



Board, Council, and Committee Member Administrative Policy and Procedure Manual

Dental Board of California
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Board, Council, and Committee Member Administrative Policy and Procedure Manual

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CHAPTER 1. INTRODUCTION

Overview

The Dental Board of California (Board) was created by the California State Legislature in 1885. Today, the Board is one of the boards, bureaus, commission, and committees within the Department of Consumer Affairs (DCA), Business, Consumer Services and Housing Agency. The Board’s highest priority is protection of the public while exercising its licensing, regulatory, and disciplinary functions. If protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount [\(Business and Professions Code \(BPC\) § 1601.2\)](#).

The Board is presently comprised of 15 members. The composition of the Board is defined in [Business and Professions Code \(BPC\)](#) sections 1601, 1602, and 1603 and includes: eight dentists appointed by the Governor, only one can be a member of a faculty of any California dental college, and one must be a dentist practicing in a nonprofit community clinic; five public members, three appointed by the Governor, one by the Speaker of the Assembly and one by the Senate Rules Committee; one registered dental hygienist appointed by the Governor; and one registered dental assistant appointed by the Governor. Board members may serve up to two full four-year terms. [\(BPC § 1603, subd. \(c\).\)](#) In addition to the two full four-year terms, Board members may serve the partial term of the vacant position to which they are appointed and up to a one-year grace period after a term expires. [\(BPC § 1603, subds. \(a\), \(b\).\)](#) Board members serve without a salary, but are compensated \$100 per day for each meeting day and are reimbursed for travel expenses (BPC § 103).

This ~~Administrative Policy and Procedure~~ ~~policy and procedure~~-Manual (Manual) is provided to Board, [Dental Assisting Council \(Council\)](#), and Committee members as a reference for important laws, regulations, Board policies and procedures, and DCA policies to help guide the actions of Board, Council, and Committee members and facilitate Board, Council, and Committee effectiveness and efficiency.

Definitions

BPC	Business and Professions Code
CCR	California Code of Regulations
CLEAR	Council on Licensure Enforcement and Regulations
COUNCIL	Dental Assisting Council
DCA	Department of Consumer Affairs
Gov. Code	Government Code
SAM	State Administrative Manual
President	Where the term “President” is used in this manual, it will be assumed to include “ his or her their designee”

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General Rules of Conduct

Board members shall not speak or act for the Board without proper authorization.

Board members shall maintain the confidentiality and security of confidential documents and information.

Board members shall commit the time necessary to prepare for Board meetings and associated responsibilities.

Each Board member shall recognize the equal roles and responsibilities of all Board members, treating each other equally and equitably.

Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public.

Board members shall treat all applicants and licensees in a fair and impartial manner.

Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.

Board members shall not use their positions on the Board for personal, familial, or financial gain.

Board members shall refrain from working on personal and/or non-Board related business during Board meetings. If necessary, members shall leave the dais, being mindful of a quorum, to address personal and/or non-Board related business.

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CHAPTER 2. BOARD, COUNCIL, AND COMMITTEE MEETING PROCEDURES

Frequency of Meetings

DCA Boards shall meet at least two times each calendar year. (BPC § 101.7.) Boards shall meet at least once each calendar year in Northern California and once each calendar year in Southern California ~~in order to~~ facilitate participation by the public and its licensees. (*Ibid.*) The Board is required to meet regularly once each year in the San Francisco Bay area and once each year in southern California (BPC § 1607.)

Special meetings may be held at such times as the Board may elect, or on the call of the Board President, or of not less than four members thereof. (BPC § 1608.)

Notice of each meeting and the time and place thereof shall be given in accordance with the Bagley-Keene Open Meeting Act. (Gov. Code § 11120 et seq.)

Board, Council, and Committee Member Attendance at Meetings (*Board Policy*)

Members shall attend each meeting. If a member is unable to attend, ~~they~~ ~~he or she~~ must contact the Board President or the Executive Officer and request to be excused from the meeting.

Board, Council, and Committee Meetings (~~Gov. ernment Code Section § 11120 et seq.~~)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

Communications (~~Government Gov. Code Section § 11122.5(b)~~)

A majority of the members of the Board, ~~a committee or~~ Council, ~~or~~ Committee shall not, outside of a publicly noticed meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

Council/Committee Member Participation at Board Meeting (~~Gov. ernment Code Section § 11122.5(c)(4); 81 Ops. Cal. Atty. Gen. 156, 158 (1998); DCA Policy~~)

A majority of Council and Committee members not serving as a member of the Board may only attend a Board meeting as an observer and shall not participate, which includes sitting with the Board on the dais or making any statements or asking any

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questions during the Board meeting, in matters under consideration by the Board during a meeting, unless there is a joint meeting of the Board and Council or Committee.

Committees

(Board Policy, BPC ~~Section §~~ 1601.1)

The Board shall be organized into standing committees pertaining to examinations, enforcement, and other subjects the Board deems appropriate.

Committees meet when they have issues to be considered ~~in order to~~ make recommendations to the full Board.

The Board President shall establish committees, whether standing or special, as the Board President deems necessary. The composition of the committees and the appointment of the members shall be determined and/or Committee Chair, in consultation with the Vice President and Executive Officer. When committees include the appointment of non-Board members, all affected parties should be considered. The Board President shall strive to appoint Board members to a minimum of one standing committee, may appoint a two-person subcommittee at any time as deemed necessary.

The statutory and standing committees are as follows:

- Diversion Evaluation Committees ~~(Northern and Southern)~~ (BPC § 1695.2)
- Elective Facial Cosmetic Surgery Permit Credentialing Committee (BPC § 1638.1)
- Enforcement Committee (BPC § 1601.1)
- Licensing, Examination Certification, and Permits Committee (BPC § 1601.1)
- ~~Examination Committee (BPC § 1601.1)~~

The specific needs committees are as follows:

- Access to Care Committee
- Anesthesia Committee
- Executive Committee
- Legislative and Regulatory Committee
- ~~Licensing, Certification, and Permits Committee~~
- Substance Use Awareness Committee
- Sunset Review Report Committee

Dental Assisting Council

(BPC ~~Section §~~ -1742)

The Council will consider all matters relating to dental assistants in California and will make appropriate recommendations to the Board and the standing Committees of the Board. The members of the Council shall include the registered dental assistant member of the Board, another member of the Board, and five registered dental assistants.

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Public Participation

(Gov. ~~ernment~~ Code ~~Section §~~ -11125.7(a); Board Policy)

The Board, Council, and ~~e~~C Committees shall provide an opportunity for members of the public to directly address the Board, Council, ~~and~~ Committee on each agenda item before or during the Board's, Council's, or Committee's discussion or consideration of the item. Public participation is encouraged throughout the public portion of the meetings. The chairs of the respective committees, as well as the Board President, acknowledge comments from the audience during general discussion of agenda items. In addition, each Board agenda includes public comment as a standing item of the agenda. This standing agenda item allows the public to request items to be placed on future agendas.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the ~~particular~~ statutory section and subdivision authorizing the closed session.

Quorum

(BPC ~~Section §~~ -1610; Board Policy)

Eight Board members constitute a quorum of the Board for the transaction of business; four members for the ~~C~~ouncil; four members for the Diversion Evaluation Committee (DEAC); and three members for the Elective Facial Cosmetic Surgery Permit Credentialing Committee (EFCS). Ad ~~h~~oc committee quorums would be a simple majority of appointed members.

Members shall be mindful of the quorum before temporarily exiting the discussion.

To determine action on a motion, a majority of the members present and voting will be counted.

Agenda Items

(Board Policy)

Board meetings generally involve:

- Board ~~operations~~ policy (e.g., budget, personnel)
- Division updates (e.g., licensing application and licensing statistics, enforcement statistics)
- Legislation that may be relevant to the practice of dentistry, including dental assisting
- ~~Content and administration of examinations~~
- Adoption or repeal of regulations
- ~~Approval of fee schedules~~
- ~~Appeals of Board actions~~
- ~~Board Procedures/Operations~~
- Enforcement issues, such as adoption or non-adoption of Administrative Law Judge proposed decisions, stipulated settlements, and referral of cases to the Office of Administrative Hearings

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- Committee meetings updates and recommendations
~~▪ Consideration of committee recommendations~~

Any Board member may submit, for consideration, items for a Board meeting agenda to the Board President and Executive Officer ~~45~~30 days prior to the meeting. The Board President and Executive Officer, in consultation with legal counsel, will review and, if appropriate, approve items submitted for consideration.

Closed Session

(~~Gov~~.~~ernment~~ Code ~~Sections~~ ~~§~~ 11126(c)(2) and (3))

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The Board shall meet in Closed Session to deliberate and ~~take action~~act on disciplinary matters, litigation, and personnel matters.

- Stipulations and Proposed Decisions will be distributed to Board members for a mail vote.
- Two Board members are required to hold a decision for discussion in Closed Session at a future Board meeting. If only two members hold for discussion and one of those members is unable to attend the meeting, the Board's action will revert to the majority vote on that decision.
- ~~Effective July 1, 2016, Stipulated Surrenders and Revocations are automatically accepted~~ Settlement agreements for the renovation, surrender, or interim suspension of a license are reviewed and approved by the Executive Officer without Board member vote per CCR, title 16, ~~§section~~ 1001.

Notice of Meetings

(~~Gov~~.~~ernment~~ Code ~~§Section~~ 11125-)

Meeting notices ~~shall be given and made available at~~ must include the agenda and shall be sent to persons on the Board's mailing list least 10 ~~calendar~~ days in advance of the meeting. The notice shall include a staff person's name, work address and work telephone number who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet

(~~Gov~~.~~ernment~~ Code ~~§Section~~ 11125)

The notice of meeting and agenda shall be made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the ~~meeting,~~ but meeting but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices are available.

Record of Meetings

(*Board Policy*)

The minutes are a summary, not a transcript, of each Board, Council, and Committee

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meeting. They shall be prepared by Board staff and submitted for review and approval by ~~the Board~~ members at the next Board, Council and Committee meeting. ~~Board minutes shall be approved at the next scheduled meeting of the Board.~~ When approved, the minutes shall serve as the official record of the meeting.

Board meetings are webcast in real time when webcasting resources are available. Archived copies of the webcast are available on the Board's website approximately 30 days after the meeting is held.

Recording of Public Meetings

~~(Board Policy; Government Code §Section 11124.1(b))~~

~~Public meetings are recorded for staff purposes. Any audio or visual recording of a public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act but may~~ Recordings may be erased or destroyed upon Board approval of the minutes and after 30 days after the recording. ~~CD copies are available, upon request, for Board members not able to attend a meeting.~~

Meeting Rules

~~(CCR, Title 16, §Section 1002)~~

Board, Council, and Committee meetings are conducted following Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.

Use of Electronic Devices During Meetings

~~(Government Code Section§ 11122.5(b)(1); 84 Ops. Cal. Atty. Gen. 30 (2001))~~

Board members should not text or email one another during a meeting on any matter within the Board's jurisdiction. Using electronic devices to communicate secretly in such a manner would violate the Bagley-Keene Open Meeting Act. Where laptop computers or tablets are used by ~~the~~ Board members at the meeting because the Board provides materials electronically, the Board President shall make an announcement at the beginning of the meeting as to the reason for the use of laptop computers or tablets.

CHAPTER 3. TRAVEL AND COMPENSATION POLICIES AND PROCEDURES

Travel Approval

~~(CCR Sections 599.615 through 599.638.1 of Article 2 of Subchapter 1 of Chapter 3 of Division 1 of Title 2~~DCA Memorandum 96-04)

Board, Council, and Committee members shall have Board President approval for all Board-related travel except for regularly scheduled Board, Council, and Committee meetings to which the member is assigned.

Travel Arrangements

(Board Policy)

Board, Council, and Committee members ~~should be encouraged to~~ coordinate with the Board's Administrative Analyst on travel arrangements and lodging accommodations.

Out-of-State Travel

~~(SAM Chapter~~Section 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, ~~supported by vouchers,~~ and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled and must be approved by the Governor's Office.

Travel Claims

~~(SAM Chapter~~Section 700 et seq. and CCR Sections 599.615 through 599.638.1 of Article 2 of Subchapter 1 of Chapter 3 of Division 1 of Title 2~~and DCA Memorandum 96-04)~~

Rules governing reimbursement of travel expenses for Board members are consistent with rules that apply to management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Board's Administrative Analyst maintains these forms and completes them as needed. It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

~~In order for~~For the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Travel Guide~~Departmental Memoranda~~ that are periodically disseminated by the DCA Director and are provided to Board members.

Per Diem Compensation

(BPC Section 103)

Board, Council, and Committee members will receive per diem compensation for each day ~~actually spent~~spent in the discharge of official ~~duties, and~~duties and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

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Per Board policy, the following general guidelines shall apply to the payment of per diem compensation or reimbursement for travel:

1. No per diem compensation or reimbursement for travel-related expenses shall be paid to Board, Council, or Committee members except for attendance at official Board, Council, or Committee meetings. Attendance at gatherings, events, hearings, ~~conferences~~conferences, or meetings other than official Board, Council or Committee meetings shall be approved in advance by the Board President. The Executive Officer shall be notified of the event and approval shall be obtained from the Board President prior to member's attendance.
2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board, Council, or Committee meeting to the conclusion of that meeting.

Where it is necessary for a Board member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of compensated per diem and reimbursement for travel-related expenses.

For specified Board, Council, or Committee work, members will be compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at gatherings, events, meetings, hearings, or conferences, and committee work. That work does not include preparation time for Board, Council, or Committee meetings. Members cannot claim per diem compensation for time spent traveling to and from a Board, Council, or Committee meeting.

CHAPTER 4. SELECTION OF OFFICERS AND COMMITTEE/LIAISON APPOINTMENTS

Officers of the Board
(BPC ~~§ Section~~ 1606)

The Board shall elect from its members a President, a Vice President, and a Secretary.

Election of Officers
(Board Policy)

It is Board policy to elect officers at the final meeting of the calendar year for service during the next calendar year, unless otherwise decided by the Board. The newly elected officers shall assume the duties of their respective offices on January 1 of the new year.

Procedure for Nomination
(Board Policy)

Board members interested in running for President, Vice-President, and Secretary shall independently submit their name to the Executive Officer no later than 30 days before the final scheduled meeting of the calendar year.

Election Process
(Board Policy)

The Board's Executive Officer shall conduct the election of officers and shall set the general election procedure by electing the President, then the Vice President and lastly the Secretary. Members may vote by aye (yes), nay (no) or abstain.

Officer Vacancies
(Board Policy)

If an office becomes vacant during the year, an election shall be held at the next Board meeting. If the office of the President becomes vacant, the Vice President shall assume the office of the President. Elected officers shall then serve the remainder of the term.

Absence of Officers
(Board Policy)

If an officer is absent from two consecutive meetings, the Board may consider whether it wishes to vacate that position. If the office is that of the President, the Vice President shall assume the office of the President. If the office is that of the Vice President, the Secretary shall assume the office of the Vice President. A vacancy in the office of the Secretary shall be voted on by Board members. Officers shall then serve the remainder of the term.

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Committee/Liaison Appointments (Board Policy)

~~The Board President shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board President in consultation with the Vice President, Secretary, and Executive Officer. When committees include the appointment of non Board members, all affected parties should be considered. The Board President shall strive to appoint Board members to a minimum of one standing committee.~~

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Attendance at Committee Meetings

(Government Code §Section 11122.5(c)(6); 81 Ops.Cal.Atty.Gen. 156, 158 (1998); DCA Policy)

If a Board member wishes to attend a meeting of a committee of which ~~they~~ ~~he or she~~ ~~are~~ is not a member, that Board member cannot participate or vote during the committee ~~meeting, and~~ ~~meeting and shall~~ ~~must~~ not sit on the dais.

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Roles and Responsibilities of Board Officers/Committee Chairs/Liaisons (Board Policy)

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President

- o Acts as ~~the~~ spokesperson for the Board (e.g., attends legislative hearings and testifies on behalf of the Board, attends meetings with stakeholders and legislators on behalf of Board, ~~talks to the media on behalf of the Board,~~ and signs letters on behalf of the Board).
- o Meets and/or communicates with the Executive Officer on a regular basis.
- o Provides oversight to the Executive Officer in performance of duties.
- o Approves leave requests, verifies accuracy, approves member timesheets, approves travel, and signs travel expense claims for the Executive Officer.
- o Coordinates the annual Executive Officer evaluation process, including contacting the DCA Office of Human Resources to obtain a copy of the Executive Officer Performance Evaluation Form, distributes the evaluation form to members, and collates the ratings and comments for discussion.
- o Authors a President's message for ~~every~~ Board meetings and published newsletters.
- o Approves Board meeting agendas.
- o Chairs and facilitates Board meetings.
- o Chairs the Executive Committee.
- o Signs specified ~~full~~ Board enforcement approval orders.
- o Establishes committees and appoints ~~C~~ chairs and members.
- o Establishes ~~two~~ 2-person subcommittees and/or ~~work group~~ ~~task~~ ~~forces~~ to research policy questions when necessary.
- o Attends Dental Hygiene Board of California meetings.

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Vice President

- May assume the duties above in the President's absence.
- Is a member of Executive Committee.
- ~~○ Coordinates the revision of the Board's Strategic Plan.~~
- Coordinates the revision of the Board, Council, and Committee Member Administrative Policy and Procedure Manual.

Secretary

- Calls the roll at each Board meeting and reports that a quorum has been established.
- Calls the roll for each action item.
- ~~○ Is a member of Executive Committee.~~

Council or Committee Chair

- Reviews agenda items with ~~Executive Officer~~ and Board President prior to Council or Committee meetings.
- Approves the Council or Committee agendas.
- Chairs and facilitates Council or Committee meetings.
- Calls the roll or appoints a member to call the roll for each action item.
- Reports the activities of the Council or Committee to the full Board.

Liaisons

Members acting as liaisons to committees are responsible for keeping the Board informed regarding emerging issues and recommendations made at the Committee level. The Council Chair serves as the Council's liaison to the Board. (BPC § 1742(i).)

Creation of Task Forces *(Board Policy)*

It is the policy of the Board that:

- 1) task forces will be appointed sparingly as the exception rather than the rule and only when the Board finds it cannot address a specific and well defined issue through the existing committee structure;
- 2) task force members may be appointed by the Board President but must be approved by the full Board;
- 3) the charge given to the task force will be clear, specific, in writing, and presented to the Board at the time of appointment;
- 4) task forces of three or more members appointed by the Board are subject to the same Open Meeting laws as the Board (as required by Government Code ~~§section~~ 11121(c));
- 5) all task forces shall give staff at least ~~4520~~ days advance notice of the

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- time, place, and general agenda for any task force meeting;
- 6) task forces will meet and report regularly and provide the Board with minutes after every meeting;
 - 7) no task force recommendation will be the basis for Board action in the absence of a formal written report from the task force to the Board.

CHAPTER 5. BOARD ADMINISTRATION AND STAFF

Board Administration

(DCA ~~Board Member Orientation Training~~ Reference Manual)

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer.

Board Budget

(*Board Policy*)

The Executive Officer shall serve as the Board's budget liaison ~~with staff~~ and shall assist staff in the monitoring and reporting of the budget to the Board. The Executive Officer, or the Executive Officer's designee, will attend and testify at legislative budget hearings and shall communicate all budget issues to the Governor's Administration and California State Legislature.

Strategic Planning

(*Board Policy*)

The Executive Committee shall have overall responsibility for the Board's Strategic Planning ~~P~~process. The ~~Executive Officer~~ Vice President shall serve as the Board's strategic planning liaison with staff and shall assist staff in the monitoring and reporting of the strategic plan to the Board. The Board will conduct periodic strategic planning sessions and may utilize a facilitator, such as the DCA SOLID Planning Solutions Unit to conduct the strategic planning process.

Legislation

(*Board Policy*)

When time constraints preclude Board action, the Board delegates the authority to the Executive Officer and the Chair of the Legislative and Regulatory Committee to ~~act~~ take action on legislation that would change the Dental Practice Act, impact a previously established Board policy, or affect the public's health, safety, or welfare. Prior to taking a position on legislation, the Executive Officer shall consult with the Board President and Legislative and Regulatory Committee Chair. The Board shall be notified of such action as soon as possible.

Communications with Other Organizations and Individuals

(*Board Policy*)

The official spokesperson for the Board is the Board President. The President may designate the Executive Officer, ~~the Chief of Enforcement~~, other Board members, or staff to speak on behalf of the Board. Board members shall not speak or act for the

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Board without proper authorization.

It is the policy of the Board to accommodate speaking requests from all organizations, schools, consumer groups, or other interested groups, whenever possible. If the Board representative is addressing a dental school or group of potential candidates for licensure, the program must be open to all interested parties. The President may authorize Board members to speak to schools, organizations, consumer groups, or other interested groups upon request by members or written requests from said schools, organizations, or groups.

Media Inquiries (Board Policy)

If a member of the Board, Council, or Committee receives a media call, the member should promptly refer the caller to the DCA Public Information Officer who is employed to interface with all types of media on any type of inquiry. It is required that members make this referral as the power of the Board is vested in the Board itself and not with an individual Board member. Expressing ~~a personal opinion~~ an opinion can be misconstrued as a Board policy or position and may be represented as a position that the Board has taken on a particular issue ~~when it has not~~.

A Board member who receives a call should politely thank the caller for the call, but state that it is the Board's policy to refer all callers to the DCA Public Information Officer. The Board member should then send an email to the Executive Officer indicating they received a media call and relay any information supplied by the individual caller.

Legal Opinions – Requests from Outside Parties (Board Policy)

The Board does not provide legal services for persons or entities outside of the Board-~~staff~~. Requests for legal opinions from outside entities are to be discussed with the Board President and Legal Counsel to determine whether it is an issue over which the Board has jurisdiction and the opinion, if prepared, could be posted on the Board's ~~W~~web-site and benefit the ~~general~~ public rather than one individual. Persons making such requests would be notified that the Board will ~~consider the~~ not be responding directly to their request any may or may not accept the request for a legal opinion, and if accepted, the legal opinion would be posted on the Board's website rather than sent solely to the requestor, but will post the opinion on the Internet when it is final.

Service of Lawsuits (Board Policy)

Board members may receive service of a lawsuit against themselves and the Board pertaining to a certain issue (e.g., a disciplinary matter, civil complaint, legislative matter, etc.). To prevent a confrontation, the Board member should accept service. Upon receipt, the Board member should notify the Executive Officer of the service and indicate the name of the matter that was served and any pertinent information.

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~~The~~ Board members should then mail the entire package that was served to the Executive Officer as soon as possible. The Board's legal counsel will provide instructions to the Board members on what is required of them once service has been made. ~~The~~ Board members may be required to submit a request for representation to the Board to provide to the Office of the Attorney General's Office.

Executive Officer Evaluation (Board Policy)

The Board shall evaluate the performance of the Executive Officer annually.

Executive Officer Vacancy (Board Policy)

In the event the Executive Officer position becomes vacant, the Board may, at its discretion, appoint the Assistant Executive Officer, ~~or~~ another employee of the Board, ~~or~~ a DCA employee as the Acting Executive Officer or Interim Executive Officer. An Acting Executive Officer is only entitled to ~~their~~ his or her current salary. If an Interim Executive Officer is appointed, the Board shall set ~~their~~ his or her salary at an amount within the Executive Officer's salary range. The DCA Office of Human Resources will ~~provide~~ assistance with the temporary appointment process and the selection process ~~for the search~~ for a new Executive Officer.

Board Staff (DCA Office of Human Resources Policy Manual ~~Reference Manual~~)

Employees of the Board, ~~with the exception of~~ except for the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by ~~a myriad of~~ civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is ~~most~~ appropriate that the Board delegate ~~all~~ authority and responsibility for management of the civil service staff to the Executive Officer. Consequently, the Executive Officer shall solely be responsible for ~~all~~ day-to-day personnel transactions.

Business Cards (Board Policy)

Business cards will be provided, if requested, to each ~~Officer of the~~ Board Officer with the Board's office address, telephone and fax number, and web-site address. A Board Officer's business address, telephone and fax number, and e-mail address may be listed on the card at the member's request.

CHAPTER 6. OTHER POLICIES AND PROCEDURES

Availability (Board Policy)

It is recommended that Board members who will be unavailable for a period longer than ~~seven~~three consecutive days notify the Executive Officer ~~and the Board President~~.

Mandatory Training (DCA Policy *and various codes*)

State law requires Board members within to complete training in several important areas, including ethics, sexual harassment prevention, and Board Member Orientation Training.

Ethics Training~~Orientation~~
http://www.dcaboardmembers.ca.gov/training/ethics_orientation.shtml
(~~Government Code §Section~~ 11146.1)

California law requires all appointees to take an ethics training orientation within the first six months of their appointment and to repeat this ethics ~~training orientation~~ every two years throughout their term.

The training includes important information on activities or actions that are inappropriate or illegal. For example, generally public officials cannot take part in decisions that directly affect their own economic interests. They are prohibited from misusing public funds, accepting free travel, and accepting honoraria. There are limits on gifts.

An online, interactive version of the ~~training~~ Conflict of Interest Ethics Training is available ~~on the DCA Learning Management System (LMS), on the Attorney General's Web site at~~ <http://oag.ca.gov/ethics>. ~~An accessible, text-only version of the materials is also available at the Attorney General's Web site.~~

Sexual Harassment Prevention Training
http://www.dcaboardmembers.ca.gov/training/harassment_prevention.shtml
(~~Government Code §Section~~ 12950.1)

All new board members are required to attend at least two hours of classroom or other interactive training and education regarding sexual harassment prevention within six months of their appointment. An online, interactive version of the Sexual Harassment Prevention Training is available on the DCA LMS. ~~The Equal Employment Opportunity (EEO) Office is responsible for ensuring that all board members complete their required training. A copy of your certificate of proof of training must be sent to the EEO Office. Please identify which Board/Committee/Commission you serve on.~~

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~~For information on how to receive Sexual Harassment Prevention Training contact:~~

~~Equal Employment Opportunity Office
1625 N. Market Blvd, Ste N330
Sacramento, CA 95834
(916) 574 8280 (916) 574 8604 Fax~~

Board Member Orientation Training (BMOT) (*BPC §Section 453*)

Every newly appointed and reappointed board member is required to complete an ~~training and~~ orientation and training program offered by DCA within one year of assuming office. ~~BMOT-The training~~ covers the functions, responsibilities, and obligations that come with being a member of a DCA board.

~~For more information and assistance with scheduling any of these trainings, please contact the Board's Administrative Analyst.
For more information and assistance with scheduling training, please contact:~~

~~SOLID Training Solutions
1747 North Market Blvd, Ste. 270
Sacramento, CA 95834
(916) 574 8316
SOLID@dca.ca.gov~~

Board Member Onboarding and Mentoring (*Board Policy*)

Within one week of appointment, both the Board President and Executive Officer will contact new members to welcome them and review mandatory paperwork. New members will also receive information about BMOT (see above). New Board members will be assigned a "mentor" (i.e., a current Board member) to assist the Executive Officer with orienting the member to the Board, licensing, and enforcement processes, etc. Resources include, for example:

- Contacts List
- Organizational Chart
- Enforcement PowerPoint Presentation
- Newsletters
- Sections from the Board, Council, and Committee Member Administrative Policy and Procedure Manual
- Strategic Plan

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- Sunset Reports
- Travel Guide

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Board Member Disciplinary Actions (Board Policy)

The Board may censure a member if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as President of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall sit as President. In accordance with the Bagley-Keene Open Meeting Act, the censure hearing shall be conducted in open session.

Removal of Board Members (BPC ~~§Sections~~ 106, 106.5, 1605)

The Governor has the power to remove from office at any time any member of any Board appointed by ~~them~~him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor also may remove from office a Board member who directly or indirectly discloses examination questions to an applicant for examination for licensure. Those proceedings would be conducted in accordance with the Bagley-Keene Open Meeting Act, and that member would be subject to a misdemeanor violation (BPC § 123).

Resignation of Board Members (Government Code ~~§-Section~~-1750)

~~In the event that~~If it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (i.e., Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the DCA Director, Board President, and the Executive Officer.

Form 700 – Statement of Economic Interests (Government Code ~~§Section~~ 87203; CCR, Title 2, ~~§Section~~ 18730)

Board, Council, and Committee members are public officials required to annually report their investments, interests in real property, and income to the Fair Political Practices Commission using the Form 700, Statement of Economic Interests, which is a publicly disclosable record. Each member must submit their Form 700 using the online submission process.

Information on the Form 700 and other conflicts of interest topics can be found at: https://www.dca.ca.gov/about_us/board_members/required_training.shtml

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Conflict of Interest

(~~Government Code Section § 87100; Common Law; BPC § Section 450; DCA Policy~~)

No Board, Council, or Committee member may make, participate in making, or in any way attempt to use ~~theirhis or her~~ official position to influence a governmental decision in which ~~theyhe or she~~ knows or has reason to know ~~theyhe or she~~ ~~have~~s a financial interest. Any member who has a financial interest shall disqualify ~~themsselfhim or herself~~ from making or attempting to use ~~theirhis or her~~ official position to influence the decision.

Conflicts of interest or disqualification issues mainly arise from four general sources: (1) financial conflicts arising under the Political Reform Act of 1974 (Gov. Code § 87100 et seq.); (2) common law conflicts of interest arising from personal interest or bias, or even the potential appearance of a bias or personal interest in a matter even in the absence of a financial conflict of interest; (3) the general provisions of BPC ~~Section 450~~ et seq. that detail the qualifications and restrictions on public members of a board; and (4) conflicts arising under the DCA Incompatible Work Activities ~~p~~Policy.

Any member who feels ~~theyhe or she~~ ~~are~~s entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Honoraria Prohibition

(~~Government Code Section § 89502~~)

As a general rule, Board, Council, and Committee members should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state board is precluded from accepting an honorarium from any source, if the board member would be required to report the receipt of income or gifts from that source on ~~theirhis or her~~ statement of economic interest.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances: (1) when an honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

~~In light of~~ Considering this prohibition, members should report all offers of honoraria to the Board President, so that ~~theyhe or she~~, in consultation with the Executive Officer and ~~the Board's~~ legal counsel, may determine whether the potential for conflict of interest exists.

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Paid Travel to Attend Meeting Unrelated to Board Business (~~Government Code Section~~ § 89506)

In general, payments by a third party for a public official's travel are considered a gift, subject to the per year gift limit, and must be reported by the official on ~~their~~his or her statement of economic interests (i.e., Form 700); however, there are exceptions to this rule. Payments, advances, or reimbursements, for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not prohibited and are not subject to the per year gift limit if either of the following apply:

- (1) The travel is in connection with a speech given by the member, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States.
- (2) The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, as defined in ~~§Section~~ 203 of the Revenue and Taxation Code, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which substantially satisfies the requirements for tax-exempt status under ~~§Section~~ 501(c)(3) of the Internal Revenue Code.

Keep in mind that the rules regarding financial conflicts of interest are complex, and, therefore, Board members should contact the DCA Ethics Officer at (916) 574-8220 for assistance.

Contact with ~~Applicants~~Candidates (Board Policy)

Board, Council, and Committee members shall not intervene on behalf of an ~~applicant-~~candidate for licensure for any reason as this may create a conflict of interest. Members should forward all contacts or inquiries to the Executive Officer-~~or Board-~~staff.

Gifts from ~~Applicants~~Candidates (Board Policy)

Gifts of any kind to Board, Council and Committee members or ~~Board~~the staff from ~~applicant~~candidates for licensure with the Board shall not be permitted.

Request for Records Access (Board Policy)

No Board, Council, or Committee member may access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.

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Ex Parte Communications

(~~Government Code Section~~ § 11430.10 et seq.)

The Administrative Procedure Act prohibits *ex parte* communications.

An “ex parte” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in ~~Government Code section~~ § 11430.10, subdivision (a), which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board members, as adjudicators, are prohibited from an *ex parte* communication with Board ~~investigative or prosecutorial enforcement~~ staff while a proceeding is pending. (~~Gov. Code §§ 11425.10, subd. (a)(4), 11430.10 subd. (a).~~)

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once ~~theyhe or she~~ realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer-Chief of Enforcement.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, ~~theyhe or she~~ should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, ~~theyhe or she~~ should be told that the Board member would be required to ~~excuse themselves him or herself~~ from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that ~~theyhe or she~~ has received an unlawful *ex parte* communication, ~~theyhe or she~~ should contact the Board’s legal counsel.