



DENTAL BOARD OF CALIFORNIA

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DENTAL BOARD OF CALIFORNIA MEETING MINUTES May 14-15, 2024

In accordance with Government Code section 11123, subdivision (a), the Dental Board of California (Board) met on May 14-15, 2024, at the following location:

Hilton Anaheim
777 W. Convention Way
Anaheim, CA 92802

Members Present:

Alan Felsenfeld, MA, DDS, President
Joanne Pacheco, RDH, MAOB, Vice President
Lilia Larin, DDS, Secretary
Steven Chan, DDS
Kevin R. Cheng, J.D., Public Member
Meredith McKenzie, Esq., Public Member
Angelita Medina, MHS, Public Member
Sonia Molina, DMD, MPH
Rosalinda Olague, RDA, BA
Yogita Thakur, DDS, MS
James Yu, DDS, MS

Members Absent:

Robert P. David, Public Member
Joni Forge, DDS

Staff Present:

Tracy A. Montez, Ph.D., Executive Officer
Paige Ragali, Chief of Administration and Compliance
Tina Vallery, Chief of Dental Assisting License and Program Compliance
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
Patrick Morrissey, Supervisory Investigator
David Bruggeman, Legislative and Regulatory Specialist
Monica Ackerson, Investigator (May 15, 2024)
Paul De La Cruz, Investigator (May 14, 2024)
Jeanette De Lira, Investigator (May 15, 2024)
Kaycee Hunter, Investigator (May 15, 2024)
Mirela Taran, Administrative Analyst
Thomas Tortorici, Investigator (May 14, 2024)

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Melissa Gear, Deputy Director, Board and Bureau Relations, Department of Consumer Affairs (DCA)

Kristy Schieldge, Regulations Counsel, Attorney IV, Legal Affairs Division, DCA (May 14, 2024)

Cesar Victoria, Television Specialist, Office of Public Affairs, DCA

Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

11:00 a.m., Tuesday, May 14, 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 11:05 a.m. The Board Secretary, Dr. Lilia Larin, called the roll; ten Board Members were present, and a quorum was established. Board Members Robert P. David and Joni Forge, DDS, were absent. Board member Yogita Thakur, MS, DDS, was absent for roll call but joined the meeting at 1:30 p.m.

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 February 9, 2024 Board Meeting Minutes

(M/S/C) (Chan/Yu) to approve the February 9, 2024 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Felsenfeld reported that the Board had been deficient in public members for the longest time and thanked the Governor's Office and the Governor for appointing two new members, Robert David and Kevin Cheng, to the Board. He voiced that he had the opportunity to attend the DCA President's Training in February and a Board Member orientation that the Board held for the new Board Members on April 26, 2024. President Felsenfeld added that he gave a lecture at the California Dental Society of

Anesthesiology, which was well received. He noted that the Board gained a couple of new potential anesthesia inspectors, and he attended the Sunset hearing on March 12, 2024. He disclosed that the hearing took about twice as long as Board staff expected, and he and Dr. Tracy Montez got challenged in a number of areas.

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

Agenda Item 5: Executive Officer Report

Dr. Montez shared that Board staff has been working extremely hard on the Sunset bill and addressing legislation. She expressed that she and President Felsenfeld participated in the Sunset hearing and were drilled on access to care questions and collection of demographic data. They discussed the Board's Access to Care Committee and the various steps the Board is taking through the additional pathways in the Sunset bill and also clarified the Board's role in the collection of demographic data. She noted that there is a Government Code that prevents the Board from collecting demographic data upon licensure. However, the Board does collect it in a number of ways through renewals, which is required. The Board has another agency that collects this data on behalf of the Board, as well as other healing arts boards. Dr. Montez affirmed that she believes the Board is doing what it is intended to do in terms of addressing access to care within the parameters of consumer protection and current Government Code.

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

Melissa Gear provided a departmental update. She stated that although Public Service Recognition Week has ended, DCA honored more than 3,000 DCA board and bureau employees dedicated to protecting California consumers. DCA thanks all employees and Board Members for their service and contributions to consumer protection. Ms. Gear pointed out that on April 30, 2024, DCA hosted an in-person meeting with Business, Consumer Services and Housing Agency (BCSHA) Secretary Tomiquia Moss and executive leaders. It served as an opportunity for DCA leaders to meet the new Secretary and hear her vision and priorities for BCSHA and DCA. She mentioned that the U.S. Department of Education announced a new regulation that will affect non-degree school programs approved by boards and bureaus. Starting July 1, 2024, the regulation will limit program length to 100% of the state's minimum hour requirements making the minimum requirements the maximum. Non-compliant programs will no longer be eligible for federal Title IV funding after July 1, 2024. However, on April 15, 2024, in response to questions from numerous states and schools, the U.S. Department of Education issued guidance regarding changes to program length restrictions, including exercising its enforcement discretion until January 1, 2025. Ms. Gear added

that DCA continues to work with the U.S. Department of Education, California Legislature, and executive officers on this important issue. Additionally, on April 5, 2024, the DCA Diversity, Equity, and Inclusion (DEI) Steering Committee held its quarterly meeting. The committee reviewed and discussed the member application process, established subcommittees, and solicited input from the committee on how to expand language access, workforce development, and advance DEI in 2024. DCA's Office of Public Affairs staff participated in two Facebook live events hosted by the Consulate of Mexico's Sacramento and Fresno offices during its Financial Education Week. Staff presented Get to Know DCA in Spanish and shared a broad overview of consumer and licensing information. Additionally, DCA joined an in-person resource event with the Consulate of Mexico in Sacramento. Another Get to Know DCA virtual was held with the Consulate of Mexico on May 14, 2024. Ms. Gear provided updates on the increase in scams, Travel Expense Claims, workforce development outreach opportunities, and DCA's 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: Report on Dental Hygiene Board of California Activities

Dr. Carmen Dones, President of the Dental Hygiene Board of California (DHBC), provided a verbal report on their activities.

Anthony Lum, Executive Officer of the DHBC, thanked Dr. Montez for helping the DHBC with the elimination aspect of their clinical exam when in her prior position at the Office of Professional Examination Services (OPES).

Secretary Larin inquired whether the Spanish language exam is already implemented. Mr. Lum responded that they are planning to implement it. Currently, it is only available in English, and they have found over time that multiple programs have other languages available. Therefore, they wanted to look into converting the current Law and Ethics exam to Spanish as well.

Secretary Larin asked how long that will take to accomplish. Mr. Lum responded he is uncertain, and that the idea came up within the last three months. He voiced they were focused on other projects but have a new contract with OPES to have an occupational analysis done. Therefore, they can use that over the next year to look into it and get that done.

Secretary Larin asked whether they happen to have a survey on whether it was actually needed. Mr. Lum responded they did not use any statistics to come to that rationale but realized that it is most definitely needed.

Dr. Montez asked for confirmation that it is not an exam, but it is actually all of the items that will be used to develop new forms of the exam that the DHBC will be providing in

Spanish. Mr. Lum responded that at this point, he has not delved into that research as much.

Dr. Montez confirmed that it is not one exam but all future exams will be adapted, not translated, into the best Spanish version, and it will cost quite a bit of money.

Mr. Lum added that finding out how much the cost is and ultimately having the Board's approval on this are the next steps.

Secretary Larin asked for clarification on whether Mr. Lum is stating that the DHBC does not have an exam that is going to be translated. Dr. Montez responded that currently there is an exam, Law and Ethics, that is offered. Therefore, when the DHBC decides to move to a Spanish exam, it will be that particular form of the exam. She added that the Board does not have one exam but new forms are constantly created with new items infused. The DHBC does not have an exam now that is translated but it will in the future.

Board Member Sonia Molina voiced that she is glad that the DHBC is moving in that direction and shared that Governor Davis appointed her to the Committee on Dental Auxiliaries (COMDA) when dental hygiene was part of the Board. She was glad to see how much progress the DHBC has made thus far.

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

Agenda Item 8: Budget Report

Wilbert Rumbaoa provided a report on the State Dentistry Fund, which the Board manages, for fiscal year (FY) 2023-2024. Mr. Rumbaoa conveyed that the Board began FY 2022-2023 with a fund balance of \$17.6 million and collected approximately \$19.5 million in revenues with \$3.2 million from initial license fees and \$15 million from license renewals. Although the Board's appropriation is \$21 million, the Board is projected to expend at least \$19.1 million. Currently, personal services are approximately \$6.6 million and operating equipment expenses is approximately \$6 million for a total year and encumbrance. The Board's projections are \$19.1 million, and the Board has projected to revert roughly \$1.9 million for the year. In accordance with Budget Letter 23-27, the Board has been following these guidelines and looks like we have a healthy reserve for FY 2023-2024.

Board Member Steven Chan inquired whether the Board could get interest on the retention that it has that is unexpended. Mr. Rumbaoa responded that the Board will be collecting 67% on that and that it is expected to be repaid next FY, June 30, 2025.

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

Agenda Item 9: Enforcement

Agenda Item 9.a.: Review of Statistics and Trends

Patrick Morrissey provided the report, which is available in the meeting materials.

Dr. Montez conveyed that statistics are trending where the Board wants them to go in terms of cases, and the Board continues to see a steady increase in complaints. She noted the Board's enforcement staff have been asked to add more detail into the Breeze system. The system is used to enforce time when the Board's investigators work on the cases so there is an accurate picture of how much it costs to investigate a case and whether or not additional staff are needed.

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

Agenda Item 10: Substance Use Awareness

Agenda Item 10.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 10.b.: Controlled Substance Utilization Review and Evaluation System Report

Mr. Morrissey provided the report, which is available in the meeting materials. He highlighted that the Board was able to obtain a number of licensees registered with the Drug Enforcement Administration (DEA), and that as of April 4, 2024, there are 28,512 DEA registered dental practitioners in California.

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

Agenda Item 11: Licensing, Certifications, and Permits

Agenda Item 11.a.: Update on Dental Licensure and Permit Statistics

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

President Felsenfeld reiterated that these numbers do not mean a whole lot relative to dental care being provided in a given county. In a given county where there is only one or two dentists, a dentist could come in from another county or, the dentist in a larger county could go out to Los Angeles County, for example, to practice and the like. Therefore, there is not much the Board can do with the data.

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.

President Felsenfeld asked for an explanation of the discrepancy in the “General Anesthesia Evaluation Statistics for Fiscal Year 2023–24” graph on page 83 of the meeting materials where it shows that in October of 2023, there were 20 individuals passing the inspection with 0 failures, yet an individual failed the simulated emergency. Ms. Olney responded that the failure, reflected in the second column, is an overall failure of the entire evaluation, whereas the failed simulated emergency is merely that portion. President Felsenfeld asked whether they would have to go back and repeat that. Ms. Olney responded that was correct, and they would retake that portion.

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

Agenda Item 12.b.: Update Regarding Board Implementation of Senate Bill 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.

(M/S/C) (Felsenfeld/Chan) to appoint Dr. David Yoonseok Ahn 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: Molina.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Chan) to appoint Dr. Antonio Arredondo 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) ((Felsenfeld/Yu) to appoint Dr. David Hall 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Larin) to appoint Dr. Brian Huang 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to appoint Dr. Jesse West Manton 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Pacheco) to appoint Dr. Dennis Baik 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Medina) to appoint Dr. Mark Beckstead 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Larin) to appoint Dr. Arto Boyajian 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Olague) to appoint Dr. David Epstein 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Medina) to appoint Dr. Alon Frydman 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Larin) to appoint Dr. Brian Hanratty 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to appoint Dr. Brian Hollander 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Medina) to appoint Dr. Brian LeSage 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Steve Marteney 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Aaron Pitts 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

Agenda Item 12.d.: Discussion and Possible Action on Recommendation from the Board's Anesthesia Committee Regarding Renewal of Moderate Sedation Permit Following Failure of Onsite Inspection and Evaluation

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

Secretary Larin inquired whether this was the first time the failure of the evaluation has happened and asked whether the Board is merely deciding what is going to happen for the individual in question. Dr. Montez responded that the parameters for making the decision are in statute and then subsequently the Anesthesia Committee makes the recommendation. Ms. Olney added that this is specified in California Code of Regulations (CCR), title 16, section 1043.6.

(M/S/C) (Chan/Felsenfeld) to adopt the Committee recommendation to deny renewal of the MS permit; if permitholder Y.Y. seeks to apply for a new MS Permit, the permitholder shall submit for prior Board approval and successfully complete, prior to applying for a new MS Permit, remedial education of 8 hours in recognizing and managing medical emergencies in the administration of moderate sedation to dental patients in an outpatient setting and 8 hours of patient evaluation for administration of

moderate sedation to dental patients in an outpatient setting, and submit to and pass an onsite 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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.

Recusals: None.

The motion passed.

Agenda Item 13: Discussion and Possible Action Regarding Appointment of Dental Assisting Council Members

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

(M/S/C) (Olague/Medina) to appoint Jessica Gerlach, Registered Dental Assistant (RDA), to the open RDA position on the Dental Assisting Council (DAC).

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

(M/S/C) (Olague/Larin) to appoint Carie Smith, Registered Dental Assistant in Extended Functions (RDAEF), to the open RDAEF position on the DAC.

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

(M/S/C) (Olague/Yu) to reappoint De'Andra Epps-Robbins, RDA, as the DAC member employed clinically in a private dental practice or public safety net or dental health care clinic.

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Dr. Montez thanked Board Member Rosalinda Olague, Vice President Pacheco, and Mirela Taran for their hard work as this was a huge undertaking and a long process.

Board Member Olague thanked the 32 applicants in total that showed an interest for the RDA position and then the 13 applicants for the RDAEF position. She expressed that the cover letters were heartening to read through and appreciated the applicants' commitment to dentistry and consumers.

Agenda Item 14.: Update and Discussion on the Board's Access to Care Committee Report

Secretary Larin provided a verbal report on this item.

Dr. Montez communicated that OPES looked at the different pathways to licensure and provided a memo, included in the meeting materials, showing the pass rate by the

qualification pathway. She noted the Board-approved Education Pathway tends to have a slightly higher pass rate than the Work Experience Pathway and the Blended Education/Work Experience Pathway (combined). The first time pass takers statistic is typically looked at as having more weight than the other two because these individuals tend to be the more competent. She added that these pass rates are what the Board would anticipate for this particular profession or occupation. Dr. Montez expressed that the DAC had asked some questions regarding answering the questions correctly and noted that it is not so much a pass rate, as they do not pass by content area but have an overall pass rate. Dr. Montez indicated the Board has acted on the first OPES recommendation, which is updating the exam and the candidate information bulletin. Board staff wanted to try to provide additional information to candidates who are preparing for the examination, as well as training schools or dental offices. She disclosed Board staff are moving forward with the regulatory package to change the passing score and eliminate references to the practical exam. Once this is accepted and moves forward, staff will come back to the DAC and the Board and talk about reducing the number of scorable items.

Secretary Larin stated that one of the recommendations is to reduce the exam questions from 125 scorable items to 100 items and asked when that is anticipated to happen. Dr. Montez responded that it will probably need to happen when the regulation is propagated, which is likely to happen within a year.

President Felsenfeld voiced that looking at the pass rates, he noticed that no matter what the qualification is, 93-94% of individuals ultimately pass it after two or possibly three tries. Something he has been taught in dealing with psychometricians is that the pass rate goes down for the multiple test takers. He asked Board staff to possibly look into what it might cost to do some translation of these things and to coordinate with Mr. Lum and Dr. Dones.

Secretary Larin stated she was surprised about all the questions the legislators had about access to care during the Sunset Review Hearing. President Felsenfeld responded they had a number of legislators from underserved areas who wanted to know what the Board was doing in regard to serving the underserved.

Board Member Molina expressed that the Board's mission statement includes protecting the consumer and access to care.

Dr. Montez responded that the Board's role as a regulatory board is to make sure that it has a transparent licensure process that does not establish artificial barriers to licensure. Constitutionally, the Board cannot require people to go to underserved populations. If another department would like to offer grants or some mechanisms, then the Board can participate in those discussions. As those have not come, the Board can do outreach and make sure things are clear and transparent, and that is why Board staff is constantly updating the Board's legislative proposals. Dr. Montez conveyed she can

look into translating; if the Board can do it, it will result in more individuals getting licensed, if it is in a defensible, appropriate manner.

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

Agenda Item 15: Update, Discussion, and Possible Action on Proposed Regulations
Item 15.a.: Status Update on Pending Regulations

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

Regarding the various packages that the Board is working on, the Disciplinary Guidelines package is currently with BCSHA, which is the final step before the final package is filed with the Office of Administrative Law (OAL). The Board has already had an initial public comment period and a subsequent modified text comment period, and Board staff anticipate hearing within a few weeks on this particular package. The Uniform Standards for Substance-Abusing Licensees package is in the earlier stage of the process and is under review for its initial filing with OAL. This would be for the posting and the initiation of the 45-day public comment period. As it has been with BCSHA since the middle of April, Board staff anticipate it going to the OAL soon. Furthermore, Board staff are still currently working on the Application for Licensure by Examination rulemaking package. The dental assisting exams package has been approved by the Board and is currently with DCA for its review prior to additional review and filing with the OAL.

Kristy Schieldge stated that the process requires by law (BPC section 313.1) that the Director of DCA approve all filings before they are submitted to the OAL. The packages first are submitted to the Director of DCA and then to BCSHA, which has authority under Department of Finance regulations to review the economic and fiscal impact estimates of each regulation. She noted that is typically where things tend to take the longest time and is why there are a lot of regulations that the Board has authorized but have been pending with BCSHA.

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

Agenda Item 15.b.: Update on the Progress of the Board's Infection Control Regulations
Advisory Working Group

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

Board Member Chan voiced that this is highly appropriate considering the entire industry has learned a lot since the pandemic on what infection control really means.

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

Mr. Lum expressed that as the law states, the Board works with the DHBC in consensus of these infection control regulations. In looking at the entire scope of the infection control aspect, he requested whether the Board would consider having one of the DHBC Board Members partake in the Board's task force. If the DHBC is included in the task force ahead of time, it would be more efficient to work that way with the DHBC included and would allow the opportunity for both boards to look at it and be on the same page with the language simultaneously.

Dr. Montez inquired whether Mr. Lum was looking at beyond subject matter expert kind of interaction or if he is merely bringing this issue to the attention of the Board. Mr. Lum responded that at the Board's last meeting he offered up the subject matter expert and contacted her but unfortunately, for personal reasons, she is unavailable at this current time. He voiced the subject matter expert would try and have some input, but her circumstances do not allow her to do that. Therefore, this is the reason why he proposed this request. Mr. Lum added that the DHBC recently appointed a new Registered Dental Hygienist in Alternative Practice (RDHAP) member who works more autonomously out in the field and might have a different perspective with the infection control aspect.

Ms. Schiedge indicated that the reason for two-person working groups is to avoid having to notice a public meeting under the Open Meeting Act, which is required for advisory committees of three persons or more. The idea for working groups is that it is a draft that is presented to the committees' and boards' attention and action at a later date and it gives the working group the flexibility of having meetings as needed to develop the drafts. She recommended against appointing a third person to this working group at this time; draft language will be passed along and include requests for input from representatives from the DHBC in this process.

Mr. Lum added that it is his understanding that provision [in the Open Meeting Act] is for three members of a particular board, and he was under the assumption that it pertained to this Board only. He noted that this is for a task force, and he believed it is pertinent to get input as far as that third person is concerned. Dr. Montez replied that it would be best to confer with the Board's attorneys, who are indicating that it does create a new advisory committee that would require public notice. However, if the Board is open to it, she can continue to have these conversations with the Board's attorneys and Mr. Lum and then defer to the Executive Committee if a formal decision is made. In all likelihood, she anticipates the Board will stay at a two-member working group but will utilize the DHBC individual as an expert.

Agenda Item 15.c.: Update on the Progress of the Board's Dental Assisting Regulations Advisory Working Group

Mr. Bruggeman 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 15.d.: Discussion and Possible Action to Make Non-Substantive Rule Changes Per Section 100 of Title 1 of the California Code of Regulations (CCR) to Repeal CCR, Title 16, Section 1069 and its Title, and Amend CCR, Title 16, Sections 1076 and 1086 Concerning the Permit Reform Act

Mr. Bruggeman provided the report, which is available in the meeting materials. Mr. Bruggeman noted the text needed a single revision, on page 142 of the meeting materials, to change the reference from section 1754 to section 1752.4.

Tara Welch added that the technical change to text of the regulatory proposal was included in the DAC's recommendation to the Board.

Ms. Schiedge disclosed that if the Board supports the concepts that are in the text that has been provided in Attachment 1 and agrees with the DAC to make that one edit to this code section, she would suggest the motion be to approve the proposed regulatory text as set forth in Attachment 1 and as amended with the following changes recommended by the DAC: on the last page of the text in the "Note" section for Section 1086, strike the reference to Business and Professions Code section "1754" and replace it with Business and Professions Code section "1752.4", and authorize the Executive Officer to take all steps necessary to pursue the rulemaking through the Title 1, CCR section 100 rulemaking process, make any non-substantive changes to the text and/or rulemaking package as needed throughout the process and to repeal CCR, title 16, section 1069, and amend sections 1076 and 1086 as described in the proposed text as amended at this meeting.

(M/S/C) (Felsenfeld/Pacheco) to approve the proposed regulatory text as set forth in Attachment 1 and as amended with the following changes: on the last page of the text in the "Note" section for Section 1086, strike the reference to Business and Professions Code section "1754" and replace it with Business and Professions Code section "1752.4", and authorize the Executive Officer to take all steps necessary to pursue the rulemaking through the Title 1, CCR section 100 rulemaking process, make any non-substantive changes to the text and/or rulemaking package as needed throughout the process and to repeal CCR, title 16, section 1069, and amend sections 1076 and 1086 as described in the proposed text as amended at this meeting.

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge, Thakur.
Recusals: None.

The motion passed.

Agenda Item 16: Recess Open Session Until May 15, 2024, at 8:30 a.m.

President Felsenfeld noted there would be no Closed Session during this meeting. President Felsenfeld recessed the meeting at 2:05 p.m.

Agenda Item 17: 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 18: 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 19: Adjourn Closed Session

Closed Session was not convened; this agenda item was skipped.

8:30 a.m., Wednesday, May 15, 2024

Agenda Item 20: Reconvene Open Session – Call to Order/Roll Call/Establishment of a Quorum

President Felsenfeld called the meeting to order at 8:32 a.m. Secretary Larin called the roll; eleven Board Members were present, and a quorum was established. Board Members Robert P. David, and Joni Forge, DDS, were absent.

Agenda Item 21: Board President's Report on Closed Session Items

President Felsenfeld mentioned that no report would be provided; the Board did not convene Closed Session, so this agenda item was moot.

Agenda Item 22: Dental Assisting Council Meeting Report

Cara Miyasaki, Chair of the DAC, provided a verbal report on the May 14, 2024 DAC meeting. Ms. Miyasaki advised the Board regarding DAC discussion of DAC meeting agenda items.

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

Agenda Item 23: Update, Discussion, and Possible Action on Legislative Proposals
Agenda Item 23.a.: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code (BPC) Section 1684.1 Regarding Patient Records

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

(M/S/C) (Chan/Yu) to recommend to the California State Legislature inclusion in the Board's Sunset bill a legislative proposal to amend BPC section 1684.1.

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Agenda Item 23.b.: Discussion and Possible Action on Legislative Proposal to Amend BPC Section 1601.1 Regarding Board Composition

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

Vice President Pacheco voiced that in listening to the Joint Sunset Review Oversight Hearing of the Board, Assembly Member Diane Dixon had been asked by stakeholders if an additional RDA could be on the Board. The dental assisting stakeholders presented by Melodi Randolph also had this question of the Board. She provided background and stated that California is a complex state and is unique in that it is the only state in the nation that has two separate licensing boards – the Board for dentists and RDAs, which a Registered Dental Hygienist (RDH) sits on, and the DHBC for registered dental hygienists, which a dentist sits on. Both dental assisting and dental hygiene fall under the category of allied health professions as there is a lot of crossover. This gives the Board the unique opportunity to continue to follow what is being asked of boards today, which is to be inclusive and as broad as possible. By eliminating the RDH position on the Board, the Board would lose that perspective. To accomplish a diverse Board, Vice President Pacheco motioned the Board consider and approve a Board composition as follows: five public members, two RDAs, one RDH, and seven dentists. She noted that this still fulfills the compliment of 15 Board Members.

(M/S/C) (Pacheco/McKenzie) to recommend to the California State Legislature amendments to BPC section 1601.1 to change the Board composition to five public members, two RDAs, one RDH, and seven dentists.

Board Member Kevin Cheng inquired if there was a particular reason why the Board should remove one dentist as opposed to removing one additional public member and whether the Board is required to have five public members. Dr. Montez responded that the Legislature frowns upon that, and they support having a public balance, which keeps the Board from partaking in decisions that could be seen as a conflict of interest. That is why Board staff recommends not reducing the public membership, as well as not adding a Board Member.

Board Member Molina asked for clarification whether the motion is for two RDAs. Vice President Pacheco responded that was what was discussed at the Sunset hearing. Board Member Molina noted that was correct but that was two RDAs without the dental hygienist position. Vice President Pacheco responded that was correct, but there is a dentist on the DHBC.

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

Tooka Zokaie, representing CDA, noted that they support the current Board composition and think there is value in dental hygiene, dental assisting, and dentists being represented but that the current Board composition is appropriate and is addressing the diversity and the needs that the Board wants to address.

Dr. Bruce Witcher, speaking as an individual, spoke in favor of maintaining the current Board composition and suggested that the Board could eliminate one dentist. He voiced there are two dentist positions that are reserved, one for an educator and one for a representative in an access to care clinic. Eliminating one dentist position would reduce the opportunity for input for diversity within the Board Members. Dr. Witcher would be opposed to that change but is fully supportive of maintaining the dental hygienist position on the Board. He believed the DAC provides adequate opportunity and with one RDA member, this has been in place for quite a while and has been successful. He spoke against the motion.

Dr. Lori Gagliardi, representing the Foundation for Allied Dental Education (FADE), spoke in favor of the motion. FADE thinks it is important that all members of the dental health team are represented on the Board since all of them utilize dental assistants. She noted that it is beneficial to get that diverse opinion from a hygienist perspective in addition to having more than one RDA. FADE would support the addition of an RDA member and retaining the RDH.

Shari Becker, representing the Alliance, spoke in favor of the additional RDA on the Board. She voiced that the disparity between the numbers of dental assistants versus dentists and the disparity of representation on the Board has been a concern for quite some time. Therefore, they would speak in favor of the addition of the RDA. She noted they do not have an opinion regarding the hygienist being on the Board.

Mr. Lum reiterated that having a dentist member on the DHBC provides direct insight that many of their licensees and public members do not have and believes this proposal is something that should be heavily considered, as the perspective that the hygienist provides is invaluable.

Board Member Chan inquired whether there is a nurse on Medical Board of California (MBC). President Felsenfeld confirmed that there is no nurse member on the MBC.

Ms. Randolph, representing the Alliance, noted that hygienist input and opinion is needed as part of the team, but it does not have to be someone on the Board with a voting position. Hygienists are able to speak at any meeting to provide their input and be heard without giving them one of the 15 spots on the Board. She expressed that since they have their own board, a bigger voice for assistants is needed and all of the dentist positions should be kept on the Board. Ms. Randolph noted that the Alliance would vote against the current motion.

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

Ayes: McKenzie, Pacheco.

Nays: Chan, Cheng, Felsenfeld, Larin, Medina, Molina, Olague, Thakur, Yu

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion failed.

Dr. Montez commented that she has been with the Board for almost two years but has had a long history working with the Board in other capacities and believed it is important to recognize that the Board does not regulate RDHs. Although they are important and work with the Board's other occupations, they have their own board. She voiced hygienists do not come up often in Board discussions, and typically, in Board discussions about regulations, it is to remove the hygienists, not to incorporate them into the Board's regulations. Given that there is a larger population of RDAs than dentists, she believed that it is important to have them represented on the Board, and Board stakeholders have been asking for this for quite some time. Dr. Montez conveyed that there still would be a majority of dentists, but there would be an opportunity to have not only an RDA but an RDAEF. She asked the Board to be thoughtful in this process of where RDAs fit in the Board composition.

(M/S/C) (Olague/Cheng) to approve for submission to the California State Legislature the legislative proposal to amend BPC section 1601.1 to remove the dental hygienist position and increase RDA membership on the Board to two positions.

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

Ms. Becker, representing herself, asked what the motion was. President Felsenfeld responded that the motion was to eliminate the hygienist position and add an RDA.

Ms. Becker, representing the Alliance, voiced that they are in support of adding the RDA.

Ms. Zokaie, representing CDA, reiterated that they think the current Board composition is appropriate, especially since it has diverse representation and close work between the Board and the DAC, where there is diverse RDA and RDAEF representation. The current Board composition with public members, RDH, RDA, and dentists, includes the whole team and all the individuals that would be working together. Losing the RDH perspective on the Board could have impacts where that voice is not represented on the Board. She noted that CDA speaks against the motion.

Dr. Whitcher, speaking as an individual, spoke against the motion due to the fact that the purpose of the DAC is to represent the people of California, not necessarily the profession itself. He believed the Board is missing the boat on representation by focusing on that one part to have representation on the Board. He stated that Board Members are supposed to have the public's interest in mind, not necessarily that of the profession, and the Board's charge is to put protection of the public against above all other interests in any consideration.

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

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

Nays: Pacheco.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Agenda Item 23.c.: Discussion and Possible Action on Legislative Proposal to Amend BPC Section 1645 Regarding Continuing Education Requirements for License Renewal

Mr. Bruggeman provided the report, which is available in the meeting materials. Mr. Bruggeman noted the phrase "Board-approved" would be stricken from the proposed text in subdivision (d), so the courses would not be Board approved, but the providers offering the courses would be Board approved providers.

Ms. Welch clarified the issue is the need to remove "Board-approved courses" and instead authorize the use of courses offered by Board-approved providers, which will

take some minor changes to the language. She noted the text would be edited to read “satisfactory completion of courses offered by Board-approved providers in the following subjects”

Ms. Ragali affirmed that Board staff do not want to have to approve these courses similar to the way that they now approve the opioid course, infection control, and the Dental Practice Act (DPA) course. Therefore, staff want this to be an option for licensees to take as part of their renewal versus them having to do Board-approved courses, which means the Board would have to then create some type of guidance and make a regulatory change to include this information of what Board staff would be looking for and go through and actually approve each course. Staff want licensees to be able to count these types of courses as part of their required units for their biennial renewal cycles, but they could then take them from any registered providers that have permits issued by the Board. Ms. Ragali indicated that the Board also allows them, in its regulations, to take them from our Program Approval for Continuing Education (PACE) and Continuing Education Recognition Program (CERP) approved providers. Ms. Ragali reiterated the only thing staff would want to do here is to strike out “Board-approved,” so it can still read “satisfactory completion of courses in the following subjects,” which would read sufficiently for licensees to be able to take these courses. This would result in relying on the regulations, which indicate the type of providers that licensees can take courses from.

Ms. Welch asked if Ms. Ragali was relying on the text on page 159 of the meeting materials, in BPC section 1645, subdivision (a)(1), which reads “consistent with regulations established by the board”. Ms. Welch wanted to make clear the wellness and DEI courses would need to be completed in accordance with regulations established by the Board. Ms. Ragali responded that was correct.

President Felsenfeld asked for a motion to make an amendment to the proposed language indicating the technical corrections. Ms. Welch stated the proposed corrections would be to strike “Board-approved” in BPC section 1645, proposed subdivision (d).

(M/S/C) (Felsenfeld/Thakur) to strike “Board-approved” in BPC section 1645, subdivision (d) in the first line so it would read “Satisfactory completion of courses in”

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.
Abstentions: None.
Absent: David, Forge.
Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Larin) to recommend to the California State Legislature for inclusion in the Board's Sunset bill a legislative proposal to amend BPC section 1645, as revised during this meeting.

Board Member Chan verbalized that for including mental wellness, he does not know what that means yet in terms of how and what kinds of courses and whether it would be appropriate for this provision as it is new territory. Regarding DEI, he voiced that bias will not be eliminated, but practitioners can be made aware of it. He stated that cultural competency is not the same as just language. He noted that he trained in South Central Los Angeles, and he learned in time in his residency, that people who speak Spanish and are from different countries are not the same culturally. He cautioned against making assumptions. He noted the cultural differences between the people within the same country, such as the former Soviet Union, who were not just speaking Russian but their subordinated languages with their cultural differences.

Dr. Montez noted this was a good example of the challenges associated with translating exams. She expressed that this legislative proposal was huge for the Board to move forward and is consistent with the Governor's initiatives. She stated that allowing this to be voluntary continuing education gives more options to the Board's professionals, who may want to take a course to help them provide good services to their patients.

Board Member James Yu noted that he has been taking courses related to mental health for quite a few years. These courses have been helpful, and he has learned a lot.

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

The motion passed.

Agenda Item 23.d.: Discussion and Possible Action on Legislative Proposal to Amend BPC Sections 1646.1, 1646.2, and 1682 Regarding General Anesthesia and Sedation Permits

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

(M/S/C) (Chan/Felsenfeld) to recommend to the California State Legislature for inclusion in the Board's Sunset bill a revised legislative proposal to amend BPC sections 1646.1, 1646.2, and 1682.

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Agenda Item 23.e.: Discussion and Possible Action on Legislative Proposal to Amend BPC Section 1701.1 Regarding Website Posting of Citations for Unlicensed Practice

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

(M/S/C) (Cheng/McKenzie) to move to recommend to the California State Legislature for inclusion in the Board's Sunset bill a legislative proposal to amend BPC section 1701.1 to authorize the Board to post on its website citations for unlicensed practice.

President Felsenfeld spoke in favor of this motion and that as protection to the public is number one for the Board, what better way to protect the public than to keep them from going to unlicensed practitioners.

Dr. Montez verbalized that the Board's investigators have seen shocking activity performed by unlicensed individuals, and they recently did a special operation down in Southern California. She added that hopefully this motion might help or detour some individuals from performing unlawful activities.

Board Member Thakur conveyed that there needs to be a way for the public to know that their dentist is licensed and that they can look them up on the Board's webpage. Dr. Montez responded that is why Board staff is trying to do outreach. She noted that staff

went last year to Fresno to do some outreach. Although staff is trying again, what is challenging is the state's budget situation which requires exemptions for activities that are not mission critical.

Dr. Chan asked whether the next newsletter is coming out and suggested including this in the vignette. He asked who the Board's distribution for the newsletter is. Dr. Montez responded that it is anyone on the Board's ListServ. She indicated the general public may not be aware of it, but staff can include that in the newsletter and bring back some ideas for outreach in August.

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

Kristy Borquez asked for clarification if this is just for dentists who are practicing without a license or are these for dental assistants who are doing RDA duties or RDAs who are doing RDAEF duties. She received clarification that it is for everybody.

Ms. Welch noted that there is a general BPC section that requires the Board to post on the internet all enforcement actions against its licensees, which the Board already does. This proposal would authorize the Board to post citations issued for unlicensed practice, so it is aimed at individuals who are representing that they are practicing dentistry but do not have a license to do so, and potentially if they are an RDA practicing dentistry, that would be unlicensed practice for which the Executive Officer can issue a citation. The point of this is making sure that the Board can post publicly citations issued for unlicensed practice.

Ms. Becker, representing the Alliance, stated that they speak in favor of this.

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

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

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Agenda Item 24: Update, Discussion, and Possible Action on 2023/2024 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Agenda Item 24.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 this week is an

important week in terms of legislative activity. On May 16, 2024, both the Senate and Assembly Appropriations Committees will be holding their suspense file hearings. Most of the legislation that is considered qualifies for the suspense file hearing, and Board staff would learn over the next 48 hours if a number of different bills will be advancing further in the legislative process. For those bills that do proceed to go from their house of origin to the other house for consideration, the relevant deadlines come up in July and in August. By July 3, 2024, any bill that is going to become law must have been considered by the policy committee in the house that it did not originate in. The last day for each house to pass bills is August 31, 2024, and the Governor will have 30 days from there or until September 30, 2024, to sign these bills in the law. If bills are approved prior to August 31, 2024, the Governor has a shorter window of time within which to consider and sign legislation. He voiced that for the actions the Board would take at the May 15, 2024 Board meeting with respect to legislation, Board staff will be communicating with the relevant committees as soon as practical to comply with the legislative calendar.

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

Agenda Item 24.b.: Update Regarding the Board's 2024 Sunset Review

Mr. Bruggeman 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 24.c.: Legislation of Interest

Mr. Bruggeman provided the report, which is available in the meeting materials, and went over five bills, Assembly Bill (AB) 1964, AB 1991, AB 2860, Senate Bill (SB) 1468, and SB 1528, that Board staff do not recommend a position on. Additionally, he went over five bills, AB 2242, AB 2269, AB 2496, AB 2862, AB 2920, and SB 1067, that Board staff have a specific position recommendation.

Dr. Montez conveyed that since the Board meeting materials had been published, Board staff had made some amendments to recommendations for positions. Therefore, there is going to be some different information than what is in the meeting materials, and Board staff will make sure that is posted after the meeting.

AB 2269

Ms. Welch suggested that if the Board takes a position, to include in that position letter concerns and a potential amendment to the bill to exempt, at least as far as the Board is concerned, contracts between health care providers or dental providers and patients, so that a public member serving on the Board could have a dentist and receive other dental services.

(M/S/C) (Felsenfeld/McKenzie) to oppose AB 2269 unless amended.

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

AB 2496

Mr. Bruggeman explained the bill currently does not accommodate the amendments requested by the Board in the Board's Sunset bill. The bill should be amended to incorporate the language in the Board's legislative proposals and the Board's Sunset bill, SB 1453. Mr. Bruggeman recommended a support if amended position.

Ms. Welch requested clarification on the suggested amendments to add chaptering out amendments so the bill would not supersede language in SB 1453. Mr. Bruggeman confirmed the amendments would seek language consistent with the Board-approved language in SB 1453.

(M/S/C) (Felsenfeld/Thakur) to support AB 2496 if amended.

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

AB 2526

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Mr. Bruggeman explained staff is recommending a support if amended position on this bill to include Board-proposed amendments to BPC section 1646.9, which are included in the Board's Sunset bill, SB 1453. Ms. Welch voiced that she took a look at SB 1453 and confirmed BPC section 1646.9 is proposed to be amended in that bill and believes the Board merely would be looking for some chaptering out language to make SB 1453 consistent with AB 2526.

President Felsenfeld asked whether the amendments are to bring consistency. Ms. Welch explained it is called chaptering out language, so that if one bill goes into effect or passes out before the other one, there is language that makes it so both bills will conform to each other at some point. It is chaptering out language to make sure that this bill does not supersede any proposed revisions included in SB 1453.

Board Member Chan stated that the medical model does not fit the Board's application and there are significant gaps in that medical model that do not exist in the Board's universe. He added that is in the interest of safety of patients. He recommended an oppose position on the bill.

(M/S/C) (Chan/Felsenfeld) to oppose AB 2526.

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

Gary Cooper, representing California Association of Oral and Maxillofacial Surgeons (CalAMOS) and speaking on behalf of the California Society of Anesthesiologists, the American Academy of Pediatrics, and the Society of Dental Anesthesiologists specifically on this particular bill, asked for clarification to whether if he is speaking in favor of a support unless amended position or if he was speaking on the opposed position. President Felsenfeld responded that he would be speaking on the motion to oppose. Mr. Cooper responded that he would speak in favor of the motion to oppose. He added that the California oral surgeons are very engaged in patient safety. SB 501 was a brainchild of the oral surgeons, and even though it has taken a long time to get the regulations promulgated, it still is something that they believe creates safety in dental offices, particularly oral surgeons, and particularly under general anesthesia. Safety is what they are all about, and their position is to support access to safe care. Although access to care is important, if you are going in and getting care that is not safe, that for them is problematic. They believe that nurse anesthesiologists belong in dental offices, they are qualified and appropriate, but under certain conditions, and they should not be allowed to go into an office where the dental provider does not have a General Anesthesia (GA) permit and where the person who has the GA permit is only the CRNA [certified registered nurse anesthetist]. Mr. Cooper recommended in support of the oppose position of AB 2526.

Dr. Witcher, representing CDA, spoke in favor of the oppose position and noted that he agrees with Mr. Cooper that CRNAs are qualified to provide anesthesia in dental office

settings. CDA is concerned that they have singled out dental offices, the sole location where their prescriptive authority applies. Dr. Whitcher stated the authority should apply across all settings; either they have prescriptive authority, or they do not. He believed that may raise some significant legal questions if that issue is not resolved. CDA also is concerned there is a new cadre of anesthesia providers going into dental offices where the dentist does not have a permit. Therefore, they will not have training and backup, and their staff may not have training as well. Although it is true the CRNA would have a requirement to meet standards, but what would be done with the first group that goes through – how would they get a permit and get up to speed so they meet the standards that are required in this setting. Dr. Whitcher commented that the other concern is that their training does not include specific rotations in dental offices. They do get some training in oral procedures, but administering anesthesia in the office of a general dentist or a pediatric dentist, the backup systems are going to be limited, and they will not have familiarity with that.

Melanie Rowe, CRNA, representing the California Association of Nurse Anesthesiology (CANA) as a practice director, noted that the issue regarding CRNAs giving anesthesia in dental outpatient settings has been something they have been working on for decades. When this first permit process started, physicians and dentists were part of the permit process and CRNAs were not. That is when it was added to the nurse anesthetist act that the CRNA can give anesthesia in dental offices, as long as the dentist has the permit. Throughout nurse anesthesia practice, CRNAs have always given anesthesia with a dentist or a surgeon. Therefore, having them as part of the process has never been an issue. As CRNAs have been giving anesthesia in dental offices and ambulatory surgery centers since then, this request for this permit is nothing new that CRNAs have been doing. CRNAs have been in the setting, have been increasing access to care, and their request for this permit is to continue doing that. Ms. Rowe voiced that the first CRNAs who would be applying for these permits would be those who have been in this setting working in dental offices and ambulatory surgery centers with their dentists and all the people who need anesthesia for dental services. She added the education CRNAs receive does include all types of anesthesia, pediatrics and adults, the same way physician anesthesiologists and dentist anesthesiologists do. Ms. Rowe reminded the Board that the liability working with a nurse anesthetist does not increase for the dentist and a nurse anesthetist working together, and proof of that is in 2014 when TDIC (The Dentists Insurance Company) included CRNAs as part of their rating classification to not increase premiums.

Ms. Zokaie, representing CDA, voiced support for an opposed position on AB 2526, and CDA officially as an organization has taken an opposed position. She expressed that CDA is concerned with the current language that aims to grant CRNAs the authority to acquire a Drug Enforcement Agency (DEA) license and dispense anesthesia because it is only in a dental office setting. Either CRNAs are sufficiently educated and trained with sufficient scope of practice to order, dispense, and administer anesthesia in all settings in which they practice, or they are not. There is nothing specific to an outpatient dental office that supports the CRNA practice better than any other setting. CDA does believe

that CRNAs are extremely competent and qualified anesthesia providers. However, the training of CRNAs is currently exclusive to accredited settings where the workflow and setup are more similar to an operating room but requires little experience working in outpatient settings, such as dental offices. This makes the intent to carve out dental offices for expanded CRNA practice and authority even more concerning.

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

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

Nays: None.

Abstentions: McKenzie.

Absent: David, Forge.

Recusals: None.

The motion passed.

AB 2862

Mr. Bruggeman explained staff is recommending an oppose unless amended position on the bill based on several issues related to definitions of terms, clarity, and implementation, as well as some constitutional concerns. He noted the bill states the applicants must be prioritized, but there is no context as to what that means, whether it means expediting applications, or if there are certain services the Board is expected to provide or assist in. If the bill requires expedited processing, it adds to a growing list of qualifications for expedited processing, such as military personnel, qualified spouses and partners of military personnel, and refugees and asylees. Continuing to add groups that qualify for expediting processing, as some point it will be difficult to realize a benefit for expedited processing. Additionally, based on specifications in the bill, staff believe the bill violates two Government Code sections [12944 and 11135] that prohibit the Board from using any license qualification that has an adverse impact on a protected class by virtue of its race. Board staff believe the bill presents constitutional conflicts, so staff recommend an oppose position for those reasons. Further, the bill does not define how the Board would determine an applicant descends from an enslaved person, and it would be complicated to ascertain and impose a burden on the Board and other licensing boards that would need to provide the prioritization required by the legislation. The intent of the bill may be honorable, but staff believe the execution will be inherently problematic and recommend an oppose position.

Ms. Welch pointed out the Assembly Judiciary Committee analysis, dated April 12, 2024, noted significant constitutional concerns with the bill. Such constitutional challenges will be left to each licensing board to litigate, which may result in increased licensing fees creating more barriers to licensure. The litigation cost to the Board and the Board's licensees could be significant if the Board is sued for racial discrimination against other applicants when implementing the bill. Ms. Welch added that the Respiratory Care Board of California has submitted an opposed position unless

amended for two reasons. First is the significant amount of time and expense that will be required for that board to identify applicants as African American and especially to determine if they are descended from a person enslaved in the United States. Secondly, the time needed to identify a person as a descendant of enslaved persons will slow down the application processing, which appears to conflict with the bill's intent. The Board, if it takes a position, may wish to request clarification as to what is meant by prioritizing these applications and request clarity of numerical priority as to what type of applicant population would get expedited processing. She noted another bill that would require expedited processing for individuals who demonstrate they intend to practice in an underserved area, which could create a sixth license applicant category for the Board expedite. She stated the Board would merely be requesting some clarity, a list of prioritization of expedited applications, and also require the state, not the Board or its licensees, to cover all costs associated with litigating claims brought against the Board due to its implementation of the bill.

Dr. Montez encouraged the Board to take a position, as the Board has already dealt with litigation, which was very costly.

(M/S/C) (McKenzie/Felsenfeld) to oppose AB 2862 unless amended and delegate to the Executive Committee and Executive Officer authority to engage in communications with the bill's author, stakeholders, and legislative committees to resolve the Board's concerns and, if the concerns are resolved, remove the opposition.

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, Cheng, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

AB 2920

Board Member Molina noted that she has disclosed in the past that her daughter graduated from one of the foreign dental schools that was approved by the Board; her daughter already has been licensed. She has proposed to support the schools because they help the community and aid in the mission of the Board to create more access to care. She proposed the Board reinstate the foreign dental programs and include AB

2920 into SB 1453, and in doing so, the Board would be reversing what it eliminated in 2019.

(M/S/C) (Molina/Larin) to include the text of AB 2920 into SB 1453, to reinstate Board approval of foreign dental schools, as a recommendation from the Board.

Secretary Larin voiced that she has two sons who have graduated from a university that has been approved in Mexico, and these students are very good practitioners, have worked in areas of access to care, and have fulfilled many access issues that other dentists do not want or cannot take on, such as accepting Medi-Cal or Denti-Cal. She added that all of these foreign graduates are taking care of these patients that nobody else wants to take. Secretary Larin mentioned that the Commission on Dental Accreditation (CODA) is taking much too long to approve dental schools, and although it is very expensive and difficult, there is something the Board can probably do.

Board Member Meredith McKenzie agreed that CODA is taking a lot longer than they said, which is definitely a shame and unfortunate. She was on the Board when the Board went through the approval process for the State University of Medicine and Pharmacy “Nicolae Testemitanu” of the Republic of Moldova (SUMP), and it was a long process. She was not convinced that the individuals on the Board are the right people to determine whether a dental school should be approved. She did not believe it was a good idea to go back to Board members approving dental schools and is opposed to returning to that.

President Felsenfeld mentioned that he has great concerns to have Board Members go to a foreign country and approve a school as very few of the Board Members have any academic and accrediting experience and any kind of experience in looking at the quality of what a dental school should produce. He did not think the Board should accept less than the gold standard; it does not make sense that a student going to a foreign dental school that does not have CODA accreditation is just as good as a student going to a CODA-accredited school.

Secretary Larin responded that there are other venues the Board can look into, such as hiring a company to perform the accreditation.

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

Dolores Huerta, President of the Dolores Huerta Foundation, voiced that it is a tragedy that the families of the people that pick the food that make California this great agricultural state cannot get the proper dental care that they need. In addition to their youth, education, and civic engagement programs, the Dolores Huerta Foundation has a health program and finished a survey with the University of Merced in which they visited 4,000 individuals to do a health survey. Ms. Huerta implored the Board to do whatever they can to bring more dentists to the Central Valley.

Richard Polanco, who served for 16 years in the California State Legislature and was a Chair of a Business and Professions Committee, expressed that California has a serious crisis, and there is digital inequity in low-income communities. In 1996, while he was in the Legislature, he supported the Keely bill, which was co-authored by Republican Senator Johannessen and Antonio Villaraigosa. That bill created an opportunity to bring high quality standards to foreign dental universities that go through a very rigorous process, no different than and equivalent to the elements and the standards that are in CODA. He posed the question of whether these schools are performing and if they are, where are they practicing. Between the two schools that have been approved by the Board, over 700 dentists are now licensed in California, and those 700 can only practice in California. Additionally, 20 to 30% of the dentists who graduate from California's six dental schools leave the state. He mentioned this is a measure that addresses the inequities that disproportionately impact communities of color. Mr. Polanco listed the cities where dental care is now being provided by foreign dentists and added that this is not a substandard process, and the proof is that they have graduated and passed the exams.

Rosa Arzu, Dental Director representing AltaMed, expressed that she has learned the necessity that we have in Federally Qualified Health Centers (FQHCs) of culturally competent providers and, in 2018, created a pipeline of culturally competent dentists. She started with a rotation with dental schools and also had the need to expand it to De La Salle University, School of Dentistry, and had the privilege to visit the school to validate that the quality of care that they are graduating with are within the standards of the providers that graduate from California schools. Ms. Arzu voiced that currently she struggles to recruit providers. In an FQHC, they try to maintain the salaries that any private office would offer but unfortunately, dentists in these locations are making more than \$800 a day plus incentives on production. Those are things that an FQHC cannot compete with. Ms. Arzu affirmed the crisis of healthcare in California and stated that the mouth is part of the body. She urged the Board to work on finding solutions to address this gap on providers and reiterated that this is just the beginning of the problem.

Francisco Leal, in support of the foreign dental school program, voiced that the legislation indicates clearly that the costs of approval are borne by the applicant. Every applicant has to essentially pay their way to be approved. He noted how at the Sunset review session, President Felsenfeld was asked about where the students are in the concept of access to care, and that President Felsenfeld stated about 300 and indicated that there is no data. Mr. Leal mentioned that five years ago, the Board eliminated the program when it took action to have it go through CODA. He voiced that they came back to the Board with legislation to obtain more time, and AB 1552 would give them until 2030. However, the Board rebuffed them on that with the CDA and told them it is a two to three year process, but it is not. Additionally, the Board undermined their effort by vilifying SUMP on the basis that it has a relationship with a recruiting entity and a flyer, but they were never given a chance to sit down and talk about those issues to rectify them. Mr. Leal voiced that SUMP is a good school and graduates great students. He

noted the Board indicated that De La Salle University, School of Dentistry, was in favor of the elimination, whereas their minutes show that De La Salle University, School of Dentistry, came to that meeting and said they were disappointed that the Board was dropping the program. He expressed that it is time to look at the issues and assess what has happened over time, as there has been a plethora of misinformation about this issue. Mr. Leal reiterated that the program was valuable and had an impact.

Sandra Rodriguez, member of American Dental Association, CDA, and Orange County Dental Association, conveyed that she graduated from De La Salle University, School of Dentistry, in 2011 and has had more than 10 years working in California. Like her, around 600 dentists graduated from this university and are working in different places in California. She expressed that she has received quality education and training which enabled her to establish a dental practice. She practices in Lake Forest, and her practice provides dental care service primarily to Spanish speaking patients, including many medical patients from different countries. Ms. Rodriguez voiced that she is grateful for the opportunity to receive her dental education from De La Salle University, School of Dentistry, as it has helped her fulfill a personal commitment to provide dental care to her Latino community. She urged the Board to support this program which will yield dentists who will practice in underserved communities and will improve the oral health of California communities.

Juanita Chávez, with the Dolores Huerta Foundation, conveyed that the racial composition of California's active dentist is overwhelmingly White and Asian and represent 89% of the workforce while only representing half of the population. They feel that the cost of California dental schools is prohibitive and does not provide access to communities to attend and become dentists. Research shows that communities are more reluctant to seek dental care when they are not someone that they can recognize or communicate with efficiently. They believe this lack of cultural competency contributes to a hesitancy to visit dentists. She disclosed that these disparities are reflected in oral health outcomes and provided a few examples. Ms. Chávez declared that through AB 1116, the Board accredited two foreign dental schools that have graduated over 700 dentists which had to pass the same examinations as every other practicing dentist in California. She stated that many of them have gone to practice in underserved communities, in cities as well as rural areas. Ms. Chávez implored the Board to bring back this program as it was successful, helped communities, and helped address this issue.

Jessica Shoemaker, policy analyst who has been working on this issue since 2019 on behalf of SUMP, addressed the CODA process. She voiced that in the package provided by the Dolores Huerta Foundation, tab one shows a press release when CODA announced the approval of their first school in Saudi Arabia in 2019, and they state that their standards were developed after California reached out because they started the program. She added that somewhere along the way, the Board had lost the fact that California started this program to address an issue in California, and this was not a CODA issue. CODA approved their second school in February of 2024. She noted

that in the supplemental report under the CODA section, it shows that both the school in Saudi Arabia, King Abdulaziz, and the school in Turkey applied in 2007, and that De La Salle University, School of Dentistry, also applied in 2007. It took 12 years and 17 years respectively for CODA to approve them. Ms. Shoemaker disclosed that CODA developed their standards in 2005, and De La Salle University, School of Dentistry, was already approved in California. She inquired as to why the Board eliminated a successful California program instead of going to CODA and sharing knowledge on how to make the programs move and get approved in an efficient manner.

Luis Dominicus Jr., a product of De La Salle University, School of Dentistry, noted that since graduating in 2007, he has been working at FQHCs his entire career. He is currently at AltaMed Health Services and is the Dental Director of dental services there for family practice. As he has been working at AltaMed for 13 years, 13 years of his profession have gone to these underserved communities. He voiced that currently the workforce is over 10% De La Salle University, School of Dentistry graduates and over 10% of the dentists are serving the community that is much needed and the underserved population.

Yolanda Gabriela Lozano, Mexican American student who graduated from De La Salle University, School of Dentistry, thanked the previous decisions of saying yes to approving the school as it has changed so many lives for so many people, the students do want to graduate to give back to their communities, and that is what they are doing. She thanked the Board for taking the time to consider reinstating this.

Another public speaker, a human rights lawyer and professor of legal studies, expressed that his own students have had difficulties with access to dental care in Southern California. He voiced that perhaps this bill is not ideal, but there certainly has been promise in efforts like these that perhaps with the power and expertise of the Board, they can find a way to make sure that Californians have access to dental care.

Maria verbalized that this is a very important initiative to have dental access for everyone in the minority community, and she was in support of that as being part of that community. She indicated that having that access is more than just three to five times a year and believes that the recommendation is more like six months and does not think that that is being available to everyone in the lower communities.

Ms. Zokaie, representing CDA, indicated that she thinks that the issues and challenges addressed are extremely important, and licensing foreign trained dentists will not solve existing access issues. California does not have a shortage of but rather a maldistribution of dentists geographically. Issues such as low medical reimbursement rates, challenges with commercial dental plans, and high student debt are true systemic issues that hinder access to care. However, CDA does think that the CODA process is the appropriate and right group to accredit and approve dental schools for licensure. Ms. Zokaie emphasized that there was a question about why the Board eliminated a successful California program and to address that, noted that the Board is not the

appropriate place for approval of dental schools. The Board does not do it for other dental schools and other boards do not approve different schools for licensure. She indicated that CDA thinks that that is a standard that needs to be maintained by not having the Board approve dental schools.

Ana Maria Quintana, Councilwoman for the City of Bell and a practicing attorney, disclosed that at the last Sunset review, it was highlighted that the state of California does not have an issue with numbers of dentists practicing in the state, but there is an issue of maldistribution. She voiced that is exactly what this bill would be doing, and they want to reinstate a program that addresses the needs of the maldistribution of dentists. It is uncalled for that in a state like California, there are not enough dentists serving rural and underserved areas. Ms. Quintana voiced that studies have shown that having dentists and practitioners who are culturally competent dramatically increases the quality of service. She pleaded for the Board reinstate a program that has been proven successful and requested that the Board Members that have done work for CODA abstain from voting.

Dr. Montez reiterated that access to care is important, but putting this into the Board's Sunset bill could come with substantial costs to the Board. Although the bill is intending to put the costs on the applicant, the Board is still going to have to do regulations, application processing, and hire potentially staff. She added that whenever there is something that has a cost issue to it, it does become a flag for appropriations and could potentially hold up the Sunset bill. She pointed out that it is not guarantee, and there might be other avenues with a different bill or a different mechanism for addressing this issue.

Ms. Welch reiterated the motion and explained the motion would be a recommendation from the Board to the California State Legislature, as the bill is not the Board's bill but is Senator Ashby's bill.

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

Ayes: Larin, Medina, Molina, Olague.

Nays: Chan, Felsenfeld, McKenzie, Thakur, Yu.

Abstentions: Cheng, Pacheco.

Absent: David, Forge.

Recusals: None.

The motion failed.

Board Member Molina requested to recommend creating a pilot program so both schools can be looked at for 10 years and overseen by Board staff. Dr. Montez advised that topic was not on the Board's agenda; Dr. Molina could offer the item at the end of the meeting for potential future agenda items.

Ms. Welch noted AB 2920 appeared dead for the year because it did not move out of its policy committee on time; she inquired whether the Board wanted to take a position or delegate to the Executive Committee action on AB 2920 in case the text of the bill ends up in another bill. Dr. Montez noted the text of AB 2920 could show up in the Board's Sunset bill.

(M/S/C) (McKenzie/Chan) to oppose the text of AB 2920 and delegate to the Executive Committee and Executive Officer the ability to communicate opposition to the text if it reappears later in the bill process.

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

Mr. Polanco expressed that it would be unfair to not allow for the policy of this issue to be implemented without the issue of Sunset review. For purposes of clarity, he asked from a public perspective to allow for public policy consideration assuming a bill does get gutted or amended. He added that the issue of foreign dental schools can be discussed without the hook of the Sunset review.

Ms. Welch noted the Board had not discussed which terms in AB 2920 were problematic, other than the whole bill to return foreign dental school approval back to the Board; as such, there is no indication what terms in AB 2920 could be amended to resolve any concerns. She stated that communication and public discourse about the text and the bill can continue, because it is not about having a board meeting about it, as this is a legislative bill. Public discourse will continue on this issue in the Legislature, not necessarily through the Board for this legislative session because of the timing. She added the Board is not saying it is cutting off public discourse at the Legislature and potentially the Board could continue to talk about these issues at other meetings.

Ms. Shoemaker commented that it is interesting that with such a close vote that the Board would want to put anything in place blanket disapproving a bill and what will happen if it shows up in another bill. She expressed that there may be language that Board members would change their votes for and believes that a blanket no, the Board will not discuss it if it is put in the Sunset review bill is overbearing and not fair to Board Members who may have a different opinion. She voiced that it can be done, and it should be done in a public way and with the ability to have public discourse with the Board.

Mr. Leal mentioned that when the Board got rid of the program through the CODA accreditation process, they submitted that language at the very end of the sunset review and that they were not notified. He added that to create a message on the Board's behalf that any avenue that deals with this issue is foreclosed is reflective of how some of the Board Members have felt in connection with these foreign dental schools. He stated they believed President Felsenfeld had a conflict.

Ms. Quintana voiced that this blanket statement to avoid discussion goes contrary to what the purpose of this Board is, which is to look at the access of dental care for California communities. If there is a shortage and the profession is lacking, the services are just missing entirely, it is the Board's duty to address that problem. To close discussion altogether, the Board is denying that responsibility. She urged the Board to open the conversation not just because there are Board Members who might change their mind but ultimately that is what the members were selected to serve on this Board for. She added that for the past nine years, the issue of access has been dormant, and no conversation has taken place. To now make a vote to close the conversation altogether really goes contrary to the spirit of what the duty of the Board is. Ms. Quintana asked the Board to open the conversation.

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

Ayes: Chan, Felsenfeld, McKenzie, Thakur, Yu.

Nays: Cheng, Larin, Medina, Molina, Olague.

Abstentions: Pacheco.

Absent: David, Forge.

Recusals: None.

The motion failed.

Board Member Cheng inquired whether there are any other accrediting bodies in the nation that can conduct accreditation outside of CODA. President Felsenfeld responded that he is not aware of any.

Board Member Cheng disclosed that he would support language to the effect that the Board is not going to be the approving body to accredit dental schools but that CODA and/or another accredited body to be approved by the Board could be explored as an option so that the conversation does continue. President Felsenfeld responded that it is his understanding that the Board does not any longer approve schools, and CODA is the agency that is now the standard of approval.

Board Member Cheng inquired if there could ever be another accrediting body and what the Board does to seek that out or to have folks develop that. Dr. Montez responded that the Board makes it aware that that there is a need but that it does not go out and recruit that kind of thing.

Ms. Ragali communicated that at this time, there is no other nationally accredited body that would be able to do what CODA does. Therefore, they are the only ones and are also recognized by the U.S. Department of Education. CODA is the only accrediting body that the Board uses for any schools outside of those two schools that had Board approval previously.

Board Member Molina noted that considering that CODA is the body the Board has suggested that schools go through, she suggested the Board consider giving them an extension so they have time to go through the process, as it will be ending in 2024. Additionally, she suggested the Board consider giving them an extension of approving seven to 10 years so they have time to go to their process. Ms. Ragali expressed that currently as it is written, SUMP students have through June of 2024 for their education to be eligible for applying for licensure in California. De La Salle University, School of Dentistry, students have through May of 2026 as long as they were enrolled as of January 1, 2020, and then it also goes on to state and has graduated by a certain period of time.

Board Member Molina voiced that she feels that some of those decisions were made with the information that CODA takes two to three years but that we keep hearing that it does not take that amount of time. She suggested that the extension could be longer so that they have enough time to complete the process.

Ms. Welch noted the conversation was moving to topics not agendized for the meeting. She also noted the current end dates for the two foreign dental schools and their students was based on the end of the prior Board approval; the schools have had approval for a certain period of time, and the Board has not taken any action to receive an application for continued Board approval, there is no scheduled site visit to assure the schools are providing appropriate education to students in accordance with the foreign dental school regulations because of the expectation the Board approval program will expire. The concern is pivoting now to extend the Board approval, which is expiring, and there is no recent information or audit on which to rely to extend Board approval.

Secretary Larin voiced that CODA does dental assistant accreditation but the Board is not using them. She added that the state is funding and approving the RDA programs, which creates a little bit of discrepancy, and the Board has to go out and approve them which is a lot of money. Dr. Montez responded that Board staff has had a tremendous backlog with approving RDA programs and unfortunately are finding some serious issues. Secretary Larin suggested that perhaps the Board can look into having CODA approve the schools in lieu of the Board.

At 11:55 a.m., the Board recessed for a break.

At 12:15 p.m., the Board reconvened.

SB 1067

Mr. Bruggeman stated staff recommends an oppose unless amended position. He noted the clarity and prioritization concerns raised for AB 2862. On SB 1067, Board staff recommend amendments to clarify the priority list of expedited review for these

applicants and the evidence an applicant would need to submit to the Board to demonstrate the applicant would be serving an unserved population or area.

Ms. Welch stated the Senate Business and Professions Committee analysis noted that the bill is intended to address lengthy application processing times. However, the Board noted during its 2024 Sunset Review Oversight that complete applications for licensure are being processed within about 24 days. Therefore, the Board is processing applications quickly. She suggested that the Board may want to request clarification as to the numerical priority of which type of applicant the Board has to expedite given the existing mandates to expedite military member and spouse or domestic partner licenses and registrations and refugees and the application priority that would be required under AB 2862, as well as the documentation to prove qualification for this expedited license application.

Board Member McKenzie noted that it seems like the Board is seeing multiple expedited application requirements; if the Board has a 24-day processing of applications, there seems to not be an issue. She felt there is a potential for the expedited processing of applications to create more issues and actually slow things down if Board staff have to determine whether applicants are qualified or not. She understood the intention but is not sure it actually helps in this instance. Dr. Montez clarified that it is complete applications, not applications with deficiencies. The burden is on the applicant, but the Board is well within its regulatory and statutory guidelines for processing.

Board Member McKenzie responded that she would say that it would still have to be a complete application so that does not add any additional barrier. Board Member McKenzie was concerned what the impact would be on the Board to figure out whether the applicant was qualified and hesitated to support the bill if amended without knowing the impact. President Felsenfeld noted the bill may help with access to care, but will have an impact on other boards as well. He pondered whether the Board could support the bill if amended to solve the problems but was unsure what amendments would be needed.

Board Member Thakur was uncertain what the language “intent to serve meant;” intent to serve is different than having possible employment. Board Member Chan looked at the bill in the inverse; if the applicant would not receive expedited application processing, would the applicant not serve a medically underserved locale or population. If the bill could add onerous requirements for the Board and the Board already is rapidly processing applications, he did not feel the bill was necessary.

Board Member McKenzie stated perhaps the Board’s recommendation on amendments to the bill could provide an exclusion for licensing that takes less than 60 days so if there is a board that takes a lot longer, the bill may be important, but if a board is processing applications in 24 days, the burden may not be worth it. She clarified maybe there is a way to exclude those boards that are processing applications quickly but help access to care for those boards that are not processing application quickly.

(M/S/C) (McKenzie/Felsenfeld) to oppose SB 1067 unless amended to provide a list of priority for these applications, clarify the documents required to satisfy the requirements in the bill, clarify intent to serve in an underserved area, and if only those amendments are taken, remove opposition, but if a fifth amendment is taken to exempt boards that are processing licenses for complete licensure within a time frame recommending 60 days, then the Board would support the bill. The Board delegates to the Executive Committee and Executive Officer authority to communicate the Board's concerns to the bill author, stakeholders, and legislative committees and change the Board's position if the above-specified amendments are taken on the bill.

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, Chang, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

SB 1453

Mr. Bruggeman noted the bill is the Board's Sunset bill, but it is not the Board's sponsored legislation, so the Board has limited ability to make recommendations and is not dictating the terms in the bill. He noted the meeting materials will help facilitate discussion to accommodate the feedback the Board has received on the bill and Board staff's consideration of that feedback. Dr. Montez asked the Board to review the matrix document and weigh in on some duties. She noted the intent here is not to rewrite the bill, but Board staff would like guidance from the Board on some of the recommendations that were made by the DAC. She requested the Board authorize the Executive Committee and Executive Officer to go through and make nonsubstantive edits to the bill where there are differences between the bill and the Board's legislative proposals.

Dr. Montez referred to the matrix document, and noted BPC section 1750.2(a)(1) and concern that Orthodontic Assistant (OA) permit applicants have 12 months of verifiable work experience as a dental assistant. She noted in the Board's negotiations on AB 481, the requirement would be removed for OA permit applicants. She stated it was inadvertently applied to Dental Sedation Assistant (DSA) permit applicants. The DAC is opposed to removing the work experience requirement. Dr. Montez requested the Board

discuss whether OA permit applicants should have work experience prior to taking their course and applying for the OA permit.

Board Member Chan noted there are two parts – didactic or coursework, and the practical. He stated in terms of learning, a person could read the words and not know what the words mean or how they are applied. He stated it is very appropriate to have practical experiences after that, so he is supportive of including the experience requirement. He stated the risk is that if practical applications are not translated, a person can create harm.

Dr. Montez recommended maintaining the current OA permit and DSA permit application requirements.

(M/S/C) (Chan/McKenzie) to maintain the current Orthodontic Assistant permit and Dental Sedation Assistant permit work experience requirements.

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

Ms. Randolph, representing the Dental Assisting Alliance, voiced that they believe that every level of license or permit should have required work experience and education, which they believe is important for public safety. She added that the OA permit requires the dental assistant to take the 84-hour course. However, the majority of the dental assistant's experience is working on the job. The Alliance knows that the exams the applicants have to take are sound because of the rigorous work that OPES does, but the work experience is where the applicants get their practical training and is vital for the dental assistant to be able to pass the OA permit exam. If the work experience requirement is removed, the pass rate may even go down further, which is already at 50%, and makes an additional barrier to licensure in extra cost for applicants who have to take the exam more than once.

Ms. Zokaie, representing CDA, noted they recommend removing the six-month work experience requirement prior to starting the OA permit course. She added that there are other prerequisites written into the language of the Sunset bill to ensure readiness to start the OA permit course that is beyond work experience. She voiced CDA thinks it is appropriate to remove that as a barrier to starting the course work.

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

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

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Dr. Montez stated on page 6 of the matrix, regarding BPC section 1752.1(c), the DAC made recommendations based upon the Board staff recommendations to keep “board-approved” in BPC section 1752.1(c)(1) and (2) and add the pit and fissure sealant course. She added the DAC recommended the DPA and infection control courses should be taken within two years, coronal polishing and pit and fissure sealant courses should be taken within five years, and a radiation safety course should be taken within 10 years. She noted the DAC discussion on radiation safety was there appeared to be agreement that technology does not necessarily change, but if someone had taken radiation safety 25 years ago, would that still be appropriate.

Board Member Chan expressed that recommending 10 years is anecdotal because industry moves faster than regulations do and moves faster than the incidences of what goes wrong. In addition to digital X-rays, there is cone-beam, which is relatively new within the last 10 years and is emerging very quickly. He believed that 10 years for now, but industry moves faster than the Board.

(M/S/C) (Pacheco/Felsenfeld) to recommend amendments to BPC section 1752.1(c) to require DPA and infection control courses taken within two years, coronal polishing and pit and fissure sealant courses taken within five years, and a radiation safety course taken within 10 years, include the pit and fissure sealant course, and keep “board-approved” in the language.

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

Ms. Randolph, representing the Dental Assisting Alliance, mentioned they would agree with and applaud all of these changes with the exception of the renewal of the X-ray licensure. They do not see any reason for needing recency on X-ray licensure since the majority of the applicants will have been working as a dental assistant taking X-rays legally because they have their X-ray license. If they need to prove competency, perhaps their employing dentist can have some kind of verification form to verify that they are competent in taking X-rays safely, but the Alliance does not believe there is a need for recency in the X-ray.

Ms. Zokaie, representing CDA, conveyed these are good recommendations to keep Board-approved for the pit and fissure sealant course and the different year requirements.

Ms. Borquez, asked whether she would need to do an 8-hour infection control course and redo her X-ray certification if she wanted to take the OA program. Dr. Montez advised Ms. Borquez to email the Board in which staff would take her through the

process of applying and added that this section only applies to individuals applying for the RDA.

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

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

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Dr. Montez noted that on page 6 of the matrix, regarding BPC section 1752.1(f)(1) and (2), the section is confusing, the Board already has a process in place and does not need this section, and asked the Board to approve eliminating it.

(M/S/C) (Larin/Pacheco) to recommend elimination of BPC section 1752.1(f)(1) and (2).

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

Ms. Randolph believed there is an identical corresponding section under the DSA permit. Therefore, it would make sense to eliminate it in both places.

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

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

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Dr. Montez stated that concluded the substantive issues on the Sunset bill and welcomed the DAC to bring up any other issues, but deferred to the Board to authorize the Executive Committee and Executive Officer to clean up the bill. President Felsenfeld asked for any additional discussion on the bill.

Board Member Chan indicated that on page one of the matrix, third column down, the wording for BPC section 1750(f) talks about the employer of a dental assistant. He stated that in the marketplace, there are merging business models that use private equity. In the medical model, hospitals are buying up private practices, and the employer is the hospital. He asked how this applies to non-licensees and how does the Board enforce that. Dr. Montez responded that Board staff would have to research that and bring it back to him as this was a legislative proposal clean up. Board Member Chan also noted that page two talks about having to eliminate the word oxygen gases in administration of nitrous oxide. Board Member Chan stated that nitrous oxide cannot be administered by itself, and there are fail safes that once the machine is turned on, it starts with oxygen. Dr. Montez asked for confirmation that oxygen gases does not need to be added as that is part of the process. Board Member Chan responded that is correct.

Board Member Chan disclosed that regarding BPC section 1750.3, on page four of the matrix, there was a question of whether or not there is a redundancy of using the term “band” versus “bracket.” He noted that the common use of bracket and the technical term of bracket is an external attachment to the outside of the tooth around the tooth, whereas a band goes around the tooth. If the text just has brackets, Board Member Chan stated that when applying brackets with cement, the cement may be seen on the outside. However, bands go in between the teeth, and the harm can be if one only follows what is written in the bill text and leave the stuff in between, that could lead to perio problems. He suggested leaving the term “band and bracket” in the text as it is very specific. Dr. Montez noted that in the third column, staff recommendations number five, the way the text is written, Board Member Chan agreed that text would be helpful.

Regarding page seven of the matrix, Board Member Chan asked how it works when there are two jurisdictions that are separate for enforcement. Dr. Montez responded that if there is a complaint against a registered hygienist, it goes to the DHBC and vice versa. She added the text is clarifying that if someone is an RDH, RDHAP, or Registered Dental Hygienist in Extended Functions (RDHEF), that is sufficient to get your RDA license or at least to apply and then they would take the test, and that piece is being added. She mentioned that each board enforces and disciplines its own licensees.

Ms. Welch noted the matrix did not include new issues that had arisen and requested the Board, when considering to take action on SB 1453, ensure all of the Board’s approved legislative proposals are properly reflected in the bill, and look at AB 481 and the language negotiated with CDA and make sure the negotiated language is properly reflected in SB 1453, in addition to the language the Board acted on at this meeting.

Board Member Molina asked if the Board would discuss the bill she had presented about earlier. Mr. Bruggeman responded that proposal would be considered under the Items for Future Agenda because the proposal she requested was not noticed on the current agenda. Board Member Molina wanted to include her proposal in the Board’s

Sunset bill. Dr. Montez clarified the Board was cleaning up the existing text in the Sunset bill, not adding new provisions not previously discussed or approved by the Board. She reiterated the Sunset bill is not the Board's bill; the Business and Professions Committee counsel and proofer put in text into the bill and the Board was trying to clean that up.

Ms. Welch stated that because there were so many dental assisting provisions in SB 1453, she recommended the Board's motion to delegate to the Executive Committee and Executive Officer communications include the DAC Chair in those communications or DAC Chair review of the proposed revisions before submitting the revisions to the legislative committees.

(M/S/C) (Felsenfeld/Pacheco) to delegate to the Executive Committee and the Executive Officer, in consultation with the DAC Chair on dental assisting areas, to review the Board's approved legislative proposals and negotiated text on AB 481, make amendments as needed to SB 1453, and move those recommended amendments to the legislative committees for consideration.

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

Ms. Becker, representing the Alliance, pointed out that on page four of the matrix, regarding BPC section 1750.3(a)(3) and (5), she is aware that the recommendation was to strike paragraph (3). The Alliance is concerned with paragraph (5) and the word "attachments" with the removal of orthodontic bands, brackets, and attachments. The concern is that removing an attachment requires a hand piece, and there is already confusion on whether or not a hand piece can actually be legally used. She voiced that the Alliance asks that that would be looked at and possibly removed.

Mr. Leal noted that when Dolores Huerta sponsored the other bill, it was Assembly Member Berman who was very insistent that Mr. Leal's group pursue this matter through the Board's Sunset review process because it was through the Sunset review process that the approval was taken away. He added that they will continue to work on that bill to see if they can get language that is favorable to them. Mr. Leal understood the Board does not have the expertise to evaluate foreign dental schools. The law provides, and it provided then, that is done through consultants, experts in the arena that are paid for by the applicant. He believed the message that was conveyed was that the Board Members might have to go down to some country and evaluate a foreign dental school, but that is not the case at all. Mr. Leal inquired whether interaction is allowed between Board Members and speakers during Board meetings. Ms. Welch replied that normally the Board would not respond to a question because this is a time for public comment not engagement with the Board Members individually. The instructions at the beginning of each meeting advise the public that public comment is not an opportunity to engage each Board Member but a time to provide individual comment on the Board's action or potential action or matters before the Board. She

reiterated that the Board does not engage in a back and forth dialogue during the public comment period.

Mr. Leal asked whether the Board is precluded from engaging a speaker if they have a specific question that speaker is presenting. Dr. Montez responded that Board Members can ask questions of the speakers, but Board Members do not necessarily have to answer questions.

Ms. Quintana expressed that the Board gets to chime in on the DPA every four years, and one of the recommendations that they had at the Sunset review is the lack of information that the Board gathers. She is very shocked to find out that there is limited information as to what the public can access on the history of dental practitioners. If an individual looks on the Board's webpage, they will not find information for practitioners on the history of education, years of training, and where dentistry has been practiced. She voiced this is now the time for the Board to make that request because its duty is to protect the consumers. The consumers should be able to know where dental practitioners are practicing. Ms. Quintana suggested to make changes to the DPA and that the Board take efforts to gather information that should be made readily available to the public so that they can make informed decisions when they decide to seek the services of dental practitioners. Dr. Montez responded that associations can put bills forward to change the law; although the Board typically does it through sunset, there are opportunities each year to perhaps work with associations, stakeholders, and so forth. Dr. Montez stated the Board is not necessarily bound for every four years; however, it is much easier during sunset, since the Board has the bill. Dr. Montez disclosed that the Board is going to continue trying to make changes as it can and not merely wait for the next sunset cycle.

Ms. Quintana expressed that it seems to her that the process itself is very political and noted there is only four times of the year that the Board gets to meet and that this cannot be limited to just four opportunities in which the Board has the opportunity to discuss the DPA where it creates policy. Ms. Welch noted that AB 1991 changes BPC section 502, which is a statute that requires certain boards and possibly all the healing arts boards to ask their licensees certain questions to collect data that is really important about access to care issues. Ms. Welch stated that one of the pieces of data that AB 1991 would require the boards to collect is area of practice or specialty. She added that there are many pieces of information that the bill would require the Board to collect but this is the kind of statute that would be important for this Board. She explained the Board would not have to include it in a Sunset bill because it is required under a general BPC section.

Ms. Quintana asked whether even as a policy discussion legislation is necessary to mandate requiring information from practitioners who are providing services to consumers. Ms. Welch responded that is correct because boards are collecting information about the licensees, and the Board is required to maintain that information and would need statutory authority to collect it so that it can maintain it. Additionally, the

Board also needs safeguards of that licensee information, such as for transgender licensees, which needs to be protected and remain confidential. She added there are specific parameters about the information the Board can collect. She believed that AB 1991 would require licensees to provide that information and believed that currently it is voluntary, which makes the information that Board currently collects not as voluminous as it is a voluntary disclosure of information. Ms. Welch expressed the data collection would not affect the licensure itself, but it would make this information mandatory to be provided to the Board, which will help identify more areas and types of communities that are underserved. Ms. Welch concluded that the Board has to have statutory authority to collect the data.

Ms. Shoemaker noted that in the pamphlet that the Dolores Huerta Foundation provided, when it lists the graduates of De La Salle University School of Dentistry and SUMP, the city listed is where they are practicing. They had originally received a list that had the address they used when they were licensed. Therefore, it did not necessarily correlate with where they are working. She urged the Board to not close the door to this discussion and noted that most of the dentists listed are in underserved and rural communities. Ms. Shoemaker voiced that the Board Members do not need to be the ones on the visiting committee as the Board has always had the ability to hire consultants and create the organizations.

Ms. Rowe, representing CANA, conveyed support of the SB 1453 amendments related to anesthesia that are currently suggested and would also support amendments for CRNAs to have the opportunity to have a permit comparable to physicians and surgeons. CANA wants to continue working with the Board to support the dentists and the patients that it serves, so they meet all the qualifications and are proven safe providers and support access to care. If the current number of permit holders was sufficient in California or if the current permit holders were providing all the anesthesia needs of Californians, then dentists would not be seeking the services of CRNAs or they would not want to continue working with the CRNAs that they have been working with for years. Dentists deserve the option to have choice in their anesthesia provider. Ms. Rowe added that when she saw the amendments to BPC section 1750.1(b)(17) to add oxygen gases, as an anesthesia professional, the perspective that she had is that oxygen gases are also a medication. She thought it was beneficial to have it added in the bill, because even though there are fail safe mechanisms for nitrous and oxygen combined, she interpreted the amendment to mean the assistant could turn on oxygen when directed and she thought that was a good thing because somebody might only need oxygen support, and that would be a critical emergency situation where if they could get the oxygen started with the direction of the dentist, that would be helpful.

The Board discussed potential changes to the nitrous oxide and oxygen gases text and decided to leave those changes to the Executive Committee to make.

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

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

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

AB 2630

Secretary Larin understood that if they were doing the transitional kindergarten, they do not have to have the screenings, and then later when they enter first grade, they would have the screenings.

Mr. Bruggeman believed that is how it is currently in the law, and the bill would require it of transitional kindergarten students but only once during that two-year period. He added that if a first grade student enrolls in public school and they had not attended kindergarten, they would need to have obtained the health screening prior to entering first grade. If they had already been in kindergarten and had the oral health screening in kindergarten, they would not be required to demonstrate they had the oral health screening again in first grade, because they had shown proof of that oral health assessment when they were in kindergarten.

Secretary Larin raised concern that if the bill does not include students who did not go to kindergarten. Mr. Bruggeman stated his understanding of the legislation is that it is intended to include the transitional kindergarten students in the requirement for the oral health screening, but because it is a two-year program, it does not require that they provide that proof each year of that two-year program.

Board Member Molina asked if there is a reason the Board is not supporting the bill and does not have a position. Mr. Bruggeman stated staff does not provide a recommendation on bills that are outside the BPC, such as changes to dental services covered under Medi-Cal provisions; the Board does not have influence over either the Insurance Code or codes covering insurance plans, but believes there is value in making sure that the Board weighs in on legislation that has a more significant impact on its operations and is relevant to the specific codes and statutes that it is obligated to operate under.

Ms. Welch clarified that Mr. Bruggeman noted that proof to qualify for the program is only required once during a two-year kindergarten program. She added that this bill adds that language. Therefore, proof would only need to be provided one time for a two-year program. Dr. Larin had concern regarding proof for pupils in non-traditional programs, such as transitional programs.

Board Member Thakur clarified that currently, there must be oral health screening in kindergarten, and if a pupil did not attend kindergarten in a public school system, then the pupil is screened when they enter first grade. The bill would change that to include transitional kindergarten. She explained when the original statute was written, there was no transitional kindergarten. She added that transitional kindergarten is a more recent program in maybe the last seven years that public schools are now operating. A child can be in a transitional kindergarten program for up to two years depending on their birthday in the year. As a result, the bill would say that in the two years of transitional kindergarten, the pupil would have the screening so that earlier diagnosis is possible. Dr. Larin believed the Board should support the bill.

Board Member Chan mentioned that some 30 years ago, he was involved with the Dental Association forwarding this legislation, and oral health assessments prior to kindergarten was to identify unidentified care. He added that the bill applies only to public schools not private schools.

(M/S/C) (Larin/Thakur) to support AB 2630.

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

Ms. Zokaie stated the bill was brought forward by Children Now, working closely with CDA. The reason CDA recommends this cleanup language is because when the screenings were submitted, it went to the school superintendent and the local education leaders, and they were very confused about the difference between kindergarten and transitional kindergarten and what they are collecting. Ms. Zokaie disclosed that not only is this better for prevention, but it helps support the government process of who is included and how often do they need to do it. Therefore, there is better data, so individuals are not counted twice or completely missed, which also helps with data collection to really understand the burden of disease for those who are at the kindergarten age level. She voiced CDA supports this bill and supports the motion.

Board Member Chan asked what happens when a kid starts off in private school and then goes to public school at first grade, second grade, or third grade; the bill does not provide for that. President Felsenfeld responded that would be a future topic.

Ms. Quintana conveyed that private schools cannot be mandated to do this, as this is government action, which is why it is limited to public schools. She indicated that she is in support of this bill. She stated there was a study that said the number one reason why black and brown kids specifically miss school is because of toothaches, which is incredibly preventative.

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

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

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

SB 1453

Dr. Montez noted that although the Board gave direction to the Executive Committee on SB 1453, the Board needed to take a position on the bill. Dr. Montez recommended the Board take a support if amended position on the bill.

(M/S/C) (McKenzie/Thakur) to support SB 1453 if amended and delegate to the Executive Officer and the Executive Committee to make decisions on the bill based on whether the Board's concerns are resolved.

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, Chang, Felsenfeld, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: David, Forge.

Recusals: None.

The motion passed.

Agenda Item 25: Public Comment on Future Agenda Items

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

Board Member Molina requested the Board look into creating a pilot program with both the De La Salle University, School of Dentistry, and SUMP for a duration of 10 years and have Board staff oversee its development, as 10 years is enough time to see the classes graduate and practice for two years in an area of need.

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

Agenda Item 26: Adjournment

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President Felsenfeld adjourned the meeting at 1:37 p.m.

* Certain agenda items were taken out of order to accommodate speakers.