

AMENDED IN SENATE AUGUST 22, 2014
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~~ 1684.5, 1925, and 1944 of, to add Section 1926.05 to, and to add, repeal, and add Sections 1753.55 and 1910.5 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 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~~ *adopt* 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.

(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.

(4) Existing law authorizes the Office of Statewide Health Planning and Development to approve Health Workforce Pilot Projects (HWPP) No. 172, as defined. The office has approved operation HWPP No. 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, *and would make conforming changes.*

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) Expose emergency radiographs upon direction of the dentist.

17 (2) If the dental auxiliary is a registered dental assistant in
18 extended functions, a registered dental hygienist, or a registered
19 dental hygienist in alternative practice, determine and perform
20 radiographs for the specific purpose of aiding a dentist in
21 completing a comprehensive diagnosis and treatment plan for a
22 patient using telehealth, as defined by Section 2290.5, for the
23 purpose of communication with the supervising dentist pursuant
24 to Sections 1753.55, 1910.5, and 1926.05. *A dentist is not required*
25 *to review patient records or make a diagnosis using telehealth.*

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

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

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

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

24 (d) A dentist shall not concurrently supervise more than a total
25 of five registered dental assistants in extended functions, registered
26 dental hygienists, or registered dental hygienists in alternative
27 practice providing services pursuant to Sections 1753.55, 1910.5,
28 and 1926.05.

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

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

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

37 1753.55. (a) ~~In addition to the duties specified in Sections~~
38 ~~1753.5 and 1753.6, a~~ A registered dental assistant in extended
39 functions ~~licensed on or after January 1, 2010, or having completed~~
40 ~~the educational requirements to perform the duties authorized by~~

1 ~~Section 1753.5~~, is authorized to perform ~~both of the following~~
2 additional duties *as set forth in subdivision (b)* pursuant to the
3 order, control, and full professional responsibility of a supervising
4 ~~dentist~~: *dentist if the licensee meets one the following requirements:*

5 (1) *Is licensed on or after January 1, 2010.*

6 (2) *Is licensed prior to January 1, 2010, has successfully*
7 *completed a board-approved course in the additional procedures*
8 *specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of*
9 *subdivision (b) of Section 1753.5, and passed the examination as*
10 *specified in Section 1753.4.*

11 ~~(1)~~

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

19 (A) In a dental office setting.

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

4 (B) After a diagnosis and treatment plan *the diagnosis, treatment*
5 *plan, and instruction to perform the procedure provided by a*
6 dentist.

7 ~~(b)~~

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

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

33 (2) ~~Prior to January 1, 2018;~~ *Until the regulations adopted by*
34 *the board pursuant to paragraph (1) become effective,* the board
35 shall use the competency-based training protocols established by
36 ~~Health Workforce Pilot Project (HWPP) HWPP~~ No. 172 through
37 the Office of Statewide Health Planning and Development to
38 approve courses of instruction for the procedures authorized in
39 this section.

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

9 (4) In addition to the instructional components described in this
 10 subdivision, a program shall contain both of the instructional
 11 components described in this paragraph:

12 (A) The course shall be established at the postsecondary
 13 educational level.

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

18 (e)

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

24 (d)

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

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

30 1753.55. ~~(a) In addition to the duties specified in Section~~
 31 ~~1753.5, a~~ A registered dental assistant in extended functions
 32 ~~licensed on or after January 1, 2010, or having completed the~~
 33 ~~educational requirements to perform the duties authorized by~~
 34 ~~Section 1753.5 and 1753.6, is authorized to perform both of the~~
 35 ~~following additional duties as set forth in subdivision (b) pursuant~~
 36 ~~to the order, control, and full professional responsibility of a~~
 37 ~~supervising dentist: dentist, if the licensee meets one of the~~
 38 ~~following requirements:~~

39 (1) *Is licensed on or after January 1, 2010.*

1 (2) *Is licensed prior to January 1, 2010, has successfully*
2 *completed a board-approved course in the additional procedures*
3 *specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of*
4 *subdivision (b) of Section 1753.5, and passed the examination as*
5 *specified in Section 1753.4.*

6 (1)

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

14 (A) In a dental office setting.

15 (B) In public health settings, using telehealth, as defined by
16 Section 2290.5, for the purpose of communication with the
17 supervising dentist, including, but not limited to, schools, head
18 start and preschool programs, and community clinics, under the
19 general supervision of a dentist.

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

31 (A) In either of the following settings:

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

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

39 (B) ~~After a diagnosis and the diagnosis, treatment-plan plan,~~
40 *and instruction to perform the procedure provided by a dentist.*

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

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

27 ~~(d)~~
 28 (e) The board may issue a permit to a registered dental assistant
 29 in extended functions who files a completed application, including
 30 the fee, to provide the duties specified in this section after the board
 31 has determined the registered dental assistant in extended functions
 32 has completed the coursework required in subdivision ~~(b)~~: (c).

33 ~~(e)~~
 34 (f) This section shall become operative on January 1, 2018.

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

37 1910.5. (a) In addition to the duties specified in Section 1910,
 38 a registered dental hygienist is authorized to perform the following
 39 additional duties, as specified:

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

- 7 (A) In a dental office setting.
- 8 (B) In a public health setting, using telehealth, as defined by
9 Section 2290.5, for the purpose of communication with the
10 supervising dentist, including, but not limited to, schools, head
11 start and preschool programs, and community clinics.

12 (2) Place protective restorations, which for this purpose are
13 identified as interim therapeutic restorations, and defined as a
14 direct provisional restoration placed to stabilize the tooth until a
15 licensed dentist diagnoses the need for further definitive treatment.
16 An 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. Interim
21 therapeutic restorations shall be placed only in accordance with
22 both of the following:

- 23 (A) In either of the following settings:
 - 24 (i) In a dental office setting.
 - 25 (ii) In a public health setting, using telehealth, as defined by
26 Section 2290.5, for the purpose of communication with the
27 supervising dentist, including, but not limited to, schools, head
28 start and preschool programs, and community clinics.

29 (B) ~~After a diagnosis and the diagnosis, treatment plan plan,~~
30 ~~and instruction to perform the procedure provided by a dentist.~~

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

36 (c) (1) No later than January 1, 2018, the committee shall
37 ~~promulgate~~ *adopt* regulations to establish requirements for courses
38 of instruction for the procedures authorized to be performed by a
39 registered dental hygienist and registered dental hygienist in
40 alternative practice pursuant to Sections 1910.5 and 1926.05 using

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

12 (2) Prior to January 1, 2018, the committee shall use the
13 competency-based training protocols established by ~~Health~~
14 ~~Workforce Pilot Project (HWPP)~~ HWPP No. 172 through the
15 Office of Statewide Health Planning and Development to approve
16 courses 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~~ HWPP
19 No. 172 established by the Office of Statewide Health Planning
20 and 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); this subdivision~~, a program shall contain
26 both of the 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 (d) This section shall remain in effect only until January 1, 2018,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2018, deletes or extends that date.

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

38 1910.5. (a) In addition to the duties specified in Section 1910,
39 a registered dental hygienist is authorized to perform the following
40 additional duties, as specified:

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

7 (A) In a dental office setting.

8 (B) In a public health setting, using telehealth, as defined by
9 Section 2290.5, for the purpose of communication with the
10 supervising dentist, including, but not limited to, schools, head
11 start and preschool programs, and community clinics.

12 (2) Place protective restorations, which for this purpose are
13 identified as interim therapeutic restorations, and defined as a
14 direct provisional restoration placed to stabilize the tooth until a
15 licensed dentist diagnoses the need for further definitive treatment.
16 An 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. Interim
21 therapeutic restorations shall be placed only in accordance with
22 both of the following:

23 (A) In either of the following settings:

24 (i) In a dental office setting.

25 (ii) In a public health setting, using telehealth, as defined by
26 Section 2290.5, for the purpose of communication with the
27 supervising dentist, including, but not limited to, schools, head
28 start and preschool programs, and community clinics.

29 (B) ~~After a diagnosis and the diagnosis, treatment plan plan,~~
30 *and instruction to perform the procedure provided by a dentist.*

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

36 (c) No later than January 1, 2018, the committee shall
37 ~~promulgate~~ *adopt* regulations to establish requirements for courses
38 of instruction for the procedures authorized to be performed by a
39 registered dental hygienist and registered dental hygienist in
40 alternative practice pursuant to Sections 1910.5 and 1926.05, using

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

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

13 *SEC. 6. Section 1925 of the Business and Professions Code is*
14 *amended to read:*

15 1925. A registered dental hygienist in alternative practice may
16 practice, pursuant to subdivision (a) of Section 1907, subdivision
17 (a) of Section 1908, ~~and~~ subdivisions (a) and (b) of Section 1910,
18 *Section 1910.5, and Section 1926.05* as an employee of a dentist
19 or of another registered dental hygienist in alternative practice, as
20 an independent contractor, as a sole proprietor of an alternative
21 dental hygiene practice, as an employee of a primary care clinic
22 or specialty clinic that is licensed pursuant to Section 1204 of the
23 Health and Safety Code, as an employee of a primary care clinic
24 exempt from licensure pursuant to subdivision (c) of Section 1206
25 of the Health and Safety Code, as an employee of a clinic owned
26 or operated by a public hospital or health system, or as an employee
27 of a clinic owned and operated by a hospital that maintains the
28 primary contract with a county government to fill the county's role
29 under Section 17000 of the Welfare and Institutions Code.

30 ~~SEC. 6.~~

31 *SEC. 7. Section 1926.05 is added to the Business and*
32 *Professions Code, to read:*

33 1926.05. (a) In addition to the duties specified in Section
34 1926, a registered dental hygienist in alternative practice is
35 authorized to perform the ~~additional duties specified in pursuant~~
36 ~~to Section 1910.5 upon completion of the courses required in that~~
37 ~~section,~~ *1910.5*, in the following settings:

38 (a)

39 (1) Residences of the homebound.

40 (b)

1 (2) Schools.

2 (e)

3 (3) Residential facilities and other institutions.

4 (b) *A registered dental hygienist in alternative practice is*
5 *authorized to perform the duties pursuant to paragraph (2) of*
6 *subdivision (a) of Section 1910.5 in the settings specified in this*
7 *section under the general supervision of a dentist.*

8 ~~SEC. 7.~~

9 SEC. 8. Section 1944 of the Business and Professions Code is
10 amended to read:

11 1944. (a) The committee shall establish by resolution the
12 amount of the fees that relate to the licensing of a registered dental
13 hygienist, a registered dental hygienist in alternative practice, and
14 a registered dental hygienist in extended functions. The fees
15 established by board resolution in effect on June 30, 2009, as they
16 relate to the licensure of registered dental hygienists, registered
17 dental hygienists in alternative practice, and registered dental
18 hygienists in extended functions, shall remain in effect until
19 modified by the committee. The fees are subject to the following
20 limitations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) Fees fixed by the committee by resolution pursuant to this
32 section shall not be subject to the approval of the Office of
33 Administrative Law.

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

39 (e) No fees or charges other than those listed in this section shall
40 be levied by the committee in connection with the licensure of

1 registered dental hygienists, registered dental hygienists in
2 alternative practice, or registered dental hygienists in extended
3 functions.

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

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

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

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

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

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

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

20 ~~SEC. 8:~~

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. 9:~~

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.

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