

**Report of the
Meetings of the Committee on Dental Auxiliaries, August 2 & 16, 2006
and
the Meeting of the
Dental Board of California
August 3-4, 2006
San Diego, California**

This report summarizes the significant activities of the Committee on Dental Auxiliaries (COMDA) and the subcommittees, committees, and full meeting of the Dental Board of California during the meetings of August 2-4, 2006. 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.

Committee on Dental Auxiliaries (COMDA) August 2, 2006.

Members Present: Wallace (Chair); Churchill; Gipson; Baker
Members Absent: Dale, Molina

Roll call was taken and it was established that a quorum was not present. The Chair announced that they would meet as a subcommittee and would be limited to discussing agenda items and not be taking action. However, the Chair stated that a meeting would be held in the immediate future so the committee could take action on agenda items. After some discussion regarding availability of members, the subcommittee agreed to meet on August 16 in Sacramento. Antonette Sorricks, Deputy Director of Board Relations for the Department of Consumer Affairs, noted that if COMDA plans to address the same issues as on today's agenda, she will advise DCA of the August 16 meeting. It was agreed that the agenda will remain the same.

The Chair announced that public comments are invited and encouraged during the meeting. Comments can be made during the discussion of each agenda item or near the end of the meeting when a public comment period will be announced.

Approval of the Minutes: The Chair noted the minutes from April 7 meeting and lacking a quorum was unable to seek approval of the minutes. **(COMDA voted to approve at the August 16 meeting)**

Chairperson's Report: Ms. Wallace noted that she spent considerable time since the last meeting learning about the state's human resource process as she worked to hire and get in place the committee's new executive office. She also noted her attendance at the Board's regulatory hearing on May 31 in Sacramento where one of the two regulatory hearings pertained to COMDA. Ms. Wallace noted her attendance and work as the clinical supervisor at recent exams for registered dental hygienists and registered

dental assistants. She commended the committee's staff for their professionalism and efficiency in administering each of the exams. Finally, Ms. Wallace introduced the newest addition to the committee, Mr. William Baker.

Executive Officers Report: Ms. Elizabeth Ware noted that she is no longer splitting half time between two jobs. She noted that with the transition of leadership at COMDA there have been changes in personnel with some people retiring and some moving on to other job opportunities. Therefore, COMDA has made some new hires to include a full-time receptionist, which should improve contact with the public as well as limit staff interruptions.

Ms. Ware noted that she is very concerned about COMDA's financial solvency and she will be watching and studying revenues and expenditures very closely. She noted that some adjustment in fees for dental auxiliaries may be required in the immediate future, particularly if a separate hygiene bureau is established.

Ms. Ware highlighted that she attended the California Dental Hygiene Association's House of Delegates meeting in June. She felt that COMDA should staff an exhibit table at future statewide meetings of the RDA and RDH professional associations.

Ms. Ware noted that COMDA delayed its strategic planning process until the new executive office was hired. Now that she is on the job, Ms. Ware is recommending that this process get moving again and be taken up at the November meeting.

RDA Program: Staff reported and provided data on the number of applicants taking the RDA exam (5074) and the number who passed (3749) during the current fiscal year.

Staff also reported that there is an extreme backlog of applicants seeking approval for RDA education programs and courses. In part, staff reported that the limited number of consultants has resulted in delays in the approval process. The Chair recommended that COMDA publicly notify the applicants of the backlog and the status of their application.

Staff also noted that it cost approximately \$6,600 to approve an RDA education program. If the provisional approval categories is discontinued the cost of approving an RDA education program could drop by \$2,350. The reported cost to approve an education course is \$1,550.

Staff reported that the number of courses and programs seeking approval has increased substantially in the last two years and they anticipate that with the pending new licensure categories for dental assisting, there will be additional requests for approval. Staff reported that without an increase in fees for this approval process and additional staff positions, COMDA's budget will be crippled and huge delays in approval will be experienced. Staff reported that most programs that are seeking approval from

COMDA are exempt from paying the fee because their programs are approved by either the State Bureau of Private and Postsecondary Education or by a state community college. COMDA's legal counsel noted that COMDA would need to seek statutory changes in order to increase fees as well as to address the issue of most RDA educational programs being exempt from paying the fee.

Staff also noted that there are three RDA Educational programs which had been recommended for provisional approval. For the benefit of the new COMDA member, provisional provider was explained to mean that a program is given this status until there is a graduating class and then COMDA revisits the school for further inspections. Ms. Ware noted she will be examining this process as it appears to be wasteful of COMDA resources.

Staff reported on the expenses and fees associated with administering the RDA exam. While the existing exam fee of \$60 and application fee of \$20 appears to be covering the cost of RDA exams, additional information and analysis will be provided at a future meeting.

RDH Program: Staff provided data that illustrated that since the inception of the licensure by credential program for dental hygienists in 2003, 186 out-of-state RDHs have been issued a California dental hygiene license. All of the 186 approved applicants qualified for licensure by having at least five years of experience. No RDH has been licensed under the provision of the law that allows an RDH with less than 5 years experience to practice for two years in a safety net setting.

Staff provided data that illustrated that 649 applicants have taken the RDH exam during the current fiscal year and 561 have passed the exam.

Staff reported that they have concluded that is in the best interests of COMDA and the exam candidates to offer the required law and ethics exam for RDHs via a computer based exam. Staff reported that the current paper process of administering this exam is not an efficient use of staff resources. A computer based exam would allow testing at 24 locations statewide and the candidate will receive his or her exam results before leaving the exam site.

Staff also reported that there is a need to establish a fee for the law and ethics exam, which would require statutory authority.

Staff reported that initial analysis of the fee structure for RDH examination indicates that the current fee of \$220 for examination is excessively low. Staff reported that based on the limited data from 8 exams this year, the fee for RDH examination should be \$293 in order to cover COMDA's cost. Staff reported that they will be completing further analysis on this subject.

Legislation and Regulations: Staff presented analysis of the following bills:

AB 1334 (Salinas): This bill would remove the requirement that a patient receive a prescription from a dentist or physician before an RDHAP can provide care to the patient. CDA spoke in opposition to the bill and noted that removal of the prescription is premature given that until recently there were only a handful of RDHAPs in California. California Dental Hygiene Association (CDHA) spoke in favor of the bill and noted that the pilot project that led to the establishment of the RDHAP licensure category did not require prescriptions and patients were not harmed **(COMDA voted to support AB 1334 at the August 16 meeting)**.

SB 1472 (Figueroa): This bill would establish a separate bureau for dental hygienists. CDA spoke in opposition of the bill because CDA has not been informed of what public benefit is being derived for the development of a separate hygiene bureau. CDA also noted that despite the CDHA's expressed interest in access to care, CDHA has been conspicuously absent in supporting legislation that would increase dental care, such as AB 1433 that would mandate oral health assessments for all kindergartners. CDHA spoke in favor the bill without being specific on the reason for supporting the bill. COMDA's legal counsel provided that other health care professionals, with similar educational requirements, have their own board or bureau. While the Chair noted that the Board had taken a neutral position on this bill, she was recommending that COMDA take a support position on the bill without the Board's approval. **(COMDA voted to support SB 1472 at the August 16 meeting)**.

SB 1541 (Ducheny): This bill, which is sponsored by CDA, would establish the work-experience pathway for dentists seeking to train his or her assistants in one of the new licensure categories for dental assisting. The Dental Assisting Alliance stated that COMDA should require that any person seeking licensure in the new licensure category be tested on the most difficult allowable duties. CDA spoke in favor of the bill and noted that each year dentists train over 1,000 dental assistants who become licensed as RDAs. CDA also noted that they took great affront to the comments made by COMDA that implied dentists are not able or not willing to properly train and educate his or her staff. CDA stated that given that dentists are ultimately responsible for the care delivered by the dental team, such comments ignore the history of dentists as educators as well as the fact that the dentist is ensuring that treatment meets the standard of care. Furthermore, CDA noted that there were incorrect assumptions made in the COMDA analysis of this bill to include the statements that the bill was establishing the fees that DANB could charge for the exam and that COMDA would be responsible for providing curriculum to the dentists. **(COMDA voted to oppose SB 1541 at the August 16 meeting)**.

As part of the discussion related to legislation, Mr. Baker raised a concern that COMDA does not have a process or mechanism in place to assess the fiscal impact that proposed legislation might have on COMDA. He moved, and it was seconded, to have this issue addressed at the November meeting. Motion was approved.

Regulations Related to Dental Assisting: COMDA reported that the effort by COMDA to bring together a working group consisting of one COMDA member and one Board member, to work through outstanding issues surrounding the regulations related to the new licensure categories for dental assisting, has not come to fruition. However, staff has been working on the required regulatory proposals and will try to make a presentation at the November COMDA meeting. Staff is hopeful that COMDA will vote to recommend that the proposal be presented to the Board at the Board's November meeting. Staff is also hopeful that the Dental Board will accept COMDA's recommendation and vote to hold a regulatory hearing prior to the end of the year. Staff stated they will also be seeking the Board's approval to support legislation that extends the implementation date for these new licensure categories out by one year. CDA stated that because no action has been taken on this issue for the last eight months, CDA would not be supportive of any legislation to extend the implementation date unless regulatory language is approved by the Board, vetted through the regulatory process and delivered to DCA.

Regulations to delegate authority to the Board's and COMDA's Executive Officers: Staff gave an update on the regulations that would delegate authority to the Board's and COMDA's executive officers to give final approval for education programs. Under existing regulations, only the Board can approve education programs based on the recommendation of staff. This process delays the approval and thus the operations of educational programs and courses. By allowing the executive officers to have this authority to approve dental auxiliary educational programs, these programs will no longer have to wait until the next Board meeting before getting final approval.

After seeking public comment, of which there was none, COMDA adjourned.

DENTAL BOARD MEETINGS:

Board met at 9:00 AM on Thursday, August 3 in closed session to take action on disciplinary matters and to discuss the Potts v. Hamilton case (specialty advertising).

At 11:00 AM, the Board returned to open session and subcommittee meetings were held.

Education Committee

The following subcommittees of the Education Committee met. The subcommittees then reported back to the Committee as a whole.

Continuing Education Subcommittee:

Members present: Lew (Chair), Seldin, Yale

Member absent: Sahabi

The single issue discussed by this subcommittee was regarding a proposal to modify regulatory language related to administrative aspects of the continuing education program. CDA noted that the agenda reflected that this proposal was being put forth by CDA. However, CDA has only been offering assistance on the proposal. While CDA remains supportive of the changes because it will eliminate underground regulations and improve administrative efficiencies, the proposal is not a CDA proposal. Dr. Reggiardo, representing the California Society of Pediatric Dentistry, questioned the fairness and logic of not requiring CE provider to disclose whether the course he or she is offering fits within a Class I or II category as defined in the regulations. The subcommittee agreed and will make a recommendation to the Education Committee that the appropriate language be adopted.

Infection Control Subcommittee:

Members present: Yale, Lew

Member absent: Biggers

Regulations require the Board to review the regulations pertaining to infection control on a yearly basis. The subcommittee opened the meeting by seeking comments on the existing infection control regulations. Seeing none, the subcommittee adjourned.

Education Committee:

Member present: McCormick, Casagrande, Dominicis, Lew, Seldin, Yale

Member absent: Sahabi

In addition to receiving the reports of the above subcommittees, the Education Committee discussed the Student Loan Repayment Program. Staff presented data that illustrated the second round of awards. The data showed that 10 awards were made totaling \$923,267 with 6 of the 10 recipients receiving the maximum allowable award of \$105,000. CDA thanked the Board for this data but also requested the data for the first round of awards also be presented. The Board's E.O. said he would look into finding that data. It was also reported that the data for the third round of awards would be available in approximately one year.

Dr. McCormick reported back on her participation in the Senior Summit and noted that the three key topics of the Summit were physical abuse of elders, identity theft, and

geriatric emergencies. Dr. McCormick thought the Board could increase their role in the elder abuse arena. Dr. Lew made a motion to have a discussion of elder abuse at the November meeting. Motion was seconded and approved.

After seeking public comments, the Committee adjourned.

Licensing, Certification & Permits Committee:

The following subcommittees of the Licensing, Certification & Permits Committee met. The subcommittees then reported back to the Committee of the whole.

Examinations Subcommittee:

Member present: Casagrande, Baron, Dominicis, McCormick, Mito, Turchi

Member absent: None

Discussion of new examiners. The staff reported and requested that the following dentists be approved as appointments as dental examiners:

Dr. Ramesh Gowda

Dr. Robert Nalbach

Dr. Roshani Patel-Mehta

Dr. Guy Acheson

Dr. Kevin Kurio

The subcommittee voted to recommend that the five dentists be approved.

Discussion of segmented licensure examination. The staff reported on proposed changes to the California licensure examination. If adopted, the proposal would begin in the winter of 2007 and would implement a segmented examination process. This process would start with the student being tested on the simulated fixed prosthetics separated from the traditional clinical examination. In addition, the written examination would be held on a separate day. During the proposed segmented clinical examination process, students would have 5 time blocks from which to choose to test on the 3 clinical procedures. Staff noted that they have identified changes that would have to be made to existing law and regulations in order to implement this exam process. Dr. Casagrande noted that the exam scheduled for September, 2006 would be the last offering of the current California exam process. He noted that because the California exam is a tougher exam, more candidates are taking the WREB.

Dr. Dominicis stated that he had concerns about how this segmented exam would be offered to out-of-state candidates as well as candidates who qualify for examination

based on the result of the RT exam. He also noted that the way the segment exam is proposed, if you either fail or miss the exam at the start of the exam cycle, you would have to wait a year. He also noted that the proposal to hold two separate clinical exams for RT candidates has the potential to result in discrimination against these students because it will be obvious that the candidates for these exams are graduates of international programs. Staff responded that it might be possible to address Dr. Dominicis first concern by requiring that a select percentage of slots in the SLE format be reserved for non-California students.

CDA asked if the Board had any record keeping concerns with this exam process. Staff reasoned that the ATS (applicant tracking system) should be up and running soon and will allow for adequate tracking of candidates.

Dr. Steve Morrow, clinic administrator at Loma Linda School of Dentistry, noted that the provided documentation seemed to indicate that the exam would be administered on Saturday. Dr. Morrow noted that religious beliefs excluded Loma Linda from administering exams on Saturday. Staff noted that the documents were established as guides and there would be flexibility on the days that the exam is offered. Dr. Morrow also noted that most students will continue to take the WREB examination because of the administrative efficacies that it offers. However, he also noted that the segmented examination process would be substantially different because it eliminates the “fatigue factor” that is present with the current examination process that requires 3 straight days dedicated to completing the exam process. Dr. Earl Johnson, representing the California Association of Orthodontics, spoke in favor of the segmented licensure process and stated that this type of exam process is a move in the right direction. CDA questioned what, if any, feedback the Board had received from the deans of the state’s dental schools, regarding the segmented examination proposal. Dr. Casagrande noted that the Board recently sent a letter to the deans regarding the examination proposal and have yet to receive any feedback.

No action was taken.

Discussion of the Results from Restorative Technique (RT) Examination and proposed Changes to the RT Exam. Staff presented data from the two April RT Exams. 70 (39%) of the 122 candidates passed the exam held at USC and 101 (47%) of the 213 candidates passed the exam held at UOP. One candidate for the exam offered public comments in which she asked the Board to establish which typodont the RT candidates will be required to use for the exam so the candidates can prepare for the exam. She noted that there are too many allowable typodonts which results in too much variation in grading. Other RT candidates had questions regarding the RT exam process.

Draft regulatory language was presented that would make changes to the RT Exam as well as the student handbook that is given to RT candidates. CDA noted that the student handbook should be incorporated by reference into the regulations in order to

avoid the promulgation of underground regulations. Dr. Mito questioned the purpose for incorporation to which CDA noted that it would ensure that all candidates have a fair and equal opportunities to know actually what the rules and requirements are of the exam. The Board staff noted that they did not need to incorporate the RT handbook but instead could just incorporate relevant portions of the handbook into the regulations. Subcommittee members directed Board staff to examine what portions of the handbook should be incorporated into the regulatory language.

Examination Statistics. Staff presented data for the clinical licensure examinations that were administered by the Board in March and May 2006 at University of Pacific (UOP) and University Southern California (USC) dental schools. At UOP, 77 (79%) of the 98 candidates passed the clinical examination and at USC 45 (74%) of the 61 candidates passed the clinical examination.

After seeking public comments, the subcommittee adjourned.

Exam Appeal Subcommittee

Members Present: Baron, Dominicis, McCormick

Members Absent: None

Subcommittee met in closed session to consider appeals for exam candidates.

General Anesthesia/Conscious Sedation Subcommittee

Members Present: Mito, Dominicis, McCormick,

Member Absent: Vargas

Comments on Proposed Regulations on Section 1044. In addition to providing a transcript of the public comments received during the regulatory hearing on regulations pertaining to the oral conscious sedation (OCS) for adults held on May 31, 2006, Board staff gave a summary of written comments received on the subject. A spokesperson for the Dental Organization for Conscious Sedation (DOCS) spoke in favor of amending the proposed language to reflect that the current DOCS course, which does not include a clinical competent, be adopted. CDA spoke in opposition to this proposal and noted that the previous Board had examined this specific issue. The previous Board had confirmed that the Board's Blue Ribbon Panel on OCS supported education with a clinical experience because such training is vital for fully understanding OCS. In addition, CDA noted that the American Dental Association's Commission on Dental Accreditation (CODA) has a standard that recommends a clinical experience so a dentist's skills and knowledge can be evaluated first hand. In addition to the subcommittee voting to retain the language that requires an educational course in OCS to have a clinical experience, the subcommittee also voted to adopt 5 of the 6 recommendations suggested by CDA.

The subcommittee was not presented with any appeals of onsite inspections and evaluations.

During the public comment period, Dr. Kabe noted that she has had a difficult time in finding a pediatric OCS C.E. course and stated that the lack of these courses will make it difficult for dentists to retain their minor OCS permits. Dr. Reggiardo, representing the California Society of Pediatric Dentists, spoke to this issue and stated he would work on providing the Board with information on the subject in the immediate future.

Seeing no further public comments, the subcommittee adjourned.

Licensing, Certification & Permits Committee:

Members present: Casagrande, Baron Dominicus, McCormick, Mito, Turchi,
Members absent: Vargas

Exam Subcommittee Report: The Chair of the Subcommittee recommended that the five new examiners be appointed. The Committee agreed to make the recommendation to the Board.

Report of the Exam Appeals Subcommittee: The subcommittee reported that they were recommending that one candidate be allowed to retake the amalgam portion of the exam at no cost to the candidate and that one candidate be awarded a dental license despite being one point short of having passed the examination. The Committee agreed to make the recommendation to the Board.

Report of General Anesthesia/Conscious Sedation Subcommittee: The subcommittee reported that they were recommending that select changes be made to the proposed regulations for adult oral conscious permits.

Discussion of Proposed Regulatory Language to define "full-time" for Licensure by Credential program: Staff presented language that would define full-time to mean that the dentist is working a minimum of 40 hours a week, with at least 32 hours per week being involved in direct patient care. This definition is the same definition of "full-time" that is used for the student loan repayment program. CDA spoke in favor of the language. Dr. Mito stated that he had concerns with the language because it would make it extremely difficult for the dental schools to recruit dentists under LBC since most faculty members would not be able to meet the 32 hours of clinical experience per week. Board staff stated they would go back and give additional consideration to the issue raised by Dr. Mito.

Presentation by WREB: Dr. Woods, President of the Western Regional Examination Board (WREB) gave a brief overview of current issues WREB is addressing and

welcomed California as the newest member to WREB. One current issue WREB has confronted in the development of a segmented licensure examination. While the dean's of the western states had ask the WREB to investigate the practicality of a segmented exam, when WREB presented the deans with such a proposal, the deans indicated they were no longer interested in pursuing a segmented licensure exam.

Several of the Board members were critical of the WREB and do not believe it is a "good" exam because there is no testing of oral diagnostics and treatment, that caries can remain in the tooth and there is not a prosthetics section on the exam. Dr. Woods noted that since California is now a member of WREB and has a seat on the WREB Board, California should bring any concerns to the attention of WREB so they can be addressed. Dr. Woods also noted that the caries issues is often overstated because only decalcified caries is allowed and the failure to remove caries that is penetrating the dentin would result in an exam failure. Dr. Casagrande stated that he though it was unfair that California is only given one seat on the WREB Board when so many WREB candidates are from California dental schools. The Board noted they will be watching the professional performance of dentists who qualified for licensure based on WREB in comparison to the dentists who obtain licensure through other means.

Discussion of Legislation: The following bills were discussed;

SB 438 (Migden) would allow select oral and maxillofacial surgeons to perform limited cosmetic procedures on an elective basis. Board has a support position.

SB 683 (Aanestad) would allow candidates who complete a CODA accredited, advance education program in general practice or general residency to obtain a California Dental License without having to take a clinical examination. Board took a support if amended position. The Board is seeking the adaptation of amendments recommended by the Department of Consumer Affairs that will allow DCA to validate that a residency program is a sufficient replacement for the exam as well as having only advanced education programs in general dentistry recognized for licensure.

SB 1472 (Figueroa) would create a separate dental hygiene bureau. The California Dental Hygiene Association and several dental hygienists spoke in favor of the bill while CDA spoke in opposition to the bill. Board voted to oppose the bill.

SB 1541 (Ducheny) would define the process and parameters for the work-experience pathway to licensure for the three new dental assisting specialties. Board is in support of the bill.

AB 1334 (Salinas) would remove the requirement that a patient have a prescription from a physician or dentist prior to receiving care from a registered dental hygienist in alternative practice. Board has an oppose position on this bill.

Discussion Related to Requiring Automatic External Defibrillators (AED) in Dental Offices: Because this issue was put on the agenda at the request of Dr. Seldin and she had to leave the meeting, it was agreed that this issue would be discussed at the November meeting.

Licensure by Credential Statistics: Staff reported that since February of this year, the Board has issued 62 licenses under LBC and has 56 applications pending.

During the public comments, Dr. Berick asked if the Board would consider endorsing the ADEX examination. The Board noted that they could not address that issue since it was not agendized.

After seeking further public comments, the Committee adjourned.

Enforcement Committee Meeting

Members present: Seldin (Chair), Lew, Turchi

Members absent: Baron

Review of Disciplinary Guidelines: The Deputy Attorney General (DAG) gave an overview of the disciplinary guidelines which are used by the Board members when deciding punitive cases against license holders. The DAG noted they were doing a full review of the guideline for inconsistency or shortcomings as well as looking at other Board's guidelines for best practices. The DAG noted he would be meeting with the Board's enforcement staff next week to discuss the guidelines. The DAG stated that once the review is completed they will make a presentation to the committee members. CDA noted that they were in possession of two different versions of the guidelines. One guideline was provided by the Attorney General's office and the other was provided by the Dental Board. The version the Dental Board had supplied had a revision date that does not match with the date in the existing regulations. The Deputy Attorney General noted he was unaware of the version that the Board provided to CDA, but assured the CDA his review will be based on the version incorporated by reference into the regulations. CDA also noted that the guidelines should be readily available to the public by making it available on the Board's website. The Committee members agreed that the document should be made available on the Board's website and would make that recommendation to the Board.

After seeking public comment, the Committee adjourned.

Diversion Committee Meeting

Member Present: Biggers (Chair), Seldin, Vargas, Yale

Member Absent: Sahabi

Diversion Program Update: Staff gave a short historical perspective of the diversion program and noted that the Board currently has a \$280,000 contract with Maximus for the diversion program. Maximus provides drug testing and monitoring of diversion program participants. There are approximately 30 people in the Board's diversion program. Staff continues to look at internal policies to ensure that appropriate candidates are being referred to the diversion program.

Appointment/Reappointment of Diversion Evaluation Committee Members: The Committee was presented with an application for a new member, Dr. James Tracy and an application for reappointment by Dr. Sandra Schlageter. The Committee voted to approve the applicants.

After seeking public comments, the Committee adjourned.

Full Board Meeting

Members Present: Turchi (Chair), Mito (Vice Chair), Baker, Baron, Biggers, Casagrande, Dominicis, Lew, McCormick, Seldin, Vargas, Yale.

Roll call was taken and it was established that a quorum was present.

Approval of Minutes: Board voted to approve the minutes of the April Board meeting.

President Report: Dr. Turchi introduced and welcomed the newest Board Member, Mr. Bill Baker. Dr. Turchi also gave an overview of the new committee and subcommittee structure and that given the experience with this new format, he may be modifying the method by which they meet in the future.

Executive Officer's Report: The E.O. reported that his focus has largely been on the Board's budget and hiring staff to fill vacancies for licensing activities. The E.O. reported that the board held its first law and ethics exam in conjunction with the WREB examination that was administered at USC in August.

The E.O. reported that a significant number of incomplete applications for licensure are being submitted to the board. These incomplete applications are taking up a lot of staff time as staff notifies candidates of the deficiencies in the application. The E.O. also noted that the plan to make the law and ethics exam available on-line has been delayed because of issues related to establishing a contract between the Department of Consumer Affairs and the vendor.

The E.O. noted that the Board would be preparing budget change proposals (BCPs) in order to improve the Board's enforcement activities. Dr. Mito questioned when the Board would be advised of the Board's budget and when the Board will begin to

provide their input to the Board's future budget. The E.O. noted that he would make a presentation on the Budget at the next Board meeting.

Set Board Meetings for Upcoming Year: The Board tentatively agreed to meet on the following dates in 2007: February 8/9, April 26/27, June 12/13, August 23/24 and November 15/16.

COMDA Report: Shanda Wallace, Chair of COMDA, reported that COMDA did not have a quorum and therefore took no action on agenda items. She reported that COMDA would meet on August 16 and would bring any items for action to the Board in November.

There was discussion regarding the proposed regulations that would delegate final authority for approving dental auxiliary educational programs to the Board's executive officer. The Board agreed to modify the text to clarify that COMDA's Executive Officer has the authority to forward approved programs to the Board without a vote of the COMDA members.

Update on Regulations related to Dental Assisting: COMDA's Executive Officer, Ms. Elizabeth Ware, reported that they have been working on the multiple regulatory proposals that are needed to implement the new dental assisting licensure categories. Ms. Ware plans to present the regulations to COMDA at their November meeting. She is hopeful to get COMDA's approval to present the regulatory package to the Board at their November meeting. Ms. Ware was hopeful that the regulatory hearing could be scheduled before the end of the year. Ms. Ware also stated that they will be asking the Dental Board to sponsor legislation to extend the implementation date for these new licensure categories for at least another year as well as to seek staff to implement these provisions of law. CDA noted that they will oppose any legislation to extend the implementation date unless the regulatory proposal process has been started and the regulatory proposals have been forward to the Department of Consumer Affairs for approval. The Board did not take any action.

Education Committee Report: The Board heard a report from the Education Committee that included actions taken by the Education Committee, by the Continuing Education subcommittee and the Infection Control Subcommittee (see above for subcommittee reports). Dr. Earl Johnson of the California Association of Orthodontists asked that the Infection Control Subcommittee rescind its report related to the review of the Board's Infection Control Guidelines. Dr. Johnson noted that he had obtained misinformation from the Board's staff regarding the meeting time for the Infection Control Subcommittee and therefore, was absent from the meeting. The Education Committee agreed to hold open the discussion of the Infection Control Guidelines and allow the California Association of Orthodontists to bring forward their issues at the November meeting. The Board approved the Education Committee Report with the expectation that the Board voted to send the proposed regulatory language related to continuing

education back to the Continuing Education subcommittee for further discussion on the current ratio of required category 1 and 2 continuing education courses.

Licensure, Certification and Permits Committee Report: The Board heard a report from the Licensure, Certification, and Permits Committee which included actions taken by the examination subcommittee, examination appeals subcommittee, and general anesthesia/conscious sedation subcommittee (see above for subcommittee reports). Board adopted the Committee's report.

Enforcement Committee Report: The Board adopted the Committee's report (see above for committee report).

Diversion Committee Report: The Board adopted the Committee's report (see above for committee report).

Presentation by the University of San Diego, Physician Education and Clinical Education (PACE) program: The Board heard a presentation from Ms. Elizabeth Becker on the programs and services offered by the PACE program. These programs include courses in physician-patient communication, anger management for healthcare professionals, and professional boundaries course. Ms. Becker noted that they receive clients through referrals by the California Medical Board and the medical and dental boards from other states. This presentation was given as part of the Board's work on establishing discipline guidelines and assigning remedial course for license holders who are the subject of disciplinary action by the Board.

Discussion of Proposed Regulations to Amend Business and Professions Code Sections 1021 and 1028 relating to WREB: Staff reported that public comments had been received from the CDA on this proposed regulatory language. The issue CDA raised is the lack of clarity regarding how licensure candidates, who have passed the Western Regional Examination Board, are to apply for and take the mandated law and ethics exam. Therefore, the staff was proposing that the proposed regulatory language be modified to require that applicants submit a separate application for the law and ethics exam when submitting his or her application for licensure based on WREB. CDA questioned the reasoning behind requiring passage of WREB before being allowed to make application to take the law and ethics exam. The board explained that applicants taking the California exam are only allowed to take the law and ethics exam after completing (although not required to pass) the clinical exam and that all licensure applicants must be treated equally. CDA also pointed out that Senator Aanestad in his June 12, 2006 letter to the Board stated that he did not approve of the Board's implementation of the licensure process for WREB candidates and would be introducing a legislative remedy to ensure that the board does not require any prerequisites to talking the law and ethics exam. Dr. Turchi stated that he had a conversation with Dr. Aanestad recently and that the Senator was not serious about resolving this situation

with legislation. Dr. Turchi then ended public discussion before CDA could raise any additional issue with the proposed regulatory language.

After seeking public comment, the Board adjourned.