

Senate Bill No. 1865

CHAPTER 670

An act to amend Sections 1628, 1628.2, 1631, and 1632 of, to amend, renumber, and add Section 1632.5 of, and to repeal Sections 1633 and 1633.5 of, the Business and Professions Code, relating to dentistry, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 2004. Filed
with Secretary of State September 21, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1865, Aanestad. Dentists: licensing examinations.

The Dental Practice Act provides for the licensing and regulation of dentists and associated professions by the Dental Board of California. Existing law requires an applicant for a license to practice dentistry to pass a written examination on subjects prescribed by the board, and to also pass a clinical examination.

This bill would require an applicant for a license to practice dentistry to complete various examinations, including the National Board Dental Examination, an examination in California law and ethics developed by the board, and a clinical and written examination administered either by the board or the Western Regional Examining Board. The bill would require the Department of Consumer Affairs to review the examination offered by the Western Regional Examining Board, and would appropriate \$150,000 from the State Dentistry Fund to the department for this purpose pursuant to a specified schedule. The bill would require a report by the Dental Board of California on examination passage rates.

Existing law requires an applicant for an examination to furnish documentary evidence to the board that he or she has graduated from a reputable dental college.

This bill would authorize the board to approve an application for examination or accept the results of an examination from an applicant who has not yet graduated from a reputable dental college, if certain conditions are met.

The bill would make other related changes.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. Section 1628 of the Business and Professions Code is amended to read:

1628. Any person over 18 years of age is eligible to take an examination before the board upon making application therefor and meeting all of the following requirements:

(a) Paying the fee for applicants for examination provided by this chapter.

(b) Furnishing satisfactory evidence of having graduated from a reputable dental college approved by the board; provided, also, that applicants furnishing evidence of having graduated after 1921 shall also present satisfactory evidence of having completed at dental school or schools the full number of academic years of undergraduate courses required for graduation. For purposes of this article, “reputable dental college approved by the board” or “approved dental school” include a foreign dental school accredited by a body that has a reciprocal accreditation agreement with any commission or accreditation organization whose findings are accepted by the board.

(c) Furnishing the satisfactory evidence of financial responsibility or liability insurance for injuries sustained or claimed to be sustained by a dental patient in the course of the examination as a result of the applicant’s actions.

(d) If the applicant has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school, he or she shall furnish all of the following documentary evidence to the board:

(1) That he or she has completed, in a dental school or schools approved by the board pursuant to Section 1636.4, a resident course of professional instruction in dentistry for the full number of academic years of undergraduate courses required for graduation.

(2) Subsequent thereto, he or she has been issued by the dental school a dental diploma or a dental degree, as evidence of the successful completion of the course of dental instruction required for graduation.

(e) Any applicant who has been issued a dental diploma from a foreign dental school that has not, at the time of his or her graduation from the school, been approved by the board pursuant to Section 1636.4 shall not be eligible for examination until the applicant has successfully completed a minimum of two academic years of education at a dental college approved by the board pursuant to Article 1 (commencing with Section 1024) of Chapter 2 of Division 10 of Title 16 of the California Code of Regulations and has been issued a degree of doctor of dental medicine or doctor of dental surgery or its equivalent. This subdivision shall not apply to applicants who have successfully completed the



requirements of Section 1636 as it read before it was repealed on January 1, 2004, on or before December 31, 2003, or who have successfully completed the requirements of Section 1628.2 on or before December 31, 2008. An applicant who has successfully completed the requirements of Section 1636 as it read before it was repealed on January 1, 2004, on or before December 31, 2003, or who has successfully completed the requirements of Section 1628.2 on or before December 31, 2008, shall be eligible to take the examination required by Section 1632, subject to the limitations set forth in subdivisions (b) and (c) of Section 1633.

(f) Subdivisions (d) and (e) do not apply to a person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school accredited by a body that has a reciprocal accreditation agreement with any commission or accreditation organization whose findings are accepted by the board.

SEC. 2. Section 1628.2 of the Business and Professions Code is amended to read:

1628.2. (a) A person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school that is not approved by the board pursuant to Section 1636.4 shall be exempt from the requirements of subdivision (e) of Section 1628 if he or she meets all of the following requirements:

(1) He or she furnishes documentary evidence satisfactory to the board of both of the following:

(A) That he or she has completed in a dental school or schools a resident course of professional instruction in dentistry for the full number of academic years of undergraduate courses required for graduation.

(B) That subsequent thereto, he or she has been issued by the dental school a dental diploma or a dental degree, as evidence of successful completion of the course of dental instruction required for graduation.

(2) He or she passed Parts I and II of the written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations or its predecessor on or before December 31, 2003.

(3) He or she has passed an examination, on or before December 31, 2008, in which the applicant is required to demonstrate his or her skill in restorative technique, subject to the following:

(A) An applicant who obtains an overall average grade of 75 percent in the restorative technique examination and a grade of 75 percent or more in two of the three subsections shall be deemed to have passed the examination. An applicant who obtains a grade of 85 percent in any subsection of the examination but does not pass the examination is



exempt from retaking that subsection for two years following the date of the examination in which the grade of 85 percent was obtained.

(B) Applications for this examination shall be submitted by mail only. An applicant for the examination shall submit to the board a mailing address for the applicant that is located within the United States. That mailing address shall be the sole address that the board is required to use to communicate with the applicant.

(C) An applicant shall provide to the board copies of their passing scores on Parts I and II of the written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations or its predecessor within 90 days after April 13, 2004, which is the date of the enactment of Chapter 33 of the Statutes of 2004. An applicant who has previously taken the restorative technique examination or who has previously provided his or her passing scores on Parts I and II of the written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations or its predecessor shall not be subject to the requirement of this subparagraph.

(D) (i) Notwithstanding Section 135, an applicant who fails to pass the examination under this section or Section 1636, as repealed on January 1, 2004, after four attempts or who fails to pass the examination on or before December 31, 2008, shall not be eligible for further reexamination under this paragraph, and shall not be eligible for the exemption from the requirements of subdivision (e) of Section 1628. Failure by an applicant to appear for the examination without good cause, as determined by the board, constitutes a failure to pass the examination for purposes of this paragraph.

(ii) In order to be eligible to reapply to take the examination, an applicant who fails to pass the examination or fails to appear for the examination, and who has not used all four examination attempts, shall submit to the board a letter of intent stating his or her intent to reapply to take the examination. The applicant shall submit this letter to the board within 45 days of the board mailing notification to him or her of failure to pass the examination, or, if the applicant failed to appear for the examination, within 45 days of the examination date for which he or she failed to appear.

The requirements of this clause shall not be construed to require the applicant to take the next examination offered by the board, however, it is the intent of the Legislature that applicants apply for reexaminations in a timely manner.

(iii) An applicant who believes he or she has good cause for failing to appear at a scheduled examination shall state the grounds supporting the good cause in a letter to the board. If the board accepts those grounds



as good cause, the applicant may reapply for a future examination in the usual manner used by the board for scheduling applicants for an examination, and the examination for which the applicant failed to appear shall not count against the maximum four attempts permitted by clause (i). If the board does not accept those grounds as good cause, the examination for which the applicant failed to appear shall be counted as one of those four attempts.

(iv) If the applicant fails to comply with the requirements of clause (ii), he or she shall no longer qualify to take any future examination required by this paragraph, and shall be subject to the requirements of subdivision (e) of Section 1628.

(E) If all qualified applicants have exhausted the four examination attempts permitted by subparagraph (D), or become ineligible to take the examination, the board may, prior to January 1, 2009, cease to offer administration of that examination at any time thereafter.

(4) Failure to meet any of the requirements of paragraphs (1) to (3), inclusive, including, but not limited to, the requirement of subparagraph (C) of paragraph (3) that an applicant provide to the board copies of his or her passing scores on Parts I and II of the written examination within the specified time period, shall make an applicant ineligible for the exemption from the requirements of subdivision (e) of Section 1628 provided by this section.

(b) It is the intent of the Legislature that the restorative technique examination provided for by this section, including the eligibility provisions, be a continuation of the restorative technique examination provided for in Section 1636, as repealed on January 1, 2004, and that an applicant for the examination have no more than a total of four attempts to take the restorative technique examination.

(c) This section shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2009, deletes or extends that date.

SEC. 3. Section 1631 of the Business and Professions Code is amended to read:

1631. The subjects in which the applicant shall be examined shall be those subjects as the board may from time to time prescribe. However, the subjects of examination shall be selected in accordance with the trend of dental education in California as that trend is determined, from time to time by the curricula of the dental colleges in California approved by the Dental Board of California, and no examination shall be given on any subject which is not then, at the time of the determination, being currently taught in those approved dental colleges. In the event of any changes in the list of examination subjects, all approved dental schools in the United States shall be notified, by the executive officer of the



board, at least two years in advance of the effective date of any change or changes in subjects. Each applicant, at the time of filing an application to take any examination hereunder, shall be given a list of the subjects of the examination for which he or she is making application.

SEC. 4. Section 1632 of the Business and Professions Code is amended to read:

1632. (a) The board shall require each applicant to successfully complete the written examinations of the National Board Dental Examination of the Joint Commission on National Dental Examinations.

(b) The board shall require each applicant to successfully complete an examination in California law and ethics developed and administered by the board.

(c) Except as otherwise provided in Section 1632.5, the board shall require each applicant to have taken and received a passing score on one of the following:

(1) A clinical and written examination developed and administered by the board.

(2) A clinical and written examination administered by the Western Regional Examining Board, which board shall determine the passing score for that examination.

(d) Notwithstanding subdivision (b) of Section 1628, the board is authorized to do either of the following:

(1) Approve an application for examination from and to examine an applicant who is enrolled in but has not yet graduated from a reputable dental school approved by the board.

(2) Accept the results of an examination described in paragraph (2) of subdivision (c) submitted by an applicant who was enrolled in but had not graduated from a reputable dental school approved by the board at the time the examination was administered.

In either case, the board shall require the dean of that school or his or her delegate to furnish satisfactory proof that the applicant will graduate within one year of the date the examination was administered.

SEC. 5. Section 1632.5 of the Business and Professions Code is amended and renumbered to read:

1633. (a) When an applicant for a license has received a grading of 85 percent or above in any given subject, he or she shall be exempt from reexamination on that subject in subsequent examinations before the board within two years after the examination on which the applicant received the exemption.

(b) Notwithstanding Section 135, an applicant who fails to pass the examination required by Section 1632 after three attempts shall not be eligible for further reexamination until the applicant has successfully



completed a minimum of 50 hours of education for each subject which the applicant failed in the applicant's last unsuccessful examination. The coursework shall be taken at a dental school approved by either the Commission on Dental Accreditation or a comparable organization approved by the board, and shall be completed within a period of one year from the date of notification of the applicant's third failure.

(c) The coursework described in subdivision (b) shall be required once for every three unsuccessful examination attempts. When the applicant applies for reexamination, he or she shall furnish proof satisfactory to the board that he or she has successfully completed the requirements of this section.

SEC. 6. Section 1632.5 is added to the Business and Professions Code, to read:

1632.5. (a) Prior to implementation of paragraph (2) of subdivision (c) of Section 1632, the department's Office of Examination Resources shall review the Western Regional Examining Board examination to assure compliance with the requirements of Section 139 and to certify that the examination process meets those standards. If the department determines that the examination process fails to meet those standards, paragraph (2) of subdivision (c) of Section 1632 shall not be implemented. The review of the Western Regional Examining Board examination shall be conducted during or after the Dental Board of California's occupational analysis scheduled for the 2004–05 fiscal year, but not later than September 30, 2005. However, an applicant who successfully completes the Western Regional Examining Board examination on or after January 1, 2005, shall be deemed to have met the requirements of subdivision (c) of Section 1632 if the department certifies that the Western Regional Examining Board examination meets the standards set forth in this subdivision.

(b) The Western Regional Examining Board examination process shall be regularly reviewed by the department pursuant to Section 139.

(c) The Western Regional Examining Board examination shall meet the mandates of subdivision (a) of Section 12944 of the Government Code.

(d) As part of its next scheduled review by the Joint Committee on Boards, Commissions, and Consumer Protection, the Dental Board of California shall report to that committee and the department on the pass rates of applicants who sat for the Western Regional Examining Board examination, compared with the pass rates of applicants who sat for the state clinical and written examination administered by the Dental Board of California. This report shall be a component of the evaluation of the examination process that is based on psychometrically sound principles for establishing minimum qualifications and levels of competency.



SEC. 7. Section 1633 of the Business and Professions Code is repealed.

SEC. 8. Section 1633.5 of the Business and Professions Code is repealed.

SEC. 9. The sum of one hundred fifty thousand dollars (\$150,000) is hereby appropriated from the State Dentistry Fund to the Department of Consumer Affairs for the purpose of Section 1632.5 of the Business and Professions Code, in accordance with the following schedule:

(a) For the 2004–05 fiscal year, the sum of one hundred thousand dollars (\$100,000).

(b) For the 2005–06 fiscal year, the sum of fifty thousand dollars (\$50,000).

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make necessary changes to the examination requirements for an applicant for licensure as a dentist and to make funding available for that purpose at the earliest possible opportunity, it is necessary that this act take effect immediately.

