

AMENDED IN ASSEMBLY JULY 2, 2001

AMENDED IN SENATE APRIL 30, 2001

SENATE BILL

No. 134

Introduced by Senator Figueroa

(Coauthors: Senators Johannessen and Polanco)

(Coauthors: Assembly Members Aanestad, Correa, and Thomson)

January 29, 2001

An act to amend Sections 1603, 1742 ~~and~~, 1749, and 1753 of, and to add Sections ~~1601.1, 1601.3, 1616.6, 1638.7, and 1645.1~~, 1648.50, and 1753.5 to, the Business and Professions Code, relating to dental professionals, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 134, as amended, Figueroa. Dental professionals.

(1) Existing law provides for the licensing and regulation of dental professionals and dental auxiliaries by the Dental Board of California and the Committee on Dental Auxiliaries. The provisions creating the board, authorizing the board to appoint an executive officer, and creating the committee will become inoperative on July 1, 2002, and will be repealed on January 1, 2003.

This bill would revise the ~~composition~~ *procedures for appointment* of the board and provide for the appointment of an executive officer. Pursuant to the bill these provisions would be operative from July 1, 2002, to July 1, 2005, and they would be repealed on January 1, 2006. The bill *and* would extend the provisions creating the Committee on Dental Auxiliaries to July 1, 2005, and repeal them on January 1, 2006. The bill would also provide that the Director of Consumer Affairs appoint a Dental Board Enforcement Program Monitor by a specified

~~date, whose duties would include the monitoring and evaluation of the dental disciplinary system. The bill would require the monitor to report his or her findings to the department and to the Legislature, and would provide that the monitor be out of the State Dentistry Fund.~~

~~Because this bill would use money from a continuously appropriated fund for a new purpose, it would make an appropriation.~~

(2) Existing law requires the board to conduct occupational analyses to be used in the evaluation of dentistry licensing examinations.

This bill would require the next occupational analysis to include a survey of the training and practices of oral and maxillofacial surgeons, and would require a report to be made to the Joint Legislative Sunset Review Committee.

(3) Existing law provides a licensing scheme for dentists and requires dentists to meet certain requirements in their practice. Existing law sets forth provisions for permits for oral and maxillofacial surgery.

This bill would require that the board inform all oral maxillofacial licensees of any existing statutory limitations on the services permitted under the authority of a dental license. The bill would also require that, prior to the performance of certain dental restorations, a patient be provided with specified materials discussing possible health risks, and that these materials be made available in a dentist's office.

~~(3)~~

(4) Existing law provides for a licensing scheme for registered dental assistants and requires applicants to meet certain educational, experience, and examination requirements in order to be eligible for a license.

This bill would revise the licensure examination requirements. The bill would also require a registered dental assistant to provide evidence of having successfully completed a board approved course in radiation safety and coronal polishing by January 1, 2005.

(5) Existing law requires the Committee on Dental Auxiliaries to meet at least 4 times annually, at least once in Sacramento and at least once in Los Angeles.

This bill would delete the requirements that the committee meet in Sacramento and Los Angeles.

Vote: ~~2/3~~ majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.



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

1 ~~SECTION 1.~~ ~~Section 1601.1 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~1601.1. (a) There shall be in the Department of Consumer~~
4 ~~Affairs the Dental Board of California in which the administration~~
5 ~~of this chapter is vested. The board shall consist of eight practicing~~
6 ~~dentists, one registered dental hygienist, one registered dental~~
7 ~~assistant, and four public members. The board shall be organized~~
8 ~~into standing committees dealing with examinations,~~
9 ~~enforcement, and other subjects as the board deems appropriate.~~

10 ~~(b) For purposes of this chapter, any reference in this chapter~~
11 ~~to the Board of Dental Examiners shall be deemed to refer to the~~
12 ~~Dental Board of California.~~

13 ~~(c) The board shall have all authority previously vested by the~~
14 ~~existing board with respect to conducting investigations, inquiries,~~
15 ~~and disciplinary actions or proceedings. The board may enforce all~~
16 ~~disciplinary actions undertaken by the previous board.~~

17 ~~(d) This section shall become operative on July 1, 2002, and,~~
18 ~~shall become inoperative on July 1, 2005, and repealed on January~~
19 ~~1, 2006, unless a later enacted statute, which becomes effective on~~
20 ~~or before January 1, 2006, deletes or extends the dates on which~~
21 ~~it becomes inoperative and is repealed. The repeal of this section~~
22 ~~renders the board subject to the review required by Division 1.2~~
23 ~~(commencing with Section 473).~~

24 ~~SEC. 2.~~ ~~Section 1601.3 is added to the Business and~~
25 ~~Professions Code, to read:~~

26 ~~1601.3. (a) The Director of Consumer Affairs shall appoint~~
27 ~~a Dental Board Enforcement Program Monitor no later than~~
28 ~~January 31, 2002, whose duties shall include, but are not be limited~~
29 ~~to, the monitoring and evaluation of the dental disciplinary system.~~
30 ~~The director shall specify the duties and tenure of the monitor. The~~
31 ~~monitor shall report his or her findings, as specified, to the~~
32 ~~department and to the Legislature.~~

33 ~~(b) The Dental Board Enforcement Program Monitor shall be~~
34 ~~paid out of the State Dentistry Fund pursuant to Section 1721.~~

35 ~~SEC. 3.~~ ~~Section 1616.6 is added to the Business and~~
36 ~~Professions Code, to read:~~

37 ~~1616.6. The board may appoint a person exempt from civil~~
38 ~~service who shall be designated as an executive officer and who~~



1 shall exercise the powers and perform the duties delegated by the
2 board and vested in him or her by this chapter.

3 This section shall become operative on July 1, 2002, and, shall
4 become inoperative on July 1, 2005, and repealed on January 1,
5 2006, unless a later enacted statute, which becomes effective on or
6 before January 1, 2006, deletes or extends the dates on which it
7 becomes inoperative and is repealed.

8 ~~SEC. 4.~~

9 *SECTION 1. Section 1603 of the Business and Professions*
10 *Code is amended to read:*

11 1603. ~~Members~~ *Except for the initial appointments, members*
12 *of the board shall be appointed for a term of four years, and each*
13 *member shall hold office until the appointment and qualification*
14 *of his or her successor or until one year shall have elapsed since*
15 *the expiration of the term for which he or she was appointed,*
16 *whichever first occurs.*

17 A vacancy occurring during a term shall be filled by
18 appointment for the unexpired term, within 30 days after it occurs.

19 No person shall serve as a member of the board for more than
20 two terms.

21 The Governor shall appoint two of the public members, the
22 dental hygienist member, the dental assistant member, and the
23 eight licensed dentist members of the board. The Senate Rules
24 Committee and the Speaker of the Assembly shall each appoint a
25 public member, ~~and their initial appointment shall be made to fill,~~
26 ~~respectively, the first and second public member vacancies which~~
27 ~~occur on or after January 1, 1983.~~

28 ~~The Governor shall appoint the dental hygienist member on or~~
29 ~~after January 1, 1984. The initial term of the dental hygienist~~
30 ~~member shall expire on January 1, 1988.~~

31 ~~The Governor shall appoint the dental assistant member on or~~
32 ~~after January 1, 1987. The initial term of the dental assistant~~
33 ~~member shall expire on January 1, 1991.~~

34 *Of the initial appointments, one of the dentist members and one*
35 *of the public members appointed by the Governor shall serve for*
36 *a term of one year. Two of the dentist members appointed by the*
37 *Governor shall each serve for a term of two years. One of the*
38 *public members and two of the dentist members appointed by the*
39 *Governor shall each serve a term of three years. The dentist*
40 *hygienist member, the dental assistant member, and the remaining*



1 *three dentists members appointed by the Governor shall each serve*
2 *for a term of four years. The public members appointed by the*
3 *Senate Committee on Rules and the Speaker of the Assembly shall*
4 *each serve for a term of four years.*

5 SEC. 2. Section 1638.7 is added to the Business and
6 Professions Code, to read:

7 ~~1638.7. The board shall inform all oral and maxillofacial~~
8 ~~licensees of existing statutory limitations on the services permitted~~
9 ~~under the authority of a dentist license, and shall advise the~~
10 ~~licensees that violations of those limitations, including, but not~~
11 ~~limited to, advertising certain cosmetic surgery services not~~
12 ~~authorized by a dentist license, shall be actively investigated and~~
13 ~~disciplined.~~

14 ~~SEC. 5.~~

15 *1638.7. The next occupational analysis of dental licensees*
16 *and oral and maxillofacial facial surgeons pursuant to Section 139*
17 *shall include a survey of the training and practices of oral and*
18 *maxillofacial surgeons and, upon completion of that analysis, a*
19 *report shall be made to the Joint Legislative Sunset Review*
20 *Committee regarding the findings.*

21 SEC. 3. Section 1645.1 is added to the Business and
22 Professions Code to read:

23 *1645.1. By January 1, 2005, each person who holds a*
24 *registered dental assistant license shall provide evidence of having*
25 *successfully completed board-approved courses in radiation*
26 *safety and coronal polishing. The length and content of the courses*
27 *shall be governed by applicable board regulations. Failure to*
28 *comply with this section shall result in automatic suspension of the*
29 *license which shall be reinstated upon the receipt of evidence that*
30 *the licensee has successfully completed the required courses.*
31 *Completion of the courses may be counted toward fulfillment of the*
32 *continuing education requirements governed by Section 1645.*

33 SEC. 4. Section 1648.50 is added to the Business and
34 Professions Code, to read:

35 *1648.50. Prior to the performance of a dental restoration that*
36 *could involve the use of dental amalgam, a dentist shall provide the*
37 *patient with the fact sheet set forth in Section 1648.10, discussing*
38 *the possible health risks related to mercury. The fact sheet shall be*
39 *given to every new patient and to patients of record as they utilize*
40 *the services of the dentist for restoration work. An*



1 *acknowledgement of the receipt of the fact sheet by the patient shall*
2 *be signed by the patient and a copy of it shall be placed in the*
3 *patient's dental record. If updates to the fact sheet are made by the*
4 *board, the updated fact sheet shall be given to patients in the*
5 *manner provided above. A dentist shall make the fact sheet*
6 *available in his or her office in a location visible to patients.*

7 ~~SEC. 6.~~

8 SEC. 5. Section 1742 of the Business and Professions Code is
9 amended to read:

10 1742. (a) There is within the jurisdiction of the board a
11 Committee on Dental Auxiliaries.

12 (b) The Committee on Dental Auxiliaries shall have the
13 following areas of responsibility and duties:

14 (1) The committee shall have the following duties and
15 authority related to education programs and curriculum:

16 (A) Shall evaluate all dental auxiliary programs applying for
17 board approval; in accordance with board rules governing the
18 programs.

19 (B) May appoint board members to any evaluation committee.
20 Board members so appointed shall not make a final decision on the
21 issue of program or course approval.

22 (C) Shall report and make recommendations to the board as to
23 whether a program or course qualifies for approval. The board
24 retains the final authority to grant or deny approval to a program
25 or course.

26 (D) Shall review and document any alleged deficiencies that
27 might warrant board action to withdraw or revoke approval of a
28 program or course, at the request of the board.

29 (E) May review and document any alleged deficiencies that
30 might warrant board action to withdraw or revoke approval of a
31 program or course, at its own initiation.

32 (2) The committee shall have the following duties and
33 authority related to applications:

34 (A) Shall review and evaluate all applications for licensure in
35 the various dental auxiliary categories to ascertain whether a
36 candidate meets the appropriate licensing requirements specified
37 by statute and board regulations.

38 (B) Shall maintain application records, cashier application
39 fees, and perform any other ministerial tasks as are incidental to
40 the application process.



1 (C) May delegate any or all of the functions in this paragraph
2 to its staff.

3 (D) Shall issue auxiliary licenses in all cases, except where
4 there is a question as to a licensing requirement. The board retains
5 final authority to interpret any licensing requirement. If a question
6 arises in the area of interpreting any licensing requirement, it shall
7 be presented by the committee to the board for resolution.

8 (3) The committee shall have the following duties and
9 authority regarding examinations:

10 (A) Shall advise the board as to the type of license examination
11 it deems appropriate for the various dental auxiliary license
12 categories.

13 (B) Shall, at the direction of the board, develop or cause to be
14 developed, administer, or both, examinations in accordance with
15 the board's instructions and periodically report to the board on the
16 progress of those examinations. The following shall apply to the
17 examination procedure:

18 (i) The examination shall be submitted to the board for its
19 approval prior to its initial administration.

20 (ii) Once an examination has been approved by the board, no
21 further approval is required unless a major modification is made
22 to the examination.

23 (iii) The committee shall report to the board on the results of
24 each examination and shall, where appropriate, recommend pass
25 points.

26 (iv) The board shall set pass points for all dental auxiliary
27 licensing examinations.

28 (C) May appoint board members to any examination
29 committee established pursuant to subparagraph (B).

30 (4) The committee shall periodically report and make
31 recommendations to the board concerning the level of fees for
32 dental auxiliaries and the need for any legislative fee increase.
33 However, the board retains final authority to set all fees.

34 (5) The committee shall be responsible for all aspects of the
35 license renewal process, which shall be accomplished in
36 accordance with this chapter and board regulations. The
37 committee may delegate any or all of its functions under this
38 paragraph to its staff.



1 (6) The committee shall have no authority with respect to the
2 approval of continuing education providers; the board retains all
3 of this authority.

4 (7) The committee shall advise the board as to appropriate
5 standards of conduct for auxiliaries, the proper ordering of
6 enforcement priorities, and any other enforcement-related matters
7 that the board may, in the future, delegate to the committee. The
8 board ~~retains~~ *shall retain* all authority with respect to the
9 enforcement actions, including, but not limited to, complaint
10 resolution, investigation, and disciplinary action against
11 auxiliaries.

12 (8) The committee shall have the following duties regarding
13 regulations:

14 (A) ~~Shall~~ *To* review and evaluate all suggestions or requests for
15 regulatory changes related to dental auxiliaries.

16 (B) ~~Shall~~ *To* report and make recommendations to the board,
17 after consultation with departmental legal counsel and the board's
18 executive officer.

19 (C) ~~Shall~~ *To* include in any report regarding a proposed
20 regulatory change, at a minimum, the specific language of the
21 proposed changes and the reasons for and facts supporting the need
22 for the change. The board has the final rulemaking authority.

23 (c) This section shall become inoperative on July 1, 2005, and,
24 as of January 1, 2006, is repealed, unless a later enacted statute
25 which becomes effective on or before January 1, 2006, deletes or
26 extends the dates on which it becomes inoperative and is repealed.
27 The repeal of this section renders the committee subject to the
28 review required by Division 1.2 (commencing with Section 473).

29 ~~SEC. 7.~~

30 *SEC. 6.* Section 1749 of the Business and Professions Code is
31 amended to read:

32 1749. (a) The committee shall meet at least four times
33 annually. The committee shall conduct such additional meetings
34 as are necessary in appropriate locations to conclude its business.
35 Special meetings may be held at such time and place as the
36 committee may designate.

37 (b) Notice of each meeting of the committee shall be given at
38 least two weeks in advance to those persons and organizations who
39 express an interest in receiving such notification.



1 (c) The committee shall obtain permission of the director to
2 meet more than six times annually. The director shall approve such
3 meetings that are necessary for the committee to fulfill its legal
4 responsibilities.

5 *SEC. 7. Section 1753 of the Business and Professions Code is*
6 *amended to read:*

7 1753. The board shall license as a registered dental assistant
8 a person who submits written evidence, satisfactory to the board,
9 of either one of the following requirements:

10 (a) Graduation from an educational program in dental assisting
11 approved by the board, and satisfactory performance on a written
12 examination required by the board. On and after January 1, 1984,
13 every applicant seeking licensure as a registered dental assistant
14 pursuant to this subdivision shall provide evidence of his or her
15 satisfactory performance on a written and practical examination
16 required by the board.

17 (b) Satisfactory work experience of more than ~~18~~ 12 months as
18 a dental assistant in California or another state and satisfactory
19 performance on a written *and practical* examination required by
20 the board. The board shall give credit toward the ~~18~~ 12 months
21 work experience referred to in this subdivision to persons who
22 have graduated from a dental assisting program in a postsecondary
23 institution approved by the Department of Education or in a
24 secondary institution, regional occupational center, or regional
25 occupational program, that are not, however, approved by the
26 board pursuant to subdivision (a). Such credit shall equal the total
27 weeks spent in classroom training and internship on a
28 week-for-week basis not to exceed 16 weeks. The board, in
29 cooperation with the Superintendent of Public Instruction, shall
30 establish the minimum criteria for the curriculum of such
31 nonboard-approved programs. Additionally, the board shall notify
32 those programs only if the program's curriculum does not meet
33 established minimum criteria, as established for board-approved
34 registered dental assistant programs, except any requirement that
35 the program be given in a postsecondary institution. Graduates of
36 programs not meeting established minimum criteria shall not
37 qualify for satisfactory work experience as defined by this section.
38 ~~In addition, on and after January 1, 1984, every applicant seeking~~
39 ~~licensure as a registered dental assistant pursuant to this~~
40 ~~subdivision shall provide evidence of his or her satisfactory~~



1 performance in a written and practical examination required by the
2 board.

3 The Committee on Dental Auxiliaries shall review and report to
4 the board, on or before January 1, 1982, on the number of
5 nonboard-approved programs in existence and the minimum
6 criteria recommended for nonboard-approved programs.

7 *SEC. 8. Section 1753.5 is added to the Business and*
8 *Professions Code, to read:*

9 *1753.5. In addition to the requirements of Section 1753, each*
10 *applicant for registered dental assistant licensure shall provide*
11 *evidence of having successfully completed board-approved*
12 *courses in radiation safety and coronal polishing as a condition of*
13 *licensure. The length and content of the courses shall be governed*
14 *by applicable board regulations.*

