

CDHEA Liaison Report
DHBC Meeting – November 20, 2021
Submitted by Dr. V. Kimbrough

From the DHBC Agenda and Meeting Materials Packet
Not all items may be included in this report

Agenda Item 6

Executive Officer's Report on the Following:

COVID-19: EO Lum reported that DHBC is in the office two days per week and working remotely two days per week. Soo will go back to office full time as COVID protocols are removed or relaxed.

Personnel: 2 positions are open

Budget: Meeting packet shows operating budget does have a savings due to board meetings via WEBEX, however in 2022 meetings will return to live sessions and likely have 2 meetings in person and 2 meetings via WEBEX.

ITEM 9: Discussion and Possible Action to Change and Upgrade the Executive Officer's Exempt Level Status and Salary. Staff recommends approval of the request to upgrade the Executive Officer's exempt level status equivalent to a Staff Services Manager III for professional and programmatic growth and associated salary range (Range: \$8,724 – \$9,717)

Approved

ITEM 10: Election of Officers

New officers elected: President- Carmen Dones; VP Noel Kelsch; Sec. Denise Davis

Item 11: Status of Dental Hygiene Board of California (DHBC) Regulatory Packages

See page 140 or meeting materials packet

Item 12: Discussion and Possible Action on the Following Proposed Regulatory Package: 16 CCR Section 1104.3. Reviews, Site Visits, Citation and Fine, and Probationary Status for Dental Hygiene Educational Programs.

APPROVED – New language - see page 147 of the meeting materials packet

Excerpt

... "may issue a citation to a DHEP containing an order to pay a fine not to exceed \$5,000 and an order of abatement against a DHEP for any violation of Division 11 of Title 16 of the California Code of Regulations or any laws governing DHEPs. "

Also allows DHBC to place program on probationary status

Item 13: Discussion and Possible Action on the Following Proposed Regulatory Package: 16 CCR Section 1105. Requirements for RDH Educational Programs.

In response to challenges experienced by dental hygiene educational programs (DHEPs) encountered during the Coronavirus pandemic (COVID-19), the Board approved substantive changes to the draft regulatory language for Title 16, section 1105 of the California code of Regulations (CCR)

New proposed language

(D) If a state of emergency is declared by the Governor pursuant to Government Code section 8625, an educational program may accept prerequisite biomedical science coursework completed during the period of the state of emergency in Anatomy, Physiology, Inorganic Chemistry, Biochemistry, Organic Chemistry with Biochemistry, and Microbiology utilizing alternative instruction including, but not limited to, instructional methods such as online tutorials, webinars, or hybrid combination of online and in-person instruction with faculty, as deemed appropriate by the educational institution.

14: Discussion and Possible Action on the Following Proposed Amended Regulatory Package Language: 16 CCR Section 1105.2. Required Curriculum.

Clarifies language for parts of required curriculum, addresses the SLN course for out of state programs, adds language for radiation curriculum.

Dr. Kimbrough provided comments on oversight of out of state programs who may get DHBC approval for SLN curriculum: requests the DHBC address setting precedent for two standards of oversight. In-state SLN providers and programs can be site visited by the board with or without notice. Out-of-state programs are not under the jurisdiction of DHBC, therefore the oversight will not be standardized.

(A) An educational program shall:

(i) Provide infection control equipment according to the requirements of California Code of Regulations (CCR), Title 16, Division 10, Chapter 1, Article 1, Section 1005;

(ii) Provide faculty to provide instruction to students in accordance with the minimum standards set forth in Section 1941 of the Business and Professions Code; and

(iii) Retain staff who have taken a board-approved eight (8) hour course in infection control or possess a current California registered dental assistant (RDA) or registered dental assistant in extended functions (RDAEF) license.

- (i) An "Application for Approval of an Out-of-State Dental Hygiene Educational Program Course in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN)" DHBC SLN-04 (New 04/202010/2021) hereby incorporated by reference; and
- (ii) An SLN course syllabus certified by the educational program (to include individual SLN requirements set forth in 16 CCR 1107(b)(9)) for the out-of-state RDH educational program; and
- (iii) Payment of an application fee of \$500 to the Board.

Each approved course shall submit a biennial report "Periodontal Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) Course Provider Biennial Report" (DHBC SLN-03, Rev 03/2021) incorporated by reference at section 1107(a)(5).

(F) Out-of-State Applicants for Licensure. An out-of-state applicant for dental hygiene licensure may be certified by the Board that they have met current California SLN requirements pursuant to 16 CCR section 1107(b)(9). In addition to all requirements required by the Board to be licensed as a dental hygienist in California, out-of-state applicants shall submit:

- (i) An "Application for Certification of Out-of-State Dental Hygiene Education in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN)" DHBC SLN-05 (New 04/202010/2021) hereby incorporated by reference; and
- (ii) A SLN course syllabus (to include individual SLN requirements set forth in 16 CCR 1107(b)(9)) certified by the educational program for the RDH educational program of which the applicant is a graduate; and
- (iii) A "Certification of Completion of SLN Course Requirements" DHBC SLN-06 (New 04/202010/2021) hereby incorporated by reference, from the RDH educational program of which the applicant is a graduate; and
- (iv) Payment of an application fee of \$500 to the Board.

(4) Requirements for Radiation Safety and Radiography Techniques Instruction.

Approved educational programs shall, at a minimum, specifically include instruction in radiation safety and radiography techniques and shall comply with the requirements in accordance with the provisions of this subdivision in order to

secure and maintain approval by the Board. The course of instruction in radiation safety and radiography techniques offered by a dental hygiene educational program (DHEP) approved by the Board for instruction in dental hygiene shall be deemed to be an approved radiation safety course if the DHEP has submitted evidence satisfactory to the Board that it meets all the requirements set forth below.

(A) A DHEP shall provide infection control equipment and follow infection control procedures according to the requirements of 16 CCR section 1005, all federal and state laws, rules, regulations, and all approved national and state accreditation standards established by the Department of Health Care Services (DHCS), Occupational Safety and Health Administration (OSHA), and the Commission on Dental Accreditation (CODA).

(B) Facilities.

There shall be a sufficient number of safe, adequate, and educationally conducive lecture classrooms, radiography operatories, developing/processing facilities or digital equipment, and viewing spaces for mounting, viewing and evaluating radiographs. Adequate sterilizing facilities shall be provided and all disinfection and sterilization procedures shall comply with 16 CCR section 1005, all applicable accreditation standards, and state and federal laws, rules, and regulations.

(i) A radiographic operatory shall be deemed adequate if it complies with the California Radiation Control Regulations (17 CCR commencing with section 30100), is properly equipped with supplies and equipment for practical work and includes for every five students at least one functioning radiography machine which is adequately filtered and collimated in compliance with 17 CCR section 30311 and 17 CCR section 30311.1 and which is equipped with the appropriate position-indicating devices for each technique being taught.

(ii) The developing or processing facility shall be deemed adequate if it is of sufficient size, based upon the number of students, to accommodate students' needs in learning processing procedures and is properly equipped with supplies and equipment for practical work using manual, automatic, or digital equipment.

(iii) Radiology areas shall provide protection to patients, students, faculty, and observers in full compliance with all applicable state and federal laws, rules, and regulations.

(C) Program Content.

Sufficient time shall be available for all students to obtain laboratory and clinical experience to achieve minimum competence in the various protocols used in the application of dental radiographic techniques.

- (i) A detailed course outline shall be provided to the students which clearly states curriculum subject matter and specific instructional hours in the individual areas of didactic, laboratory, preclinical, and clinical instruction.
- (ii) General program objectives and specific instructional unit objectives shall be stated in writing and shall include theoretical aspects of each subject as well as practical application. The theoretical aspects of the program shall provide the content necessary for students to make judgments regarding dental radiation exposure. The course shall assure that students who successfully complete the course can expose, process, and evaluate dental radiographs with minimum competence.
- (iii) Objective evaluation criteria shall be used for measuring student progress toward attainment of specific course objectives. Students shall be provided with specific unit objectives and evaluation criteria that will be used for all aspects of the curriculum including written, practical, and clinical competencies and examinations.
- (iv) Areas of instruction shall include at least the following as they relate to exposure, processing and evaluations of dental radiographs:
 - (1) Radiation physics and biology;
 - (2) Radiation protection and safety;
 - (3) Recognition of normal anatomical landmarks and abnormal conditions of the oral cavity as they relate to dental radiographs;
 - (4) Radiograph exposure and processing techniques using manual, automatic, and computerized digital methods;
 - (5) Radiograph mounting and/or sequencing, and viewing, including anatomical landmarks of the oral cavity;
 - (6) Intraoral techniques and dental radiograph armamentaria, including holding devices;
 - (7) Interproximal examination including principles of exposure, methods of retention and evaluation;
 - (8) Intraoral examination including, principles of exposure, methods of retention and evaluation;
 - (9) Identification and correction of faulty radiographs;
 - (10) Infection control in dental radiographic procedures; and
 - (11) Radiographic record management.

(D) Radiation Safety.

Sufficient hours of didactic and laboratory instruction shall be provided to ensure that a student successfully demonstrates competency in radiation safety. Successful completion of a radiation safety competency must be achieved at a minimum of 75% and shall be required prior to utilization of radiographic techniques in laboratory and clinic.

(E) Laboratory Instruction.

Sufficient hours of laboratory instruction shall be provided to ensure that a student successfully completes on a radiology manikin at a minimum the procedures set forth below. A procedure has been successfully completed only if each radiograph is of diagnostic quality.

- (i) Two (2) full mouth periapical series, consisting of at least eighteen (18) radiographs each, four (4) of which must be bitewings;
- (ii) Two (2) bitewing series, consisting of at least four (4) radiographs each; and
- (iii) Developing or processing and mounting of analog exposed radiographs, or computer digital exposure and sequencing may be utilized.
- (iv) Student and instructor written evaluation of radiographs.

(F) Clinical Experience.

There shall be sufficient clinical experiences as part of an organized program of instruction, to obtain clinical competency in radiographic techniques. Clinical instruction shall include clinical experience on four (4) different patients with one (1) of the four (4) patients to be utilized for clinical competency. Clinical experience shall include:

- (i) Successful completion of a minimum of four (4) full mouth periapical series, consisting of at least eighteen (18) radiographs each, four (4) of which must be bitewings. Such radiographs shall be of diagnostic quality. All exposures made on patients shall only be made for diagnostic purposes and shall in no event exceed three (3) additional exposures per patient. If traditional film packets are utilized, they must be double film.
- (ii) Performance of all clinical procedures on patients under the general supervision of a licensed dentist.
- (iii) Either or both:
 - a. Processing and mounting of analog exposed radiographs;
 - b. Computer digital exposure and sequencing.
- (iv) Student and instructor written evaluation of radiographs.

(G) Clinical Facilities.

Clinical facilities shall have the necessary equipment and accessories appropriate for the procedures to be performed and such equipment and accessories must be in safe operating condition. The clinical facilities shall be subject to the same requirements as those specified in subdivision ~~(F)(d)(4)(B).~~

(H) Length of Instruction.

Instruction shall be of sufficient duration for the student to develop minimum competence in the radiation safety techniques and shall in no event be less than thirty-two (32) clock hours, including at least eight (8) hours of didactic

instruction, at least twelve (12) hours of laboratory instruction, and at least twelve (12) hours of clinical instruction.

(e) An educational program shall provide for breadth of experience and student competency in patient experiences in all classifications of periodontal disease including mild, moderate, and severe involvement.

(f) An educational program shall provide for breadth of experience and student competency in providing patient experiences in dental hygiene care for the child, adolescent, adult, geriatric, and special needs patients.

Note: Authority cited: Sections 1905, 1906, and 1909, and 1944, Business and Professions Code. Reference: Sections 1905, 1912, 1914, and 1941, 1944, and 1950.5, Business and Professions Code.

ITEM 15: Discussion and Possible Action on the Following Proposed Regulatory Package: 16 CCR Section 1115. Retired Licensure.

APPROVED

Staff recommends the Board to consider and approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation implementing retired licensure.

ITEM 16: Discussion and Possible Action on 2022 Senate Committee on Business, Professions, and Economic Development Omnibus Bill Recommendations.

APPROVED

Staff recommends acceptance of the Board's non-substantive statutory changes for the Omnibus Bill and delegate authority to the Executive Officer to recommend any non-substantive changes in existing statute to be forwarded to the Committee for review.

18: Dental Hygiene Educational Program Site Visit Update and Schedule.

Cypress College – In compliance

Concorde San Diego – Not in Compliance

SJVC- Ontario – In Compliance

Chabot – Not in compliance

Santa Rosa – In Compliance

Southwestern – Not in Compliance

Fresno City – In Compliance

Oxnard – Not in Compliance

ITEM 19: Enforcement Update: Statistics Report

In FY 2021-2022 the following has occurred:

- The Board averaged opening 9 consumer complaints and 4 subsequent arrests/convictions complaints per month.
- The Board averaged 18 Board initiated complaints. Board initiated complaints are typically opened due to address/name change violations, failed CE audits and licensees found to be working with a delinquent/expired license.
- Desk investigations averaged 37 closures. There are 2 cases over two years old.
- The Board's Special Investigator closed a total of 21 field investigation cases. Field investigation cases pending older than 1.5 years decreased from 10 cases to 2 cases, a decrease of 80%. There is one case over two years old.
- The Board issued 46 citations and ordered \$30,300.00 in fines.
- The Board's Probation Monitor addressed 9 probation violations, three of which were due to positive drug screens for a banned substance.

ITEM 20: Written Examination Statistics

RDH AND RDHAP WRITTEN LAW AND ETHICS EXAM (FEBRUARY 11, 2021 – OCTOBER 18, 2021)

	1000					
	500					
	0					
		Pass	Pass Rate	Fail	Fail Rate	Total
■ RDH		582	85%	106	15%	688
■ RDHAP		64	74%	22	26%	86

RDH WRITTEN LAW & ETHICS EXAMINATION					
Date Range	RDH Candidates Tested	Pass		Fail	
02/11/2021 – 10/18/2021	688	582	85%	106	15%
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 – 10/18/2021	86	64	74%	22	26%
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 - 10/18/2021	1 st Attempt		Multiple Attempts		Total
• RDH	490		92		582
• RDHAP	50		14		64
Total	540		106		646
NUMBER OF OUT-OF-STATE WRITTEN LAW & ETHICS EXAMINATION PARTICIPANTS					
02/11/2021 – 10/18/2021	Pass		Fail		Total
• RDH	16	80%	4	20%	20
• RDHAP	0	0%	0	0%	0
OUT OF STATE ATTEMPTS 02/11/2021 10/18/2021	1 st Attempt		Multiple Attempts		Total
RDH	12		4		16