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AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 179**

**Introduced by Assembly Member Bonilla**  
(Principal coauthor: Senator Hill)

January 26, 2015

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An act to amend Sections 726, 1601.1, 1616.5, 1632, 1638, 1638.1, 1638.3, 1646.6, 1647.8, 1724, 1725, 1742, 2841, 4501, and 4503 of, to amend, repeal, and add Sections 205, *1752.1*, 2894, and 4547 of, ~~and~~ to add Section 1650.1 to, *to add and repeal Sections 2847.1, 2847.5 and 2858.5 of, and to repeal and add Section 1752.3 of,* 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 consensual 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 prescribes 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.

This bill would extend the provisions relating to the Dental Board ~~until~~ *of California and the executive officer* to 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 \$650 and would require the fee for the renewal of that license to be no greater than \$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 act 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, 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.*

Existing law creates the Dental Assisting Council of the Dental Board of California, which considers all matters relating to California dental assistants and is composed of members who ~~shall~~ serve terms, as

specified. Existing law requires the board to make all the initial ~~appointment~~ *appointments* of members by May 1, 2012.

This bill would prohibit a member from serving more than two full terms. The bill would remove the requirement for the board to make all initial appointments by May 1, 2012.

(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~~. *California, and requires the board to, among other things, appoint an executive officer, who is required to be a licensed vocational nurse, registered nurse, or psychiatric technician.* Existing law repeals these provisions on January 1, 2016.

This bill would *remove the requirement that the executive officer be a vocational nurse, registered nurse, or psychiatric technician, and 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 Technician 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 *vocational nurses and psychiatric technicians*, and prohibits the board from charging expenses for these *respective activities against funds received* from any other source.

This bill, beginning July 1, 2016, would remove that prohibition, abolish the Vocational Nurses Account and the Psychiatric Technician 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.

(5) *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.*

*This bill would require the director to appoint an administrative and enforcement program monitor no later than March 1, 2016, and would require the monitor to monitor and evaluate the administrative process and disciplinary system and procedures of the Board of Vocational Nursing and Psychiatric Technicians of the State of California for a period of no more than 2 years, as specified. The bill would require the monitor to submit a report of his or her findings and conclusions to the Legislature, the department, and the board by July 1, 2016, subsequent reports by November 1, 2016, and February 1, 2017, and a final report before January 1, 2018. 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 financial needs, fee structure, budget, and expenditures, 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.*

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.

- 1 (16) Private Investigator Fund.
- 2 (17) Professional Engineer's and Land Surveyor's Fund.
- 3 (18) Consumer Affairs Fund.
- 4 (19) Behavioral Sciences Fund.
- 5 (20) Licensed Midwifery Fund.
- 6 (21) Court Reporters' Fund.
- 7 (22) Veterinary Medical Board Contingent Fund.
- 8 (23) Vocational Nurses Account of the Vocational Nursing and
- 9 Psychiatric Technicians Fund.
- 10 (24) Electronic and Appliance Repair Fund.
- 11 (25) Geology and Geophysics Account of the Professional
- 12 Engineer's and Land Surveyor's Fund.
- 13 (26) Dispensing Opticians Fund.
- 14 (27) Acupuncture Fund.
- 15 (28) Physician Assistant Fund.
- 16 (29) Board of Podiatric Medicine Fund.
- 17 (30) Psychology Fund.
- 18 (31) Respiratory Care Fund.
- 19 (32) Speech-Language Pathology and Audiology and Hearing
- 20 Aid Dispensers Fund.
- 21 (33) Board of Registered Nursing Fund.
- 22 (34) Psychiatric Technician Examiners Account of the
- 23 Vocational Nursing and Psychiatric Technicians Fund.
- 24 (35) Animal Health Technician Examining Committee Fund.
- 25 (36) State Dental Hygiene Fund.
- 26 (37) State Dental Assistant Fund.
- 27 (38) Structural Pest Control Fund.
- 28 (39) Structural Pest Control Eradication and Enforcement Fund.
- 29 (40) Structural Pest Control Research Fund.
- 30 (b) For accounting and recordkeeping purposes, the Professions
- 31 and Vocations Fund shall be deemed to be a single special fund,
- 32 and each of the several special funds therein shall constitute and
- 33 be deemed to be a separate account in the Professions and
- 34 Vocations Fund. Each account or fund shall be available for
- 35 expenditure only for the purposes as are now or may hereafter be
- 36 provided by law.
- 37 ~~(e) This section shall become inoperative on July 1, 2016, and,~~
- 38 ~~as of January 1, 2017, is repealed.~~

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

4 SEC. 2. Section 205 is added to the Business and Professions  
5 Code, to read:

6 205. (a) There is in the State Treasury the Professions and  
7 Vocations Fund. The fund shall consist of the following special  
8 funds:

- 9 (1) Accountancy Fund.
- 10 (2) California Architects Board Fund.
- 11 (3) Athletic Commission Fund.
- 12 (4) Barbering and Cosmetology Contingent Fund.
- 13 (5) Cemetery Fund.
- 14 (6) Contractors' License Fund.
- 15 (7) State Dentistry Fund.
- 16 (8) State Funeral Directors and Embalmers Fund.
- 17 (9) Guide Dogs for the Blind Fund.
- 18 (10) Home Furnishings and Thermal Insulation Fund.
- 19 (11) California Architects Board-Landscape Architects Fund.
- 20 (12) Contingent Fund of the Medical Board of California.
- 21 (13) Optometry Fund.
- 22 (14) Pharmacy Board Contingent Fund.
- 23 (15) Physical Therapy Fund.
- 24 (16) Private Investigator Fund.
- 25 (17) Professional Engineer's and Land Surveyor's Fund.
- 26 (18) Consumer Affairs Fund.
- 27 (19) Behavioral Sciences Fund.
- 28 (20) Licensed Midwifery Fund.
- 29 (21) Court Reporters' Fund.
- 30 (22) Veterinary Medical Board Contingent Fund.
- 31 (23) Vocational Nursing and Psychiatric Technicians Fund.
- 32 (24) Electronic and Appliance Repair Fund.
- 33 (25) Geology and Geophysics Account of the Professional  
34 Engineer's and Land Surveyor's Fund.
- 35 (26) Dispensing Opticians Fund.
- 36 (27) Acupuncture Fund.
- 37 (28) Physician Assistant Fund.
- 38 (29) Board of Podiatric Medicine Fund.
- 39 (30) Psychology Fund.
- 40 (31) Respiratory Care Fund.

1 (32) Speech-Language Pathology and Audiology and Hearing  
2 Aid Dispensers Fund.

3 (33) Board of Registered Nursing Fund.

4 (34) Animal Health Technician Examining Committee Fund.

5 (35) State Dental Hygiene Fund.

6 (36) State Dental Assistant Fund.

7 (37) Structural Pest Control Fund.

8 (38) Structural Pest Control Eradication and Enforcement Fund.

9 (39) Structural Pest Control Research Fund.

10 (b) For accounting and recordkeeping purposes, the Professions  
11 and Vocations Fund shall be deemed to be a single special fund,  
12 and each of the several special funds therein shall constitute and  
13 be deemed to be a separate account in the Professions and  
14 Vocations Fund. Each account or fund shall be available for  
15 expenditure only for the purposes as are now or may hereafter be  
16 provided by law.

17 (c) This section shall become operative on July 1, 2016.

18 SEC. 3. Section 726 of the Business and Professions Code is  
19 amended to read:

20 726. (a) The commission of any act of sexual abuse,  
21 misconduct, or relations with a patient, client, or customer  
22 constitutes unprofessional conduct and grounds for disciplinary  
23 action for any person licensed under this division or under any  
24 initiative act referred to in this division.

25 (b) This section shall not apply to consensual sexual contact  
26 between a licensee and his or her spouse or person in an equivalent  
27 domestic relationship when that licensee provides medical  
28 treatment, other than psychotherapeutic treatment, to his or her  
29 spouse or person in an equivalent domestic relationship.

30 SEC. 4. Section 1601.1 of the Business and Professions Code  
31 is amended to read:

32 1601.1. (a) There shall be in the Department of Consumer  
33 Affairs the Dental Board of California in which the administration  
34 of this chapter is vested. The board shall consist of eight practicing  
35 dentists, one registered dental hygienist, one registered dental  
36 assistant, and five public members. Of the eight practicing dentists,  
37 one shall be a member of a faculty of any California dental college,  
38 and one shall be a dentist practicing in a nonprofit community  
39 clinic. The appointing powers, described in Section 1603, may  
40 appoint to the board a person who was a member of the prior board.

1 The board shall be organized into standing committees dealing  
2 with examinations, enforcement, and other subjects as the board  
3 deems appropriate.

4 (b) For purposes of this chapter, any reference in this chapter  
5 to the Board of Dental Examiners shall be deemed to refer to the  
6 Dental Board of California.

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

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

16 SEC. 5. Section 1616.5 of the Business and Professions Code  
17 is amended to read:

18 1616.5. (a) The board, by and with the approval of the director,  
19 may appoint a person exempt from civil service who shall be  
20 designated as an executive officer and who shall exercise the  
21 powers and perform the duties delegated by the board and vested  
22 in him or her by this chapter.

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

26 SEC. 6. Section 1632 of the Business and Professions Code is  
27 amended to read:

28 1632. (a) The board shall require each applicant to successfully  
29 complete the Part I and Part II written examinations of the National  
30 Board Dental Examination of the Joint Commission on National  
31 Dental Examinations.

32 (b) The board shall require each applicant to successfully  
33 complete an examination in California law and ethics developed  
34 and administered by the board. The board shall provide a separate  
35 application for this examination. The board shall ensure that the  
36 law and ethics examination reflects current law and regulations,  
37 and ensure that the examinations are randomized. Applicants shall  
38 submit this application and required fee to the board in order to  
39 take this examination. In addition to the aforementioned  
40 application, the only other requirement for taking this examination

1 shall be certification from the dean of the qualifying dental school  
2 attended by the applicant that the applicant has graduated, or will  
3 graduate, or is expected to graduate. Applicants who submit  
4 completed applications and certification from the dean at least 15  
5 days prior to a scheduled examination shall be scheduled to take  
6 the examination. Successful results of the examination shall, as  
7 established by board regulation, remain valid for two years from  
8 the date that the applicant is notified of having passed the  
9 examination.

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

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

27 (A) The portfolio examination shall not be conducted until the  
28 board adopts regulations to carry out this paragraph. The board  
29 shall post notice on its Internet Web site when these regulations  
30 have been adopted.

31 (B) The board shall also provide written notice to the Legislature  
32 and the Legislative Counsel when these regulations have been  
33 adopted.

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

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

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

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

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

12 SEC. 7. Section 1638 of the Business and Professions Code is  
13 amended to read:

14 1638. (a) For purposes of this article, “oral and maxillofacial  
15 surgery” means the diagnosis and surgical and adjunctive treatment  
16 of diseases, injuries, and defects which involve both functional  
17 and esthetic aspects of the hard and soft tissues of the oral and  
18 maxillofacial region.

19 (b) Any person licensed under the Medical Practice Act (Chapter  
20 5 (commencing with Section 2000)) as a physician and surgeon  
21 who possesses, or possessed, a license to practice dentistry in  
22 another state, but is not licensed to practice dentistry under this  
23 chapter may apply to the board on a form prescribed by the board  
24 for an oral and maxillofacial surgery permit.

25 (c) The board may issue an oral and maxillofacial surgery permit  
26 to an applicant who has furnished evidence satisfactory to the  
27 board that he or she is currently certified or eligible for certification  
28 in oral and maxillofacial surgery by a specialty board recognized  
29 by the Commission on Accreditation of the American Dental  
30 Association and holds a current license in good standing to practice  
31 medicine in the state.

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

35 SEC. 8. Section 1638.1 of the Business and Professions Code  
36 is amended to read:

37 1638.1. (a) (1) A person licensed pursuant to Section 1634  
38 who wishes to perform elective facial cosmetic surgery shall first  
39 apply for and receive a permit to perform elective facial cosmetic  
40 surgery from the board.

1 (2) A permit issued pursuant to this section shall be valid for a  
2 period of two years and must be renewed by the permitholder at  
3 the time his or her license is renewed. Every six years, prior to  
4 renewal of the permitholder's license and permit, the permitholder  
5 shall submit evidence acceptable to the credentialing committee  
6 that he or she has maintained continued competence to perform  
7 the procedures authorized by the permit. The credentialing  
8 committee may limit a permit consistent with paragraph (1) of  
9 subdivision (e) if it is not satisfied that the permitholder has  
10 established continued competence.

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

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

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

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

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

24 (ii) Submits to the board a letter from the program director of  
25 the accredited residency program, or from the director of a  
26 postresidency fellowship program accredited by the Commission  
27 on Dental Accreditation of the American Dental Association,  
28 stating that the licensee has the education, training, and competence  
29 necessary to perform the surgical procedures that the licensee has  
30 notified the board he or she intends to perform.

31 (iii) Submits documentation to the board of at least 10 operative  
32 reports from residency training or proctored procedures that are  
33 representative of procedures that the licensee intends to perform  
34 from both of the following categories:

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

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

- 1 (iv) Submits documentation to the board showing the surgical  
2 privileges the applicant possesses at any licensed general acute  
3 care hospital and any licensed outpatient surgical facility in this  
4 state.
- 5 (B) (i) Has been granted privileges by the medical staff at a  
6 licensed general acute care hospital to perform the surgical  
7 procedures set forth in paragraph (A) at that hospital.
- 8 (ii) Submits to the board the documentation described in clause  
9 (iii) of subparagraph (A).
- 10 (3) Proof that the applicant is on active status on the staff of a  
11 general acute care hospital and maintains the necessary privileges  
12 based on the bylaws of the hospital to maintain that status.
- 13 (d) The application shall be accompanied by an application fee  
14 required by the board for an initial permit. The fee to renew a  
15 permit shall not exceed the maximum amount prescribed in Section  
16 1724.
- 17 (e) (1) The board shall appoint a credentialing committee to  
18 review the qualifications of each applicant for a permit. Upon  
19 completion of the review of an applicant, the committee shall make  
20 a recommendation to the board on whether to issue or not issue a  
21 permit to the applicant. The permit may be unqualified, entitling  
22 the permitholder to perform any facial cosmetic surgical procedure  
23 authorized by this section, or it may contain limitations if the  
24 credentialing committee is not satisfied that the applicant has the  
25 training or competence to perform certain classes of procedures,  
26 or if the applicant has not requested to be permitted for all  
27 procedures authorized by this section.
- 28 (2) The credentialing committee shall be comprised of five  
29 members, as follows:
  - 30 (A) A physician and surgeon with a specialty in plastic and  
31 reconstructive surgery who maintains active status on the staff of  
32 a licensed general acute care hospital in this state.
  - 33 (B) A physician and surgeon with a specialty in otolaryngology  
34 who maintains active status on the staff of a licensed general acute  
35 care hospital in this state.
  - 36 (C) Three oral and maxillofacial surgeons licensed by the board  
37 who are board certified by the American Board of Oral and  
38 Maxillofacial Surgeons, and who maintain active status on the  
39 staff of a licensed general acute care hospital in this state, at least  
40 one of whom shall be licensed as a physician and surgeon in this

1 state. Two years after the effective date of this section, any oral  
2 and maxillofacial surgeon appointed to the committee who is not  
3 licensed as a physician and surgeon shall hold a permit pursuant  
4 to this section.

5 (3) The board shall solicit from the following organizations  
6 input and recommendations regarding members to be appointed  
7 to the credentialing committee:

8 (A) The Medical Board of California.

9 (B) The California Dental Association.

10 (C) The California Association of Oral and Maxillofacial  
11 Surgeons.

12 (D) The California Medical Association.

13 (E) The California Society of Plastic Surgeons.

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

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

19 (f) A licensee may not perform any elective, facial cosmetic  
20 surgical procedure except at a general acute care hospital, a licensed  
21 outpatient surgical facility, or an outpatient surgical facility  
22 accredited by the Joint Commission on Accreditation of Healthcare  
23 Organizations (JCAHO), the American Association for Ambulatory  
24 Health Care (AAAHC), the Medicare program, or an accreditation  
25 agency approved by the Medical Board of California pursuant to  
26 subdivision (g) of Section 1248.1 of the Health and Safety Code.

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

29 (1) “Elective cosmetic surgery” means any procedure defined  
30 as cosmetic surgery in subdivision (d) of Section 1367.63 of the  
31 Health and Safety Code, and excludes any procedure that  
32 constitutes reconstructive surgery, as defined in subdivision (c) of  
33 Section 1367.63 of the Health and Safety Code.

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

37 (h) A holder of a permit issued pursuant to this section shall not  
38 perform elective facial cosmetic surgical procedures unless he or  
39 she has malpractice insurance or other financial security protection

1 that would satisfy the requirements of Section 2216.2 and any  
2 regulations adopted thereunder.

3 (i) A holder of a permit shall comply with the requirements of  
4 subparagraph (D) of paragraph (2) of subdivision (a) of Section  
5 1248.15 of the Health and Safety Code, and the reporting  
6 requirements specified in Section 2240, with respect to any surgical  
7 procedure authorized by this section, in the same manner as a  
8 physician and surgeon.

9 (j) Any violation of this section constitutes unprofessional  
10 conduct and is grounds for the revocation or suspension of the  
11 person's permit, license, or both, or the person may be reprimanded  
12 or placed on probation. Proceedings initiated by the board under  
13 this section shall be conducted in accordance with Chapter 5  
14 (commencing with Section 11500) of Part 1 of Division 3 of Title  
15 2 of the Government Code, and the board shall have all the powers  
16 granted therein.

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

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

23 (2) The recommendations of the credentialing committee to the  
24 board.

25 (3) The board's action on recommendations received by the  
26 credentialing committee.

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

29 (5) The number of complaints filed by or on behalf of patients  
30 who have received elective facial cosmetic surgery by persons  
31 who have received a permit from the board to perform elective  
32 facial cosmetic surgery.

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

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

39 1638.3. (a) The fee to renew an oral and maxillofacial surgery  
40 permit shall be the amount prescribed in Section 1724.

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

4 SEC. 10. Section 1646.6 of the Business and Professions Code  
5 is amended to read:

6 1646.6. (a) The application fee for a permit or renewal under  
7 this article shall not exceed the amount prescribed in Section 1724.

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

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

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

16 SEC. 11. Section 1647.8 of the Business and Professions Code  
17 is amended to read:

18 1647.8. (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 the board hire sufficient  
23 staff to administer the program and that the fees established  
24 pursuant to this section be equivalent to administration and  
25 enforcement costs incurred by the board in carrying out this article.

26 SEC. 12. Section 1650.1 is added to the Business and  
27 Professions Code, to read:

28 1650.1. (a) Every applicant and licensee who has an electronic  
29 mail address shall report to the board that electronic mail address  
30 no later than July 1, 2016. The electronic mail address shall be  
31 considered confidential and not subject to public disclosure.

32 (b) The board shall annually send an electronic notice to each  
33 applicant and licensee that requests confirmation from the applicant  
34 or licensee that his or her electronic mail address is current.

35 SEC. 13. Section 1724 of the Business and Professions Code  
36 is amended to read:

37 1724. The amount of charges and fees for dentists licensed  
38 pursuant to this chapter shall be established by the board as is  
39 necessary for the purpose of carrying out the responsibilities

1 required by this chapter as it relates to dentists, subject to the  
2 following limitations:

3 (a) The fee for an application for licensure qualifying pursuant  
4 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed  
5 one thousand five hundred dollars (\$1,500). The fee for an  
6 application for licensure qualifying pursuant to paragraph (2) of  
7 subdivision (c) of Section 1632 shall not exceed one thousand  
8 dollars (\$1,000).

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

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

13 (d) The fee for an initial license and for the renewal of a license  
14 is five hundred twenty-five dollars (\$525). On and after January  
15 1, 2016, the fee for an initial license shall not exceed six hundred  
16 fifty dollars (\$650), and the fee for the renewal of a license shall  
17 not exceed six hundred fifty dollars (\$650). On and after January  
18 1, 2018, the fee for an initial license shall not exceed eight hundred  
19 dollars (\$800), and the fee for the renewal of a license shall not  
20 exceed eight hundred dollars (\$800).

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

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

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

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

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

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

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

1 (l) The fee for application for an extramural facility permit and  
2 for the renewal of a permit shall not exceed twenty-five dollars  
3 (\$25).

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

8 (n) The fee for an application for an oral and maxillofacial  
9 surgery permit shall not exceed one thousand dollars (\$1,000), and  
10 the fee for the renewal of an oral and maxillofacial surgery permit  
11 shall not exceed one thousand two hundred dollars (\$1,200).

12 (o) The fee for an application for a general anesthesia permit  
13 shall not exceed one thousand dollars (\$1,000), and the fee for the  
14 renewal of a general anesthesia permit shall not exceed six hundred  
15 dollars (\$600).

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

19 (q) The fee for an application for a conscious sedation permit  
20 shall not exceed one thousand dollars (\$1,000), and the fee for the  
21 renewal of a conscious sedation permit shall not exceed six hundred  
22 dollars (\$600).

23 (r) The fee for an application for an oral conscious sedation  
24 permit shall not exceed one thousand dollars (\$1,000), and the fee  
25 for the renewal of an oral conscious sedation permit shall not  
26 exceed six hundred dollars (\$600).

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

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

31 The board shall report to the appropriate fiscal committees of  
32 each house of the Legislature whenever the board increases any  
33 fee pursuant to this section and shall specify the rationale and  
34 justification for that increase.

35 SEC. 14. Section 1725 of the Business and Professions Code  
36 is amended to read:

37 1725. The amount of the fees prescribed by this chapter that  
38 relate to the licensing and permitting of dental assistants shall be  
39 established by regulation and subject to the following limitations:

- 1 (a) The application fee for an original license shall not exceed  
2 two hundred dollars (\$200).
- 3 (b) The fee for examination for licensure as a registered dental  
4 assistant shall not exceed the actual cost of the practical  
5 examination.
- 6 (c) The fee for application and for the issuance of an orthodontic  
7 assistant permit or a dental sedation assistant permit shall not  
8 exceed two hundred dollars (\$200).
- 9 (d) The fee for the written examination for an orthodontic  
10 assistant permit or a dental sedation assistant permit shall not  
11 exceed the actual cost of the examination.
- 12 (e) The fee for the written examination for a registered dental  
13 assistant shall not exceed the actual cost of the examination.
- 14 (f) The fee for the written examination in law and ethics for a  
15 registered dental assistant shall not exceed the actual cost of the  
16 examination.
- 17 (g) The fee for examination for licensure as a registered dental  
18 assistant in extended functions shall not exceed the actual cost of  
19 the examination.
- 20 (h) The fee for examination for licensure as a registered dental  
21 hygienist shall not exceed the actual cost of the examination.
- 22 (i) For third- and fourth-year dental students, the fee for  
23 examination for licensure as a registered dental hygienist shall not  
24 exceed the actual cost of the examination.
- 25 (j) The fee for examination for licensure as a registered dental  
26 hygienist in extended functions shall not exceed the actual cost of  
27 the examination.
- 28 (k) The board shall establish the fee at an amount not to exceed  
29 the actual cost for licensure as a registered dental hygienist in  
30 alternative practice.
- 31 (l) The biennial renewal fee for a registered dental assistant  
32 license, registered dental assistant in extended functions license,  
33 dental sedation assistant permit, or orthodontic assistant permit  
34 shall not exceed two hundred dollars (\$200).
- 35 (m) The delinquency fee shall be 50 percent of the renewal fee  
36 for the license or permit in effect on the date of the renewal of the  
37 license or permit.
- 38 (n) The fee for issuance of a duplicate registration, license,  
39 permit, or certificate to replace one that is lost or destroyed, or in

1 the event of a name change, shall not exceed one hundred dollars  
2 (\$100).

3 (o) The fee for each curriculum review and site evaluation for  
4 educational programs for registered dental assistants that are not  
5 accredited by a board-approved agency, or the Chancellor's office  
6 of the California Community Colleges shall not exceed seven  
7 thousand five hundred dollars (\$7,500).

8 (p) The fee for review of each approval application or  
9 reevaluation for a course that is not accredited by a board-approved  
10 agency or the Chancellor's office of the California Community  
11 Colleges shall not exceed two thousand dollars (\$2,000).

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

14 SEC. 15. Section 1742 of the Business and Professions Code  
15 is amended to read:

16 1742. (a) There is hereby created a Dental Assisting Council  
17 of the Dental Board of California, which shall consider all matters  
18 relating to dental assistants in this state, on its own initiative or  
19 upon the request of the board, and make appropriate  
20 recommendations to the board and the standing committees of the  
21 board, including, but not limited to, the following areas:

22 (1) Requirements for dental assistant examination, licensure,  
23 permitting, and renewal.

24 (2) Standards and criteria for approval of dental assisting  
25 educational programs, courses, and continuing education.

26 (3) Allowable dental assistant duties, settings, and supervision  
27 levels.

28 (4) Appropriate standards of conduct and enforcement for dental  
29 assistants.

30 (5) Requirements regarding infection control.

31 (b) (1) The members of the council shall be appointed by the  
32 board and shall include the registered dental assistant member of  
33 the board, another member of the board, and five registered dental  
34 assistants, representing as broad a range of dental assisting  
35 experience and education as possible, who meet the requirements  
36 of paragraph (2).

37 (2) The board shall consider, in its appointments of the five  
38 registered dental assistant members, recommendations submitted  
39 by any incorporated, nonprofit professional society, association,  
40 or entity whose membership is comprised of registered dental

1 assistants within the state. Two of those members shall be  
2 employed as faculty members of a registered dental assisting  
3 educational program approved by the board, and shall have been  
4 so employed for at least the prior five years. Three of those  
5 members, which shall include one registered dental assistant in  
6 extended functions, shall be employed clinically in private dental  
7 practice or public safety net or dental health care clinics. All five  
8 of those members shall have possessed a current and active  
9 registered dental assistant or registered dental assistant in extended  
10 functions license for at least the prior five years, and shall not be  
11 employed by a current member of the board.

12 (c) No council appointee shall have served previously on the  
13 dental assisting forum or have any financial interest in any  
14 registered dental assistant school. All final candidate qualifications  
15 and applications for board-appointed council members shall be  
16 made available in the published board materials with final  
17 candidate selection conducted during the normal business of the  
18 board during public meetings.

19 (d) A vacancy occurring during a term shall be filled by  
20 appointment by the board for the unexpired term, according to the  
21 criteria applicable to the vacancy within 90 days after it occurs.

22 (e) Each member shall comply with conflict of interest  
23 requirements that apply to board members.

24 (f) The council shall meet in conjunction with other board  
25 committees, and at other times as deemed necessary.

26 (g) Each member shall serve for a term of four years, except  
27 that, of the initial appointments of the nonboard members, one of  
28 the members shall serve a term of one year, one member shall  
29 serve a term of two years, two members shall serve a term of three  
30 years, and one member shall serve a term of four years, as  
31 determined by the board. No member shall serve more than two  
32 full terms.

33 (h) Recommendations by the council pursuant to this section  
34 shall be approved, modified, or rejected by the board within 120  
35 days of submission of the recommendation to the board. If the  
36 board rejects or significantly modifies the intent or scope of the  
37 recommendation, the council may request that the board provide  
38 its reasons in writing for rejecting or significantly modifying the  
39 recommendation, which shall be provided by the board within 30  
40 days of the request.

1 (i) The council shall select a chair who shall establish the  
2 agendas of the council and shall serve as the council’s liaison to  
3 the board, including the reporting of the council’s recommendations  
4 to the board.

5 *SEC. 16. Section 1752.1 of the Business and Professions Code*  
6 *is amended to read:*

7 1752.1. (a) The board may license as a registered dental  
8 assistant a person who files an application and submits written  
9 evidence, satisfactory to the board, of one of the following  
10 eligibility requirements:

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

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

19 (3) For individuals applying on or after January 1, 2010,  
20 evidence of completion of satisfactory work experience of at least  
21 15 months as a dental assistant in California or another state and  
22 satisfactory performance on a written ~~and practical~~ examination  
23 administered by the board.

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

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

1 registered dental assistant programs, except any requirement that  
2 the program be given in a postsecondary institution. Graduates of  
3 programs not meeting established minimum criteria shall not  
4 qualify for satisfactory work experience as defined by this section.

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

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

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

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

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

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

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

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

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

38 (h) Completion of the continuing education requirements  
39 established by the board pursuant to Section 1645 by a registered  
40 dental assistant who also holds a permit as an orthodontic assistant

1 or dental sedation assistant shall fulfill the continuing education  
2 requirements for the permit or permits.

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

10 (j) *This section shall remain in effect only until July 1, 2017,*  
11 *and as of that date is repealed.*

12 SEC. 17. *Section 1752.1 is added to the Business and*  
13 *Professions Code, to read:*

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

18 (1) *Graduation from an educational program in registered*  
19 *dental assisting approved by the board, and satisfactory*  
20 *performance on a written and practical examination administered*  
21 *by the board.*

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

27 (3) *For individuals applying on or after January 1, 2010,*  
28 *evidence of completion of satisfactory work experience of at least*  
29 *15 months as a dental assistant in California or another state and*  
30 *satisfactory performance on a written and practical examination*  
31 *administered by the board.*

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

36 (c) *The board shall give credit toward the work experience*  
37 *referred to in this section to persons who have graduated from a*  
38 *dental assisting program in a postsecondary institution approved*  
39 *by the State Department of Education or in a secondary institution,*  
40 *regional occupational center, or regional occupational program,*

1 that are not, however, approved by the board pursuant to  
2 subdivision (a). The credit shall equal the total weeks spent in  
3 classroom training and internship on a week-for-week basis. The  
4 board, in cooperation with the Superintendent of Public Instruction,  
5 shall establish the minimum criteria for the curriculum of  
6 nonboard-approved programs. Additionally, the board shall notify  
7 those programs only if the program's curriculum does not meet  
8 established minimum criteria, as established for board-approved  
9 registered dental assistant programs, except any requirement that  
10 the program be given in a postsecondary institution. Graduates  
11 of programs not meeting established minimum criteria shall not  
12 qualify for satisfactory work experience as defined by this section.

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

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

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

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

28 (3) A course in basic life support offered by an instructor  
29 approved by the American Red Cross or the American Heart  
30 Association, or any other course approved by the board as  
31 equivalent.

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

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

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

1 (g) A registered dental assistant with permits in either  
2 orthodontic assisting or dental sedation assisting shall be referred  
3 to as an “RDA with orthodontic assistant permit,” or “RDA with  
4 dental sedation assistant permit,” as applicable. These terms shall  
5 be used for reference purposes only and do not create additional  
6 categories of licensure.

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

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

13 SEC. 18. Section 1752.3 of the Business and Professions Code  
14 is repealed.

15 ~~1752.3. (a) On and after January 1, 2010, the written~~  
16 ~~examination for registered dental assistant licensure required by~~  
17 ~~Section 1752.1 shall comply with Section 139.~~

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

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

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

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

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

32 SEC. 19. Section 1752.3 is added to the Business and  
33 Professions Code, to read:

34 1752.3. (a) On and after January 1, 2010, the written  
35 examination for registered dental assistant licensure required by  
36 Section 1752.1 shall comply with Section 139.

37 (b) On and after January 1, 2010, the practical examination for  
38 registered dental assistant licensure required by Section 1752.1  
39 shall consist of three of the procedures described in paragraphs  
40 (1) to (4), inclusive. The specific procedures shall be assigned by

1 *the board, after considering recommendations of its Dental*  
 2 *Assisting Council, and shall be graded by examiners appointed*  
 3 *by the board. The procedures shall be performed on a fully*  
 4 *articulated maxillary and mandibular typodont secured with a*  
 5 *bench clamp. Each applicant shall furnish the required materials*  
 6 *necessary to complete the examination.*

7 *(1) Place a base or liner.*

8 *(2) Place, adjust, and finish a direct provisional restoration.*

9 *(3) Fabricate and adjust an indirect provisional restoration.*

10 *(4) Cement an indirect provisional restoration.*

11 *(c) This section shall become operative on July 1, 2017.*

12 ~~SEC. 16.~~

13 *SEC. 20.* Section 2841 of the Business and Professions Code  
 14 is amended to read:

15 2841. (a) There is in the Department of Consumer Affairs a  
 16 Board of Vocational Nursing and Psychiatric Technicians of the  
 17 State of California, consisting of 11 members.

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

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

25 *SEC. 21.* Section 2847.1 is added to the Business and  
 26 Professions Code, to read:

27 2847.1. (a) The board shall select an executive officer who  
 28 shall perform duties as are delegated by the board and who shall  
 29 be responsible to it for the accomplishment of those duties. The  
 30 executive officer shall not be a member of the board.

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

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

37 (d) This section shall remain in effect only until January 1, 2018,  
 38 and as of that date is repealed.

39 *SEC. 22.* Section 2847.5 is added to the Business and  
 40 Professions Code, to read:

1 2847.5. (a) (1) *The director shall appoint an administrative*  
2 *and enforcement program monitor no later than March 1, 2016.*  
3 *The director may retain a person for this position by a personal*  
4 *services contract. In this connection, the Legislature finds, pursuant*  
5 *to Section 19130 of the Government Code, that this is a new state*  
6 *function.*

7 (2) *The director shall supervise the administrative and*  
8 *enforcement program monitor and may terminate or dismiss him*  
9 *or her from this position. If the monitor is terminated or dismissed,*  
10 *the director shall appoint a replacement monitor within two*  
11 *months.*

12 (3) *The monitoring duty shall be on a continuing basis for a*  
13 *period of no more than two years from the date of the initial*  
14 *administrative and enforcement program monitor's appointment.*

15 (b) (1) *The administrative and enforcement program monitor*  
16 *shall monitor and evaluate the following:*

17 (A) *The board's administrative process, with specific*  
18 *concentration on the management of staff, assistance of board*  
19 *members, and working relationship with the Legislature, including*  
20 *the following:*

21 (i) *Staff hiring and training procedures.*

22 (ii) *Oversight of staff work.*

23 (iii) *Evaluation of staff performance.*

24 (iv) *Training of board members.*

25 (v) *Dissemination of information to board members.*

26 (vi) *Assistance of board members in performing their duties.*

27 (vii) *Communication with legislators and legislative staff.*

28 (viii) *Representation of the board at legislative meetings and*  
29 *hearings.*

30 (B) *The board's disciplinary system and procedures, with*  
31 *specific concentration on improving the overall efficiency and*  
32 *consistency of the enforcement program, including the following:*

33 (i) *The quality and consistency of complaint processing and*  
34 *investigation.*

35 (ii) *Consistency in the application of sanctions or discipline*  
36 *imposed on licensees, the accurate and consistent implementation*  
37 *of the laws and rules affecting discipline, including adherence to*  
38 *the "Complaint Prioritization Guidelines for Health Care*  
39 *Agencies" established by the Consumer Protection Enforcement*  
40 *Initiative of 2010.*

1 (iii) Staff concerns regarding disciplinary matters or procedures.

2 (iv) The appropriate use of licensed professionals to investigate  
3 complaints.

4 (v) The board's cooperation with other governmental entities  
5 charged with enforcing related laws and regulations regarding  
6 vocational nurses and psychiatric technicians.

7 (4) The administrative and enforcement program monitor shall  
8 exercise no authority over the board's management or staff;  
9 however, the board and its staff shall cooperate with the monitor,  
10 and shall provide data, information, and files as requested by the  
11 monitor to perform all of his or her duties.

12 (5) The director shall assist the administrative and enforcement  
13 program monitor in the performance of his or her duties, and the  
14 monitor shall have the same investigative authority as the director.

15 (6) The director shall specify further duties of the administrative  
16 and program enforcement monitor.

17 (c) (1) The administrative and enforcement program monitor  
18 shall submit to the department, the board, and the Legislature an  
19 initial written report of his or her findings and conclusions no  
20 later than July 1, 2016, and subsequent written reports no later  
21 than November 1, 2016, and February 1, 2017, and shall be  
22 available to make oral reports to each entity if requested to do so.  
23 The monitor may also provide additional information to either the  
24 department or the Legislature at his or her discretion or at the  
25 request of either the department or the Legislature. The monitor  
26 shall make his or her reports available to the public or the media.  
27 The monitor shall make every effort to provide the board with an  
28 opportunity to reply to any facts, findings, issues, or conclusions  
29 in his or her reports with which the board may disagree.

30 (2) The administrative and enforcement program monitor shall  
31 issue a final report before January 1, 2018. The final report shall  
32 include final findings and conclusions on the topics addressed in  
33 the initial report submitted by the monitor pursuant to paragraph  
34 (1).

35 (d) The board shall pay for all of the costs associated with the  
36 employment of the administrative and enforcement program  
37 monitor.

38 (e) This section shall remain in effect only until March 1, 2018,  
39 and as of that date is repealed.

1 SEC. 23. Section 2858.5 is added to the Business and  
2 Professions Code, to read:

3 2858.5. (a) The department's internal audit unit shall review  
4 the board's financial needs, fee structure, budget, and expenditures.  
5 The director shall provide to the Legislature a copy of the review,  
6 no later than October 1, 2016. The director shall include with this  
7 report an overview of the estimated costs of meeting staffing and  
8 other requirements to implement this chapter and Chapter 10  
9 (commencing with Section 4500) of Division 2 based on findings  
10 of the review.

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

13 ~~SEC. 17.~~

14 SEC. 24. Section 2894 of the Business and Professions Code  
15 is amended to read:

16 2894. (a) All money in the Vocational Nursing and Psychiatric  
17 Technicians Fund shall be used to carry out the provisions of this  
18 chapter, including the promotion of nursing education in this state,  
19 and for the refund, in accordance with law, of license fees or other  
20 moneys paid into the Vocational Nursing and Psychiatric  
21 Technicians Fund under the provisions of this chapter.

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

25 ~~(c) This section shall become inoperative on July 1, 2016, and,  
26 as of January 1, 2017, is repealed.~~

27 (c) This section shall remain in effect only until July 1, 2016,  
28 and as of that date is repealed.

29 ~~SEC. 18.~~

30 SEC. 25. Section 2894 is added to the Business and Professions  
31 Code, to read:

32 2894. (a) All money in the Vocational Nursing and Psychiatric  
33 Technicians Fund shall be used to carry out this chapter, including  
34 the promotion of nursing education in this state, and Chapter 10  
35 (commencing with Section 4500), and for the refund, in accordance  
36 with law, of license fees or other moneys paid into the Vocational  
37 Nursing and Psychiatric Technicians Fund under the provisions  
38 of this chapter and Chapter 10 (commencing with Section 4500).

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

4 (c) This section shall become operative on July 1, 2016.

5 ~~SEC. 19.~~

6 *SEC. 26.* Section 4501 of the Business and Professions Code  
7 is amended to read:

8 4501. (a) "Board," as used in this chapter, means the Board  
9 of Vocational Nursing and Psychiatric Technicians of the State of  
10 California.

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

13 ~~SEC. 20.~~

14 *SEC. 27.* Section 4503 of the Business and Professions Code  
15 is amended to read:

16 4503. (a) The board shall administer and enforce this chapter.

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

19 ~~SEC. 21.~~

20 *SEC. 28.* Section 4547 of the Business and Professions Code  
21 is amended to read:

22 4547. (a) All expenses incurred in the operation of this chapter  
23 shall be paid out of the Vocational Nursing and Psychiatric  
24 Technicians Fund from the revenue received by the board under  
25 this chapter and deposited in the Vocational Nursing and  
26 Psychiatric Technicians Fund. No part of the expenses shall be  
27 charged against any funds which are derived from any functions  
28 of the board provided for in other chapters of this code.

29 ~~(b) This section shall become inoperative on July 1, 2016, and,  
30 as of January 1, 2017, is repealed.~~

31 *(b) This section shall remain in effect only until July 1, 2016,  
32 and as of that date is repealed.*

33 ~~SEC. 22.~~

34 *SEC. 29.* Section 4547 is added to the Business and Professions  
35 Code, to read:

36 4547. (a) All expenses incurred in the operation of this chapter  
37 or Chapter 6.5 (commencing with Section 2840) shall be paid out  
38 of the Vocational Nursing and Psychiatric Technicians Fund from  
39 the revenue received by the board under this chapter or Chapter

- 1 6.5 (commencing with Section 2840) and deposited in the
- 2 Vocational Nursing and Psychiatric Technicians Fund.
- 3 (b) This section shall become operative on July 1, 2016.

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