



**FULL BOARD MEETING**  
**Thursday, August 27, 2015**



**Hilton Arden West**  
**2200 Harvard Street**  
**Sacramento, CA 95815**



## **BOARD MEETING AGENDA**

**August 27, 2015**

Hilton Arden West

2200 Harvard Street

Sacramento, CA 95815

916-922-4700 (Hotel) or 916-263-2300 (Board Office)

### **Members of the Board**

Fran Burton, MSW, Public Member, President

Bruce Whitcher, DDS, Vice President

Judith Forsythe, RDA, Secretary

Steven Afriat, Public Member

Stephen Casagrande, DDS

Yvette Chappell-Ingram, Public Member

Katie Dawson, RDH

Luis Dominicis, DDS

Kathleen King, Public Member

Ross Lai, DDS

Huong Le, DDS, MA

Meredith McKenzie, Public Member

Steven Morrow, DDS, MS

Thomas Stewart, DDS

Debra Woo, DDS

During this two-day meeting, the Dental Board of California will consider and may take action on any of the agenda items. It is anticipated that the items of business before the Board on the first day of this meeting will be fully completed on that date. However, should items not be completed, it is possible that it could be carried over and be heard beginning at 9:00 a.m. on the following day. Anyone wishing to be present when the Board takes action on any item on this agenda must be prepared to attend the two-day meeting in its entirety.

Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the President. For verification of the meeting, call (916) 263-2300 or access the Board's website at [www.dbc.ca.gov](http://www.dbc.ca.gov). This Board meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

# Thursday, August 27, 2015

## 8:00 A.M. FULL BOARD MEETING – OPEN SESSION

1. Call to Order/Roll Call/Establishment of Quorum

### CLOSED SESSION – FULL BOARD

Deliberate and Take Action on Disciplinary Matters

The Board will meet in closed session as authorized by Government Code §11126(c)(3)

Possible Litigation

The Board will meet in closed session as authorized by Government Code § 11126(e)

(2)(B)(i)

### CLOSED SESSION – LICENSING, CERTIFICATION, AND PERMITS COMMITTEE

- A. Issuance of New License(s) to Replace Cancelled License(s)

The Committee will meet in closed session as authorized by Government Code §11126(c)(2) to deliberate on applications for issuance of new license(s) to replace cancelled license(s)

- B. Grant, Deny or Request Further Evaluation for Conscious Sedation Permit Onsite Inspection and Evaluation Failure, pursuant to Title 16 CCR Section 1043.6

The Committee will meet in closed session as authorized by Government Code Section 11126(c)(2) to deliberate whether or not to grant, deny or request further evaluation for a Conscious Sedation Permit as it Relates to an Onsite Inspection and Evaluation Failure

### RETURN TO OPEN SESSION – FULL BOARD

2. Licensing, Certification and Permits Committee Report on Closed Session  
The Board may take action on recommendations regarding applications for issuance of new license(s) to replace cancelled license(s) and whether or not to grant, deny or request further evaluation for a Conscious Sedation Permit as it Relates to an Onsite Inspection and Evaluation Failure
3. Approval of the May 14-15, 2015 Board Meeting Minutes
4. President's Report
5. Executive Officer's Report
6. Update from the Dental Hygiene Committee of California (DHCC)
7. Discussion and Possible Action Regarding 2016 Board Meeting Dates

**JOINT MEETING OF THE DENTAL BOARD AND DENTAL ASSISTING COUNCIL – SEE ATTACHED AGENDA**

*\*The purpose of this joint meeting is to allow the Board and the Dental Assisting Council to interact with each other, ask questions and participate in discussions.*

RETURN TO OPEN SESSION - FULL BOARD

**RECESS**

**CLOSED SESSION**

**LCP CLOSED SESSION**

# **OPEN SESSION FULL BOARD**



## MEMORANDUM

<b>DATE</b>	August 10, 2015
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 2:</b> Report from the Licensing, Certification and Permits Committee Regarding Closed Session

Dr. Whitcher, Chair of the Licensing, Certification and Permits Committee, will provide recommendations to the Board based on the outcome of the Closed Session meeting to grant a new license(s) to replace a cancelled license(s) and whether to grant, deny or request further evaluation for a Conscience Sedation Permit onsite inspection and evaluation failure.



## **BOARD MEETING MINUTES**

**May 14-15, 2015**

Crowne Plaza San Francisco Airport  
1177 Airport Blvd., Burlingame, CA 94010

**DRAFT**

### **Members Present**

Fran Burton, MSW, Public Member, President  
Bruce Whitcher, DDS, Vice President  
Judith Forsythe, RDA, Secretary  
Stephen Casagrande, DDS  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, RDH  
Luis Dominicis, DDS  
Kathleen King, Public Member  
Ross Lai, DDS  
Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Steven Morrow, DDS, MS  
Thomas Stewart, DDS  
Debra Woo, DDS

### **Members Absent**

Steve Afriat, Public Member  
Katie Dawson, RDH (Friday only)

### **Staff Present**

Karen Fischer, MPA, Executive Officer  
Sarah Wallace, Assistant Executive Officer  
Teri Lane, Enforcement Chief  
Jana Adams, RDA Examination Coordinator  
Linda Byers, Executive Assistant  
Spencer Walker, Senior Legal Counsel

## **Thursday, May 14, 2015**

### **9:00 A.M. FULL BOARD MEETING – OPEN SESSION**

#### **1. Call to Order/Roll Call/Establishment of Quorum**

President Fran Burton called the meeting to order at 9:05 a.m. Judith Forsythe, Secretary, called the roll and a quorum was established. The Board immediately went into Closed Session.

### **CLOSED SESSION – FULL BOARD**

### **RETURN TO OPEN SESSION – FULL BOARD**

2. **Licensing, Certification and Permits Committee Report on Closed Session**  
The committee did not meet in Closed Session as there were no candidates. No report was given.

3. **Approval of the February 26-27, 2015 Board Meeting Minutes**  
Motioned/Seconded/Carried (M/S/C) (Burton/Forsythe) to approve the minutes.

Gayle Mathe, California Dental Association (CDA) commented that with regards to Agenda Item Number 5, she would like the minutes to reflect that after she read CDA's comments she provided the Dental Board with a written copy of those comments.

Motioned/Seconded/Carried (M/S/C) (Burton/Forsythe) to approve the minutes with the exception.

**Support:** Burton, Whitcher, Forsythe, Casagrande, Chappell-Ingram, Dawson, Dominicus, King, Lai, Le, McKenzie, Morrow, Stewart, Woo. **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

4. **President's Report**  
Dental Board President Fran Burton gave an overview of her Board related activities since the last meeting.
5. **Executive Officer's Report**  
Dental Board Executive Officer Karen M. Fischer provided an update on the Board's Sunset Review, the Occupational Analysis being undertaken, the BreZE project, Portfolio Pathway to licensure and her attendance at various meetings since the last Board meeting in February 2015.
6. **Update from the Dental Hygiene Committee of California (DHCC)**  
Nikki Moultrie, President of the DHCC, gave a report on their activities since last February including that they are in support of AB 179, the Dental Board's Sunset Bill. She also reported on Dental Hygiene school audits, their fall newsletter and publication of the DHCC Statute and Regulation book.
7. **Discussion and Possible Action Regarding the Dental Hygiene Committee of California (DHCC) Proposed Dental Hygiene Regulations Relative to Definitions (CCR, Title 16, Division 11, §1101)**  
Sarah Wallace, Assistant Executive Officer, gave an overview of the information provided. There was discussion regarding the 15 day comment period, jurisdiction and the scope of practice. Ms. Fischer commented that when the modified text comes out she and President Burton will determine if a special meeting of the Dental Board is required.
8. **Update Regarding Attorney General Opinion Regarding the Implementation of Uniform Standards for Substance Abusing Licensees, Dated April 8, 2015**  
This item was tabled.

## COMMITTEE/COUNCIL MEETINGS – SEE ATTACHED AGENDAS

### RETURN TO OPEN SESSION – FULL BOARD

9. **Public Comment of Items Not on the Agenda**

There was no public comment.

10. **Recess**

The meeting was recessed at 7:05pm.

## Friday, May 15, 2015

### 9:00 A.M. OPEN SESSION - FULL BOARD

11. **Call to Order/Roll Call/Establishment of Quorum**

President Burton called the meeting to order at 9:12am. Roll was called and a quorum established. The Examination Committee resumed its meeting.

### RETURN TO OPEN SESSION – FULL BOARD

12. **Discussion and Possible Action Regarding the Following Relating to the Dental Board's Sunset Review:**

Dr. Whitcher gave an overview of the information provided. Ms. King asked about actual cost of BreEZe versus the projected cost. Ms. Fischer commented that those figures would be available at the August meeting. There was discussion regarding Issue #6: Foreign Dental School Approval. Dr. Dominicis, the Dental Board's Commission on Dental Accreditation (CODA) representative, stated that he would report on CODA's Foreign Dental School Approvals at the August Board meeting.

13. **Enforcement**

Teri Lane, Enforcement Chief gave an overview of the information provided.

14. **Prescription Drug Abuse**

Ms. Lane gave an overview of the information provided.

15. **Subcommittee Report Regarding the Review of the Dental School Application from the Republic of Moldova**

The subcommittee of Dr. Le and Dr. Morrow gave a report and overview of the information provided.

16. **Budget Report**

Executive Officer, Karen Fischer, gave an overview of the information provided.

17. **Report on the April 8, 2015 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits**

M/S/C (Morrow/Woo) to accept the EFCS committee report and approve the Committee recommendation to issue a permit for unlimited Category I and Category II privileges to candidate RMD.

**Support:** Burton, Whitcher, Forsythe, Casagrande, Chappell-Ingram, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo. **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

18. **Legislative and Regulatory Committee Report**

Ms. Burton gave a report on the Legislative and Regulatory Committee meeting. M/S/C (Burton/Chappell-Ingram) to accept the committee report and bill position recommendations of:

AB 85 – Oppose – send letter of concern

AB 178 – Support – send letter

AB 179 – Support – send letter

AB 502 – Watch

AB 507 – removed

AB 611 – Watch – DBC exclusion?

AB 648 – Watch

AB 880 – Oppose unless amended – letter with suggested changes

SB 800 – Support – send letter

**Support:** Burton, Whitcher, Forsythe, Casagrande, Chappell-Ingram, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo. **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

19. **Joint Examination Committee and Dental Assisting Council Report**

Dr. Casagrande gave a report on the joint committee meeting. M/S/C (Casagrande/Morrow) to accept the report and the joint committee recommendations.

**Support:** Burton, Whitcher, Forsythe, Casagrande, Chappell-Ingram, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo. **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

20. **Dental Assisting Council Report**

Ms. Forsythe gave a report on the Dental Assisting Council meeting. M/S/C (Casagrande/Morrow) to accept the report and the Council's recommendations.

**Support:** Burton, Whitcher, Forsythe, Casagrande, Chappell-Ingram, Dominicis, King, Lai, Le, McKenzie, Morrow, Stewart, Woo. **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

21. **Examination Committee Report**

Dr. Casagrande gave a report on the Examination Committee meeting. Dr. Le requested more time for the subcommittee to review issues brought up regarding the feasibility of accepting other regional exams. There was discussion led by Dr. Morrow of how the “Buffalo” version of the ADEX examination could be integrated with the Portfolio examination.

22. **Public Comment of Items Not on the Agenda**

There were no public comments.

23. **Board Member Comments for Items Not on the Agenda**

There were no Board member comments.

24. **Adjournment**

The meeting adjourned at 2:20p.m.

DRAFT



## MEMORANDUM

<b>DATE</b>	July 10, 2015
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 4:</b> Presidents Report

The President of the Dental Board of California, Fran Burton, MSW, will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	July 10, 2015
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 5:</b> Executive Officer Report

Karen M. Fischer, MPA, Executive Officer of the Dental Board of California will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	July 10, 2015
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 6:</b> Update from the Dental Hygiene Committee of California (DHCC)

A representative from the Dental Hygiene Committee of California will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	May 26, 2015
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 7:</b> Discussion and Possible Action Regarding 2016 Board Meeting Dates

The Board will need to set the 2016 meeting schedule in order for Board members to plan accordingly and enable staff ample time to negotiate contracts for future meeting space locations. A 2016 calendar is attached for your reference.

Pursuant to Business and Professions Code, Section 1607, the Board shall meet regularly once each year in San Francisco and once each year in Los Angeles and at such other times and places as the Board may designate, for the purpose of transacting its business. Historically, the Board meets quarterly.

Staff has taken into account holidays, association meetings and legislative and legal deadlines.

As such, the following are dates for your consideration:

FEBRUARY/MARCH	MAY
<u>Thursday-Friday</u> February 25-26 March 3-4	<u>Thursday-Friday</u> May 11-12 19-20 June 2-3
AUGUST	OCTOBER/NOVEMBER
<u>Thursday-Friday</u> August 11-12 18-19	<u>Thursday-Friday</u> November 3-4 December 1-2

# January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18 MLK Holiday	19	20	21	22	23
24	25	26	27	28	29	30
31						

# March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12 ADEA Annual Session →
13	14 →	15 ADEA Annual Session	16	17	18	19
20	21	22	23	24	25	26
27 Easter Sunday	28	29	30	31		

# February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 President's Day	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

# April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16 CDA Cares Ventura
17 CDA Cares Ventura	18	19	20	21 CADAT Annual Conference →	22	23
24 CADAT Annual Conference	25	26	27	28	29	30

2016

2016

# May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8 Mother's Day	9	10	11	12 CDA Presents Anaheim	13 CDA Presents Anaheim	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30 Memorial Day	31				

# July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 Independence Day	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

2016

# June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19 Father's Day	20	21	22	23	24	25
26	27	28	29	30		

# August

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

2016

# September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 Labor Day	6	7	8 CDA Presents San Francisco	9 →	10 CDA Presents San Francisco
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

# November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11 Veteran's Day CDA House of Delegates	12 →
13 CDA House of Delegates	14	15	16	17	18	19
20	21	22	23	24 Thanksgiving	25	26
27	28	29	30			

2016

# October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10 Columbus Day	11	12	13	14	15 CDA Cares Stockton
16 CDA Cares Stockton	17	18	19	20 ADA Annual Session - CO.	21 →	22
23 →	24 →	25 ADA Annual Session - CO.	26	27	28	29
30 Halloween	31					

# December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25 Christmas	26	27	28	29	30	31

2016



**JOINT MEETING OF THE DENTAL BOARD AND DENTAL ASSISTING COUNCIL**  
**Thursday, August 27, 2015**

*Upon Conclusion of Dental Board Meeting Agenda Item 8*

Hilton Arden West  
2200 Harvard Street  
Sacramento, CA 95815  
916-922-4700 (Hotel) or 916-263-2300 (Board Office)

**Members of the Board**

Fran Burton, MSW, Public Member, President  
\*Bruce Whitcher, DDS, Vice President (Also a Council member)  
\*Judith Forsythe, RDA, Secretary (Also a Council member)

Steven Afriat, Public Member  
Stephen Casagrande, DDS  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, RDH  
Luis Dominicis, DDS  
Kathleen King, Public Member

Ross Lai, DDS  
Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Steven Morrow, DDS, MS  
Thomas Stewart, DDS  
Debra Woo, DDS

**Members of the Dental Assisting Council**

Chair - Judith Forsythe, RDA  
Vice Chair - Anne Contreras, RDA  
Pamela Davis-Washington, RDA  
Teresa Lua, RDAEF  
Tamara McNealy, RDA  
Emma Ramos, RDA  
Bruce Whitcher, DDS

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related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

While the Board intends to webcast this portion of its meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

JNT 1 - Call to Order/Roll Call/Establishment of Quorum

*\*The Board meeting is still in progress. Therefore, it is necessary to take roll call of the Dental Assisting Council members only, for the purpose of joining the Board meeting.*

*\*The Board may take action on any Council recommendations during this joint meeting.*

JNT 2 - Staff Update on:

- A. The Recruitment Of Registered Dental Assistants in Extended Functions 2's (RDAEF2) as Examiners for the RDAEF Examination
- B. Streamlining the Program Application Process for Registered Dental Assisting Educational Programs with Multiple Campuses
- C. Draft Regulatory Language for the Dental Assisting Comprehensive Rulemaking Package
- D. Publish RDAEF examination results by provider

JNT 3 - Discussion and Possible Action Regarding the Feasibility of Having the RDAEF Examination Given at Each of the Provider's Classroom Sites on the Last Day of the Course and for Two Consecutive Days

JNT 4 - Discussion and Possible Action Regarding Registered Dental Assistants in Extended Functions (RDAEF) June 2015 Examination Results – Low Pass Rates for University of the Pacific (UOP) Students

JNT 5 - Joan Greenfield Requests

- A. Change RDAEF Function from "Cord Retraction" to "Soft Tissue Management for Prosthodontics"
- B. Remove Cord Retraction from RDAEF Examination as a Gradable Item
- C. Test Anterior and Posterior Composites. Remove Amalgams from Test, Not from Curriculum
- D. Remove Amalgam Requirement from Restoration Performed on Patients

JNT 6 - Update Regarding Assembly Bill 178 and Assembly Bill 179 – Dental Board of California Sunset Review Legislation

JNT 7 - Discussion and Possible Action Regarding the Registered Dental Assistant Practical Examination Results for July 2015 and August 2015

JNT 8 - Discussion and Possible Action Regarding Dental Assisting Council Self-Assessment, Review of Expectations and Guidance from the Board

JNT 9 - Public Comment on Items Not on the Agenda

The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

JNT 10 - Adjourn Joint Meeting of the Dental Board and the Dental Assisting Council



## MEMORANDUM

<b>DATE</b>	August 20, 2015
<b>TO</b>	Members of the Dental Board of California Members of the Dental Assisting Council
<b>FROM</b>	Sarah Wallace, Assistant Executive Officer
<b>SUBJECT</b>	<b>JNT 2: Staff Update</b>

Sarah Wallace, Assistant Executive Officer of the Dental Board of California will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	August 18, 2015
<b>TO</b>	Dental Assisting Council Members Dental Board of California
<b>FROM</b>	Jana Adams, Dental Assisting Examination Coordinator
<b>SUBJECT</b>	<b>JNT 3:</b> Discussion and Possible Action Regarding the Feasibility of Having the RDAEF Examination Given at Each of the Provider's Classroom Sites on the Last Day of the Course and for Two Consecutive Days

At its May 2015 meeting, the Dental Board of California (Board) and the Dental Assisting Council (Council) considered a request that the Board administer the Registered Dental Assistant in Extended Functions (RDAEF) examination on the last day of class at each of the four RDAEF programs. The Board directed staff to research the feasibility of administering the RDAEF examination as proposed and report back at the August meeting.

Staff contacted the four RDAEF programs, which included: University of the Pacific (UOP), Expanded Functions Dental Assistant Association (EFDAA), J-Productions Dental Seminars Inc. (J-Productions), and University of California, Los Angeles (UCLA), and asked if this proposal would work with their individual programs and how many candidates they expected to have graduate in 2016.

UOP responded that they are interested in holding the examination at the end of their course would work for the fifteen-twenty candidates that they expect will graduate in mid-May, 2016.

EFDAA is also interested in holding the examination at the end of their program for the ten candidates that they expect will graduate in their spring and winter programs. Though they only have four dental operatories, the course director sent a tentative detailed schedule of how the Board could accommodate all students during a two-day examination.

Additionally, J-Productions is also in agreement with holding the examination at the end of the course. This program will have eighteen candidates graduating in early December, 2015. This program would be able to fully accommodate their students as their facility can hold up to twenty-four candidates in two sessions during the clinical

portion and twenty-two candidates in one session during the practical portion of the examination.

UCLA was not in agreement with holding the examination on the last day of the course. They stated it would dilute their final examination and feedback during the last day of classes and would add extra stress to candidates because their candidates usually need more time to prepare for the Board examination. UCLA confirmed that, though their courses vary, usually the last day is in late April. This facility can hold up to fifty candidates during the clinical portion and up to twenty-eight candidates during the practical portion.

After contacting the Department, staff learned that we will still need to still follow the state contract process with each program that the examination will be held at, whether or not a fee is involved, due to liability purposes. In addition to following the contract process, all four programs would need to be in agreement to let any candidate, regardless of which program they attended, take the examination at their facility to keep the examination process fair for all candidates.

Staff is currently working on scheduling RDAEF Examinations based on the number of graduates and graduation dates in 2016 in the event that we do not hold the examination at each individual program.

### **Action Requested**

The Board and the Dental Assisting Council may consider this request and staff will be available to answer any questions that may come up.



## MEMORANDUM

<b>DATE</b>	August 18, 2015
<b>TO</b>	Examination Committee and Dental Assisting Council Members, Dental Board of California
<b>FROM</b>	Jana Adams, Dental Assisting Examination Coordinator Dental Board of California
<b>SUBJECT</b>	<b>JNT 4:</b> Discussion and Possible Action Regarding Registered Dental Assistants in Extended Functions (RDAEF) June 2015 Examination Results – Low Pass Rates for University of the Pacific (UOP) Students

The Dental Board of California's (Board) Registered Dental Assistant in Extended Functions (RDAEF) examination was administered on June 13, 2015 at University of California, San Francisco (UCSF) and on July 25, 2015 at University of California, Los Angeles (UCLA). The following includes statistics from these two examinations.

### RDAEF Clinical/Practical Examination Statistics for 2015 All Candidates

Clinical/Practical Exam	Total Candidates Tested	# of Passed	% Passed	# of Failed	% Failed
RDAEF – June North	28	12	43%	16	57%
RDAEF - July South	29	19	66%	10	34%

### RDAEF Clinical/Practical Examination Statistics for 2015 First Time Candidates

Clinical/Practical Exam	Total Candidates Tested	# of Passed	% Passed	# of Failed	% Failed
RDAEF – June North	27	12	44%	15	56%
RDAEF - July South	23	14	61%	9	39%

### RDAEF Clinical/Practical Examination Statistics for 2015 Repeat Candidates

Clinical/Practical Exam	Total Candidates Tested	# of Passed	% Passed	# of Failed	% Failed
RDAEF – June North	1	0	0%	1	100%
RDAEF – July South	6	5	83%	1	17%

There were twenty-eight candidates from three RDAEF programs that attended the examination on June 13, 2015. These programs included University of the Pacific (UOP), J-Productions Dental Seminars, Inc. (J-Productions), and Expanded Functions

Dental Assistant Association (EFDAA). No candidates from University of California, Los Angeles (UCLA) attended the June 13, 2015 examination.

The following statistics include the pass and failure rates broken down by program from the June 13, 2015 RDAEF examination.

**RDAEF Clinical/Practical Examination Statistics By Program for June 2015 All Candidates**

Clinical/Practical Exam	Total Candidates Tested	# of Passed	% Passed	# of Failed	% Failed
UOP	16	2	12%	14	88%
J-Productions	11	10	91%	1	9%
EFDAA	1	0	0%	1	100%
UCLA	0	0	0%	0	0%

There were twenty-nine candidates from two RDAEF programs that attended the examination on July 25, 2015. These programs included EFDAA and UCLA. No candidates from UOP or J-Productions attended the July 25, 2015 examination.

The following statistics include the pass and failure rates broken down by program from the July 25, 2015 RDAEF examination.

**RDAEF Clinical/Practical Examination Statistics By Program for July 2015 All Candidates**

Clinical/Practical Exam	Total Candidates Tested	# of Passed	% Passed	# of Failed	% Failed
UOP	0	0	0%	0	0%
J-Productions	0	0	0%	0	0%
EFDAA	10	7	70%	3	30%
UCLA	19	12	63%	7	37%

After reviewing the results of this examination, staff noted a high failure rate of UOP candidates during the June examination compared to the other RDAEF programs.

Staff found that a majority of the UOP failures resulted from the composite restoration portion of the exam; which resulted in twelve of the sixteen candidate failures. Of those twelve candidates that failed the composite restoration, four failures were also from the amalgam restoration.

**Action Requested**

The Board and the Dental Assisting Council Members may wish to discuss these results and consider if a review of UOP's program is warranted to determine if the UOP RDAEF program is in compliance with Board requirements.



## MEMORANDUM

<b>DATE</b>	August 18, 2015
<b>TO</b>	Examination Committee and Dental Assisting Council Members, Dental Board of California
<b>FROM</b>	Jana Adams, Dental Assisting Examination Coordinator Dental Board of California
<b>SUBJECT</b>	<b>JNT 5:</b> Discussion and Possible Action Regarding the Following Agenda Items Requested by Joan Greenfield of J. Productions

These items were requested by Joan Greenfield of J. Productions. She will be available at the meeting for comments.

### **A. Discussion and Possible Action Regarding the Change of the RDAEF Function from “Cord Retraction” to “Soft Tissue Management for Prosthodontics”.**

Ms. Greenfield requested this item because she feels that since the implementation of the RDAEF(1) category many years ago, several other means of tissue management for prosthodontics have become available. They include mechanical, chemicomechanical, chemical only, and laser. Changing the current language would allow approved RDAEF program providers to explore these other methods with RDAEF student and keep them current with other methods that are being utilized in today’s modern dental practices.

### **B. Discussion and Possible Action Regarding Consideration of Removing Cord Retraction from the RDAEF Examination as a Gradable Item.**

Ms. Greenfield requested this item because she feels that since the inception of the original RDAEF category 28-29 years ago, few if any individuals have failed the cord retraction portion of the examination. The Board should therefore be satisfied that the public is being protected in this regard.

By eliminating this portion of the examination, it will also become a more realistic way that impressions are taken for prosthetics in a dental practice. Presently during the examination, the patient has cord placed and then stands in line to be checked by examiners. During this time the cord becomes saturated with saliva reducing the effectiveness of the cord and any chemicals that are used to cause the tissue to retract away from the margins of the tooth preparation. Often the cord has to be

re-packed and/or adjusted when the patient returns to the student before the impression can be attempted. Not only is this unrealistic, it can cause issues with the impression itself. As a side-note removing the cord as a gradable item would also streamline the examination process.

**C. Discussion and Possible Action Regarding the Testing of Anterior and Posterior Composites, as well as Removing Amalgams from the Examination, but not from Curriculum.**

Ms. Greenfield requested this item because she said that on a comparative basis, the placement of amalgam restorations rarely occur in today's modern dental practice. It would seem more realistic and a better protection of the public to test those procedures which are more frequently performed by the RDAEF. Testing both an anterior and posterior tooth with a composite material would give a broader view of the actual procedures that are provided to patients.

**D. Discussion and Possible Action Regarding Consideration of Removing the Amalgam Requirement from the Restoration Performed on Patients.**

Ms. Greenfield requested this item because she said that the DPA currently requires that the RDAEF student complete a minimum of 20 restorations on patients prior to graduation from an RDAEF program. 10% of those restorations must be amalgams. Although that is not very many restorations, it presents both an ethical and patient safety issue. In my own particular program, since 2009, we have had less than 4% of the total number of students in our program that work in offices or clinics that "ever" utilize amalgam as a restorative material. What the students have had to do in order to meet the board requirements is place an amalgam, take a photo of the finished restoration for our records, and then have their dentist remove the restoration and replace it with a composite or glass ionomer restoration. This brings up ethical and patient safety issues.



## MEMORANDUM

<b>DATE</b>	August 18, 2015
<b>TO</b>	Dental Board of California Dental Assisting Council
<b>FROM</b>	Karen M. Fischer, Executive Officer
<b>SUBJECT</b>	<b>JNT 6:</b> Update Regarding Assembly Bill 178 and Assembly Bill 179 – Dental Board of California Sunset Review Legislation

Since the May Board meeting, Assembly Bills 178 and 179 have moved from the house of origin (the Assembly) to the Senate. Board President Fran Burton and I attended both Senate Business, Professions, and Economic Development (BPE) Committee meetings, held on June 29 and July 6 respectively, to assist Assemblywoman Bonilla in answering any questions that might arise. Both bills passed out of Senate BPE Committee and are currently in the Senate Appropriations Committee in suspense.

***Definition: SUSPENSE FILE** - A bill or set of bills, with a fiscal impact, set aside in Appropriations Committee by a majority of Members present and voting. These bills may be heard at a later hearing.*

The Legislature began summer recess July 17 and reconvened on August 17, 2015. The last day for fiscal committees to meet and report bills to the Floor is August 28. Floor Session only will take place between August 31 and September 11. The last day to amend on the Floor is September 4; and the last day for any bill to be passed by the Legislature is September 11. The Governor has until October 11 to sign or veto bills passed by the Legislature.

Copies of the most recent version of the bills are attached; as well a copies of the Senate Appropriations Committee analysis for each bill. Staff continues to monitor both bills and when additional information becomes available, it will be provided in a verbal report at the meeting.

AMENDED IN SENATE JUNE 24, 2015  
AMENDED IN ASSEMBLY MAY 4, 2015  
AMENDED IN ASSEMBLY APRIL 22, 2015  
AMENDED IN ASSEMBLY MARCH 3, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 178**

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

January 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 178, as amended, Bonilla. Board of Vocational Nursing and Psychiatric Technicians of the State of ~~California~~: *California: executive officer: enforcement program monitor*.

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

This bill, until July 1, 2017, would remove that practical examination requirement. The bill would require the Dental Board of California, in consultation with the Office of Professional Examination Services, to determine on or before July 1, 2017, whether a practical examination

is necessary to demonstrate the competency of registered dental assistants and to submit that determination to the appropriate policy committees of the Legislature by that date, as specified. The bill would make related conforming changes.

(2) Existing law, the Vocational Nursing Practice Act and the Psychiatric Technicians Law, provides for the licensure and regulation of vocational nurses and psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians of the State of California and requires the board, among other things, to appoint an executive officer. *Existing law repeals that requirement on January 1, 2016.* Existing law requires the executive officer to be a licensed vocational nurse, registered nurse, or psychiatric technician.

*This bill would extend the repeal date requiring the board to appoint an executive officer to January 1, 2018.* The bill would remove the requirement that the executive officer be a licensed vocational nurse, registered nurse, or psychiatric technician.

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

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

the scope of a crime, this bill would impose a state-mandated local program.

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

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

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

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

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

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

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

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

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

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

23 (c) The board shall give credit toward the work experience  
24 referred to in this section to persons who have graduated from a  
25 dental assisting program in a postsecondary institution approved  
26 by the Department of Education or in a secondary institution,

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

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

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

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

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

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

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

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

38 (2) Passage of a written examination administered by the board  
39 that shall encompass the knowledge, skills, and abilities necessary  
40 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) The board shall, in consultation with the Office of  
13 Professional Examination Services, conduct a review to determine  
14 whether a practical examination is necessary to demonstrate  
15 competency of registered dental assistants, and if so, how this  
16 examination should be developed and administered. The board  
17 shall submit its review and determination to the appropriate policy  
18 committees of the Legislature on or before July 1, 2017.

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

22 SEC. 2. Section 1752.1 is added to the Business and Professions  
23 Code, to read:

24 1752.1. (a) The board may license as a registered dental  
25 assistant a person who files an application and submits written  
26 evidence, satisfactory to the board, of one of the following  
27 eligibility requirements:

28 (1) Graduation from an educational program in registered dental  
29 assisting approved by the board, and satisfactory performance on  
30 a written and practical examination administered by the board.

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

36 (3) For individuals applying on or after January 1, 2010,  
37 evidence of completion of satisfactory work experience of at least  
38 15 months as a dental assistant in California or another state and  
39 satisfactory performance on a written and practical examination  
40 administered by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (1) Place a base or liner.

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

40 (3) Fabricate and adjust an indirect provisional restoration.

1 (4) Cement an indirect provisional restoration.

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

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

5 2847. (a) The board shall select an executive officer who shall  
6 perform duties as are delegated by the board and who shall be  
7 responsible to it for the accomplishment of those duties. The  
8 executive officer shall not be a member of the board.

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

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

15 (d) This section shall remain in effect only until January 1, ~~2016,~~  
16 ~~2018~~, and as of that date is repealed.

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

19 2847.5. (a) (1) The director shall appoint an enforcement  
20 program monitor no later than October 1, 2015. The director may  
21 retain a person for this position by a personal services contract. In  
22 this connection, the Legislature finds, pursuant to Section 19130  
23 of the Government Code, that this is a new state function.

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

26 (b) (1) The enforcement program monitor shall monitor and  
27 evaluate the board's vocational nursing and psychiatric technician  
28 disciplinary system and procedures, with specific concentration  
29 on improving the overall efficiency and consistency of the  
30 enforcement program. The director shall specify further duties of  
31 the monitor.

32 (2) The monitoring duty shall be on a continuing basis for a  
33 period of no more than two years from the date of the enforcement  
34 program monitor's appointment and shall include, but not be  
35 limited to, all of the following areas: improving the quality and  
36 consistency of complaint processing and investigation, assuring  
37 consistency in the application of sanctions or discipline imposed  
38 on licensees, the accurate and consistent implementation of the  
39 laws and rules affecting discipline, including adhering to CPEI  
40 complaint priority guidelines as described in the memorandum

1 dated August 31, 2009, by Brian J. ~~Stinger~~ *Stiger* titled “Complaint  
2 Prioritization Guidelines for Health Care Agencies,” staff concerns  
3 regarding disciplinary matters or procedures, appropriate utilization  
4 of licensed professionals to investigate complaints, the board’s  
5 cooperation with other governmental entities charged with  
6 enforcing related laws and regulations regarding vocational nurses  
7 and psychiatric technicians.

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

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

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

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

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

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

37 SEC. 7. Section 2858.5 is added to the Business and Professions  
38 Code, to read:

39 2858.5. (a) The department’s internal audit unit shall review  
40 the board’s staffing resources needs and requirements, and the

1 director shall provide to the Legislature a copy of the review, no  
2 later than October 1, 2016. The director shall include with this  
3 report an overview of how the director intends to ensure that the  
4 board's staff are sufficiently qualified for purposes of implementing  
5 the provisions of this chapter and Chapter 10 (commencing with  
6 Section 4500), and the estimated costs of meeting staffing and  
7 other requirements to implement this chapter and Chapter 10  
8 (commencing with Section 4500) based on findings of the review.  
9 The director shall include a brief evaluation of whether the current  
10 fee structure is appropriate to satisfy those staffing and other  
11 requirements.

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

14 SEC. 8. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.

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

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

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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair  
2015 - 2016 Regular Session

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### **AB 178 (Bonilla) - Board of Vocational Nursing and Psychiatric Technicians of the State of California: executive officer: enforcement program monitor**

**Version:** June 24, 2015

**Urgency:** Yes

**Hearing Date:** July 13, 2015

**Policy Vote:** B., P. & E.D. 7 - 0

**Mandate:** Yes

**Consultant:** Brendan McCarthy

**This bill meets the criteria for referral to the Suspense File.**

**Bill Summary:** AB 178 would suspend the practical examination requirement for licensure as a registered dental assistant until July 1, 2017. The bill would require the Director of Consumer Affairs to appoint an enforcement program monitor over the licensing enforcement program of the Board of Vocational Nursing and Psychiatric Technicians.

#### **Fiscal Impact:**

- One-time costs of \$140,000 to change the information technology systems used by the Dental Board of California to accommodate the suspension of the practical examination (State Dentistry Fund). The cost to modify information technology systems includes changes to the system currently in use by the Dental Board and updates to the BreZe system, which the Dental Board will begin using to process licensing applications and renewals in 2016.
- No significant additional costs are anticipated to review the current practical examination in use by the Dental Board, as the Board has already begun this process.
- Annual costs of about \$180,000 per year to support the Executive Officer position at the Board of Vocational Nursing and Psychiatric Technicians, including salary, benefits, and overhead costs (Vocational Nursing and Psychiatric Technicians Fund). Current law sunsets the statutory authority for the Executive Officer position on January 1, 2016. This bill extends the authority to employ this position until January 1, 2018.
- Total costs of about \$350,000 over three fiscal years to employ an enforcement program monitor over the enforcement program at the Board of Vocational Nursing and Psychiatric Technicians (Vocational Nursing and Psychiatric Technicians Fund).

**Background:** Under current law, applicants for licensure as a registered dental assistant must meet specified educational requirements and work experience as a dental assistant. In addition, applicants must pass both a written and practical examination administered by the Dental Board of California. In August of 2014, the Dental board recalibrated the practical examination. Subsequent to that change, the pass rate for applicants dropped from over 80% in recent years to between 19% and 38% over the last several exam cycles. The Dental Board is currently in the process of pursuing an occupational analysis to validate the practical exam (to ensure that the

practical examination accurately tests the skills gained during practical work experience and are necessary for the practice of dental assistance.)

The Board of Vocational Nursing and Psychiatric Technicians underwent a sunset review by the Legislature in 2014. Through that process, serious issues were raised about the Board's enforcement of its licensing requirements.

**Proposed Law:** AB 178 would suspend the practical examination requirement for licensure as a registered dental assistant until July 1, 2017. The bill would require the Director of Consumer Affairs to appoint an enforcement program monitor over the licensing enforcement program of the Board of Vocational Nursing and Psychiatric Technicians.

Specific provisions of this bill would:

- Suspend the practical examination requirement for registered dental assistant applicants until July 1, 2017;
- Require the Dental Board of California to conduct a review of the necessity of requiring a practical examination as part of the licensing process for registered dental assistants;
- Extend the sunset on the statutory authority for the Board of Vocational Nursing and Psychiatric Technicians to employ an Executive Officer to January 1, 2018;
- Delete the requirement that the Executive Officer be a licensed vocational nurse, licensed professional nurse, or licensed psychiatric technician;
- Require the Director of Consumer Affairs to appoint an enforcement program monitor over the Board of Vocational Nursing and Psychiatric Technicians no later than October 1, 2015;
- Require the enforcement program monitor to be in place for no more than two years;
- Require a report from the enforcement program monitor to the Legislature;
- Sunset the authority for the enforcement program monitor on January 1, 2018;
- Require the Board of Vocational Nursing and Psychiatric Technicians to review and report on the Board's staffing resources.

This bill is an urgency measure.

**Related Legislation:** AB 179 (Bonilla and Hill) would extend the operation of the Dental Board of California until January 1, 2020 and would extend the operation of the Board of Vocational Nursing and Psychiatric Technicians until January 1, 2018. That bill will be heard in this committee.

-- END --

AMENDED IN SENATE JUNE 30, 2015  
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)  
(Principal 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, ~~1742~~, 2841, ~~2847~~, ~~2894~~, 4501, ~~4503~~, and ~~4547~~ and 4503 of, to amend, repeal, and add Sections 205, 2894, and 4547 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~~ *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 ~~proscribes~~ *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 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.

*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 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. 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 *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 psychiatric technicians, and prohibits the board from charging expenses for these activities from any other source.

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

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.~~

- 1     ~~(17) Professional Engineer’s and Land Surveyor’s Fund.~~
- 2     ~~(18) Consumer Affairs Fund.~~
- 3     ~~(19) Behavioral Sciences Fund.~~
- 4     ~~(20) Licensed Midwifery Fund.~~
- 5     ~~(21) Court Reporters’ Fund.~~
- 6     ~~(22) Veterinary Medical Board Contingent Fund.~~
- 7     ~~(23) Vocational Nursing and Psychiatric Technicians Fund.~~
- 8     ~~(24) Electronic and Appliance Repair Fund.~~
- 9     ~~(25) Geology and Geophysics Account of the Professional~~
- 10  ~~Engineer’s and Land Surveyor’s Fund.~~
- 11  ~~(26) Dispensing Opticians Fund.~~
- 12  ~~(27) Acupuncture Fund.~~
- 13  ~~(28) Physician Assistant Fund.~~
- 14  ~~(29) Board of Podiatric Medicine Fund.~~
- 15  ~~(30) Psychology Fund.~~
- 16  ~~(31) Respiratory Care Fund.~~
- 17  ~~(32) Speech-Language Pathology and Audiology and Hearing~~
- 18  ~~Aid Dispensers Fund.~~
- 19  ~~(33) Board of Registered Nursing Fund.~~
- 20  ~~(34) Animal Health Technician Examining Committee Fund.~~
- 21  ~~(35) State Dental Hygiene Fund.~~
- 22  ~~(36) State Dental Assistant Fund.~~
- 23  ~~(37) Structural Pest Control Fund.~~
- 24  ~~(38) Structural Pest Control Eradication and Enforcement Fund.~~
- 25  ~~(39) Structural Pest Control Research Fund.~~
- 26  ~~(b) For accounting and recordkeeping purposes, the Professions~~
- 27  ~~and Vocations Fund shall be deemed to be a single special fund,~~
- 28  ~~and each of the several special funds therein shall constitute and~~
- 29  ~~be deemed to be a separate account in the Professions and~~
- 30  ~~Vocations Fund. Each account or fund shall be available for~~
- 31  ~~expenditure only for the purposes as are now or may hereafter be~~
- 32  ~~provided by law.~~
- 33  ~~SECTION 1. Section 205 of the Business and Professions Code~~
- 34  ~~is amended to read:~~
- 35  205. (a) There is in the State Treasury the Professions and
- 36  Vocations Fund. The fund shall consist of the following special
- 37  funds:
- 38  (1) Accountancy Fund.
- 39  (2) California Architects Board Fund.
- 40  (3) Athletic Commission Fund.

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

1 (40) Structural Pest Control Research Fund.

2 (b) For accounting and recordkeeping purposes, the Professions  
3 and Vocations Fund shall be deemed to be a single special fund,  
4 and each of the several special funds therein shall constitute and  
5 be deemed to be a separate account in the Professions and  
6 Vocations Fund. Each account or fund shall be available for  
7 expenditure only for the purposes as are now or may hereafter be  
8 provided by law.

9 (c) *This section shall become inoperative on July 1, 2016, and,  
10 as of January 1, 2017, is repealed.*

11 *SEC. 2. Section 205 is added to the Business and Professions  
12 Code, to read:*

13 *205. (a) There is in the State Treasury the Professions and  
14 Vocations Fund. The fund shall consist of the following special  
15 funds:*

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

1 (25) *Geology and Geophysics Account of the Professional*  
2 *Engineer's and Land Surveyor's Fund.*

3 (26) *Dispensing Opticians Fund.*

4 (27) *Acupuncture Fund.*

5 (28) *Physician Assistant Fund.*

6 (29) *Board of Podiatric Medicine Fund.*

7 (30) *Psychology Fund.*

8 (31) *Respiratory Care Fund.*

9 (32) *Speech-Language Pathology and Audiology and Hearing*  
10 *Aid Dispensers Fund.*

11 (33) *Board of Registered Nursing Fund.*

12 (34) *Animal Health Technician Examining Committee Fund.*

13 (35) *State Dental Hygiene Fund.*

14 (36) *State Dental Assistant Fund.*

15 (37) *Structural Pest Control Fund.*

16 (38) *Structural Pest Control Eradication and Enforcement Fund.*

17 (39) *Structural Pest Control Research Fund.*

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

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

26 ~~SEC. 2.~~

27 *SEC. 3.* Section 726 of the Business and Professions Code is  
28 amended to read:

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

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

1     ~~SEC. 3.~~

2     *SEC. 4.* Section 1601.1 of the Business and Professions Code  
3 is amended to read:

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

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

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

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

28     ~~SEC. 4.~~

29     *SEC. 5.* Section 1616.5 of the Business and Professions Code  
30 is amended to read:

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

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

1     ~~SEC. 5.~~

2     *SEC. 6.* Section 1632 of the Business and Professions Code is  
3 amended to read:

4     1632. (a) The board shall require each applicant to successfully  
5 complete the Part I and Part II written examinations of the National  
6 Board Dental Examination of the Joint Commission on National  
7 Dental Examinations.

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

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

29     (1) A portfolio examination of the applicant's competence to  
30 enter the practice of dentistry. This examination shall be conducted  
31 while the applicant is enrolled in a dental school program at a  
32 board-approved school located in California. This examination  
33 shall utilize uniform standards of clinical experiences and  
34 competencies, as approved by the board pursuant to Section 1632.1.  
35 The applicant shall pass a final assessment of the submitted  
36 portfolio at the end of his or her dental school program. Before  
37 any portfolio assessment may be submitted to the board, the  
38 applicant shall remit the required fee to the board to be deposited  
39 into the State Dentistry Fund, and a letter of good standing signed  
40 by the dean of his or her dental school or his or her delegate stating

1 that the applicant has graduated or will graduate with no pending  
2 ethical issues.

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

7 (B) The board shall also provide written notice to the Legislature  
8 and the Legislative Counsel when these regulations have been  
9 adopted.

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

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

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

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

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

26 ~~SEC. 6.~~

27 *SEC. 7.* Section 1638 of the Business and Professions Code is  
28 amended to read:

29 1638. (a) For purposes of this article, “oral and maxillofacial  
30 surgery” means the diagnosis and surgical and adjunctive treatment  
31 of diseases, injuries, and defects which involve both functional  
32 and esthetic aspects of the hard and soft tissues of the oral and  
33 maxillofacial region.

34 (b) Any person licensed under the Medical Practice Act (Chapter  
35 5 (commencing with Section 2000)) as a physician and surgeon  
36 who possesses, or possessed, a license to practice dentistry in  
37 another state, but is not licensed to practice dentistry under this  
38 chapter may apply to the board on a form prescribed by the board  
39 for an oral and maxillofacial surgery permit.

1 (c) The board may issue an oral and maxillofacial surgery permit  
2 to an applicant who has furnished evidence satisfactory to the  
3 board that he or she is currently certified or eligible for certification  
4 in oral and maxillofacial surgery by a specialty board recognized  
5 by the Commission on Accreditation of the American Dental  
6 Association and holds a current license in good standing to practice  
7 medicine in the state.

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

11 ~~SEC. 7.~~

12 *SEC. 8.* Section 1638.1 of the Business and Professions Code  
13 is amended to read:

14 1638.1. (a) (1) A person licensed pursuant to Section 1634  
15 who wishes to perform elective facial cosmetic surgery shall first  
16 apply for and receive a permit to perform elective facial cosmetic  
17 surgery from the board.

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

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

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

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

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

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

- 1 (ii) Submits to the board a letter from the program director of  
2 the accredited residency program, or from the director of a  
3 postresidency fellowship program accredited by the Commission  
4 on Dental Accreditation of the American Dental Association,  
5 stating that the licensee has the education, training, and competence  
6 necessary to perform the surgical procedures that the licensee has  
7 notified the board he or she intends to perform.
- 8 (iii) Submits documentation to the board of at least 10 operative  
9 reports from residency training or proctored procedures that are  
10 representative of procedures that the licensee intends to perform  
11 from both of the following categories:
- 12 (I) Cosmetic contouring of the osteocartilaginous facial structure,  
13 which may include, but is not limited to, rhinoplasty and otoplasty.
- 14 (II) Cosmetic soft tissue contouring or rejuvenation, which may  
15 include, but is not limited to, facelift, blepharoplasty, facial skin  
16 resurfacing, or lip augmentation.
- 17 (iv) Submits documentation to the board showing the surgical  
18 privileges the applicant possesses at any licensed general acute  
19 care hospital and any licensed outpatient surgical facility in this  
20 state.
- 21 (B) (i) Has been granted privileges by the medical staff at a  
22 licensed general acute care hospital to perform the surgical  
23 procedures set forth in paragraph (A) at that hospital.
- 24 (ii) Submits to the board the documentation described in clause  
25 (iii) of subparagraph (A).
- 26 (3) Proof that the applicant is on active status on the staff of a  
27 general acute care hospital and maintains the necessary privileges  
28 based on the bylaws of the hospital to maintain that status.
- 29 (d) The application shall be accompanied by an application fee  
30 required by the board for an initial permit. The fee to renew a  
31 permit shall not exceed the maximum amount prescribed in Section  
32 1724.
- 33 (e) (1) The board shall appoint a credentialing committee to  
34 review the qualifications of each applicant for a permit. Upon  
35 completion of the review of an applicant, the committee shall make  
36 a recommendation to the board on whether to issue or not issue a  
37 permit to the applicant. The permit may be unqualified, entitling  
38 the permitholder to perform any facial cosmetic surgical procedure  
39 authorized by this section, or it may contain limitations if the  
40 credentialing committee is not satisfied that the applicant has the

1 training or competence to perform certain classes of procedures,  
2 or if the applicant has not requested to be permitted for all  
3 procedures authorized by this section.

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

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

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

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

21 (3) The board shall solicit from the following organizations  
22 input and recommendations regarding members to be appointed  
23 to the credentialing committee:

24 (A) The Medical Board of California.

25 (B) The California Dental Association.

26 (C) The California Association of Oral and Maxillofacial  
27 Surgeons.

28 (D) The California Medical Association.

29 (E) The California Society of Plastic Surgeons.

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

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

35 (f) A licensee may not perform any elective, facial cosmetic  
36 surgical procedure except at a general acute care hospital, a licensed  
37 outpatient surgical facility, or an outpatient surgical facility  
38 accredited by the Joint Commission on Accreditation of Healthcare  
39 Organizations (JCAHO), the American Association for Ambulatory  
40 Health Care (AAAHC), the Medicare program, or an accreditation

1 agency approved by the Medical Board of California pursuant to  
2 subdivision (g) of Section 1248.1 of the Health and Safety Code.

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

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

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

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

18 (i) A holder of a permit shall comply with the requirements of  
19 subparagraph (D) of paragraph (2) of subdivision (a) of Section  
20 1248.15 of the Health and Safety Code, and the reporting  
21 requirements specified in Section 2240, with respect to any surgical  
22 procedure authorized by this section, in the same manner as a  
23 physician and surgeon.

24 (j) Any violation of this section constitutes unprofessional  
25 conduct and is grounds for the revocation or suspension of the  
26 person’s permit, license, or both, or the person may be reprimanded  
27 or placed on probation. Proceedings initiated by the board under  
28 this section shall be conducted in accordance with Chapter 5  
29 (commencing with Section 11500) of Part 1 of Division 3 of Title  
30 2 of the Government Code, and the board shall have all the powers  
31 granted therein.

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

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

38 (2) The recommendations of the credentialing committee to the  
39 board.

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

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

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

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

13 ~~SEC. 8.~~

14 *SEC. 9.* Section 1638.3 of the Business and Professions Code  
15 is amended to read:

16 1638.3. (a) The fee to renew an oral and maxillofacial surgery  
17 permit shall be the amount prescribed in Section 1724.

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

21 ~~SEC. 9.~~

22 *SEC. 10.* Section 1646.6 of the Business and Professions Code  
23 is amended to read:

24 1646.6. (a) The application fee for a permit or renewal under  
25 this article shall not exceed the amount prescribed in Section 1724.

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

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

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

34 ~~SEC. 10.~~

35 *SEC. 11.* Section 1647.8 of the Business and Professions Code  
36 is amended to read:

37 1647.8. (a) The application fee for a permit or renewal under  
38 this article shall not exceed the amount prescribed in Section 1724.

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

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

5 ~~SEC. 11.~~

6 *SEC. 12.* Section 1650.1 is added to the Business and  
7 Professions Code, to read:

8 1650.1. (a) Every applicant and licensee who has an electronic  
9 mail address shall report to the board that electronic mail address  
10 no later than July 1, 2016. The electronic mail address shall be  
11 considered confidential and not subject to public disclosure.

12 (b) The board shall annually send an electronic notice to each  
13 applicant and licensee that requests confirmation from the  
14 ~~application~~ *applicant* or licensee that his or her electronic mail  
15 address is current.

16 ~~SEC. 12.~~

17 *SEC. 13.* Section 1724 of the Business and Professions Code  
18 is amended to read:

19 1724. The amount of charges and fees for dentists licensed  
20 pursuant to this chapter shall be established by the board as is  
21 necessary for the purpose of carrying out the responsibilities  
22 required by this chapter as it relates to dentists, subject to the  
23 following limitations:

24 (a) The fee for an application for licensure qualifying pursuant  
25 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed  
26 one thousand five hundred dollars (\$1,500). The fee for an  
27 application for licensure qualifying pursuant to paragraph (2) of  
28 subdivision (c) of Section 1632 shall not exceed one thousand  
29 dollars (\$1,000).

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

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

34 (d) The fee for an initial license and for the renewal of a license  
35 is five hundred twenty-five dollars (\$525). On and after January  
36 1, 2016, the fee for an initial license shall not exceed six hundred  
37 fifty dollars (\$650), and the fee for the renewal of a license shall  
38 not exceed six hundred fifty dollars (\$650). On and after January  
39 1, 2018, the fee for an initial license shall not exceed eight hundred

1 dollars (\$800), and the fee for the renewal of a license shall not  
2 exceed eight hundred dollars (\$800).

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

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

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

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

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

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

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

22 (l) The fee for application for an extramural facility permit and  
23 for the renewal of a permit shall not exceed twenty-five dollars  
24 (\$25).

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

29 (n) The fee for an application for an oral and maxillofacial  
30 surgery permit shall not exceed one thousand dollars (\$1,000), and  
31 the fee for the renewal of an oral and maxillofacial surgery permit  
32 shall not exceed one thousand two hundred dollars (\$1,200).

33 (o) The fee for an application for a general anesthesia permit  
34 shall not exceed one thousand dollars (\$1,000), and the fee for the  
35 renewal of a general anesthesia permit shall not exceed six hundred  
36 dollars (\$600).

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

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

5 (r) The fee for an application for an oral conscious sedation  
6 permit shall not exceed one thousand dollars (\$1,000), and the fee  
7 for the renewal of an oral conscious sedation permit shall not  
8 exceed six hundred dollars (\$600).

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

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

13 The board shall report to the appropriate fiscal committees of  
14 each house of the Legislature whenever the board increases any  
15 fee pursuant to this section and shall specify the rationale and  
16 justification for that increase.

17 ~~SEC. 13.~~

18 *SEC. 14.* Section 1725 of the Business and Professions Code  
19 is amended to read:

20 1725. The amount of the fees prescribed by this chapter that  
21 relate to the licensing and permitting of dental assistants shall be  
22 established by regulation and subject to the following limitations:

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

25 (b) The fee for examination for licensure as a registered dental  
26 assistant shall not exceed the actual cost of the practical  
27 examination.

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

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

34 (e) The fee for the written examination for a registered dental  
35 assistant shall not exceed the actual cost of the examination.

36 (f) The fee for the written examination in law and ethics for a  
37 registered dental assistant shall not exceed the actual cost of the  
38 examination.

1 (g) The fee for examination for licensure as a registered dental  
2 assistant in extended functions shall not exceed the actual cost of  
3 the examination.

4 (h) The fee for examination for licensure as a registered dental  
5 hygienist shall not exceed the actual cost of the examination.

6 (i) For third- and fourth-year dental students, the fee for  
7 examination for licensure as a registered dental hygienist shall not  
8 exceed the actual cost of the examination.

9 (j) The fee for examination for licensure as a registered dental  
10 hygienist in extended functions shall not exceed the actual cost of  
11 the examination.

12 (k) The board shall establish the fee at an amount not to exceed  
13 the actual cost for licensure as a registered dental hygienist in  
14 alternative practice.

15 (l) The biennial renewal fee for a registered dental assistant  
16 license, registered dental assistant in extended functions license,  
17 dental sedation assistant permit, or orthodontic assistant permit  
18 shall not exceed two hundred dollars (\$200).

19 (m) The delinquency fee shall be 50 percent of the renewal fee  
20 for the license or permit in effect on the date of the renewal of the  
21 license or permit.

22 (n) The fee for issuance of a duplicate registration, license,  
23 permit, or certificate to replace one that is lost or destroyed, or in  
24 the event of a name change, shall not exceed one hundred dollars  
25 (\$100).

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

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

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

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

39 1742. (a) There is hereby created a Dental Assisting Council  
40 of the Dental Board of California, which shall consider all matters

1 relating to dental assistants in this state, on its own initiative or  
2 upon the request of the board, and make appropriate  
3 recommendations to the board and the standing committees of the  
4 board, including, but not limited to, the following areas:

5 (1) Requirements for dental assistant examination, licensure,  
6 permitting, and renewal.

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

9 (3) Allowable dental assistant duties, settings, and supervision  
10 levels.

11 (4) Appropriate standards of conduct and enforcement for dental  
12 assistants.

13 (5) Requirements regarding infection control.

14 (b) (1) The members of the council shall be appointed by the  
15 board and shall include the registered dental assistant member of  
16 the board, another member of the board, and five registered dental  
17 assistants, representing as broad a range of dental assisting  
18 experience and education as possible, who meet the requirements  
19 of paragraph (2).

20 (2) The board shall consider, in its appointments of the five  
21 registered dental assistant members, recommendations submitted  
22 by any incorporated, nonprofit professional society, association,  
23 or entity whose membership is comprised of registered dental  
24 assistants within the state. Two of those members shall be  
25 employed as faculty members of a registered dental assisting  
26 educational program approved by the board, and shall have been  
27 so employed for at least the prior five years. Three of those  
28 members, which shall include one registered dental assistant in  
29 extended functions, shall be employed clinically in private dental  
30 practice or public safety net or dental health care clinics. All five  
31 of those members shall have possessed a current and active  
32 registered dental assistant or registered dental assistant in extended  
33 functions license for at least the prior five years, and shall not be  
34 employed by a current member of the board.

35 (c) No council appointee shall have served previously on the  
36 dental assisting forum or have any financial interest in any  
37 registered dental assistant school. All final candidate qualifications  
38 and applications for board-appointed council members shall be  
39 made available in the published board materials with final

1 candidate selection conducted during the normal business of the  
2 board during public meetings.

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

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

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

10 (g) Each member shall serve for a term of four years, except  
11 that, of the initial appointments of the nonboard members, one of  
12 the members shall serve a term of one year, one member shall  
13 serve a term of two years, two members shall serve a term of three  
14 years, and one member shall serve a term of four years, as  
15 determined by the board. *No member shall serve more than two*  
16 *full terms.*

17 (h) Recommendations by the council pursuant to this section  
18 shall be approved, modified, or rejected by the board within 120  
19 days of submission of the recommendation to the board. If the  
20 board rejects or significantly modifies the intent or scope of the  
21 recommendation, the council may request that the board provide  
22 its reasons in writing for rejecting or significantly modifying the  
23 recommendation, which shall be provided by the board within 30  
24 days of the request.

25 ~~(i) The board shall make all the initial appointments by May 1,~~  
26 ~~2012.~~

27 ~~(j)~~

28 (i) The council shall select a chair who shall establish the  
29 agendas of the council and shall serve as the council's liaison to  
30 the board, including the reporting of the council's recommendations  
31 to the board.

32 ~~SEC. 14.~~

33 *SEC. 16.* Section 2841 of the Business and Professions Code  
34 is amended to read:

35 2841. (a) There is in the Department of Consumer Affairs a  
36 Board of Vocational Nursing and Psychiatric Technicians of the  
37 State of California, consisting of 11 members.

38 (b) Within the meaning of this chapter, "board," or "the board,"  
39 refers to the Board of Vocational Nursing and Psychiatric  
40 Technicians of the State of California.

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

5 ~~SEC. 15. Section 2847 of the Business and Professions Code~~  
6 ~~is amended to read:~~

7 ~~2847. (a) The board shall select an executive officer who shall~~  
8 ~~perform duties as are delegated by the board and who shall be~~  
9 ~~responsible to it for the accomplishment of those duties.~~

10 ~~(b) The person selected to be the executive officer of the board~~  
11 ~~shall be a duly licensed vocational nurse under this chapter, a duly~~  
12 ~~licensed professional nurse as defined in Section 2725, or a duly~~  
13 ~~licensed psychiatric technician. The executive officer shall not be~~  
14 ~~a member of the board.~~

15 ~~(c) With the approval of the Director of Finance, the board shall~~  
16 ~~fix the salary of the executive officer.~~

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

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

23 ~~SEC. 16. Section 2894 of the Business and Professions Code~~  
24 ~~is amended to read:~~

25 ~~2894. (a) All money in the Vocational Nursing and Psychiatric~~  
26 ~~Technicians Fund shall be used to carry out this chapter, including~~  
27 ~~the promotion of nursing education in this state, and Chapter 10~~  
28 ~~(commencing with Section 4500), and for the refund, in accordance~~  
29 ~~with law, of license fees or other moneys paid into the Vocational~~  
30 ~~Nursing and Psychiatric Technicians Fund under the provisions~~  
31 ~~of this chapter and Chapter 10 (commencing with Section 4500).~~

32 ~~(b) Claims against the Vocational Nursing and Psychiatric~~  
33 ~~Technicians Fund shall be audited by the Controller, and shall be~~  
34 ~~paid by the Treasurer upon warrants drawn by the Controller.~~

35 ~~SEC. 17. Section 2894 of the Business and Professions Code~~  
36 ~~is amended to read:~~

37 ~~2894. (a) All money in the Vocational Nursing and Psychiatric~~  
38 ~~Technicians Fund shall be used to carry out the provisions of this~~  
39 ~~chapter, including the promotion of nursing education in this state,~~  
40 ~~and for the refund, in accordance with law, of license fees or other~~

1 moneys paid into the Vocational Nursing and Psychiatric  
2 Technicians Fund under the provisions of this chapter.

3 **Claims**

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

7 (c) *This section shall become inoperative on July 1, 2016, and,*  
8 *as of January 1, 2017, is repealed.*

9 *SEC. 18. Section 2894 is added to the Business and Professions*  
10 *Code, to read:*

11 2894. (a) *All money in the Vocational Nursing and Psychiatric*  
12 *Technicians Fund shall be used to carry out this chapter, including*  
13 *the promotion of nursing education in this state, and Chapter 10*  
14 *(commencing with Section 4500), and for the refund, in accordance*  
15 *with law, of license fees or other moneys paid into the Vocational*  
16 *Nursing and Psychiatric Technicians Fund under the provisions*  
17 *of this chapter and Chapter 10 (commencing with Section 4500).*

18 (b) *Claims* against the Vocational Nursing and Psychiatric  
19 Technicians Fund shall be audited by the Controller, and shall be  
20 paid by the Treasurer upon warrants drawn by the Controller.

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

22 ~~SEC. 17.~~

23 *SEC. 19. Section 4501 of the Business and Professions Code*  
24 *is amended to read:*

25 4501. (a) “Board,” as used in this chapter, means the Board  
26 of Vocational Nursing and Psychiatric Technicians of the State of  
27 California.

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

30 ~~SEC. 18.~~

31 *SEC. 20. Section 4503 of the Business and Professions Code*  
32 *is amended to read:*

33 4503. (a) The board shall administer and enforce this chapter.

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

36 ~~SEC. 19. Section 4547 of the Business and Professions Code~~  
37 ~~is amended to read:~~

38 ~~4547. All expenses incurred in the operation of this chapter or~~  
39 ~~Chapter 6.5 (commencing with Section 2840) shall be paid out of~~  
40 ~~the Vocational Nursing and Psychiatric Technicians Fund from~~

1 ~~the revenue received by the board under this chapter or Chapter~~  
2 ~~6.5 (commencing with Section 2840) and deposited in the~~  
3 ~~Vocational Nursing and Psychiatric Technicians Fund.~~

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

6 4547. (a) All expenses incurred in the operation of this chapter  
7 shall be paid out of the Vocational Nursing and Psychiatric  
8 Technicians Fund from the revenue received by the board under  
9 this chapter and deposited in the Vocational Nursing and  
10 Psychiatric Technicians Fund. No part of the expenses shall be  
11 charged against any funds which are derived from any functions  
12 of the board provided for in other chapters of this code.

13 (b) *This section shall become inoperative on July 1, 2016, and,*  
14 *as of January 1, 2017, is repealed.*

15 *SEC. 22. Section 4547 is added to the Business and Professions*  
16 *Code, to read:*

17 4547. (a) All expenses incurred in the operation of this chapter  
18 or Chapter 6.5 (commencing with Section 2840) shall be paid out  
19 of the Vocational Nursing and Psychiatric Technicians Fund from  
20 the revenue received by the board under this chapter or Chapter  
21 6.5 (commencing with Section 2840) and deposited in the  
22 Vocational Nursing and Psychiatric Technicians Fund.

23 (b) *This section shall become operative on July 1, 2016.*

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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair  
2015 - 2016 Regular Session

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### AB 179 (Bonilla) - Healing arts

**Version:** June 30, 2015

**Urgency:** No

**Hearing Date:** August 17, 2015

**Policy Vote:** B., P. & E.D. 7 - 1

**Mandate:** No

**Consultant:** Brendan McCarthy

**This bill meets the criteria for referral to the Suspense File.**

**Bill Summary:** AB 179 would extend the statutory sunset on the Dental Board of California until January 1, 2020 and increase the statutory caps on fees assessed by the Dental Board. The bill would extend the statutory sunset of the Board of Vocational Nursing and Psychiatric Technicians until January 1, 2018 and merge the Vocational Nurses Account and the Psychiatric Technician Examiners Account.

#### **Fiscal Impact:**

- No significant costs are anticipated due to the extension of the sunset on the Dental Board of California (State Dentistry Fund). Current law imposes a sunset on the existence of the Dental Board as an appointed board. However, there is no sunset on the larger body of law requiring licensure and oversight of the practice of dentistry. If the Dental Board was allowed to sunset, the overall licensing and regulatory program would still exist in law.
- Significant increases in licensing fee revenues to the Dental Board are possible under the bill (State Dentistry Fund). The bill authorizes the Dental Board, through regulation, to raise a number of licensing fees currently capped in statute. If the Board were to raise the fees to the maximum level authorized in the bill, additional annual revenues would be about \$2.8 million per year for dentist licensing fees and \$2.7 million per year for other regulatory fees (State Dentistry Fund). The actual amount of fee revenue collected by the Board will depend on the actual fee levels set through regulation.
- No significant costs are anticipated due to the extension of the sunset on the Board of Vocational Nursing and Psychiatric Technicians (Vocational Nursing and Psychiatric Technicians Fund). Current law imposes a sunset on the existence of the Board of Vocational Nursing and Psychiatric Technicians as an appointed board. However, there is no sunset on the larger body of law requiring licensure and oversight of the practice of vocational nurses or psychiatric technicians. If the Board of Vocational Nursing and Psychiatric Technicians was allowed to sunset, the overall licensing and regulatory program would still exist in law.
- Uncertain impact on licensing fee revenues paid by vocational nurses and psychiatric technicians due to the merger of the Vocational Nurses Account and the Psychiatric Technician Examiners Account. The licensing fees assessed on vocational nurses and psychiatric technicians are currently set at their statutory caps. The Vocational Nurses Account is projected to maintain solvent through 2020-21. However, the Psychiatric Technician Examiners Account has a structural deficit

and is projected to be insolvent by 2017-18. Rather than propose a statutory change to allow the Board to raise the licensing fees assessed on psychiatric technicians, this bill would merge the two accounts, effectively using the licensing fees paid by vocational nurses to pay for the program costs associated with licensing and regulating psychiatric technicians.

**Background:** Under current law, the Dental Board licenses and regulates the practice of dentistry in the state. Current law sets statutory maximums for the various licensing fees assessed by the Dental Board. Current law sunsets the existence of the Dental Board on January 1, 2016. There is no statutory sunset on the Dental Practice Act, itself.

Under current law the Board of Vocational Nursing and Psychiatric Technicians licenses and regulates the professional practice of vocational nurses and psychiatric technicians. Current law sets statutory maximums for the various licensing fees assessed by the Board of Vocational Nursing and Psychiatric Technicians. Current law sunsets the existence of the Board of Vocational Nursing and Psychiatric Technicians on January 1, 2016. There is no statutory sunset on the larger bodies of law requiring licensure of vocational nurses or psychiatric technicians or regulating their respective practices. Current law provides for a separate Vocational Nurses Account and a Psychiatric Technician Examiners Account, both within the Vocational Nursing and Psychiatric Technicians Fund. Historically, these accounts have been separately budgeted and displayed in budget documents.

**Proposed Law:** AB 179 would extend the statutory sunset on the Dental Board of California until January 1, 2020 and increase the statutory caps on fees assessed by the Dental Board. The bill would also make minor changes to related laws.

The bill would extend the statutory sunset of the Board of Vocational Nursing and Psychiatric Technicians until January 1, 2018 and merge the Vocational Nurses Account and the Psychiatric Technician Examiners Account.

**Related Legislation:** This bill is one of several sunset review bills relating to licensing boards and bureaus within the Department of Consumer Affairs.

**Staff Comments:** As noted above, the proposal to merge the Vocational Nurses Account and the Psychiatric Technician Examiners Account is intended to restore solvency to the Psychiatric Technician Examiners Account, using fee revenues in the Vocational Nurses Account. It appears that this proposal would result in licensing fees paid by vocational nurses being used to subsidize the licensure and regulation of psychiatric technicians.

-- END --



## MEMORANDUM

<b>DATE</b>	August 18, 2015
<b>TO</b>	Dental Assisting Council Members Dental Board of California
<b>FROM</b>	Jana Adams, Dental Assisting Examination Coordinator
<b>SUBJECT</b>	<b>JNT 7:</b> Discussion and Possible Action Regarding the Registered Dental Assistant Practical Examination Results for July 2015 and August 2015

The following RDA examination results include the examinations that were held in July, 2015. Staff is still entering results from the August, 2015 examinations and should have preliminary numbers to discuss with the Board and the Dental Assisting Council at the meeting. Staff is also working on updating the statistics broken down by programs on the Board website and should have that updated within thirty days.

### RDA Practical Examination Statistics for 2015 All Candidates

Practical Exam	Total Candidates Tested	# of Passes	% Passed	# of Failed	% Failed
RDA-February North	472	211	45%	261	55%
RDA-February South	429	79	18%	350	82%
RDA – April South	467	322	69%	145	31%
RDA – April North	335	260	78%	75	22%
RDA – July Central	105	85	81%	20	19%
RDA – August North					
RDA-August South					
RDA – Nov North					
RDA – Nov South					

### RDA Practical Examination Statistics for 2015 First Time Candidates

Practical Exam	Total Candidates Tested	# of Passes	% Passed	# of Failed	% Failed
RDA-February North	196	88	45%	108	55%
RDA-February South	180	30	17%	150	83%
RDA – April South	287	195	68%	92	32%
RDA – April North	184	139	76%	45	24%
RDA – July Central	57	45	79%	12	21%
RDA – August North					
RDA-August South					
RDA – Nov North					
RDA – Nov South					

**RDA Practical Examination Statistics for 2015 Repeat Candidates**

<b>Practical Exam</b>	<b>Total Candidates Tested</b>	<b># of Passes</b>	<b>% Passed</b>	<b># of Fails</b>	<b>% Failed</b>
RDA -February North	276	123	45%	153	55%
RDA-February South	249	49	20%	200	80%
RDA – April South	180	127	71%	53	29%
RDA – April North	151	121	80%	30	20%
RDA – July Central	48	40	83%	8	17%
RDA – August North					
RDA-August South					
RDA – Nov North					
RDA – Nov South					



## MEMORANDUM

<b>DATE</b>	August 18, 2015
<b>TO</b>	Dental Board of California Dental Assisting Council
<b>FROM</b>	Karen M. Fischer, Executive Officer
<b>SUBJECT</b>	<b>JNT 8:</b> Discussion and Possible Action Regarding Dental Assisting Council Self-Assessment, Review of Expectations and Guidance from the Board

The Assembly Business & Professions Committee, in its Sunset Review Background Paper, asked whether or not the Board should examine ways to, among other issues, increase transparency, improve the relationship between the Board and the Dental Assisting Council (Council), and improve the Council's effectiveness. The Committee staff concluded that *"The Board should explore ways to improve its relationships with stakeholders, and to empower the Council to better serve its role in vetting issues relating to dental assisting and making recommendations to the Board regarding those issues."*

During the Sunset Review hearings this year, Board and Council members have been criticized by stakeholder groups, specifically the California Dental Assisting Teachers (CADAT), the California Dental Assistants Association (CDAA), and the Foundation for Allied Dental Education (FADE), for not being responsive to dental assisting issues brought before the two groups. At the May meeting, a few Board members tried to engage the Council members (and stakeholders) in a discussion about this issue. There was little comment at that time.

This joint meeting was scheduled in order to provide the Board and Council members an opportunity to communicate with each other without violating the Bagley-Keene Open Meetings Act. Council members are being asked to assess themselves and how they feel they are performing, whether or not there is a clear understanding of their role, and whether or not they have received the appropriate tools to do the job.

Business & Professions Code (BPC) Section 1742 outlines the roles and responsibilities of the Council. A copy of this section follows.

## BUSINESS AND PROFESSIONS CODE - BPC

### 1742.

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

- (1) Requirements for dental assistant examination, licensure, permitting, and renewal.
- (2) Standards and criteria for approval of dental assisting educational programs, courses, and continuing education.
- (3) Allowable dental assistant duties, settings, and supervision levels.
- (4) Appropriate standards of conduct and enforcement for dental assistants.
- (5) Requirements regarding infection control.

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

(2) The board shall consider, in its appointments of the five registered dental assistant members, recommendations submitted by any incorporated, nonprofit professional society, association, or entity whose membership is comprised of registered dental assistants within the state. Two of those members shall be employed as faculty members of a registered dental assisting educational program approved by the board, and shall have been so employed for at least the prior five years. Three of those members, which shall include one registered dental assistant in extended functions, shall be employed clinically in private dental practice or public safety net or dental health care clinics. All five of those members shall have possessed a current and active registered dental assistant or registered dental assistant in extended functions license for at least the prior five years, and shall not be employed by a current member of the board.

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

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

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

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

(g) Each member shall serve for a term of four years, except that, of the initial appointments of the nonboard members, one of the members shall serve a term of one year, one member shall serve a term of two years, two members shall serve a term of three years, and one member shall serve a term of four years, as determined by the board.

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

(i) The board shall make all the initial appointments by May 1, 2012.

(j) The council shall select a chair who shall establish the agendas of the council and shall serve as the council's liaison to the board, including the reporting of the council's recommendations to the board.

*(Repealed and added by Stats. 2011, Ch. 385, Sec. 14. Effective January 1, 2012.)*

**RECESS**