

AMENDED IN SENATE JULY 2, 2014
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 1684.5 and ~~1926 1944~~ of, to add Section 1926.05 to, and to add, repeal, and add Sections 1753.55; and 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.

(1) Under existing law, the Dental Practice Act, 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 add to those specified duties ~~determining and performing~~ *exposing* 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 *a total of 5* dental auxiliaries, as specified. The bill would authorize specified registered dental assistants in extended functions, registered dental hygienists, and registered dental hygienists in alternative practice to 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 requires the committee to establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions. Existing law limits the fee for each review of courses required for licensure that are not accredited to \$300. Under existing law, those fees are further limited to the reasonable regulatory cost incurred by the committee.

This bill would instead limit the fee for each review or approval of course requirements for licensure or procedures that require additional training that are not accredited to \$750.

~~(2)~~

(3) 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)

(4) 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 1684.5 of the Business and Professions
2 Code is amended to read:

3 1684.5. (a) In addition to other acts constituting unprofessional
4 conduct under this chapter, it is unprofessional conduct for any
5 dentist to perform or allow to be performed any treatment on a
6 patient who is not a patient of record of that dentist. A dentist may,
7 however, after conducting a preliminary oral examination, require
8 or permit any dental auxiliary to perform procedures necessary for
9 diagnostic purposes, provided that the procedures are permitted
10 under the auxiliary's authorized scope of practice. Additionally,
11 a dentist may require or permit a dental auxiliary to perform all of
12 the following duties prior to any examination of the patient by the
13 dentist, provided that the duties are authorized for the particular
14 classification of dental auxiliary pursuant to Article 7 (commencing
15 with Section 1740):

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

18 (2) ~~Determine~~ *If the dental auxiliary is a registered dental*
19 *assistant in extended functions, a registered dental hygienist, or*
20 *a registered dental hygienist in alternative practice, determine*
21 *and perform radiographs for the specific purpose of aiding a dentist*
22 *in completing a comprehensive diagnosis and treatment plan for*
23 *a patient using telehealth, as defined by Section 2290.5, for the*

1 *purpose of communication with the supervising dentist pursuant*
2 *to Sections 1753.55, 1910.5, and 1926.05.*

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

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

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

12 (c) For purposes of this section, if dental treatment is provided
13 to a patient by a ~~dental auxiliary~~ *registered dental assistant in*
14 *extended functions, a registered dental hygienist, or a registered*
15 *dental hygienist in alternative practice pursuant to the diagnosis*
16 *and treatment plan authorized by a supervising dentist, ~~the~~*
17 ~~supervising dentist shall ensure at a location other than the~~
18 ~~dentist’s practice location, it is the responsibility of the authorizing~~
19 ~~dentist that the patient or the patient’s representative is notified in~~
20 ~~writing of the supervising~~ *receive written notification that the care*
21 *was provided at the direction of the authorizing dentist and that*
22 *the notification include the authorizing dentist’s name, practice*
23 *location address, and telephone number, and email address, and*
24 ~~that the care was provided at the direction of the dentist.~~ *number.*
25 *This provision shall not require patient notification for dental*
26 *hygiene preventive services provided in public health programs*
27 *as specified and authorized in Section 1911, or for dental hygiene*
28 *care when provided as specified and authorized in Section 1926.*

29 (d) A dentist shall not concurrently supervise more than a total
30 of five ~~dental auxiliaries~~ *registered dental assistants in extended*
31 *functions, registered dental hygienists, or registered dental*
32 *hygienists in alternative practice providing services pursuant to*
33 *Sections 1753.55, 1910.5, and 1926.05.*

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

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

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

3 1753.55. (a) In addition to the duties specified in Sections
4 1753.5 and 1753.6, a registered dental assistant in extended
5 functions licensed on or after January 1, 2010, or having completed
6 the educational requirements to perform the duties authorized by
7 Section 1753.5, is authorized to perform both of the following
8 additional duties pursuant to the order, control, and full professional
9 responsibility of a supervising dentist:

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

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

19 (B) In public health settings, *using telehealth, as defined by*
20 *Section 2290.5, for the purpose of communication with the*
21 *supervising dentist*, including, but not limited to, schools, head
22 start and preschool programs, and ~~residential facilities and~~
23 ~~institutions~~ *community clinics*, under the general supervision of a
24 dentist.

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

36 (A) In either of the following settings:

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

39 (ii) In public health settings, *using telehealth, as defined by*
40 *Section 2290.5, for the purpose of communication with the*

1 *supervising dentist*, including, but not limited to, schools, head
 2 start and preschool programs, and ~~residential facilities and~~
 3 ~~institutions~~, *community clinics*, under the general supervision of
 4 a dentist.

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

6 (b) The functions described in subdivision (a) may be performed
 7 by a registered dental assistant in extended functions only after
 8 completion of a program that includes training in performing those
 9 functions, or after providing evidence, satisfactory to the board,
 10 of having completed a board-approved course in those functions.

11 ~~(1) No later than January 1, 2018, the board shall promulgate~~
 12 ~~regulations establishing requirements for courses of instruction~~
 13 ~~for the procedures authorized to be performed by a registered dental~~
 14 ~~assistant in extended functions pursuant to this section.~~

15 *(1) No later than January 1, 2018, the board shall promulgate*
 16 *regulations to establish requirements for courses of instruction*
 17 *for the procedures authorized to be performed by a registered*
 18 *dental assistant in extended functions pursuant to this section,*
 19 *using the competency-based training protocols established by the*
 20 *Health Workforce Pilot Project (HWPP) No. 172 through the*
 21 *Office of Health Planning and Development. The board shall*
 22 *submit regulatory language pursuant to approval of courses of*
 23 *instruction for the Interim Therapeutic Restoration to the committee*
 24 *for the purpose of promulgating regulations for Registered Dental*
 25 *Hygienists and Registered Dental Hygienists in Alternative*
 26 *Practice as described in Section 1910.5. The language submitted*
 27 *by the board shall mirror the instructional requirements for the*
 28 *registered dental assistant in extended functions. Any subsequent*
 29 *amendments to the regulations that are promulgated by the board*
 30 *for the Interim Therapeutic Restoration course curriculum shall*
 31 *be submitted to the committee.*

32 (2) Prior to January 1, 2018, the board shall use the
 33 competency-based training protocols established by Health
 34 Workforce Pilot Project (HWPP) No. 172 through the Office of
 35 Statewide Health Planning and Development *to approve courses*
 36 *of instruction for the procedures authorized in this section.*

37 (3) A registered dental assistant in extended functions who has
 38 completed the prescribed training in the Health Workforce Pilot
 39 Project No. 172 established by the Office of Statewide Health
 40 Planning and Development pursuant to Article 1 (commencing

1 with Section 128125) of Chapter 3 of Part 3 of Division 107 of
2 the Health and Safety Code shall be deemed to have satisfied the
3 requirement for completion of a course of instruction approved by
4 the board.

5 (4) In addition to the instructional components described in this
6 subdivision, a program shall contain both of the instructional
7 components described in this paragraph:

8 (A) The course shall be established at the postsecondary
9 educational level.

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

14 (c) *The board may issue a permit to a registered dental assistant*
15 *in extended functions who files a completed application, including*
16 *the fee, to provide the duties specified in this section after the board*
17 *has determined the registered dental assistant in extended functions*
18 *has completed the coursework required in subdivision (b).*

19 (e)

20 (d) This section shall remain in effect only until January 1, 2018,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2018, deletes or extends that date.

23 SEC. 3. Section 1753.55 is added to the Business and
24 Professions Code, to read:

25 1753.55. (a) In addition to the duties specified in Section
26 1753.5, a registered dental assistant in extended functions licensed
27 on or after January 1, 2010, or having completed the educational
28 requirements to perform the duties authorized by Section 1753.5
29 and 1753.6, is authorized to perform both of the following
30 additional duties pursuant to the order, control, and full professional
31 responsibility of a supervising dentist:

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

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

1 (B) In public health settings, *using telehealth, as defined by*
 2 *Section 2290.5, for the purpose of communication with the*
 3 *supervising dentist*, including, but not limited to, schools, head
 4 start and preschool programs, and ~~residential facilities and~~
 5 ~~institutions~~, *community clinics*, under the general supervision of
 6 a dentist.

7 (2) Place protective restorations, which for this purpose are
 8 identified as interim therapeutic restorations, and defined as a
 9 direct provisional restoration placed to stabilize the tooth until a
 10 licensed dentist diagnoses the need for further definitive treatment.

11 An interim therapeutic restoration consists of the removal of soft
 12 material from the tooth using only hand instrumentation, without
 13 the use of rotary instrumentation, and subsequent placement of an
 14 adhesive restorative material. Local anesthesia shall not be
 15 necessary for interim therapeutic restoration placement. Interim
 16 therapeutic restorations shall be placed only in accordance with
 17 both of the following:

18 (A) In either of the following settings:

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

21 (ii) In public health settings, *using telehealth, as defined by*
 22 *Section 2290.5, for the purpose of communication with the*
 23 *supervising dentist*, including, but not limited to, schools, head
 24 start and preschool programs, and ~~residential facilities and~~
 25 ~~institutions~~ *community clinics*, under the general supervision of a
 26 dentist.

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

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

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

1 (c) No later than January 1, 2018, the board shall promulgate
2 regulations to establish requirements for courses of instruction
3 for the procedures authorized to be performed by a registered
4 dental assistant in extended functions pursuant to this section using
5 the competency-based training protocols established by the Health
6 Workforce Pilot Project (HWPP) No. 172 through the Office of
7 Health Planning and Development. The board shall submit
8 regulatory language pursuant to approval of courses of instruction
9 for the Interim Therapeutic Restoration to the committee for the
10 purpose of promulgating regulations for registered dental
11 hygienists and registered dental hygienists in alternative practice
12 as described in Section 1910.5. The language submitted by the
13 board shall mirror the instructional requirements for the registered
14 dental assistant in extended functions. Any subsequent amendments
15 to the regulations that are promulgated by the board for the Interim
16 Therapeutic Restoration course curriculum shall be submitted to
17 the committee.

18 (d) The board may issue a permit to a registered dental assistant
19 in extended functions who files a completed application, including
20 the fee, to provide the duties specified in this section after the board
21 has determined the registered dental assistant in extended functions
22 has completed the coursework required in subdivision (b).

23 ~~(e)~~

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

25 SEC. 4. Section 1910.5 is added to the Business and Professions
26 Code, to read:

27 1910.5. (a) In addition to the duties specified in Section 1910,
28 a registered dental hygienist is authorized to perform the following
29 additional duties, as specified:

30 (1) Determine which radiographs to perform on a patient who
31 has not received an initial examination by the supervising dentist
32 for the specific purpose of the dentist making a diagnosis and
33 treatment plan for the patient. In these circumstances, the dental
34 hygienist shall follow protocols established by the supervising
35 dentist. This paragraph shall only apply in the following settings:

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

38 (B) In a public health setting, using telehealth, as defined by
39 Section 2290.5, for the purpose of communication with the
40 supervising dentist, including, but not limited to, schools, head

1 start and preschool programs, and ~~residential facilities and~~
2 ~~institutions, under the general supervision of a dentist~~ *community*
3 *clinics.*

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

15 (A) In either of the following settings:

16 (i) In a dental office ~~setting, under the general supervision of a~~
17 ~~dentist.~~ *setting.*

18 (ii) In a public health setting, *using telehealth, as defined by*
19 *Section 2290.5, for the purpose of communication with the*
20 *supervising dentist,* including, but not limited to, schools, head
21 start and preschool programs, and ~~residential facilities and~~
22 ~~institutions, under the general supervision of a dentist~~ *community*
23 *clinics.*

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

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

30 ~~(1) No later than January 1, 2018, the dental board shall~~
31 ~~promulgate regulations establishing criteria for approval of courses~~
32 ~~of instruction for the procedures authorized to be performed by a~~
33 ~~registered dental hygienist pursuant to this section. Proposed~~
34 ~~regulations, and any subsequent proposed amendments to the~~
35 ~~promulgated regulations, shall be reviewed by the committee. The~~
36 ~~committee shall submit any recommended changes to the board~~
37 ~~for review to establish a consensus.~~

38 (c) (1) *No later than January 1, 2018, the committee shall*
39 *promulgate regulations to establish requirements for courses of*
40 *instruction for the procedures authorized to be performed by a*

1 *registered dental hygienist and registered dental hygienist in*
2 *alternative practice pursuant to Sections 1910.5 and 1926.05 using*
3 *the competency-based training protocols established by the Health*
4 *Workforce Pilot Project (HWPP) No. 172 through the Office of*
5 *Health Planning and Development. The committee shall adopt the*
6 *regulatory language for approval of courses of instruction for the*
7 *Interim Therapeutic Restoration submitted by the dental board,*
8 *pursuant to Section 1753.55 in the regulations. Any subsequent*
9 *amendments to the regulations for the Interim Therapeutic*
10 *Restoration course curriculum that are promulgated by the*
11 *committee shall be agreed upon by the board and the committee.*

12 (2) Prior to January 1, 2018, the ~~dental board~~ committee shall
13 use the competency-based training protocols established by Health
14 Workforce Pilot Project (HWPP) No. 172 through the Office of
15 Statewide Health Planning and Development *to approve courses*
16 *of instruction for the procedures authorized in this section.*

17 (3) A registered dental hygienist who has completed the
18 prescribed training in the Health Workforce Pilot Project No. 172
19 established by the Office of Statewide Health Planning and
20 Development pursuant to Article 1 (commencing with Section
21 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
22 Safety Code shall be deemed to have satisfied the requirement for
23 completion of a course of instruction approved by the committee.

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

27 (A) The course shall be established at the postsecondary
28 educational level.

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

33 (e)

34 (d) This section shall remain in effect only until January 1, 2018,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2018, deletes or extends that date.

37 SEC. 5. Section 1910.5 is added to the Business and Professions
38 Code, to read:

1 1910.5. (a) In addition to the duties specified in Section 1910,
 2 a registered dental hygienist is authorized to perform the following
 3 additional duties, as specified:

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

10 (A) In a dental office ~~setting, under the general supervision of~~
 11 ~~a dentist.~~ *setting.*

12 (B) In a public health setting, *using telehealth, as defined by*
 13 *Section 2290.5, for the purpose of communication with the*
 14 *supervising dentist*, including, but not limited to, schools, head
 15 start and preschool programs, and ~~residential facilities and~~
 16 ~~institutions, under the general supervision of a dentist~~ *community*
 17 *clinics.*

18 (2) Place protective restorations, which for this purpose are
 19 identified as interim therapeutic restorations, and defined as a
 20 direct provisional restoration placed to stabilize the tooth until a
 21 licensed dentist diagnoses the need for further definitive treatment.
 22 An interim therapeutic restoration consists of the removal of soft
 23 material from the tooth using only hand instrumentation, without
 24 the use of rotary instrumentation, and subsequent placement of an
 25 adhesive restorative material. Local anesthesia shall not be
 26 necessary for interim therapeutic restoration placement. Interim
 27 therapeutic restorations shall be placed only in accordance with
 28 both of the following:

29 (A) In either of the following settings:

30 (i) In a dental office ~~setting, under the general supervision of a~~
 31 ~~dentist.~~ *setting.*

32 (ii) In a public health setting *using telehealth, as defined by*
 33 *Section 2290.5, for the purpose of communication with the*
 34 *supervising dentist*, including, but not limited to, schools, head
 35 start and preschool programs, and ~~residential facilities and~~
 36 ~~institutions, under the general supervision of a dentist~~ *community*
 37 *clinics.*

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

39 (b) The functions described in subdivision (a) may be performed
 40 by a registered dental hygienist only after completion of a program

1 that includes training in performing those functions, or after
2 providing evidence, satisfactory to the committee, of having
3 completed a committee-approved course in those functions.

4 ~~(e) The dental board shall promulgate regulations establishing~~
5 ~~criteria for approval of courses of instruction for the procedures~~
6 ~~authorized to be performed by a registered dental hygienist~~
7 ~~pursuant to this section. The committee shall review proposed~~
8 ~~regulations, and any subsequent proposed amendments to the~~
9 ~~promulgated regulations, and shall submit any recommended~~
10 ~~changes to the board for review to establish a consensus.~~

11 *(c) No later than January 1, 2018, the committee shall*
12 *promulgate regulations to establish requirements for courses of*
13 *instruction for the procedures authorized to be performed by a*
14 *registered dental hygienist and registered dental hygienist in*
15 *alternative practice pursuant to Sections 1910.5 and 1926.05,*
16 *using the competency-based training protocols established by the*
17 *Health Workforce Pilot Project (HWPP) No. 172 through the*
18 *Office of Health Planning and Development. The committee shall*
19 *adopt the regulatory language for approval of courses of*
20 *instruction for the Interim Therapeutic Restoration submitted by*
21 *the dental board, pursuant to Section 1753.55 in the regulations.*
22 *Any subsequent amendments to the regulations for the Interim*
23 *Therapeutic Restoration course curriculum that are promulgated*
24 *by the committee shall be agreed upon by the board and the*
25 *committee.*

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

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

29 ~~1926. A registered dental hygienist in alternative practice may~~
30 ~~perform the duties authorized pursuant to subdivision (a) of Section~~
31 ~~1907, subdivision (a) of Section 1908, subdivisions (a) and (b) of~~
32 ~~Section 1910, and Section 1926.05 in the following settings:~~

33 ~~(a) Residences of the homebound.~~

34 ~~(b) Schools.~~

35 ~~(c) Residential facilities and other institutions.~~

36 ~~(d) Dental health professional shortage areas, as certified by the~~
37 ~~Office of Statewide Health Planning and Development in~~
38 ~~accordance with existing office guidelines.~~

1 ~~SEC. 7.~~

2 ~~SEC. 6.~~ Section 1926.05 is added to the Business and
3 Professions Code, to read:

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 in Section~~
7 ~~1910.5 upon completion of the courses required in that section, in~~
8 ~~the following settings:~~

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

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

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

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

32 ~~(A) In either of the following settings:~~

33 ~~(i) In a dental office setting, under the general supervision of a~~
34 ~~dentist.~~

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

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

39 ~~(b) The functions described in subdivision (a) may be performed~~
40 ~~by a registered dental hygienist in alternative practice only after~~

1 completion of a course or program that includes training in
2 performing those functions, or after providing evidence,
3 satisfactory to the committee, of having completed a
4 committee-approved course in those functions.

5 (1) No later than January 1, 2018, the dental board shall
6 promulgate regulations establishing criteria for the approval of
7 courses of instruction for the procedures authorized to be performed
8 by a registered dental hygienist in alternative practice pursuant to
9 this section. Proposed regulations, and any subsequent proposed
10 amendments to the promulgated regulations, shall be reviewed by
11 the committee. The committee shall submit any recommended
12 changes to the board for review to establish a consensus.

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

17 (3) A registered dental hygienist in alternative practice who has
18 completed the prescribed training in the Health Workforce Pilot
19 Project No. 172 established by the Office of Statewide Health
20 Planning and Development pursuant to Article 1 (commencing
21 with Section 128125) of Chapter 3 of Part 3 of Division 107 of
22 the Health and Safety Code shall be deemed to have satisfied the
23 requirement for completion of a course of instruction approved by
24 the committee.

25 (4) In addition to the instructional components described in this
26 subdivision, a program shall contain both of the instructional
27 components described in this paragraph:

28 (A) The course shall be established at the postsecondary
29 educational level.

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

34 (e) This section shall remain in effect only until January 1, 2018,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2018, deletes or extends that date.

37 (a) *Residences of the homebound.*

38 (b) *Schools.*

39 (c) *Residential facilities and other institutions.*

1 SEC. 8.— Section 1926.05 is added to the Business and Professions
2 Code, to read:

3 1926.05.— (a) In addition to the duties specified in Section 1926,
4 a registered dental hygienist in alternative practice is authorized
5 to perform the following additional duties, as specified:

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

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

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

18 (2) ~~Place protective restorations, which for this purpose are~~
19 ~~identified as interim therapeutic restorations, and defined as a~~
20 ~~direct provisional restoration placed to stabilize the tooth until a~~
21 ~~licensed dentist diagnoses the need for further definitive treatment.~~
22 ~~An interim therapeutic restoration consists of the removal of soft~~
23 ~~material from the tooth using only hand instrumentation, without~~
24 ~~the use of rotary instrumentation, and subsequent placement of an~~
25 ~~adhesive restorative material. Local anesthesia shall not be~~
26 ~~necessary for interim therapeutic restoration placement. Interim~~
27 ~~therapeutic restorations shall be placed only in accordance with~~
28 ~~both of the following:~~

29 (A) ~~In either of the following settings:~~

30 (i) ~~In a dental office setting, under the general supervision of a~~
31 ~~dentist.~~

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

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

36 (b) ~~The functions described in this section may be performed~~
37 ~~by a registered dental hygienist in alternative practice only after~~
38 ~~completion of a course or program that includes training in~~
39 ~~performing those functions, or after providing evidence,~~

1 ~~satisfactory to the committee, of having completed a~~
2 ~~committee-approved course in those functions.~~

3 ~~(e) The dental board shall promulgate regulations establishing~~
4 ~~criteria for approval of courses of instruction for the procedures~~
5 ~~authorized to be performed by a registered dental hygienist in~~
6 ~~alternative practice pursuant to this section. The committee shall~~
7 ~~review proposed regulations, and any subsequent proposed~~
8 ~~amendments to the promulgated regulations, and shall submit any~~
9 ~~recommended changes to the board for review to establish a~~
10 ~~consensus.~~

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

12 *SEC. 7. Section 1944 of the Business and Professions Code is*
13 *amended to read:*

14 1944. (a) The committee shall establish by resolution the
15 amount of the fees that relate to the licensing of a registered dental
16 hygienist, a registered dental hygienist in alternative practice, and
17 a registered dental hygienist in extended functions. The fees
18 established by board resolution in effect on June 30, 2009, as they
19 relate to the licensure of registered dental hygienists, registered
20 dental hygienists in alternative practice, and registered dental
21 hygienists in extended functions, shall remain in effect until
22 modified by the committee. The fees are subject to the following
23 limitations:

24 (1) The application fee for an original license and the fee for
25 issuance of an original license shall not exceed two hundred fifty
26 dollars (\$250).

27 (2) The fee for examination for licensure as a registered dental
28 hygienist shall not exceed the actual cost of the examination.

29 (3) For third- and fourth-year dental students, the fee for
30 examination for licensure as a registered dental hygienist shall not
31 exceed the actual cost of the examination.

32 (4) The fee for examination for licensure as a registered dental
33 hygienist in extended functions shall not exceed the actual cost of
34 the examination.

35 (5) The fee for examination for licensure as a registered dental
36 hygienist in alternative practice shall not exceed the actual cost of
37 administering the examination.

38 (6) The biennial renewal fee shall not exceed one hundred sixty
39 dollars (\$160).

1 (7) The delinquency fee shall not exceed one-half of the renewal
2 fee. Any delinquent license may be restored only upon payment
3 of all fees, including the delinquency fee, and compliance with all
4 other applicable requirements of this article.

5 (8) The fee for issuance of a duplicate license to replace one
6 that is lost or destroyed, or in the event of a name change, shall
7 not exceed twenty-five dollars (\$25) or one-half of the renewal
8 fee, whichever is greater.

9 (9) The fee for certification of licensure shall not exceed one-half
10 of the renewal fee.

11 (10) The fee for each curriculum review and site evaluation for
12 educational programs for dental hygienists who are not accredited
13 by a committee-approved agency shall not exceed two thousand
14 one hundred dollars (\$2,100).

15 ~~(11) The fee for each review of courses required for licensure~~
16 ~~that are not accredited by a committee-approved agency, the~~
17 ~~Council for Private Postsecondary and Vocational Education, or~~
18 ~~the Chancellor's Office of the California Community Colleges~~
19 ~~shall not exceed three hundred dollars (\$300).~~

20 *(11) The fee for each review or approval of course requirements*
21 *for licensure or procedures that require additional training that*
22 *are not accredited by a committee-approved agency shall not*
23 *exceed seven hundred fifty dollars (\$750).*

24 (12) The initial application and biennial fee for a provider of
25 continuing education shall not exceed five hundred dollars (\$500).

26 (13) The amount of fees payable in connection with permits
27 issued under Section 1962 is as follows:

28 (A) The initial permit fee is an amount equal to the renewal fee
29 for the applicant's license to practice dental hygiene in effect on
30 the last regular renewal date before the date on which the permit
31 is issued.

32 (B) If the permit will expire less than one year after its issuance,
33 then the initial permit fee is an amount equal to 50 percent of the
34 renewal fee in effect on the last regular renewal date before the
35 date on which the permit is issued.

36 (b) The renewal and delinquency fees shall be fixed by the
37 committee by resolution at not more than the current amount of
38 the renewal fee for a license to practice under this article nor less
39 than five dollars (\$5).

1 (c) Fees fixed by the committee by resolution pursuant to this
2 section shall not be subject to the approval of the Office of
3 Administrative Law.

4 (d) Fees collected pursuant to this section shall be collected by
5 the committee and deposited into the State Dental Hygiene Fund,
6 which is hereby created. All money in this fund shall, upon
7 appropriation by the Legislature in the annual Budget Act, be used
8 to implement the provisions of this article.

9 (e) No fees or charges other than those listed in this section shall
10 be levied by the committee in connection with the licensure of
11 registered dental hygienists, registered dental hygienists in
12 alternative practice, or registered dental hygienists in extended
13 functions.

14 (f) The fee for registration of an extramural dental facility shall
15 not exceed two hundred fifty dollars (\$250).

16 (g) The fee for registration of a mobile dental hygiene unit shall
17 not exceed one hundred fifty dollars (\$150).

18 (h) The biennial renewal fee for a mobile dental hygiene unit
19 shall not exceed two hundred fifty dollars (\$250).

20 (i) The fee for an additional office permit shall not exceed two
21 hundred fifty dollars (\$250).

22 (j) The biennial renewal fee for an additional office as described
23 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

24 (k) The initial application and biennial special permit fee is an
25 amount equal to the biennial renewal fee specified in paragraph
26 (6) of subdivision (a).

27 (l) The fees in this section shall not exceed an amount sufficient
28 to cover the reasonable regulatory cost of carrying out the
29 provisions of this article.

30 ~~SEC. 9.~~

31 *SEC. 8.* Section 128196 is added to the Health and Safety Code,
32 to read:

33 128196. (a) Notwithstanding Section 128180, the office shall
34 extend the duration of the health workforce project known as
35 Health Workforce Pilot Project No. 172 until January 1, 2016, in
36 order to maintain the competence of the clinicians trained during
37 the course of the project, and to authorize training of additional
38 clinicians in the duties specified in HWPP No. 172.

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

4 ~~SEC. 10.~~

5 *SEC. 9.* Section 14132.725 of the Welfare and Institutions
6 Code is amended to read:

7 14132.725. (a) To the extent that federal financial participation
8 is available, face-to-face contact between a health care provider
9 and a patient is not required under the Medi-Cal program for
10 teleophthalmology, teledermatology, and teledentistry by store
11 and forward. Services appropriately provided through the store
12 and forward process are subject to billing and reimbursement
13 policies developed by the department.

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

37 (c) Notwithstanding Chapter 3.5 (commencing with Section
38 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
39 the department may implement, interpret, and make specific this

- 1 section by means of all-county letters, provider bulletins, and
- 2 similar instructions.

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