



**DENTAL BOARD OF CALIFORNIA
DENTAL ASSISTING COUNCIL
MEETING MINUTES
August 17, 2023**

The Dental Assisting Council (Council) of the Dental Board of California (Board) met on Thursday, August 17, 2023, at the following location available for Council and public member participation:

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

Members Present:

Traci Reed-Espinoza, RDAEF, Chair
Cara Miyasaki, RDA, RDHEF, MS, Vice Chair
Jeri Fowler, RDAEF, OA
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH, MAOB
Kandice Rae Pliss, RDA

Members Absent:

De'Andra Epps-Robbins, RDA

Staff Present:

Tracy A. Montez, Ph.D., Executive Officer
Paige Ragali, Chief of Dental Programs and Customer Support
Jessica Olney, Anesthesia Unit Manager
Rikki Parks, Dental Assisting Program Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
David Bruggeman, Legislative and Regulatory Specialist
Joe Tippins, Investigator
Kelly Silva, Investigator
Mirela Taran, Administrative Analyst
Alex Cristescu, Office of Public Affairs, Department of Consumer Affairs (DCA)
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

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

Council Chair, Ms. Traci Reed-Espinoza, called the meeting to order at 8:38 a.m.; six members of the Council were present, and a quorum was established.

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

There were no public comments made on this item.

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Agenda Item 3: Discussion and Possible Action on May 18, 2023 Meeting Minutes

Ms. Taran advised the Council of a proposed amendment requested by the [Dental Assisting Alliance] to the meeting minutes on page 7, Agenda Item 8, third paragraph, first line, to strike “and the California Dental Extended Functions Association”.

Motion/Second/Call the Question (M/S/C) (Miyasaki/Fowler) to approve the May 18, 2023 Meeting Minutes as revised.

Chair Reed-Espinoza requested public comment before the Council acted on the motion. The Council received the following public comments.

Shari Becker, representing the Alliance, and Joan Greenfield, clarified the request for an amendment to the meeting minutes on page 7, Agenda Item 8, third paragraph, first line, to strike and replace “California Dental Extended Functions Association” with “California Extended Functions Association (CEFA)”.

Vice Chair Cara Miyasaki accepted the revisions to the motion to strike and replace “California Dental Extended Functions Association” with “California Extended Functions Association (CEFA)” on page 7, Agenda Item 8, third paragraph, first line, of the meeting minutes, and Council Member Jeri Fowler seconded the revised motion.

Chair Reed-Espinoza requested public comment on the revised motion before the Council acted on the motion. There were no public comments on the revised motion.

Chair Reed-Espinoza called for the vote on the motion. Ms. Mirela Taran took a roll call vote on the motion.

Ayes: Fowler, Miyasaki, Olague, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: None.

Absent: Epps-Robbins.

Recusals: None.

The motion passed and the minutes were approved.

Agenda Item 4: Executive Officer Report

Dr. Tracy Montez shared that she has been meeting regularly with the Chair and Vice Chair to review agenda minutes and discuss any pertinent items that are coming up for the Council. Additionally, she has been working with the various associations, including the Alliance and the California Dental Association (CDA), on Assembly Bill (AB) 481 [(Wendy Carrillo, 2023)]. Dr. Montez mentioned that she is excited about the progress that was made on feedback. Dr. Montez added that staff have been processing applications very efficiently, and that while staff has gone a little outside of the 30-day window, they should be back within that window very shortly.

Chair Reed-Espinoza requested public comment on this item. There were no public comments made on this item.

Agenda Item 5: Update on Dental Assisting Examination Statistics

Rikki Parks provided the report, which is available in the meeting materials.

Chair Reed-Espinoza requested public comment on this item. There were no public comments made on this item.

Agenda Item 6: Update on Dental Assisting Licensing Statistics

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

Vice Chair Miyasaki asked if an RDA licensee receives an automatic waiver on the pit and fissure sealant course requirement for RDA license renewal if the RDA has taken the pit and fissure sealant course while attending a registered dental hygiene program.

Ms. Parks replied that they would be required to complete a Board-approved course for RDA license renewal and believed this is one of the items that Board staff have been researching internally as far as revamping the requirements. Vice Chair Miyasaki asked whether a student would still need to take the eight-hour infection control course, as RDH programs have a comprehensive infection control class, although not Board approved. Ms. Parks responded that they would.

Dr. Montez commented that on page 22 of the meeting materials, the RDA 22/23 Dental Assistant Applications Approved by Month table shows a total of 3,831 approved applications, which is a substantial amount. She gave Ms. Parks and her team credit as they have been working extremely hard despite the vacancies that their unit has had recently.

Chair Reed-Espinoza requested public comment on this item. There were no public comments made on this item.

Agenda Item 7: Update on Registered Dental Assistant and Registered Dental Assistant in Extended Functions Educational Programs and Courses Application Approvals

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

Chair Reed-Espinoza asked how many site investigations or visits the Board is planning on doing every quarter or a year. Ms. Parks responded that the Board has two pending provisional visits and hopes to establish a prospective date to conduct these visits sometime in August as they become eligible for a site visit, meaning that their application is complete, and that this would pertain to the programs for RDA and registered dental assistant in extended functions (RDAEF).

Chair Reed-Espinoza asked if the two pending visits are for new applicants and asked for confirmation that this is not going to be past education centers. Ms. Parks responded that is correct.

Dr. Montez shared that the Board did have its program and course approvers, subject matter experts, onsite recently, and Ms. Parks and her team were working with them. As a result, the Board has had some additional programs and courses approved. She noted that Board staff also are reviewing the criteria for doing those site visits while working very closely with its subject matter experts and making sure that they are staying close to the Board's laws and regulations. She voiced that there has been a slight delay in doing the site visits, as Board staff are revamping the process to make sure that it is very clear and transparent.

Chair Reed-Espinoza requested public comment on this item. There were no public comments made on this item.

Agenda Item 8: Update, Discussion, and Possible Recommendation on Criteria to Become a Subject Matter Expert or Site Evaluator for Board Approval of Dental Auxiliary Educational Programs and Course

Chair Reed-Espinoza stated this item had been pulled from the agenda and may be discussed at the November Council meeting.

Agenda Item 9: Discussion and Possible Recommendation Regarding Penalties for Fraudulent Advertising and Misinformation of Dental Assistant Educational Programs and Courses

Dr. Montez provided the report, which is available in the meeting materials.

Chair Reed-Espinoza asked Dr. Montez for guidance on what she would like to do in regard to disciplinary action.

Tara Welch voiced that the Council needs to be clear about the terminology it is using since there is no license or permit issued to educational programs and courses, and the proposal is for an enforcement action, not a disciplinary action. She stated that an enforcement action would look like issuing to a program or course in violation of false or misleading advertising a citation with an administrative penalty. Due to the significant harm to program and course students who receive false information from the program or course, on which the students then rely and are subsequently in trouble later when they are applying for their license or permit, and the negative impact on consumers with that false advertising impact on students, it seems like the Legislature should potentially look at significant fines.

Vice Chair Miyasaki voiced that this is a good Board direction, and it is a barrier to licensure if a candidate or student goes to a program and they are not getting the appropriate information. She hoped that this would transfer over to the basic life support certifications. Now and again, she has heard from educators that students many times

are directed to take a cardiopulmonary resuscitation (CPR) or basic life support (BLS) class, and the courses advertise something in really small print that they are similar to American Heart Association or the American Red Cross, but the course is all online and no hands-on training. The students, as much as they are given direction and copies of appropriate CPR certificates, still occasionally take the wrong course and do not find out until after they apply for their RDA license, resulting in a delay in their application process. Vice Chair Miyasaki has heard from educators and has had phone calls at least three times this year regarding students who are interested in going through dental assisting but have been told by a program that has dental assisting and dental hygiene that they have to go through their dental assisting program before they go through their dental hygiene program. She believes that the Board could use this language for instances or circumstances like that.

Council Member Kandice Pliss indicated it is imperative to take action on this topic, as there is a ripple effect on not only the student's finances but also their family and their time. She continued that as there is an evident issue trying to get people into the field, if students are misled or give up because of confusion on how to get licensed, there is no reason to not fine the programs/courses.

Vice Chair Miyasaki voiced that for Commission on Dental Accreditation (CODA) approved programs, the Board is required to post the cost of those programs online on its website as it is supposed to be public knowledge. All dental programs and dental hygiene programs do that because they are all CODA approved but not all dental assisting programs in California are CODA-approved programs. She added that the cost of the programs is often hidden for many of the programs that may be more expensive, and she hoped that at some point there can be a discussion or agenda item about posting the cost of the programs as public knowledge.

Dr. Montez communicated that is something Board staff needs to flag as they look at regulations for the RDA.

(M/S/C) (Miyasaki/Pliss) to recommend to the Board including this issue in the Board's Sunset Review Report and requesting that the California State Legislature create a clear enforcement action statute, with prescribed Board administrative enforcement actions, such as issuing to an educational program or course in violation of false or misleading advertising a citation with an administrative penalty to be determined by the Legislature, to combat fraudulent advertising and misinformation distributed by educational programs and course providers.

Chair Reed-Espinoza requested public comment before the Council acted on the motion. The Council received the following public comment.

Ms. Becker, representing California Dental Assistants Association (CDAA), verbalized that this is great and has been needed for quite some time, and they appreciate the Council moving forward with this and seeing what comes in the future

Chair Reed-Espinoza called for the vote on the motion. Ms. Taran took a roll call vote on the motion.

Ayes: Fowler, Miyasaki, Olague, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: None.

Absent: Epps-Robbins.

Recusals: None.

The motion passed.

Agenda Item 10: Update, Discussion, and Possible Recommendations on Proposed Regulations

Agenda Item 10.a.: Status Update on Pending Regulations

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

Chair Reed-Espinoza requested public comment on this item. There were no public comments made on this item.

Agenda Item 11: Update, Discussion, and Possible Recommendation on Pending Legislation

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

Mr. Bruggeman stated that AB 481 has continued to proceed through the legislative process since the May Board meeting and is currently scheduled for a hearing before the Senate Appropriations Committee on August 21, 2023. At the May meeting, the Board voted to take a support if amended position on the bill, and Board staff prepared a letter that was submitted to the Legislature outlining those concerns, much of which was informed by the discussion from the Council at its May meeting. The bill has been amended twice since then, and those amendments revised several definitions in part addressing some but not all of the feedback the Board has received. Mr. Bruggeman expressed that there has been a lot of reorganization done to the bill, including some changes to the implementation dates. For instance, new permitted duties for the orthodontic assistant and dental sedation assistant permits were moved from January 1, 2026 to June 30, 2024. He noted that there is a significant interest from stakeholders in getting this bill passed and implemented soon compared to previous versions of the bill. Based on these amendments, the Board President and Vice President serving as the Board's Executive Committee did revise the Board's position from support if amended to support.

Chair Reed-Espinoza asked whether the bill could be revised in regard to the placement and removal of healing cap and transfer abutments to either put a slash or state "or impression coping." She requested this revision because on the part that comes for doing the impression that an RDAEF2 can do as a master impression, that box states

impression coping; it does not state on all of the systems, which there are several systems, transfer abutment. Dr. Montez advised Chair Reed-Espinoza to state the line of the bill that Chair Reed-Espinoza is referencing and to phrase this in a "I would like to recommend" as this is not the Board's bill. The discussion would go to the Board to convey any recommendations that the Council has to CDA, who is the sponsor of the bill. Chair Reed-Espinoza clarified that she was referencing section 24, line item four number (2), which states "Place and remove healing caps and transfer abutments." She requested adding an addition to state "or impression coping".

Council Member Jeri Fowler noticed that some of the duties for the RDAEF were added back in and that there were two that were still left off. Previously, it was Business and Professions Code (BPC) section 1753.5, subdivision (b), line item (4), Size and fit endodontic master points and accessory points, and line item (5), Cement endodontic master points and accessory points. She noted that by removing these, the bill removed the end operation from the RDAEF allowable duties. She requested those duties be added to the bill under section 24, BPC section 1753.1 by adding on an item (8) and item (9) under subdivision (b). Council Member Fowler asked whether there is a reason as to why that was left off. Mr. Bruggeman responded that he cannot speak to the specific reasons but that he has made note of the particular suggestion with respect to those duties.

Vice Chair Miyasaki voiced that BPC section 1747, subdivision (b), lines 30 to 32 state "Evidence of completion of eligibility requirements under this section shall be dated no more than five years immediately preceding application for licensure under Section 1748." She inquired whether the word "application" should be replaced with "graduation," if that is what the intent is. Regarding BPC section 1750.1, subdivision (a), line 11, which states that the dental assistant can "Cure dental materials used for orthodontic procedures with a light-curing device," she expressed that this scope should be expanded to just say "procedures" and not just "orthodontic procedures."

Regarding section 24, line 35, subdivision (c), that all the RDAEFs licensed on or after 2024 can perform these duties, Chair Reed-Espinoza asked whether there is any language regarding the RDAEFs who are already licensed. Mr. Bruggeman responded that as the bill is currently written, there would be no provisions for those licensed prior to that date to take the appropriate courses or other things that would be deemed necessary for them to perform these new additional duties. Based on what he is hearing, the recommendation is that there should be some provision in there for those licensed prior to June 1, 2024, to take appropriate steps to perform those duties. Dr. Montez clarified that the recommendation is not to simply grandfather them into the bill but to make sure that they take some sort of course work so that they can do those duties as stated.

Vice Chair Miyasaki recommended for the authors to add the language about posting their costs to their programs as public knowledge.

Ms. Welch responded that Vice Chair Miyasaki could include her suggestions in the Council's recommendation to the Board, which they will then discuss whether or not to include that in comments the Board provides to the author of the bill. She noted that those comments likely will get transmitted to the sponsor of the bill for potential revision.

Chair Reed-Espinoza requested public comment on this item. The Council received the following public comments.

Ms. Greenfield, representing that the Dental Assisting Alliance, noted that in the original BPC section 1753.4 that lists the RDAEF duties, number (1), the original duty was "Conduct preliminary evaluation of the patient's oral health, including, but not limited to, charting, intraoral and extra-oral evaluation of soft tissue, classifying occlusion, and myofunctional evaluation." The new function is number two in the new list of functions and what has been left out or changed is they are no longer intraoral evaluation of soft tissue. Currently, it reads, "Perform oral health assessments, including intraoral evaluations to identify oral lesions, extraoral evaluations of soft tissue, classifying occlusion, performing myofunctional evaluations, and oral cancer screenings as authorized by the supervising dentist." In regards to Chair Reed-Espinoza's comment in number 10, place and remove healing caps and transfer abutments, in attempting to work with the author of this bill, the Dental Assisting Alliance has tried very hard to get them not to paint themselves in a corner with specific terminology that might change in the future. The Alliance feels that it might be better to use some different verbiage that would say "and/or other attachments" as those terms are going to change in the future. If more generalized terms could be utilized in that area that would probably be helpful in the future.

Vice Chair Miyasaki asked Ms. Greenfield what the section number for the first point she brought up was. Ms. Greenfield responded that it was BPC section 1753.4 (the original) relating to intraoral, and the new version for performing health assessment is the second item in the bill. In reference to the concern if additional education is required for individuals who are already licensed as an RDAEF2, Ms. Greenfield added that she would look very closely at a couple of these duties that personally they have already been teaching, assuming that it was part of a direct restoration; one of those would be performed post and core build up procedures. As they have already been teaching that, she is not sure that would add any time or requirement.

Tooka Zokaie, CDA representative, expressed that they appreciate the different comments that have been raised about language and verbiage in AB 481. If the CDA is going to look at endodontic duties, they can go back and make sure that that is clear. They also will look at the words "application" and "graduation" and discuss the difference between the verbiage there. Ms. Zokaie affirmed that the CDA does think that posting cost is currently outside of the scope of the bill. In terms of the intraoral evaluation of soft tissue, she disclosed that it currently includes intraoral for lesions and extraoral for soft tissue, but CDA can review with the Council the importance of intraoral evaluation of soft tissue. In terms of implant terminology, if it changes in the future, that

would be something to consider, as CDA cannot anticipate how language may change for implants. However, if there are recommendations from the Board for specific language, CDA will review that language and see if it is appropriate, but they cannot anticipate how language may change in the future.

Chair Reed-Espinoza commented that the Council wanted to make sure that everything that was already a duty is still included in that duty.

Dr. Bruce Whitcher, CDA representative, requested that the Council send any comments regarding specific changes to them in writing.

Vice Chair Miyasaki asked for clarification whether the endodontic duties of size and fit endodontic master points and accessory points and cement endodontic master points and accessory points are still included as a duty for RDAEFs. Mr. Bruggeman replied that he would need to review the bill and will provide Vice Chair Miyasaki with a response.

(M/S/C) (Miyasaki/Reed-Espinoza) to recommend to the Board the following comments for potential amendments to AB 481: 1) in BPC section 1753.4, under the charting, that the verbiage concerning the evaluation of soft tissue include intraoral evaluation; 2) the language used for healing caps and transfer abutments include language, such as other attachments, and that the verbiage for the eligibility for an RDA be looked at to include possibly "graduation" versus the term "application;" 3) to confirm that the RDAEF duties of sizing and fitting and endodontic master points and accessory points and cement endodontic master points and accessory points are still part of the RDAEF functions; 4) for BPC section 1750.1, subdivision (a)(11), the language of "cure dental materials used for orthodontic procedures with a light-curing device" be changed to "cure dental materials used for procedures with a light-curing device," which would delete the word "orthodontic;" and 5) that additional education requirements would be required for graduates who have graduated prior to June 1, 2024, in order to perform the additional duties that they did not learn in their prior education.

Chair Reed-Espinoza requested public comment before the Council acted on the motion. The Council received the following public comments.

Melodi Randolph, Dental Assisting Alliance representative, noted that as an example, if an individual takes a coronal polish course now on the 15-month dental assisting track, and they took it after 10 months in December; starting January 1, they will not have had 15 months' work experience yet. She expressed that there is going to be a gray area there between what is current regulation and what is new regulation and when all of that is cleaned up and implemented and asked if that is something the Council is going to be creating regulations for. Mr. Bruggeman responded that should the law be passed this year and signed by the Governor, the effective date would be January 1, 2024, unless there are specific provisions in the bill that stated a different implementation date. To his knowledge, that would not apply to the provisions that Ms. Randolph discussed. The

new pathways that are created by the bill would come into effect as of January 1, 2024. Therefore, those requirements would have the force of law.

Ms. Randolph asked that if in the new bill, an individual who takes a coronal polishing course after they have completed their 15 months' work experience and the 1,280 hours, can immediately coronal polish without becoming an RDA, and if an individual has their coronal polish in December after 10 months work experience, when will they be able to start coronal polishing. She inquired whether they would have to become an RDA to coronal polish, as that is what it is currently, or would they be able to start coronal polishing after they have achieved their 15 months' work experience. Ms. Welch advised that those comments should be provided to the author and the sponsor of the bill and stated that implementation is a concern because it can take two to four years to revise regulations. She noted that if there is a concern about regulatory amendments, that needs to be properly considered with the effective date of the bill.

Dr. Montez added that the Board is hesitant to give specifics because of the ever-evolving changes in the bill, and they are trying to address things as they come up in this kind of context and share the information with the author.

Chair Reed-Espinoza called for the vote on the motion. Ms. Taran took a roll call vote on the motion.

Ayes: Fowler, Miyasaki, Olague, Pacheco, Pliss, Reed-Espinoza.

Nays: None.

Abstentions: None.

Absent: Epps-Robbins.

Recusals: None.

The motion passed.

Agenda Item 12: Adjournment

Chair Reed-Espinoza adjourned the meeting at 9:39 a.m.