

AMENDED IN SENATE MAY 21, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
AMENDED IN ASSEMBLY APRIL 9, 2013
AMENDED IN ASSEMBLY MARCH 21, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1174

Introduced by Assembly Members Bocanegra and Logue

February 22, 2013

An act to amend Sections ~~1752.4, 1910, 1684.5~~ and 1926 of, ~~to amend, repeal, and add Section 1753.6 of,~~ and to add, repeal, and add Sections 1753.55, 1910.5, and 1926.05 of, the Business and Professions Code, *and to add and repeal Section 128196 of the Health and Safety Code*, and to amend Section 14132.725 of the Welfare and Institutions Code, relating to oral health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1174, as amended, Bocanegra. Dental ~~professionals: teledentistry~~ ~~under Medi-Cal: professionals.~~

(1) ~~Existing~~ *Under existing* law, the Dental Practice Act, ~~establishes~~ the Dental Board of California *licenses and regulates dentists*. Existing law creates, within the jurisdiction of the board, a Dental Assisting Council that is responsible for the regulation of dental assistants, registered dental assistants, and registered dental assistants in extended functions and a Dental Hygiene Committee of California, that is responsible for the regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions. Existing law governs the scope of practice for

those professionals, *and authorizes a dentist to require or permit one of those professionals, referred to as a dental auxiliary, to perform specified duties, including exposing emergency radiographs upon the direction of the dentist, prior to the dentist examining the patient.*

~~This bill would authorize a registered dental assistant who has completed a specified educational program to determine which radiographs to perform. The bill would authorize a~~ *add to those specified duties determining and performing radiographs, as specified, make a dentist responsible to provide a patient or the patient's representative written notice including specified contact information and disclosing that the care was provided at the direction of that authorizing dentist, and would prohibit a dentist from concurrently supervising more than 5 dental auxiliaries, as specified. The bill would authorize specified* ~~registered dental assistant assistants in extended functions licensed on or after January 1, 2010, a functions, registered dental hygienist, hygienists, and a registered dental hygienist hygienists in alternative practice to choose~~ *determine which radiographs to perform and to place protective restorations, as specified. The bill would require the board to promulgate related regulations, and would also require the committee to review proposed regulations and submit any recommended changes to the board for review to establish a consensus.*

(2) Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including certain dental services, as specified. Existing law provides that, to the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for “teleophthalmology and teledermatology by store and forward,” as defined to mean the asynchronous transmission of medical information to be reviewed at a later time by a licensed physician or optometrist, as specified, at a distant site.

This bill would additionally provide that face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for teledentistry by store and forward, as defined.

(3) *Existing law authorizes the Office of Statewide Health Planning and Development to approve Health Workforce Pilot Projects (HWPP), as defined. The office has approved operation HWPP 172, relating to dental workforce, through December 15, 2014.*

This bill would extend the operation of HWPP through January 1, 2016. The bill would also delete redundant provisions.

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 1752.4 of the Business and Professions~~
2 ~~Code is amended to read:~~
3 ~~1752.4. (a) A registered dental assistant may perform all of~~
4 ~~the following duties:~~
5 ~~(1) All duties that a dental assistant is allowed to perform.~~
6 ~~(2) Mouth-mirror inspections of the oral cavity, to include~~
7 ~~charting of obvious lesions, existing restorations, and missing~~
8 ~~teeth.~~
9 ~~(3) Apply and activate bleaching agents using a nonlaser~~
10 ~~light-curing device.~~
11 ~~(4) Use of automated caries detection devices and materials to~~
12 ~~gather information for diagnosis by the dentist.~~
13 ~~(5) Obtain intraoral images for computer-aided design (CAD);~~
14 ~~milled restorations.~~
15 ~~(6) Pulp vitality testing and recording of findings.~~
16 ~~(7) Place bases, liners, and bonding agents.~~
17 ~~(8) Chemically prepare teeth for bonding.~~
18 ~~(9) Place, adjust, and finish direct provisional restorations.~~
19 ~~(10) Fabricate, adjust, cement, and remove indirect provisional~~
20 ~~restorations, including stainless steel crowns when used as a~~
21 ~~provisional restoration.~~
22 ~~(11) Place postextraction dressings after inspection of the~~
23 ~~surgical site by the supervising licensed dentist.~~
24 ~~(12) Place periodontal dressings.~~
25 ~~(13) Dry endodontically treated canals using absorbent paper~~
26 ~~points.~~
27 ~~(14) Adjust dentures extra-orally.~~
28 ~~(15) Remove excess cement from surfaces of teeth with a hand~~
29 ~~instrument.~~
30 ~~(16) Polish coronal surfaces of the teeth.~~
31 ~~(17) Place ligature ties and archwires.~~
32 ~~(18) Remove orthodontic bands.~~
33 ~~(19) All duties that the board may prescribe by regulation.~~

1 (b) ~~A registered dental assistant may only perform the following~~
2 ~~additional duties if he or she has completed a board-approved~~
3 ~~registered dental assistant educational program in those duties, or~~
4 ~~if he or she has provided evidence, satisfactory to the board, of~~
5 ~~having completed a board-approved course in those duties:~~

6 (1) ~~Remove excess cement with an ultrasonic scaler from~~
7 ~~supragingival surfaces of teeth undergoing orthodontic treatment.~~

8 (2) ~~The allowable duties of an orthodontic assistant permitholder~~
9 ~~as specified in Section 1750.3. A registered dental assistant shall~~
10 ~~not be required to complete further instruction in the duties of~~
11 ~~placing ligature ties and archwires, removing orthodontic bands,~~
12 ~~and removing excess cement from tooth surfaces with a hand~~
13 ~~instrument.~~

14 (3) ~~The allowable duties of a dental sedation assistant~~
15 ~~permitholder as specified in Section 1750.5.~~

16 (4) ~~The application of pit and fissure sealants.~~

17 (5) ~~Determine which radiographs to perform.~~

18 (e) ~~Except as provided in Section 1777, the supervising licensed~~
19 ~~dentist shall be responsible for determining whether each~~
20 ~~authorized procedure performed by a registered dental assistant~~
21 ~~should be performed under general or direct supervision.~~

22 *SECTION 1. Section 1684.5 of the Business and Professions*
23 *Code is amended to read:*

24 1684.5. (a) In addition to other acts constituting unprofessional
25 conduct under this chapter, it is unprofessional conduct for any
26 dentist to perform or allow to be performed any treatment on a
27 patient who is not a patient of record of that dentist. A dentist may,
28 however, after conducting a preliminary oral examination, require
29 or permit any dental auxiliary to perform procedures necessary for
30 diagnostic purposes, provided that the procedures are permitted
31 under the auxiliary's authorized scope of practice. Additionally,
32 a dentist may require or permit a dental auxiliary to perform all of
33 the following duties prior to any examination of the patient by the
34 dentist, provided that the duties are authorized for the particular
35 classification of dental auxiliary pursuant to Article 7 (commencing
36 with Section 1740):

37 (1) ~~Expose~~*Determine and perform* emergency radiographs upon
38 direction of the dentist.

39 (2) *Determine and perform radiographs for the specific purpose*
40 *of aiding a dentist in completing a comprehensive diagnosis and*

1 *treatment plan for a patient pursuant to Sections 1753.55, 1910.5,*
2 *and 1926.05.*

3 ~~(2)~~

4 (3) Perform extra-oral duties or functions specified by the
5 dentist.

6 ~~(3)~~

7 (4) Perform mouth-mirror inspections of the oral cavity, to
8 include charting of obvious lesions, malocclusions, existing
9 restorations, and missing teeth.

10 (b) For purposes of this section, “patient of record” refers to a
11 patient who has been examined, has had a medical and dental
12 history completed and evaluated, and has had oral conditions
13 diagnosed and a written plan developed by the licensed dentist.

14 (c) *For purposes of this section, if dental treatment is provided*
15 *to a patient by a dental auxiliary pursuant to the diagnosis and*
16 *treatment plan authorized by a supervising dentist, the supervising*
17 *dentist shall ensure that the patient or the patient’s representative*
18 *is notified in writing of the supervising dentist’s name, practice*
19 *location address, telephone number, and email address, and that*
20 *the care was provided at the direction of the dentist.*

21 (d) *A dentist shall not concurrently supervise more than five*
22 *dental auxiliaries providing services pursuant to Sections 1753.55,*
23 *1910.5, and 1926.05.*

24 ~~(e)~~

25 (e) This section shall not apply to dentists providing
26 examinations on a temporary basis outside of a dental office in
27 settings including, but not limited to, health fairs and school
28 screenings.

29 ~~(f)~~

30 (f) This section shall not apply to fluoride mouth rinse or
31 supplement programs administered in a school or preschool setting.

32 SEC. 2. Section 1753.55 is added to the Business and
33 Professions Code, to read:

34 ~~1753.55. (a) For the purposes of this section, the following~~
35 ~~definitions shall apply:~~

36 ~~(1) “Clinical instruction” means instruction in which students~~
37 ~~receive supervised experience in performing procedures in a~~
38 ~~clinical setting on patients. Clinical instruction shall only be~~
39 ~~performed upon successful demonstration and evaluation of~~

1 preclinical skills. There shall be at least one instructor for every
2 six students who are simultaneously engaged in clinical instruction.

3 (2) “Course” means a board-approved course preparing a
4 registered dental assistant in extended functions to perform the
5 duties described in subdivision (b).

6 (3) “Didactic instruction” means lectures, demonstrations, and
7 other instruction without active participation by students. The
8 approved provider or its designee may provide didactic instruction
9 through electronic media, home study materials, or live lecture
10 methodology if the provider has submitted that content to the board
11 for approval.

12 (4) “Interim therapeutic restoration” means a direct provisional
13 restoration placed to stabilize the tooth until a licensed dentist
14 diagnoses the need for further definitive treatment.

15 (5) “Laboratory instruction” means instruction in which students
16 receive supervised experience performing procedures using study
17 models, mannequins, or other simulation methods.

18 (6) “Preclinical instruction” means instruction in which students
19 receive supervised experience performing procedures on students,
20 faculty, or staff members. There shall be at least one instructor for
21 every six students who are simultaneously engaged in preclinical
22 instruction.

23 (7) “Program” means a board-approved registered dental
24 assistant in extended functions educational program.

25 (b)

26 1753.55. (a) In addition to the duties specified in Section
27 Sections 1753.5 and 1753.6, a registered dental assistant in
28 extended functions licensed on or after January 1, 2010, or having
29 completed the educational requirements to perform the duties
30 authorized by Section 1753.5, is authorized to perform both of the
31 following additional duties pursuant to the order, control, and full
32 professional responsibility of a supervising dentist:

33 (1) Choose radiographs without the supervising dentist having
34 first examined the patient, following protocols established by the
35 supervising dentist and, consistent with the use of as low as
36 reasonably necessary radiation, for the purpose of diagnosis and
37 treatment planning by the dentist. The radiographs shall be taken
38 only in either of the following settings:

39 (1) Determine which radiographs to perform on a patient who
40 has not received an initial examination by the supervising dentist

1 *for the specific purpose of the dentist making a diagnosis and*
2 *treatment plan for the patient. In these circumstances, the dental*
3 *assistant in extended functions shall follow protocols established*
4 *by the supervising dentist. This paragraph only applies in the*
5 *following settings:*

6 (A) In a dental office setting, under the direct or general
7 supervision of a dentist as determined by the dentist.

8 (B) In public health settings, including, but not limited to,
9 schools, head start and preschool programs, and residential facilities
10 and institutions, under the general supervision of a dentist.

11 (2) Place protective restorations, which for this purpose are
12 identified as interim therapeutic restorations, ~~as and defined by~~
13 ~~paragraph (4) of subdivision (a), that compromise as a direct~~
14 *provisional restoration placed to stabilize the tooth until a licensed*
15 *dentist diagnoses the need for further definitive treatment. An*
16 *interim therapeutic restoration consists of the removal of soft*
17 *material from the tooth using only hand instrumentation, without*
18 *the use of rotary instrumentation, and subsequent placement of an*
19 *adhesive restorative material. Local anesthesia shall not be*
20 *necessary for interim therapeutic restoration placement.* ~~The~~
21 ~~protective restorations~~ *Interim therapeutic restorations* shall be
22 placed only in accordance with both of the following:

23 (A) In either of the following settings:

24 (i) In a dental office setting, under the direct or general
25 supervision of a dentist as determined by the dentist.

26 (ii) In public health settings, including, but not limited to,
27 schools, head start and preschool programs, and residential facilities
28 and institutions, under the general supervision of a dentist.

29 (B) After a diagnosis and treatment plan by a dentist.

30 ~~(e)~~

31 (b) The functions described in subdivision ~~(b)~~ (a) may be
32 performed by a registered dental assistant in extended functions
33 only after completion of a program that includes training in
34 performing those functions, or after providing evidence,
35 satisfactory to the board, of having completed a board-approved
36 course in those functions.

37 (1) *No later than January 1, 2018, the board shall promulgate*
38 *regulations establishing requirements for courses of instruction*
39 *for the procedures authorized to be performed by a registered*
40 *dental assistant in extended functions pursuant to this section.*

1 (2) Prior to January 1, 2018, the board shall use the
2 competency-based training protocols established by Health
3 Workforce Pilot Project (HWPP) No. 172 through the Office of
4 Statewide Health Planning and Development.

5 (1)

6 (3) A registered dental assistant in extended functions who has
7 completed the prescribed training in the Health Workforce Pilot
8 Project #172 No. 172 established by the Office of Statewide Health
9 Planning and Development pursuant to Article 1 (commencing
10 with Section 128125) of Chapter 3 of Part 3 of Division 107 of
11 the Health and Safety Code shall be deemed to have satisfied the
12 requirement for completion of a course of instruction approved by
13 the board.

14 (2)

15 (4) In addition to the instructional components described in
16 ~~subdivision (d) or (e), this subdivision~~, a program shall contain
17 both of the instructional components described in this paragraph:

18 (A) The course shall be established at the postsecondary
19 educational level.

20 (B) All faculty responsible for clinical evaluation shall have
21 completed a one-hour methodology course in clinical evaluation
22 or have a faculty appointment at an accredited dental education
23 program prior to conducting evaluations of students.

24 ~~(d) A program or course to perform the duties described in~~
25 ~~paragraph (1) of subdivision (b) shall contain all of the additional~~
26 ~~instructional components described in this subdivision.~~

27 ~~(1) The program shall be of sufficient duration for the student~~
28 ~~to develop minimum competency making decisions about which~~
29 ~~radiographs to take to facilitate an evaluation by a dentist, but shall~~
30 ~~in no event be less than six hours, including at least two hours of~~
31 ~~didactic training, at least two hours of guided laboratory simulation~~
32 ~~training, and at least two hours of examination using simulated~~
33 ~~cases.~~

34 ~~(2) Didactic instruction shall consist of instruction on both of~~
35 ~~the following topics:~~

36 ~~(A) Guidelines for radiographic decisionmaking prepared by~~
37 ~~the American Dental Association and other professional dental~~
38 ~~associations.~~

39 ~~(B) Specific decisionmaking protocols that incorporate~~
40 ~~information about the patient's health and radiographic history,~~

1 the time span since previous radiographs were taken, the
2 availability of previous radiographs, the general condition of the
3 mouth including the extent of dental restorations present, and
4 visible signs of abnormalities, including broken teeth, dark areas,
5 and holes in teeth.

6 ~~(3) Laboratory instruction shall consist of simulated~~
7 ~~decisionmaking using case studies containing the elements~~
8 ~~described in paragraph (2). There shall be at least one instructor~~
9 ~~for every 14 students who are simultaneously engaged in laboratory~~
10 ~~instruction.~~

11 ~~(4) Examinations shall consist of decisionmaking where students~~
12 ~~make decisions and demonstrate competency to faculty on case~~
13 ~~studies containing the elements described in paragraph (2).~~

14 ~~(e) A program or course to perform the duties described in~~
15 ~~paragraph (2) of subdivision (b) shall contain all of the additional~~
16 ~~instructional components described in this subdivision.~~

17 ~~(1) The program shall be of sufficient duration for the student~~
18 ~~to develop minimum competency in the application of protective~~
19 ~~restorations, including interim therapeutic restorations, but shall~~
20 ~~in no event be less than 16 clock hours, including at least four~~
21 ~~hours of didactic training, at least four hours of laboratory training,~~
22 ~~and at least eight hours of clinical training.~~

23 ~~(2) Didactic instruction shall consist of instruction on all of the~~
24 ~~following topics:~~

25 ~~(A) Pulpal anatomy.~~

26 ~~(B) Theory of adhesive restorative materials used in the~~
27 ~~placement of adhesive protective restorations related to~~
28 ~~mechanisms of bonding to tooth structure, handling characteristics~~
29 ~~of the materials, preparation of the tooth prior to material~~
30 ~~placement, and placement techniques.~~

31 ~~(C) Criteria that dentists use to make decisions about placement~~
32 ~~of adhesive protective restorations including all of the following:~~

33 ~~(i) Patient factors:~~

34 ~~(I) The patient's American Society of Anesthesiologists Physical~~
35 ~~Status Classification is Class III or less.~~

36 ~~(II) The patient is cooperative enough to have the restoration~~
37 ~~placed without the need for special protocols, including sedation~~
38 ~~or physical support.~~

39 ~~(III) The patient, or responsible party, has provided consent for~~
40 ~~the procedure.~~

1 ~~(IV) The patient reports that the tooth is asymptomatic, or if~~
2 ~~there is mild sensitivity to sweet, hot, or cold that the sensation~~
3 ~~stops within a few seconds of the stimulus being removed.~~
4 ~~(ii) Tooth factors:~~
5 ~~(I) The cavity is accessible without the need for creating access~~
6 ~~using a dental handpiece.~~
7 ~~(II) The margins of the cavity are accessible so that clean~~
8 ~~noncarious margins can be obtained around the entire periphery~~
9 ~~of the cavity with the use of hand instruments.~~
10 ~~(III) The depth of the lesion is more than two millimeters from~~
11 ~~the pulp on radiographic examination or is judged by the dentist~~
12 ~~to be a shallow lesion such that the treatment does not endanger~~
13 ~~the pulp or require the use of local anesthetic.~~
14 ~~(IV) The tooth is restorable and does not have other significant~~
15 ~~pathology.~~
16 ~~(D) Criteria for evaluating successful completion of adhesive~~
17 ~~protective restorations including all of the following:~~
18 ~~(i) The restorative material is not in hyperocclusion.~~
19 ~~(ii) There are no marginal voids.~~
20 ~~(iii) There is minimal excess material.~~
21 ~~(E) Protocols for handling sensitivity, complications, or~~
22 ~~unsuccessful completion of adhesive protective restorations~~
23 ~~including situations requiring immediate referral to a dentist.~~
24 ~~(F) Protocols for followup of adhesive protective restorations.~~
25 ~~(3) Laboratory instruction shall consist of placement of adhesive~~
26 ~~protective restorations where students demonstrate competency in~~
27 ~~this technique on typodont teeth.~~
28 ~~(4) Clinical instruction shall consist of experiences where~~
29 ~~students demonstrate placement of adhesive protective restorations~~
30 ~~under direct supervision of faculty.~~
31 ~~(f)~~
32 ~~(c) This section shall remain in effect only until January 1, 2018,~~
33 ~~and as of that date is repealed, unless a later enacted statute, that~~
34 ~~is enacted before January 1, 2018, deletes or extends that date.~~
35 SEC. 3. Section 1753.55 is added to the Business and
36 Professions Code, to read:
37 1753.55. (a) For the purposes of this section, “interim
38 therapeutic restoration” means a direct provisional restoration
39 placed to stabilize the tooth until a licensed dentist diagnoses the
40 need for further definitive treatment.

1 ~~(b)~~

2 1753.55. *(a)* In addition to the duties specified in Section
3 1753.5, a registered dental assistant in extended functions licensed
4 on or after January 1, 2010, *or having completed the educational*
5 *requirements to perform the duties authorized by Section 1753.5,*
6 is authorized to perform both of the following additional duties
7 pursuant to the order, control, and full professional responsibility
8 of a supervising dentist:

9 ~~(1) Choose radiographs without the supervising dentist having~~
10 ~~first examined the patient, following protocols established by the~~
11 ~~supervising dentist and, consistent with the use of as low as~~
12 ~~reasonably necessary radiation, for the purpose of diagnosis and~~
13 ~~treatment planning by the dentist. The radiographs shall be taken~~
14 ~~only in either of the following settings:~~

15 ~~(1) Determine which radiographs to perform on a patient who~~
16 ~~has not received an initial examination by the supervising dentist~~
17 ~~for the specific purpose of the dentist making a diagnosis and~~
18 ~~treatment plan for the patient. In these circumstances, the dental~~
19 ~~assistant in extended functions shall follow protocols established~~
20 ~~by the supervising dentist. This paragraph only applies in the~~
21 ~~following settings:~~

22 ~~(A) In a dental office setting, under the direct or general~~
23 ~~supervision of a dentist as determined by the dentist.~~

24 ~~(B) In public health settings, including, but not limited to,~~
25 ~~schools, head start and preschool programs, and residential facilities~~
26 ~~and institutions, under the general supervision of a dentist.~~

27 ~~(2) Place protective restorations through interim therapeutic~~
28 ~~restorations that remove soft material from the tooth using only~~
29 ~~hand instrumentation, without the use of rotary instrumentation,~~
30 ~~and subsequent placement of an adhesive restorative material,~~
31 ~~without the use of local anesthesia. The protective restorations~~
32 ~~shall only be placed subject to both of the following:~~

33 ~~(2) Place protective restorations, which for this purpose are~~
34 ~~identified as interim therapeutic restorations, and defined as a~~
35 ~~direct provisional restoration placed to stabilize the tooth until a~~
36 ~~licensed dentist diagnoses the need for further definitive treatment.~~
37 ~~An interim therapeutic restoration consists of the removal of soft~~
38 ~~material from the tooth using only hand instrumentation, without~~
39 ~~the use of rotary instrumentation, and subsequent placement of an~~
40 ~~adhesive restorative material. Local anesthesia shall not be~~

1 *necessary for interim therapeutic restoration placement. Interim*
 2 *therapeutic restorations shall be placed only in accordance with*
 3 *both of the following:*

- 4 (A) In either of the following settings:
- 5 (i) In a dental office setting, under the direct or general
- 6 supervision of a dentist as determined by the dentist.
- 7 (ii) In public health settings, including, but not limited to,
- 8 schools, head start and preschool programs, and residential facilities
- 9 and institutions, under the general supervision of a dentist.

10 (B) After a diagnosis and treatment plan by a dentist.

11 (b) *The functions described in subdivision (a) may be performed*
 12 *by a registered dental assistant in extended functions only after*
 13 *completion of a program that includes training in performing those*
 14 *functions, or after providing evidence, satisfactory to the board,*
 15 *of having completed a board-approved course in those functions.*

16 (c) *The board shall promulgate regulations establishing criteria*
 17 *for approval of courses of instruction for the procedures authorized*
 18 *to be performed by a registered dental assistant in extended*
 19 *functions pursuant to this section. The committee shall review*
 20 *proposed regulations, and any subsequent proposed amendments*
 21 *to the promulgated regulations, and shall submit any recommended*
 22 *changes to the board for review to establish a consensus.*

23 (e)
 24 (d) This section shall become operative on January 1, 2018.

25 ~~SEC. 4. Section 1753.6 of the Business and Professions Code~~
 26 ~~is amended to read:~~

27 ~~1753.6. (a) Each person who holds a license as a registered~~
 28 ~~dental assistant in extended functions on the operative date of this~~
 29 ~~section may only perform those procedures that a registered dental~~
 30 ~~assistant is allowed to perform as specified in and limited by~~
 31 ~~Section 1752.4, and the procedures specified in paragraphs (1) to~~
 32 ~~(6), inclusive, until he or she provides evidence of having~~
 33 ~~completed a board-approved course in the additional procedures~~
 34 ~~specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of~~
 35 ~~subdivision (b) of Section 1753.5, and an examination as specified~~
 36 ~~in Section 1753.4:~~

- 37 (1) ~~Cord retraction of gingiva for impression procedures.~~
- 38 (2) ~~Take final impressions for permanent indirect restorations.~~
- 39 (3) ~~Formulate indirect patterns for endodontic post and core~~
 40 ~~castings.~~

- 1 ~~(4) Fit trial endodontic filling points.~~
- 2 ~~(5) Apply pit and fissure sealants.~~
- 3 ~~(6) Remove excess cement from subgingival tooth surfaces with~~
- 4 ~~a hand instrument.~~

5 ~~(b) This section shall remain in effect only until January 1, 2018,~~
6 ~~and as of that date is repealed, unless a later enacted statute, that~~
7 ~~is enacted before January 1, 2018, deletes or extends that date.~~

8 ~~SEC. 5. Section 1753.6 is added to the Business and Professions~~
9 ~~Code, to read:~~

10 ~~1753.6. (a) Each person who holds a license as a registered~~
11 ~~dental assistant in extended functions on the operative date of this~~
12 ~~section may only perform those procedures that a registered dental~~
13 ~~assistant is allowed to perform as specified in and limited by~~
14 ~~Section 1752.4, and the procedures specified in paragraphs (1) to~~
15 ~~(6), inclusive, until he or she provides evidence of having~~
16 ~~completed a board-approved course in the additional procedures~~
17 ~~specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of~~
18 ~~subdivision (b) of Section 1753.5, procedures specified in Section~~
19 ~~1753.55, and an examination as specified in Section 1753.4:~~

- 20 ~~(1) Cord retraction of gingiva for impression procedures.~~
- 21 ~~(2) Take final impressions for permanent indirect restorations.~~
- 22 ~~(3) Formulate indirect patterns for endodontic post and core~~
- 23 ~~castings.~~
- 24 ~~(4) Fit trial endodontic filling points.~~
- 25 ~~(5) Apply pit and fissure sealants.~~
- 26 ~~(6) Remove excess cement from subgingival tooth surfaces with~~
- 27 ~~a hand instrument.~~

28 ~~(b) This section shall become operative on January 1, 2018.~~

29 ~~SEC. 6. Section 1910 of the Business and Professions Code is~~
30 ~~amended to read:~~

31 ~~1910. A registered dental hygienist is authorized to perform~~
32 ~~the following procedures under general supervision:~~

- 33 ~~(a) Preventive and therapeutic interventions, including oral~~
- 34 ~~prophylaxis, scaling, and root planing.~~
- 35 ~~(b) Application of topical, therapeutic, and subgingival agents~~
- 36 ~~used for the control of caries and periodontal disease.~~
- 37 ~~(c) The taking of impressions for bleaching trays and application~~
- 38 ~~and activation of agents with nonlaser, light-curing devices.~~
- 39 ~~(d) The taking of impressions for bleaching trays and placements~~
- 40 ~~of in-office, tooth-whitening devices.~~

1 ~~(e) After submitting to the committee evidence of satisfactory~~
2 ~~completion of a course of instruction approved by the committee,~~
3 ~~the following:~~

4 ~~(1) Determine which radiographs to perform.~~

5 ~~(2) Place interim therapeutic restorations, defined as the removal~~
6 ~~of caries using hand instruments and placement of an adhesive~~
7 ~~restorative material, upon the order of a licensed dentist.~~

8 ~~SEC. 7.~~

9 ~~SEC. 4. Section 1910.5 is added to the Business and Professions~~
10 ~~Code, to read:~~

11 ~~1910.5. (a) For the purposes of this section, the following~~
12 ~~definitions shall apply:~~

13 ~~(1) "Clinical instruction" means instruction in which students~~
14 ~~receive supervised experience in performing procedures in a~~
15 ~~clinical setting on patients. Clinical instruction shall only be~~
16 ~~performed upon successful demonstration and evaluation of~~
17 ~~preclinical skills. There shall be at least one instructor for every~~
18 ~~six students who are simultaneously engaged in clinical instruction.~~

19 ~~(2) "Course" means a committee-approved course preparing~~
20 ~~registered dental hygienist to perform the duties described in~~
21 ~~subdivision (b).~~

22 ~~(3) "Didactic instruction" means lectures, demonstrations, and~~
23 ~~other instruction without active participation by students. The~~
24 ~~approved provider or its designee may provide didactic instruction~~
25 ~~through electronic media, home study materials, or live lecture~~
26 ~~methodology if the provider has submitted that content to the~~
27 ~~committee for approval.~~

28 ~~(4) "Interim therapeutic restoration" means a direct provisional~~
29 ~~restoration placed to stabilize the tooth until a licensed dentist~~
30 ~~diagnoses the need for further definitive treatment.~~

31 ~~(5) "Laboratory instruction" means instruction in which students~~
32 ~~receive supervised experience performing procedures using study~~
33 ~~models, mannequins, or other simulation methods.~~

34 ~~(6) "Preclinical instruction" means instruction in which students~~
35 ~~receive supervised experience performing procedures on students,~~
36 ~~faculty, or staff members. There shall be at least one instructor for~~
37 ~~every six students who are simultaneously engaged in preclinical~~
38 ~~instruction.~~

39 ~~(7) "Program" means a committee-approved registered dental~~
40 ~~hygienist educational program.~~

1 ~~(b) A registered dental hygienist may perform both of the~~
2 ~~following duties:~~

3 ~~(1) Choose radiographs without the supervising dentist having~~
4 ~~first examined the patient, following protocols established by the~~
5 ~~supervising dentist and, consistent with the use of as low as~~
6 ~~reasonably necessary radiation, for the purpose of diagnosis and~~
7 ~~treatment planning by the dentist. The radiographs shall be taken~~
8 ~~only in either of the following settings:~~

9 *1910.5. (a) In addition to the duties specified in Section 1910,*
10 *a registered dental hygienist is authorized to perform the following*
11 *additional duties, as specified:*

12 *(1) Determine which radiographs to perform on a patient who*
13 *has not received an initial examination by the supervising dentist*
14 *for the specific purpose of the dentist making a diagnosis and*
15 *treatment plan for the patient. In these circumstances, the dental*
16 *hygienist shall follow protocols established by the supervising*
17 *dentist. This paragraph shall only apply in the following settings:*

18 *(A) In a dental office setting, under the general supervision of*
19 *a dentist.*

20 *(B) In a public health setting, including, but not limited to,*
21 *schools, head start and preschool programs, and residential facilities*
22 *and institutions, under the general supervision of a dentist.*

23 ~~(2) Place protective restorations, which for this purpose are~~
24 ~~identified as interim therapeutic restorations, as defined by~~
25 ~~paragraph (4) of subdivision (a), that compromise the removal of~~
26 ~~soft material from the tooth using only hand instrumentation,~~
27 ~~without the use of rotary instrumentation, and subsequent~~
28 ~~placement of an adhesive restorative material. Local anesthesia~~
29 ~~shall not be necessary. The protective restorations shall be placed~~
30 ~~only in accordance with both of the following:~~

31 *(2) Place protective restorations, which for this purpose are*
32 *identified as interim therapeutic restorations, and defined as a*
33 *direct provisional restoration placed to stabilize the tooth until a*
34 *licensed dentist diagnoses the need for further definitive treatment.*
35 *An interim therapeutic restoration consists of the removal of soft*
36 *material from the tooth using only hand instrumentation, without*
37 *the use of rotary instrumentation, and subsequent placement of an*
38 *adhesive restorative material. Local anesthesia shall not be*
39 *necessary for interim therapeutic restoration placement. Interim*

1 *therapeutic restorations shall be placed only in accordance with*
2 *both of the following:*

3 (A) In either of the following settings:

4 (i) In a dental office setting, under the general supervision of a
5 dentist.

6 (ii) In a public health setting, including, but not limited to,
7 schools, head start and preschool programs, and residential facilities
8 and institutions, under the general supervision of a dentist.

9 (B) After a diagnosis and treatment plan by a dentist.

10 ~~(e)~~

11 (b) The functions described in subdivision ~~(b)~~ (a) may be
12 performed by a registered dental hygienist only after completion
13 of a program that includes training in performing those functions,
14 or after providing evidence, satisfactory to the committee, of having
15 completed a committee-approved course in those functions.

16 (1) *No later than January 1, 2018, the dental board shall*
17 *promulgate regulations establishing criteria for approval of*
18 *courses of instruction for the procedures authorized to be*
19 *performed by a registered dental hygienist pursuant to this section.*
20 *Proposed regulations, and any subsequent proposed amendments*
21 *to the promulgated regulations, shall be reviewed by the committee.*
22 *The committee shall submit any recommended changes to the board*
23 *for review to establish a consensus.*

24 (2) *Prior to January 1, 2018, the dental board shall use the*
25 *competency-based training protocols established by Health*
26 *Workforce Pilot Project (HWPP) No. 172 through the Office of*
27 *Statewide Health Planning and Development.*

28 ~~(1)~~

29 (3) A registered dental hygienist who has completed the
30 prescribed training in the Health Workforce Pilot Project ~~#172~~ No.
31 172 established by the Office of Statewide Health Planning and
32 Development pursuant to Article 1 (commencing with Section
33 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
34 Safety Code shall be deemed to have satisfied the requirement for
35 completion of a course of instruction approved by the committee.

36 ~~(2)~~

37 (4) In addition to the instructional components described in
38 subdivision (d) or (e), a program shall contain both of the
39 instructional components described in this paragraph:

1 (A) The course shall be established at the postsecondary
2 educational level.

3 (B) All faculty responsible for clinical evaluation shall have
4 completed a one-hour methodology course in clinical evaluation
5 or have a faculty appointment at an accredited dental education
6 program prior to conducting evaluations of students.

7 ~~(d) A program or course to perform the duties described in
8 paragraph (1) of subdivision (b) shall contain all of the additional
9 instructional components described in this subdivision.~~

10 ~~(1) The program shall be of sufficient duration for the student
11 to develop minimum competency making decisions about which
12 radiographs to take to facilitate an evaluation by a dentist, but shall
13 in no event be less than six hours, including at least two hours of
14 didactic training, at least two hours of guided laboratory simulation
15 training, and at least two hours of examination using simulated
16 cases.~~

17 ~~(2) Didactic instruction shall consist of instruction on both of
18 the following topics:~~

19 ~~(A) Guidelines for radiographic decision making prepared by
20 the American Dental Association and other professional dental
21 associations.~~

22 ~~(B) Specific decisionmaking protocols that incorporate
23 information about the patient's health and radiographic history,
24 the time span since previous radiographs were taken, the
25 availability of previous radiographs, the general condition of the
26 mouth including the extent of dental restorations present, and
27 visible signs of abnormalities, including broken teeth, dark areas,
28 and holes in teeth.~~

29 ~~(3) Laboratory instruction shall consist of simulated decision
30 making using case studies containing the elements described in
31 paragraph (2). There shall be at least one instructor for every 14
32 students who are simultaneously engaged in laboratory instruction.~~

33 ~~(4) Examination shall consist of decisionmaking where students
34 make decisions and demonstrate competency to faculty on case
35 studies containing the elements described in paragraph (2).~~

36 ~~(e) A program or course to perform the duties described in
37 paragraph (2) of subdivision (b) shall contain all of the additional
38 instructional components described in this subdivision.~~

39 ~~(1) The program shall be of sufficient duration for the student
40 to develop minimum competency in the application of protective~~

- 1 restorations, including interim therapeutic restorations, but shall
2 in no event be less than 16 clock hours, including at least four
3 hours of didactic training, at least four hours of laboratory training,
4 and at least eight hours of clinical training.
- 5 (2) Didactic instruction shall consist of instruction on all of the
6 following topics:
- 7 (A) Pulpal anatomy.
- 8 (B) Theory of adhesive restorative materials used in the
9 placement of adhesive protective restorations related to
10 mechanisms of bonding to tooth structure, handling characteristics
11 of the materials, preparation of the tooth prior to material
12 placement, and placement techniques.
- 13 (C) Criteria that dentists use to make decisions about placement
14 of adhesive protective restorations including all of the following:
- 15 (i) Patient factors:
- 16 (I) The patient's American Society of Anesthesiologists Physical
17 Status Classification is Class III or less.
- 18 (II) The patient is cooperative enough to have the restoration
19 placed without the need for special protocols, including sedation
20 or physical support.
- 21 (III) The patient, or responsible party, has provided consent for
22 the procedure.
- 23 (IV) The patient reports that the tooth is asymptomatic, or if
24 there is mild sensitivity to sweet, hot, or cold that the sensation
25 stops within a few seconds of the stimulus being removed.
- 26 (ii) Tooth factors:
- 27 (I) The cavity is accessible without the need for creating access
28 using a dental handpiece.
- 29 (II) The margins of the cavity are accessible so that clean
30 noncarious margins can be obtained around the entire periphery
31 of the cavity with the use of hand instruments.
- 32 (III) The depth of the lesion is more than two millimeters from
33 the pulp on radiographic examination or is judged by the dentist
34 to be a shallow lesion such that the treatment does not endanger
35 the pulp or require the use of local anesthetic.
- 36 (IV) The tooth is restorable and does not have other significant
37 pathology.
- 38 (D) Criteria for evaluating successful completion of adhesive
39 protective restorations including all of the following:
- 40 (i) The restorative material is not in hyperocclusion.

1 ~~(ii) There are no marginal voids.~~

2 ~~(iii) There is minimal excess material.~~

3 ~~(E) Protocols for handling sensitivity, complications, or~~
4 ~~unsuccessful completion of adhesive protective restorations~~
5 ~~including situations requiring immediate referral to a dentist.~~

6 ~~(F) Protocols for followup of adhesive protective restorations.~~

7 ~~(3) Laboratory instruction shall consist of placement of adhesive~~
8 ~~protective restorations where students demonstrate competency in~~
9 ~~this technique on typodont teeth.~~

10 ~~(4) Clinical instruction shall consist of experiences where~~
11 ~~students demonstrate competency in placement of adhesive~~
12 ~~protective restorations under direct supervision of faculty.~~

13 ~~(f)~~

14 ~~(c) This section shall remain in effect only until January 1, 2018,~~
15 ~~and as of that date is repealed, unless a later enacted statute, that~~
16 ~~is enacted before January 1, 2018, deletes or extends that date.~~

17 ~~SEC. 8.~~

18 *SEC. 5.* Section 1910.5 is added to the Business and Professions
19 Code, to read:

20 ~~1910.5.—(a) For the purposes of this section, “interim~~
21 ~~therapeutic restoration” means a direct provisional restoration~~
22 ~~placed to stabilize the tooth until a licensed dentist diagnoses the~~
23 ~~need for further definitive treatment.~~

24 ~~(b) A registered dental hygienist may perform both of the~~
25 ~~following duties:~~

26 ~~(1) Choose radiographs without the supervising dentist having~~
27 ~~first examined the patient, following protocols established by the~~
28 ~~supervising dentist and, consistent with the use of as low as~~
29 ~~reasonably necessary radiation, for the purpose of diagnosis and~~
30 ~~treatment planning by the dentist. The radiographs shall be taken~~
31 ~~only in either of the following settings:~~

32 ~~1910.5. (a) In addition to the duties specified in Section 1910,~~
33 ~~a registered dental hygienist is authorized to perform the following~~
34 ~~additional duties, as specified:~~

35 ~~(1) Determine which radiographs to perform on a patient who~~
36 ~~has not received an initial examination by the supervising dentist~~
37 ~~for the specific purpose of the dentist making a diagnosis and~~
38 ~~treatment plan for the patient. In these circumstances, the dental~~
39 ~~hygienist shall follow protocols established by the supervising~~
40 ~~dentist. This paragraph only applies in the following settings:~~

1 (A) In a dental office setting, under the general supervision of
2 a dentist.

3 (B) In a public health setting, including, but not limited to,
4 schools, head start and preschool programs, and residential facilities
5 and institutions, under the general supervision of a dentist.

6 (2) Place protective restorations, which for this purpose are
7 identified as interim therapeutic restorations, ~~as and defined by~~
8 ~~subdivision (a), that comprise the removal of soft material from~~
9 ~~the tooth using only hand instrumentation, without the use of rotary~~
10 ~~instrumentation, and subsequent placement of an adhesive~~
11 ~~restorative material. Local anesthesia shall not be necessary. The~~
12 ~~protective restorations as a direct provisional restoration placed~~
13 ~~to stabilize the tooth until a licensed dentist diagnoses the need~~
14 ~~for further definitive treatment. An interim therapeutic restoration~~
15 ~~consists of the removal of soft material from the tooth using only~~
16 ~~hand instrumentation, without the use of rotary instrumentation,~~
17 ~~and subsequent placement of an adhesive restorative material.~~
18 *Local anesthesia shall not be necessary for interim therapeutic*
19 *restoration placement. Interim therapeutic restorations shall be*
20 *placed only in accordance with both of the following:*

21 (A) In either of the following settings:

22 (i) In a dental office setting, under the general supervision of a
23 dentist.

24 (ii) In a public health setting, including, but not limited to,
25 schools, head start and preschool programs, and residential facilities
26 and institutions, under the general supervision of a dentist.

27 (B) After a diagnosis and treatment plan by a dentist.

28 (e)

29 (b) The functions described in subdivision ~~(b)~~ (a) may be
30 performed by a registered dental hygienist only after completion
31 of a program that includes training in performing those functions,
32 or after providing evidence, satisfactory to the committee, of having
33 completed a committee-approved course in those functions.

34 (c) *The dental board shall promulgate regulations establishing*
35 *criteria for approval of courses of instruction for the procedures*
36 *authorized to be performed by a registered dental hygienist*
37 *pursuant to this section. The committee shall review proposed*
38 *regulations, and any subsequent proposed amendments to the*
39 *promulgated regulations, and shall submit any recommended*
40 *changes to the board for review to establish a consensus.*

1 (d) This section shall become operative on January 1, 2018.

2 ~~SEC. 9.~~

3 ~~SEC. 6.~~ Section 1926 of the Business and Professions Code is
4 amended to read:

5 1926. A registered dental hygienist in alternative practice may
6 perform the duties authorized pursuant to subdivision (a) of Section
7 1907, subdivision (a) of Section 1908, subdivisions (a) and (b) of
8 Section 1910, and Section 1926.05 in the following settings:

9 (a) Residences of the homebound.

10 (b) Schools.

11 (c) Residential facilities and other institutions.

12 (d) Dental health professional shortage areas, as certified by the
13 Office of Statewide Health Planning and Development in
14 accordance with existing office guidelines.

15 ~~SEC. 10.~~

16 ~~SEC. 7.~~ Section 1926.05 is added to the Business and
17 Professions Code, to read:

18 ~~1926.05.—(a) For the purposes of this section, the following~~
19 ~~definitions shall apply:~~

20 (1) ~~“Clinical instruction” means instruction in which students~~
21 ~~receive supervised experience in performing procedures in a~~
22 ~~clinical setting on patients. Clinical instruction shall only be~~
23 ~~performed upon successful demonstration and evaluation of~~
24 ~~preclinical skills. There shall be at least one instructor for every~~
25 ~~six students who are simultaneously engaged in clinical instruction.~~

26 (2) ~~“Course” means a committee-approved course preparing~~
27 ~~registered dental hygienist in alternative practice to perform the~~
28 ~~duties described in subdivision (b).~~

29 (3) ~~“Didactic instruction” means lectures, demonstrations, and~~
30 ~~other instruction without active participation by students. The~~
31 ~~approved provider or its designee may provide didactic instruction~~
32 ~~through electronic media, home study materials, or live lecture~~
33 ~~methodology if the provider has submitted that content to the~~
34 ~~committee for approval.~~

35 (4) ~~“Interim therapeutic restoration” means a direct provisional~~
36 ~~restoration placed to stabilize the tooth until a licensed dentist~~
37 ~~diagnoses the need for further definitive treatment.~~

38 (5) ~~“Laboratory instruction” means instruction in which students~~
39 ~~receive supervised experience performing procedures using study~~
40 ~~models, mannequins, or other simulation methods.~~

1 (6) ~~“Preclinical instruction” means instruction in which students~~
2 ~~receive supervised experience performing procedures on students,~~
3 ~~faculty, or staff members. There shall be at least one instructor for~~
4 ~~every six students who are simultaneously engaged in preclinical~~
5 ~~instruction.~~

6 (7) ~~“Program” means a committee-approved registered dental~~
7 ~~hygienist in alternative practice educational program.~~

8 (b) ~~A registered dental hygienist in alternative practice may~~
9 ~~perform both of the following duties:~~

10 (1) ~~Choose radiographs without the supervising dentist having~~
11 ~~first examined the patient, following protocols established by the~~
12 ~~supervising dentist and, consistent with the use of as low as~~
13 ~~reasonably necessary radiation, for the purpose of diagnosis and~~
14 ~~treatment planning by the dentist. The radiographs shall be taken~~
15 ~~only in either of the following settings:~~

16 *1926.05. (a) In addition to the duties specified in Section 1926,*
17 *a registered dental hygienist in alternative practice is authorized*
18 *to perform the following additional duties, as specified:*

19 *(1) Determine which radiographs to perform on a patient who*
20 *has not received an initial examination by the supervising dentist*
21 *for the specific purpose of the dentist making a diagnosis and*
22 *treatment plan for the patient. In these circumstances, the dental*
23 *hygienist in alternative practice shall follow protocols established*
24 *by the supervising dentist. This paragraph only applies in the*
25 *following settings:*

26 (A) ~~In a dental office setting, under the general supervision of~~
27 ~~a dentist.~~

28 (B) ~~In a public health setting, including, but not limited to,~~
29 ~~schools, head start and preschool programs, and residential facilities~~
30 ~~and institutions, under the general supervision of a dentist.~~

31 (2) ~~Place protective restorations, which for this purpose are~~
32 ~~identified as interim therapeutic restorations, as defined by~~
33 ~~paragraph (4) of subdivision (a), that compromise the removal of~~
34 ~~soft material from the tooth using only hand instrumentation,~~
35 ~~without the use of rotary instrumentation, and subsequent~~
36 ~~placement of an adhesive restorative material. Local anesthesia~~
37 ~~shall not be necessary. The protective restorations shall be placed~~
38 ~~only in accordance with both of the following:~~

39 *(2) Place protective restorations, which for this purpose are*
40 *identified as interim therapeutic restorations, and defined as a*

1 *direct provisional restoration placed to stabilize the tooth until a*
2 *licensed dentist diagnoses the need for further definitive treatment.*
3 *An interim therapeutic restoration consists of the removal of soft*
4 *material from the tooth using only hand instrumentation, without*
5 *the use of rotary instrumentation, and subsequent placement of an*
6 *adhesive restorative material. Local anesthesia shall not be*
7 *necessary for interim therapeutic restoration placement. Interim*
8 *therapeutic restorations shall be placed only in accordance with*
9 *both of the following:*

10 (A) In either of the following settings:

11 (i) In a dental office setting, under the general supervision of a
12 dentist.

13 (ii) In a public health setting, including, but not limited to,
14 schools, head start and preschool programs, and residential facilities
15 and institutions, under the general supervision of a dentist.

16 (B) After a diagnosis and treatment plan by a dentist.

17 ~~(e)~~

18 (b) The functions described in subdivision~~(b)~~ (a) may be
19 performed by a registered dental hygienist in alternative practice
20 only after completion of a course or program that includes training
21 in performing those functions, or after providing evidence,
22 satisfactory to the committee, of having completed a
23 committee-approved course in those functions.

24 (1) *No later than January 1, 2018, the dental board shall*
25 *promulgate regulations establishing criteria for the approval of*
26 *courses of instruction for the procedures authorized to be*
27 *performed by a registered dental hygienist in alternative practice*
28 *pursuant to this section. Proposed regulations, and any subsequent*
29 *proposed amendments to the promulgated regulations, shall be*
30 *reviewed by the committee. The committee shall submit any*
31 *recommended changes to the board for review to establish a*
32 *consensus.*

33 (2) *Prior to January 1, 2018, the dental board shall use the*
34 *competency-based training protocols established by Health*
35 *Workforce Pilot Project (HWPP) No. 172 through the Office of*
36 *Statewide Health Planning and Development.*

37 ~~(1)~~

38 (3) A registered dental hygienist in alternative practice who has
39 completed the prescribed training in the Health Workforce Pilot
40 Project~~#172~~ No. 172 established by the Office of Statewide Health

1 Planning and Development pursuant to Article 1 (commencing
2 with Section 128125) of Chapter 3 of Part 3 of Division 107 of
3 the Health and Safety Code shall be deemed to have satisfied the
4 requirement for completion of a course of instruction approved by
5 the committee.

6 ~~(2)~~

7 (4) In addition to the instructional components described in *this*
8 subdivision ~~(d) or (e)~~, a program shall contain both of the
9 instructional components described in this paragraph:

10 (A) The course shall be established at the postsecondary
11 educational level.

12 (B) All faculty responsible for clinical evaluation shall have
13 completed a one-hour methodology course in clinical evaluation
14 or have a faculty appointment at an accredited dental education
15 program prior to conducting evaluations of students.

16 ~~(d) A program or course to perform the duties described in
17 paragraph (1) of subdivision (b) shall contain all of the additional
18 instructional components described in this subdivision.~~

19 ~~(1) The program shall be of sufficient duration for the student
20 to develop minimum competency making decisions about which
21 radiographs to take to facilitate an evaluation by a dentist, but shall
22 in no event be less than six hours, including at least two hours of
23 didactic training, at least two hours of guided laboratory simulation
24 training, and at least two hours of examination using simulated
25 cases.~~

26 ~~(2) Didactic instruction shall consist of instruction on both of
27 the following topics:~~

28 ~~(A) Guidelines for radiographic decision making prepared by
29 the American Dental Association and other professional dental
30 associations.~~

31 ~~(B) Specific decisionmaking protocols that incorporate
32 information about the patient's health and radiographic history,
33 the time span since previous radiographs were taken, the
34 availability of previous radiographs, the general condition of the
35 mouth including the extent of dental restorations present, and
36 visible signs of abnormalities, including broken teeth, dark areas,
37 and holes in teeth.~~

38 ~~(3) Laboratory instruction shall consist of simulated decision
39 making using case studies containing the elements described in~~

1 paragraph (2). There shall be at least one instructor for every 14
2 students who are simultaneously engaged in laboratory instruction.

3 ~~(4) Examination shall consist of decisionmaking where students~~
4 ~~make decisions and demonstrate competency to faculty on case~~
5 ~~studies containing the elements described in paragraph (2).~~

6 ~~(e) A program or course to perform the duties described in~~
7 ~~paragraph (2) of subdivision (b) shall contain all of the additional~~
8 ~~instructional components described in this subdivision.~~

9 ~~(1) The program shall be of sufficient duration for the student~~
10 ~~to develop minimum competency in the application of protective~~
11 ~~restorations, including interim therapeutic restorations, but shall~~
12 ~~in no event be less than 16 clock hours, including at least four~~
13 ~~hours of didactic training, at least four hours of laboratory training,~~
14 ~~and at least eight hours of clinical training.~~

15 ~~(2) Didactic instruction shall consist of instruction on all of the~~
16 ~~following topics:~~

17 ~~(A) Pulpal anatomy.~~

18 ~~(B) Theory of adhesive restorative materials used in the~~
19 ~~placement of adhesive protective restorations related to~~
20 ~~mechanisms of bonding to tooth structure, handling characteristics~~
21 ~~of the materials, preparation of the tooth prior to material~~
22 ~~placement, and placement techniques.~~

23 ~~(C) Criteria that dentists use to make decisions about placement~~
24 ~~of adhesive protective restorations including all of the following:~~

25 ~~(i) Patient factors:~~

26 ~~(I) The patient's American Society of Anesthesiologists Physical~~
27 ~~Status Classification is Class III or less.~~

28 ~~(II) The patient is cooperative enough to have the restoration~~
29 ~~placed without the need for special protocols, including sedation~~
30 ~~or physical support.~~

31 ~~(III) The patient, or responsible party, has provided consent for~~
32 ~~the procedure.~~

33 ~~(IV) The patient reports that the tooth is asymptomatic, or if~~
34 ~~there is mild sensitivity to sweet, hot, or cold that the sensation~~
35 ~~stops within a few seconds of the stimulus being removed.~~

36 ~~(ii) Tooth factors:~~

37 ~~(I) The cavity is accessible without the need for creating access~~
38 ~~using a dental handpiece.~~

1 ~~(H) The margins of the cavity are accessible so that clean~~
2 ~~noncarious margins can be obtained around the entire periphery~~
3 ~~of the cavity with the use of hand instruments.~~

4 ~~(HH) The depth of the lesion is more than two millimeters from~~
5 ~~the pulp on radiographic examination or is judged by the dentist~~
6 ~~to be a shallow lesion such that the treatment does not endanger~~
7 ~~the pulp or require the use of local anesthetic.~~

8 ~~(IV) The tooth is restorable and does not have other significant~~
9 ~~pathology.~~

10 ~~(D) Criteria for evaluating successful completion of adhesive~~
11 ~~protective restorations including all of the following:~~

12 ~~(i) The restorative material is not in hyperocclusion.~~

13 ~~(ii) There are no marginal voids.~~

14 ~~(iii) There is minimal excess material.~~

15 ~~(E) Protocols for handling sensitivity, complications, or~~
16 ~~unsuccessful completion of adhesive protective restorations~~
17 ~~including situations requiring immediate referral to a dentist.~~

18 ~~(F) Protocols for followup of adhesive protective restorations.~~

19 ~~(3) Laboratory instruction shall consist of placement of adhesive~~
20 ~~protective restorations where students demonstrate competency in~~
21 ~~this technique on typodont teeth.~~

22 ~~(4) Clinical instruction shall consist of experiences where~~
23 ~~students demonstrate competency in placement of adhesive~~
24 ~~protective restorations under direct supervision of faculty.~~

25 ~~(f)~~

26 ~~(c) This section shall remain in effect only until January 1, 2018,~~
27 ~~and as of that date is repealed, unless a later enacted statute, that~~
28 ~~is enacted before January 1, 2018, deletes or extends that date.~~

29 ~~SEC. 11.~~

30 ~~SEC. 8. Section 1926.05 is added to the Business and~~
31 ~~Professions Code, to read:~~

32 ~~1926.05. (a) For the purposes of this section, “interim~~
33 ~~therapeutic restoration” means a direct provisional restoration~~
34 ~~placed to stabilize the tooth until a licensed dentist diagnoses the~~
35 ~~need for further definitive treatment.~~

36 ~~(b) A registered dental hygienist in alternative practice may~~
37 ~~perform both of the following duties:~~

38 ~~(1) Choose radiographs without the supervising dentist having~~
39 ~~first examined the patient, following protocols established by the~~
40 ~~supervising dentist and, consistent with the use of as low as~~

1 reasonably necessary radiation, for the purpose of diagnosis and
2 treatment planning by the dentist. The radiographs shall be taken
3 only in either of the following settings:

4 1926.05. (a) In addition to the duties specified in Section 1926,
5 a registered dental hygienist in alternative practice is authorized
6 to perform the following additional duties, as specified:

7 (1) Determine which radiographs to perform on a patient who
8 has not received an initial examination by the supervising dentist
9 for the specific purpose of the dentist making a diagnosis and
10 treatment plan for the patient. In these circumstances, the dental
11 hygienist in alternative practice shall follow protocols established
12 by the supervising dentist. This paragraph only applies in the
13 following settings:

14 (A) In a dental office setting, under the general supervision of
15 a dentist.

16 (B) In a public health setting, including, but not limited to,
17 schools, head start and preschool programs, and residential facilities
18 and institutions, under the general supervision of a dentist.

19 ~~(2) Place protective restorations, which for this purpose are~~
20 ~~identified as interim therapeutic restorations, as defined by~~
21 ~~subdivision (a), that compromise the removal of soft material from~~
22 ~~the tooth using only hand instrumentation, without the use of rotary~~
23 ~~instrumentation, and subsequent placement of an adhesive~~
24 ~~restorative material. Local anesthesia shall not be necessary. The~~
25 ~~protective restorations shall be placed only in accordance with~~
26 ~~both of the following:~~

27 (2) Place protective restorations, which for this purpose are
28 identified as interim therapeutic restorations, and defined as a
29 direct provisional restoration placed to stabilize the tooth until a
30 licensed dentist diagnoses the need for further definitive treatment.
31 An interim therapeutic restoration consists of the removal of soft
32 material from the tooth using only hand instrumentation, without
33 the use of rotary instrumentation, and subsequent placement of an
34 adhesive restorative material. Local anesthesia shall not be
35 necessary for interim therapeutic restoration placement. Interim
36 therapeutic restorations shall be placed only in accordance with
37 both of the following:

38 (A) In either of the following settings:

39 (i) In a dental office setting, under the general supervision of a
40 dentist.

1 (ii) In a public health setting, including, but not limited to,
2 schools, head start and preschool programs, and residential facilities
3 and institutions, under the general supervision of a dentist.

4 (B) After a diagnosis and treatment plan by a dentist.

5 (e)

6 (b) The functions described in ~~subdivision (b)~~ *this section* may
7 be performed by a registered dental hygienist in alternative practice
8 only after completion of a course or program that includes training
9 in performing those functions, or after providing evidence,
10 satisfactory to the committee, of having completed a
11 committee-approved course in those functions.

12 (c) *The dental board shall promulgate regulations establishing*
13 *criteria for approval of courses of instruction for the procedures*
14 *authorized to be performed by a registered dental hygienist in*
15 *alternative practice pursuant to this section. The committee shall*
16 *review proposed regulations, and any subsequent proposed*
17 *amendments to the promulgated regulations, and shall submit any*
18 *recommended changes to the board for review to establish a*
19 *consensus.*

20 (d) This section shall become operative on January 1, 2018.

21 *SEC. 9. Section 128196 is added to the Health and Safety Code,*
22 *to read:*

23 *128196. (a) Notwithstanding Section 128180, the office shall*
24 *extend the duration of the health workforce project known as*
25 *Health Workforce Pilot Project No. 172 until January 1, 2016, in*
26 *order to maintain the competence of the clinicians trained during*
27 *the course of the project, and to authorize training of additional*
28 *clinicians in the duties specified in HWPP No. 172.*

29 (b) *This section shall remain in effect only until January 1, 2016,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2016, deletes or extends that date.*

32 ~~SEC. 12.~~

33 *SEC. 10. Section 14132.725 of the Welfare and Institutions*
34 *Code is amended to read:*

35 14132.725. (a) To the extent that federal financial participation
36 is available, face-to-face contact between a health care provider
37 and a patient is not required under the Medi-Cal program for
38 teleophthalmology, teledermatology, and teledentistry by store
39 and forward. Services appropriately provided through the store

1 and forward process are subject to billing and reimbursement
2 policies developed by the department.

3 (b) For purposes of this section, “teleophthalmology,
4 teledermatology, and teledentistry by store and forward” means
5 an asynchronous transmission of medical or dental information to
6 be reviewed at a later time by a physician at a distant site who is
7 trained in ophthalmology or dermatology or, for teleophthalmology,
8 by an optometrist who is licensed pursuant to Chapter 7
9 (commencing with Section 3000) of Division 2 of the Business
10 and Professions Code, or a dentist, where the physician,
11 optometrist, or dentist at the distant site reviews the medical or
12 dental information without the patient being present in real time.
13 A patient receiving teleophthalmology, teledermatology, or
14 teledentistry by store and forward shall be notified of the right to
15 receive interactive communication with the distant specialist
16 physician, optometrist, or dentist and shall receive an interactive
17 communication with the distant specialist physician, optometrist,
18 or dentist, upon request. If requested, communication with the
19 distant specialist physician, optometrist, or dentist may occur either
20 at the time of the consultation, or within 30 days of the patient’s
21 notification of the results of the consultation. If the reviewing
22 optometrist identifies a disease or condition requiring consultation
23 or referral pursuant to Section 3041 of the Business and Professions
24 Code, that consultation or referral shall be with an ophthalmologist
25 or other appropriate physician and surgeon, as required.

26 (c) Notwithstanding Chapter 3.5 (commencing with Section
27 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
28 the department may implement, interpret, and make specific this
29 section by means of all-county letters, provider bulletins, and
30 similar instructions.

31 ~~(d) On or before January 1, 2008, the department shall report~~
32 ~~to the Legislature the number and type of services provided, and~~
33 ~~the payments made related to the application of store and forward~~
34 ~~telehealth as provided, under this section as a Medi-Cal benefit.~~

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