

AMENDED IN ASSEMBLY SEPTEMBER 5, 2007

**SENATE BILL**

**No. 1049**

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**Introduced by Committee on Business, Professions and Economic Development (Senators Ridley-Thomas (Chair), Aanestad, Corbett, Denham, Florez, Harman, Simitian, and Yee)**

March 22, 2007

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An act to amend ~~Section~~ *Sections 1752.1, 1752.2, 1752.5, and 2607.5* of the Business and Professions Code, relating to ~~physical therapy~~ *healing arts*, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1049, as amended, Committee on Business, Professions and Economic Development. ~~Physical therapy: executive officer. Healing arts.~~

**Existing**

*(1) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists by the Dental Board of California and dental auxiliaries by the Committee on Dental Auxiliaries.*

*Existing law, until January 1, 2009, requires the board to license as a registered dental assistant a person who files an application prior to September 1, 2007, and submits specified written evidence of either graduation from a specified educational program or specified work experience that is satisfactory to the board. Under existing law, on and after September 1, 2007, a person may apply for and be issued a license as a registered dental assistant by providing evidence of either completion of a specified educational program or specified work experience and the completion of 3 board-approved specialty registration courses.*

*This bill would instead extend the existing licensure requirements, until January 1, 2011, with respect to a person who files an application prior to September 1, 2009, and would delay the modified licensure requirements for registered dental assistants to September 1, 2009. The bill would make related changes to those provisions.*

(2) Existing law provides for the licensure and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. Existing law authorizes the board to appoint a person exempt from civil service to serve as an executive officer. This provision will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make that provision inoperative on July 1, 2013, and would repeal it on January 1, 2014.

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

Vote:  $\frac{2}{3}$ . 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 1752.1 of the Business and Professions  
 2     Code is amended to read:  
 3     1752.1. (a) The board shall license as a registered dental  
 4     assistant a person who files an application prior to September 1,  
 5     ~~2007~~ 2009, and submits written evidence, satisfactory to the board,  
 6     of either one of the following requirements:  
 7     (1) Graduation from an educational program in dental assisting  
 8     approved by the board, and satisfactory performance on written  
 9     and practical examinations required by the board.  
 10    (2) Satisfactory work experience of more than 12 months as a  
 11    dental assistant in California or another state and satisfactory  
 12    performance on a written and practical examination required by  
 13    the board. The board shall give credit toward the 12 months work  
 14    experience referred to in this subdivision to persons who have  
 15    graduated from a dental assisting program in a postsecondary  
 16    institution approved by the Department of Education or in a  
 17    secondary institution, regional occupational center, or regional  
 18    occupational program, that are not, however, approved by the  
 19    board pursuant to subdivision (a). The credit shall equal the total  
 20    weeks spent in classroom training and internship on a

1 week-for-week basis not to exceed 16 weeks. The board, in  
2 cooperation with the Superintendent of Public Instruction, shall  
3 establish the minimum criteria for the curriculum of  
4 nonboard-approved programs. Additionally, the board shall notify  
5 those programs only if the program's curriculum does not meet  
6 established minimum criteria, as established for board-approved  
7 registered dental assistant programs, except any requirement that  
8 the program be given in a postsecondary institution. Graduates of  
9 programs not meeting established minimum criteria shall not  
10 qualify for satisfactory work experience as defined by this section.

11 (b) In addition to the requirements specified in subdivision (a),  
12 each applicant for registered dental assistant licensure on or after  
13 July 1, 2002, shall provide evidence of having successfully  
14 completed board-approved courses in radiation safety and coronal  
15 polishing as a condition of licensure. The length and content of  
16 the courses shall be governed by applicable board regulations.

17 (c) An applicant who fails to pass the written and practical  
18 examinations required by this section on or before June 30, ~~2008~~  
19 ~~2010~~, shall not be eligible for further reexamination and must apply  
20 for and meet the requirements for registered dental assistant  
21 licensure specified in Section 1752.5. Between September 1, ~~2007~~  
22 ~~2009~~, and June 30, ~~2008~~ ~~2010~~, an applicant shall only be allowed  
23 to apply to take the written examination two times, and shall only  
24 be allowed to apply to take the practical examination two times.

25 ~~(d) This section shall become inoperative on December 31,~~  
26 ~~2008, and, as of January 1, 2009, is repealed, unless a later enacted~~  
27 ~~statute, that is enacted before January 1, 2009, deletes or extends~~  
28 ~~the dates on which it becomes inoperative and is repealed.~~

29 *(d) This section shall remain in effect only until January 1, 2011,*  
30 *and as of that date is repealed, unless a later enacted statute, that*  
31 *is enacted before January 1, 2011, deletes or extends that date.*

32 *SEC. 2. Section 1752.2 of the Business and Professions Code*  
33 *is amended to read:*

34 1752.2. (a) A board-approved educational program in  
35 registered dental assisting, as provided in subdivisions (a) and (b)  
36 of Section 1752.5, is a program that has met the requirements for  
37 approval pursuant to board regulations.

38 (b) An educational program in registered dental assisting that  
39 has been approved by the board prior to January 1, ~~2008~~ ~~2010~~, to  
40 teach the duties that a registered dental assistant was allowed to

1 perform pursuant to board regulations prior to January 1, ~~2008~~  
2 ~~2010~~, shall continue to be so approved on and after January 1,  
3 ~~2008~~ ~~2010~~, if it has certified no later than November 30, ~~2007~~  
4 ~~2009~~, on a form specified by the board, that it shall provide  
5 instruction in all duties that registered dental assistants shall be  
6 allowed to perform on and after January 1, ~~2008~~ ~~2009~~, with the  
7 exception of adding drugs, medications, and fluids to intravenous  
8 lines using a syringe.

9 (c) The board may at any time conduct a thorough evaluation  
10 of an approved educational program's curriculum and facilities to  
11 determine whether the program meets the requirements for approval  
12 as specified in board regulations.

13 *SEC. 3. Section 1752.5 of the Business and Professions Code*  
14 *is amended to read:*

15 1752.5. On and after September 1, ~~2007~~ ~~2009~~, a person may  
16 apply for and be issued a license as a registered dental assistant  
17 upon providing evidence to the board of one of the following:

18 (a) Successful completion of an educational program in  
19 registered dental assisting approved by the board on or after  
20 January 1, ~~2006~~ ~~2008~~, to teach all of the functions specified in  
21 Section 1750.3.

22 (b) Successful completion of:

23 (1) An educational program in registered dental assisting  
24 approved by the board to teach the duties that registered dental  
25 assistants were allowed to perform pursuant to board regulations  
26 prior to January 1, ~~2008~~ ~~2010~~.

27 (2) A board-approved course or courses in the following duties:

28 (A) Selecting, repositioning, curing in a position approved by  
29 the supervising dentist, and removal of orthodontic brackets.

30 (B) Monitoring of patients during the preoperative,  
31 intraoperative, and postoperative phases.

32 (i) For purposes of this subparagraph, patient monitoring  
33 includes the following:

34 (I) Selection and validation of monitoring sensors, selecting  
35 menus and default settings and analysis for electrocardiogram,  
36 pulse oximeter and capnograph, continuous blood pressure, pulse,  
37 and respiration rates.

38 (II) Interpretation of data from noninvasive patient monitors  
39 including readings from continuous blood pressure and information  
40 from the monitor display for electrocardiogram waveform, carbon

1 dioxide and end tidal carbon dioxide concentration, respiratory  
2 cycle data, continuous noninvasive blood pressure data, and pulse  
3 arterial oxygen saturation measurements, for the purpose of  
4 evaluating the condition of the patient during preoperative,  
5 intraoperative, and postoperative treatment.

6 (ii) For purposes of this subparagraph, patient monitoring does  
7 not include the following:

8 (I) Reading and transmitting information from the monitor  
9 display during the intraoperative phase of surgery for  
10 electrocardiogram waveform, carbon dioxide and end tidal carbon  
11 dioxide concentrations, respiratory cycle data, continuous  
12 noninvasive blood pressure data, or pulse arterial oxygen saturation  
13 measurements, for the purpose of interpretation and evaluation by  
14 a licensed dentist who shall be at chairside during this procedure.

15 (II) Placing of sensors.

16 (C) Adding drugs, medications, and fluids to intravenous lines  
17 using a syringe.

18 (D) Applying pit and fissure sealants.

19 (c) Successful completion of:

20 (1) Twelve months of satisfactory work experience as a dental  
21 assistant in California or another state. The board shall give credit  
22 toward the 12 months of work experience to persons who have  
23 graduated from a dental assisting program in a postsecondary  
24 institution, secondary institution, regional occupational center, or  
25 regional occupation program that are not approved by the board.  
26 The credit shall equal the total weeks spent in classroom training  
27 and internship on a week-for-week basis not to exceed 16 weeks.

28 (2) The three board-approved specialty registration courses, as  
29 defined in Section 1750.2, for registration as a registered  
30 orthodontic assistant, registered surgery assistant, and registered  
31 restorative assistant. Any specialty license issued pursuant to  
32 paragraph (2) of subdivision (a) of Section 1750.2 shall be deemed  
33 to have met the requirements of this subdivision for that specialty.

34 (3) A board-approved radiation safety program.

35 ~~SECTION 1. Section 2607.5 of the Business and Professions~~  
36 ~~Code is amended to read:~~

37 ~~2607.5. The board may appoint a person exempt from civil~~  
38 ~~service who shall be designated as an executive officer and who~~  
39 ~~shall exercise the powers and perform the duties delegated by the~~  
40 ~~board and vested in him or her by this chapter.~~

1 This section shall become inoperative on July 1, 2013, and, as  
2 of January 1, 2014, is repealed, unless a later enacted statute, that  
3 becomes operative on or before January 1, 2014, deletes or extends  
4 the dates on which it becomes inoperative and is repealed.

5 The repeal of this section renders the board subject to the review  
6 required by Division 1.2 (commencing with Section 473).

7 *SEC. 4. Section 2607.5 of the Business and Professions Code*  
8 *is amended to read:*

9 2607.5. The board may appoint a person exempt from civil  
10 service who shall be designated as an executive officer and who  
11 shall exercise the powers and perform the duties delegated by the  
12 board and vested in him or her by this chapter.

13 This section shall become inoperative on July 1, ~~2007~~ 2013, and,  
14 as of January 1, ~~2008~~ 2014, is repealed, unless a later enacted  
15 statute, which becomes effective on or before January 1, ~~2008~~  
16 2014, deletes or extends the dates on which it becomes inoperative  
17 and is repealed.

18 The repeal of this section renders the board subject to the review  
19 required by Division 1.2 (commencing with Section 473).

20 ~~SEC. 2:~~

21 *SEC. 5.* This act is an urgency statute necessary for the  
22 immediate preservation of the public peace, health, or safety within  
23 the meaning of Article IV of the Constitution and shall go into  
24 immediate effect. The facts constituting the necessity are:

25 In order to ensure continuity in the ongoing operations of the  
26 board and maintain a high level of consumer protection as it relates  
27 to the services provided by physical therapists, it is necessary that  
28 this act take effect immediately. *Physical Therapy Board and to*  
29 *ensure the continuity of the existing registered dental assistant*  
30 *provisions, it is necessary that this act take effect immediately.*