

Assembly Bill No. 2210

CHAPTER 449

An act to amend Section 1627.5 of the Business and Professions Code, relating to dentistry.

[Approved by Governor September 27, 2008. Filed with
Secretary of State September 27, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2210, Price. Dentistry: emergency services.

Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries by the Dental Board of California in the Department of Consumer Affairs. The act provides that a licensee who either in good faith renders emergency care at the scene of an emergency or, upon request of another licensee, renders emergency care for a complication arising from prior dental care, as specified, is exempt from liability for civil damages as a result of any acts or omissions in rendering the emergency care.

This bill would also provide specified immunity to a licensee who voluntarily and without compensation or expectation of compensation provides emergency medical care consistent with his or her dental education and emergency training during a declared state of emergency, as specified, for any personal injury, wrongful death, or property damage caused by the licensee's good faith but negligent act or omission. The bill would also authorize the board, for the duration of a declared state of emergency, as specified, to suspend compliance with any provision of the Dental Practice Act or regulation adopted thereunder that would adversely affect a licensee's ability to provide emergency services.

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

SECTION 1. Section 1627.5 of the Business and Professions Code is amended to read:

1627.5. (a) No person licensed under this chapter, who in good faith renders emergency care at the scene of an emergency occurring outside the place of that person's practice, or who, upon the request of another person so licensed, renders emergency care to a person for a complication arising from prior care of another person so licensed, shall be liable for any civil damages as a result of any acts or omissions by that person in rendering the emergency care.

(b) A person licensed under this chapter who voluntarily and without compensation or expectation of compensation, and consistent with the dental

education and emergency training that he or she receives, provides emergency medical care to a person during a state of emergency declared pursuant to a proclamation issued pursuant to Section 8588, 8625, or 8630 of the Government Code or a declaration of health emergency issued pursuant to Section 101080 of the Health and Safety Code shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the licensee's good faith but negligent act or omission. This subdivision shall not provide immunity for acts or omissions of gross negligence or willful misconduct. This subdivision shall not limit any immunity provided under subdivision (a).

(c) Notwithstanding any other provision of law, for the duration of a declared state of emergency, pursuant to a proclamation of emergency issued pursuant to Section 8625 of the Government Code, the board may suspend compliance with any provision of this chapter or regulation adopted thereunder that would adversely affect a licensee's ability to provide emergency services.