

**CDHEA Liaison Report: Dental Hygiene Board of California
May 29, 2020 via Teleconference**

Submitted by Dr. V. Kimbrough

Meeting went for 9 hours. The Public was able to ask questions after each item once questions were open. Time limit was 2 minutes per speaker.

Agenda items 1- 8:

Review and Approval of meeting minutes for all subcommittees

Item 10: Approved

Effective July 1, 2020, Assembly Bill 2138 (Chapter 995, Statutes of 2018) will require boards to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria.

Two letters were written to the DHBC regarding clarification in language – DHBC comments will be sent to OAL for approval prior to sending to responding who sent letters. Letters and responses to the request to clarify language is included in meeting materials.

Item 11: Approved

staff's recommendation, the Board for clarity to language found within 16 CCR section 1103 to definitions applicable to DHEPs.

Lots of discussion on clinical practice with patients...in first year as many programs use simulated patient practice as well...

(y) "Preclinical instruction" means instruction in which students receive supervised experience using instructional materials to prepare them for clinical experiences to achieve safe and effective clinical outcomes. Preclinical instruction may include supervised learning experiences provided in various settings, including, but not limited to, dental hygiene skills labs, simulation labs, and computer labs. The instructor to student ratio shall meet approved accreditation standards referenced in subsection (c) of section 1103 of this article.

Item 12. Approved

Proposed Regulatory Package: 16 CCR Section 1104. Approval of New RDH Educational Programs and Continuation of Approval for Approved RDH Educational Programs.

Updating DHCC to DHBC and adding the following

(1) All educational programs accredited by CODA, or an equivalent accrediting body, as determined by the Committee Dental Hygiene Board, shall submit to the Committee Dental Hygiene Board after each accreditation site visit an electronic copy of the Self-Study Report in accordance with the requirements specified in CODA's "Self-Study Guide for the Evaluation of a Dental Hygiene Education Program" (As Last Revised: January 1, 2016), by CODA (<https://www.ada.org/en/coda>) or an equivalent accrediting body, as determined by the Dental Hygiene Board, which is hereby incorporated by reference, and a copy of the final report of the findings within thirty (30) days of the final report issuance.

Item 13: Approved

Proposed Regulatory Package: 16 CCR Section 1104.3. Reviews, Site Visits, Cite and Fine, and Probationary Status for Dental Hygiene Educational Programs.

PROPOSED LANGUAGE Adopt Section 1104.3 of Title 16 of the California Code of Regulations (CCR) to read as follows:

§1104.3 Reviews, Site Visits, Cite and Fine, and Probationary Status for Dental Hygiene Educational Programs

(a) Program Reviews and Site Visits A dental hygiene educational program for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions (collectively DHEPs) shall provide access during business hours to the program's records and premises to the Dental Hygiene Board of California (Board) or its authorized representative(s) to review the DHEP for compliance with all laws, regulations, and standards applicable to a DHEP including, but not limited to, the Business and Professions Code, the California Code of Regulations (CCR), the Commission on Dental Accreditation Standards of the American Dental Association, Occupational Safety and Health Administration, Health and Safety Code, Centers for Disease Control and Prevention, and the Health Insurance Portability and Accountability Act (HIPAA). For the purpose of this subdivision, "records" shall include, but are not limited to, course records, student records, faculty and staff records, and patient records.

(b) Cite and Fine

(1) If the Board or its authorized representative determines that a DHEP is in violation of any law, regulation, or standard applicable to a DHEP, the DHEP shall correct the violation(s) within the amount of time specified in the order. The DHEP shall furnish the Board written proof of compliance with the order and shall permit a site visit by the Board's authorized representative to confirm compliance.

(2) If the Board or its authorized representative orders an administrative fine for violation(s) of any law, regulation, or standard applicable to a DHEP, the DHEP shall pay the required fine within the amount of time specified in the order.

(c) Probationary Status of a DHEP

(1) If the Board places a DHEP on probation, the DHEP is required to disclose their probationary status in writing to its students within fifteen (15) business days of being placed on probation. In addition, the DHEP shall advise each potential student applicant to the DHEP before offering to enroll the applicant. The DHEP shall provide the Board with written proof of compliance with this subdivision as a condition for removal from probationary status.

(2) A DHEP on probationary status shall correct the violation(s) within the amount of time specified in the order. The DHEP shall furnish the Board written proof of compliance with the order and shall permit a site visit by the Board's authorized representative to confirm compliance.

(A) If the DHEP on probation demonstrates that it has corrected the violation(s) and meets all requirements for approval set forth in 16 CCR section 1104, the DHEP shall be removed from probationary status.

(B) If the DHEP on probation fails to demonstrate to the Board by the end of its probationary period that the DHEP has corrected all violation(s) and met the requirements for approval set forth in 16 CCR section 1104, the Board will revoke approval of the DHEP.

Item 14: Approved

Discussion and Possible Action on the Following Proposed Regulatory Package: 1

6 CCR Section 1105.2. Required Curriculum. **Out-of-state dental hygiene programs** and administration of local anesthetic agents, administration of nitrous oxide-oxygen analgesia, and performance of periodontal soft tissue curettage

Currently, within 16 CCR §1105.2 it states: Curriculum relating to the administration of local anesthetic agents, administration of nitrous oxide-oxygen analgesia, and performance of periodontal soft tissue curettage shall meet the requirements contained in Title 16, Division 11, section 1107 of the California Code of Regulations.

Out-of-state dental hygiene programs that are accredited by the Commission on Dental Accreditation or an approved accrediting body and who provide instruction according to this subdivision may be approved by the Committee to meet the requirements set forth in Business and Professions Code section 1909.

Staff Recommendation:

In response to the public comment that was made at the prior meeting regarding the Board's authority to approve and oversee out-of-state dental hygiene programs or specifically, the SLN education and training, the intent in following the law is to ensure that the SLN education and training obtained in an out-of-state dental hygiene program is equivalent to or surpasses the SLN education and training students receive in California.

The Board does not have the authority or resources to oversee out-of-state educational programs; however, must create a method to be able to review and approve the education and training that is certified by the respective program to be comparable to California's SLN education and training. This method of additional required documentation review will be used for both out-of-state dental hygiene educational programs that request Board approval and to individual out-of-state applicants whose educational programs have not requested Board SLN approval.

SLN programs within California may be subject to additional oversight measures like site visits to check issues such as infection control because the Board does have direct authority over these programs.

Staff recommends to the Board to re-review the related forms and proposed language in the attached document, determine whether additional information or language is required, complete the draft of proposed regulatory language, and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to the California Code of Regulations (CCR), Title 16, Division 11 §1105.2 as noticed.

NOTE: An Application was included in meeting materials. Language in the application address left and right injections and excludes 'on 4 different patients'.

Dr. Kimbrough inquired as to the timeline for such language to apply to California programs. DHBC responded that the approval from OAL is expected by the time the application is approved to be released.

Item 15: Approved

Discussion and Possible Action on the Following Proposed Regulatory Package: 16 CCR Section 1115. Retired Licensure.

Item 16: Approved Fees for mobile clinics

- ☐ The fee for registration of a mobile dental hygiene clinic shall be one hundred and fifty dollars (\$150).
- ☐ The biennial renewal fee for a mobile dental hygiene clinic shall be two hundred and fifty dollars (\$250).

Item 17 Approved

Action on the Following Proposed 1 CCR Section 100 Package: Business and Professions Code Section 901.

Pros: By approving staff's recommendation, the Board will have the ability to remove expired regulatory language in the CCR to avoid misleading the public with expired regulatory language which no longer applies.

Cons: If the Board does not approve the recommended Section 100 change, by leaving expired regulatory language in the CCR it would be misleading to the public due to the fact that the regulatory language no longer applies.

Deletion of Article 13, Sponsored Free Health Care Events - Requirements for Exemption Title 16, California Code of Regulations (CCR) Sections 1149, 1150, 1151, 1152, and 1153

Item 18 TABLED to NEXT Meeting (see Meeting Materials Addendum) on DHBC website

Discussion and Possible Action on Temporary Modification for WREB Clinical Examination to a Written Format and Request for the DCA Office of Professional Examination Services (OPES) to Review.

Propose an OSCE until 12/31/2020 or unless extended due to inability to administer patient exam

Discussion

- ☐ Would have to accept candidates who took WREB OSCE in other states as well during the time period approved
- ☐ OSCE is still going through field tests and validity- might be done end of June sometime
- ☐ Rep from Dept of Consumers affairs commented on need for interim exam- best interest of consumers and true measure of skill in student

- ☐ Kelsch brought up the CRDTS OSCE- CRDTS did not get back to Tony in time to be considered at this meeting
- ☐ If Tabled until July 24- by then OPES can review and WREB will have data
 - Moved to have OPES review and valid the OSCE's and will include CRDTs for the July meeting
- ☐ Include Other alternative exams
- Lots of comments by educators and students of 2020/pandemic issue.... Comments circled around acting on the OSCE today versus later due to the ethics of patient exams and evaluating competency through a one-time session.

So, no action was taken yet it was recommended to send the OSCE to OPES for evaluation and validity.

Item19: Program Completion Requirements

Task Force was created and members included

Joanne Pacheco (FCC), Brenda Serpa (SJVC), Chuck Cort (Shasta), Patty Chan (Foothill), Laurel Sampson (Concorde), Melissa Fellman (Sac City), Michelle Hurlbutt (WCU)

- a. No action for modifying hours/requirements for class of 2020/ following CODA flexibility or bringing students back
- b. Reviewed issues with wet lab requirements for admissions-

DHBC approved request for DCA temporary waiver for pre-req sciences...backdated to March 2020.

- This order is effective immediately but may be amended as circumstances require.
- This order terminates 60 days from the date of the order, unless further extended.
- Date of order: July 13, 2020 through September 31, 2020

https://www.dca.ca.gov/licensees/dca_20_35.pd

Item 20: Approved

Discussion and Possible Action on the Commission on Dental Accreditation (CODA) Proposed Accreditation Standards for Dental Hygiene Educational Programs

Discussion:

Standard 2-10 is being changed by CODA...language may not be clear. Dr. Hurlbutt recommends submitting comments to CODA versus a letter of concern.

Item 21: Approved

Discussion and Possible Action on Proposed California Northstate University Registered Dental Hygienist in Alternative Practice (RDHAP) Program Application.

Dr. Glassman retired from UOP, started the 1st AP program, now at Northstate, applied for new program.

Item 22: Overview of Bills of Interest Current as of May 11, 2020

Item 23: Updated Schedule of Dental Hygiene Educational Program Site Visit

Item 24. Licensing and Examination Statistics Update.

DHBC Licensure Statistics (as of May 4, 2020)

LICENSE STATUS	LICENSE TYPE				
	RDH	RDHAP	RDHEF	FNP	TOTAL
ACTIVE	17,856	592	23	128	18,599
INACTIVE	1,893	42			1,935
DELINQUENT	3,534	111	6	72	3,723
LICENSED SUBTOTAL	23,283	745	29	200	24,257
REVOKED	30	1	0	0	31
DENIED	0	0	0	0	0
VOLUNTARY SURRENDERED	16	2	0	0	18
CANCELLED	9,023	26	3	49	9,101
DECEASED	220	2	0	0	222
RETIRED	34	0	0	0	34
*COVID-19	2	0	0	0	2
NON-LICENSED SUBTOTAL	9,325	31	3	49	9,408
TOTAL POPULATION (Licensed Subtotal plus Non-licensed Subtotal)	32,608	776	32	249	33,665

RDH AND RDHAP WRITTEN LAW AND ETHICS EXAM
(NOVEMBER 01, 2019 – MARCH 31, 2020)

	Pass	Pass Rate	Fail	Fail Rate	Total
RDH	179	77%	54	23%	233
RDHAP	11	65%	6	35%	17

RDH WRITTEN LAW & ETHICS EXAMINATION					
Date Range	RDH Candidates Tested	Pass		Fail	
11/01/2019 – 03/31/2020	233	179	77%	54	23%
03/12/2019 – 10/03/2019	726	586	81%	140	19%
10/20/2018 – 03/11/2019	292	242	82%	50	17%

RDHAP WRITTEN LAW & ETHICS EXAMINATION					
Date Range	RDHAP Tested	Pass		Fail	
11/01/2019 – 03/31/2020	17	11	65%	6	35%
03/12/2019 – 10/03/2019	43	29	67%	14	33%
10/20/2018 – 03/11/2019	20	17	85%	3	15%

NUMBER OF ATTEMPTS FOR PASSAGE OF THE RDH OR RDHAP WRITTEN EXAMINATION			
11/01/2019 – 03/31/2020	1 st Attempt	Multiple Attempts	Total
• RDH	125	54	179
• RDHAP	11	0	11
Total	129	51	180

NUMBER OF OUT-OF-STATE WRITTEN LAW & ETHICS EXAMINATION PARTICIPANTS					
11/01/2019 – 03/31/2020	Pass		Fail		Total
• RDH	2	33%	4	67%	6
• RDHAP	0	0%	0	0%	0

OUT OF STATE ATTEMPTS 11/01/2019 – 03/31/2020			
	1 st Attempt	Multiple Attempts	Total
RDH	7	0	7
RDHAP	0	0	0

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25 . Enforcement Statistics Update. Charts located in meeting materials on DHBC website.

