

**ASSEMBLY BILL**

**No. 2557**

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**Introduced by Assembly Member Salas**

February 19, 2010

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An act to add Section 820.27 to the Government Code, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as introduced, Salas. Government tort claims: dentists.

Existing law governs the tort liability and immunity of public entities and their officers and employees, claims and actions against public entities and their officers and employees, insurance indemnification, and the defense and indemnification of public officers and employees. Existing law provides that a public employee is not liable for an injury resulting from his or her act or omission where the act or omission was the result of the exercise of the discretion vested in him or her, whether or not that discretion is abused.

This bill would provide that a licensed dentist, as defined, is entitled to all of the immunities from liability provided a public employee when treating or diagnosing a patient at no cost to the patient, as specified. The bill would provide instead that the state may be held liable for any injury or damages resulting from that treatment or diagnosis.

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 820.27 is added to the Government Code,
- 2 to read:

1 820.27. (a) A licensed dentist shall be entitled to all of the  
2 immunities from liability provided under this division as if he or  
3 she is a public employee when treating or diagnosing a patient at  
4 no cost to the patient through a nonprofit agency or free clinic or  
5 to an indigent person at the office of the licensed dentist.

6 (b) For purposes of this section, the following definitions shall  
7 apply:

8 (1) “Licensed dentist” means a dentist who holds a current and  
9 valid license to practice dentistry from the Dental Board of  
10 California pursuant to Chapter 4 (commencing with Section 1600)  
11 of Division 2 of the Business and Professions Code, and whose  
12 license is not suspended, revoked, or otherwise restricted by the  
13 board or subject to discipline under that chapter. “Licensed dentist”  
14 shall also include a dentist who holds a retired active license  
15 pursuant to Section 1716.1 of the Business and Professions Code.

16 (2) “Treating or diagnosing” shall have the same meaning as  
17 set forth in Section 1625 of the Business and Professions Code.

18 (c) The state may be held liable for any injury or damages  
19 resulting from the services provided by a licensed dentist pursuant  
20 to this section.