



DENTAL BOARD OF CALIFORNIA

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DENTAL BOARD OF CALIFORNIA MEETING MINUTES November 8-9, 2023

The Dental Board of California (Board) met by teleconference/WebEx Events on November 8-9, 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
Sonia Molina, DMD, MPH
Rosalinda Olague, RDA, BA
Yogita Thakur, DDS, MS (November 9, 2023)
James Yu, DDS, MS

Members Absent:

Angelita Medina, MHS, Public Member
Yogita Thakur, DDS, MS (November 8, 2023)

Staff Present:

Tracy A. Montez, Ph.D., Executive Officer
Ryan Blonien, Enforcement Chief (North)
Paige Ragali, Chief of Dental Programs and Customer Support
Tina Vallery, Chief of Dental Assisting
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
Melissa Gear, Deputy Director, Board and Bureau Relations, Department of Consumer Affairs (DCA)

Dental Board of California
November 8-9, 2023 Meeting Minutes

Kristy Schieldge, Regulatory Counsel, Attorney IV, Legal Affairs Division, DCA
Cesar Victoria, Office of Public Affairs, DCA
Tara Welch, Board Counsel, Attorney IV, Legal Affairs Division, DCA

10:30 a.m., Wednesday, November 8, 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 10:50 a.m. The Board Secretary, Dr. Lilia Larin, called the roll; nine Board Members were present, and a quorum was established. Board Members Angelita Medina, MHS, and Yogita Thakur, DDS, MS 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 on Board Meeting Minutes

Agenda Item 3.a.: August 17-18, 2023

Secretary Larin requested an amendment to the meeting minutes on page 4, Agenda Item 6, third paragraph, nineteenth line, to strike “the issue”. Board Member Steven Chan requested an amendment to the meeting minutes on page 26, Agenda Item 27(b), eighth paragraph, first line, to strike and replace “Witcher” with “Whitcher”. Secretary Larin requested an amendment to the meeting minutes on page 24, Agenda Item 26(e), eighth paragraph, third line, to insert “are” after “they”.

(M/S/C) (Pacheco/Chan) to approve the August 17-18, 2023 meeting minutes as corrected.

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, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur.

Recusals: None.

The motion passed.

Agenda Item 3.b.: October 12, 2023

(M/S/C) (Chan/Pacheco) to approve the October 12, 2023 meeting minutes.

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, Molina, Pacheco, Yu.

Nays: None.

Abstentions: Olague.

Absent: Medina, Thakur.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Felsenfeld reported that he attended, along with some fellow Board members, the Diversity, Equity, and Inclusion (DEI) training, which was given by DCA on October 9, 2023. On October 10, 2023, he attended the Board Member Orientation Training, which Board Members are required to attend once they are appointed and re-appointed to a board.

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 the Board's November newsletter was posted to the Board's website and encouraged the public to check it out.

President Felsenfeld inquired whether the Board has received any feedback on the newsletter. Dr. Montez reported that one of the Board's special investigators from the Orange Field Office informed her that in his work of being out in the field, licensees have commented that the newsletter has been helpful and educational.

Board Member Rosalinda Olague verbalized that she has also heard from peers and colleagues regarding the newsletter and has gotten the impression that it has been perceived well.

Secretary Larin expressed that she was asked whether other associations can place the link to the newsletter on their website. President Felsenfeld responded that is acceptable.

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

Agenda Item 6: 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

Melissa Gear provided a departmental update. She stated that training continues to be a priority for the DEI Steering Committee. In October 2023, 138 DCA leaders and 26 Board Members completed DEI Human-Centered Approach training provided by University of Massachusetts consultant Dr. Bernard Gibson. On November 7, 2023, University of Massachusetts consultant Christopher Veil provided a virtual training titled DEI Dialogue for Leaders to DCA managers, supervisors, and leadership. She added that DCA encouraged all executive officers and their management teams to attend and continues to support DCA boards and bureaus in expanding culturally competent communications and promotes the importance of meeting the needs of all California consumers, licensees, and applicants. DCA's Deputy Director of Communications recently met with the Consulate of Mexico in San Francisco to share information and resources about DCA, as well as hear about areas of interest to the Consulate. As a result of the meeting, DCA offered partnerships for future in-person and online events and to share available consumer resources. Ms. Gear stated that DCA boards and bureaus may conduct entirely remote public meetings without notice locations accessible to the public through December 31, 2023, so long as the public is able to participate in the meeting remotely. Commencing on January 1, 2024, four meeting options will be available pursuant to the Bagley-Keene Open Meeting Act. She reminded the Board Members to check out the latest Board and Bureau Relations newsletter. Ms. Gear provided updates on out-of-state travel restrictions and addressed required Board Member trainings, the Our Promise Campaign, and DCA's annual Turkey Drive.

Board Member Chan commented that he was in attendance for the DEI session and voiced that he has been involved with different arenas, more recently being with the American Dental Association and his hospital district. He noted that the Strategic Organizational Leadership and Individual Development (SOLID) session on DEI is following Governor Newsom's thrust to try and inculcate that into structural institutions. He voiced that the first session calibrated what the language and words mean and looked at structural ways that some of the agencies and boards can start integrating that.

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

Agenda Item 7: Report on Dental Hygiene Board of California Activities

Anthony Lum, Executive Officer of the Dental Hygiene Board of California (DHBC), provided a verbal report on their activities.

Board Member Olague complimented DHBC President Dr. Carmen Dones and the DHBC and voiced that it is really nice when the community, students, and stakeholders

complement what the DHBC's actions have been on an expansion of hygiene programs.

Secretary Larin noted that the Board's Access to Care Committee wants to increase the workforce for all the professions, which includes registered dental assistants (RDAs) and RDA extended functions and asked what the DHBC is doing to create more job opportunities in hygiene. Mr. Lum replied that when entities are requesting to open up new schools, the DHBC has to look at the demographics throughout the state and unfortunately, the mass majority of the individuals who want to open a new school are in the Los Angeles Basin. Fortunately, there are currently two that are looking at more rural areas, which should help that aspect. Other items that he would personally like to start focusing on is to enhance more of the Registered Dental Hygienist in Alternative Practice (RDHAP) program. He voiced that California, surprisingly for a very popular state, has a substantial amount of dental deserts, and RDHAPs can fill in a lot of gaps for that if they are able to have the resources to open a mobile dental clinic or even a standalone brick and mortar place.

Secretary Larin asked for an explanation on how bad the shortage is. Mr. Lum responded that they have not had a chance to do a lot of research on that. However, based upon the feedback that they have received from licensees and in working with DCA management, they identified areas where the profession is lacking and areas of California that are in mostly rural areas and Indian reservations that could really use consistent dental care.

Secretary Larin stated that between her colleagues, it is very difficult to find a hygienist, and the Dental Assisting Council (DAC) had a suggestion to look into the expired licenses to determine if those individuals want to reactivate their license. Mr. Lum replied that what he sees in paralleling it with their program is that when you are looking at thousands of licensees who have had a canceled license, they are cancelled due to the fact that a lot of them moved on to become dental hygienists or to go to dental school. A considerable amount of the individuals with canceled license also have left the profession due to moving out of state and possibly because they did not find it appealing to continue in dental hygiene and moved on to other professions. He voiced that he was surprised at how many individuals contacted the DHBC once they implemented a retired license status.

President Felsenfeld asked for clarification on whether the DHBC was looking at regulations relative to military spouses or those in the military coming through. Mr. Lum responded that the DHBC is working on a regulation for the temporary license for active military individuals or their spouses.

Vice President Joanne Pacheco thanked the DHBC and their work on the elimination of the clinical board for California graduates.

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

Tooka Zokaie, representing California Dental Association (CDA), stated that CDA is working on a survey to all California dental hygiene programs to learn more about capacity, wait list, graduation, areas of practice, and additional feedback. They also are investigating how they can quantify the dental hygiene shortage experiences that many are facing and are working closely with the DHBC to report what they find.

Agenda Item 8: Budget Report

Wilbert Rumbaoa provided a report on the State Dentistry Fund, which the Board manages, for fiscal year (FY) 2023-24. Mr. Rumbaoa conveyed that the Board ended FY 22/23 with just over \$17.6 million in reserve balance. There are 10.6 months in reserve, which is the amount of time the Board can continue normal operations without any new incoming revenues. A healthy program is considered to have at least 6 to 12 months in revenue. Based on the reports received by DCA, the Board projected to revert approximately \$635,000 at the end of FY 23/24. The fund condition includes the projections from Fiscal Month 3 and any projections for revenue that Board staff have submitted to DCA. Regarding the report on page 52 of the meeting materials for the expenditure projections, there are currently three months of projections. In terms of the three months, all the information has not been entered into the system yet. Therefore, the Board, in conjunction with DCA, makes the best projection available at the time based on the data that staff have input into the system. Mr. Rumbaoa stated that Board staff will keep the line of communication with the DCA Budget Office open to monitor the Board's fund condition statement, expenditures, and revenues. Any future legislation or unanticipated events could result in the Board's need for additional resources.

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.: Review of Statistics and Trends

Ryan Blonien provided the report, which is available in the meeting materials.

Dr. Montez noted that the Board's Orange Field Office is fully staffed, which has not happened in a very long time, and the unit is shy of one investigator with an individual who is in the final stage of the background process.

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

Agenda Item 9.b.: Update on Enlightened Enforcement Project

Vice President Pacheco provided the presentation, which is available in the meeting materials.

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

Agenda Item 10: Substance Use Awareness

Agenda Item 10.a.: Diversion Program Report and Statistics

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

Board Member Chan stated that periodically over the years, the Board received testimony from the Chair of the Diversion Evaluation Committee, and that testimony is very compelling as it gives a face to the numbers in the report. He added that it also helps to understand why the Board does what it does in regards to diversion. He encouraged the Board to consider having that testimony again.

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

Agenda Item 10.b.: Controlled Substance Utilization Review and Evaluation System Report

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

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

At 11:50 p.m., the Board recessed for a break.

At 12:58 p.m., the Board reconvened.

Agenda Item 11: Licensing, Certifications, and Permits

Agenda Item 11.a.: Update on Dental Licensure and Permit Statistics

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

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

Agenda Item 12: Examinations

Agenda Item 12.a.: Update, Discussion, and Possible Action on the Review of the Joint Commission on National Dental Examinations Integrated National Board Dental Examination

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

Board Member Chan voiced that he got lost on page 89 of the meeting materials, specifically the third paragraph, where it states “The INBDE [Integrated National Board Dental Examination] did not assess practical demonstration of skills and California-specific laws and ethical guidelines”. He noted that as a preamble to that, there are three elements, which include the knowledge base, clinical performance, and California

Law and Ethics. The last paragraph claims that even though INBDE did not assess the practical demonstration, the Board accepts them. Board Member Chan asked if we accept it as only that portion of the triumvirate, meaning those three things.

Dr. Montez pointed out that the full report is on the Board's website. She voiced that the Office of Professional Examination Services (OPES) is essentially saying that this is a knowledge-based test, which is suitable given the direction of the Board in using a national exam.

President Felsenfeld added that the three things needed to get licensed consist of knowledge base, clinical base, and law and ethics. He noted that this is going to take the place of the two-part national boards that candidates used to take back in the day, and that is going to be one part. Dr. Montez replied that it is the continued use of the INBDE, and nothing has changed to significantly cause any concerns with the continued use of it. Dr. Matthew Grady commented that the INBDE integrates the knowledge of basic biomedical sciences and assesses it in a way that focuses on clinical relevance; it is that merging of what was national boards part one and part two.

President Felsenfeld mentioned that it is his understanding that part one and part two were universal across all dental schools in the country, and now this is going to be what students have to take so that they can graduate. Dr. Grady responded that is correct. President Felsenfeld inquired when the exam is going into effect. Dr. Grady replied that it launched in August of 2020.

Secretary Larin asked what the percentage pass rate is before with the old exam and the new exam. Dr. Grady responded that what they have seen so far with the INBDE is that for candidates who were educated in Commission on Dental Accreditation (CODA) accredited education programs, the pass rate is approximately 99%. For the national board part one and part two, the pass rates historically were in the same neighborhood ranging from 90 to 97% until conceivably over the final 10 years of the administration of that exam. The pass rate for the new exam is approximately 99%.

(M/S/C) (Felsenfeld/Pacheco) to accept OPES's recommendation to continue use of the INBDE combined exam as part of the Board's licensing 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, Molina, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur.

Recusals: None.

The motion passed.

Agenda Item 12.b.: Update, Discussion, and Possible Action on the Review of the Joint Commission on National Dental Examinations Licensure Objective Structured Clinical Examination

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

President Felsenfeld asked for an explanation on what the Dental Licensure Objective Structured Clinical Examination (DLOSCE) does and what it is.

Dr. Grady responded that the DLOSCE is essentially a new type of clinical dental examination designed to assess candidate's clinical judgment skills, and is a computer-based examination that is administered at prometric test centers all across the country including throughout California and neighboring states. As a one-day exam, it takes about six and a half hours to complete and contains 150 questions. Essentially all of the questions on the examination present a patient scenario where the candidate must evaluate, for example, clinical photographs and radiographs. Additionally, many of the questions involve three-dimensional models that the candidate can view on the screen and manipulate. The examination launched in June of 2020 and since that time, the Joint Commission has established significant validity evidence to support the Board's use of the examination.

Secretary Larin stated that she is concerned that although they may be able to assess clinical skills, transferring that into a life situation and actually doing the work is very different. She noted that she believes it is extremely important to have a hands-on examination and inquired how do you assess whether a candidate has successfully removed decay and the like. Dr. Grady responded that the Joint Commission does feel that as psychomotor skills are important in dentistry, the DLOSCE does not directly assess psychomotor skills, but it does an excellent job of predicting a candidate's clinical performance in dental school. The DLOSCE assesses those clinical micro judgments that underly the candidate's ability to detect that decay, know it is there, and know whether they need to keep going or stop. The DLOSCE is able to predict how a student does in the clinic.

Secretary Larin asked Dr. Grady whether he compared the examination and applied it to an actual psychometric exam when he did research for the exam. Dr. Grady replied that they looked at a number of students who took the DLOSCE and their course grades in their clinical courses in the third year of dental school. They then looked at the correlation between those two and found a strong positive correlation. They also asked the academic dean at these students' school to rate the students in terms of their clinical performance and asked the dean to essentially categorize the students into three different categories, which includes the top 20% of clinical performers, the bottom 20%, and then the middle 60%. When they compared how those three groups

performed on the exam, they found that the students who were rated by their dean as being in the top 20% performed much better on the examination than the students who were in the bottom 20% of the exam. The difference was very large being that it was a 1.28 standard deviation.

Board Member Sonia Molina asked whether there were any correlations made with the cohorts that had limited exposure to patients during COVID since they were not able to see as many patients and therefore not get the practical experience. Dr. Grady responded that the candidates who participated in their study would have made it through their clinical training prior to COVID. He noted that the study was conducted in the summer of 2020 and that they have not done a follow-up study looking at a cohort that would have been most heavily affected by COVID.

Board Member Chan voiced that the statement in the memo for this agenda item, "Board staff do not recommend adding an additional examination to the dental licensure pathway. The current examinations appear to be functioning well. An additional examination requirement could be perceived as a barrier and cost to candidates," contradicts the statement "OPES generally supports the Board's potential use of the DLOSCE for licensure in California, as an alternative to the ADEX, and in addition to the INBDE and LEX".

Dr. Montez responded that Board staff does not feel that they need to simply add an exam to be adding an exam. To have the American Board of Dental Examiners (ADEX), DLOSCE, INBDE, and the Law and Ethics Examination (LEX) may not be necessary as currently things seem to be functioning well. If the Board decides that it would like to explore an alternative to the ADEX because it may have a stronger assessment of clinical skills, then Board staff would certainly support that. With DCA, boards are often approached by associations about various exams, and before you know it, there are all kinds of exams being used to assess entry-level competence, which creates a challenge for statistical purposes. She voiced that if the Board chooses to move forward, Board staff want a thoughtful assessment as to whether or not it should be possibly replaced, which would be the ADEX essentially.

(M/S/C) (Felsenfeld/Olague) to direct staff to further research the use of the DLOSCE compared to the ADEX as a means to clinically assess candidates for dentist licensure.

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

Ms. Zokaie, representing CDA, voiced that they support the Board's motion to explore the DLOSCE examination further and also to look at what was used to determine the impact of the DLOSCE compared to other exam pathways that currently exist both in how it was evaluated and how it has now been implemented in other spaces.

Dr. David Carsten, Washington State Dental Commission Chair, DLOSCE Steering Committee, and Assistant Professor at Oregon Health Sciences University, expressed that he is interested in authenticity and truth and speaks in favor of the motion. He voiced that an exam that is meaningful is important, in addition to it testing critical thinking and clinical judgment. As he has taught residents that passed the ADEX and residents that passed the DLOSCE during COVID and has had some issues with the residents that passed the ADEX; one was deemed incompetent, and the others that passed the DLOSCE were fine. Dr. Carson disclosed that he has been involved in creating DLOSCE exams for testing clinical competence to go into the clinic for the school's DS2 to DS3 students, and he found it to be predictive. He added that the DLOSCE is inexpensive to students, it is about \$1,000, and it is convenient for schools.

Dr. David Waldschmidt, Director of the Joint Commission on National Dental Examinations (JCNDE), read a statement on behalf of Dr. Anthony Herro, Chair of the JCNDE. On behalf of the Joint Commission, Dr. Herro extends their thanks to the members of the Board for their thoughtful and considerate review of the Joint Commission's INBDE and dental licensure objective search clinical exam. The Joint Commission is pleased to have the opportunity to serve the Board through their examinations, which are in use by boards throughout the United States. The Joint Commission's assessments of candidate cognitive skills are accepted by every dental board in the United States. In just five years, they will celebrate 100 years since they first began work in helping to inform decisions to license individuals to practice dentistry. Dr. Waldschmidt verbalized that the Joint Commission is an organization that the Board has relied upon for many years to provide accurate information about whether an individual seeking a license to practice truly possesses the level of skills necessary for safe and effective practice. The decisions that the Board makes are incredibly important as these decisions have implications for the health and wellbeing of every citizen of California who receives dental treatment in this state. With the preceding in mind, the Joint Commission is particularly proud of its most recent examination, the DLOSCE, which is a cutting-edge examination designed to fulfill boards clinical licensure examination requirements. The DLOSCE recognizes the vital importance of sound clinical judgment in practitioner decision-making. Although it is a relatively new examination, the DLOSCE's predictive abilities have been demonstrated to far exceed any other examination currently being used for dental licensure purposes.

Peter Loomer, test construction writer for the Joint Commission for over 10 years, including the DLOSCE, and professor and Dean of the School of Dentistry at UT Health San Antonio, commented on the fabrication of the examination. He affirmed that it is able to test a lot of your ability to not just diagnose but to understand what the next step would be in treating the patient. Furthermore, it is a highly challenging exam and is acutely different from other exams, as it really focuses on clinical skills. He noted it is lower in cost to the candidate and is able to test skills on a wide variety of patient scenarios that you are not able to do in a simulation board exam.

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

Ayes: Chan, Felsenfeld, Forge, McKenzie, Molina, Olague, Pacheco.

Nays: None.

Abstentions: Larin.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

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.

President Felsenfeld commented that when the Board gets through sunset review, the Board anticipates going from two evaluators on the first exam and one each thereafter.

Ms. Olney replied that the Board is currently implementing that at the moment.

President Felsenfeld asked whether it is easier to schedule evaluations now that there is only one evaluator on the second time around. Ms. Olney responded that it is and clarified that it only applies to existing permit holders who renewed after January 1, 2022.

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

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.

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

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

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

Board Member Chan voiced that he does not have objections to the individuals on the list but raised a caution flag that the entire reason and driver for the paradigm shift in the anesthesia regulations was about pediatric deaths. In the regulations, they defined for the permit system a pediatric endorsement for kids under 13 and under seven. When the Board got the preliminary survey of adverse events, it was not pediatrics but geriatrics. He continued that the caution flag is that a general evaluator does not necessarily have to have a pediatric endorsement in order to evaluate someone that

has a pediatric endorsement. Board Member Chan expressed that if evaluators are limited to those who have the pediatric endorsement on their general anesthesia, medical anesthesia, or moderate sedation permits, the Board would be limiting how many individuals they can evaluate. If evaluators who may not have the pediatric endorsements evaluate individuals who do have the pediatric endorsement, they may fail to see something because they do not have the experience. He reiterated that tracking forward is a caution flag.

President Felsenfeld asked whether it is correct that if an individual has a moderate sedation permit with no pediatric endorsement, they can go and evaluate someone for a pediatric endorsement. Ms. Olney responded that the evaluation process is not separated by pediatric endorsement holders versus non-endorsement holders.

President Felsenfeld inquired whether it is true that the Board's ability to issue the permit for pediatric patients under 13 or under seven on the oral surgery side is strictly by the applicant demonstrating that they have completed 20 cases for each of that group. Ms. Olney responded that is correct, in addition to the training.

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

(M/S/C) (Felsenfeld/Chan) to appoint Dr. Hooman Adamous 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Chan) to appoint Dr. Rachel Dason 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Pacheco) to appoint Dr. Dustin Coyle as an evaluator for the medical general anesthesia, general anesthesia, and moderate sedation onsite inspection and evaluation program.

President Felsenfeld inquired whether all General Anesthesia (GA) permit holders can do Moderate Sedation (MS) as well. Ms. Olney responded that they can.

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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Chan) to appoint Dr. Derek Carson as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Pacheco) to appoint Dr. Ryan Dunlopas as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Forge) to appoint Dr. Clarke Filippi as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Larin) to appoint Dr. Richard Gagne as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Pacheco) to appoint Dr. Christopher Henninger as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Chan) to appoint Dr. Karilyn House as an evaluator for moderate sedation onsite inspection and evaluation program.

Board Member Chan voiced that the term pedodontics is obsolete and that it is pediatric.

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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Pacheco) to appoint Dr. Mai Ky as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Olague) to appoint Dr. Dax Martin as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Douglas Martin as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Cyrus Mozayan as an evaluator for moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Alex Pezeshkian as an evaluator for moderate sedation onsite inspection and evaluation program.

Board Member Chan noted that Dr. Pezeshkian is a pediatric dentist not a general dentist according to the application.

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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Larin) to appoint Dr. James Rore as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Gina Salatino as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.

Abstentions: None.

Absent: Medina, Thakur, Yu.*

Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/Olague) to appoint Dr. Mark Stevenson as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.

Nays: None.
Abstentions: None.
Absent: Medina, Thakur, Yu.*
Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Damon J. Westwood as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.
Nays: None.
Abstentions: None.
Absent: Medina, Thakur, Yu.*
Recusals: None.

The motion passed.

(M/S/C) (Felsenfeld/McKenzie) to appoint Dr. Craig Y. Yonemura as an evaluator for the moderate sedation 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, Molina, Olague, Pacheco.
Nays: None.
Abstentions: None.
Absent: Medina, Thakur, Yu.*
Recusals: None.

The motion passed.

Agenda Item 14: Recess Open Session Until November 9, 2023, at 9:00 a.m.
President Felsenfeld recessed Open Session at 2:22 p.m.

Agenda Item 15: Convene Closed Session

At 2:37 p.m., the Board convened Closed Session.

Agenda Item 16: Pursuant to Government Code Section 11126(a)(1), the Board will Meet in Closed Session to Discuss the Executive Officer Performance Appraisal

The Board convened in Closed Session to discuss the Executive Officer performance appraisal.

Agenda 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

The Board convened in Closed Session to discuss disciplinary matters.

Agenda Item 18: 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 SmileDirectClub, LLC v. Montez, et al., United States District Court, Eastern District of California, Case No. 2:23-cv-01769-WBS-KJN

This matter was not discussed.

Agenda Item 19: Adjourn Closed Session

President Felsenfeld adjourned Closed Session at 3:54 p.m.

9:00 a.m., Thursday, November 9, 2023

Agenda Item 20: Reconvene Open Session – Call to Order/Roll Call/Establishment of a Quorum

President Felsenfeld called the meeting to order at 9:03 a.m. Secretary Larin called the roll; ten Board Members were present, and a quorum was established. Board Member Angelita Medina, MHS, was absent.

Agenda Item 21: Board President's Report on Closed Session Items

President Felsenfeld provided a verbal report to the Board regarding Closed Session items. He reported that the Board discussed the Executive Officer's annual performance review and also voted on three pending enforcement cases. There was no discussion of any pending lawsuits.

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

Agenda Item 22: Dental Assisting Council Meeting Report

Cara Miyasaki, Vice Chair of the DAC, provided a verbal report on the November 8, 2023 DAC meeting. Ms. Miyasaki advised the Board regarding DAC discussion of DAC meeting agenda items.

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

Shari Becker, representing the Alliance, stated that they are enthusiastic about the DAC working group and are very excited to support and help in any way that they can.

Agenda Item 23: Update Regarding the Board's 2024 Sunset Review Report

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

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

Agenda Item 24: Update, Discussion, and Possible Action on Proposed Regulations

Item 24.a.: Status Update on Pending Regulations

David Bruggeman provided the report, which is available in the meeting materials. He stated that the Board has a package that represents an update to the Board's disciplinary guidelines that would amend California Code of Regulations (CCR), title 16, section 1018. The package has been published and noticed with the Office of Administrative Law (OAL) and is currently in the midst of a public comment period that ends on November 14, 2023. If there are any adverse comments received during that comment period, the Board will have an opportunity to address them at a future meeting and then proceed with a package at that point. Mr. Bruggeman voiced that the other active package concerns revisions to the lost, destroyed, and mutilated licenses section of CCR, title 16, section 1012 and section 1017.2 related to inactive and active license status. Because there is a fee increase associated with the lost or mutilated license replacement license changes, the package amends section 1021, as well. The package was approved by the Business, Consumer Services and Housing Agency on November 6, 2023, and Board staff is currently anticipating it being noticed by OAL on November 17, 2023, which would be the start of the 45-day public comment period and should end on January 3, 2024.

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

Agenda Item 24.b.: Discussion and Possible Action to Consider: (1.) 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)

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

Kristy Schieldge noted that the issue that was raised by the commenter is mainly that he does not think it is necessary for the Board to do regulations. She stated that Board staff does believe that it is necessary to clarify what the procedures are as required by Business and Professions Code (BPC) section 115.6, which was enacted by Assembly Bill (AB) 107. BPC section 115.6 provides an exemption to implementation of the statute

if the agency has an expedited license process “with no additional requirements.” However, if there are additional requirements, then you have to use the expedited licensure process set out in BPC section 115.6 and that version has fewer requirements for applicants to meet in order to obtain a temporary license than this Board’s licensure by credential law. She conveyed that the Board is therefore obligated according to the statute to proceed with implementing this process, and the other comments about insurance coverage are unrelated to this proposal. Therefore, the recommendation is that the comment be rejected.

(M/S/C) (Chan/McKenzie) to direct staff to proceed as recommended to reject the comments as specified and provide the responses to the comments as indicated in the staff recommended response in Attachment 1 of the memo.

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, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Medina.

Recusals: None.

The motion passed.

(2.) Adoption of CCR, Title 16, Section 1006 (AB 107: Temporary Licenses for Military Spouses or Partners)

Ms. Schiedge expressed that she believes that OAL has concerns that any qualifying questions could result in someone disclosing that they have been arrested, convicted, or disciplined for a criminal act in another jurisdiction no matter how the question is phrased. Therefore, their suggestion was to simply obtain a license history for their licenses and other jurisdictions, and if they have been disciplined, Board staff would investigate to see what the underlying issues are to see if there are grounds for denying the application.

President Felsenfeld affirmed that what Board staff is attempting to do is ensure that the Board’s language is consistent with other agencies within DCA, and they are trying to be consistent with state law and regulations.

(M/S/C) (Chan/McKenzie) to approve the proposed modified text in Attachment 4 and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received,

authorize the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulations as described in the modified text notice for CCR, title 16, section 1006.

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, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Medina.

Recusals: None.

The motion passed.

Agenda Item 24.c.: Discussion and Possible Action to Initiate a Rulemaking to Amend CCR, Title 16, Sections 1021 and 1028 Related to the Application for Licensure and Fee Requirements

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

Ms. Schiedge stated that one of the main things that the proposal would do would be to remove the current form dental licensure and move to a narrative application format in the regulations, which would allow Board staff to accept the application in a variety of formats. She expressed that when a form is incorporated by reference, the exact form must be used in every case. Otherwise, it is not permitted under the Administrative Procedure Act. A lot of the DCA boards and bureaus are moving to this model because they want to be able to facilitate the ability of the applicants to use a variety of methods of submission. The content would be the same in whatever format it is received by the Board, and that content needs to be adopted in regulation. She noted that the big change to the current standards for this proposal would be to correct existing text in this section to remove questions involving criminal history collection, for instance, on page 10 of the meeting materials, it would state "Excluding actions based upon the applicant's criminal conviction history...". As mentioned for the other rulemaking for AB 107, AB 2138, at (f)(2) of Business and Professions Code (BPC) section 480, prohibits the Board from asking any applicant for criminal history information. She added that the Board has to be careful about the way questions are asked now, and this is her attempt to meet that issue and still allow the Board to collect information about other types of discipline. Ms. Schiedge expressed that Board staff want to make sure the Board is still able to ask qualifying questions to determine whether someone is fit to practice in California.

(M/S/C) (Pacheco/Felsenfeld) to approve the proposed regulatory text in Attachment 1 and submit the text to the Director of the Department of Consumer Affairs and the

Business, Consumer Services and Housing Agency for review. 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 CCR, title 16, sections 1021 and 1028.

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, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Medina.

Recusals: None.

The motion passed.

Agenda Item 24.d.: Discussion and Possible Action to Initiate a Rulemaking to Amend CCR, Title 16, Section 1018.01 and Adopt Section 1018.02, Related to Uniform Standards for Substance Abusing Licensees and Cease Practice Orders

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

Board Member Chan expressed that as the state is transitioning with trends towards marijuana and now with the psychogenic mushrooms, the Board may have to ask Board staff, through the Executive Officer, to provide a tutorial of what the Board is looking at in terms of some of these regulations as it relates to these drugs.

(M/S/C) (Chan/Pacheco) to approve the proposed regulatory text and incorporated Uniform Standards document in Attachments 1 and 2 and submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, 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 sections 1018.01 and 1018.02.

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, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Medina.

Recusals: None.

The motion passed.

Agenda Item 24.e.: Consideration of Proposed Regulatory Language, and Discussion and Possible Action on Recommendation to Initiate a Rulemaking to Amend CCR, Title 16, Sections 1080, 1080.3, 1081, and 1081.2, Adopt Sections 1081.3 and 1081.4, and Repeal Sections 1080.1, 1080.2, 1081.1, 1082, 1082.1, 1082.3, and 1083 Related to Dental Assisting Examinations

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

Ms. Schiedge expressed that this proposal would largely clean up the entire article relating to dental assisting examination and procedures and would add specificity to exam content, which does not currently exist for all of the dental assisting examinations, and update procedures consistent with current test exam administrator, Psychological Services Incorporated (PSI) procedures for administering exams and exam security. She noted that the Board will see that a lot of the exam security issues have been added to the regulations to make clear what requirements the Board will have to make sure that an individual is who they say they are, and a candidate's identity is established before administration of the exam so that exam security is maintained. Each time there is a new exam outline, the Board will need to update the regulation to make it consistent with what will be provided to exam candidates.

(M/S/C) (Pacheco/Larin) to direct staff to submit the text in Attachment A 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 package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed for title 16, California Code of Regulations sections 1080, 1080.3, 1081, 1081.2, 1081.3, and 1081.4, and repeal Sections 1080.1, 1080.2, 1081.1, 1082, 1082.1, 1082.3, and 1083.

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, Molina, Olague, Pacheco, Thakur, Yu.
Nays: None.

Abstentions: None.

Absent: Medina.

Recusals: None.

The motion passed.

Agenda Item 25.a.: Discussion and Possible Action to Revise Previously Approved Legislative Proposal to Amend Business and Professions Code Sections 1750.2, 1750.4, and 1752.1 Regarding Course Requirements for Orthodontic Assistant Permit, Dental Sedation Assistant Permit, and Registered Dental Assistant License

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

Dr. Montez stated that this issue was brought to the Board's attention during the October 2023 Board meeting where the Board reviewed the sunset review report. She conveyed that it is important that the Board has the participation of its stakeholders and the public to help the Board with these proposals and identify any areas that may need changes.

(M/S/C) (Pacheco/Olague) to move to withdraw the previously approved legislative proposal that was recommended for inclusion in the Board's Sunset Review Report to amend Business and Professions Code sections 1750.2, 1750.4, and 1752.1.

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

Ms. Becker, representing herself, noted that on page 259 of the meeting materials, BPC section 1750.2, subdivision (a)(2), states "Successful completion within five years prior to application of a two-hour board-approved course in the Dental Practice Act and an eight-hour board-approved course in infection control". She voiced that she believes the Board had changed that to be something different. Additionally, she asked for clarification regarding the "within five years prior to application" in BPC section 1750.4 (a)(2).

At 10:09 a.m., the Board recessed for a break.

At 10:15 a.m., the Board reconvened.

President Felsenfeld responded that the text that Ms. Becker is concerned about is the way it is and that the only thing that has been modified is that which is in blue italic text for the changes that the Board is proposing to act on for this meeting.

Tara Welch stated that at the February 2022 Board meeting, in meeting materials agenda item 30 shows the text that adds the “within five years prior to application” to BPC section 1750.2, subdivision (a)(2). Whether or not that was changed by the Board, the Board adopted that language at the February 2022 Board meeting, which is reflected in the meeting minutes for that meeting. She stated that Board staff is merely trying to clarify that Basic Life Support (BLS) courses have to be current in certification and not taken within five years. Additionally, Board staff is using the same text approved by the Board in February 2022 and are making a modification for the BLS course certification.

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, Molina, Olague, Pacheco, Thakur, Yu.

Nays: None.

Abstentions: None.

Absent: Medina.

Recusals: None.

The motion passed.

(M/S/C) (Pacheco/Chan) to move to include in the Board’s Sunset Review Report a revised recommendation to amend Business and Professions Code sections 1750.2, 1750.4, and 1752.1 to clarify the RDA, OA, and DSA course completion requirements for license and permit applicants.

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), asked for clarification on page 259 of the meeting materials of whether an RDA can take the Orthodontic Assistant (OA) exam but would have to take the eight-hour board infection control course, because it says they need the two-hour Dental Practice Act (DPA) course.

For the sake of moving the motion forward, Ms. Welch responded that is existing law, and the Board is not making any changes to the two-hour DPA requirement and eight-hour board-approved course in infection control. She stated that what the Board approved in February of 2022 was requiring successful completion of those courses within five years of the application.

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, Molina, Olague, Pacheco, Thakur, Yu.
Nays: None.
Abstentions: None.
Absent: Medina.
Recusals: None.

The motion passed.

Agenda Item 26: Update, Discussion, and Possible Action on 2023/2024 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Agenda Item 26.a.: 2024 Tentative Legislative Calendar – Information Only

Mr. Bruggeman provided an overview of the 2024 Tentative Legislative Calendar, which is available in the meeting materials. Mr. Bruggeman stated that the tentative legislative calendars for 2024 for both the State Senate and State Assembly is a bit more compressed compared to odd-numbered years as 2024 is an election year. In 2024, the target date for adjournment is at the end of August. Therefore, the Board's legislative activity will be slightly accelerated, and Board staff anticipate that the opportunity for the Board to address and take positions on any legislation is likely to be at the May 2024 Board meeting, with the possibility of it being at the February 2024 Board meeting depending on when legislation is introduced.

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

Agenda Item 26.b.: 2023 End of Session Legislative Summary Report

Mr. Bruggeman provided the report, which is available in the meeting materials, and went over the five bills, AB 481, AB 936, AB 1552, SB 372, and SB 544, that the Board took a position on in 2023.

(M/S/C) (Pacheco/Felsenfeld) to adopt the Legislative Summary for 2023 Legislative Session and direct staff to post the report on the Board's website.

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, Molina, Olague, Pacheco, Thakur, Yu.
Nays: None.
Abstentions: None.
Absent: Medina.
Recusals: None.

The motion passed.

Agenda Item 27: Election of 2024 Board Officers

Dr. Montez facilitated the election. She opened the floor for nominations for the position of Board Secretary. Dr. Montez received one nomination to appoint Secretary Larin to the position of 2024 Board Secretary. Secretary Larin accepted the nomination. There were no other nominations for the position of 2024 Board Secretary.

(M/S/C) (Chan/Felsenfeld) to elect Secretary Larin as 2024 Board Secretary.

Dr. Montez requested public comment before the Board acted on the motion. There were no public comments made on the motion.

Dr. Montez called for the vote on motion. Secretary Larin took a roll call vote on the motion.

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

Nays: None.

Abstentions: None.

Absent: Medina.

Recusals: None.

The motion passed. Secretary Larin was elected as 2024 Board Secretary.

Dr. Montez opened the floor for nominations for the position of 2024 Board Vice President. Dr. Montez received one nomination to appoint Vice President Pacheco to the position of 2024 Board Vice President. Vice President Pacheco accepted the nomination. There were no other nominations for the position of 2024 Board Vice President.

(M/S/C) (Felsenfeld/Larin) to elect Vice President Pacheco as 2024 Board Vice President.

Dr. Montez requested public comment before the Board acted on the motion. There were no public comments made on the motion.

Dr. Montez called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

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

Nays: None.

Abstentions: Medina.

Absent: None.

Recusals: None.

The motion passed. Vice President Pacheco was elected as 2024 Board Vice President.

Dr. Montez opened the floor for nominations for the position of 2024 Board President. Dr. Montez received two nominations for 2024 Board President: Board Member Chan, who accepted the nomination; and President Felsenfeld, who accepted the nomination. There were no other nominations for the position of 2024 Board President.

(M/S/C) (Pacheco/McKenzie) to elect President Felsenfeld as 2024 Board President.

Dr. Montez requested public comment before the Board acted on the motion. There were no public comments made on the motion.

Dr. Montez called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Felsenfeld, McKenzie, Molina, Pacheco, Thakur.

Nays: None.

Abstentions: Chan, Forge, Larin, Olague, Yu.

Absent: Medina.

Recusals: None.

The motion failed.

(M/S/C) (Larin/Olague) to elect Board Member Chan as 2024 Board President.

Dr. Montez requested public comment before the Board acted on the motion. There were no public comments made on the motion.

Dr. Montez called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Chan, Forge, Larin, Olague, Yu.

Nays: None.

Abstentions: Felsenfeld, McKenzie, Molina, Pacheco, Thakur.

Absent: Medina.

Recusals: None.

The motion failed.

(M/S/C) (McKenzie/Pacheco) to elect President Felsenfeld as 2024 Board President.

Dr. Montez requested public comment before the Board acted on the motion. There were no public comments made on the motion.

Dr. Montez called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Felsenfeld, McKenzie, Molina, Pacheco, Thakur.

Nays: None.

Abstentions: Chan, Forge, Larin, Olague, Yu.

Absent: Medina.

Recusals: None.

The motion failed.

At 10:45 a.m., the Board recessed for a break.

At 10:55 a.m., the Board reconvened.

Ms. Welch clarified the requirements for passing a motion. She stated that a motion requires a majority of the members present and voting. She gave an example using the prior motions – if there were five members voting in favor of the motion and five members abstaining, the five abstaining would not count. With five members voting in favor of the motion, the motion would pass. She suggested that with this understanding, the Board Members should make another motion and take a vote on that motion.

(M/S/C) (McKenzie/Pacheco) to elect President Felsenfeld as 2024 Board President.

Board Member Forge requested clarification on the motion requirements. Ms. Welch explained that at that meeting, the Board had 10 members present. If all 10 members were present and voting, a majority of six members voting in favor of a motion would be required to pass the motion. Using the prior example, with only five members participating in the vote, and five members abstaining, only the five members participating in the vote would be counted. With all five members voting in favor of the motion, the motion would pass.

Dr. Montez requested public comment before the Board acted on the motion. There were no public comments made on the motion.

Dr. Montez called for the vote on the motion. Secretary Larin took a roll call vote on the motion.

Ayes: Felsenfeld, McKenzie, Molina, Olague, Pacheco, Thakur.

Nays: Chan, Larin.

Abstentions: Forge, Yu.

Absent: Medina.

Recusals: None.

The motion passed. President Felsenfeld was elected as 2024 Board President.

Agenda Item 28: Public Comment on Future Agenda Items

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

Dr. Montez commented that this item use to merely reference future legislative proposals and voiced that Board stakeholders asked to widen this item. Therefore, Board staff have now included future agenda items in the agenda.

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

Agenda Item 29: Adjournment

President Felsenfeld adjourned the meeting at 11:05 a.m.

*Due to audio connectivity issues, Board Member James Yu was not able to verbally vote on various motions.