

AMENDED IN ASSEMBLY AUGUST 1, 2002

AMENDED IN ASSEMBLY JUNE 20, 2002

AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 2022

Introduced by Senator Figueroa

February 22, 2002

An act to amend Sections 1741, 1760, 2709.5, and 2851 of, to amend and renumber Sections 1758, 1766, 1768, and 1770 of, to amend, renumber, and add Sections 1761, 1762, 1763, 1764, and 1765 of, to add Section 1760.5 to, to repeal Section 1759 of, and to repeal and add Sections 1767 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 2022, as amended, Figueroa. Healing arts.

(1) Existing law provides for the regulation of dental auxiliaries by the Committee on Dental Auxiliaries, under the jurisdiction of the Dental Board of California. Existing law authorizes a registered dental hygienist to perform certain functions, as prescribed by the board by regulations.

This bill would define the practice of dental hygiene. The bill would delete the authorization that the board determine authorized functions for dental hygienists and would instead set forth procedures that a properly trained dental hygienist is authorized to perform under direct supervision and procedures that he or she is authorized to perform under general supervision. The bill would authorize a dental hygienist to provide educational services, oral health training programs, and oral health screenings without supervision, but would require that a patient

with possible oral abnormalities be referred to a dentist. The bill would also authorize a dental hygienist to provide dental hygiene preventative services without supervision in a public health program. The bill would require the board to adopt regulations necessary to define the functions that may be performed, the supervisory requirements, and the settings in which a registered dental hygienist may work.

This bill would authorize a dental hygienist to use any material or device approved for use in the performance of a service or procedure within his or her scope of practice ~~and would authorize the committee or a successor entity to enact regulations setting forth requirements for the materials or devices and educational requirements that a dental hygienist must meet prior to using the materials or devices~~ *if the dental hygienist has the appropriate education and training.*

Existing law requires the board to license as a registered dental hygienist in alternative practice a person who passes an examination required by the board and meets certain other requirements.

The bill would require the board, in consultation with the committee, to adopt regulations necessary to implement these licensing requirements.

This bill would prohibit a person other than a licensed dental hygienist or a licensed dentist from engaging in the practice of dental hygiene or the performance of dental hygiene patient procedures, and would set forth certain exceptions to this prohibition. The bill would require the board to adopt regulations necessary to implement the provisions of law relating to dental auxiliaries.

This bill would make nonsubstantive changes to the provisions regulating dental auxiliaries.

(2) Existing law, the Nursing Practice Act, provides for the licensure of registered nurses by the Board of Registered Nurses. Existing law provides that any fees required by the board may be paid by customary mediums of exchange, including a postal money order.

This bill would delete the specification that a money order be a postal money order.

(3) Existing law, the Vocational Nursing Practice Act, creates the Board of Vocational Nursing and Psychiatric Technicians of the State of California that is composed of 11 members. Under existing law, 5 members of the board constitute a quorum for transaction of business at a meeting.

This bill would instead require 6 members of the board to constitute a quorum.



(4) This bill would incorporate additional changes in Section 1758 of the Business and Professions Code, proposed by AB 2818, to be operative only if AB 2818 and this bill are both chaptered and become effective on or before January 1, 2003, and this bill is chaptered last.

The bill would incorporate additional changes in Section 1770 of the Business and Professions Code, proposed by SB 1589, to be operative only if SB 1589 and this bill are both chaptered and become effective on or before January 1, 2003, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 1741 of the Business and Professions
- 2 Code is amended to read:
- 3 1741. As used in this article:
- 4 (a) "Board" means the ~~Board of Dental Examiners of the State~~
- 5 *Dental Board* of California.
- 6 (b) "Committee" means the Committee on Dental Auxiliaries.
- 7 (c) "Direct supervision" means supervision of dental
- 8 procedures based on instructions given by a licensed dentist, who
- 9 must be physically present in the treatment facility during the
- 10 performance of those procedures.
- 11 (d) "General supervision" means supervision of dental
- 12 procedures based on instructions given by a licensed dentist but not
- 13 requiring the physical presence of the supervising dentist during
- 14 the performance of those procedures.
- 15 (e) "Dental auxiliary" means a person who may perform
- 16 dental assisting or dental hygiene procedures authorized by this
- 17 article. Dental auxiliary also means a registered dental hygienist
- 18 in alternative practice, who may provide authorized services by
- 19 prescription provided by a dentist or physician and surgeon
- 20 licensed to practice in this state. "Dental auxiliary" includes all of
- 21 the following:
- 22 (1) A dental assistant pursuant to Section 1750.
- 23 (2) A registered dental assistant pursuant to Section 1753.
- 24 (3) A registered dental assistant in extended functions pursuant
- 25 to Section 1756.
- 26 (4) A registered dental hygienist pursuant to Section 1766.



1 (5) A registered dental hygienist in extended functions
2 pursuant to Section 1768.

3 (6) A registered dental hygienist in alternative practice
4 pursuant to Section 1774.

5 SEC. 2. Section 1758 of the Business and Professions Code
6 is amended and renumbered to read:

7 1766. The board shall license as a registered dental hygienist
8 a person who satisfies all of the following requirements:

9 (a) Completion of an educational program for registered dental
10 hygienists, approved by the board, and accredited by the
11 Commission on Dental Accreditation, and conducted by a
12 degree-granting, postsecondary institution.

13 (b) Satisfactory performance on an examination required by
14 the board.

15 (c) Satisfactory completion of a national written dental hygiene
16 examination approved by the board.

17 SEC. 3. *Section 1758 of the Business and Professions Code is*
18 *amended and renumbered to read:*

19 ~~1758.~~

20 1766. (a) The board shall license as a registered dental
21 hygienist a person who satisfies all of the following requirements:

22 ~~(a)~~

23 (1) Completion of an educational program for registered dental
24 hygienists, approved by the board, and accredited by the
25 Commission on Dental Accreditation, and conducted by a
26 degree-granting, ~~post-secondary~~ *postsecondary* institution.

27 ~~(b)~~

28 (2) Satisfactory performance on an examination required by
29 the board.

30 ~~(c)~~

31 (3) Satisfactory completion of a national written dental
32 hygiene examination approved by the board.

33 (b) *The board may grant a license as a registered dental*
34 *hygienist to an applicant who has not taken an examination before*
35 *the board, if the applicant submits all of the following to the board:*

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

38 (2) *Proof of a current license as a registered dental hygienist*
39 *issued by another state that is not revoked, suspended, or otherwise*
40 *restricted.*



1 (3) *Proof that the applicant has been in clinical practice as a*
2 *registered dental hygienist or has been a full-time faculty member*
3 *in an accredited dental hygiene education program for a minimum*
4 *of 750 hours per year for at least five years preceding the date of*
5 *his or her application under this section. The clinical practice*
6 *requirement shall be deemed met if the applicant provides proof of*
7 *at least three years of clinical practice and commits to completing*
8 *the remaining two years of clinical practice by filing with the board*
9 *a copy of a pending contract to practice dental hygiene in any of*
10 *the following facilities:*

11 (A) *A primary care clinic licensed under subdivision (a) of*
12 *Section 1204 of the Health and Safety Code.*

13 (B) *A primary care clinic exempt from licensure pursuant to*
14 *subdivision (c) of Section 1206 of the Health and Safety Code.*

15 (C) *A clinic owned or operated by a public hospital or health*
16 *system.*

17 (D) *A clinic owned and operated by a hospital that maintains*
18 *the primary contract with a county government to fill the county's*
19 *role under Section 17000 of the Welfare and Institutions Code.*

20 (4) *Proof that the applicant has not been subject to disciplinary*
21 *action by any state in which he or she is or has been previously*
22 *licensed as a registered dental hygienist or dentist. If the applicant*
23 *has been subject to disciplinary action, the board shall review that*
24 *action to determine if it warrants refusal to issue a license to the*
25 *applicant.*

26 (5) *Proof of graduation from a school of dental hygiene*
27 *accredited by the Commission on Dental Accreditation.*

28 (6) *Proof of satisfactory completion of the Dental Hygiene*
29 *National Board Examination and of a state or regional clinical*
30 *licensure examination.*

31 (7) *Proof that the applicant has not failed the examination for*
32 *licensure to practice dental hygiene under this chapter more than*
33 *once or once within five years prior to the date of his or her*
34 *application for a license under this section.*

35 (8) *Documentation of completion of a minimum of 25 units of*
36 *continuing education earned in the two years preceding*
37 *application, including completion of any continuing education*
38 *requirements imposed by the board on registered dental hygienists*
39 *licensed in this state at the time of application.*



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

4 (c) The board may periodically request verification of
5 compliance with the requirements of paragraph (3) of subdivision
6 (b), and may revoke license upon a finding that the employment
7 requirement or any other requirement of paragraph (3) has not
8 been met.

9 (d) The board shall provide in the application packet to each
10 out-of-state dental hygienist pursuant to this section the following
11 information:

12 (1) The location of dental manpower shortage areas in the
13 state.

14 (2) Any not-for-profit clinics, public hospitals, and accredited
15 dental hygiene education programs seeking to contract with
16 licensees for dental hygiene service delivery or training purposes.

17 (e) The board shall review the impact of this section on the
18 availability of actively practicing dental hygienists in California
19 and report to the appropriate policy and fiscal committees of the
20 Legislature by January 1, 2006. The report shall include a
21 separate section providing data specific to dental hygienists who
22 intend to fulfill the alternative clinical practice requirements of
23 subdivision (b). The report shall include, but not be limited to, the
24 following:

25 (1) The number of applicants from other states who have sought
26 licensure.

27 (2) The number of dental hygienists from other states licensed
28 pursuant to this section, the number of licenses not granted under
29 this section, and the reason why the license was not granted.

30 (3) The practice location of dental hygienists licensed pursuant
31 to this section.

32 (4) The number of dental hygienists licensed pursuant to this
33 section who establish a practice in a rural area or in an area
34 designated as having a shortage of practicing dental hygienists or
35 no dental hygienists or in a safety net facility identified in
36 paragraph (3) of subdivision (b).

37 (5) The length of time dental hygienists licensed pursuant to
38 this section practiced in the reported location.



1 (f) *In identifying a dental hygienist's location of practice, the*
2 *board shall use medical service study areas or other appropriate*
3 *geographic descriptions for regions of the state.*

4 *SEC. 4.* Section 1759 of the Business and Professions Code is
5 repealed.

6 ~~SEC. 4.~~

7 *SEC. 5.* Section 1760 of the Business and Professions Code is
8 amended to read:

9 1760. The following functions may be performed by a
10 registered dental hygienist in addition to those authorized pursuant
11 to Sections 1760.5, 1761, 1762, 1763, and 1764:

12 (a) All functions that may be performed by a dental assistant or
13 a registered dental assistant.

14 (b) All persons holding a license as a registered dental hygienist
15 on January 1, 2003, or issued a license on or before December 31,
16 2005, are authorized to perform the duties of a registered dental
17 assistant specified in Section 1754. On and after January 1, 2006,
18 a person licensed as a registered dental hygienist shall qualify for
19 and receive a registered dental assistant license prior to
20 performance of the duties specified in Section 1754.

21 ~~SEC. 5.~~

22 *SEC. 6.* Section 1760.5 is added to the Business and
23 Professions Code, to read:

24 1760.5. (a) The practice of dental hygiene includes dental
25 hygiene assessment, development, planning, and implementation
26 of a dental hygiene care plan. It also includes oral health education,
27 ~~oral preventive~~ counseling, and ~~oral~~ health screenings.

28 (b) The practice of dental hygiene does not include any of the
29 following procedures:

30 (1) Diagnosis and comprehensive treatment planning.

31 (2) Placing, condensing, carving, or removal of permanent
32 restorations.

33 (3) Surgery or cutting on hard and soft tissue including, but not
34 limited to, the removal of teeth and the cutting and suturing of soft
35 tissue.

36 (4) Prescribing medication.

37 (5) Administering local or general anesthesia or oral or
38 parenteral conscious sedation, except for the administration of
39 nitrous oxide and oxygen, whether administered alone or in



1 combination with each other, or local anesthesia pursuant to
2 Section 1761.

3 ~~SEC. 6.~~

4 *SEC. 7.* Section 1761 of the Business and Professions Code is
5 amended and renumbered to read:

6 1768. The board shall license as a registered dental hygienist
7 in extended functions a person who meets all of the following
8 requirements:

9 (a) Holds a valid license issued pursuant to Section 1766 as a
10 registered dental hygienist.

11 (b) Completes clinical training approved by the board in a
12 facility affiliated with a dental school under the direct supervision
13 of the dental school faculty.

14 (c) Performs satisfactorily on an examination required by the
15 board.

16 ~~SEC. 7.~~

17 *SEC. 8.* Section 1761 is added to the Business and Professions
18 Code, to read:

19 1761. A dental hygienist is authorized to perform the
20 following procedures under direct supervision, after submitting to
21 the board evidence of satisfactory completion of a board-approved
22 course of instruction in the procedures:

23 (a) Soft-tissue curettage.

24 (b) Administration of local anesthesia.

25 (c) Administration of nitrous oxide and oxygen, whether
26 administered alone or in combination with each other.

27 ~~SEC. 8.~~

28 *SEC. 9.* Section 1762 of the Business and Professions Code is
29 amended and renumbered to read:

30 1769. The board, in consultation with the committee, shall
31 adopt regulations necessary to define the functions that may be
32 performed by registered dental hygienists in extended functions,
33 whether the functions require direct or general supervision, and the
34 settings within which registered dental hygienists in extended
35 functions may work.

36 ~~SEC. 9.~~

37 *SEC. 10.* Section 1762 is added to the Business and
38 Professions Code, to read:

39 1762. A dental hygienist is authorized to perform the
40 following procedures under general supervision:



1 (a) Preventive and therapeutic interventions, including oral
2 prophylaxis, scaling, and root planing.

3 (b) Application of topical, therapeutic, and subgingival agents
4 used for the control of caries and periodontal disease.

5 (c) The taking of impressions for bleaching trays and
6 application and activation of agents with nonlaser, light-curing
7 devices.

8 (d) The taking of impressions for bleaching trays and
9 placements of in-office, tooth-whitening devices.

10 ~~SEC. 10.~~

11 *SEC. 11.* Section 1763 of the Business and Professions Code
12 is amended and renumbered to read:

13 1770. A licensed dentist may utilize in his or her practice no
14 more than two dental auxiliaries in extended functions licensed
15 pursuant to Sections 1756 and 1768.

16 ~~SEC. 11.~~

17 *SEC. 12.* Section 1763 is added to the Business and
18 Professions Code, to read:

19 1763. (a) A dental hygienist may provide, without
20 supervision, educational services, oral health training programs,
21 and oral health screenings.

22 (b) A dental hygienist shall refer any screened patients with
23 possible oral abnormalities to a dentist for a comprehensive
24 examination, diagnosis, and treatment plan.

25 (c) In any public health program created by federal, state, or
26 local law or administered by a federal, state, county, or local
27 governmental entity, a dental hygienist may provide, without
28 supervision, dental hygiene preventive services in addition to oral
29 screenings, including, but not limited to, the application of
30 fluorides and pit and fissure sealants.

31 ~~SEC. 12.~~

32 *SEC. 13.* Section 1764 of the Business and Professions Code
33 is amended and renumbered to read:

34 1771. Any person, other than a person who has been issued a
35 license by the board, who holds himself or herself out as a
36 registered dental assistant, registered dental assistant in extended
37 functions, registered dental hygienist, registered dental hygienist
38 in extended functions, or registered dental hygienist in alternative
39 practice, or uses any other term indicating or implying he or she



1 is licensed by the board in the aforementioned categories, is guilty
2 of a misdemeanor.

3 ~~SEC. 13.~~

4 *SEC. 14.* Section 1764 is added to the Business and
5 Professions Code, to read:

6 1764. (a) Any procedure performed or service provided by a
7 dental hygienist that does not specifically require direct
8 supervision shall require general supervision, so long as it does not
9 give rise to a situation in the dentist’s office requiring immediate
10 services for alleviation of severe pain, or immediate diagnosis and
11 treatment of unforeseeable dental conditions, which, if not
12 immediately diagnosed and treated, would lead to serious
13 disability or death.

14 (b) Unless otherwise specified in this chapter, a dental
15 hygienist may perform any procedure or provide any service
16 within the scope of his or her practice in any setting, so long as the
17 procedure is performed or the service is provided under the
18 appropriate level of supervision required by this article.

19 (c) A dental hygienist may use any material or device approved
20 for use in the performance of a service or procedure within his or
21 her scope of practice under the appropriate level of supervision,
22 ~~subject to any requirements enacted pursuant to subdivision (d).~~
23 ~~if the dental hygienist has the appropriate education and training~~
24 ~~required to use the material or device.~~

25 ~~(d) The Committee on Dental Auxiliaries or its successor~~
26 ~~agency may enact regulations setting forth the following:~~

27 ~~(1) Requirements for materials or devices that may be used~~
28 ~~pursuant to subdivision (c).~~

29 ~~(2) Educational requirements that a dental hygienist shall meet~~
30 ~~prior to using materials or devices pursuant to subdivision (c).~~

31 ~~(e) For purposes of this section “successor entity” means any~~
32 ~~entity created to regulate the practice of dental hygienists or any~~
33 ~~entity that assumes the duties and powers of the committee with~~
34 ~~regard to regulating the practice of dental hygienists.~~

35 ~~SEC. 14.~~

36 *SEC. 15.* Section 1765 of the Business and Professions Code
37 is amended and renumbered to read:

38 1772. The board shall seek to obtain an injunction against any
39 dental hygienist who provides services in alternative practice
40 pursuant to Sections 1774 and 1775 if the board has reasonable



1 cause to believe that the services are being provided to a patient
2 who has not received a prescription for those services from a
3 dentist or physician and surgeon licensed to practice in this state.

4 ~~SEC. 15.~~

5 *SEC. 16.* Section 1765 is added to the Business and
6 Professions Code, to read:

7 1765. No person other than a licensed dental hygienist or a
8 licensed dentist may engage in the practice of dental hygiene or
9 perform dental hygiene procedures on patients, including, but not
10 limited to, supragingival and subgingival scaling, dental hygiene
11 assessment, and treatment planning, except for the following
12 persons:

13 (a) A student enrolled in a dental or a dental hygiene school
14 who is performing procedures as part of the regular curriculum of
15 that program under the supervision of the faculty of that program.

16 (b) A registered dental hygienist ~~hygienist~~ *assistant* acting in accordance
17 with the rules of the board in applying topical agents used for the
18 control of caries or polishing the coronal surfaces of teeth.

19 (c) A registered dental hygienist licensed in another
20 jurisdiction performing a clinical demonstration for educational
21 purposes.

22 ~~SEC. 16.~~

23 *SEC. 17.* Section 1766 of the Business and Professions Code
24 is amended and renumbered to read:

25 1773. The provisions of Sections 1715, 1718, 1718.1, 1718.2,
26 and 1718.3 shall govern the renewal, restoration, reinstatement,
27 and reissuance of licenses issued under this article.

28 The license shall continue in effect through the date provided in
29 Section 1715 that next occurs after its issuance, when it shall
30 expire if not renewed.

31 ~~SEC. 17.~~

32 *SEC. 18.* Section 1767 of the Business and Professions Code
33 is repealed.

34 ~~SEC. 18.~~

35 *SEC. 19.* Section 1767 is added to the Business and
36 Professions Code, to read:

37 1767. The board, upon recommendation of the committee,
38 shall adopt regulations necessary to implement the provisions of
39 this article.

40 ~~SEC. 19.~~



1 *SEC. 20.* Section 1768 of the Business and Professions Code
2 is amended and renumbered to read:

3 1774. (a) The board shall license as a registered dental
4 hygienist in alternative practice a person who demonstrates
5 satisfactory performance on an examination required by the board
6 and, subject to Sections 1760 and 1766, who meets either of the
7 following requirements:

8 (1) Holds a current California license as a dental hygienist and
9 meets the following requirements:

10 (A) Has been engaged in clinical practice as a dental hygienist
11 for a minimum of 2,000 hours during the immediately preceding
12 36 months.

13 (B) Has successfully completed a bachelor's degree or its
14 equivalent from a college or institution of higher education that is
15 accredited by a national agency recognized by the Council on
16 Postsecondary Accreditation or the United States Department of
17 Education, and a minimum of 150 hours of additional educational
18 requirements, as prescribed by the board by regulation, that are
19 consistent with good dental and dental hygiene practice, including,
20 but not necessarily limited to, dental hygiene technique and theory
21 including gerontology and medical emergencies, and business
22 administration and practice management.

23 (2) Has received a letter of acceptance into the employment
24 utilization phase of the Health Manpower Pilot Project No. 155
25 established by the Office of Statewide Health Planning and
26 Development pursuant to Article 1 (commencing with Section
27 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
28 Safety Code.

29 (b) Subject to the provisions of subdivisions (b) and (h) of
30 Section 1775, the board, in consultation with the committee, shall
31 adopt regulations in accordance with Section 1748 necessary to
32 implement this section.

33 (c) The Director of Consumer Affairs shall review the
34 regulations adopted by the board in accordance with Section
35 313.1.

36 (d) A person licensed as a registered dental hygienist who has
37 completed the prescribed classes through the Health Manpower
38 Pilot Project (HMPP) and who has established an independent
39 practice under the HMPP by June 30, 1997, shall be deemed to
40 have satisfied the licensing requirements under Section 1774, and



1 shall be authorized to continue to operate the practice he or she
2 presently operates, so long as he or she follows the requirements
3 for prescription and functions as specified in this section and
4 Section 1775, with the exception of subdivision (e) of Section
5 1775, and as long as he or she continues to personally practice and
6 operate the practice or until ~~such time that~~ he or she sells the
7 practice to a licensed dentist.

8 ~~SEC. 20.~~

9 *SEC. 21.* Section 1770 of the Business and Professions Code
10 is amended and renumbered to read:

11 1775. (a) A registered dental hygienist in alternative practice
12 may practice, pursuant to Section 1774, as an employee of a dentist
13 or of another registered dental hygienist in alternative practice, or
14 as an independent contractor, or as a sole proprietor of an
15 alternative dental hygiene practice.

16 (b) A registered dental hygienist in alternative practice may
17 perform the duties authorized pursuant to Section 1774 in the
18 following settings:

19 (1) Residences of the homebound.

20 (2) Schools.

21 (3) Residential facilities and other institutions.

22 (4) Dental health professional shortage areas, as certified by the
23 Office of Statewide Health Planning and Development in
24 accordance with existing office guidelines.

25 (c) A registered dental hygienist in alternative practice shall not
26 do any of the following:

27 (1) Infer, purport, advertise, or imply that he or she is in any
28 way able to provide dental services or make any type of dental
29 health diagnosis beyond evaluating a patient's dental hygiene
30 status, providing a dental hygiene treatment plan, and providing
31 the associated dental hygiene services.

32 (2) Hire a registered dental hygienist to provide direct patient
33 services other than a registered dental hygienist in alternative
34 practice.

35 (d) A registered dental hygienist in alternative practice may
36 submit or allow to be submitted any insurance or third-party claims
37 for patient services performed as authorized pursuant to this
38 article.



1 (e) A registered dental hygienist in alternative practice may
2 hire other registered dental hygienists in alternative practice to
3 assist in his or her practice.

4 (f) A registered dental hygienist in alternative practice may hire
5 and supervise dental assistants performing functions specified in
6 subdivision (b) of Section 1751.

7 (g) A registered dental hygienist in alternative practice shall
8 provide to the board documentation of an existing relationship
9 with at least one dentist for referral, consultation, and emergency
10 services.

11 (h) A registered dental hygienist in alternative practice may
12 perform dental hygiene services for a patient who presents to the
13 registered hygienist in alternative practice a written prescription
14 for dental hygiene services issued by a dentist or physician and
15 surgeon licensed to practice in this state who has performed a
16 physical examination and a diagnosis of the patient prior to a
17 prescription being provided. The prescription shall be valid for a
18 time period based on the dentist's or physician and surgeon's
19 professional judgment, but not to exceed 15 months from the date
20 that it was issued.

21 ~~SEC. 21.~~

22 *SEC. 22. Section 1770 of the Business and Professions Code*
23 *is amended and renumbered to read:*

24 ~~1770.~~

25 *1775. (a) A registered dental hygienist in alternative practice*
26 *may practice, pursuant to Section ~~1768~~ 1774, as an employee of*
27 *a dentist or of another registered dental hygienist in alternative*
28 *practice, or as an independent contractor, or as a sole proprietor of*
29 *an alternative dental hygiene practice, or as an employee of a*
30 *primary care clinic or specialty clinic that is licensed pursuant to*
31 *Section 1204 of the Health and Safety Code, or as an employee of*
32 *a primary care clinic exempt from licensure pursuant to*
33 *subdivision (c) of Section 1206 of the Health and Safety Code, or*
34 *as an employee of a clinic owned or operated by a public hospital*
35 *or health system, or as an employee of a clinic owned and operated*
36 *by a hospital that maintains the primary contracts with a county*
37 *government to fill the county's role under Section 1700 of the*
38 *Welfare and Institutions Code.*



1 (b) A registered dental hygienist in alternative practice may
2 perform the duties authorized pursuant to Section ~~4768~~ 1774 in the
3 following settings:

- 4 (1) Residences of the homebound.
- 5 (2) Schools.
- 6 (3) Residential facilities and other institutions.
- 7 (4) Dental health professional shortage areas, as certified by the
8 Office of Statewide Health Planning and Development in
9 accordance with existing office guidelines.

10 (c) A registered dental hygienist in alternative practice shall not
11 do any of the following:

12 (1) Infer, purport, advertise, or imply that he or she is in any
13 way able to provide dental services or make any type of dental
14 health diagnosis beyond evaluating a patient's dental hygiene
15 status, providing a dental hygiene treatment plan, and providing
16 the associated dental hygiene services.

17 (2) Hire a registered dental hygienist to provide direct patient
18 services other than a registered dental hygienist in alternative
19 practice.

20 (d) A registered dental hygienist in alternative practice may
21 submit or allow to be submitted any insurance or third-party claims
22 for patient services performed as authorized pursuant to this
23 article.

24 (e) A registered dental hygienist in alternative practice may
25 hire other registered dental hygienists in alternative practice to
26 assist in his or her practice.

27 (f) A registered dental hygienist in alternative practice may hire
28 and supervise dental assistants performing functions specified in
29 subdivision (b) of Section 1751.

30 (g) A registered dental hygienist in alternative practice shall
31 provide to the board documentation of an existing relationship
32 with at least one dentist for referral, consultation, and emergency
33 services.

34 (h) A registered dental hygienist in alternative practice may
35 perform dental hygiene services for a patient who presents to the
36 registered hygienist in alternative practice a written prescription
37 for dental hygiene services issued by a dentist or physician and
38 surgeon licensed to practice in this state who has performed a
39 physical examination and a diagnosis of the patient prior to a
40 prescription being provided. The prescription shall be valid for a



1 time period based on the dentist’s or physician and surgeon’s
2 professional judgment, but not to exceed 15 months from the date
3 that it was issued.

4 *SEC. 23.* Section 2709.5 of the Business and Professions
5 Code is amended to read:

6 2709.5. The board shall accept in payment of any fee required
7 by this chapter cash or any customary or generally accepted
8 medium of exchange, including check, cashier’s check, certified
9 check or money order. For the purposes of this section, customary
10 or generally accepted medium of exchange does not include
11 postage stamps.

12 ~~SEC. 22.~~

13 *SEC. 24.* Section 2851 of the Business and Professions Code
14 is amended to read:

15 2851. Six members of the board constitute a quorum for
16 transaction of business at any meeting.

17 *SEC. 25.* *Section 3 of this bill incorporates amendments to*
18 *Section 1758 of the Business and Professions Code proposed by*
19 *both this bill and AB 2818. It shall only become operative if (1)*
20 *both bills are enacted and become effective on or before January*
21 *1, 2003, (2) each bill amends Section 1758 of the Business and*
22 *Professions Code, and (3) this bill is enacted after AB 2818, in*
23 *which case Section 2 of this bill shall not become operative.*

24 *SEC. 26.* *Section 22 of this bill incorporates amendments to*
25 *Section 1770 of the Business and Professions Code proposed by*
26 *both this bill and SB 1589. It shall only become operative if (1)*
27 *both bills are enacted and become effective on or before January*
28 *1, 2003, (2) each bill amends Section 1770 of the Business and*
29 *Professions Code, and (3) this bill is enacted after SB 1859, in*
30 *which case Section 21 of this bill shall not become operative.*

