

AMENDED IN SENATE MAY 17, 2010

AMENDED IN SENATE APRIL 28, 2010

AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1570

Introduced by Assembly Member Salas

March 16, 2009

~~An act to add Section 5272.4 to the Business and Professions Code, relating to outdoor advertising. An act to add Article 3.7 (commencing with Section 1660) to Chapter 4 of Division 2 of, and to repeal Section 1660.7 of, the Business and Professions Code, relating to dentistry.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1570, as amended, Salas. ~~Outdoor advertising. Malpractice insurance: volunteer dentists.~~

Under existing law, the Dental Practice Act, the Dental board of California is responsible for the licensure and regulation of dentists. Licensure fees imposed upon dentists are deposited into the State Dentistry Fund for the purposes of administering the act and are subject to appropriation by the Legislature.

This bill would create the Volunteer Insured Dentists Program, administered by the board, to provide specified malpractice insurance coverage to volunteer dentists providing uncompensated care to low-income patients pursuant to a contract with a qualified health care

entity, as defined. The bill would provide unspecified funding for the program from the State Dentistry Fund for a limited period of time. The bill would require annual reports to the Legislature until January 1, 2015.

~~The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from its provisions, among other things, certain advertising displays that advertise the business conducted or services rendered or goods produced or sold on the property upon which the display is placed, as specified.~~

~~This bill would exempt from the provisions of the act an advertising display located within a distance of 4,100 feet of the intersection of State Highway Route 8 and State Highway Route 111, in the County of Imperial, if specified conditions are satisfied.~~

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Imperial.~~

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. Article 3.7 (commencing with Section 1660) is
2 added to Chapter 4 of Division 2 of the Business and Professions
3 Code, to read:

4

5 Article 3.7. Volunteer Insured Dentists Program

6

7 1660. This article shall be known and may be cited as the
8 Volunteer Insured Dentists (VID) Act, which authorizes the
9 creation and implementation of the Volunteer Insured Dentists
10 (VID) Program.

11 1660.1. For purposes of this article, the following definitions
12 shall apply:

13 (a) "Licensee" means a licensed dentist who is engaged in the
14 practice of dentistry under the jurisdiction of the board.

15 (b) "Low-income patient" means a person who is without dental
16 coverage and whose family income does not exceed 200 percent
17 of the federal poverty level, as defined annually by the federal
18 Office of Management and Budget.

1 (c) “Qualified health care entity” means a county health
2 department or clinic owned and operated by a governmental entity.

3 (d) “VID Program” is the Volunteer Insured Dentists Program.

4 (e) “Voluntary service agreement” means an agreement
5 executed pursuant to this article between the board, a licensee,
6 and a qualified health care entity that authorizes the qualified
7 health care entity to enter into a voluntary service contract with
8 the licensee.

9 (f) “Voluntary service application” means the written
10 application developed by the board that a licensee must complete
11 and submit in order to be considered for participation in the VID
12 Program.

13 (g) “Voluntary service contract” means an agreement executed
14 pursuant to this article between a licensee and a qualified health
15 care entity that authorizes the licensee to deliver dental services
16 to low-income patients as an agent of the qualified health care
17 entity on a volunteer, uncompensated basis.

18 (h) “Volunteer dentist” means a licensee who volunteers to
19 provide dental services, as described in Section 1660.3, to a
20 low-income patient, with no monetary or material compensation.

21 1660.2. (a) A licensee who wants to provide voluntary,
22 uncompensated care to low-income patients, but who does not
23 have professional liability insurance that would include insurance
24 coverage for premiums, defense, and indemnity costs for any claims
25 arising from voluntary and uncompensated care, may submit a
26 voluntary service application to the board for coverage under the
27 VID Program.

28 (b) A licensee who submits an application for a waiver of
29 renewal licensing fees under subdivision (a) of Section 1716.1 and
30 who also submits a voluntary service application shall be
31 simultaneously assessed by the board for eligibility to receive
32 professional liability insurance coverage for premiums, defense,
33 and indemnity costs through the VID Program.

34 (c) A licensee who has standard professional liability insurance
35 coverage for his or her regular practice but who is not covered
36 for volunteer service may submit a voluntary service application
37 to participate in the VID Program. In conjunction with the
38 voluntary service application, the licensee shall submit verification
39 from his or her professional liability insurance carrier that

1 voluntary, uncompensated care is not covered by his or her existing
2 professional liability insurance policy.

3 (d) The board shall review the voluntary service application to
4 determine if the applicant meets the criteria for VID Program
5 participation. These criteria shall include both of the following:

6 (1) Holding an active license in good standing to practice
7 dentistry in the State of California.

8 (2) No record of disciplinary action by the board or any other
9 regulatory board.

10 (e) Continued eligibility for the VID Program shall be
11 reassessed by the board during each license renewal cycle.

12 1660.3. (a) Licensees approved by the board for participation
13 in the VID Program may enter into a voluntary service agreement
14 with the board and a qualified health care entity that acknowledges
15 the terms of the VID Program and transfers responsibility from
16 the volunteer dentist to the state for professional liability insurance,
17 including premiums, defense, and indemnity costs, for voluntary,
18 uncompensated dental care that is provided in accordance with
19 an executed and signed voluntary service contract between the
20 volunteer dentist and the qualified health care entity and that
21 complies with the terms of the VID Program.

22 (b) The voluntary service contract between the volunteer dentist
23 and the qualified health care entity shall include all of the following
24 provisions:

25 (1) All care provided shall be both voluntary and uncompensated
26 and shall be provided to low-income patients.

27 (2) Patient selection and initial referral shall be made solely
28 by the qualified health care entity and the volunteer dentist shall
29 accept all referred patients except as otherwise allowed by law.
30 However, the number of patients that must be accepted may be
31 limited by the voluntary service contract.

32 (3) The qualified health care entity shall have access to the
33 patient records of the volunteer dentist delivering services under
34 the voluntary service contract.

35 (4) The volunteer dentist shall be subject to supervision by the
36 qualified health care entity's standard peer review process and
37 all related laws regarding peer review, including, but not limited
38 to, the filing of reports pursuant to Section 805.

1 (5) The qualified health care entity shall utilize a quality
2 assurance program to monitor services delivered by the volunteer
3 dentist under the voluntary services contract.

4 (6) The right to dismiss or terminate a volunteer dentist
5 delivering services under the voluntary service contract shall be
6 retained by the qualified health care entity. If the volunteer services
7 contract is terminated, the qualified health care entity shall notify
8 the VID Program in writing within five days.

9 1660.4. The fact that a volunteer dentist is insured under the
10 VID Program in relation to particular dental services rendered
11 shall not operate to change or affect the laws applicable to any
12 claims arising from or related to those dental services. All laws
13 applicable to a claim remain the same regardless of whether a
14 licensee is insured through the VID Program.

15 1660.5. If a volunteer dentist covered by the VID Program
16 receives notice or otherwise obtains knowledge that a claim of
17 professional negligence has been or may be filed, the dentist shall
18 immediately notify the VID Program or the contracted liability
19 carrier.

20 1660.6. All costs for administering the VID Program, including
21 the cost of professional liability insurance for premiums, defense,
22 and indemnity coverage for program participants, shall be paid
23 for from the State Dentistry Fund, in an amount not to exceed ____
24 dollars (\$____) per year.

25 1660.7. (a) The board shall report annually to the Legislature
26 summarizing the efficacy of access and treatment outcomes with
27 respect to providing dental services for low-income patients
28 pursuant to this article. The report shall include the numbers of
29 injuries and deaths reported, claims statistics for all care rendered
30 under the VID Program, including the total of all premiums paid,
31 the number of claims made for each year of the VID Program, the
32 amount of all indemnity payments made, the cost of defense
33 provided, and administration costs associated with all claims made
34 against volunteer dentists arising from voluntary and
35 uncompensated care provided under the VID Program.

36 (b) (1) A report to be submitted pursuant to subdivision (a)
37 shall be submitted in compliance with Section 9795 of the
38 Government Code.

39 (2) Pursuant to Section 10231.5 of the Government Code, this
40 section is repealed on January 1, 2015.

1 1660.8. *This article shall remain operative until January 1,*
2 *2016, or until another viable source of funding is identified and*
3 *adopted, whichever occurs first.*

4 ~~SECTION 1. Section 5272.4 is added to the Business and~~
5 ~~Professions Code, to read:~~

6 ~~5272.4. None of the provisions of this chapter apply to an~~
7 ~~advertising display located within a distance of 4,100 feet of the~~
8 ~~intersection of State Highway Route 8 and State Highway Route~~
9 ~~111, in the County of Imperial, if all of the of the following~~
10 ~~conditions are met:~~

11 ~~(a) Written evidence shall be provided to the department~~
12 ~~indicating that both the owner or person in control or possession~~
13 ~~of the property upon which the advertising display is to be located~~
14 ~~and the city or county with land use jurisdiction over that property~~
15 ~~have consented to the placing of the display.~~

16 ~~(b) No other display is placed pursuant to this section.~~

17 ~~(c) Placement of the display will not necessitate the immediate~~
18 ~~trimming, pruning, topping, or removal of existing trees in order~~
19 ~~to make the display visible or to improve its visibility, unless done~~
20 ~~as part of the normal landscape maintenance activities that would~~
21 ~~have been undertaken without regard to the placement of the~~
22 ~~display.~~

23 ~~(d) The display does not cause a reduction in federal aid highway~~
24 ~~funds, as provided in Section 131 of Title 23 of the United States~~
25 ~~Code.~~

26 ~~SEC. 2. The Legislature finds and declares that a special law~~
27 ~~is necessary and that a general law cannot be made applicable~~
28 ~~within the meaning of Section 16 of Article IV of the California~~
29 ~~Constitution because of the unique circumstances concerning the~~
30 ~~location of the advertising display set forth in this act and the need~~
31 ~~for advertising in the County of Imperial.~~