



**DENTAL BOARD OF CALIFORNIA  
MEETING MINUTES  
February 9-10, 2023**

The Dental Board of California (Board) met by teleconference/WebEx Events on February 9-10, 2023, with the following location available for Board and public member participation:

Department of Consumer Affairs  
1747 N. Market Blvd., Hearing Room #186  
Sacramento, CA 95834

**Members Present:**

Alan Felsenfeld, MA, DDS, President  
Joanne Pacheco, RDH, MAOB, Vice President  
Lilia Larin, DDS, Secretary  
Steven Chan, DDS  
Joni Forge, DDS  
Meredith McKenzie, Esq., Public Member  
Angelita Medina, MHS, Public Member  
Sonia Molina, DMD, MPH  
Rosalinda Olague, RDA, BA  
Yogita Thakur, DDS, MS  
James Yu, DDS, MS

**Staff Present:**

Tracy A. Montez, Ph.D., Executive Officer  
Carlos Alvarez, Chief of Enforcement Field Offices  
Owen Dudley, Chief of Regulatory Compliance & Discipline  
Paige Ragali, Chief of Dental Programs and Customer Support  
Jessica Olney, Anesthesia Unit Manager  
Wilbert Rumbaoa, Administrative Services Unit Manager  
David Bruggeman, Legislative and Regulatory Specialist  
Juan Fuentes, Investigator  
Kelly Silva, Investigator  
Mirela Taran, Administrative Analyst  
Joseph Tippins, Investigator  
Judie Bucciarelli, Staff Services Manager I, Specialist, Board and Bureau Relations,  
Department of Consumer Affairs (DCA)  
Ann Fisher, Moderator, SOLID, DCA  
Bryce Penney, Office of Public Affairs, DCA  
Kristy Schieldge, Regulatory Counsel, Attorney IV, Legal Affairs Division, DCA

Trisha St. Clair, Moderator, SOLID, DCA  
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

**12:30 p.m., Thursday, February 9, 2023**

**Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum**

The Board President, Dr. Alan Felsenfeld, called the meeting to order at 12:33 p.m. The Board Secretary, Dr. Lilia Larin, called the roll; 11 Board Members were present, and a quorum was established.

**Agenda Item 2: Public Comment on Items Not on the Agenda**

Francisco Leal, voiced that he is an advocate of the Board's foreign dental school program, a program by which it has approved two schools: De La Salle University School of Dentistry and State University of Medicine and Pharmacy "Nicolae Testemitanu" of the Republic of Moldova (SUMP). He stated that during the Board's last Sunset Review, the Board decided that it would no longer approve foreign dental schools and instead sponsored legislation that transferred that responsibility to the Commission on Dental Accreditation (CODA). It also set a deadline of January 1, 2024, for the accreditation of SUMP. From the research that he has conducted, he had come to the realization that it takes 10 to 12 years to get CODA approval, which makes the January 1, 2024 deadline impossible to meet. Mr. Leal requested the Board to reassess this decision, its implications, and repercussions. Additionally, he implored the Board to take a second look at this issue, as it is a very important program that deserves a second look and to be continued.

**Agenda Item 3: Discussion and Possible Action on November 17-18, 2022 Board Meeting Minutes**

Secretary Larin requested an amendment to the November 17-18, 2022 meeting minutes on page 18, Agenda Item 24, second paragraph, first line, to strike the text "he raised."

Motion/Second/Call (M/S/C) (Chan/Yu) to approve the November 17-18, 2022 meeting minutes as revised.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Felsenfeld voiced that he had no report to provide, as there were no pertinent updates since the last Board meeting.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 5: Executive Officer Report

Dr. Tracy Montez shared that Board members, President Felsenfeld and Dr. Yogita Thakur, were reappointed to the Board and introduced the new Assistant Executive Officer, Christy Bell. She noted that the Board had 12 vacancies in various stages of the selection process. Furthermore, Board staff was processing licensing applications that had been received at the end of January. She expressed that the Board approved an education program and five courses, and Board staff would be looking at regulations and statutes to streamline and clarify the education program process. She provided a report on continuing education audits, DCA's updated logo, and the Board's upcoming newsletter that will be released in May.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 6: Update on Board Member Committee Assignments 2023

Dr. Montez expressed that the Board President has the discretion to establish committees to facilitate the work of the Board and that committees are utilized so the Board can be more efficient in the Board's use of time to be able to research projects and assignments behind the scenes and then bring those findings to the Board for consideration. She voiced that the Board's committees had not been very active in the past partially due to COVID-19 and various reasons. However, Board staff had determined to go ahead and make those committee assignments so that the Board can be prepared to tackle any issues that come up. She anticipated that some of the committees may be more active than others but was pleased that the Board Members had agreed to participate in the committees. President Felsenfeld announced that the Board had put together seven committees, and he was not sure whether all of the committees would be used frequently this year. He was relieved that the committees are in place should the need arise to allow the Board to facilitate its business and time can be spared at a future Board meeting.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 7: Report on Department of Consumer Affairs Activities, which may include updates on the Department's Administrative Services, Human Resources, Enforcement,

Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters

Judie Bucciarelli provided a departmental update. She stated that DCA released its new five-year Strategic Plan in November and officially transitioned to a new logo at the start of the new year. She shared information that at the end of 2022, DCA established its Diversity, Equity, and Inclusion (DEI) Steering Committee to guide DCA's equity, strategy, initiatives, and action plans. The DEI Committee held its second meeting on January 27, 2023, and established the committee's charter, discussed changes to the strategic planning process, and worked on the development of a DEI fact sheet. The committee was working to implement the Governor's Executive Order issued in September of last year that directs State departments to embed diversity, equity, and inclusion into their strategic plans. Ms. Bucciarelli addressed required Board Member trainings, COVID-19 state of emergency and associated executive orders, and the Statement of Economic Interests (Form 700).

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 8: Budget Report

Wilbert Rumbaoa provided a report on the State Dentistry Fund, which the Board manages, for fiscal year (FY) 2022-23. Mr. Rumbaoa noted that at the previous Board meeting, there was a five-million-dollar loan repayment scheduled for FY 23/24 and updated the Board that this had been moved to FY 24/25. He added that the estimated percentage of revenue that the Board would get from that was approximately \$39,000, which is 0.05 percent. As of January 10, 2023, the Board received the legislative annual budget appropriation upon the release of the Governor's Budget. The Board is statutorily required to remain in its appropriation spending limit and the fund's ongoing solvency. For the Governor's Budget in FY 23/24, the estimated amount of revenue is \$18.8 million, and the estimated expenditures are \$19.7 million. Currently, as of Fiscal Month 5, the Board was projected to expand \$18 million and projected to revert \$1.1 million by the end of the FY. Mr. Rumbaoa voiced that this was quite different from the previous year in which the Board reverted \$2.9 million. However, that was due to the fact that the Board was hiring more individuals and obtaining more staff.

Dr. Montez noted that the adding of more staff was going to carve into the Board's reserves or what it reverts back. She expressed that Board staff was purchasing equipment, including firearms, vehicles, laptops, and various things that need to be updated, and staff was aggressively pursuing those to make sure that all requirements are being followed. Dr. Montez was being kept apprised of the budget and wanted the Board members to feel very comfortable that although they may see more spending, it is because staff is obtaining supplies and getting things updated and upgraded as required.

Board Member Sonia Molina asked how the million dollar expenditure would reflect the Board's reserves and whether it was projected that this million was only because of equipment bought for this year. Mr. Rumbaoa replied that even with the additional

expenditures for this upcoming year, the Board was projected to still have 7.9 months in reserves. At the beginning of July 1, 2023, the Budget Act would be released, and the Board would have a new appropriation for the next year. As long as the Board was sticking within its appropriation within each FY, it would be on track.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

#### Agenda Item 9: Enforcement

##### Agenda Item 9.a.: Update on “Attorney General’s Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies, Business and Professions Code Section 312.2, January 1, 2023”

Carl Sonne, Senior Assistant Attorney General, Office of the Attorney General, provided a verbal update and presentation on the Attorney General's Annual Report.

Dr. Montez reinforced that there was a lot of variability in how this process unfolds and that it will take everyone working together to ensure that things were done correctly. She voiced that there were a lot of factors that impact the process and overall, it was very positive. Dr. Montez thanked Mr. Sonne and his staff and for their communication and collaboration with the Board.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

##### Agenda Item 9.b.: Review of Statistics and Trends

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

Dr. Montez voiced that Board staff was making headway on cases, and that she meets with Mr. Alvarez and Owen Dudley every other week to go over statistics. She reassured the Board that staff are closing cases as appropriate. She noted that Board staff had been asked by President Felsenfeld to give an overview on the enforcement process, which will come up at a future Board meeting. Dr. Montez expressed that things are moving in a positive direction, and Mr. Alvarez had done an excellent task of triaging cases.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

#### Agenda Item 10: Examinations

##### Agenda Item 10.a.: Dentistry Law and Ethics Examination

Dr. Montez provided the report, which is available in the meeting materials. She vocalized that it had been brought to her attention that there had been some potential barriers with students down in Mexico who were having challenges with coming back into California to take the Dentistry Law and Ethics Examination. Therefore, the Board was pursuing a contract with Psychological Services Inc. (PSI) to have some

opportunities for those students to take the examination in Mexico. As DCA has a master service contract for PSI, the Board would build off of that and provide some opportunities for those students to take that examination and facilitate the ability to come back into California. She stated that the Board would look at other options for its SUMP students as well if things are able to go smoothly with the contract and this process. Dr. Montez provided reassurance that the Board did listen to inquiries that come to its attention with regard to reducing barriers to licensure.

Board Member Molina asked whether students presently have to take the Dentistry Law and Ethics Examination in-person. Dr. Montez replied that students have to come back into California to take the examination, and there are computer-based testing sites through the contract that the Board currently has. She mentioned that the master contract that DCA has that splits off to the various boards is only for California sites, and the Board had to do an additional type of contract to have testing sites in Mexico. She noted that the Board has had some individuals reach out who have not been able to come back into California for various reasons. Board Member Molina asked whether the examination can be taken online. Dr. Montez replied that the exam is online but must be taken at a secure facility. As it is a high-stakes examination, the Board currently supports having the examination in a particular secure site.

Secretary Larin commented that as CODA approves more international schools, the Board would have to do something about this dilemma. Dr. Montez responded that as PSI has sites internationally, this could make way for a plethora of opportunity.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

#### Agenda Item 11: Licensing, Certifications, and Permits

##### Agenda Item 11.a.: Review of Dental Licensure and Permit Statistics

Paige Ragali provided the report, which is available in the meeting materials. As an additional note, she stated that at a previous meeting, one of the Board members inquired about data pertaining to the number of active licensees per county. Ms. Ragali noted that Board staff looked into it and at this time are unable to provide statistics on that information as there is no report that pulls those numbers.

Board Member Thakur asked whether the dentist per county charts include actively practicing dentists. Ms. Ragali replied that Board staff obtains the information of the population from a separate website, and the licensees per county was a list of total licensees with an address of record within that specific county.

President Felsenfeld added that Board staff caught up on the backlog that had been problematic in the past and thanked staff for doing a terrific job.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

## Agenda Item 12: Substance Use Awareness

### Agenda Item 12.a.: Diversion Program Report and Statistics

Mr. Dudley provided the report, which is available in the meeting materials. He noted that the next Diversion Evaluation Committee (DEC) meeting was scheduled for April 5, 2023.

President Felsenfeld asked what would happen to the two participants that had been terminated from the program. Mr. Dudley replied that these terminations happened before his tenure began with the Board and was therefore uncertain with what happened to the participants.

Tara Welch noted that it was possible that the two individuals were self-referrals and were terminated, as the diversion program does include people who self-refer into the program.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

### Agenda Item 12.b.: Controlled Substance Utilization Review and Evaluation System Report

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

President Felsenfeld asked whether the Controlled Substance Utilization Review and Evaluation System (CURES) has data on prescribers who are not following up or reports that talk about the effectiveness of what it is doing. Mr. Alvarez replied that Board staff was able to obtain CURES reports that can disclose what a physician is prescribing, patient names, type of schedules, and doses. If there was excessive prescribing, that would raise a red flag.

Board Member Steven Chan asked whether CURES was accessible to those who are not registered in CURES as licensees. Mr. Alvarez replied that if they are not prescribing, they are still able to go into CURES and make a search of what is being prescribed. Additionally, patient seekers can go on to CURES and retrieve data.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

## Agenda Item 13: Anesthesia and Sedation

### Agenda Item 13.a.: General Anesthesia and Sedation Permits: Inspections and Evaluations Statistics

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

Secretary Larin noticed there was a substantial number of postponed evaluations due to evaluators not being available and asked what happens if the renewal expires while

waiting for an evaluator and how long would one have to wait to have another evaluator become available. Ms. Olney replied that Board staff was constantly rolling over evaluations when that happens and would continue to work on them and with that permit holder. She added that the renewal itself was separate from the on-site inspection and evaluation, where renewals are due every two years, and the evaluation was scheduled every five years. Therefore, the permit holder is still able to renew their permit. Board staff work with the permit holder to schedule that evaluation and get it completed, but the licensee is still able to continue to renew. In those cases where a permit holder may not respond to notices or refuse to be evaluated, their permit is canceled.

President Felsenfeld added that this has been a problem that has been going on for a long time. Unfortunately, about two-thirds of the time, evaluators are not available. He mentioned that the Board is working on this problem and has some potential legislative changes that might make it a little bit easier to get these things done in the future. As the Board goes through Sunset Review over the next couple years, he hoped to solve some of this problem or at least modify it. Ms. Olney added that the staff who work on scheduling the on-site inspections actively pester some of the permit holders to sign up to become an evaluator.

President Felsenfeld requested public comment on this item. The Board received public comment.

Dr. Bruce Whitcher, California Dental Association (CDA) representative, voiced that the association was asking the Board to consider amending its protocol for the on-site inspection and evaluation during the transition to moderate sedation permits. As they believed that the Board had the authority to accept previous on-site inspections conducted before January 2021, they asked the Board to consider honoring inspections provided to prior Conscious Sedation (CS) permit holders for the length of duration of their evaluation, which is six years. Dr. Whitcher voiced that dental providers who had recently renewed their moderate sedation permits were no longer eligible to serve as evaluators as they have not held their permits for three years, even though they have had considerable years of experience doing evaluations. He suggested that the Board look at how this has had a big effect on the pool of moderate sedation evaluators. Furthermore, he expressed that CDA felt the permit application should include a provision that allows the Board to consider earlier CS permit credentials, as some of the applicants were having a great deal of difficulty getting the program director or whomever oversaw their training to sign off due to the fact that the program may no longer be in existence. Dr. Whitcher noted that another issue CDA had recognized was that the term for a new moderate sedation permit holder excluded a lot of licensees from participating, as they have to undergo an evaluation within a year and have to hold a permit for three years before being able to become an evaluator.



Agenda Item 13.b.: Update Regarding Board Implementation of Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018)

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

Board Member Chan pointed out that the numbers of the questions on pediatric endorsement are low considering the whole numbers and asked whether Board staff saw any barriers for how to gather that information. Ms. Olney replied that she believed that the reason the number was so much lower than what was anticipated was because permit holders were allowed to renew before January 1, 2022, to extend their expiration date. She indicated that this was going to assist Board staff in being able to spread those requests and those applications coming in and out over the next two years. Due to the fact that those individuals were allowed to renew early, this gives staff more time to implement and accept those applications.

President Felsenfeld commented that it was impressive that Board staff was processing through as they were, and that it was going very well so far. Ms. Olney replied that staff processes the actual application either the same day they receive it from the cashier unit or the next day, and they reach out directly to the permit holder by email, phone, or mail.

President Felsenfeld requested public comment on this item. The Board received public comment.

Dr. Witcher, representing himself, noted that if anyone was interested in how the renewals were looking over the next two years, Ms. Olney prepared a document, which was brought up a couple of meetings ago, that lines that out. He added that the document showed that the Board would be receiving quite a few renewals this year and into the next year.

Agenda Item 13.c.: Discussion and Possible Action Regarding Appointment of General Anesthesia and Medical General Anesthesia Permit Evaluators

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

Board Member James Yu commented that among all of the applicants, only one has completed the evaluator calibration training course; he asked how important this course was. Ms. Olney replied that this was a course that was previously done in person and that Board staff would schedule times in Southern and Northern California to conduct these evaluator trainings. She added that the Board has had this training on compact disc (CD), which was provided to applicants. Board Member Yu asked whether they would finish the training course later on. Ms. Olney replied that it had already been provided.

Board Member Thakur asked whether applicants have to attest that they watch the CD and certify that they have been calibrated. Ms. Olney replied that they are given a quiz along with it.

(M/S/C) (Felsenfeld/Chan) to appoint Dr. Samer Albadawi as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Medina) to appoint Dr. Karen Anderson-Curtin as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to appoint Dr. James Habashy as an evaluator for the general anesthesia onsite inspection and evaluation program.

Board Member Molina noted that the application asked whether the applicant would like to evaluate General Anesthesia (GA) cases, CS cases, or both and that Dr. Habashy circled "both." She inquired how the training would work, since the Board had switched to moderate sedation. Ms. Olney replied that the application itself had not been updated to include the moderate sedation and that this was an older version of the application

that was submitted. At this time, Board staff was only asking that these doctors be approved for the general anesthesia.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Pacheco/Forge) to appoint Dr. Brian Huh as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Yu/Olague) to appoint Dr. George Zakhary as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Richard L. Katz as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

*(\*Agenda Items 24.a. and b. were presented out of order. The order of business conducted herein follows the publicly noticed Board meeting Agenda.)*

Agenda Item 14: Recess Open Session Until February 10, 2023, at 9:00 a.m.

President Felsenfeld recessed Open Session at 2:36 p.m.

Agenda Item 15: Convene Closed Session

At 2:58 p.m., the Board convened Closed Session.

Agenda Item 16: Pursuant to Government Code Section 11126(e)(1) and (2)(A), the Board will Confer with and Receive Advice from Legal Counsel and Deliberate Regarding *Sulitzer, et al. v. Tippins, et al.*, United States District Court, Central District of California, Western Division, Case No. 2:19-cv-08902-GW-MAA

The Board convened in Closed Session to discuss a pending litigation matter.

Item 17: Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

This item was not discussed as there were no disciplinary matters to take action upon.

Agenda Item 18: Adjourn Closed Session

President Felsenfeld adjourned Closed Session at 3:40 p.m.

**9:00 a.m., Friday, February 10, 2023**

Agenda Item 19: Reconvene Open Session – Call to Order/Roll Call/Establishment of a Quorum

President Felsenfeld called the meeting to order at 9:08 a.m. Secretary Larin called the roll; 11 Board Members were present, and a quorum was established.

Agenda Item 20: President's Report on Closed Session Items

President Felsenfeld provided a verbal report to the Board regarding Closed Session items. He reported the Board met in Closed Session to discuss one pending litigation matter.

Agenda Item 21: Dental Assisting Council Meeting Report

Traci Reed-Espinoza, Chair of the Dental Assisting Council (DAC), provided a verbal report on the February 9, 2023 DAC meeting. Ms. Reed-Espinoza advised the Board regarding DAC discussion of DAC meeting agenda items.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 22.a.: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1635.5 Regarding Licensure by Credential Requirements

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

Board Member Molina asked whether a contract to either practice in a clinic or to teach in a school was something that must be obtained ahead of time. Ms. Ragali replied that the Board currently allows contracts as a sub-pathway to the Licensure by Credential pathway for licensure. The only changes Board staff was making to those was clarifying what happens if a contract is not fulfilled and defining the actual hours required for full-time in both settings, the faculty contract or the clinical contract. She added that applicants have to obtain a contract when they apply for licensure. Board Member Molina asked what happens if they lose their contract in the middle of the two-year timeframe. Ms. Ragali replied that if they lose the contract, the Board currently allows them to change to a new contracted place to fulfill the two-year requirement. If they do not, per the changes that Board staff are making, the contract and the license will be considered canceled or voluntarily surrendered, which would not impose discipline.

President Felsenfeld asked why there is a difference in full-time hours if one is in clinical practice versus academics. Ms. Ragali replied that it was mostly due to the fact that the Board's Loan Repayment Program and other programs define full-time as 32 hours per week when they describe clinical practice in a clinical setting and direct patient care. For the faculty contract, as it allows you to teach and to practice clinically, Board staff allowed 40 hours per week being that there are other administrative and teaching functions as well as patient care.

(M/S/C) (Larin/Chan) to include in the Board's next Sunset Review Report a recommendation to amend Business and Professions Code (BPC) section 1635.5 to clarify the Licensure by Credential application process and requirements.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment.

Tooka Zokaie, CDA representative, voiced that Dr. Steven Morrow, previous Board member, advocated during his tenure as a Board Member to lower the Licensure by Credential threshold to three years from five years, which is in parity with several other states and substantially increases portability. She asked whether the Board was still interested in doing this. Ms. Ragali replied that Board staff removed the year requirement. With the new proposed amendments, there would no longer be a requirement to practice for a minimum amount of hours as well as a minimum amount of years. With the new amendments, it would be a minimum amount of hours over a five-year period. Applicants cannot have practiced 10 years ago and use those hours to qualify for licensure; it has to be relevant practice, which is five years preceding the date of the application. At the moment, the Board only requires 5,000 hours and does not specify that it cannot be done in three years. Technically, if a dentist is working full-time, that is around 2,080 hours per year that they would earn clinical practice time. Essentially, they would be able to qualify for licensure in California under this pathway in two to three years at minimum. As a result, it is allowing more access to licensure.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 22.b.: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1701.5 and 1804 Regarding Fictitious Name Permits and Dental Corporation Name

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

Board Member Chan asked how does one track the dentist within that fictitious name that is applied to that practice. Ms. Ragali replied that the way that it works currently is that you can apply as a corporation, an individual, a partnership, or an association for a fictitious name permit. All dentists who are going to be owners/operators of that specific dental office are required to list their names and license numbers, which the Board tracks. The additional amendments previously made included information relating to all shareholders or officers of a corporation, which can be a varied amount of professionals. At this time, they are not relevant to the application process in that the purpose of the fictitious name permit (FNP) is to be able to know who is owning and operating and responsible for what is happening at the dental office. Having listed registered nurses or other professionals who can all be a part of a dental corporation up to 49 percent of the shareholders, they would not be able to be listed or tracked in our system on the permit. Board Member Chan reiterated that the latter part was not relevant, and the other way of tracking is through the licensed owners. Ms. Ragali responded that statement was correct.

(M/S/C) (Felsenfeld/Chan) to include, in the Board's next Sunset Review Report, a recommendation to amend BPC sections 1701.5 and 1804 to clarify the FNP application process and dental corporation name requirements.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 22.c.: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1750 Regarding Unlicensed Dental Assistant Course Requirements

David Bruggeman provided the report, which is available in the meeting materials. He mentioned that the Board previously approved a proposal amending the same section,

and if the Board did not proceed with the amendments being made today, the rest of the proposal that was previously approved would still go forward as a recommendation in the Board's Sunset Review Report.

(M/S/C) (Larin/McKenzie) to include in the Board's Sunset Review Report the revised legislative proposal to amend BPC section 1750 to add new subdivision (c) to clarify infection control course requirements, renumber the subdivisions, and amend subdivision (d) to clarify the timing of the completion of the other required courses.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed.

Agenda Item 22.d.: Discussion and Possible Action on Legislative Proposal to Modify Statutes Related to General Anesthesia and Sedation Permits

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

(M/S/C) (Felsenfeld/Chan) to submit to the California State Legislature in the Board's Sunset Review Report a recommendation to add Section 1646.12 to Article 2.75 and Sections 1647.35, 1647.36, and 1647.37 to Article 2.87, amend Sections 1646.1, 1646.2, and 1646.9 of Article 2.75, Sections 1647.2 and 1647.3 of Article 2.84, Sections 1647.18, 1647.19, 1647.20, and 1647.22 of Article 2.86, Sections 1647.35 and 1647.36 of Article 2.87, and Section 1724 of Article 6, of Chapter 4, and repeal Section 2079 of Article 3 of Chapter 5, of Division 2 of the Business and Professions Code.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.



Abstentions: None.  
Absent: None.  
Recusals: None.

The motion passed.

Agenda Item 22.e.: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1700 Regarding Display of License

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

Board Member Chan noted that the proposed language said “everyone” and did not state licensed. Mr. Bruggeman replied that as it was currently written, that was true.

Board Member Thakur asked for clarification that when it states everyone who practices, it also applies to dentists, hygienists, and assistants. Mr. Bruggeman replied that the practice of dentistry has a specific definition in statute that this would specifically be restricted to dentists.

Ms. Welch noted that the language currently was in BPC section 1700, subdivision (c), and that Board staff was merely attempting to clarify the conspicuous places in the facility likely to be seen by all patients. She voiced that staff was clarifying [the display requirement] was not just the name of the individuals employed to practice dentistry, but the original or copy of the current license, permit, or registration of each and every person employed at the facility to practice dentistry. A dental assistant, who does not have a permit or registration to practice dentistry because they are not required to, would not have to display anything because there is no permit or registration to display. The proposal would clarify the requirement, because before, if a dental assistant was performing acts that could be considered the practice of dentistry but do not require registration, they would have had to display their name. This changes that display requirement so that it just applies to the individuals practicing dentistry who have been issued a license, permit, or registration.

(M/S/C) (Yu/Medina) to include in the Board’s Sunset Review Report a recommendation to the California State Legislature a legislative proposal to amend BPC section 1700, subdivision (c), to clarify requirements for displaying the name of everyone employed in the practice of dentistry at an office.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.  
Abstentions: None.  
Absent: None  
Recusals: None.

The motion passed.

Dr. Montez thanked the Board for moving this forward and mentioned that this was an issue brought up by the Board's special investigators. She expressed that this validates the communication amongst Board staff for recognizing concerns and how to better address their investigations both for licensees and staff.

Agenda Item 22.f.: Discussion and Possible Action on Legislative Proposal to Repeal Business and Professions Code Section 1607 Regarding Frequency and Location of Board Meetings

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

Dr. Montez reinforced that this proposal would give the Board more flexibility. The Board still anticipates meeting quarterly but with technology now allowing boards to have the public attend virtually, it would allow for tremendous flexibility. She stated that Board staff want to be wise in the use of the Board's fiscal resources in terms of traveling and doing various things.

(M/S/C) (Molina/Olague) to include in the Board's Sunset Review Report a recommendation to the California State Legislature of the legislative proposal to repeal BPC section 1607.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.  
Nays: None.  
Abstentions: None.  
Absent: None  
Recusals: None.

The motion passed.

## Agenda Item 23: Update, Discussion, and Possible Action on Proposed Regulations

### Agenda Item 23.a.: Status Update on Pending Regulations

Mr. Bruggeman provided the report, which is available in the meeting materials. He affirmed that there were three packages worth noting. The vaccine package, which implements permanent regulations concerning dentists at the initiating and administering vaccinations, was submitted to the Office of Administrative Law (OAL) on December 16, 2022, and was approved by OAL and filed with the Secretary of State on January 24, 2023. The emergency regulations that had been in effect have been substituted by the permanent regulations. He noted that the package concerning temporary licensure for military spouses and partners was connected with Assembly Bill (AB) 107, and Board staff had been diligently revising the package in light of the new language that was approved at the November 2022 Board meeting. Mr. Bruggeman communicated that Board staff anticipated being able to submit the rulemaking package to DCA by the end of the month, hopefully getting it noticed in March. Additionally, another new rulemaking package would make updates to the Disciplinary Guidelines and the regulation that incorporates those Guidelines.

### Agenda Item 23.b.: Discussion and Possible Action to Initiate a Rulemaking and Amend California Code of Regulations, Title 16, Section 1018, Disciplinary Guidelines

Mr. Bruggeman gave the report on this item, which is available in the meeting materials. Mr. Bruggeman stated that the Board's Disciplinary Guidelines (Guidelines) were last updated in 2010. Since that time, there had been changes to the Board's laws and regulations, and changes in the administration of various penalties for violations, requiring the Guidelines to be updated. The proposed amendments would make the Guidelines consistent with current law and the current probationary environment, clarify the terms and conditions of probation to reduce the likelihood of misinterpretation, and strengthen consumer protection.

Mr. Bruggeman further stated that California Code of Regulations (CCR), title 16, section 1018 references the Guidelines and requires the Board to consider these Guidelines "[i]n reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.)." The Guidelines are incorporated by reference, and any update to the Guidelines requires an update in the regulation.

Mr. Bruggeman continued with his summary of the proposed changes and explained that, aside from non-substantive changes for word choice, consistency of language, ease of reading and formatting, the proposed updates to the Guidelines include the following:

- Amend the title in the proposed text and to the Disciplinary Guidelines to include the words "and Denial" to account for references to statutes governing denials of applications (e.g., BPC section 480) and recommended enforcement actions in the Guidelines.

- Establish criteria for when to use the Board’s approved Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Terms and Conditions (“Uniform Standards”). In compliance with BPC section 315, in 2014, the Board adopted the document entitled “Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders, New February 28, 2013, incorporated by reference in CCR, title 16, section 1018.01. The terms in that document are required to be used in any probationary order of the Board affecting a licensee found to be a substance abuser. Enforcement staff had indicated confusion regarding how and when to apply those Uniform Standards. Staff and counsel were proposing adding notes and additional clarifying direction to help assist the users of the Guidelines in understanding how and when the Uniform Standards are to be used in lieu of the terms listed in the Guidelines.
- Add “terms and” before the word “conditions” throughout the document.
- Reflect changes to California law since the last version of the Guidelines were approved by the Board, including the adoption of Substantial Relationship Criteria and rehabilitation criteria as outlined in CCR, title 16, sections 1019 and 1020, respectively, and required by BPC sections 480, 481, and 482, as amended by AB 2138 (Chiu, Chapter 995, Statutes of 2018).
- Add the term “Disclosure of Probation Status to Patients” and rationale to the list of Standard Probationary Terms and Conditions, which is required pursuant to BPC section 1673 only for probationers meeting specified criteria (e.g., commission of any act of sexual abuse, misconduct, or relations with a patient or client). This new Term reflects the requirements of BPC section 1673, which was put into law since the last Guidelines update.
- Rename Standard Term (6) from “Status of Residency, Practice, or Licensure Outside of State” to “Tolling of Probationary Period.”
- Standard Term (11) will be removed, and some provisions of that term will be moved into renamed Term 6, which affects how the probationary period is tolled or suspended, given the ability of the licensee to practice as a condition of their probation.
- Add Standard Term (15) Civil Penalty and rationale as this penalty is required in cases where a respondent fails or refuses to comply with a request for patient dental records or fails or refuses to comply with a court order mandating the release of records to the Board pursuant to [BPC section 1684.1].
- Add model introductory language for all Disciplinary Orders.
- Add Notes to the Standard Terms section indicating that the Standards will apply for Substance Abusing Licensees.
- Insert “terms and” before references to conditions throughout the Guidelines.

- Add clarifying language to Standard Term (1) “Obey All Laws” and expand the rationale to cover the discipline from other boards and/or agencies.
- Strike redundant and unnecessary language on license restoration from Standard Term (3) “Comply with the Board’s Probation Program” and include additional rationale for this term.

For efficiency’s sake, the Board members were referred to the meeting materials for the additional proposed amendments to the Guidelines.

Kristy Schieldge recommended additional amendments to the Guidelines, p. 27 (p. 39 of the Board meeting materials packet), in the first sentence of the Optional Term “Examination” to remove the words “or other state, regional or national” and “the Board accepts for licensure.” Ms. Schieldge stated that the law can be vague, and the purpose of a regulation is to make specific what the law leaves unclear. She further explained that the Board currently does not recognize any other state, regional, or national exam, except for WREB, which was being phased out by the end of the year, and ADEX. She stated that specifically what the exams that would be required for a probationer or petitioner for reinstatement to take would be the ADEX. The Board should look at what the Board would implement in the foreseeable future, what the Board knows currently exists in law, and what the Board can defend to OAL. She recommended striking the language in the meeting packet version so that the sentence would read “Respondent shall not practice dentistry until Respondent has passed the American Board of Dental Examiners (ADEX) examination.”

President Felsenfeld received clarification on the proposed amendments. Board Member Chan asked about the appropriateness of adding order language for termination or modification of probation. Ms. Welch did not consider it necessary as it would be difficult to develop standard language for such orders, given the number of variables that may be involved in each case.

President Felsenfeld inquired whether any Board member wanted to propose the amendments suggested by counsel to the regulatory text.

(M/S/C) (Pacheco/Forge) to accept the amendments on page 27 of Disciplinary Guidelines, in the first sentence of the Optional Term “Examination,” to remove the words “or other state, regional or national” and “the Board accepts for licensure” so that the sentence would read “Respondent shall not practice dentistry until Respondent has passed the American Board of Dental Examiners (ADEX) examination.”

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu

Nays: None

Abstentions: None

Absent: None

Recusals: None

The motion passed.

(M/S/C) (Felsenfeld/Medina) to approve the proposed regulatory text for Section 1018 and incorporated Guidelines, as amended at this meeting. In addition, submit the approved 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, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as noticed for 16 CCR section 1018.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Felsenfeld, Forge, Larin, McKenzie, Medina, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None

Abstentions: None

Absent: None

Recusals: None

The motion passed.

\*Agenda Item 24: Update, Discussion, and Possible Action on 2023/2024 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession  
Agenda Item 24.a.: 2023 Tentative Legislative Calendar – Information Only

Mr. Bruggeman provided an overview of the 2023 Tentative Legislative Calendar, which is available in the meeting materials. Mr. Bruggeman stated that the Legislature recently started another two-year session, and [the Legislature] is relatively early in that session. One relevant deadline is February 17, 2023, as that is the last day that bills can be introduced for consideration in this legislative year. He mentioned that there had been a considerable amount of activity over the last few weeks in terms of new bills being introduced, and depending on various circumstances, some of these bills being introduced would be amended later. Mr. Bruggeman noted AB 481, which was referenced during the DAC meeting, was submitted by representatives from CDA and has been introduced as simply making a non-substantive change to BPC section 1740. He presumed that by the Board's May meeting, the Board would be in a position to hold a more substantive discussion on the bill and take appropriate action at that time.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

\*Agenda Item 24.b.: Legislation of Interest

Mr. Bruggeman provided the report, which is available in the meeting materials. He mentioned that out of 900 bills that had been introduced so far in this session, he had only found a handful worth tracking. Besides AB 481, there was a resolution currently going through the Assembly to designate February as Dental Health Month. Once that had been approved, Mr. Bruggeman voiced that he would make the appropriate notation for the Board. He stated that another relevant deadline was April 28, 2023, as that was the last day for policy committees to consider and approve bills that are originating in that specific house. Therefore, for bills relevant to the Board, the Assembly Business and Professions Committee would need to consider any legislation introduced in the Assembly by late April. The Board's prime window to make any actions with respect to legislation would be at the May meeting.

President Felsenfeld asked whether AB 481 was considered a spot bill, placeholder, or something that would be reworked as time goes on. Mr. Bruggeman replied that would be the technical term, and that if nothing changed, AB 481 would make non-substantive changes to the Dental Practice Act.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 25: Discussion on Prospective Legislative Proposals

Mr. Bruggeman introduced the report, which is available in the meeting materials.

President Felsenfeld requested public comment on this item. The Board received public comment.

Mr. Leal expressed his concern about the current state law that essentially requires SUMP and any foreign school to be accredited via CODA. He voiced that the packet he provided to Board staff was an accumulation of documents that showed how extensive and complicated CODA is, it takes 10-12 years, and it is difficult, if not impossible for CODA to achieve the mandate by 2024. He noted that included in the packet were supporting documents from parents, students, and stakeholders promoting the program. Mr. Leal stated that in the packet, he provided four options. The first option was for the Board to take the responsibility of evaluating foreign dental schools in-house and create a system as done with SUMP and De La Salle University School of Dentistry. The other option was to take those two schools, the only two schools that had been accredited historically, and grandfather them in, because to subject them to start over through CODA was extremely difficult. He stated that the documents that he provided showed that De La Salle University School of Dentistry went through the CODA accreditation process, which took about 11 years, and was denied. He continued, if CODA was a true commitment from the Board, which he was not in favor of, the third option would be that more time is needed to ensure that the accreditation process can be completed. He assured the Board the process did not take three, five, or seven years, but 10-12 years. He noted that he found in the Board's legislation a sentence that said the Board could essentially identify an accrediting body that it could choose for approval purposes that would keep it in California. Mr. Leal requested that the four options be put forward in the Board's Sunset Review session or in some fashion.

Dr. Montez clarified for the record that she had suggested to Mr. Leal to make his two-minute presentation and then to provide any written documents to Board staff for consideration for a future Board meeting. She mentioned that his materials had been provided to Board staff for the next steps.

Board Member Molina commented that she has a daughter who was attending SUMP and would be graduating in June. She personally knew the value of this program and was concerned that the requirements of CODA accreditation may result in the termination of this program. The creation of the schools was intended to address the shortage of dentists especially in underserved communities. She requested that the Board take a serious look at this issue. As the Board had new members who may not be familiar with the history, a thorough review should be done with the objectives of having both SUMP and De La Salle University School of Dentistry continue as the Board's two approved dental schools. She stated the Board had already evaluated the schools and approved them. She stated that if the schools apply, CODA can accredit them, but for these two schools that have a proven record of training great dentists, the Board should work with these two schools to do what this Board did in the past and approve them.

President Felsenfeld replied that Board Member Molina's request would be addressed through Board staff, and then go back to the Board.



Agenda Item 26: Adjournment

President Felsenfeld adjourned the meeting at 10:46 a.m.

*\*Agenda Item was covered on Thursday, February 9, 2023.*