

AMENDED IN SENATE AUGUST 29, 2006

AMENDED IN SENATE AUGUST 28, 2006

AMENDED IN SENATE AUGUST 23, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 19, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1334

Introduced by Assembly Member Salinas

February 22, 2005

An act to amend ~~Section 1775~~ *Sections 1775 and 1777* of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1334, as amended, Salinas. Dentistry: registered dental hygienists.

Under existing law, the Dental Practice Act, dental auxiliaries are licensed and regulated by the Committee on Dental Auxiliaries and the Dental Board of California. Existing law authorizes a registered dental hygienist in alternative practice to perform certain functions of a registered dental hygienist, subject to specified conditions.

Existing law authorizes a registered dental hygienist in alternative practice to perform dental hygiene services for a patient who presents a prescription for the services issued by a dentist or physician and surgeon who has performed a physical examination and a diagnosis of the patient prior to the prescription being provided, as specified. The prescription may be valid for a period not to exceed 15 months.

This bill would require a registered dental hygienist in alternative practice to obtain written verification that a patient has been examined by a dentist or physician and surgeon if the hygienist provides services to the patient 18 months or more after the first date that the hygienist provides services. The bill would require that the verification include a prescription for dental hygiene services, which prescription may be valid for a period not to exceed 2 years. The bill would provide that failure to comply with these provisions would be considered unprofessional conduct.

Existing law authorizes a registered dental hygienist or a registered dental hygienist in extended functions to perform specified procedures in designated settings under the direct supervision of a registered dental hygienist.

This bill would also authorize a registered dental hygienist in alternative practice to directly supervise the performance of these procedures.

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 1775 of the Business and Professions
2 Code is amended to read:
3 1775. (a) A registered dental hygienist in alternative practice
4 may perform those preventive and therapeutic functions
5 described in subdivision (a) of Section 1760, subdivision (a) of
6 Section 1760.5, and subdivisions (a) and (b) of Section 1762 as
7 an employee of a dentist or of another registered dental hygienist
8 in alternative practice, or as an independent contractor, or as a
9 sole proprietor of an alternative dental hygiene practice, or as an
10 employee of a primary care clinic or specialty clinic that is
11 licensed pursuant to Section 1204 of the Health and Safety Code
12 or as an employee of a primary care clinic exempt from licensure
13 pursuant to subdivision (c) of Section 1206 of the Health and
14 Safety Code, or as an employee of a clinic owned or operated by
15 a public hospital or health system, or as an employee of a clinic
16 owned and operated by a hospital that maintains the primary
17 contract with a county government to fill the county’s role under
18 Section 17000 of the Welfare and Institutions Code.

1 (b) A registered dental hygienist in alternative practice may
2 perform the dental hygiene services specified in subdivision (a)
3 in the 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
8 the Office of Statewide Health Planning and Development in
9 accordance with existing office guidelines.

10 (c) A registered dental hygienist in alternative practice shall
11 not 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 those services specified in subdivision
15 (a).

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

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

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

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

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

33 (h) (1) A dental hygienist in alternative practice may provide
34 services to a patient without obtaining written verification that
35 the patient has been examined by a dentist or physician and
36 surgeon licensed to practice in this state.

37 (2) If a dental hygienist in alternative practice provides
38 services to a patient 18 months or more after the first date that he
39 or she provides services to a patient, he or she shall obtain
40 written verification that the patient has been examined by a

1 dentist or physician and surgeon licensed to practice in this state.
 2 The verification shall include a prescription for dental hygiene
 3 services as described in subdivision (i). Failure to comply with
 4 this paragraph or subdivision (i) shall be considered
 5 unprofessional conduct.

6 (i) A registered dental hygienist in alternative practice may
 7 perform dental hygiene services for a patient who presents to the
 8 registered hygienist in alternative practice a written prescription
 9 for dental hygiene services issued by a dentist or physician and
 10 surgeon licensed to practice in this state. The prescription shall
 11 be valid for a time period based on the dentist’s or physician and
 12 surgeon’s professional judgment, but not to exceed two years
 13 from the date that it was issued.

14 *SEC. 2. Section 1777 of the Business and Professions Code is*
 15 *amended to read:*

16 1777. While employed by or practicing in a primary care
 17 clinic or specialty clinic licensed pursuant to Section 1204 of the
 18 Health and Safety Code, in a primary care clinic exempt from
 19 licensure pursuant to subdivision (c) of Section 1206 of the
 20 Health and Safety Code, or a clinic owned and operated by a
 21 hospital that maintains the primary contract with a county
 22 government to fill the county’s role under Section 17000 of the
 23 Welfare and Institutions Code, a registered dental assistant or a
 24 registered dental assistant in extended functions may perform the
 25 following procedures under the direct supervision of a registered
 26 dental hygienist *or a registered dental hygienist in alternative*
 27 *practice*, pursuant to subdivision (b) of Section 1763:

28 (a) Coronal polishing, after providing evidence to the board of
 29 having completed a board-approved course in that procedure.

30 (b) Application of topical fluoride.

31 (c) Application of sealants, after providing evidence to the
 32 board of having completed a board-approved course in that
 33 procedure.

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