

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 179**

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

January 26, 2015

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An act to amend Sections 205, 726, 1601.1, 1616.5, 1632, 1638, 1638.1, 1638.3, 1646.6, 1647.8, 1724, 1725, ~~1752.1~~, 2841, 2847, 2894, 4501, 4503, and 4547 of, to repeal Section ~~1752.3~~, of and to add Section 1650.1 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 179, as amended, Bonilla. Healing arts.

(1) Under Existing law, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer is unprofessional conduct, except that it is not unprofessional conduct when sexual contact is between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship, as specified.

This bill would expand the exception by providing that it would not be unprofessional conduct when sexual contact is between a licensee and his or her spouse or person in an equivalent domestic relationship, as specified.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California within the Department of Consumer Affairs, which consists of 8 practicing dentists, a registered dental hygienist, a registered dental assistant, and 5 public members, and authorizes the board to appoint

an executive officer to exercise powers and perform duties delegated by the board to him or her. These provisions are in effect only until January 1, 2016, and upon repeal of those provisions the board will be subject to review by the appropriate policy committees of the Legislature. The act proscribes various fees that are required to be paid by dentists and dental assistants for, among other things, an initial license and the renewal of that license. ~~The act also authorizes the board to license a person as a registered dental assistant if he or she meets certain requirements, including a written and practical examination.~~

This bill would extend the provisions relating to the Dental Board until January 1, 2020. The bill would also change various fees that would be required to be paid by a dentist, a dental assistant, or certain educational programs, as specified. The bill would, on and after January 1, 2016, require that an initial license for a dentist be no greater ~~than \$1,200~~ *than \$650* and would require the fee for the renewal of that license to be no greater than ~~\$1,200.~~ *\$650.* ~~The bill would, on and after January 1, 2018, require that an initial license be no greater than \$800 and would require the fee for a renewal of that license to be no greater than \$800.~~ The bill would also require, by July 1, 2016, every applicant and licensee under the act to report to the board his or her electronic mail address, and would require the board to annually send an electronic notice to each applicant and licensee that requests confirmation of the applicant's or licensee's electronic mail address. ~~The bill would require the board, in consultation with the Office of Professional Examination Services, to determine by January 1, 2017, whether a practical examination is necessary to demonstrate the competency of registered dental assistants and, if the board determines that a practical examination is necessary, to submit that determination to the appropriate policy committees of the Legislature and to administer the examination, as specified.~~

(3) Existing law provides for the licensure and regulation of vocational nurses under the Vocational Nursing Practice Act, and psychiatric technicians under the Psychiatric Technicians Law, by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. Existing law repeals these provisions on January 1, 2016.

This bill would extend the repeal date of the provisions relating to the board to January 1, 2018.

(4) Existing law establishes the Vocational Nursing and Psychiatric Technicians Fund in the State Treasury, and establishes the Vocational Nurses Account and the Psychiatric Technicians Examiners Account

within the fund. Existing law authorizes the Board of Vocational Nursing and Psychiatric Technicians of the State of California to collect specified fees and fines related to the board's licensure and regulation of psychiatric technicians, and prohibits the board from charging expenses for these activities from any other source.

This bill would remove that prohibition, abolish the Vocational Nurses Account and the Psychiatric Technicians Examiners Account, and specify that all money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out the Vocational Nursing Practice Act and the Psychiatric Technicians Law.

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 205 of the Business and Professions Code  
2 is amended to read:  
3 205. (a) There is in the State Treasury the Professions and  
4 Vocations Fund. The fund shall consist of the following special  
5 funds:  
6 (1) Accountancy Fund.  
7 (2) California Architects Board Fund.  
8 (3) Athletic Commission Fund.  
9 (4) Barbering and Cosmetology Contingent Fund.  
10 (5) Cemetery Fund.  
11 (6) Contractors' License Fund.  
12 (7) State Dentistry Fund.  
13 (8) State Funeral Directors and Embalmers Fund.  
14 (9) Guide Dogs for the Blind Fund.  
15 (10) Home Furnishings and Thermal Insulation Fund.  
16 (11) California Architects Board-Landscape Architects Fund.  
17 (12) Contingent Fund of the Medical Board of California.  
18 (13) Optometry Fund.  
19 (14) Pharmacy Board Contingent Fund.  
20 (15) Physical Therapy Fund.  
21 (16) Private Investigator Fund.  
22 (17) Professional Engineer's and Land Surveyor's Fund.  
23 (18) Consumer Affairs Fund.  
24 (19) Behavioral Sciences Fund.  
25 (20) Licensed Midwifery Fund.

- 1 (21) Court Reporters' Fund.
- 2 (22) Veterinary Medical Board Contingent Fund.
- 3 (23) Vocational Nursing and Psychiatric Technicians Fund.
- 4 (24) Electronic and Appliance Repair Fund.
- 5 (25) Geology and Geophysics Account of the Professional
- 6 Engineer's and Land Surveyor's Fund.
- 7 (26) Dispensing Opticians Fund.
- 8 (27) Acupuncture Fund.
- 9 (28) Physician Assistant Fund.
- 10 (29) Board of Podiatric Medicine Fund.
- 11 (30) Psychology Fund.
- 12 (31) Respiratory Care Fund.
- 13 (32) Speech-Language Pathology and Audiology and Hearing
- 14 Aid Dispensers Fund.
- 15 (33) Board of Registered Nursing Fund.
- 16 (34) Animal Health Technician Examining Committee Fund.
- 17 (35) State Dental Hygiene Fund.
- 18 (36) State Dental Assistant Fund.
- 19 (37) Structural Pest Control Fund.
- 20 (38) Structural Pest Control Eradication and Enforcement Fund.
- 21 (39) Structural Pest Control Research Fund.

22 (b) For accounting and recordkeeping purposes, the Professions  
23 and Vocations Fund shall be deemed to be a single special fund,  
24 and each of the several special funds therein shall constitute and  
25 be deemed to be a separate account in the Professions and  
26 Vocations Fund. Each account or fund shall be available for  
27 expenditure only for the purposes as are now or may hereafter be  
28 provided by law.

29 SEC. 2. Section 726 of the Business and Professions Code is  
30 amended to read:

31 726. (a) The commission of any act of sexual abuse,  
32 misconduct, or relations with a patient, client, or customer  
33 constitutes unprofessional conduct and grounds for disciplinary  
34 action for any person licensed under this division or under any  
35 initiative act referred to in this division.

36 (b) This section shall not apply to sexual contact between a  
37 licensee and his or her spouse or person in an equivalent domestic  
38 relationship when that licensee provides medical treatment, other  
39 than psychotherapeutic treatment, to his or her spouse or person  
40 in an equivalent domestic relationship.

1 SEC. 3. Section 1601.1 of the Business and Professions Code  
2 is amended to read:

3 1601.1. (a) There shall be in the Department of Consumer  
4 Affairs the Dental Board of California in which the administration  
5 of this chapter is vested. The board shall consist of eight practicing  
6 dentists, one registered dental hygienist, one registered dental  
7 assistant, and five public members. Of the eight practicing dentists,  
8 one shall be a member of a faculty of any California dental college,  
9 and one shall be a dentist practicing in a nonprofit community  
10 clinic. The appointing powers, described in Section 1603, may  
11 appoint to the board a person who was a member of the prior board.  
12 The board shall be organized into standing committees dealing  
13 with examinations, enforcement, and other subjects as the board  
14 deems appropriate.

15 (b) For purposes of this chapter, any reference in this chapter  
16 to the Board of Dental Examiners shall be deemed to refer to the  
17 Dental Board of California.

18 (c) The board shall have all authority previously vested in the  
19 existing board under this chapter. The board may enforce all  
20 disciplinary actions undertaken by the previous board.

21 (d) This section shall remain in effect only until January 1, 2020,  
22 and as of that date is repealed, unless a later enacted statute, that  
23 is enacted before January 1, 2020, deletes or extends that date.  
24 Notwithstanding any other law, the repeal of this section renders  
25 the board subject to review by the appropriate policy committees  
26 of the Legislature.

27 SEC. 4. Section 1616.5 of the Business and Professions Code  
28 is amended to read:

29 1616.5. (a) The board, by and with the approval of the director,  
30 may appoint a person exempt from civil service who shall be  
31 designated as an executive officer and who shall exercise the  
32 powers and perform the duties delegated by the board and vested  
33 in him or her by this chapter.

34 (b) This section shall remain in effect only until January 1, 2020,  
35 and as of that date is repealed, unless a later enacted statute, that  
36 is enacted before January 1, 2020, deletes or extends that date.

37 SEC. 5. Section 1632 of the Business and Professions Code is  
38 amended to read:

39 1632. (a) The board shall require each applicant to successfully  
40 complete the Part I and Part II written examinations of the National

1 Board Dental Examination of the Joint Commission on National  
2 Dental Examinations.

3 (b) The board shall require each applicant to successfully  
4 complete an examination in California law and ethics developed  
5 and administered by the board. The board shall provide a separate  
6 application for this examination. The board shall ensure that the  
7 law and ethics examination reflects current law and regulations,  
8 and ensure that the examinations are randomized. Applicants shall  
9 submit this application and required fee to the board in order to  
10 take this examination. In addition to the aforementioned  
11 application, the only other requirement for taking this examination  
12 shall be certification from the dean of the qualifying dental school  
13 attended by the applicant that the applicant has graduated, or will  
14 graduate, or is expected to graduate. Applicants who submit  
15 completed applications and certification from the dean at least 15  
16 days prior to a scheduled examination shall be scheduled to take  
17 the examination. Successful results of the examination shall, as  
18 established by board regulation, remain valid for two years from  
19 the date that the applicant is notified of having passed the  
20 examination.

21 (c) Except as otherwise provided in Section 1632.5, the board  
22 shall require each applicant to have taken and received a passing  
23 score on one of the following:

24 (1) A portfolio examination of the applicant's competence to  
25 enter the practice of dentistry. This examination shall be conducted  
26 while the applicant is enrolled in a dental school program at a  
27 board-approved school located in California. This examination  
28 shall utilize uniform standards of clinical experiences and  
29 competencies, as approved by the board pursuant to Section 1632.1.  
30 The applicant shall pass a final assessment of the submitted  
31 portfolio at the end of his or her dental school program. Before  
32 any portfolio assessment may be submitted to the board, the  
33 applicant shall remit the required fee to the board to be deposited  
34 into the State Dentistry Fund, and a letter of good standing signed  
35 by the dean of his or her dental school or his or her delegate stating  
36 that the applicant has graduated or will graduate with no pending  
37 ethical issues.

38 (A) The portfolio examination shall not be conducted until the  
39 board adopts regulations to carry out this paragraph. The board

1 shall post notice on its Internet Web site when these regulations  
2 have been adopted.

3 (B) The board shall also provide written notice to the Legislature  
4 and the Legislative Counsel when these regulations have been  
5 adopted.

6 (2) A clinical and written examination administered by the  
7 Western Regional Examining Board, which board shall determine  
8 the passing score for that examination.

9 (d) Notwithstanding subdivision (b) of Section 1628, the board  
10 is authorized to do either of the following:

11 (1) Approve an application for examination from, and to  
12 examine an applicant who is enrolled in, but has not yet graduated  
13 from, a reputable dental school approved by the board.

14 (2) Accept the results of an examination described in paragraph  
15 (2) of subdivision (c) submitted by an applicant who was enrolled  
16 in, but had not graduated from, a reputable dental school approved  
17 by the board at the time the examination was administered.

18 In either case, the board shall require the dean of that school or  
19 his or her delegate to furnish satisfactory proof that the applicant  
20 will graduate within one year of the date the examination was  
21 administered or as provided in paragraph (1) of subdivision (c).

22 SEC. 6. Section 1638 of the Business and Professions Code is  
23 amended to read:

24 1638. (a) For purposes of this article, “oral and maxillofacial  
25 surgery” means the diagnosis and surgical and adjunctive treatment  
26 of diseases, injuries, and defects which involve both functional  
27 and esthetic aspects of the hard and soft tissues of the oral and  
28 maxillofacial region.

29 (b) Any person licensed under the Medical Practice Act (Chapter  
30 5 (commencing with Section 2000)) as a physician and surgeon  
31 who possesses, or possessed, a license to practice dentistry in  
32 another state, but is not licensed to practice dentistry under this  
33 chapter may apply to the board on a form prescribed by the board  
34 for an oral and maxillofacial surgery permit.

35 (c) The board may issue an oral and maxillofacial surgery permit  
36 to an applicant who has furnished evidence satisfactory to the  
37 board that he or she is currently certified or eligible for certification  
38 in oral and maxillofacial surgery by a specialty board recognized  
39 by the Commission on Accreditation of the American Dental

1 Association and holds a current license in good standing to practice  
2 medicine in the state.

3 (d) An application shall be accompanied by an application fee  
4 required by the board and two classifiable sets of fingerprints on  
5 forms provided by the board.

6 SEC. 7. Section 1638.1 of the Business and Professions Code  
7 is amended to read:

8 1638.1. (a) (1) A person licensed pursuant to Section 1634  
9 who wishes to perform elective facial cosmetic surgery shall first  
10 apply for and receive a permit to perform elective facial cosmetic  
11 surgery from the board.

12 (2) A permit issued pursuant to this section shall be valid for a  
13 period of two years and must be renewed by the permitholder at  
14 the time his or her license is renewed. Every six years, prior to  
15 renewal of the permitholder's license and permit, the permitholder  
16 shall submit evidence acceptable to the credentialing committee  
17 that he or she has maintained continued competence to perform  
18 the procedures authorized by the permit. The credentialing  
19 committee may limit a permit consistent with paragraph (1) of  
20 subdivision (e) if it is not satisfied that the permitholder has  
21 established continued competence.

22 (b) The board may adopt regulations for the issuance of the  
23 permit that it deems necessary to protect the health, safety, and  
24 welfare of the public.

25 (c) A licensee may obtain a permit to perform elective facial  
26 cosmetic surgery by furnishing all of the following information  
27 on an application form approved by the board:

28 (1) Proof of successful completion of an oral and maxillofacial  
29 surgery residency program accredited by the Commission on Dental  
30 Accreditation of the American Dental Association.

31 (2) Proof that the applicant has satisfied the criteria specified  
32 in either subparagraph (A) or (B):

33 (A) (i) Is certified, or is a candidate for certification, by the  
34 American Board of Oral and Maxillofacial Surgery.

35 (ii) Submits to the board a letter from the program director of  
36 the accredited residency program, or from the director of a  
37 postresidency fellowship program accredited by the Commission  
38 on Dental Accreditation of the American Dental Association,  
39 stating that the licensee has the education, training, and competence

1 necessary to perform the surgical procedures that the licensee has  
2 notified the board he or she intends to perform.

3 (iii) Submits documentation to the board of at least 10 operative  
4 reports from residency training or proctored procedures that are  
5 representative of procedures that the licensee intends to perform  
6 from both of the following categories:

7 (I) Cosmetic contouring of the osteocartilaginous facial structure,  
8 which may include, but is not limited to, rhinoplasty and otoplasty.

9 (II) Cosmetic soft tissue contouring or rejuvenation, which may  
10 include, but is not limited to, facelift, blepharoplasty, facial skin  
11 resurfacing, or lip augmentation.

12 (iv) Submits documentation to the board showing the surgical  
13 privileges the applicant possesses at any licensed general acute  
14 care hospital and any licensed outpatient surgical facility in this  
15 state.

16 (B) (i) Has been granted privileges by the medical staff at a  
17 licensed general acute care hospital to perform the surgical  
18 procedures set forth in paragraph (A) at that hospital.

19 (ii) Submits to the board the documentation described in clause  
20 (iii) of subparagraph (A).

21 (3) Proof that the applicant is on active status on the staff of a  
22 general acute care hospital and maintains the necessary privileges  
23 based on the bylaws of the hospital to maintain that status.

24 (d) The application shall be accompanied by an application fee  
25 required by the board for an initial permit. The fee to renew a  
26 permit shall not exceed the maximum amount prescribed in Section  
27 1724.

28 (e) (1) The board shall appoint a credentialing committee to  
29 review the qualifications of each applicant for a permit. Upon  
30 completion of the review of an applicant, the committee shall make  
31 a recommendation to the board on whether to issue or not issue a  
32 permit to the applicant. The permit may be unqualified, entitling  
33 the permitholder to perform any facial cosmetic surgical procedure  
34 authorized by this section, or it may contain limitations if the  
35 credentialing committee is not satisfied that the applicant has the  
36 training or competence to perform certain classes of procedures,  
37 or if the applicant has not requested to be permitted for all  
38 procedures authorized by this section.

39 (2) The credentialing committee shall be comprised of five  
40 members, as follows:

1 (A) A physician and surgeon with a specialty in plastic and  
2 reconstructive surgery who maintains active status on the staff of  
3 a licensed general acute care hospital in this state.

4 (B) A physician and surgeon with a specialty in otolaryngology  
5 who maintains active status on the staff of a licensed general acute  
6 care hospital in this state.

7 (C) Three oral and maxillofacial surgeons licensed by the board  
8 who are board certified by the American Board of Oral and  
9 Maxillofacial Surgeons, and who maintain active status on the  
10 staff of a licensed general acute care hospital in this state, at least  
11 one of whom shall be licensed as a physician and surgeon in this  
12 state. Two years after the effective date of this section, any oral  
13 and maxillofacial surgeon appointed to the committee who is not  
14 licensed as a physician and surgeon shall hold a permit pursuant  
15 to this section.

16 (3) The board shall solicit from the following organizations  
17 input and recommendations regarding members to be appointed  
18 to the credentialing committee:

19 (A) The Medical Board of California.

20 (B) The California Dental Association.

21 (C) The California Association of Oral and Maxillofacial  
22 Surgeons.

23 (D) The California Medical Association.

24 (E) The California Society of Plastic Surgeons.

25 (F) Any other source that the board deems appropriate.

26 (4) The credentialing committee shall meet at a time and place  
27 directed by the board to evaluate applicants for permits. A quorum  
28 of three members shall be required for the committee to consider  
29 applicants and make recommendations to the board.

30 (f) A licensee may not perform any elective, facial cosmetic  
31 surgical procedure except at a general acute care hospital, a licensed  
32 outpatient surgical facility, or an outpatient surgical facility  
33 accredited by the Joint Commission on Accreditation of Healthcare  
34 Organizations (JCAHO), the American Association for Ambulatory  
35 Health Care (AAAHC), the Medicare program, or an accreditation  
36 agency approved by the Medical Board of California pursuant to  
37 subdivision (g) of Section 1248.1 of the Health and Safety Code.

38 (g) For purposes of this section, the following terms shall have  
39 the following meanings:

1 (1) “Elective cosmetic surgery” means any procedure defined  
2 as cosmetic surgery in subdivision (d) of Section 1367.63 of the  
3 Health and Safety Code, and excludes any procedure that  
4 constitutes reconstructive surgery, as defined in subdivision (c) of  
5 Section 1367.63 of the Health and Safety Code.

6 (2) “Facial” means those regions of the human body described  
7 in Section 1625 and in any regulations adopted pursuant to that  
8 section by the board.

9 (h) A holder of a permit issued pursuant to this section shall not  
10 perform elective facial cosmetic surgical procedures unless he or  
11 she has malpractice insurance or other financial security protection  
12 that would satisfy the requirements of Section 2216.2 and any  
13 regulations adopted thereunder.

14 (i) A holder of a permit shall comply with the requirements of  
15 subparagraph (D) of paragraph (2) of subdivision (a) of Section  
16 1248.15 of the Health and Safety Code, and the reporting  
17 requirements specified in Section 2240, with respect to any surgical  
18 procedure authorized by this section, in the same manner as a  
19 physician and surgeon.

20 (j) Any violation of this section constitutes unprofessional  
21 conduct and is grounds for the revocation or suspension of the  
22 person’s permit, license, or both, or the person may be reprimanded  
23 or placed on probation. Proceedings initiated by the board under  
24 this section shall be conducted in accordance with Chapter 5  
25 (commencing with Section 11500) of Part 1 of Division 3 of Title  
26 2 of the Government Code, and the board shall have all the powers  
27 granted therein.

28 (k) On or before January 1, 2009, and every four years thereafter,  
29 the board shall report to the Joint Committee on Boards,  
30 Commissions and Consumer Protection on all of the following:

31 (1) The number of persons licensed pursuant to Section 1634  
32 who apply to receive a permit to perform elective facial cosmetic  
33 surgery from the board pursuant to subdivision (a).

34 (2) The recommendations of the credentialing committee to the  
35 board.

36 (3) The board’s action on recommendations received by the  
37 credentialing committee.

38 (4) The number of persons receiving a permit from the board  
39 to perform elective facial cosmetic surgery.

1 (5) The number of complaints filed by or on behalf of patients  
2 who have received elective facial cosmetic surgery by persons  
3 who have received a permit from the board to perform elective  
4 facial cosmetic surgery.

5 (6) Action taken by the board resulting from complaints filed  
6 by or on behalf of patients who have received elective facial  
7 cosmetic surgery by persons who have received a permit from the  
8 board to perform elective facial cosmetic surgery.

9 SEC. 8. Section 1638.3 of the Business and Professions Code  
10 is amended to read:

11 1638.3. (a) The fee to renew an oral and maxillofacial surgery  
12 permit shall be the amount prescribed in Section 1724.

13 (b) Every provision of this chapter applicable to a person  
14 licensed to practice dentistry shall apply to a person to whom a  
15 special permit is issued under this article.

16 SEC. 9. Section 1646.6 of the Business and Professions Code  
17 is amended to read:

18 1646.6. (a) The application fee for a permit or renewal under  
19 this article shall not exceed the amount prescribed in Section 1724.

20 (b) The fee for an onsite inspection shall not exceed the amount  
21 prescribed in Section 1724.

22 (c) It is the intent of the Legislature that fees established  
23 pursuant to this section be equivalent to administration and  
24 enforcement costs incurred by the board in carrying out this article.

25 (d) At the discretion of the board, the fee for onsite inspection  
26 may be collected and retained by a contractor engaged pursuant  
27 to subdivision (b) of Section 1646.4.

28 SEC. 10. Section 1647.8 of the Business and Professions Code  
29 is amended to read:

30 1647.8. (a) The application fee for a permit or renewal under  
31 this article shall not exceed the amount prescribed in Section 1724.

32 (b) The fee for an onsite inspection shall not exceed the amount  
33 prescribed in Section 1724.

34 (c) It is the intent of the Legislature that the board hire sufficient  
35 staff to administer the program and that the fees established  
36 pursuant to this section be equivalent to administration and  
37 enforcement costs incurred by the board in carrying out this article.

38 SEC. 11. Section 1650.1 is added to the Business and  
39 Professions Code, to read:

1 1650.1. (a) Every applicant and licensee who has an electronic  
2 mail address shall report to the board that electronic mail address  
3 no later than July 1, 2016. The electronic mail address shall be  
4 considered confidential and not subject to public disclosure.

5 (b) The board shall annually send an electronic notice to each  
6 applicant and licensee that requests confirmation from the  
7 application or licensee that his or her electronic mail address is  
8 current.

9 SEC. 12. Section 1724 of the Business and Professions Code  
10 is amended to read:

11 1724. The amount of charges and fees for dentists licensed  
12 pursuant to this chapter shall be established by the board as is  
13 necessary for the purpose of carrying out the responsibilities  
14 required by this chapter as it relates to dentists, subject to the  
15 following limitations:

16 (a) The fee for an application for licensure qualifying pursuant  
17 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed  
18 one thousand five hundred dollars (\$1,500). The fee for an  
19 application for licensure qualifying pursuant to paragraph (2) of  
20 subdivision (c) of Section 1632 shall not exceed one thousand  
21 dollars (\$1,000).

22 (b) The fee for an application for licensure qualifying pursuant  
23 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

24 (c) The fee for an application for licensure qualifying pursuant  
25 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

26 (d) The fee for an initial license and for the renewal of a license  
27 is five hundred twenty-five dollars (\$525). On and after January  
28 1, 2016, the fee for an initial license shall not exceed ~~one thousand~~  
29 ~~two six hundred fifty~~ *two six hundred fifty* dollars ~~(\$1,200); (\$650)~~, and the fee for the  
30 renewal of a license shall not exceed ~~one thousand two six hundred~~  
31 ~~fifty~~ *fifty* dollars ~~(\$1,200); (\$650)~~. *On and after January 1, 2018, the*  
32 *fee for an initial license shall not exceed eight hundred dollars*  
33 *(\$800), and the fee for the renewal of a license shall not exceed*  
34 *eight hundred dollars (\$800).*

35 (e) The fee for an application for a special permit shall not  
36 exceed one thousand dollars (\$1,000), and the renewal fee for a  
37 special permit shall not exceed six hundred dollars (\$600).

38 (f) The delinquency fee shall be 50 percent of the renewal fee  
39 for such a license or permit in effect on the date of the renewal of  
40 the license or permit.

1 (g) The penalty for late registration of change of place of  
2 practice shall not exceed seventy-five dollars (\$75).

3 (h) The fee for an application for an additional office permit  
4 shall not exceed seven hundred fifty dollars (\$750), and the fee  
5 for the renewal of an additional office permit shall not exceed three  
6 hundred seventy-five dollars (\$375).

7 (i) The fee for issuance of a replacement pocket license,  
8 replacement wall certificate, or replacement engraved certificate  
9 shall not exceed one hundred twenty-five dollars (\$125).

10 (j) The fee for a provider of continuing education shall not  
11 exceed five hundred dollars (\$500) per year.

12 (k) The fee for application for a referral service permit and for  
13 renewal of that permit shall not exceed twenty-five dollars (\$25).

14 (l) The fee for application for an extramural facility permit and  
15 for the renewal of a permit shall not exceed twenty-five dollars  
16 (\$25).

17 (m) The fee for an application for an elective facial cosmetic  
18 surgery permit shall not exceed four thousand dollars (\$4,000),  
19 and the fee for the renewal of an elective facial cosmetic surgery  
20 permit shall not exceed eight hundred dollars (\$800).

21 (n) The fee for an application for an oral and maxillofacial  
22 surgery permit shall not exceed one thousand dollars (\$1,000), and  
23 the fee for the renewal of an oral and maxillofacial surgery permit  
24 shall not exceed one thousand two hundred dollars (\$1,200).

25 (o) The fee for an application for a general anesthesia permit  
26 shall not exceed one thousand dollars (\$1,000), and the fee for the  
27 renewal of a general anesthesia permit shall not exceed six hundred  
28 dollars (\$600).

29 (p) The fee for an onsite inspection and evaluation related to a  
30 general anesthesia or conscious sedation permit shall not exceed  
31 four thousand five hundred dollars (\$4,500).

32 (q) The fee for an application for a conscious sedation permit  
33 shall not exceed one thousand dollars (\$1,000), and the fee for the  
34 renewal of a conscious sedation permit shall not exceed six hundred  
35 dollars (\$600).

36 (r) The fee for an application for an oral conscious sedation  
37 permit shall not exceed one thousand dollars (\$1,000), and the fee  
38 for the renewal of an oral conscious sedation permit shall not  
39 exceed six hundred dollars (\$600).

1 (s) The fee for a certification of licensure shall not exceed one  
2 hundred twenty-five dollars (\$125).

3 (t) The fee for an application for the law and ethics examination  
4 shall not exceed two hundred fifty dollars (\$250).

5 The board shall report to the appropriate fiscal committees of  
6 each house of the Legislature whenever the board increases any  
7 fee pursuant to this section and shall specify the rationale and  
8 justification for that increase.

9 ~~SEC. 13. Section 1752.1 of the Business and Professions Code~~  
10 ~~is amended to read:~~

11 ~~1752.1. (a) The board may license as a registered dental~~  
12 ~~assistant a person who files an application and submits written~~  
13 ~~evidence, satisfactory to the board, of one of the following~~  
14 ~~eligibility requirements:~~

15 ~~(1) Graduation from an educational program in registered dental~~  
16 ~~assisting approved by the board, and satisfactory performance on~~  
17 ~~a written examination administered by the board.~~

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

22 ~~(3) For individuals applying on or after January 1, 2010,~~  
23 ~~evidence of completion of satisfactory work experience of at least~~  
24 ~~15 months as a dental assistant in California or another state and~~  
25 ~~satisfactory performance on a written and practical examination~~  
26 ~~administered by the board.~~

27 ~~(b) For purposes of this section, "satisfactory work experience"~~  
28 ~~means performance of the duties specified in Section 1750.1 in a~~  
29 ~~competent manner as determined by the employing dentist, who~~  
30 ~~shall certify to such satisfactory work experience in the application.~~

31 ~~(c) The board shall give credit toward the work experience~~  
32 ~~referred to in this section to persons who have graduated from a~~  
33 ~~dental assisting program in a postsecondary institution approved~~  
34 ~~by the Department of Education or in a secondary institution,~~  
35 ~~regional occupational center, or regional occupational program,~~  
36 ~~that are not, however, approved by the board pursuant to~~  
37 ~~subdivision (a). The credit shall equal the total weeks spent in~~  
38 ~~classroom training and internship on a week-for-week basis. The~~  
39 ~~board, in cooperation with the Superintendent of Public Instruction,~~  
40 ~~shall establish the minimum criteria for the curriculum of~~

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

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

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

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

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

23 (3) A course in basic life support offered by an instructor  
24 approved by the American Red Cross or the American Heart  
25 Association, or any other course approved by the board as  
26 equivalent.

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

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

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

35 (g) A registered dental assistant with permits in either  
36 orthodontic assisting or dental sedation assisting shall be referred  
37 to as an "RDA with orthodontic assistant permit," or "RDA with  
38 dental sedation assistant permit," as applicable. These terms shall  
39 be used for reference purposes only and do not create additional  
40 categories of licensure.

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

6 ~~(i) On and after January 1, 2010, the written examination for~~  
7 ~~registered dental assistant licensure shall comply with Section 139.~~

8 ~~(j) 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 the~~  
11 ~~competency of registered dental assistants. The board's review and~~  
12 ~~certification or determination shall be completed by January 1,~~  
13 ~~2017.~~

14 ~~(k) If the board determines that the practical examination is~~  
15 ~~necessary to demonstrate competency of registered dental~~  
16 ~~assistants, the board's review and certification or determination~~  
17 ~~shall be completed and submitted to the appropriate policy~~  
18 ~~committees of the Legislature, and the board may administer, and~~  
19 ~~require, a practical examination for licensure as a registered dental~~  
20 ~~assistant, in accordance with Section 139.~~

21 ~~SEC. 14. Section 1752.3 of the Business and Professions Code~~  
22 ~~is repealed.~~

23 ~~SEC. 15.~~

24 ~~SEC. 13. Section 1725 of the Business and Professions Code~~  
25 ~~is amended to read:~~

26 1725. The amount of the fees prescribed by this chapter that  
27 relate to the licensing and permitting of dental assistants shall be  
28 established by regulation and subject to the following limitations:

29 (a) The application fee for an original license shall not exceed  
30 two hundred dollars (\$200).

31 (b) The fee for examination for licensure as a registered dental  
32 assistant shall not exceed the actual cost of the practical  
33 examination.

34 (c) The fee for application and for the issuance of an orthodontic  
35 assistant permit or a dental sedation assistant permit shall not  
36 exceed two hundred dollars (\$200).

37 (d) The fee for the written examination for an orthodontic  
38 assistant permit or a dental sedation assistant permit shall not  
39 exceed the actual cost of the examination.

- 1 (e) The fee for the written examination for a registered dental  
2 assistant shall not exceed the actual cost of the examination.
- 3 (f) The fee for the written examination in law and ethics for a  
4 registered dental assistant shall not exceed the actual cost of the  
5 examination.
- 6 (g) The fee for examination for licensure as a registered dental  
7 assistant in extended functions shall not exceed the actual cost of  
8 the examination.
- 9 (h) The fee for examination for licensure as a registered dental  
10 hygienist shall not exceed the actual cost of the examination.
- 11 (i) For third- and fourth-year dental students, the fee for  
12 examination for licensure as a registered dental hygienist shall not  
13 exceed the actual cost of the examination.
- 14 (j) The fee for examination for licensure as a registered dental  
15 hygienist in extended functions shall not exceed the actual cost of  
16 the examination.
- 17 (k) The board shall establish the fee at an amount not to exceed  
18 the actual cost for licensure as a registered dental hygienist in  
19 alternative practice.
- 20 (l) The biennial renewal fee for a registered dental assistant  
21 license, registered dental assistant in extended functions license,  
22 dental sedation assistant permit, or orthodontic assistant permit  
23 shall not exceed two hundred dollars (\$200).
- 24 (m) The delinquency fee shall be 50 percent of the renewal fee  
25 for the license or permit in effect on the date of the renewal of the  
26 license or permit.
- 27 (n) The fee for issuance of a duplicate registration, license,  
28 permit, or certificate to replace one that is lost or destroyed, or in  
29 the event of a name change, shall not exceed one hundred dollars  
30 (\$100).
- 31 (o) The fee for each curriculum review and site evaluation for  
32 educational programs for registered dental assistants that are not  
33 accredited by a board-approved agency, or the Chancellor's office  
34 of the California Community Colleges shall not exceed seven  
35 thousand five hundred dollars (\$7,500).
- 36 (p) The fee for review of each approval application or  
37 reevaluation for a course that is not accredited by a board-approved  
38 agency or the Chancellor's office of the California Community  
39 Colleges shall not exceed two thousand dollars (\$2,000).

1 (q) Fees collected pursuant to this section shall be deposited in  
2 the State Dental Assistant Fund.

3 ~~SEC. 16.~~

4 *SEC. 14.* Section 2841 of the Business and Professions Code  
5 is amended to read:

6 2841. (a) There is in the Department of Consumer Affairs a  
7 Board of Vocational Nursing and Psychiatric Technicians of the  
8 State of California, consisting of 11 members.

9 (b) Within the meaning of this chapter, “board,” or “the board,”  
10 refers to the Board of Vocational Nursing and Psychiatric  
11 Technicians of the State of California.

12 (c) This section shall remain in effect only until January 1, 2018,  
13 and as of that date is repealed. Notwithstanding any other law, the  
14 repeal of this section renders the board subject to review by the  
15 appropriate policy committees of the Legislature.

16 ~~SEC. 17.~~

17 *SEC. 15.* Section 2847 of the Business and Professions Code  
18 is amended to read:

19 2847. (a) The board shall select an executive officer who shall  
20 perform duties as are delegated by the board and who shall be  
21 responsible to it for the accomplishment of those duties.

22 (b) The person selected to be the executive officer of the board  
23 shall be a duly licensed vocational nurse under this chapter, a duly  
24 licensed professional nurse as defined in Section 2725, or a duly  
25 licensed psychiatric technician. The executive officer shall not be  
26 a member of the board.

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

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

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

35 ~~SEC. 18.~~

36 *SEC. 16.* Section 2894 of the Business and Professions Code  
37 is amended to read:

38 2894. (a) All money in the Vocational Nursing and Psychiatric  
39 Technicians Fund shall be used to carry out this chapter, including  
40 the promotion of nursing education in this state, and Chapter 10

1 (commencing with Section 4500), and for the refund, in accordance  
2 with law, of license fees or other moneys paid into the Vocational  
3 Nursing and Psychiatric Technicians Fund under the provisions  
4 of this chapter and Chapter 10 (commencing with Section 4500).

5 (b) Claims against the Vocational Nursing and Psychiatric  
6 Technicians Fund shall be audited by the Controller, and shall be  
7 paid by the Treasurer upon warrants drawn by the Controller.

8 ~~SEC. 19.~~

9 *SEC. 17.* Section 4501 of the Business and Professions Code  
10 is amended to read:

11 4501. (a) “Board,” as used in this chapter, means the Board  
12 of Vocational Nursing and Psychiatric Technicians of the State of  
13 California.

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

16 ~~SEC. 20.~~

17 *SEC. 18.* Section 4503 of the Business and Professions Code  
18 is amended to read:

19 4503. (a) The board shall administer and enforce this chapter.

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

22 ~~SEC. 21.~~

23 *SEC. 19.* Section 4547 of the Business and Professions Code  
24 is amended to read:

25 4547. All expenses incurred in the operation of this chapter or  
26 Chapter 6.5 (commencing with Section 2840) shall be paid out of  
27 the Vocational Nursing and Psychiatric Technicians Fund from  
28 the revenue received by the board under this chapter or Chapter  
29 6.5 (commencing with Section 2840) and deposited in the  
30 Vocational Nursing and Psychiatric Technicians Fund.