



Legislative and Regulatory Committee Meeting Minutes
Wednesday, July 22, 2009
San Francisco, CA

Members Present:

Fran Burton, Public Member, Chair
John Bettinger, DDS
Rebecca Downing, Public Member
Huong Le, DDS

Members Absent:

William Baker, Public Member
Stephen Casagrande, DDS
Thomas Olinger, DDS

Staff Present:

Cathleen Poncabare, Executive Officer
Richard DeCuir, Assistant Executive Officer
Dawn Dill, Licensing & Exam Unit Manager
Sarah Wallace, Administrative Analyst
Donna Kantner, Legislative & Regulatory Analyst
Jocelyn Campos, Enforcement Coordinator
Jessica Olney, Examination & Licensing Analyst
LaVonne Powell, DCA Senior Staff Counsel
Kristy Schieldge, DCA Senior Staff Counsel
Gregory Salute, Deputy Attorney General

Chair Burton called the meeting to order at 2:58 p.m. and established a quorum.

Ms. Burton commented that the Committee should participate in the legislative process in a timely and proactive manner. LaVonne Powell, DCA Legal Counsel, reminded Board members that they should not contact anyone about the Board's position on any legislation.

The Chair asked how staff tracked legislation. Donna Kantner, Legislative and Regulatory Analyst, reported that she searches for legislative updates weekly. There was general discussion about various legislative tracking vendors and whether or not the Dental Board should subscribe to an outside vendor to assist with legislation tracking. The Chair asked that staff bring information about subscribing to a legislative tracking vendor to the next meeting.

M/S/C (Bettinger/Le) to have a presentation on the Legislative Process at the next meeting. The motion passed unanimously.

LEG 1: Discussion and Possible Action on the Following Bills:

AB 171 (Jones) - Dental Services: credit. Amendments, which are not yet in print, were introduced to this bill yesterday. The DCA Legislative Unit wanted to know the Board's position if it is required to enforce the legislation. There will be a fiscal impact. Richard DeCuir, Assistant Executive Officer, stated that the legislation was not a consumer protection safety issue. LaVonne Powell, Legal Counsel stated that a distinction should be made, that if required, the Board would enforce the legislation; however, enforcement would be related to proper notice issues and not with payment issues. Dean Chalios, California Dental Association, commented that payment issues could be adjudicated in small claims court between the patient, dentist, and the third party extending the credit. He further stated that the genesis of the bill was to create notice and establish a relationship between the patient, dentist, and third party line of credit vendor brokered by the

dentist in order that everyone know the rights and responsibilities. The bill was sponsored by the Western Center on Law and Poverty. CDA supported the bill, but needed to see the proposed amendments before continuing support. Dr. Earl Johnson representing stated that he felt the Board should take a position. Mr. DeCuir contacted the author's office. The Department of Finance contacted the author to say that there is no enforcement mechanism in the bill. The author did not hold this view and didn't believe additional language was necessary. The Committee unanimously agreed to generally support this legislation, but would need to see the amendments before forming an official position.

AB 403 (Fuller) – Dental hygienists: examination and licensure was enrolled.

AB 456 (Emmerson) - Dentistry: diversion program is a two year bill. The Committee unanimously agreed with the Board's decision in April to support the bill. Additionally, the Committee unanimously agreed to have staff meet with the author to ensure this bill moves forward.

AB 583 (Hayashi) - Health Care Practitioners: disclosure of education and office hours. The Committee unanimously agreed with the Board's decision in April to take no position on this legislation.

AB 667 (Block) - Topical fluoride application was enrolled.

AB 684 (Ma) - Claim reimbursement: late payments. The Committee unanimously agreed with the Board's decision in April to support the bill.

AB 745 (Coto) - Self-funded dental benefit plans. The Committee unanimously agreed with the Board's decision in April to support the bill.

AB 1116 (Carter) - Cosmetic surgery. The Committee unanimously agreed with the Board's decision in April to watch this piece of legislation.

AB 1310 (Hernandez) - Healing arts: database. The Committee unanimously agreed with the Board's decision in April to oppose the bill.

AB 1524 (Hayashi) - Dentistry: examination process is a two year bill. The Committee unanimously agreed with the Board's decision in April to support the bill.

SB 389 (Negrete McCloud) - Professions and vocations. This bill failed to pass out of Assembly Public Safety Committee.

SB 599 (Negrete McCloud) - Workforce development. The Committee unanimously agreed with the Board's decision in April to take no position on this bill.

SB 630 (Steinberg) - Health care coverage: dental and orthodontic services. The Committee unanimously agreed with the Board's decision in April to support the bill. Dr. Earl Johnson stated that he had severe semantic issues with the legislation. He said that orthodontists do not perform surgery and therefore should not be included in the language.

SB 638 (Negrete McCloud) - Regulatory boards: operations. The Committee unanimously agreed with the Board's decision in April to take no position on this bill.

SB 674 (Negrete McCloud) - Healing arts: outpatient settings. The Committee unanimously agreed with the Board's decision in April to take no position on this bill.

SB 700 (Negrete McCloud) - Healing arts: peer review. The Committee unanimously agreed with the Board's decision in April to take no position on this bill.

LEG 2: Proposed Regulation Revisions

The Committee unanimously agreed to table the following items so that Dr. Casagrande could participate in the discussion:

- (a) Limit Inactive Patient Record Keeping to 7 years
- (b) Consider Revising DBC Regulations to Purge and Remove Cite and Fine Records after 5 years (currently indefinite)

Dr. Le commented that records retention for pediatric patients is usually 7 years after they turn 18.

Public Comment

There was no additional public comment.

Adjournment

The meeting adjourned at 4:15 p.m.