



**DENTAL BOARD OF CALIFORNIA  
MEETING MINUTES  
October 12, 2023**

The Dental Board of California (Board) met on October 12, 2023, with the following location available for Board and public member participation:

Department of Consumer Affairs  
1625 N. Market Blvd., Hearing Room #102  
Sacramento, CA 95834

**Members Present:**

Alan Felsenfeld, MA, DDS, President  
Joanne Pacheco, RDH, MAOB, Vice President  
Lilia Larin, DDS, Secretary  
Steven Chan, DDS  
Angelita Medina, MHS, Public Member  
Sonia Molina, DMD, MPH  
Yogita Thakur, DDS, MS  
James Yu, DDS, MS

**Members Absent:**

Joni Forge, DDS  
Meredith McKenzie, Esq., Public Member  
Rosalinda Olague, RDA, BA

**Staff Present:**

Tracy A. Montez, Ph.D., Executive Officer  
Carlos Alvarez, Enforcement Chief (South)  
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  
Juan Fuentes, Investigator  
Mirela Taran, Administrative Analyst  
Joseph Tippins, Investigator  
Kristy Schieldge, Regulations Counsel, Attorney IV, Legal Affairs Division, Department of Consumer Affairs (DCA)  
Cesar Victoria, Office of Public Affairs, DCA  
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

**8:30 a.m., Thursday, October 12, 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 8:49 a.m. The Board Secretary, Dr. Lilia Larin, called the roll; eight Board Members were present, and a quorum was established. Board Members Joni Forge, DDS, Meredith McKenzie, Esq., and Rosalinda Olague, RDA, BA were absent.

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

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

**Agenda Item 3: Discussion and Possible Action to Consider**

**Agenda Item 3.a. Comments Received During the 45-Day Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Adopt California Code of Regulations (CCR), Title 16, Section 1006 (AB 107: Temporary Licenses for Military Spouses or Partners)**

**Agenda Item 3.b. Adoption of CCR, Title 16, Section 1006 (AB 107: Temporary Licenses for Military Spouses or Partners)**

Kristy Schieldge advised the Board on recent developments and adverse comments received from the Office of Administrative Law regarding another DCA agency's regulations proposal involving temporary licenses for military spouses or partners that is substantially similar to this Board's proposed text. She recommended the Board table these items at this time and agendize the items for a future Board meeting.

(M/S/C) (Pacheco/Yu) to table the Agenda Items 3.a. and b. for a future Board meeting.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

**Agenda Item 4: Legislative Proposals**

**Agenda Item 4.a.: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1647.3 Regarding Moderate Sedation Permit Requirements**

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

(M/S/C) (Pacheco/Thakur) to revise and include in the Board's Sunset Review Report the legislative proposal to amend Business and Professions Code section 1647.3 regarding moderate sedation (MS) permit requirements.

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

Tooka Zokaie, representing the California Dental Association (CDA), highlighted that these sedation training programs appear to meet an unmet need due to the relatively few accredited dental schools that offer stand-alone MS training programs for dentists who have been practicing for several years and wish to expand their practice to the administration of MS. CDA encouraged the Board, either within the motion or in separate activities, to explore the lack of appropriate training programs that are available if this were to pass, how that would impact MS availability and training within California, and the impacts this would have on Senate Bill (SB) 501 and if it would need to be included within an amendment in the legislative rather than the regulatory amendment that is being requested.

Secretary Larin commented that page 22 of the meeting materials states, "For procedures performed under paragraph (3) of subdivision (d), the procedures shall be performed under the direct supervision of a California-licensed dentist who holds a board-issued general anesthesia or moderate sedation permit with a pediatric endorsement issued by the board." She suggested the Board substitute "the Board" with "the California Dental Board" to avoid confusion. Mr. Bruggeman responded that the way the statutes are constructed, the use of the word "board" in this context refers to the Dental Board of California.

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

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

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

#### Agenda Item 5: Discussion and Possible Action on the Board's 2024 Sunset Review Report

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

(M/S/C) (Chan/Yu) to approve Section 1 of the Dental Board of California 2024 Sunset Review Report.

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

Dr. Lori Gagliardi, representing the Foundation for Allied Dental Education (FADE), voiced that page 45 of the Board's 2024 Sunset Review Report references Basic Life Support (BLS) and the rulemaking, effective in January of 2023, which indicates that the Board is accepting other BLS providers including Objective Structured Clinical Examination (OSCE), the Academy of General Dentistry Program Approval for Continuing Education (PACE), and the American Dental Association Continuing Education Recognition Program (CERP). However, in the dental assisting portion, it indicates that the Board only accepts the American Heart Association (AHA), American Red Cross (ARC), or anything approved by the Board. She noted that FADE is asking that the dental assisting portion be consistent with the continuing education regulations that the Board recently passed to accept the other providers for individuals in dental assisting who are applying for an Registered Dental Assistant (RDA) license or any of the permits that would need a BLS. In reference to Interim Therapeutic Restorations (ITR) for the registered dental assistant in extended functions (RDAEF) on page 46, Dr. Gagliardi conveyed that FADE's concern is that UOP did the pilot project, and three other EF programs were approved under the original statutory provisions. FADE is wondering if it is the intent of the Board to require those previously approved programs to have to re-approve in order to continue instruction to receive the certificate. She communicated that FADE recommends that the Board look at the programs that were previously approved to possibly adopt those regulations. Regarding the applicants for the Orthodontic Assistant (OA) permit, Dental Sedation Assistant (DSA) permit, and RDA license on page 48, Dr. Gagliardi asked whether the Board will also add some language for an RDA who wants to become an OA, as they would be required to have the 8-hour infection control since there is no exception for them. FADE has concerns regarding the five years in between because the BLS would be renewed every year or two years and would make it so it was not current and suggested that the Board consider two years within taking the BLS, Dental Practice Act (DPA), and the infection control course.

Dr. Montez stated Dr. Gagliardi's comments would require additional research. Therefore, she was not able to address them with the Board at that moment, but if these are non-substantive type of edits, after consulting with the Board's attorney, regulatory attorney, and staff, the Board can decide whether or not to bring these topics up at the November Board meeting.

Tara Welch voiced that as far as the comments regarding page 45 and the consolidated continuing education (CE) package on BLS, this was merely a report of what the Board had already done on regulations. Therefore, the Board would not make any changes to these CCR sections in the Report. She noted that it sounded like this was a request for future action, which the Board would not be including in legislation right now. With respect to the EF programs in the UOP study, the Board does not have ITR regulations at the moment. She expressed that this was a report about what the Board did before, but the

regulations have not been made effective. Ms. Welch noted that later in this Report, the Board was seeking ITR statutes that ideally would take the place of any regulations. If the [California State] Legislature added the ITR legislative proposal or some version of that which Board staff worked on with CDA, the Board could take a look at that legislation at that time to see if it needs any additional tweaks and work with the legislative committees on that issue. In reference to page 48 regarding authorizing an RDA to apply for an OA using infection control courses, she believed this proposal went through the Dental Assisting Council (DAC) first, came to the Board, and then the Board approved the proposal. During that process, there were multiple opportunities for public comment. Therefore, it was difficult receive these comments and try to change something in this Report when the Board did not have sufficient information now to change this Report. She suggested that this could be another issue, similar to the ITR, to consider bringing forward to the legislative committees and then work on the Sunset bill for any additional tweaks to those provisions.

Jessica Olney clarified that in relation to the consolidated CE, CCR, title 16, section 1016.2 was amended to extend to applicants for RDA, RDAEF, DSA, and OA so that they had different options for taking basic life support courses as well. Dr. Gagliardi asked if there would be a conflict if it extends to applicants because in Section 11 of the Dental Board of California 2024 Sunset Review Report, the Board is recommending only the AHA, ARC, or anything approved as eligible by the Board. Ms. Olney responded that the regulations were amended to include applicants as part of that proposal.

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

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

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Larin) to approve Section 2 of the Dental Board of California 2024 Sunset Review Report.

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

Shari Becker, representing herself, asked whether the Board can refer to a page number when going through the section of the report.

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

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

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Molina/Medina) to approve Section 3 of the Dental Board of California 2024 Sunset Review Report.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to approve Section 4 of the Dental Board of California 2024 Sunset Review Report.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Thakur/Molina) to approve Section 5 of the Dental Board of California 2024 Sunset Review Report.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Larin) to approve Section 6 of the Dental Board of California 2024 Sunset Review Report.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Molina/Yu) to approve Section 7 of the Dental Board of California 2024 Sunset Review Report.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Pacheco/Medina) to approve Section 8 of the Dental Board of California 2024 Sunset Review Report.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Molina) to approve Section 9 of the Dental Board of California 2024 Sunset Review Report.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Thakur) to approve Section 10 of the Dental Board of California 2024 Sunset Review Report.

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



Dr. Gagliardi, representing FADE, inquired whether in issue 14, Technical Cleanup, of Section 10, the word “film” can be replaced with “image receptor” for section 1014.1 and anything having to do with radiation safety since anyone teaching in a dental assisting program or a course provider is still obligated to use film fixer. By using the word “image receptor,” FADE hopes that could include digital. Additionally, FADE recommended replacing dental material requirements for the RDAEF, which includes amalgam, to just contemporary materials so that would be under the doctor's supervision. FADE also requested to change all language from the word “dental auxiliary” to “dental assisting,” since the Board is only monitoring dental assisting at this point in time.

Dr. Montez asked Dr. Gagliardi for clarification on whether these were suggestions that FADE would like to be considered for technical cleanup in Section 11 of the Report. Dr. Gagliardi responded that that was correct. Dr. Montez asked Dr. Gagliardi if FADE can provide the Board their written comments of their suggestions.

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

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

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Medina/Larin) to approve Section 11 of the Dental Board of California 2024 Sunset Review Report.

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

Ms. Zokaie, representing CDA, stated CDA supported the Board's recommendation in new issue 1 to require unlicensed dental assistants to complete an 8-hour Board approved infection control course prior to performing any basic supportive dental procedures involving potential exposure to blood, saliva, or potentially infectious materials. CDA also respectfully asked that the Board's continued support for an 8-hour didactic course option be established, which was similar to what was in Assembly Bill (AB) 481 [(Wendy Carrillo, 2023)], which the Board supported, to be reflected in this proposal so that the course format will be accessible to all regions of the state and allow an immediate onboarding of new dental team staff. Regarding new issue 4 to add a requirement to BPC section 1635.5 for those seeking work credit through a contractual agreement in order to teach and/or practice dentistry to submit written documentation verifying compliance with the requirement, the proposed amendment does not consider use of a license beyond clinical practice. Ms. Zokaie explained a dental license has non-

clinical applications as well that should be considered for Licensure by Credential. Ms. Zokaie noted that this increases portability for public health dental professionals that require a dental license. CDA urged the Board to consider inclusion of a Licensure by Credential with non-clinical setting experience.

Dr. Gagliardi, representing FADE, clarified that in new issue 3, RDH Licensure as an RDA and Permitted Duties, the last sentence in the first paragraph states “Current statutes also lack clarity about when an RDA may perform certain additional duties.” She inquired whether the verbiage “RDA” was intended to state “RDH [Registered Dental Hygienist].” Dr. Montez believed the verbiage should state RDH and Board staff would verify if the verbiage should be changed. Ms. Welch added that Board staff would have to review the legislative proposal. However, she believed that the RDH proposal revises RDH/RDA statutes, and Board staff were making some tweaks to the RDA provisions, which were probably in terms of effective dates, such as grandfathering clauses for RDAs.

Melodi Randolph, representing the California Association of Dental Assisting Teachers (CADAT), noted that on page 144, new issue 1, regarding the infection control issue, she was not sure that the wording in the third paragraph was accurate as an assistant who has been employed, even intermittently, for a year with one employer. She had not heard those words before in reference to this infection control requirement. Ms. Randolph requested a review of that, in addition to whether the recommendation of the infection control being required prior to potential exposure was in fact approved at the February 2023 meeting.

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

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

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Yu) to approve the proposed draft Sunset Review Report for the Dental Board of California, with the changes previously approved by the Board. In addition, authorize the Executive Officer to take all steps necessary to finalize the report, make any non-substantive changes to the text, and take all steps necessary to submit the report to the California Legislature.

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, Larin, Medina, Molina, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Forge, McKenzie, Olague.

Recusals: None.

The motion passed.

Agenda Item 6: Adjournment

President Felsenfeld adjourned the meeting at 9:56 a.m.