

AMENDED IN ASSEMBLY JUNE 14, 2001

AMENDED IN SENATE MAY 9, 2001

AMENDED IN SENATE APRIL 5, 2001

SENATE BILL

No. 826

Introduced by Senator Margett

February 23, 2001

An act to *add and repeal Section 19080.4 of the Government Code, and to amend Section 830.29 of the Penal Code, relating to enforcement of the Dental Practice Act, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 826, as amended, Margett. ~~Enforcement of the Dental Practice Act~~ *Peace officers: Dental Board of California.*

(1) Existing law, the Dental Practice Act, provides for, among other matters, the regulation of dentists and of dental auxiliaries by the Dental Board of California within the Department of Consumer Affairs, and authorizes the director of that department, for a period extending to July 1, 2002, to designate as peace officers an additional 7 persons who shall at the time of their designation, be assigned to the investigations unit of the board. All fines, penalties, and forfeitures collected pursuant to the enforcement of the Dental Practice Act are deposited into the State Dentistry Fund.

This bill would extend to July 1, 2003, the director's authority to designate these additional peace officers for assignment to the board, and would require the board to contract with an entity to perform a followup study of an initial study it made, examining the board's needs for sworn peace officers in its investigations unit. The bill would require

that the contract provide the entity at least 3 months to conduct the followup study, and that the study be completed and submitted to the Legislature by April 1, 2002. The bill would appropriate the sum of \$75,000 from the State Dentistry Fund to the board for the followup study.

(2) *Existing law pertaining to the state civil service system provides for the appointment of an employee on a limited term basis and generally limits the term of this appointment to a period of one year.*

This bill would extend the limited term appointment of peace officers at the Dental Board of California to January 1, 2004, at which time this provision would be repealed, unless a later enacted statute enacted before January 1, 2004, deletes or extends that date.

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

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

1 SECTION 1. *Section 19080.4 is added to the Government*
 2 *Code, to read:*

3 *19080.4. Notwithstanding any other provision of law, the*
 4 *limited term appointment of each peace officer at the Dental Board*
 5 *of California shall be extended to January 1, 2004.*

6 *This section shall remain in effect only until January 1, 2004,*
 7 *and as of that date is repealed, unless a later enacted statute, that*
 8 *is enacted before January 1, 2004, deletes or extends that date.*

9 SEC. 2. Section 830.29 of the Penal Code is amended to read:

10 830.29. (a) Pursuant to Section 830.3, the Director of
 11 Consumer Affairs may designate as peace officers an additional
 12 seven persons, who shall at the time of their designation be
 13 assigned to the investigations unit of the Dental Board of
 14 California.

15 (b) The authorization for these additional seven peace officer
 16 positions shall become inoperative on July 1, 2003, and, as of
 17 January 1, 2004, is repealed, unless a later enacted statute that is
 18 enacted on or before January 1, 2004, deletes or extends the dates
 19 on which it becomes inoperative and is repealed.

20 ~~SEC. 2.~~

21 SEC. 3. (a) The Dental Board of California shall contract
 22 with the outside entity that completed the independent study
 23 required by Chapter 840 of the Statutes of 1999, to conduct a



1 followup study for the purpose of further refining the findings and
2 recommendations of the original study. The contract shall provide
3 the independent entity at least three months to conduct the
4 followup study and shall require that the followup study be
5 completed and submitted to the Legislature by April 1, 2002. The
6 followup study shall expand upon and further refine all of the
7 following recommendations and findings resulting from the
8 original study:

9 (1) Recommendations on the staffing requirements for the
10 board's enforcement program, including the number and type of
11 enforcement positions, such as sworn peace officer positions and
12 nonpeace officer positions, that the board needs to fulfill its
13 consumer protection mandate.

14 (2) Findings regarding the extent to which the board needs to
15 use sworn peace officers in its enforcement program.

16 (3) Findings regarding the documentation of trends in dental
17 related crimes reported to the board.

18 (4) Findings regarding the comparison of the board's
19 enforcement program to similar agencies, including the mix of
20 enforcement staff, caseloads, and case aging.

21 (5) Recommendations for improving the board's enforcement
22 program.

23 (6) Findings regarding the fiscal impact to the board from the
24 recommended changes, if any, to its enforcement program and
25 staff.

26 (b) While conducting the followup study pursuant to this
27 section, the outside entity shall consult with all interested parties,
28 including, but not limited to, representatives of consumers, dental
29 professionals, local law enforcement agencies, the Department of
30 Consumer Affairs, and other state agencies that employ sworn
31 peace officers and nonpeace officer investigators.

32 ~~SEC. 3.~~

33 *SEC. 4.* The sum of seventy-five thousand dollars (\$75,000)
34 is hereby appropriated from the State Dentistry Fund to the Dental
35 Board of California in order to conduct the followup study and to
36 prepare the report required by this act.

