

# CALIFORNIA DENTAL ASSOCIATION®

**Report of the  
Meeting of the Committee on Dental Auxiliaries, April 7, 2006  
(Sacramento, California)  
and  
the Meeting of the  
Dental Board of California  
April 11-12, 2006  
Los Angeles, California**



This report summarizes the significant activities of the Committee on Dental Auxiliaries (COMDA) and the Dental Board of California during the meetings of April 7 and April 11-12, 2006. The committees of the Board did not meet. More information may be obtained by calling Edmund Carolan in the Public Policy Division at (916) 554-4987 or sending an e-mail to [edmund.carolan@cda.org](mailto:edmund.carolan@cda.org).

#### **Committee on Dental Auxiliaries (COMDA):**

*Members Present:* Wallace (Chair); Churchill; Dale; Gipson; Molina  
*Members Absent:* None

Roll call was taken and it was established that a quorum was present. The committee immediately went into closed session to discuss the hiring of a new executive officer. The committee returned to open session at approximately 1:30 PM.

At the start of the open session, Chair Wallace introduced Mr. Gary Duke from the Department of Consumer Affairs who was sitting in for the committee's regular legal counsel.

Approval of the Minutes: The Committee voted to approve the minutes of the January 19, 2006 meeting.

Report of the Chair: Chair Wallace noted that the RDA exam held at USC was well administered and well attended. She also noted that the registered dental hygienist subcommittee had a productive meeting. Chair Wallace stated that this would be the last meeting for the current executive officer, Karen Wyant. Ms. Wallace spoke in great admiration for the work and effort of Ms. Wyant during the last 14 years that she served as executive officer of COMDA. Finally, Ms. Wallace noted that the Committee is ready to make an employment offer to a new executive officer pending the Department of State Personnel's approval. Ms. Wallace thanked Dr. Molina for her diligent effort in moving this process along.

Report of the Executive Officer: Ms. Wyant noted that the deadline for all registered dental assistants to complete course work in X-ray and coronal polishing was extended until May 1, 2006. RDAs who do not provide proof of having completed this education will have their licenses suspended. The extension was given to ensure that COMDA had processed all data related to this subject before taking adverse action against licensee. Ms. Wyant also noted that several years ago COMDA was appropriated \$264,000 as part of the legislation that allows dental students to sit for RDH exams. Previously COMDA had been told by legal counsel that this money could only be used by COMDA for administering RDH exams taken by the dental students. However, Ms. Wyant reported that they have now received an opinion that this money can be used for administering exams for any hygiene student. With this money, COMDA will reinstate the March RDH examination. Ms. Wyant also pointed out that a hand-out was available that showed the number of RDA programs and stand-alone courses on coronal polishing, pit and fissure sealant, and ultrasonic scaling courses that had been approved during the last three years as well as the number of pending applications.

Legislation of Interest to COMDA: Ms. Wyant noted that there was a hand-out available of a news article that appeared in *The Desert Sun* which discusses AB 1334 which will remove the prescription requirement for registered dental hygienists in alternative practice (RDHAP). Ms. Wyant also noted that the Dental Board has modified its position from support if amended to oppose on AB 1334. She stated that the bill is now in the Senate and has yet to be assigned for hearing.

Ms. Wyant also gave a brief overview of SB 1541 (Ducheny) , which is sponsored by the California Dental Association. SB 1541 would clarify the process by which licensed dentists could train their dental assistants in the new specialty assistant licensure categories of restorative, orthodontic and surgical. Ms. Wyant pointed out several areas in the bill that are of concern to her from an administrative perspective. CDA thanked Ms. Wyant for raising those issues and stated that all the issues raised would be addressed when the bill is next amended except the issue of an exam. The exam issue is still an area of discussion among interested parties.

RDA Educational Programs: Staff recommended to the Board that the following educational programs be approved:

- 1) RDA Programs
  - a) Bryman College, San Bernardino (provisional approval)
  - b) Maric College, Bakersfield
  - c) Maric College, Clovis
  - d) Valley Career College, El Cajon
  - e) Western Career College, Citrus Height

2) Radiation Safety Courses

- a) Dental Care Institute, Temple City
- b) Santa Clarita School of Dental Assisting- Valencia

The committee voted to accept the staff recommendation.

Discussion of Status of Implementation of SB 1546. Staff reported that Chair Wallace and Ms. Wyant have been working internally on the development of these regulations. Staff reported that the Dental Board had adopted COMDA's recommendation to appoint a member to work with COMDA on this issue. That board member is Dr. Mito. Staff also noted that a scheduled meeting to discuss the regulations had to be postponed because Dr. Mito had to report for jury duty. An effort had been made to reschedule this meeting to coincide with the next Board meeting but not everyone was able to attend. Therefore, the meeting will be rescheduled.

Recommendation that Dental Board Delegate Authority for Approving Auxiliary Educational Programs to Board's Executive Officer: At the January meeting, COMDA approved a motion that would make a recommendation to the board that the board adopt regulations that would allow the board's executive officer to approve dental auxiliary education programs based on the recommendation of COMDA. This was done to expedite the process by which educational programs and courses are approved. The Board voted to approve this recommendation. Today, staff is recommending that to further expedite this process of educational programs and courses, staff is suggesting that COMDA recommend to the board that regulations be adopted that will allow the executive officer of COMDA to approve educational programs rather than have that authority to reside with the committee members. COMDA voted to approve the staff's recommendation.

Recommendation that authority to appoint an interim executive office be delegated to COMDA Chair: As noted above, the process for hiring a new executive office is on-going. However, it is possible that this hiring process may not be completed prior to the retirement of the current executive office on April 28, 2006. Staff is recommending that the chair of the Committee be given the authority to appoint an interim executive officer to ensure that COMDA can continue to operate until the formal hiring process is complete. COMDA voted to support staff's recommendation.

Agenda Items for Future Items: There was a brief discussion on when COMDA would meet to discuss and review the committee's strategic plan. It was agreed that such a meeting would only take place after the new executive office is on the job.

Public Comments: An individual had some specific questions regarding level of supervision for select duties as well as whether the requirement that mouth-mirror inspections be done by licensed dental assistants precluded a dental assistant from placing a mouth mirror in a patient's mouth for purposes other than an inspection. Ms. Wyant suggested that the person speak to her directly after the meeting for clarification.

Seeing no additional public comments, COMDA adjourned.

## **DENTAL BOARD MEETINGS:**

The full Board began its meeting at 9:00 AM on Tuesday, April 11, 2006. After the establishment of a quorum, the Board met in closed session on disciplinary matters and on litigation.

At 1:30 the Board began its open session. The start of the session was chaired by Dr. Sahabi, Board secretary who took roll call and established that only Mr. Baron was absent (He arrived shortly after roll was taken). Dr. Sahabi asked each Board member to introduce themselves for the benefit of the public. Following the introductions, Dr. Sahabi turned the meeting over to the Board's executive office for the purpose of holding the election of officers.

Election of Officers: The election for Board president was contested between Drs. Turchi and Seldin with Dr. Turchi winning the election. For the position of vice-president, Dr. Mito received the nomination and was elected. Dr. Sahabi retained his position as secretary.

Legislation: The Board had a written overview of active legislation that is of interest to the Board. A lengthy discussion was held over AB 1334 (Salinas) which would remove the prescription requirement for registered dental hygienist in alternative practice. The core of the discussion on this bill was the reasoning (or lack of it depending on your perspective) for the Board to change its position on this bill during the previous meeting from support if amended to oppose. Despite the lengthy conversation, the Board voted to maintain its position of oppose. The Board also discussed SB 1541 (Ducheny) which would clarify the process by which dentists would train their assistants in the new specialty dental assisting categories. CDA provided clarification on the bill and sought the Board's support while the Dental Assistant Alliance spoke in opposition to the bill unless it is amended. The amendment being sought is that only approved educational providers would be allowed to teach coronal polishing, ultrasonic scaling and pit and fissure sealant courses. Board voted to support the bill. The last bill that the Board discussed was SB 1472 (Figuroa) which would create a separate dental hygiene bureau as well as allow registered dental hygienists to be Medi-Cal

providers. Staff stated that the current language in the bill had only been in print for a couple of days and there had not been a complete analysis on the bill done and therefore it is unknown what impact this bill would have on the Board. CDA stated that the Board should oppose the bill since there was no clear benefit to the public by the creation of a separate dental hygiene bureau. The California Dental Hygiene Association (CDHA) countered that no harm would be done to the public by the creation of a separate bureau. After some discussion, the Board voted to hold a discussion on this bill during the second day of the meeting.

Ms. Vargas made a general comment asking if it was possible to, in the future, get additional information or background on the issues that come before the Board. She felt that as a board member she is ill-prepared to discuss these issues.

Report on Pending Regulations: Board staff gave a brief update on the status of regulatory proposals. Staff noted that they are required to review the minimum standards for infection control that are in current regulations on a yearly basis and such a review is currently overdue. Dr. Johnson, speaking on behalf of the California Orthodontic Association noted that the Board's infection control committee should be reconvened and the issue of requiring bagging of orthodontic instruments revisited.

Examinations Update and Consideration of Examiner Appoint Policy: Staff reported that the sign-up rate for the California exam has been lower than the historical rate which should be expected given that the California exam is now competing with the WREB. Therefore, the utilization rate of the California exam may require the Board to consider modifying its future exam schedule. Secondly, staff reported that they are reviewing the procedures and requirements for appointment as Board examiners. Staff thinks a revised process and policy might make it more likely to increase the number of examiners. Staff noted that more examiners are needed to avoid burn-out of the examiners as well as bring diversity to the examiner pool. No action taken.

Dental Clinical Examinations Candidates Allowable Assistants: At the last Board meeting, the issue was raised that a registered dental assistant (RDA) can assist a student taking the WREB, but an RDA cannot assist a student taking the California exam. This was presented because some felt that such an inequity was unfair. Staff reported that they had a conversation with the Department of Consumer Affairs's Office of Examination Review (OER) on this subject. OER was not in favor of adding to the list of people who can assist dental students on the exam and noted that OER only audited the WREB for similarity in testing dental procedures. No action taken.

Report on California Clinical Examination Pilot Project: Staff reported that the project is currently on hold given that the logistics in making examiners available

when students are ready (or wanting) to be tested is proving to be troublesome. Staff noted that those involved in this project are looking at the Northeast Regional Examination Board (NERB) curriculum-integrated-format to see how that exam makes its examiners available for students. Dr. Lew noted that he would like some background information on this subject of the pilot project. Dr. Casagrande asked if the board could receive a report from Dr. Coragene Savio on the NERB process.

Report on Examination Statistics: Staff provided data on the exam results for dental auxiliaries. No action taken.

Oral Conscious Sedation Program Statistics: Staff provided data on the number of permits issues for adult oral conscious sedation and method of qualification for the permit. The total number of applications received for the period ending March 24, 2006 is 169. Nine of those applicants have been approved, 75 applications are being evaluated and 56 applications are pending. Of the 169 applications, 137 were seeking approval based on the fact that the applicant can document 10 cases of performing OCS on adults in the past. Staff noted that they are in the process of adopting regulations for the approval of adult OCS educational programs. These proposed regulations will be given a public hearing on May 31. These proposed regulations will clarify that dental residency programs in periodontics and general practice dentistry that are accredited by the Commission on Dental Accreditation will meet the definition of approved by the Board and then can be used to qualify for the permit. However, staff noted that they might not have the authority to approve, via regulation, the recognition of CODA approved residency programs for the issuance of the adult OCS permits. CDA noted that the Board currently accepts the completion of a CODA approved residency program in periodontics or general dentistry as a method to qualify for an OCS permit for minors. CDA also offered to address this issue in clean-up legislation if needed.

Approval/Disapproval of Extramural Facilities: Staff presented that Loma Linda University School of Dentistry is requesting approval of an extramural facility at Victor Valley Dental Service Program in Apple Valley, CA. Board voted to approve the request.

Update on Licensure by Credential (LBC): Staff reported that the Board receives approximately 25 applications per month from dentists seeking LBC. They also reported that they anticipate that the number of dentists seeking LBC will increase because they receive approximately 20 phone calls per day since the passage of SB 299 which removed the minimum 2 year clinical experience requirement for LBC. Since the LBC program inception in July 2002, the Board had issued 1,113 licenses. Staff noted that the LBC program is causing workload issues and while SB 299 appropriated \$56,000 to the Board, staff will be looking to augment that funding through a budget change proposal (BCP) this

year. Staff also reported that 172 dental hygienist have been licensed through LBC since that program's inception in January 2003.

Consideration of Definition of Full Time Pursuant to SB 299. Staff noted that the Board has the option to define, in regulatory language, what constitutes "full-time" for the purpose of the LBC program. This may be needed since dentists with less than 5 years experience are required to work for "full-time" for two years in a safety-net setting before being issued a free and clear license. CDA noted that if a definition of full-time is adopted, the Board should give full consideration to use the definition of "full-time" that is currently used for the student loan repayment program. No action was taken.

Request for Approval of international Student Program at Universidad De La Salle: De La Salle, which has had its dental school accredited by the Board, is now seeking to have an international program for foreign trained students approved by the Board. Staff noted that Board does not have a criterion for approving international programs. Staff also noted that the international programs at the California dental schools integrated foreign trained students into the "regular" dental school curriculum at the 3<sup>rd</sup> year of dental school. This is also the process that De La Salle will use. Staff from Senator Escutia's office was present to speak in favor of the project. In addition, the De La Salle's Attorney, Mr. Holguin was present to answer questions. Mr. Biggers was concerned about immigration and national security issues. Mr. Holguin noted that the student would be responsible for immigration status and no immigration laws would be impacted. CDA ask if it was a requirement for students at California dental schools to have an undergraduate degree. Dr. Mito stated that an undergraduate degree was not a requirement for admittance to dental school, but noted that given that it is a factor in determining acceptance into the dental school, a person without an undergraduate degree would probably not be competitive in the selection process. Staff noted that they where still waiting for additional documentation from De La Salle and will report back to the Board once that information is obtained. No action taken.

Discussion on the Use of Automatic External Defibrillators (AED) in the Dental Office: Staff noted that they were seeking permission from the Board to begin looking at the issue of whether AED's should be required to be standard equipment in the dental office. Board approved having the staff begin researching the issue.

Report on Manipal Technical Advisory Group (TAG) Selection: Staff reported that the open position on the TAG team had been filled. No action taken.

Diversion Program Report: Staff reported that the number of participants in this program has been steadily declining with only 24 participants in the program. Staff reported that they are looking into factors that are influencing the declining number of participants in this program. No action taken.

Report on Continuing Education Regulations: Staff noted that a proposal to refine the continuing education regulations, which includes adding language to make mandatory C.E. related to the dentist's obligation under the penal code for mandated reporting, has been put before them. CDA noted that they have been working with the Board staff on this language to clarify some deficient areas that have been discovered since these regulations were adopted. However, CDA also noted that while they have been working with Board staff on this issue, CDA was still opposed to adding any additional mandatory C.E. courses without an established deficiency in the education that dental professionals receive. Mr. Biggers questioned why CDA was so involved in the drafting of regulatory language and why other stakeholders were not invited to participate. Mr. Hedrick explained that CDA was only assisting the Board staff in this endeavor and that all stakeholders would be given the opportunity to participate in the regulatory process. After reviewing the proposed regulatory C.E. language, the Board voted to refer the language back to the C.E. committee for further review. Dr. Casagrande stated that he would like to revisit the entire subject of classifying C.E. course into two different categories. Patricia Osuna, previous Board member, stated that reconsideration should also be given to giving C.E. credits to those dentists who participate in the orientation program that qualifies the dentists to do the Board's on-site inspections for general anesthesia permit holders. Ms. Osuna also stated that the C.E. committee should consider giving C.E. credits to those license holders who complete calibration training for exams.

The Board then adjourned at approximately 4:30 pm.

Friday April 12, 2006.

The meeting was called to order at approximately 9:00 AM and roll call was taken. The only absent member was Ms. Vargas.

Approval of January 27, 2006 Minutes: Minutes were approved.

President's Report: Given that Dr. Turchi was just elected president yesterday, he did not have a report to give other than to request that Board members provide him with a list of committees that they would like to serve on.

Executive Officer's Report: Mr. Hedrick introduced Ms. Shirley Moody as the Board's new chief enforcement officer.

Mr. Hedrick also noted that the Board is now a member of the WREB and has a seat on this Board.

Mr. Hedrick noted that the board will continue to evaluate applications from foreign dental schools for approval when a school applies to the Board. While some have thought that the Commission on Dental Accreditation (CODA) would be taking on this activity for all states, Mr. Hedrick noted that while at the conference for dental examiners last month, it became clear to him that CODA is at least several years away from putting into place a system for evaluating foreign dental schools.

Mr. Hedrick gave an overview of the Board's budget which is currently on track to finish the year ending with a surplus of \$326,808. In large part this surplus can be attributed to staff vacancies and savings in exam cost. Mr. Hedrick also noted that the budget data provided to the members and the public did not include the request for budget augmentation through budget change proposals (BCPs) nor did it include proposed increases the fees paid to dental examiners.

Report of the Committee on Dental Auxiliaries (COMDA): Ms. Shanda Wallace, Chair of COMDA reported that COMDA was requesting the approval of 5 registered dental assisting (RDA) programs and two radiation safety courses (See COMDA report above for recommended program). Board approved COMDA's recommendation.

Report on Strategic Planning Orientation: Staff from the Department of Consumer Affairs gave a presentation on the services that DCS offers to boards, bureaus and committee regarding strategic planning. It was noted that once an entity notifies DCA that they would like DCA's assistance in developing the entity's strategic plan, it usually takes about 3 months for DCA to do all the necessary background work before the actually planning can take place. No action was taken.

Presentation by the American Board of Dental Examiners (ADEX): Dr. Guy Champagne D.D.S. gave a very detailed PowerPoint presentation on the ADEX exam which the doctor categorized the ADEX as a test development group not a testing agency and therefore is a true independent third party. If California accepts the ADEX, it would have to be administered by wither a testing entity such as WREB or the Dental Board. ADEX exam is administered in both traditional and curriculum-integrated formats. It is comprised of:

- Dental Simulated Clinical Examination (DSCE) on diagnosis, oral medicine, radiology, comprehensive treatment planning, periodontics, fixed prosthodontics, and medical considerations; computer format with simulated patients; similar to the Canadian OSCE, except candidate must request the appropriate diagnostic tools
- Fixed prosthodontics exam on a manikin; prep PFM crown on one 3-unit bridge abutment, full cast crown as the other abutment for the same 3-unit bridge, and a ceramic crown
- Endodontics exam on a manikin; access opening on posterior tooth and access opening, canal instrumentation and obturation on anterior tooth

- Restorative exam on a patient; Class II amalgam prep and restoration, Class III composite prep and restoration
- Periodontal exam on a patient; case acceptance and pocket depth qualification, treatment

In 2005, the ADEX had a 98% pass rate when it was given to 1352 candidates at 17 schools. Dr. Champagne noted ADEX is considering a request from some schools to offer manikin portion of the exam after the second year of school. Early in his presentation, he emphasized the contributions of California representatives, Drs. Coragene Savio, Bob White, Don Wallace, George Soo Hoo, and Ariane Terlet, to the exam development. The Board took no action.

Presentation by WREB: This item was ajenized to give WREB equal time to promote its exam, if WREB desired such an opportunity. However, no one was present from WREB.

Discussion of Dental Offices as Clinical Facilities in Registered Dental Assistant Education Programs: During the January Board meeting, 4-D College, which had its application for an RDA program recommended to be denied because they were planning on using actual clinical operatory for student instruction, made a presentation to have the Board reconsider COMDA recommendation for disapproval. 4-D was present today and stated that COMDA's policy that prohibits the use of actual clinical operatories and requires that all teaching facilities (classroom, laboratory and operatory) be located in a single central location are outdated and not flexible enough for today's educational environment. CDA noted that they had provided a letter on this issue to the Board and that letter was mailed to the Board members. CDA argued that the regulations did not prohibit the use of clinical operatories from being used nor did the regulations require that all educational instruction for RDA programs take place in a single location. CDA stated that given the detailed nature of the RDA educational program regulatory language it would seem that if the thought was that all RDA educational experiences take place in a single location, the regulations would have stated that fact. Furthermore, CDA noted that CODA allows both dental assisting and dental hygiene to meet the CODA accreditations standards by using non-centralized training and education facilities. Therefore, because COMDA automatically recommends approval to the Board for CODA accredited dental auxiliary programs, if COMDA continues to disapprove programs with non-centralized operations; California will have two standards for approval. Dr. Robert Johnson, California Association of Orthodontists stated that the Board should not lose sight of the fact the regulations stated that the educational program's operatory must replicate a dental office and therefore if a "real" dental office cannot be defined as a replica, he finds it hard to understand how any operatory can be considered a replica. Lana Wright, Dental Assisting Alliance (DAA) spoke in opposition to approving 4-D applications because the

Alliance believed that all education must take place in a central location to ensure a quality education. Ms. Wright also stated that while CODA allows non-centralized teaching facilities, they do require contractual relationship for those off-site facilities. Dr. McCormick stated unless some consumer protection was being provided by requiring all facilities to be offered in a central location, she could see no reason to require that clinical training facilities be located at a central location. The Board voted to establish a policy that RDA educational programs are not required to have a clinical training facility in a central location.

Follow-up Discussion on SB 1472: Because the Board did not reach an agreement on this bill yesterday it was put over until today. The Board president felt that because the bill had only been in print for a few days it would be unrealistic for the Board to take a position on the bill without knowing the potential impact on the Board. CDA argued that, at a minimum, the Board should direct staff to complete an analysis and have a discussion on the merits of bill at an interim meeting. CDA noted that if the Board waits until the next meeting, which is scheduled for August, it will be too late to weigh in on the issue. The Board voted to take no action.

Public Comment: Dr. Gerald Drury, speaking on behalf of the California Society of Periodontists, noted that the current approval process for adult oral conscious sedation (OCS) permits is causing problems for some periodontist in treating patients because they are not able to get adult OCS permits. Dr. Drury provided the Board with information from CODA that outlined the training that a dentist receives in OCS during a periodontal residency program. The board stated that they will try to move as quickly as possible to rectify the situation so that periodontist can use their residency programs experience as a qualifying event for an adult OCS permit.

Given the emphasis of this meeting on the issue of the adult OCS permits, CDA took the opportunity to provide the Board members with a historical perspective of the adult OCS issue. Several years ago, the Board was concerned with the increase issue of “sleep dentistry” and the training/education that dentist were receiving in “sleep dentistry” techniques. Therefore, the Board authorized the use of a blue ribbon panel to study the issue of whether there needed to be increased oversight of dentists who orally administering drugs for conscious sedation. The panel came back with the recommendation that there be additional educational and training requirements for dentists using OCS on adults just as there are requirements for dentists who use OCS on minors. The panel put forth suggested legislative and regulatory changes to implement the panel’s recommendations. The Board then voted to approve the panel’s recommendations. Following this approval, the Board and CDA successfully cosponsored legislation ( AB 1386 Statutes of 2005) to implement the panel’s requirements. The issue before you today surround adults OCS permits are a result of that legislation.

CDA also notified the Board that they were required to prepare a report to the legislature on the student loan repayment program back in 2004. CDA acknowledged that the program had barely been implemented in 2004 due to delays in adopting regulatory language, so it would have been difficult to give the legislature a report on the program. However, CDA stated that they were bringing this issue to the Board's attention because while the pilot project for the loan repayment program was ending, it is likely that there will be interest in looking at continual funding of the program as was done with the medical board's loan repayment program. Therefore, lawmakers may ask to see the report.

Not seeing any other people seeking to provide public comments, the Board adjourned.