



**DENTAL BOARD OF CALIFORNIA
TELECONFERENCE MEETING
MEETING MINUTES
May 13-14, 2021**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, the Dental Board of California (Board) met on May 13-14, 2021, via teleconference/WebEx Events, and no public locations nor teleconference locations were provided.

Members Present:

Joanne Pacheco, RDH, MAOB, President
Rosalinda Olague, RDA, BA, Vice President
Alan Felsenfeld, DDS, MA, Secretary
Fran Burton, MSW, Public Member
Steven Chan, DDS
Lilia Larin, DDS
Meredith McKenzie, Esq., Public Member
Angelita Medina, Public Member
Mark Mendoza, Public Member **(Present May 13, 2021)**
Sonia Molina, D.M.D., M.P.H.
Alicia Montell, DDS
Steven Morrow, DDS, MS
Thomas Stewart, DDS
James Yu, DDS, MS

Members Absent:

Mark Mendoza, Public Member **(Absent May 14, 2021)**

Staff Present:

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Carlos Alvarez, Chief of Enforcement Field Offices
Tina Vallery, Chief of Administration and Licensing
Wilbert Rumbaoa, Administrative Services Unit Manager
Jessica Olney, Anesthesia Unit Manager
Emilia Zuloaga, Dental Assisting Program Manager
Steve Long, Budget Analyst
Pahoua Thao, Administrative Analyst
Tara Welch, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)
Danielle Rogers, Regulatory Counsel, Attorney III, DCA

2:00 p.m., Thursday, May 13, 2021

Agenda Item 1: Establishment of a Quorum

The Board President, Ms. Joanne Pacheco, called the meeting to order at 2:17 p.m. The Board Secretary, Dr. Alan Felsenfeld, called the roll; fourteen (14) Board members were present, and a quorum was established.

Agenda Item 2: Discussion and Possible Action on February 25, 2021 and February 26, 2021 Board Meeting Minutes

Motion/Second/Call (M/S/C) (Yu/Medina) to approve the minutes with no changes.

Ayes: Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: Chan.

Absent: Burton.

Recusals: None.

The motion passed and the minutes were approved with no changes. There were no public comments made on this item.

Agenda Item 3: Board President Report

President Pacheco welcomed all attendees and reminded the Board of its mission to protect the public. She acknowledged Board staff for maintaining Board operations during the Coronavirus (COVID-19) pandemic. She congratulated Dr. Steven Chan, Dr. Lilia Larin, Vice President Rosalinda Olague, and herself on their reappointment to continue serving on the Board. President Pacheco reported that she continues to attend weekly meetings with the Board's Executive Officer, attended the Dental Hygiene Board of California's March 6, 2021 and March 20, 2021 Quarterly Board Meeting and the Dental Assisting Council Meeting on April 30, 2021. There were no public comments made on this item.

Agenda Item 4: Executive Officer's Report

Ms. Karen Fischer, Executive Officer, acknowledged and congratulated the reappointed members to the Board. She provided an update on the Board's 2017-2021 Strategic Plan and the pandemic restrictions. Ms. Fischer reported that the 2022 and 2023 Board meeting dates will be established at the August meeting. Ms. Fischer indicated that all Board members should have received the 2021 edition of the Dental Practice Act, which is comprised of the Business and Professions Code (BPC) and supporting California Code of Regulations. There were no public comments made on this item.

Agenda Item 5: Recess Full Board Open Session

President Pacheco recessed the full Board open session at 2:30 p.m.

Agenda Item 6: Convene Examination Committee Meeting
See Examination Committee Meeting Minutes.

Agenda Item 7: Reconvene Full Board Open Session

President Pacheco reconvened the full Board open session at 4:15 p.m.

Agenda Item 8: Budget Report

Mr. Steve Long, DCA Budget Analyst, provided a report on the State Dentistry Fund the Board manages for FY 2020-21. Since the posting of the meeting materials, Mr. Long reported that revisions were made to the agenda item, which was updated on the Board's website. As of February 28, 2021, the Board spent approximately \$10 million of its total State Dentistry appropriation. Of that amount, approximately \$5.1 million of the expenditures were for Personnel Services and \$4.9 million were for Operating Expense and Equipment. There were no public comments made on this item.

Agenda Item 9: Discussion and Possible Action on Board Policy and Procedure Manual

Vice President Olague and Ms. Fischer provided an overview of the agenda item. Since the posting of the meeting materials, Vice President Olague reported that revisions were made to the agenda item, which was updated on the Board's website. Ms. Fischer mentioned that the table of contents would be updated after the changes were applied to the manual. Vice President Olague reviewed each page with the Board members for an opportunity to comment.

Dr. Steven Morrow requested a revision to page 3 of the Policy and Procedure Manual, second paragraph, under Overview, line 2, to add "1602" after "1601." Dr. Morrow requested an additional revision to page 3 of the Policy and Procedure Manual, under Overview, second paragraph, line 4, to strike out "one must" and replace it with "only one can." In addition, Dr. Morrow pointed out that on page 3 under Overview, second paragraph, lines 13-14 state that Board members serve without a salary; therefore, the word "salary" under Chapter 3, Travel and Salary Policies and Procedures will need to be replaced with "compensation" or "compensated." Ms. Fran Burton requested a revision to page 16, under Communications with Other Organizations and Individuals, fifth paragraph, after line 3, add "Board members shall not speak or act for the Board without proper authorization" to . Dr. Larin requested a revision to page 18, under Mandatory Training, fifth paragraph, lines 2-3, to strike "conflict of interest laws."

(M/S/C) (Larin/Burton) to adopt the revised Administrative Policy and Procedure Manual.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Mendoza, Molina, Montell, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed and the Administrative Policy and Procedure Manual was adopted as amended. There were no public comments made on this item.

Agenda Item 10: Recess until Friday, May 14, 2021, at 9:00 a.m.

President Pacheco recessed the May 13, 2021 meeting at 4:56 p.m.

9:00 a.m. Friday, May 14, 2021

Agenda Item 11: Reconvene – Establishment of a Quorum

President Pacheco, called the meeting to order at 9:10 a.m. Dr. Felsenfeld, called the roll; 13 Board members were present, and a quorum was established. Mr. Mark Mendoza was absent.

Agenda Item 12: Public Comments on Items Not on the Agenda

There were no public comments made on items not on the agenda.

Agenda Item 13: Report on Dental Hygiene Board of California (DHBC) Activities

Dr. Timothy Martinez, DHBC President, provided a verbal report on their activities. There were no public comments made on this item.

Agenda Item 14: Report on DCA Activities

Ms. Brianna Miller, Board and Bureau Services Manager at DCA, provided a verbal report on their activities. There were no public comments made on this item.

Agenda Item 15: Update Regarding California Northstate University, College of Dental Medicine Accreditation by Commission on Dental Accreditation (CODA)

Dr. Kevin Keating, Dean and Professor at California Northstate University, College of Dental Medicine, provided a presentation on the update regarding California Northstate University by CODA. Dr. Keating addressed Board member questions. There were no public comments made on this item.

At 10:07 a.m., the Board recessed for a break.

At 10:25 a.m., the Board reconvened to open session.

Agenda Item 16: Dental Assisting Council (DAC) Meeting Report

Ms. Melinda Cazares, Chair of the DAC, provided a verbal report of the meeting which occurred on May 13, 2021. She reported on the approval of the February 25, 2021 DAC meeting minutes, presentation regarding the Orthodontic Assistant (OA) Permit Occupational Analysis and Examination Modifications by Ms. Karen Okicich, Research Data Supervisor at OPES, update on dental assisting programs and courses, update on dental assisting examination statistics, update on dental assisting licensing statistics, update regarding the registered dental assistant in extended functions (RDAEF) written examination, and the Council's action to recommend to the Board for its consideration a

legislative proposal to amend BPC section 1750, Infection Control Course Requirements for Unlicensed Dental Assistants.

Based on the results of the Occupational Analysis, OPES recommended the Orthodontic Assistant Permit written examination be modified to adjust exam content by increasing the number of items from 65 scoreable and no pretest questions, to 75 scoreable and 25 pretest questions, and increasing the time candidates have to take the exam from 90 minutes to 120 minutes. Additionally, since the number of candidates taking the Orthodontic Assistant Permit written examination has substantially increased over the last 10 years, OPES recommended increasing the frequency of updating the test item bank. The DAC recommended the Board to take action to approve the recommended changes to the Orthodontic Assistant Permit written examination following the DAC report.

(M/S/C) (McKenzie/Burton) to approve the modifications to the Orthodontic Assistant Permit written examination and accept the OPES Occupational Analysis.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Morrow, Molina, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 17: Examination Committee Meeting Report

Dr. Morrow, Chair of the Examination Committee, provided a verbal report of the meeting, which occurred on May 13, 2021. He reported on the approval of the February 23, 2017 meeting minutes and a presentation regarding the American Dental Association (ADA) Dental Licensure Objective Structured Clinical Examination (DLOSCE) by Dr. Michael Sanders, Vice Chair of the Joint Commission on National Dental Examinations (JCDNE), Dr. David Carsten, member of the Steering Committee for the DLOSCE, and Dr. David Waldschmidt, Director of the Testing Services Department from the JCDNE. After the ADA DLOSCE presentation, the Committee took action to recommend that the full Board consider the ADA DLOSCE as a pathway to licensure at a future meeting.

The Board received public comment. Dr. Waldschmidt clarified that the JCDNE reports on candidate's performance based on educational background from an institution that adheres to CODA's standards and explained that JCDNE has policies to evaluate the candidates' knowledge on diagnostic images.

Agenda Item 18: Enforcement – Review of Statistics and Trends

Mr. Carlos Alvarez, Chief of Enforcement Field Offices, provided the report, which is available in the meeting materials.

Dr. Chan asked if there is any data to see how much time is necessary for the probationary cases. Mr. Alvarez and Ms. Fischer responded that a workload analysis is still being conducted. Dr. Chan asked if there will be any data showing historical trends and the impacts from COVID-19. Mr. Alvarez responded that a report of historical trends will be provided at a future meeting.

The Board received public comment. Dr. Bruce Witcher commented that historical data can be found in previous meeting materials and that complaints went down overall in 2020.

Agenda Item 19: Substance Use Awareness

Agenda Item 19(a): Diversion Program Report and Statistics

Mr. Bernal Vaba, Chief of Regulatory and Compliance and Discipline, provided the report, which is available in the meeting materials.

Dr. Chan commented that he would like for a diversion program member to provide insight on the program. Ms. Fischer responded that a meeting with one of the members will occur in the future. There were no public comments made on this item.

Agenda Item 19(b): Controlled Substance Utilization Review and Evaluation System (CURES) Report

Mr. Alvarez provided the report, which is available in the meeting materials.

Dr. Larin asked if e-scripts get reported to CURES automatically and if dentists can use e-scripts to prescribe a controlled substance. Mr. Alvarez responded that he could provide more information at a future meeting. Dr. Chan inquired about data for retired drug enforcement administration certificates. Mr. Alvarez responded that a meeting with DCA and the Department of Justice will have to occur to discuss requested data from the CURES database. Dr. Felsenfeld requested data on prescriptions written by dentists. There were no public comments made on this item.

Agenda Item 20: Examinations

Agenda Item 20(a): Western Regional Examination Board (WREB) Report

Dr. Bruce Horn, Director of the WREB, and Dr. Sharon Popp, WREB Testing Specialist, provided an update regarding the WREB examination and passing rates. Dr. Horn addressed Board member questions.

The Board received public comment. Dr. Waldschmidt commented in response to the WREB's presentation that the DLOSCE is a multiple-choice exam designed to mirror a high-fidelity prototype.

Agenda Item 20(b): American Board of Dental Examiners (ADEX) Report

Dr. William Pappas, President of ADEX, and Dr. Guy Champagne, former Chief Executive Officer of ADEX, provided an update and presentation regarding the ADEX examination and passing rates.

The Board received public comment. Dr. Waldschmidt commented in response to the ADEX presentation that the DLOSCE exam has evidence to support clinical performance.

At 12:20 p.m., the Board recessed for lunch.

At 12:57 p.m., Board reconvened to open session.

Agenda Item 21: Licensing, Certifications, and Permits

Agenda Item 21(a): Review of Dental Licensure and Permit Statistics

Ms. Jessica Olney, Anesthesia Unit Manager, provided the report, which is available in the meeting materials. There were no public comments made on this item.

Agenda Item 21(b): General Anesthesia and Conscious Sedation Permit Evaluation Statistics

Ms. Olney provided the report, which is available in the meeting materials.

The Board received public comment. Dr. Whitcher pointed out that there is no data available for April through June.

Agenda Item 22: Legislation – Update, Discussion, and Possible Action on:

Agenda Item 22(a): 2021 Tentative Legislative Calendar

Ms. Burton provided an overview of the 2021 Tentative Legislative Calendar, which is available in the meeting materials. There were no public comments made on this item.

Agenda Item 22(b): Update on Pending Legislation

Ms. Fischer provided the report, which is available in the meeting materials. Board staff identified nine (9) bills, Assembly Bill (AB) 2, AB 29, AB 107, AB 646, AB 1026, AB 1236, AB 1273, AB 1386, and Senate Bill (SB) 731 that did not require discussion from the Board as staff will continue to watch. An updated report on the bills will be provided at a future meeting. Since the posting of the meeting materials, Ms. Fischer reported that some amendments were made to the legislative bills, which are updated on the Board's website. Ms. Fischer presented the following seven (7) bills that may have direct impact on the Board for review and consideration.

(M/S/C) (Burton/Chan) to take a "support" position on AB 526 and send a letter to the author. The Board supports the action in the bill as it would allow dentists with the necessary training to administer influenza and COVID-19 vaccines approved by the Federal Drug Administration, as specified.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Morrow, Molina, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. Dr. Chan commented in support of AB 526 and pointed out the complex obstacles in order for dentists to administer influenza and COVID-19 vaccines.

The Board received public comment. Dr. Robert Hattis, representing California Academy of Preventive Medicine, California's Specialty Society for Public Health Physicians, commented on the proposed amendments to the bill made by their Board of Directors that include reimbursement from insurance for vaccine costs and administration fees, not requiring continuing education hours, allowing the Board to determine which other vaccines to administer for dental practice, encouraging dentists to test for COVID-19, use of California Disease Control vaccine information statements, observing temperature infection control requirements, documenting immunizations for home records, and preparation of protocols for occasional emergencies for immediate reactions. Ms. Mary McCune, Director of Community Programs and Regulatory Affairs at California Dental Association (CDA), thanked the Board for the support position. She commented CDA is currently not proposing any amendments to the bill and is actively working with California Department of Public Health and conducting outreach to third party administrator, Blue Shield of California, on resources regarding in-office vaccinations.

(M/S/C) (Burton/Yu) to take a "support" position on AB 885.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Morrow, Molina, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. There were no public comments made on this bill.

Ms. Fischer reported that since the posting of the meeting materials, AB 1552 died in the Assembly Business and Professions Committee, and there was no action required from the Board.

The Board received public comment. Mr. Francisco Leal, representative of the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova, commented that the reason for the bill was to address the shortage in dental providers in California and intended to extend the CODA accreditation to January 1, 2030. Mr. Leal referenced that AB 1519 (Low, Chapter 865, Statutes of 2019) transferred the Board's responsibility of accreditation to CODA which is an eight (8) to ten (10) year process making it impossible for the State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova and the University of De La Salle Bajio in Mexico to complete the accreditation process by January 1, 2024.

(M/S/C) (Burton/Stewart) to take a “support” position on AB 534 and send a letter to the author. The Board has had a collaborative relationship with DHBC since its creation in 2009 and supports the actions in the bill.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Morrow, Molina, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. The Board received public comment. Mr. Anthony Lum, Executive Officer of DHBC, thanked the Board staff and Ms. Burton for the recommendation to support AB 534.

(M/S/C) (Burton/Yu) to take a “support” position on SB 607 and send a letter to the author. The Board believes in the recent amendment to the bill which indicates that a foreign dental school that was approved prior to January 1, 2020, through a date between January 1, 2024 and December 31, 2026, maintains that approval through that date. The bill further provides that upon the expiration of that board approval, the foreign dental school is required to comply with the CODA or comparable accreditation process.

Ayes: Burton, Chan Felsenfeld, Larin, McKenzie, Medina, Morrow, Molina, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. There were no public comments made on this bill.

(M/S/C) (Burton/Felsenfeld) to take a “support” position on SB 652 and send a letter to the author. The Board believes in the action of the bill for creating further protection to patients 13 years of age or older by requiring that the operating dentist and at least 2 additional personnel be present throughout the procedure when deep sedation or general anesthesia is used; and that the dentist and one additional personnel maintain current certification in Advanced Cardiac Life Support (ACLS).

Ayes: Burton, Larin, McKenzie, Medina, Morrow , Montell, Olague, Pacheco, Stewart, Yu.

Nays: Chan, Felsenfeld, Molina.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. Dr. Chan pointed out that the bill requires the operator and the administering anesthesia provider to have an ACLS permit.

The Board received public comment. Ms. McCune commented that CDA had a “support if amended” position but is now in an “oppose” position. CDA’s proposed amendments were not approved which included allowing an ACLS alternative, extending the due date for the Board and Office of Oral Health report to 2023 and eliminating a second person to be trained in ACLS if there is a dedicated anesthesia provider present. Mr. Gary Cooper, Legislative Advocate for California Association of Oral and Maxillofacial Surgeons, provided a brief history and the intent of the bill. He commented that the bill would not conflict with SB 501 (Glazer, Chapter 929, Statutes of 2018) and asked the Board for a “support” position.

(M/S/C) (Burton/Stewart) to take an “oppose” position on SB 772.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Morrow, Molina, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. There were no public comments made on this bill.

Agenda Item 22(c): Prospective Legislative Proposals

There were no stakeholder proposals presented to the Board and no public comments made on this item.

At 2:18 p.m., the Board recessed for a break.

At 2:32 p.m., the Board reconvened to open session.

Agenda Item 23: Regulations

Agenda Item 23(a): Review, Discussion, and Possible Action to Initiate a Rulemaking to Implement Senate Bill 501 (Glazer, Chapter 929, Statutes of 2018) and Adopt the Following Changes Related to Anesthesia, Sedation, and the Care of Pediatric Patients in Division 10 of Title 16 of the California Code of Regulations:

- Amend Section 1017 of Article 4 of Chapter 1 (Continuing Education);
- Amend Section 1021 of Article 6 of Chapter 1 (Fees);
- Amend Sections 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, and 1043.8 of Article 5 of Chapter 2 (General Anesthesia and Moderate Sedation);
- Amend Sections 1044, 1044.1, 1044.2, 1044.3, 1044.5, and repeal Section 1044.4 of Article 5.5 of Chapter 2 (Oral Conscious Sedation);
- Amend Section 1070.8 of Article 2 of Chapter 3 (Dental Auxiliaries Education Programs);

- Adopt New Section 1043.8.1 of Article 5 of Chapter 2 (Application for Pediatric Endorsement – General Anesthesia or Moderate Sedation); and,
- Adopt New Sections 1043.9, 1043.9.1, and 1043.9.2, and New Article 5.1 of Chapter 2 (Pediatric Minimal Sedation)

Ms. Sarah Wallace, Assistant Executive Officer, and Ms. Olney provided background information and reported on the agenda item, which is available in the meeting materials. Ms. Wallace reported that Governor Edmund Brown signed SB 501 on September 29, 2018, which will become effective January 1, 2022. SB 501 will impact current General Anesthesia (GA), Conscious Sedation (CS), and Oral Conscious Sedation (OCS) for Minors permit holders in California. Ms. Wallace went through each section of the proposed regulatory language with the Board members.

Ms. Wallace indicated that SB 501 amended, added, and repealed portions of BPC sections 1601.8, 1646-1646.10, 1647-1647.9.5, 1682, 1724, and 1750.5. As a result, the Board needed to make significant regulatory updates to the current anesthesia and sedation permit program. These changes would include pediatric endorsement and patient monitoring requirements when administering anesthesia or sedation to a minor patient. SB 501 also added BPC section 1647.30, which requires the Board to create a new pediatric minimal sedation (PMS) permit. The PMS permit would be required to administer or order the administration of pediatric minimal sedation on a patient under the age of 13.

Board staff worked with the Board’s Regulatory Counsel to develop the proposed regulatory language and forms incorporated by reference necessary to update current regulations to meet the requirements of SB 501. The following is an outline of the changes proposed in the regulatory text and forms incorporated by reference:

- Current GA permit would be updated to include the following:
 - Initial application requirements
 - Renewal requirements
 - Monitoring of patients under the age of seven
 - Updating application and renewal forms
- Current Medical General Anesthesia (MGA) permit would be updated to include the following:
 - Initial application requirements
 - Renewal requirements
 - Monitoring of patients under the age of seven
 - Updating application and renewal forms
- Current CS permit would no longer be issued. New Moderate Sedation permit would be initiated and include the following:
 - Initial application requirements
 - Renewal requirements
 - Monitoring of patients under 13
 - Updating application and renewal forms

- Current OCS for Minors permit would no longer be issued. New PMS permit would be initiated and include the following:
 - Initial application requirements
 - Renewal requirements
 - Monitoring of patients under 13
 - Create application and renewal forms

- Current OCS for Adult permit would remain with no changes.

Since the posting of the meeting materials, Board staff had identified additional modifications to the proposed language and forms incorporated by reference. These modifications were posted on the Board’s website.

(M/S/C) (Burton/Chan) to approve the proposed regulatory text for Sections 1017, 1021, 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1044, 1044.1, 1044.2, 1044.3, 1044.5, 1070.8, 1043.8.1, 1043.9, 1043.9.1, 1043.9.2, New Article 5.1, and repeal of Section 1044.4 of Article 5.5 of Chapter 2 of Division 10 of Title 16 of the California Code of Regulations, and all forms therein incorporated by reference, as noticed in the proposed text. In addition, the motion directed staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorized the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing, if requested.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Morrow, Molina, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. The Board received public comment. Dr. Witcher, on behalf of CDA, thanked Board staff on their work on the regulatory language.

Agenda Item 23(b): Review, Discussion, and Possible Action to Authorize Consolidation of Proposed Amendments to California Code of Regulations, Title 16, Section 1017 (Continuing Education) Relating to Senate Bill 501 With Previously Board- Approved Proposed Amendments to Sections 1016, 1016.2, and 1017 (Continuing Education), Into a Single Rulemaking Package

Ms. Wallace provided the report, which is available in the meeting materials.

To implement the provisions of SB 501, the Board took action in the previous agenda item to initiate a rulemaking to update the application and renewal requirements for the Board’s anesthesia and sedation permit program. Part of this rulemaking includes

amendments to the Board's continuing education requirements contained in California Code of Regulations, title 16, section 1017 relating to the renewal requirements for anesthesia and sedation permits.

The Board previously initiated two other rulemakings to amend California Code of Regulations, title 16, sections 1016, 1016.2, and 1017 relating to continuing education. The first rulemaking was initiated at the Board's November 2017 meeting and included amendments to establish Basic Life Support (BLS) equivalency standards. The second rulemaking was initiated at the Board's February 2019 meeting and included amendments to require a mandatory course on the responsibilities and requirements of prescribing Schedule II opioids as a condition of licensure renewal for dentists and made other clarifying amendments.

Since the initiation of these previous two rulemakings, Board staff worked with the Board's Regulatory Counsel to develop and obtain approval of the initial rulemaking documents required to accompany proposed language for submission to the Office of Administrative Law (OAL) for publication and 45-day public comment. Because the two previously approved rulemakings relating to continuing education have not been published with OAL, and the proposed rulemaking to implement the provisions of SB 501 also contains amendments to the continuing education requirements, Board Regulatory Counsel has advised it would be most appropriate and expeditious to consolidate the three rulemakings that contain amendments to the Board's continuing education requirements into a single rulemaking package.

The consolidated proposed language to amend California Code of Regulations, title 16, sections 1016, 1016.2, and 1017 into one rulemaking is available in the meeting materials.

(M/S/C) (Burton/Stewart) to authorize the consolidation of previously approved and initiated amendments to California Code of Regulations, title 16, section 1017 relating to Senate Bill 501 with previously Board-approved and initiated proposed amendments to sections 1016, 1016.2, and 1017 into a single rulemaking package.

Ayes: Burton, Chan, Felsenfeld, Larin, McKenzie, Medina, Morrow, Molina, Montell, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: Mendoza.

Recusals: None.

The motion passed. There were no public comments made on this item.

Agenda Item 24: Adjournment

President Pacheco adjourned the meeting at 3:00 p.m.