

Senate Bill No. 826

CHAPTER 859

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

[Approved by Governor October 12, 2001. Filed
with Secretary of State October 13, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 826, Margett. 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 January 1, 2004, 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 August 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 limited term peace officers at the Dental Board of California to January 1, 2004. The bill would provide that its provisions remain in effect only until January 1, 2004, and as of that date are repealed unless a later enacted statute enacted before January 1, 2004, deletes or extends that date.

Appropriation: yes.

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

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

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

This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

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

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

(b) The authorization for these additional seven peace officer positions shall become inoperative on January 1, 2004.

(c) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute that is enacted on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. (a) The Dental Board of California shall contract with the outside entity that completed the independent study required by Chapter 840 of the Statutes of 1999, to conduct a followup study for the purpose of further refining the findings and recommendations of the original study. The contract shall provide the independent entity at least three months to conduct the followup study and shall require that the followup study be completed and submitted to the Legislature by August 1, 2002. The followup study shall expand upon and further refine all of the following recommendations and findings resulting from the original study:

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

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

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

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



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

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

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

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

