

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 3, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 178**

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**Introduced by Assembly Member Bonilla**  
(Coauthor: Senator Hill)

January 26, 2015

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An act to amend Section 2847 of, ~~and to amend, repeal, and add Section 1752.1 of,~~ to add and repeal Sections 2847.5 and 2858.5 of, ~~and to repeal and add Section 1752.3 of,~~ the Business and Professions Code, relating to healing ~~arts~~: arts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 178, as amended, Bonilla. Board of Vocational Nursing and Psychiatric Technicians of the State of California.

*(1) The Dental Practice Act authorizes the Dental Board of California to license a person as a registered dental assistant if he or she meets certain requirements, including a written and practical examination.*

*This bill, until July 1, 2017, would remove that practical examination requirement. The bill would require the Dental Board of California, in consultation with the Office of Professional Examination Services, to determine on or before July 1, 2017, whether a practical examination is necessary to demonstrate the competency of registered dental assistants and to submit that determination to the appropriate policy committees of the Legislature by that date, as specified. The bill would make related conforming changes.*

(1)

(2) Existing law, the Vocational Nursing Practice Act and the Psychiatric Technicians Law, provides for the licensure and regulation of vocational nurses and psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians of the State of California and requires the board, among other things, to appoint an executive officer. Existing law requires the executive officer to be a licensed vocational nurse, registered nurse, or psychiatric technician.

This bill would remove the requirement that the executive officer be a licensed vocational nurse, registered nurse, or psychiatric technician.

(2)

(3) Existing law authorizes the Director of Consumer Affairs to investigate the work of the boards within the Department of Consumer Affairs, obtain a copy of the records of official matters in possession of the boards, and require reports from the boards as the director deems reasonably necessary. Existing law requires the director to provide certain reports to the Legislature, including, but not limited to, a copy of an independent review of the Bureau for Private Postsecondary Education's staffing resources needs and requirements. Existing law also makes a violation of the Vocational Nursing Practice Act or the Psychiatric Technicians Law a crime.

This bill would require the director to appoint an enforcement program monitor no later than October 1, 2015. The bill would require the *program* monitor to monitor and evaluate the vocational nursing and psychiatric technician system and procedures for a period of no more than 2 years, as specified, submit a report of his or her findings and conclusions to the Legislature, the department, and the board by April 1, 2016, subsequent reports by October 1, 2016, and February 1, 2017, and a final report by August 1, 2017. The bill would require the board and its staff to cooperate with the *program* monitor. The bill would also require the department's internal audit unit to review the board's staffing resources needs and requirements, and require the director to provide the Legislature with a copy of the review no later than October 1, 2016. The bill would repeal these provisions on January 1, 2018. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1752.1 of the Business and Professions  
2     Code is amended to read:

3     1752.1. (a) The board may license as a registered dental  
4     assistant a person who files an application and submits written  
5     evidence, satisfactory to the board, of one of the following  
6     eligibility requirements:

7         (1) Graduation from an educational program in registered dental  
8     assisting approved by the board, and satisfactory performance on  
9     a written ~~and practical~~ examination administered by the board.

10        (2) For individuals applying prior to January 1, 2010, evidence  
11     of completion of satisfactory work experience of at least 12 months  
12     as a dental assistant in California or another state and satisfactory  
13     performance on a written ~~and practical~~ examination administered  
14     by the board.

15        (3) For individuals applying on or after January 1, 2010,  
16     evidence of completion of satisfactory work experience of at least  
17     15 months as a dental assistant in California or another state and  
18     satisfactory performance on a written ~~and practical~~ examination  
19     administered by the board.

20        (b) For purposes of this section, “satisfactory work experience”  
21     means performance of the duties specified in Section 1750.1 in a  
22     competent manner as determined by the employing dentist, who  
23     shall certify to such satisfactory work experience in the application.

24        (c) The board shall give credit toward the work experience  
25     referred to in this section to persons who have graduated from a  
26     dental assisting program in a postsecondary institution approved  
27     by the Department of Education or in a secondary institution,  
28     regional occupational center, or regional occupational program,  
29     that are not, however, approved by the board pursuant to  
30     subdivision (a). The credit shall equal the total weeks spent in  
31     classroom training and internship on a week-for-week basis. The

1 board, in cooperation with the Superintendent of Public Instruction,  
2 shall establish the minimum criteria for the curriculum of  
3 nonboard-approved programs. Additionally, the board shall notify  
4 those programs only if the program’s curriculum does not meet  
5 established minimum criteria, as established for board-approved  
6 registered dental assistant programs, except any requirement that  
7 the program be given in a postsecondary institution. Graduates of  
8 programs not meeting established minimum criteria shall not  
9 qualify for satisfactory work experience as defined by this section.

10 (d) In addition to the requirements specified in subdivision (a),  
11 each applicant for registered dental assistant licensure on or after  
12 July 1, 2002, shall provide evidence of having successfully  
13 completed board-approved courses in radiation safety and coronal  
14 polishing as a condition of licensure. The length and content of  
15 the courses shall be governed by applicable board regulations.

16 (e) In addition to the requirements specified in subdivisions (a)  
17 and (d), individuals applying for registered dental assistant  
18 licensure on or after January 1, 2010, shall demonstrate satisfactory  
19 performance on a written examination in law and ethics  
20 administered by the board and shall provide written evidence of  
21 successful completion within five years prior to application of all  
22 of the following:

- 23 (1) A board-approved course in the Dental Practice Act.
- 24 (2) A board-approved course in infection control.
- 25 (3) A course in basic life support offered by an instructor  
26 approved by the American Red Cross or the American Heart  
27 Association, or any other course approved by the board as  
28 equivalent.

29 (f) A registered dental assistant may apply for an orthodontic  
30 assistant permit or a dental sedation assistant permit, or both, by  
31 submitting written evidence of the following:

- 32 (1) Successful completion of a board-approved orthodontic  
33 assistant or dental sedation assistant course, as applicable.
- 34 (2) Passage of a written examination administered by the board  
35 that shall encompass the knowledge, skills, and abilities necessary  
36 to competently perform the duties of the particular permit.

37 (g) A registered dental assistant with permits in either  
38 orthodontic assisting or dental sedation assisting shall be referred  
39 to as an “RDA with orthodontic assistant permit,” or “RDA with  
40 dental sedation assistant permit,” as applicable. These terms shall

1 be used for reference purposes only and do not create additional  
2 categories of licensure.

3 (h) Completion of the continuing education requirements  
4 established by the board pursuant to Section 1645 by a registered  
5 dental assistant who also holds a permit as an orthodontic assistant  
6 or dental sedation assistant shall fulfill the continuing education  
7 requirements for the permit or permits.

8 (i) *The board shall, in consultation with the Office of*  
9 *Professional Examination Services, conduct a review to determine*  
10 *whether a practical examination is necessary to demonstrate*  
11 *competency of registered dental assistants, and if so, how this*  
12 *examination should be developed and administered. The board*  
13 *shall submit its review and determination to the appropriate policy*  
14 *committees of the Legislature on or before July 1, 2017.*

15 (j) *This section shall remain in effect only until July 1, 2017,*  
16 *and as of that date is repealed, unless a later enacted statute, that*  
17 *is enacted before July 1, 2017, deletes or extends that date.*

18 SEC. 2. *Section 1752.1 is added to the Business and Professions*  
19 *Code, to read:*

20 1752.1. (a) *The board may license as a registered dental*  
21 *assistant a person who files an application and submits written*  
22 *evidence, satisfactory to the board, of one of the following*  
23 *eligibility requirements:*

24 (1) *Graduation from an educational program in registered*  
25 *dental assisting approved by the board, and satisfactory*  
26 *performance on a written and practical examination administered*  
27 *by the board.*

28 (2) *For individuals applying prior to January 1, 2010, evidence*  
29 *of completion of satisfactory work experience of at least 12 months*  
30 *as a dental assistant in California or another state and satisfactory*  
31 *performance on a written and practical examination administered*  
32 *by the board.*

33 (3) *For individuals applying on or after January 1, 2010,*  
34 *evidence of completion of satisfactory work experience of at least*  
35 *15 months as a dental assistant in California or another state and*  
36 *satisfactory performance on a written and practical examination*  
37 *administered by the board.*

38 (b) *For purposes of this section, “satisfactory work experience”*  
39 *means performance of the duties specified in Section 1750.1 in a*

1 *competent manner as determined by the employing dentist, who*  
2 *shall certify to such satisfactory work experience in the application.*

3 *(c) The board shall give credit toward the work experience*  
4 *referred to in this section to persons who have graduated from a*  
5 *dental assisting program in a postsecondary institution approved*  
6 *by the State Department of Education or in a secondary institution,*  
7 *regional occupational center, or regional occupational program,*  
8 *that are not, however, approved by the board pursuant to*  
9 *subdivision (a). The credit shall equal the total weeks spent in*  
10 *classroom training and internship on a week-for-week basis. The*  
11 *board, in cooperation with the Superintendent of Public Instruction,*  
12 *shall establish the minimum criteria for the curriculum of*  
13 *nonboard-approved programs. Additionally, the board shall notify*  
14 *those programs only if the program's curriculum does not meet*  
15 *established minimum criteria, as established for board-approved*  
16 *registered dental assistant programs, except any requirement that*  
17 *the program be given in a postsecondary institution. Graduates*  
18 *of programs not meeting established minimum criteria shall not*  
19 *qualify for satisfactory work experience as defined by this section.*

20 *(d) In addition to the requirements specified in subdivision (a),*  
21 *each applicant for registered dental assistant licensure on or after*  
22 *July 1, 2002, shall provide evidence of having successfully*  
23 *completed board-approved courses in radiation safety and coronal*  
24 *polishing as a condition of licensure. The length and content of*  
25 *the courses shall be governed by applicable board regulations.*

26 *(e) In addition to the requirements specified in subdivisions (a)*  
27 *and (d), individuals applying for registered dental assistant*  
28 *licensure on or after January 1, 2010, shall demonstrate*  
29 *satisfactory performance on a written examination in law and*  
30 *ethics administered by the board and shall provide written evidence*  
31 *of successful completion within five years prior to application of*  
32 *all of the following:*

33 *(1) A board-approved course in the Dental Practice Act.*

34 *(2) A board-approved course in infection control.*

35 *(3) A course in basic life support offered by an instructor*  
36 *approved by the American Red Cross or the American Heart*  
37 *Association, or any other course approved by the board as*  
38 *equivalent.*

1 (f) A registered dental assistant may apply for an orthodontic  
2 assistant permit or a dental sedation assistant permit, or both, by  
3 submitting written evidence of the following:

4 (1) Successful completion of a board-approved orthodontic  
5 assistant or dental sedation assistant course, as applicable.

6 (2) Passage of a written examination administered by the board  
7 that shall encompass the knowledge, skills, and abilities necessary  
8 to competently perform the duties of the particular permit.

9 (g) A registered dental assistant with permits in either  
10 orthodontic assisting or dental sedation assisting shall be referred  
11 to as an "RDA with orthodontic assistant permit," or "RDA with  
12 dental sedation assistant permit," as applicable. These terms shall  
13 be used for reference purposes only and do not create additional  
14 categories of licensure.

15 (h) Completion of the continuing education requirements  
16 established by the board pursuant to Section 1645 by a registered  
17 dental assistant who also holds a permit as an orthodontic assistant  
18 or dental sedation assistant shall fulfill the continuing education  
19 requirements for the permit or permits.

20 (i) This section shall become operative on July 1, 2017.

21 SEC. 3. Section 1752.3 of the Business and Professions Code  
22 is repealed.

23 ~~1752.3. (a) On and after January 1, 2010, the written~~  
24 ~~examination for registered dental assistant licensure required by~~  
25 ~~Section 1752.1 shall comply with Section 139.~~

26 ~~(b) On and after January 1, 2010, the practical examination for~~  
27 ~~registered dental assistant licensure required by Section 1752.1~~  
28 ~~shall consist of three of the procedures described in paragraphs~~  
29 ~~(1) to (4), inclusive. The specific procedures shall be assigned by~~  
30 ~~the board, after considering recommendations of its Dental~~  
31 ~~Assisting Council, and shall be graded by examiners appointed by~~  
32 ~~the board. The procedures shall be performed on a fully articulated~~  
33 ~~maxillary and mandibular typodont secured with a bench clamp.~~  
34 ~~Each applicant shall furnish the required materials necessary to~~  
35 ~~complete the examination.~~

36 ~~(1) Place a base or liner.~~

37 ~~(2) Place, adjust, and finish a direct provisional restoration.~~

38 ~~(3) Fabricate and adjust an indirect provisional restoration.~~

39 ~~(4) Cement an indirect provisional restoration.~~

1 SEC. 4. Section 1752.3 is added to the Business and Professions  
2 Code, to read:

3 1752.3. (a) On and after January 1, 2010, the written  
4 examination for registered dental assistant licensure required by  
5 Section 1752.1 shall comply with Section 139.

6 (b) On and after January 1, 2010, the practical examination for  
7 registered dental assistant licensure required by Section 1752.1  
8 shall consist of three of the procedures described in paragraphs  
9 (1) to (4), inclusive. The specific procedures shall be assigned by  
10 the board, after considering recommendations of its Dental  
11 Assisting Council, and shall be graded by examiners appointed  
12 by the board. The procedures shall be performed on a fully  
13 articulated maxillary and mandibular typodont secured with a  
14 bench clamp. Each applicant shall furnish the required materials  
15 necessary to complete the examination.

- 16 (1) Place a base or liner.
  - 17 (2) Place, adjust, and finish a direct provisional restoration.
  - 18 (3) Fabricate and adjust an indirect provisional restoration.
  - 19 (4) Cement an indirect provisional restoration.
- 20 (c) This section shall become operative on July 1, 2017.

21 ~~SECTION 4.~~

22 SEC. 5. Section 2847 of the Business and Professions Code is  
23 amended to read:

24 2847. (a) The board shall select an executive officer who shall  
25 perform duties as are delegated by the board and who shall be  
26 responsible to it for the accomplishment of those duties. The  
27 executive officer shall not be a member of the board.

28 (b) With the approval of the Director of Finance, the board shall  
29 fix the salary of the executive officer.

30 (c) The executive officer shall be entitled to traveling and other  
31 necessary expenses in the performance of his or her duties. He or  
32 she shall make a statement, certified before a duly authorized  
33 person, that the expenses have been actually incurred.

34 (d) This section shall remain in effect only until January 1, 2016,  
35 and as of that date is repealed.

36 ~~SEC. 2.~~

37 SEC. 6. Section 2847.5 is added to the Business and Professions  
38 Code, to read:

39 2847.5. (a) (1) The director shall appoint an enforcement  
40 program monitor no later than October 1, 2015. The director may

1 retain a person for this position by a personal services contract. In  
2 this connection, the Legislature finds, pursuant to Section 19130  
3 of the Government Code, that this is a new state function.

4 (2) The director shall supervise the enforcement program  
5 monitor and may terminate or dismiss him or her from this position.

6 (b) (1) The enforcement program monitor shall monitor and  
7 evaluate the board’s vocational nursing and psychiatric technician  
8 disciplinary system and procedures, with specific concentration  
9 on improving the overall efficiency and consistency of the  
10 enforcement program. The director shall specify further duties of  
11 the monitor.

12 (2) The monitoring duty shall be on a continuing basis for a  
13 period of no more than two years from the date of the enforcement  
14 program monitor’s appointment and shall include, but not be  
15 limited to, all of the following areas: improving the quality and  
16 consistency of complaint processing and investigation, assuring  
17 consistency in the application of sanctions or discipline imposed  
18 on licensees, the accurate and consistent implementation of the  
19 laws and rules affecting discipline, including adhering to CPEI  
20 complaint priority guidelines as described in the memorandum  
21 dated August 31, 2009, by Brian J. Stinger titled “Complaint  
22 Prioritization Guidelines for Health Care Agencies,” staff concerns  
23 regarding disciplinary matters or procedures, appropriate utilization  
24 of licensed professionals to investigate complaints, the board’s  
25 cooperation with other governmental entities charged with  
26 enforcing related laws and regulations regarding vocational nurses  
27 and psychiatric technicians.

28 (3) The enforcement program monitor shall exercise no authority  
29 over the board’s management or staff; however, the board and its  
30 staff shall cooperate with him or her, and shall provide data,  
31 information, and files as requested by the monitor to perform all  
32 of his or her duties.

33 (4) The director shall assist the enforcement program monitor  
34 in the performance of his or her duties, and the monitor shall have  
35 the same investigative authority as the director.

36 (c) (1) The enforcement program monitor shall submit to the  
37 department, the board, and the Legislature an initial written report  
38 of his or her findings and conclusions no later than April 1, 2016,  
39 and subsequent written reports no later than October 1, 2016, and  
40 February 1, 2017, and shall be available to make oral reports to

1 each if requested to do so. The monitor may also provide additional  
2 information to either the department or the Legislature at his or  
3 her discretion or at the request of either the department or the  
4 Legislature. The monitor shall make his or her reports available  
5 to the public or the media. The monitor shall make every effort to  
6 provide the board with an opportunity to reply to any facts, finding,  
7 issues, or conclusions in his or her reports with which the board  
8 may disagree.

9 (2) The enforcement program monitor shall issue a final report  
10 before August 1, 2017. The final report shall include final findings  
11 and conclusions on the topics addressed in the initial report  
12 submitted by the monitor pursuant to paragraph (1).

13 (d) The board shall pay for all of the costs associated with the  
14 employment of the enforcement program monitor.

15 (e) This section shall become inoperative on October 1, 2017,  
16 and as of January 1, 2018, is repealed.

17 ~~SEC. 3.~~

18 *SEC. 7.* Section 2858.5 is added to the Business and Professions  
19 Code, to read:

20 2858.5. (a) The department’s internal audit unit shall review  
21 the board’s staffing resources needs and requirements, and the  
22 director shall provide to the Legislature a copy of the review, no  
23 later than October 1, 2016. The director shall include with this  
24 report an overview of how the director intends to ensure that the  
25 board’s staff are sufficiently qualified for purposes of implementing  
26 the provisions of this chapter and Chapter 10 (commencing with  
27 Section 4500), and the estimated costs of meeting staffing and  
28 other requirements to implement this chapter and Chapter 10  
29 (commencing with Section 4500) based on findings of the review.  
30 The director shall include a brief evaluation of whether the current  
31 fee structure is appropriate to satisfy those staffing and other  
32 requirements.

33 (b) This section shall remain in effect only until January 1, 2018,  
34 and as of that date is repealed.

35 ~~SEC. 4.~~

36 *SEC. 8.* No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district will be incurred because this act creates a new crime or  
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

5 *SEC. 9. This act is an urgency statute necessary for the*  
6 *immediate preservation of the public peace, health, or safety within*  
7 *the meaning of Article IV of the Constitution and shall go into*  
8 *immediate effect. The facts constituting the necessity are:*

9 *In order for the Board of Vocational Nursing and Psychiatric*  
10 *Technicians of the State of California to meet urgent administrative*  
11 *needs, it is necessary that this act take effect immediately.*

O