



## **BOARD MEETING AGENDA**

**August 25-26, 2014**

Courtyard by Marriott Cal Expo  
1782 Tribute Road  
Sacramento, CA 95815  
916-929-7900 or 916-263-2300

### **Members of the Board**

Fran Burton, MSW, Public Member, President  
Bruce Whitcher, DDS, Vice President  
Judith Forsythe, RDA, Secretary

Steven Afriat, Public Member  
Stephen Casagrande, DDS  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, RDH  
Luis Dominicis, DDS  
Kathleen King, Public Member

Ross Lai, DDS  
Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Steven Morrow, DDS, MS  
Thomas Stewart, DDS  
Debra Woo, DDS

During this two-day meeting, the Dental Board of California will consider and may take action on any of the agenda items. It is anticipated that the items of business before the Board on the first day of this meeting will be fully completed on that date. However, should items not be completed, it is possible that it could be carried over and be heard beginning at 8:00 a.m. on the following day. Anyone wishing to be present when the Board takes action on any item on this agenda must be prepared to attend the two-day meeting in its entirety.

Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the President. For verification of the meeting, call (916) 263-2300 or access the Board's website at [www.dbc.ca.gov](http://www.dbc.ca.gov). This Board meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

# Monday, August 25, 2014

## 8:00 A.M. FULL BOARD MEETING – OPEN SESSION

1. Call to Order/Roll Call/Establishment of Quorum
2. Approval of the May 29-30, 2014 Board Meeting Minutes
3. President's Report
4. Update from the Dental Hygiene Committee of California (DHCC)
5. Staff Update on the Dental Hygiene Committee of California's (DHCC) Rulemaking Proposals:
  - A. Adoption of California Code of Regulations, Title 16, Sections 1100, 1101, 1121-1122, 1124, 1126-1127, and 1133 Relative to Definitions, Delegation of Authority to Executive Officer, Examinations, Examination Review Procedures and Appeals, and Infection Control;
  - B. Adoption of California Code of Regulations, Title 16, Section 1108 Relative to Remedial Education;
  - C. Adoption of California Code of Regulations, Title 16, Sections 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, and 1106 Relative to Educational Program Requirements;
  - D. Adoption of California Code of Regulations, Title 16, Sections 1104, 1104.1, and 1104.2 Relative to Feasibility Study
6. **COMMITTEE/COUNCIL MEETINGS – SEE ATTACHED AGENDAS**
  - LICENSING, CERTIFICATION AND PERMITS COMMITTEE  
See the attached Licensing, Certification and Permits Committee agenda
  - LEGISLATIVE AND REGULATORY COMMITTEE  
See attached Legislative and Regulatory Committee agenda
  - PRESCRIPTION DRUG ABUSE COMMITTEE  
See attached Prescription Drug Abuse Committee agenda
  - ENFORCEMENT COMMITTEE  
See attached Enforcement Committee agenda
  - EXAMINATION COMMITTEE  
See attached Enforcement Committee agenda
  - ACCESS TO CARE COMMITTEE  
See attached Access to Care Committee agenda
  - DENTAL ASSISTING COUNCIL  
See attached Dental Assisting Council agenda

7. Discussion and Possible Action Regarding 2015 Board Meeting Dates
8. Discussion and Possible Action Regarding Fiscal Year 2014/15 Regulatory Priorities
9. Discussion and Possible Action Regarding Western University Dental School Approval
  
10. Public Comment of Items Not on the Agenda  
The Board 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 §§ 11125 and 11125.7(a))
11. Recess

## Tuesday, August 26, 2014

### 8:00 A.M. OPEN SESSION - FULL BOARD

#### 12. Call to Order/Roll Call/Establishment of Quorum

#### **CLOSED SESSION – FULL BOARD**

##### A. Deliberate and Take Action on Disciplinary Matters

The Board will meet in closed session as authorized by Government Code §11126(c)(3).

##### B. Receive Advice from Counsel on Litigation:

- I. Louis J. Malcmacher et al v the Department of Consumer Affairs, Dental Board of California et al, Sacramento County Superior Court, Case No. 34-2013-00156509

The Board will meet in Closed Session as authorized by Government Code § 11126(e).

#### **CLOSED SESSION – LICENSING, CERTIFICATION, AND PERMITS COMMITTEE**

##### A. Issuance of New License(s) to Replace Cancelled License(s)

The Committee will meet in closed session as authorized by Government Code §11126(c)(2) to deliberate on applications for issuance of new license(s) to replace cancelled license(s)

##### B. Grant, Deny or Request Further Evaluation for Conscious Sedation Permit Onsite Inspection and Evaluation Failure, pursuant to Title 16 CCR Section 1043.6

The Committee will meet in closed session as authorized by Government Code Section 11126(c)(2) to deliberate whether or not to grant, deny or request further evaluation for a Conscious Sedation Permit as it Relates to an Onsite Inspection and Evaluation Failure

#### **RETURN TO OPEN SESSION – FULL BOARD**

#### 13. Executive Officer's Report

- Communication Plan
- Dental Board's 2013-2016 Strategic Plan
- Possible Dental School Application from the Republic of Moldova

#### 14. Budget Report

#### 15. Update from the Department of Consumer Affairs' Executive Office

#### 16. Report on the July 9, 2014 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits

17. Discussion and Possible Action Regarding the Dental Board of California Sunset Review Report
18. Licensing, Certification and Permits Committee Report  
The Board may take action on any items listed on the attached Licensing, Certification and Permits Committee agenda
19. Legislative and Regulatory Committee Report  
The Board may take action on any items listed on the attached Legislative and Regulatory Committee agenda
20. Prescription Drug Abuse Committee Report  
The Board may take action on any items listed on the attached Prescription Drug Abuse Committee agenda
21. Enforcement Committee Report  
The Board may take action on any items listed on the attached Enforcement Committee agenda
22. Examination Committee Report  
The Board may take action on any items listed on the attached Examination Committee agenda
23. Access to Care Committee Report  
The Board may take action on any items listed on the attached Access to Care Committee agenda
24. Dental Assisting Council Report  
The Board may take action on any items listed on the attached Dental Assisting Council agenda
25. Public Comment of Items Not on the Agenda  
The Board 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 §§ 11125 and 11125.7(a))
26. Future Agenda Items  
Stakeholders are encouraged to propose items for possible consideration by the Board at a future meeting
27. Board Member Comments for Items Not on the Agenda  
The Board may not discuss or take action on any matter raised during the Board Member Comments 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 §§ 11125 and 11125.7(a))
28. Adjournment



*NOTICE OF PUBLIC MEETING – Notice is hereby given that a public meeting of Licensing, Certification and Permits Committee of the Dental Board of California will be held as follows:*

**NOTICE OF LICENSING, CERTIFICATION AND PERMITS COMMITTEE MEETING**

**Monday, August 25, 2014**

*Upon Conclusion of Agenda Item 5*

Courtyard by Marriott Cal Expo

1782 Tribute Road

Sacramento, CA 95815

916-929-7900 or 916-263-2300

**MEMBERS OF THE LICENSING, CERTIFICATION, AND PERMITS COMMITTEE**

Chair – Bruce Witcher, DDS

Vice Chair – Yvette Chappell-Ingram, Public Member

Steve Afriat, Public Member

Judith Forsythe, RDA

Ross Lai, DDS

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the Committee Chair. For verification of the meeting, call (916) 263-2300 or access the Board's website at [www.dbc.ca.gov](http://www.dbc.ca.gov). This Committee meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

1. Call To Order/Roll Call/Establishment Of Quorum
2. Approval of the February 27, 2014 Licensing, Certification and Permits Committee Meeting Minutes
3. Review of Dental Licensure and Permit Statistics
4. Review of General Anesthesia/Conscious Sedation Permit Evaluation Statistics

5. Update on General Anesthesia/Conscious Sedation Calibration Webinar
6. Update on the Dental Board of California Fee Increase
7. Discussion and Possible Action to Initiate a Rulemaking to Implement, Interpret and Make Specific, Business and Professions Code § 1635.5 Relating to Licensure by Credential Application Requirements
8. Discussion and Possible Action Regarding the Petition to Amend California Code of Regulations, Title 16, § 1028.3 Relating to Licensure by Residency Requirements
9. Public Comment of Items Not on the Agenda  
The Committee 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 §§ 11125 and 11125.7(a)).
10. Future Agenda Items  
Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.
11. Committee Member Comments for Items Not on the Agenda  
The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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 §§ 11125 and 11125.7(a)).
12. Adjournment



**NOTICE OF LEGISLATIVE AND REGULATORY COMMITTEE MEETING**

**Monday, August 25, 2014**

*Upon Conclusion of the Licensing, Certification and Permits Committee*

Courtyard by Marriott Cal Expo  
1782 Tribute Road, Sacramento, CA 95815  
916-929-7900 or 916-263-2300

**MEMBERS OF THE LEGISLATIVE & REGULATORY COMMITTEE**

Chair – Fran Burton, MSW, Public Member  
Vice Chair – Thomas Stewart, DDS  
Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Steven Morrow, DDS, MS

Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the Committee Chair. For verification of the meeting, call (916) 263-2300 or access the Board's website at [www.dbc.ca.gov](http://www.dbc.ca.gov). This Committee meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

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1. Call to Order/Roll Call/Establishment of Quorum
2. Approval of the May 29, 2014 Legislative and Regulatory Committee Meeting Minutes
3. 2014 Tentative Legislative Calendar – Information Only
4. Discussion and Possible Action on the Following Legislation:
  - AB 186 (Maienschein) Professions & Vocations: Military Spouses
  - AB 1174 (Bocanegra) Dental Professionals: Teledentistry Under Medi-Cal
  - AB 1702 (Maienschein) Professions and Vocations: Incarceration
  - AB 1758 (Patterson) Healing Arts: Initial License Fees: Proration
  - AB 2058 (Wilk) Open Meetings
  - AB 2147 (Melendez) State Government Web Sites: Information Practices
  - AB 2165 (Patterson) Professions and Vocations: Licenses
  - AB 2396 (Bonta) Convictions: Expungement: Licenses



- AB 2720 (Ting) State Agencies: Meetings: Record of Action Taken
- SB 1091 (Galgiani) Administrative Procedures: Notice Register
- SB 1159 (Lara) License Applicants: Federal Tax Identification
- SB 1215 (Hernandez, E.) Healing Arts Licenses: Referrals
- SB 1245 (Lieu) Dental Hygiene Committee of California
- SB 1258 (DeSaulnier) Controller Substances: Prescriptions: Reporting
- SB 1416 (Block) Dentistry: Fees
- Any additional legislation impacting the Board that staff becomes aware of between the time the meeting notice is posted and the Board meeting

5. Update on Pending Regulatory Packages:

(A) Portfolio Examination Requirements (California Code of Regulations, Title 16, §§ 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1032.7, 1032.8, 1032.9, 1032.10, 1033, 1033.1, 1034, 1034.1, 1035, 1035.1, 1035.2, 1036, 1036.1, 1036.2, 1036.3, 1037, 1038, and 1039);

(B) Revocation for Sexual Misconduct (California Code of Regulations, Title 16, § 1018)

(C) Dental Assisting Educational Program and Course Requirements (California Code of Regulations, Title 16, Division 10, Chapter 3, Article 2);

(D) Abandonment of Applications (California Code of Regulations, Title 16, § 1004); and

(E) Licensure by Credential Application Requirements

(F) Delegation of Authority to the Executive Officer Regarding Stipulated Settlements to Revoke or Surrender a License

6. Discussion of Prospective Legislative Proposals:

Stakeholders Are Encouraged to Submit Proposals in Writing to the Board Before or During the Meeting for Possible Consideration by the Board at a Future Meeting

7. Public Comment of Items Not on the Agenda

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8. Future Agenda Items

Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

9. Committee Member Comments for Items Not on the Agenda

The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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 §§ 11125 and 11125.7(a)).

10. Adjournment



**NOTICE OF PRESCRIPTION DRUG ABUSE COMMITTEE MEETING**

**Monday, August 25, 2014**

*Upon Conclusion of Legislative and Regulatory Committee meeting*

Courtyard by Marriott Cal Expo

1782 Tribute Road

Sacramento, CA 95815

916-929-7900 or 916-263-2300

**MEMBERS OF THE PRESCRIPTION DRUG ABUSE COMMITTEE**

Chair – Thomas Stewart, DDS

Vice Chair – Fran Burton

Huong Le, DDS, MA

Steven Morrow, DDS

Bruce Whitcher, DDS

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1. Call to Order/Roll Call/Establishment of Quorum
2. Presentation by Kim Kirchmeyer, Executive Director of the Medical Board of California and their Response to Prescription Drug Abuse
3. Presentation by Virginia Herold, Executive Officer of the Pharmacy Board of California
4. Update on Opioid Prescription Misuse and Overdose Workgroup Meetings Coordinated by the Department of Health

5. Discussion and Possible Action Regarding:
  - (A.) Recommendation from the Prescription Drug Summit for the Establishment of Pain Guidelines for Dental Prescribers
  - (B.) Continuing Education Requirements to Address Pain Management and Substance Abuse in Order to Reduce Over-Prescribing and the Misuse of Prescription Drugs
  - (C.) Development of a Policy Statement on Protocols for In-Office Dispensing
  
6. Public Comment of Items Not on the Agenda  
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7. Future Agenda Items  
Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.
  
8. Committee Member Comments for Items Not on the Agenda  
The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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 §§ 11125 and 11125.7(a)).
  
9. Adjournment



**NOTICE OF ENFORCEMENT COMMITTEE MEETING**

**Monday, August 25, 2014**

*Upon Conclusion of the Examination Committee meeting*

Courtyard by Marriott Cal Expo  
1782 Tribute Road  
Sacramento, CA 95815  
916-929-7900 or 916-263-2300

**MEMBERS OF THE ENFORCEMENT COMMITTEE**

Chair – Steven Afriat, Public Member

Vice Chair – Ross Lai, DDS

Katie Dawson, RDH

Luis Dominicis, DDS

Thomas Stewart, DDS

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1. Call to Order/Roll Call/Establishment of Quorum
2. Approval of the February 27, 2014 Enforcement Committee Meeting Minutes
3. Presentation by Mike Small from the Department of Justice Regarding the Controlled Substance Utilization Review and Evaluation System (CURES)
4. Staff Update Regarding Enforcement Program Status
5. Enforcement – Statistics and Trends
6. Review of Fourth Quarter Performance Measures from the Department of Consumer Affairs

7. Diversion Program Report and Statistics
8. Discussion and Possible Action Regarding Recommendations for the Appointment of Diversion Evaluation Committee Members
9. Public Comment of Items Not on the Agenda  
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10. Future Agenda Items  
Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.
11. Committee Member Comments for Items Not on the Agenda  
The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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 §§ 11125 and 11125.7(a)).
12. Adjournment



**NOTICE OF EXAMINATION COMMITTEE MEETING**  
*Upon Conclusion of the Enforcement Committee meeting*

Courtyard by Marriott Cal Expo  
1782 Tribute Road  
Sacramento, CA 95815  
916-929-7900 or 916-263-2300

**MEMBERS OF THE EXAMINATION COMMITTEE**

Chair – Stephen Casagrande, DDS  
Vice Chair – Steven Morrow, DDS  
Yvette Chappell-Ingram, Public Member  
Judith Forsythe, RDA  
Ross Lai, DDS  
Huong Le, DDS, MA  
Debra Woo, DDS

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1. Call to Order/Roll Call/Establishment of Quorum
2. Approval of the May 29, 2014 Examination Committee Meeting Minutes
3. Update on Western Regional Examining Board (WREB) Activities
4. Discussion and Possible Action Regarding a Recommendation that the Board Consider the Acceptance of Other Regional Examinations as Pathways to Licensure During the Sunset Review Process

5. Public Comment of Items Not on the Agenda  
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6. Future Agenda Items  
Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.
7. Committee Member Comments for Items Not on the Agenda  
The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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 §§ 11125 and 11125.7(a)).
8. Adjournment



## **NOTICE OF ACCESS TO CARE COMMITTEE MEETING**

**Monday, August 25, 2014**

*Upon Conclusion of the Enforcement Committee meeting*

Courtyard by Marriott Cal Expo

1782 Tribute Road

Sacramento, CA 95815

916-929-7900 or 916-263-2300

## **MEMBERS OF THE ACCESS TO CARE COMMITTEE**

Chair – Huong Le, DDS

Vice Chair – Meredith McKenzie, Public Member

Fran Burton, MSW, Public Member

Katie Dawson, RDH

Kathleen King, Public Member

Thomas Stewart, DDS

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1. Call to Order/Roll Call/Establishment of Quorum
2. Approval of the February 27, 2014 Access to Care Committee Meeting Minutes
3. Define the 2014 Mission of the Access to Care Committee
4. Presentation on Dental Access and Workforce Challenges by Robert Isman, DDS – Dental Program Consultant for the California Department of Health Services
5. Public Comment of Items Not on the Agenda  
The Committee 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 §§ 11125 and 11125.7(a)).

6. Future Agenda Items

Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

7. Committee Member Comments for Items Not on the Agenda

The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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 §§ 11125 and 11125.7(a)).

8. Adjournment



## **NOTICE OF DENTAL ASSISTING COUNCIL MEETING AGENDA**

**Monday, August 25, 2014**

*Upon Conclusion of the Access to Care Committee meeting*

Courtyard by Marriott Cal Expo

1782 Tribute Road

Sacramento, CA 95815

916-929-7900 or 916-263-2300

### **Members of the Dental Assisting Council**

Chair - Teresa Lua, RDAEF

Vice Chair - Anne Contreras, RDA

Pamela Davis-Washington, RDA

Judith Forsythe, RDA

Tamara McNealy, RDA

Emma Ramos, RDA

Bruce Whitcher, DDS

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1. Call to Order/Roll Call/Establishment of Quorum
2. Approval of the May 29, 2014 Dental Assisting Council Meeting Minutes
3. Discussion and Possible Action Regarding the Status of Dental Assisting Program and Course Applications
4. Dental Assisting Program Licensure and Permit Statistics
5. Dental Assisting Program Examination Statistics

6. Discussion and Possible Action Regarding Priority Dental Assisting Issues as Proposed by the California Association of Dental Assisting Teachers (CADAT)
7. Discussion and Possible Action Regarding Recommendation to the Board for Dental Assisting Regulatory Priorities for Fiscal Year 2014/15
8. Discussion and Possible Action Regarding Staff's Recommended Plan for the Dental Assisting Program
9. Discussion and Possible Action Regarding the August 2014 Registered Dental Assistant Practical Examinations
10. Discussion and Possible Action Regarding the Application Process to be Licensed as a Registered Dental Assistant
11. Discussion and Possible Action Regarding the Re-Appointment of Existing Examiners Pursuant to Business & Professions Code Section 1752.3
12. Discussion and Possible Action Regarding Content of the Registered Dental Assistant in Extended Functions Restorative Examination Pursuant to Business and Professions Code Section 1753.4(b)
13. Update on the 2015 Registered Dental Assistant in Extended Functions (RDAEF) Examination Dates
14. Public Comment for Items Not on the Agenda  
The Council 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 §§ 11125 and 11125.7(a)).
15. Future Agenda Items  
Stakeholders are encouraged to propose items for possible consideration by the Council at a future meeting.
16. Council Member Comments for Items Not on the Agenda  
The Council may not discuss or take action on any matter raised during the Council Member Comments 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 §§ 11125 and 11125.7(a)).
17. Adjournment