

AMENDED IN SENATE APRIL 30, 2013

SENATE BILL

No. 562

Introduced by Senator Galgiani

February 22, 2013

An act to amend Section 1657 of the Business and Professions Code, relating to dentists.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as amended, Galgiani. Dentists: mobile or portable dental units.

Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law provides that a person practices dentistry if the person, among other things, manages or conducts as manager, proprietor, conductor, lessor, or otherwise, in any place where dental operations are performed. Existing law authorizes a dentist to operate one mobile dental clinic or unit that is registered and operated in accordance with regulations adopted by the board. Existing law also imposes specified registration requirements on a dentist who maintains additional places of practice. Other provisions of existing law, the Mobile Health Care Services Act, require, subject to specified exemptions, licensure by the State Department of Health Care Services to operate a mobile service unit.

This bill would authorize a licensed dentist to operate one mobile or portable dental unit, *as defined*, registered and operated in accordance with those regulations. The bill would authorize the regulations to include, but not be limited to, requirements for availability of followup and emergency care, maintenance, and availability of provider and

patient records, and treatment information to be provided to patients and other appropriate parties.

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 1657 of the Business and Professions
 2 Code is amended to read:

3 1657. (a) *For the purposes of this section, the following*
 4 *definitions shall apply:*

5 (1) *“Mobile dental unit” means a facility in which dentistry is*
 6 *practiced and that is routinely towed, moved, or transported from*
 7 *one location to another.*

8 (2) *“Portable dental unit” means a nonfacility in which dental*
 9 *equipment used in the practice of dentistry is transported to, and*
 10 *used on a temporary basis at, an out-of-office location.*

11 (b) A licensed dentist may operate one mobile or portable dental
 12 unit. The mobile or portable dental unit shall be registered and
 13 operated in accordance with regulations established by the board,
 14 provided these regulations are not designed to prevent or lessen
 15 competition in service areas. The regulations may include, but
 16 shall not be limited to, requirements for availability of followup
 17 and emergency care, maintenance, and availability of provider and
 18 patient records, and treatment information to be provided to patients
 19 and other appropriate parties. A mobile or portable dental unit
 20 registered and operated in accordance with the board’s regulations
 21 and that has paid the fees established by the board, including a
 22 mobile dental unit registered for the purpose specified in
 23 subdivision-~~(d)~~ (e), shall otherwise be exempted from this article
 24 and Article 3.5 (commencing with Section 1658).

25 ~~(b)~~

26 (c) A mobile service unit, as defined in subdivision (b) of
 27 Section 1765.105 of the Health and Safety Code, and a mobile
 28 unit operated by an entity that is exempt from licensure pursuant
 29 to subdivision (b), (c), or (h) of Section 1206 of the Health and
 30 Safety Code, are exempt from this article and Article 3.5
 31 (commencing with Section 1658). Notwithstanding this exemption,
 32 the owner or operator of the mobile unit shall notify the board
 33 within 60 days of the date on which dental services are first

1 delivered in the mobile unit, or the date on which the mobile unit's
2 application pursuant to Section 1765.130 of the Health and Safety
3 Code is approved, whichever is earlier.

4 ~~(e)~~

5 (d) A licensee practicing in a mobile unit described in
6 subdivision-~~(b)~~ (c) is not subject to subdivision-~~(a)~~ (b) as to that
7 mobile unit.

8 ~~(d)~~

9 (e) Notwithstanding Section 1625, a licensed dentist shall be
10 permitted to operate a mobile dental unit provided by his or her
11 property and casualty insurer as a temporary substitute site for the
12 practice registered by him or her pursuant to Section 1650 as long
13 as both of the following apply:

14 (1) The licensed dentist's registered place of practice has been
15 rendered and remains unusable due to loss or calamity.

16 (2) The licensee's insurer registers the unit with the board in
17 compliance with subdivision-~~(a)~~ (b).