a hygienist, every failure is a failure because you are already deemed competent. Dr. Shampaine relayed that the other interesting issue is that ADEX is doing their occupational analysis for dentistry, which began in January 2024 with the subject matter experts assembling and developing a survey instrument that will be accomplished this year and reported in September 2024 to the ADEX meeting. It is a national occupational analysis, but California has to be represented in the occupational analysis as a proportion of the national dentist. He expressed that roughly 20% of the respondents are going to come from California, and the surveys themselves are focused on those who have been out five years or less.

California has its own district in the organization of ADEX and is one of the 12 directors. There are only two states, one being California, that have their own directors who are directly appointed, and they are always going to come from that state. California also has representation on the exam committee. Dr. Shampaine encouraged the Board to join ADEX as there are no fees, and this is the perfect time to do so, especially with the occupational analysis coming into play. Furthermore, he encouraged the Board to join CDCA-WREB-CITA as there are also no costs, and educators would be funded to the meeting.

President Felsenfeld added that as it turns out, the Board is going to join CDCA-WREB-CITA.

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

Agenda Item 12: Anesthesia and Sedation

Agenda Item 12.a.: General Anesthesia and Sedation Permits: Inspections and Evaluations Statistics

Jessica Olney provided the report, which is available in the meeting materials. Ms. Olney noted that she has been doing a recent audit of the evaluator poll, and the Board has had several evaluators who have decided to retire. Therefore, the numbers on the “Current Evaluators per Region” chart located on page 152 of the meeting materials will decrease for the next Board meeting. She added that the Board is currently actively recruiting for new evaluators.

Board Member Lilia Larin mentioned that she saw the application for the initial permit for conscious sedation on the Board’s webpage, which should be removed. Ms. Olney responded that from what she understood, it should have been removed in 2022, and she would take a look at the Board’s webpage.

President Felsenfeld requested public comment on this item. The Board received public comment.

Due to technical difficulties, Dr. Priya Ganju typed her inquiry into the WebEx Question and Answer feature and asked how to see what the current National Board test consists of. President Felsenfeld stated that Dr. Ganju had the option to send an email to the Board regarding her inquiry, and Board staff would look into it and get back to her.

Agenda Item 12.b.: Update Regarding Board Implementation of Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018)

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 12.c.: Discussion and Possible Action Regarding Appointment of General Anesthesia, Medical General Anesthesia, and Moderate Sedation Permit Evaluators

Ms. Olney provided the report, which is available in the meeting materials. Ms. Olney pointed out that a few of the evaluator applicants had requested to evaluate both general anesthesia and moderate sedation permit applicants, and that there were some evaluator applicants who preferred to just evaluate general anesthesia permit applicants.

President Felsenfeld asked for clarification on whether the evaluator applicants are still for general anesthesia and whether that would mean they cannot do moderate sedation evaluations if they elect to do so.

Tara Welch noted that to administer or order the administration of moderate sedation, the individual would need either a general anesthesia permit or a moderate sedation permit. She added that if the Board appointed these individuals who already have a general anesthesia permit, they could be used for evaluating moderate sedation permit applications. For those individuals who indicated what types of evaluation they were applying for, the Board would appoint them for those positions. In the future, if the Board was low on moderate sedation permit evaluators, Board staff could reach out to these individuals to see if they would want to evaluate for moderate sedation as well.

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

(M/S/C) (Chan/Medina) to appoint Dr. Brian Chu 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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Larin) to appoint Dr. George Jaber as an evaluator for the general anesthesia and moderate sedation 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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Pacheco/Yu) to appoint Dr. Jakub Pietrowski as an evaluator for the general anesthesia and moderate sedation 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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Olague/Molina) to appoint Dr. Ali Pootrakul as an evaluator for the general anesthesia and moderate sedation 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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

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

The motion passed.

(M/S/C) (Larin/Medina) to appoint Dr. Akemi Arzouman as an evaluator for the moderate sedation 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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.
Nays: None.
Abstentions: None.
Absent: None.
Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Medina) to appoint Dr. Yvette Carrillo as an evaluator for the moderate sedation onsite inspection and evaluation program.

Secretary Larin voiced that Dr. Carrillo is from San Diego and that on her application she wrote down that she is a pedodontist when she is actually a periodontist. She voiced that there is a possibility that Dr. Carrillo might have marked the wrong box. Ms. Welch added that there is no requirement for a particular type of practice to obtain the permits; and applicant has to qualify using the requirements laid out in statute. It appeared that Dr. Carrillo had a moderate sedation permit, and that is all that is required to become an evaluator for moderate sedation permit applicants.

Board Member Steven Chan asked whether the pediatric endorsement comes into play when someone applies as a periodontist versus general dentist or pediatric dentist. Ms. Olney responded that it does not come into play in the case of the on-site inspection and evaluation.

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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to appoint Dr. Kabson Hong as an evaluator for the moderate sedation 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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Pacheco/Felsenfeld) to appoint Dr. James Rore as an evaluator for the moderate sedation 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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 13.: Discussion and Possible Action on Board, Council, and Committee Member Administrative Policy and Procedure Manual

Dr. Montez provided the report, which is available in the meeting materials. The Board reviewed the Agenda Item 13 Attachment provided separate from the meeting packet.

Ms. Welch suggested additional minor, technical amendments to pages 7, 9, and 18 of the Agenda Item 13 Attachment. Board Member Sonia Molina inquired whether the Board changed the requirement of a Board Member submitting, for consideration, items for a Board meeting agenda to the Board President and Executive Officer from 30 days prior to the meeting to 45 days. Dr. Montez responded that was correct, and that was done in order to have more time to vet and review the item.

(M/S/C) (Chan/Yu) to adopt the revised Board, Council, and Committee Member Administrative Policy and Procedure Manual.

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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 14: Update, Discussion, and Possible Action on Proposed Regulations
Item 14.a.: Status Update on Pending Regulations

David Bruggeman provided the report, which is available in the meeting materials. He noted the Board recently rescinded the comprehensive dental assisting regulations package, and sent it to a two-person working group. That working group, consisting of the DAC Chair and Vice Chair, has met since the last Board meeting. Vice Chair Jeri Fowler met with Board staff in January 2024 to discuss strategy for how to approach the review and revision of the dental assisting regulations. Mr. Bruggeman added that there are five articles in the dental assisting portion of the regulations, and that one of those is already a package in process. Of the remaining material, the next steps that the working group has planned are to prepare a Section 100 package, which is a regulatory proposal to make non-substantive changes to the regulations to reflect repeal of statutes or other changes in the law as specific to this material. Mr. Bruggeman stated there are sections in the dental assisting regulations that still refer to the Permit Reform

Act of 1981, which was repealed. The Section 100 package will result in a relatively straightforward regulatory package that Board staff anticipate bringing to the Board at the May Board meeting. The next step in that process would be to develop a package focusing on the regulations in article three of the dental assisting regulations that are specific to applications for licensure for the various dental auxiliary licenses. Mr. Bruggeman conveyed that the intent is to have that ready for the Board consideration in May, and the working group will be meeting again in March 2024.

Mr. Bruggeman conveyed that there are two additional packages. One package regarding replacement licenses combined with the update to the inactive and active license application form has been filed with the Office of Administrative Law (OAL) following the 45-day public comment period. The Board received no comments at that point and Board staff expects a response from OAL on that package by the end of February 2024. Similarly, the AB 107 regulations, which refer to temporary licensure for qualified spouses or domestic partners of military members, has also been filed with OAL, and a response from OAL is anticipated by March 4, 2024. He added that the package concerning updates to the Board's Uniform Standards is currently under review with the Board's Regulations Counsel and DCA Budget Office.

Dr. Montez highlighted the progress on the dental assisting comprehensive rulemaking regulations and emphasized that the Board is moving forward on this, taking it article by article not necessarily in order.

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

At 11:24 a.m., the Board recessed for a break.

At 12:16 p.m., the Board reconvened.

Agenda Item 14.b.: Discussion and Possible Action to Appoint a Working Group to Develop Proposed Amendments to California Code of Regulations (CCR), Title 16, Section 1005, Minimum Standards for Infection Control

Mr. Bruggeman provided the report, which is available in the meeting materials. President Felsenfeld requested clarification on the process for this item and confirmed that the purpose is to clean-up what the Board has and then start the discussion again using the proposed motions set forth in the meeting materials.

(M/S/C) (Pacheco/Olague) to rescind approval of the proposed rulemaking language approved by the Board on May 16, 2018, to amend title 16, CCR section 1005.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment.

Anthony Lum, Executive Officer of the Dental Hygiene Board of California (DHBC), thanked the Board for rescinding the existing regulatory language. He voiced that in 2018, one of his Board members, who is considered the “dental realm guru” on infection control, acknowledged to him that this language was incomplete and should not move forward. Mr. Lum indicated that he will confer with this Board member about what suggestions they may have in moving forward and offered the DHBC’s collaborative efforts to have this regulatory section improved and finalized.

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

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

President Felsenfeld stated that as Board President, he is entitled to and responsible for appointing working groups, and therefore, appointed Board Vice President Joanne Pacheco and Cara Miyasaki, Chair of the DAC, to the working group to review and make recommendations to possibly revise the Board’s regulations on infection control in consultation with Regulations Counsel and Board staff and bring back any revised text for discussion and possible action at a future Board meeting.

Agenda Item 14.c.: Discussion and Possible Action to Consider Modified Text for Currently Proposed Regulatory Language and to Adopt Amendments to CCR, Title 16, Section 1018 Relating to the Board’s Disciplinary Guidelines

Mr. Bruggeman provided the report, which is available in the meeting materials. He mentioned that in addition, to the changes discussed in the meeting materials, there is one additional change being recommended since the February Board meeting materials were made available to the public. Specifically, he referred to the language in probation term 19 for Supervised Practice. On page 27 of the Disciplinary Guidelines [page 246 of the meeting materials], in the first paragraph of the Supervised Practice term, there are two highlighted sections, the first one reads “of dentistry/general anesthesia or deep sedation/moderate sedation/oral conscious sedation on adult patients/minimal sedation” and the second highlighted section is effectively the same language. Mr. Bruggeman stated that Board Counsel wanted to insert “pediatric” before minimal sedation at the very end of each of those highlighted sections to make this language consistent with other modified text suggestions that Board staff are proposing for the Board.

Kristy Schieldge noted that Board Counsel has suggested that on page 27 of the Guidelines the word “pediatric” is added before “minimal sedation” in the two highlighted

places in the supervised practice term (in two places in the first paragraph and one place in the “Rationale”). Board Counsel and Ms. Schieldge confirmed that the change makes it consistent with the other references to the pediatric minimal sedation permit in the meeting materials and with the law (statutory title of the permit at BPC, § 1647.30 et seq.).

Dr. Montez clarified that it is the highlighted areas that have since been changed.

Ms. Welch indicated that if the Board approves these revisions, it would be as revised today.

President Felsenfeld requested clarification on process and what actions were necessary. Ms. Schieldge explained that in order to make the changes as presented in the meeting materials, plus the revisions noted by Board Counsel, staff need a motion to approve those changes. These changes would be approved unless the Board members have other further changes. President Felsenfeld asked for any further discussion or revisions to this proposal by the members, and seeing none, confirmed that the members had no further changes to the proposed text in the meeting materials other than what had been discussed today.

(M/S/C) (Felsenfeld/Yu) to approve the proposed modified regulatory text for CCR, title 16, section 1018 and incorporated Disciplinary Guidelines in Attachments 1 and 2 that includes the amendment of adding the word “pediatric” before the words “minimal sedation” on page 27 of the Disciplinary Guidelines to the text in Term 19 for Supervised Practice and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and incorporated Disciplinary Guidelines, and adopt the proposed regulation and incorporated Disciplinary Guidelines as revised at this meeting and described in the modified text notice for CCR, title 16, section 1018.

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 motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 15: Update, Discussion, and Possible Action on 2023/2024 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Agenda Item 15.a.: 2024 Tentative Legislative Calendar – Information Only

Mr. Bruggeman provided an overview of the 2024 Tentative Legislative Calendar, which is available in the meeting materials. Mr. Bruggeman stated that the Legislature is scheduled to recess on March 21, 2024, which would likely be the last possible date for the Board's sunset review hearing. Based on the scheduling of the hearings last year on March 16 and 18, 2023, he anticipated similar dates for the hearings with one of those dates covering the Board sunset process. He pointed out that there are key deadlines in May 2024 when most of these bills will need to have cleared their first house, which will coincide with the Board's May meeting, at which time Board staff anticipate having some action items related to legislation for the Board.

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

Agenda Item 15.b.: Update Regarding the Board's 2024 Sunset Review Oversight Hearing

Mr. Bruggeman provided the report, which is available in the meeting materials. Mr. Bruggeman stated that the Board submitted its sunset review report in late December of 2023 to both the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee. Mr. Bruggeman expressed that the report is available online in the Forms and Publications section of the Board's website, and at this moment, there is not a specified date for the hearing. However, Board staff anticipate once the hearing date has been scheduled, the Board would receive some material from the respective committees prior to the hearing concerning their review of the sunset report and any questions they may have. He added there would be follow-ups after the hearing with respect to both the Board's responses to their initial questions and to any issues that are raised during the course of the sunset hearing, and the Board would be obligated to respond to them within a relatively short time frame. He added that he would not expect to see a sunset bill prior to the sunset hearing.

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

Agenda Item 15.c.: Legislation of Interest

Mr. Bruggeman provided the report, which is available in the meeting materials, and went over the three bills, SB 607, SB 782, and SB 908. He noted that as of late January 2024, there were several other bills, including AB 2242 regarding dental assistants, that had been introduced and may be of interest to licensees and the public.

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

Agenda Item 16.: Discussion and Possible Action Regarding Appointment of Dental Assisting Council (DAC) Members

Dr. Montez provided the report, which is available in the meeting materials. She stated that consistent with the responsibilities of the Board President to appoint committees, President Felsenfeld appointed Vice President Pacheco and Board Member Rosalinda Olague to a committee to review the applications, conduct interviews, and bring recommendations to fill the DAC vacancies to the Board at a future meeting.

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

Agenda Item 17: Public Comment on Future Agenda Items

There were no public comments made on future agenda items.

Agenda Item 18: Recess Open Session

Dr. Montez noted that there would be no Closed Session during this meeting. President Felsenfeld stated that Agenda Items 18 through 23 would be skipped.

Agenda Item 19: Convene Closed Session

Closed Session was not convened as there were no items to discuss in closed session; this agenda item was skipped.

Agenda Item 20: Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

This agenda item was skipped.

Agenda Item 21: Adjourn Closed Session

This agenda item was skipped.

Agenda Item 22: Reconvene Open Session – Call to Order/Roll Call/Establishment of a Quorum

This agenda item was skipped.

Agenda Item 23: Board President's Report on Closed Session Items

This agenda item was skipped.

Agenda Item 24: Adjournment

President Felsenfeld adjourned the meeting at 12:50 p.m.

*Agenda item heard out of order; the meeting minutes reflect the order of business as noticed in the Board meeting Agenda.