

DHBC Public Teleconference Meeting

Saturday, November 21, 2020

10:00 a.m. - Adjournment

1. Roll Call & Establishment of Quorum

- 7 members present (S. Good, D. Davis, C. Dones, Noel Kelsch, Dr. Martinez, N. Moultrie, G. Shay, E. Ward)

2. Public Comment for Items Not on the Agenda

[The DHBC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code Sections 11125 & 11125.7).]

- No public comments

3. President's Welcome and Report.

- Presented by Timothy Martinez
- Discussed the importance of following recommended actions per CDC to inhibit the spread of COVID-19.
- Introduced 2 new board members: Carmen Dones and Denise Davis.
- Thanked Michelle Hurlbutt for her years of service

4. Update from the Department of Consumer Affairs (DCA) Executive Staff on DCA Staffing and Activities.

- Presented by Carrie Holmes
- Welcomed new board members
- Discussion on budget: Due to economic impacts as a result of COVID and the wildfires, there will be a 5% state budget reduction

5. Discussion and Possible Action to Approve the August 29, 2020 Full Board WebEx Teleconference Meeting Minutes.

- Minutes approved by the board
- No member discussion

6. Executive Officer's Report on the Following:

- Presented by Anthony Lum

a) COVID-19

- Staff has be tele-working and in the office on a rotational schedule
- Two waivers
 - 1. CE – Approved waiver for extension in completing CE deficiencies
 - 2. Wet Lab Waiver: temporary approval until December 31, 2020; unless amended and extended and will be reviewed in Dec by the administration for possible extension.

b) Personnel

- Welcomed new board members
- Alex Lee – New staff member in the area of “Licensing Procedures”
- Thanked enforcement staff for their work and contributions as they will be leaving to another department

c) Budget

- Budget sent to board members for review

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- 5% Budget reduction plan to be implemented July 1, 2021
- Goal will be to reduce cost while maintaining maximum efficiency

d) Clinical Examination Update

- Not enough data with ample statistics
- 5 mannequin exams have taken place since the last meeting in August
- DCA OPES maintains stand that the mannequin exam is not a viable alternative to measure competency; more data will be presented at the spring 2021 meeting

e) Administration

- DHBC will be moving to office previously occupied by Physical Therapy by mid-December; existing furniture will be used.
- Continuing education audits: licensees randomly selected
Failed audits due to courses not approved by the board and deemed unacceptable: 30 of 67 failed (45%); licensees who failed audits are subject to disciplinary action or fees; Anthony Lum is working to incorporate CE audit statistics; Licensees need to verify CE providers on Breeze.ca.gov or through PACE or CERP.
- Author for statutory language- has been difficult due to COVID.
- Update on 2020 Omnibus Bill – increased acceptance of clinical exam from 2 years to 3 years;
- Public comment: CPR requirement is not waived

7. Election of 2021 DHBC Officers.

- A. Lum: nominate officers for upcoming year; current officers for another year due to COVID; nominations for officers: Noel nominated to keep same officers for coming year; Susan Good second.
- No other board member comments.

8. Discussion and Possible Action on Proposed 2021 & 2022 DHBC Board Meeting Dates

- Meeting dates for 2 years span for in person meetings
- Arranged schedule through 2022; presented to board for consideration
- Holidays listed for respective year
- Carmen Dones moved to approve meeting dates; Evangeline Ward- 2nd.
- M. Hurlbut public comment: March meeting date in conflict with ADA meeting.

9. Discussion and Possible Action on the Following Proposed Regulatory Package: 16 California Code of Regulations (CCR) Sections 1135, 1136, and 1137: Substantial Relationship Criteria and Criteria for Evaluating Rehabilitation.

- Presented by Adina Petty
- Motion passed

10. Discussion and Possible Action on Proposed Amended Regulatory Package: 16 CCR Section 1107: RDH Course in Periodontal Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN).

- Presented by Adina Petty
- Reference to page 55 for summary of comments by the board and responses drafted to address comments
- Table updated to reflect written language
- Motion approved

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11. Discussion and Possible Action on Proposed Amended Regulatory Package: 16 CCR Section 1109: Requirements for Courses of Instruction in Radiographic Decision Making (RDM) and Interim Therapeutic Restoration (ITR) for the Registered Dental Hygienist, Registered Dental Hygienists in Alternative Practice, and Registered Dental Hygienists in Extended Functions.

- Presented by Adina Petty

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

- Presented by Adina Petty
- Refer to page 77 and 78 in packet
- Clarification in language and regulatory authority
- f. should a licensee seek to restore license, the licensee must file new application for licensure in compliance with BPC 464
- Discussion on “original license” and how it is defined. Recommended removal of word “original”.
- Anthony Lum stated the “pocket license” is important. Actively practicing hygienists need to have this.
- Adina Petty recommended replace “original” to “current license”

13. Discussion and Possible Action on Proposed Regulatory Package: 16 CCR Section 1123: Clinical Passing Rate.

- Presented by Adina Petty
- Board wishes to clarify language for clinical exams
- Refer to page 86 of board packet; language for passing rates
- Communication with OPES to find acceptable language applicable to all clinical examinations
- N. Moultrie asked for clarification and example; Adina Petty stated need for knowledge of appropriate passing rate by respective clinical boards.

14. Discussion and Possible Action on Proposed Regulatory Package: 16 CCR Section 1138.1: Unprofessional Conduct.

- Presented by Adina Petty
- Section 1950.5
- Refer to page 89 of board packet

Lunch break until 1:00 pm

15. Discussion and Possible Action on Proposed Statutory Language Amendments to Business and Professions Code (BPC) Section 1917.1: Clinical Work Hour Accumulation.

- Presented by Anthony Lum
- Licensure by credential applications
- Revised to eliminate 5 year work experience requirement and 3 year work experience with 2 year contract work

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- Adequate work experience: 3,000 hours in a 5 year period for LBC pathway
- N. Kelsh commented in regards to total hours; recommended looking at not just clinical hours and the need to look at other models such as Nursing. Timothy Martinez agreed.
- N. Kelsh requested amendment to language to include other applicable jobs to include managerial experience for the LPC pathway.
- Will Macguire stated the primary mission of the board is protection of the public/consumer and the importance of clinical hours.
- Discussion tabled for further discussion at the next meeting
- Public comments supported the need for further discussion for opportunities for out of state practitioners

16. Discussion and Possible Action on Proposed Statutory Language Amendments to BPC Section 1926.1: Operation of Mobile Dental Hygiene Clinic; Requirements.

- Presented by Anthony Lum
- No board member discussion
- No public comment
- Proposed language approved

17. Discussion and Possible Action on Proposed Statutory Language Amendments to BPC Section 1926.3: Registered Dental Hygienist in Alternative Practice; Registration; Time Period.

- Presented by Adina Petty
- Revisions on page 100 of board packet; in consultation with DCA; states physical facilities and portable equipment shall be subject to inspections and in compliance with regulatory requirements
- No board member discussion
- No public comment
- Proposed language approved

18. Discussion and Possible Action on Proposed Statutory Language Amendments to BPC Section 1941: Changes to Accreditation Status

- Presented by Adina Petty
- Refer to page 103 of board packet
- Term "RDH" collectively represents RDHAP and RDHEF
- Appended language approved

19. Discussion and Possible Action on Proposed New Statute: BPC Section 1941.6: Patient/Student Record Retention

- Presented by Adina Petty
- Duration of patient/student records: to be maintained for a minimum of 6 years after last patient contact;
- Clinical patient records for 6 years;

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- Student records (exams, clinic/course work) to be maintained for a minimum of 6 years post-graduation or exit from the program
- Refer to page 108 in board packet
- Student permanent records maintained permanently
- Discussion on storage issues, HIPAA, FERPA and boundaries for the DHBC.
- No statute of limitations on filing complaint per William Macguire
- More clarification requested for “RDH student records”
- Motion failed: 1, 6, 1

14 minute break. Resume at 2:45pm

20. Discussion and Possible Action on Inactive Status Licensure.

- Presented by Anthony Lum
- No new implementation at this time
- No further discussion

21. Dental Hygiene Educational Program Site Visit Update and Schedule.

- Presented by Adina Petty
- Two of three programs in compliance
- Five DHBC site visits postponed due to COVID-19 pandemic (highlighted in yellow)
- Refer to page 126 in board packet

RDH Educational Program	CODA Visit	DHBC Visit
Cabrillo College	October 9-10, 2019	November 7, 2019
Carrington - Sacramento	September 23-24, 2020	TBD
Carrington - San Jose	June 23-24, 2020	TBD-Was July 6, 2020
Cerritos College	2016 / 2023	February 15, 2017
Chabot College	2015 / 2022	
Concorde Career College-Garden Grove	July 11-12, 2019	January 18, 2018
Concorde Career College-San Bernardino	February 1-2, 2018	January 19, 2018
Concorde Career College-San Diego	May 19-20, 2020	TBD-Was June 15, 2020
Cypress College	2015 / 2022	March 3, 2020
Diablo Valley College	2017 / 2024	February 26, 2019
Foothill College	June 13-15, 2018	October 18, 2018
Fresno City College	October 1-2, 2020	TBD-Was November 4, 2020
Loma Linda University	2016 / 2023	
Moreno Valley College	February 26-27, 2019	May 30, 2017
Oxnard College	October 27-28, 2020	TBD-Was December 3, 2020
Pasadena City College	2016 / 2023	
Sacramento City College	November 28-30, 2018	December 7, 2018
San Joaquin Valley College - Ontario	2014 / 2021	New PD 9-19 needs SV
San Joaquin Valley College - Visalia	July 17-18, 2019	November 14, 2019
Santa Rosa Junior College	2015 / 2022	New PD 2-20 needs SV
Shasta College	2015 / 2022	March 12, 2018
Southwestern College	2015 / 2022	New PD 10-20 needs SV
Taft College	2016 / 2023	July 24, 2017
University of Southern California	2015 / 2022	
University of the Pacific	April 2-3, 2019	February 13, 2020
West Coast University	2017 / 2024	
West Los Angeles College	February 23-24, 2017	October 30, 2018

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22. Enforcement Statistics Report.

- Presented by Daniel Rangel
- Refer to page 136 - 145 in board packet
- High numbers in the “unprofessional conduct” category may be due to failure to update license will result in disciplinary action
- Data and breakdown of disciplinary action summarized

23. Licensing and Examination Statistics Report.

- Presented by Elizabeth Elias
- Refer to page 146 of board packet
- Reviewed breakdown of licenses issued;

Overall DHBC Licensure Statistics (as of November 5, 2020)

LICENSE STATUS	LICENSE TYPE				
	RDH	RDHAP	RDHEF	FNP	TOTAL
ACTIVE	17,854	591	24	126	18,595
INACTIVE	1,844	41	0	0	1,885
DELINQUENT	3,618	116	5	77	3,816
LICENSED SUBTOTAL	23,316	748	29	203	24,296

- Total licenses issued thus far lower due to COVID-19

MONTHLY LICENSE STATUS	LICENSES ISSUED			
	RDH	LBC	RDHAP	TOTAL
JANUARY	27	1	6	34
FEBRUARY	17	1	0	18
MARCH	13	0	2	15
APRIL	10	3	1	14
MAY	6	1	0	7
JUNE	14	1	0	15
JULY	34	0	0	34
AUGUST	32	6	2	40
SEPTEMBER	79	2	2	83
OCTOBER	88	3	0	91
NOVEMBER	TBD	TBD	TBD	TBD
DECEMBER	TBD	TBD	TBD	TBD
TOTAL	320	18	13	351

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RDH WRITTEN LAW & ETHICS EXAMINATION					
Date Range	RDH Candidates Tested	Pass		Fail	
04/01/2020- 11/04/2020	359	323	90%	36	10%
11/01/2019 – 03/31/2020	233	179	77%	54	23%
03/12/2019 – 10/03/2019	726	586	81%	140	19%

24. Future Agenda Items

- N. Kelsh requested revisiting Agenda item 12
- V. Ward requested revisiting Agenda item 19
- Public comment from ADEX representative to add: extension of mannequin examination

Meeting adjourned at 3:19 pm

Respectfully submitted by N. Cheung