

Assembly Bill No. 1428

Passed the Assembly September 14, 2001

Chief Clerk of the Assembly

Passed the Senate September 14, 2001

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to add Section 1635.5 to the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1428, Aanestad. Dentistry: licensure.

Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists by the Dental Board of California. The act specifies requirements for licensure to practice dentistry in this state, including successfully passing an examination before the board. Under the act, licensees are required to pay fees, including a fee for the initial issuance and renewal of their licenses, that are deposited into the State Dentistry Fund which is continuously appropriated. This act makes it a crime, among other matters, to engage in specified conduct relating to the practice of dentistry.

This bill would authorize the board to issue a license to a person who is currently licensed to practice dentistry in another state and who satisfies other specified requirements, without requiring that person to take the board examination and would require the board to supply out-of-state dentists with certain information in its application packet. The bill would also require the board to report to the Legislature by January 1, 2005, regarding the impact of these provisions on the availability of dentists in this state. The bill would provide that these provisions would become operative on July 1, 2002. Because the bill would increase the number of dentists paying license issuance and renewal fees and fines and forfeitures for violations, it would make an appropriation by adding revenue that would be deposited in a continuously appropriated fund.

Because the bill would increase the number of persons subject to criminal prosecution for engaging in conduct prohibited by the Dental Practice Act, it would expand the scope of existing crimes, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to increase access to dental care for children and adults in California, particularly in those areas of the state that have few or no practicing dentists. According to a January 2000, report entitled “Geographic Distribution of Dentists in California” by the Center for California Health Workforce Studies at the University of California, San Francisco, areas with few or no practicing dentists are more likely to be rural or to have higher minority populations, lower median incomes, and a higher percentage of children, compared to areas without a shortage of practicing dentists.

SEC. 2. Section 1635.5 is added to the Business and Professions Code, to read:

1635.5. (a) Notwithstanding Section 1634, the board may grant a license to practice dentistry to an applicant who has not taken an examination before the board, if the applicant submits all of the following to the board:

(1) A completed application form and all fees required by the board.

(2) Proof of a current license issued by another state to practice dentistry that is not revoked or suspended or otherwise restricted.

(3) Proof that the applicant has been in clinical practice, or has been a full-time faculty member in an accredited dental education program, for a minimum of 1,000 hours per year for at least five years preceding the date of his or her application under this section. The clinical practice requirement shall be deemed met if documentation of any of the following is submitted:

(A) The applicant may receive credit for two of the five years of clinical practice by demonstrating completion of a residency training program accredited by the American Dental Association Commission on Dental Accreditation, including, but not limited to, a general practice residency, an advanced education in general dentistry program, or a training program in a specialty recognized by the American Dental Association.



(B) If an applicant provides proof of at least two years of clinical practice or receives two years of credit as defined in subparagraph (A), he or she may commit to completing the remainder of the five-year requirement by filing with the board a copy of a pending contract to practice dentistry full time in a primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code or in a primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code, or in a clinic owned or operated by a public hospital or health system, or a clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code. The board may periodically request verification of compliance with these requirements, and may revoke the license upon a finding that the employment requirement, or any other requirement of this subparagraph, has not been met.

(C) If an applicant provides proof of at least two years of clinical practice or receives two years of credit as defined in subparagraph (A), he or she may commit to completing the remainder of the five-year requirement by filing with the board a copy of a pending contract to teach or practice dentistry full time in an accredited dental education program as approved by the Dental Board of California. The board may periodically request verification of compliance with these requirements, and may revoke the license upon a finding that the employment requirement, or any other requirement of this subparagraph, has not been met.

(4) Proof that the applicant has not been subject to disciplinary action by any state in which he or she is or has been previously licensed to practice dentistry. If the applicant has been subject to disciplinary action, the board shall review that action to determine if it warrants refusal to issue a license to the applicant.

(5) A signed release allowing the disclosure of information from the National Practitioner Data Bank and the verification of registration status with the federal Drug Enforcement Administration. The board shall review this information to determine if it warrants refusal to issue a license to the applicant.

(6) Proof that the applicant has not failed the examination for licensure to practice dentistry under this chapter within five years



prior to the date of his or her application for a license under this section.

(7) Documentation of 50 units of continuing education completed within two years of the date of his or her application under this section. The continuing education shall include the mandatory coursework prescribed by the board pursuant to subdivision (b) of Section 1645.

(8) Any other information as specified by the board to the extent it is required of applicants for licensure by examination under this article.

(b) The board shall provide in the application packet to each out-of-state dentist pursuant to this section the following information:

(1) The location of dental manpower shortage areas that exist in the state.

(2) Those not-for-profit clinics and public hospitals seeking to contract with licensees for dental services.

(c) (1) The board shall review the impact of this section on the availability of dentists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2005. The report shall include a separate section providing data specific to those dentists who intend to fulfill the alternative clinical practice requirements of subparagraph (B) of paragraph (3) of subdivision (a). The report shall include, but not be limited to, all of the following:

(A) The total number of applicants from other states who have sought licensure.

(B) The number of dentists from other states licensed pursuant to this section, as well as the number of licenses not granted and the reasons why each license was not granted.

(C) The location of the practice of dentists licensed pursuant to this section.

(D) The number of dentists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing dentists or no dentists at all.

(E) The length of time dentists licensed pursuant to this section maintained their practice in the reported location. This information shall be reported separately for dentists described in subparagraphs (C) and (D).



(2) In identifying a dentist's location of practice, the board shall use Medical Service Study Areas or other appropriate geographic descriptions for regions of the state.

(3) If appropriate, the board may report the information required by paragraph (1) separately for primary care dentists and specialists.

(d) This section shall become operative on July 1, 2002.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2001

Governor

