

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 667**

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**Introduced by Assembly Member Block**

February 25, 2009

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An act to amend Section 1750.1 of the Business and Professions Code, and to amend Section 104830 of, and to add Section 104762 to, the Health and Safety Code, relating to oral health.

### LEGISLATIVE COUNSEL'S DIGEST

AB 667, as amended, Block. Topical fluoride application.

Existing law requires that pupils of public and private elementary and secondary schools, except community colleges, be offered the opportunity to receive, within the school year, the topical application of fluoride or other decay-inhibiting agent to the teeth, as specified. Existing law requires the application to be under the direction of a dentist and allows for self-application.

Under existing law, a dental assistant may only perform topical fluoride applications under the direct supervision of a licensed dentist, as defined.

This bill would, when services are provided to elementary or postsecondary pupils, specifically include fluoride varnish in the topical applications that may be used and allow application by any person, including a dental assistant. The bill would also permit any person, including a dental assistant, to apply topical fluoride, including fluoride varnish, ~~or other decay-inhibiting agent~~ to the teeth of a person being served in a public health setting or program that is created or

administered by a state or local governmental entity, as specified. It would require, with respect to services to which the bill applies, that they be provided in accordance with a prescription and protocol issued and established by a physician or dentist.

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 1750.1 of the Business and Professions
- 2 Code is amended to read:
- 3 1750.1. (a) A dental assistant may perform the following duties
- 4 under the general supervision of a supervising licensed dentist:
- 5 (1) Extra-oral duties or procedures specified by the supervising
- 6 licensed dentist, provided that these duties or procedures meet the
- 7 definition of a basic supportive procedure specified in Section
- 8 1750.
- 9 (2) Operate dental radiography equipment for the purpose of
- 10 oral radiography if the dental assistant has complied with the
- 11 requirements of Section 1656.
- 12 (3) Perform intraoral and extraoral photography.
- 13 (b) A dental assistant may perform the following duties under
- 14 the direct supervision of a supervising licensed dentist:
- 15 (1) Apply nonaerosol and noncaustic topical agents.
- 16 (2) Apply topical fluoride.
- 17 (3) Take intraoral impressions for all nonprosthodontic
- 18 appliances.
- 19 (4) Take facebow transfers and bite registrations.
- 20 (5) Place and remove rubber dams or other isolation devices.
- 21 (6) Place, wedge, and remove matrices for restorative
- 22 procedures.
- 23 (7) Remove—~~post-extraction~~ *postextraction* dressings after
- 24 inspection of the surgical site by the supervising licensed dentist.
- 25 (8) Perform measurements for the purposes of orthodontic
- 26 treatment.
- 27 (9) Cure restorative or orthodontic materials in operative site
- 28 with a light-curing device.
- 29 (10) Examine orthodontic appliances.
- 30 (11) Place and remove orthodontic separators.
- 31 (12) Remove ligature ties and archwires.

1 (13) After adjustment by the dentist, examine and seat removable  
2 orthodontic appliances and deliver care instructions to the patient.

3 (14) Remove periodontal dressings.

4 (15) Remove sutures after inspection of the site by the dentist.

5 (16) Place patient monitoring sensors.

6 (17) Monitor patient sedation, limited to reading and transmitting  
7 information from the monitor display during the intraoperative  
8 phase of surgery for electrocardiogram waveform, carbon dioxide  
9 and end tidal carbon dioxide concentrations, respiratory cycle data,  
10 continuous noninvasive blood pressure data, or pulse arterial  
11 oxygen saturation measurements, for the purpose of interpretation  
12 and evaluation by a supervising licensed dentist who shall be at  
13 the patient's chairside during this procedure.

14 (18) Assist in the administration of nitrous oxide when used for  
15 analgesia or sedation. A dental assistant shall not start the  
16 administration of the gases and shall not adjust the flow of the  
17 gases unless instructed to do so by the supervising licensed dentist  
18 who shall be present at the patient's chairside during the  
19 implementation of these instructions. This paragraph shall not be  
20 construed to prevent any person from taking appropriate action in  
21 the event of a medical emergency.

22 (c) Notwithstanding subdivision (b), when operating in a  
23 school-based setting or a public health program created or  
24 administered by a federal, state, county, or local governmental  
25 entity pursuant to Sections 104762 and 104830 of the Health and  
26 Safety Code, a dental assistant may apply topical fluoride under  
27 the general direction of a licensed dentist or physician.

28 (d) Under the supervision of a registered dental hygienist in  
29 alternative practice, a dental assistant may perform intraoral  
30 retraction and suctioning.

31 (e) The board may specify additional allowable duties by  
32 regulation.

33 (f) The duties of a dental assistant or a dental assistant holding  
34 a permit in orthodontic assisting or in dental sedation do not include  
35 any of the following procedures unless specifically allowed by  
36 law:

37 (1) Diagnosis and comprehensive treatment planning.

38 (2) Placing, finishing, or removing permanent restorations.

1 (3) Surgery or cutting on hard and soft tissue including, but not  
2 limited to, the removal of teeth and the cutting and suturing of soft  
3 tissue.

4 (4) Prescribing medication.

5 (5) Starting or adjusting local or general anesthesia or oral or  
6 parenteral conscious sedation, except for the administration of  
7 nitrous oxide and oxygen, whether administered alone or in  
8 combination with each other and except as otherwise provided by  
9 law.

10 (g) The duties of a dental assistant are defined in subdivision  
11 (a) of Section 1750 and do not include any duty or procedure that  
12 only an orthodontic assistant permitholder, dental sedation assistant  
13 permitholder, registered dental assistant, registered dental assistant  
14 in extended functions, registered dental hygienist, or registered  
15 dental hygienist in alternative practice is allowed to perform.

16 (h) This section shall become operative on January 1, 2010.

17 SEC. 2. Section 104762 is added to the Health and Safety Code,  
18 to read:

19 104762. Within a public health setting or a public health  
20 program that is created or administered by a federal, state, or local  
21 governmental entity, any person may apply topical fluoride,  
22 including fluoride varnish, ~~or other decay-inhibiting agent~~ to the  
23 teeth of individuals who are being served in that setting or program,  
24 according to the prescription and protocol issued and established  
25 by a physician or dentist.

26 SEC. 3. Section 104830 of the Health and Safety Code is  
27 amended to read:

28 104830. Pupils of public and private elementary and secondary  
29 schools, except pupils of community colleges, shall be provided  
30 the opportunity to receive within the school year the topical  
31 application of fluoride, including fluoride varnish, or other  
32 decay-inhibiting agent to the teeth in the manner approved by the  
33 department. The program of topical application shall be under the  
34 general direction of a dentist licensed in the ~~state and state~~. *Topical*  
35 *application of fluoride* may include, according to the prescription  
36 and protocol established by the dentist, self-application or  
37 application by another person.