

CDHEA Liaison Report
DHBC Meeting – July 17, 2021
Submitted by Dr. V. Kimbrough

From the DHBC Agenda and Meeting Materials Packet

Item:

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

- DCA staff reported Cal-OSHA guidelines for COVID-19 are being revised. Changes will come for distancing and masks, which will be expedited
- Virtual Board meetings will expire soon and resume in-person
- Waivers will be addressed as they are set to expire depending on which board has any specific waiver

5. Discussion and Possible Action to Approve the March 20, 2021 Full Board WebEx Teleconference Meeting Minutes.

- Accepted as corrected

6. Executive Officer's Report on the Following:

- a) COVID-19: still working with hybrid staffing, w/some in office, others at home
- b) Personnel: One staff position remains open.
- c) Budget: At this time remains solvent, there is an item for today's meeting for increasing renewal fees.
- d) Administration:
 - Wet lab waiver expires 8/31/2021 unless extended. It will be re-evaluated during the August DHBC meeting. With most campuses/programs returning to live classes, it may not be extended.
 - CE deficiencies/renewal periods with extensions and under a waiver that has been extended for 6 more months unless it expires. All those needing to turn in their CE's should do so prior to 12/31/2021.

PASSED**1. Discussion and Possible Action to Increase the License Renewal Fees for All License Categories of Dental Hygienists.****BACKGROUND**

The Board is mandated to maintain fund solvency to continue its oversight operations for dental hygienists and the dental hygiene educational programs. Like any other business, the cost to continue operations increases over time and the Board must find ways to increase its revenue to keep pace with the higher operating costs. The last Board fee increases occurred in 2014 where it was projected that the additional revenue would sustain the Board's fund for 3-5 years (through 2019 at the outset). Due to conservative spending by Board staff over the years, the fund is now projected to maintain solvency through 2021 which is two years more than the originally projected timeline for the next fee increases. In working with the department's budget office, it's projected that the Board will need to increase revenue in 2022 to avoid insolvency of the fund. This proposal, if approved, will provide the necessary revenue to maintain fund solvency for at least 3-5 years barring any unforeseen extensive expense. The renewal fee also parallels what may other states charge their licensees to maintain their dental hygiene license. Here's a list of a few other state's license renewal fees:

STATE	BIENNIAL LICENSE RENEWAL FEE
Nevada	\$300
Oregon	\$230
Texas	\$226

Please keep in mind that California has the highest number of dental hygiene licensees and educational programs in the nation and it takes immense resources to properly oversee both.

STAFF RECOMMENDATION:

Staff recommends approval of the following selected fee increases by Board resolution to maintain fund solvency effective July 1, 2022:

1. RDH Biennial License Renewal Fee increase of \$140 to \$300 (equals \$12.50/month x 24 months = \$300).

PASSED**11. Discussion and Possible Action to Extend the Temporary Acceptance of Manikin based Dental Hygiene Clinical Examinations.**

With the temporary acceptance of the alternative manikin-based examinations end-date coming soon (August 31, 2021), the current pandemic environment, and having an active taskforce researching alternative pathways to licensure, staff recommends to extend the temporary acceptance of the manikin-based exams administered by CRDTS, ADEX, and WREB along with the approved patient-based clinical exams administered by WREB and CRDTS until the Board's Spring 2022 Board meeting (March 2022?) where the exam environment will be reassessed at that time for possible further action.

PASSED

12. Update to the Full Board from the Alternative Pathways to Licensure Taskforce. At its March 20, 2021 Board meeting, it was voted for the Board to assemble a task force made up of two Board members, educators, and interested stakeholders to research alternative pathways to dental hygiene licensure for consideration by the Board at a future meeting. The taskforce members selected were: Lory Laughter from UOP, Melissa

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Fellman from SCC, Cindy Flickner from Santa Rosa JC, Brenda Serpa from SJVC, Dr. Michelle Hurlbutt from West Coast U., Carmen Dones from WLA and Board taskforce co chair, and Noel Kelsch, Cabrillo College, Board taskforce co-chair. The taskforce has met four times on Thursday, May 20, 2021, Friday, June 4, 2021, Friday, July 2, 2021 and Friday, July 9, 2021. The taskforce co-chairs will provide an update on the taskforce's progress.

STAFF RECOMMENDATION:

Staff recommends continuing the taskforce meetings to work on alternative pathways until the taskforce can create and make their recommendation(s) to the Board's Licensing and Examination Committee for consideration.

PASSED – Items 13-15

Discussion and Possible Action on Request by Concord Career College – San Bernardino to Increase Enrollment.

- CCC-SB requested the Board to review and approve a permanent increase in the maximum enrollment capacity from 24 students to 32 students for the CCC-SB program beginning with the November 8, 2021 cohort start.

Discussion and Possible Action on Request by Concord Career College – Garden Grove to Increase Enrollment.

- CCC-GG requested the Board to review and approve a permanent increase in the maximum enrollment capacity from 24 students to 34 students for the CCC-GG program beginning with the November 1, 2021 cohort start.

Discussion and Possible Action on Request by West Los Angeles College to Increase Enrollment.

- West Los Angeles College submitted the application to the Commission on Dental Accreditation (CODA) to request the enrollment increase from 42 to 70 students per year, effective Spring 2022. The program plans to admit 35 students in the Fall semester and

35 students in the Spring semester.

PASSED

18. Discussion and Possible Action to Amend and Adopt Title 16 (16), California Code of Regulations (CCR) Section 1109: Approval of Curriculum Requirements for Radiographic Decision-Making and Interim Therapeutic Restoration Courses for the Registered Dental Hygienist (RDH), Registered Dental Hygienist in Alternative Practice (RDHAP), and Registered Dental Hygienist in Extended Functions (RDHEF).

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NOTE: ITRs are optional curriculum for dental hygiene programs.

PASSED

19. Discussion and Possible Action to Amend and Adopt 16 CCR Section 1117: Reporting Dental Relationships Between Registered Dental Hygienists in Alternative Practice and Licensed Dentists.

- Staff recommends the Board review the amended 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 continue the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the matter for a public hearing, if requested, 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, if held, 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 section 1117.

PASSED

20. Discussion and Possible Action to Initiate a Rulemaking and Adopt 16 CCR Section 1118: Registered Dental Hygienists in Alternative Practice, Performance of Soft Tissue Curettage and Administration of Local Anesthesia.

- Senate Bill 653 (Chang, Chapter 130, Statutes of 2020) authorize a registered dental hygienist in alternative practice to perform soft-tissue curettage and administration of local anesthesia with documented consultation with a collaborating dentist in the residences of the homebound, residential facilities and other institutions, medical settings that a residential facility patient has been transferred to for outpatient services, dental health professional shortage areas, and dental offices, as long as a specified protocols are followed.
- Staff recommends to the Board to review the language in the attached starting point document, determine whether additional information or language is required, complete the draft of proposed regulatory language, relative to the implementation of "Registered Dental Hygienists in Alternative Practice, Performance of Soft Tissue Curettage and Administration of Local Anesthesia", 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 16 CCR section 1118 as noticed.

PASSED

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21. Discussion and Possible Action on the Withdrawal of the Following Proposed Regulatory Package: 16 CCR Section 1123: Dental Hygiene Clinical Examinations; Passing Scores.

- During legal review, the Department of Consumer Affairs, expressed concerns regarding the proposed language and the regulatory package. Upon review, the Department raised the following issues.

First, the Department does not interpret Business and Professions Code (BPC) sections 1917 or 1918 to grant the Board authority to set passing scores for clinical examinations. These sections appear to only authorize the DHBC to require applicants to perform satisfactorily on "... the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the dental hygiene board." (BPC section 1917(b).); or for extended functions hygienists, "Performs satisfactorily on an examination required by the dental hygiene board." For example, as the DHBC must accept the Western Regional Examining Board (WREB) exam by law in BPC section 1917(b), the regulation does not explain how the Board would have the power to set the WREB exam's passing score when, by law, the Board has to allow applicants to qualify if they pass the exam (with passing scores set according to WREB, a private organization).

Second, the Department expressed clarity concerns with certain aspects of the language. For example, the proposed language does not specify the clinical examination the Board is approving for purposes of establishing a criterion-referenced passing score. Additionally, it is not specified in the regulation whether the Board is designating any exam as acceptable. The Legal Affairs Division recommended that the Board consider withdrawing or amending the package and re-submit the proposal with new language specifying the examinations approved by the Board.

Upon further review and coupled with concerns raised by the Department, it is the recommendation of the board staff to no longer pursue this regulatory package and withdraw it.

PASSED

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

- Deleting duplicative language

23. An update on legislative bills

24. Update on program visits:

a) Dental Hygiene Educational Program Site Visit Update

- i. Cypress College
- ii. Carrington College – Sacramento
- iii. Concorde Career College – San Diego
- iv. Chabot College
- v. San Joaquin Valley College – Ontario

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b) Dental Hygiene Educational Program Site Visit Schedule.

Those with compliance issues are working with staff to complete necessary corrections. Full report in the DHBC meeting materials packet.

25. Enforcement Update: Statistics Report.

- The Board has averaged opening 9 consumer complaints and 3 subsequent arrests/convictions complaints per month.
- Desk and Field investigation closures have been significant. The Board's Special Investigator has closed a total of 22 field investigations. Field investigations that were more than two years old decreased by 67%. Desk investigations have decreased by 70% and there is currently one case that is over 2 years old.
- Many desk investigations resulted in a citation and fine due to Board initiated complaints for licensee failure to update an address as required pursuant to Business and Professions code § 1934. The Board issued 60 citations.
- The Board's Probation Monitor has continued to monitor probationers for compliance and addressed 9 probation violations one of which was a positive drug screen for a banned substance.

26. Licensing, Continuing Education Audits and Examination Update: Statistical Reports.

Overall DHBC Licensure Statistics (as of June 1, 2021)

LICENSE STATUS	LICENSE TYPE				
	RDH	RDHAP	RDHEF	FNP	TOTAL
ACTIVE	17,985	645	22	111	18,763
INACTIVE	1,761	37	1	0	1,799
DELINQUENT	3,767	114	6	96	3,983
LICENSED SUBTOTAL	23,513	796	29	207	24,545
REVOKED	39	1	0	0	40
DENIED	0	0	0	0	0
VOLUNTARY SURRENDERED	16	2	0	0	18
CANCELLED	9,554	37	3	54	9,648
DECEASED	219	2	0	0	221
RETIRED	41	1	0	0	42
*COVID-19	4	0	0	0	4
NON-LICENSED SUBTOTAL	9,873	43	3	54	9,973
TOTAL POPULATION (Licensed Subtotal plus Non-licensed Subtotal)	33,386	839	32	261	34,518

SUBJECT	Written Law and Ethics Examination Statistics
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RDH AND RDHAP WRITTEN LAW AND ETHICS EXAM
(FEBRUARY 11, 2021 – JUNE 01, 2021)

<p>400 200 0</p>	Pass	Pass Rate	Fail	Fail Rate	Total	
	■ RDH	185	83%	38	17%	223
	■ RDHAP	38	81%	9	19%	47

RDH WRITTEN LAW & ETHICS EXAMINATION					
Date Range	RDH Candidates Tested	Pass		Fail	
02/11/2021 – 06/10/2021	223	185	83%	38	17%
11/05/2020 – 02/10/2021	318	290	91%	28	9%
04/01/2020 – 11/04/2020	359	323	90%	36	10%
RDHAP WRITTEN LAW & ETHICS EXAMINATION					
Date Range	RDHAP Tested	Pass		Fail	
02/11/2021 – 06/01/2021	47	38	81%	9	19%
11/05/2020 – 02/10/2021	12	11	92%	1	8%
04/01/2020 – 11/04/2020	27	22	81%	5	19%
NUMBER OF ATTEMPTS FOR PASSAGE OF THE RDH OR RDHAP WRITTEN EXAMINATION					
02/11/2021- 06/01/2021	1 st Attempt	Multiple Attempts		Total	
• RDH	151	34		185	
• RDHAP	29	9		38	
Total					
NUMBER OF OUT-OF-STATE WRITTEN LAW & ETHICS EXAMINATION PARTICIPANTS					
02/11/2021 – 06/01/2021	Pass		Fail		Total
• RDH	4	80%	1	20%	5
• RDHAP	0	0%	0	0%	0
OUT OF STATE ATTEMPTS 02/1/2021 – 06/01/2021					
	1 st Attempt	Multiple Attempts		Total	
RDH	5	0		5	
RDHAP	0	0		0	