

**TITLE 16. DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

ECONOMIC IMPACT ANALYSIS

SUBJECT MATTER OF PROPOSED REGULATIONS: Sponsored Free Health Care Events

SECTION(S) AFFECTED: Title 16, Division 10, California Code of Regulations, sections 1023.15, 1023.16, 1023.17, 1023.18, and 1023.19.

SPECIFIC PURPOSE OF PROPOSED REGULATION:

The Board currently regulates 72,866 licensees; consisting of 37,508 dentists, 34,084 registered dental assistants, and 1,277 registered dental assistants in extended functions. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violating the Dental Practice Act (DPA); monitoring licensees whose license has been placed on probation; and managing the Diversion Program for licensees, whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Business and Professions Code Section 1614 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Dental Practice Act.

Business and Professions Code Section 901 provides an exemption for a health care practitioner, licensed or certified in another state, from the licensing and regulatory requirements of the applicable California healing arts board. To be exempted from California licensure requirements, a health care practitioner may provide services at a sponsored healthcare event to uninsured or underinsured people on a short-term, voluntary basis. Section 901 requires the out-of-state health care provider to seek authorization from the applicable healing arts board in California. Section 901 provides the regulatory framework for the approval of an out-of-state health care practitioner and a sponsoring entity to seek approval from the applicable healing arts boards. However, each individual healing arts board is responsible for promulgating regulations to prescribe the specific requirements for the approval of an out-of-state practitioner and a sponsoring entity.

The primary purpose of these proposed regulations is to implement, interpret and make specific the provisions of Section 901, as it pertains to licensed dentists, including the application and registration requirements, disciplinary actions, recordkeeping requirements and provisions for termination for the exemption of an out-of-state licensed dentist who wishes to participate in a sponsored free health care event. The board's highest priority is the protection of the public and these proposed regulations

are intended to implement section 901 in a manner that will provide the greatest protection for the people of California.

BUSINESS IMPACT:

The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This regulation will impact non-profit organizations sponsoring free health care events and practitioners licensed out-of-state who wish to volunteer at such events.

Implementation Costs for Sponsoring Entities:

Sponsoring entities may incur nominal expenses associated with submitting the registration form to the Department, and complying with recordkeeping requirements, and reporting requirements. Sponsoring entities shall be responsible for submitting the “Registration of Sponsoring Entity Under Business and Professions Code Section 901,” Form 901-A (DCA/2011) to the Department. Expenses associated with submitting the registration form include printing and mailing; these expenses are minimal and should not have a significant fiscal impact on sponsoring entities. Additionally, sponsoring entities shall be responsible for maintaining copies of all records required by Code Section 901, as well as the copy of the authorization for participation issued by the Board to an out-of-state practitioner at a physical location in California. The records must be maintained for a period of at least five years after the date the sponsored event ended; the records may be kept in electronic or paper form. The sponsoring entity shall also be responsible for maintaining copies of all records required by Code Section 901(g) at the physical location of the sponsored event. Expenses associated with these recordkeeping requirements are nominal and include storage and transportation of the required records; these expenses are minimal and should not have a significant fiscal impact on sponsoring entities. Finally, the sponsoring entity shall be responsible for providing a report to the Board summarizing the details of the sponsored event within fifteen days after the conclusion of such event. The report may be provided to the Board on a form of the sponsoring entity’s choosing. Expenses associated with these reporting requirements are nominal and include printing and postage; these expenses are minimal and should not have a significant fiscal impact on sponsoring entities.

Implementation Costs for Out-of-State Practitioners:

It is unknown how many sponsors of free healthcare events and how many volunteer out-of-state licensees may apply to the Board as a result of these regulations. However, the Board estimates it will receive approximately 75 applications per year from out-of-state dentists seeking authorization to provide services at sponsored free health care events. To absorb the workload associated with processing 75 applications per year, the Board would need to charge a \$30 non-refundable processing fee per application. This fee will offset the costs associated with staff’s processing of the application. Tasks associated with processing each request for authorization and corresponding time allocated to each task is illustrated in *Table A: Data Supporting Application Fee for Out-of-State Practitioner Authorization to Participate in Sponsored Event*.

Additionally, applicants will incur costs associated with furnishing fingerprints for the purpose of the Board conducting a criminal history check. The cost for an out-of-state licensed dentist to get fingerprinted via Live Scan is approximately \$63.00. Of this fee, \$49.00 goes to the Department of Justice for conducting the background check and providing criminal record reports to the Board; an average of \$14.00 goes to the vendor for fingerprinting the individual. The vendor's fee ranges from \$5.00 to \$45.00 with the average fee being \$14.00. For those who are not able to submit fingerprints electronically via Live Scan, the fee for the Board to process "ink on cards" fingerprints is \$49. The fingerprinting fee of \$49 (\$17 FBI + \$32 DOJ) is a direct cost to be paid to the Department of Justice for the purpose of conducting a criminal history check. The Board does not determine this fee. The requirement to submit fingerprints would only apply to the first application for authorization that is submitted to the board by the applicant. These fees will have to be factored into the cost of the individual's volunteered services. The fees may be covered by sponsoring entities, who will also incur minor costs with respect to maintaining records for their volunteers, reporting to the board after the events and filing a registration. These costs are necessary for the protection of the public and to provide staff time and resources for registration of sponsored events and volunteer out-of-state practitioners in the short timeframes set in the statute.

The Board has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This regulation will have a positive impact on the health of uninsured or under-insured Californians that are currently unable to receive dental care due to lack of funding and resources.

There may also be benefits to private businesses that are not able to provide dental care to employees. Many small businesses are legally required to provide health care, but are not required to provide dental care. Poor oral health can impact the total health of an individual. These regulations will benefit the health of Californians who attend sponsored events, in addition to providing public protection through registration of out-of-state volunteer dentists.

Businesses operated by licensees would not be affected by these regulations, as these businesses do not normally provide services at no cost. Businesses owned by small business owners may benefit from these regulations if their employees attend sponsored events and are thus provided dental care at no cost.

This proposed regulation may affect a federally funded State agency or program if that State agency or program is a nonprofit who conducts health fairs in California.

BENEFIT OF PROPOSED REGULATION:

The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. This proposal is consistent with the Board's priority of protecting the public. This proposal will enable dental care services to be provided at sponsored free health care events to uninsured or under-insured Californians who would otherwise not have the ability to obtain health care. There may also be benefits to private businesses that are not able to provide dental care to employees. Many small businesses are legally required to provide health care, but are not required to provide dental care. Poor oral health can impact the overall health of an individual. These regulations will promote access to dental care in California in addition to providing public protection through Board's registration of out-of state volunteer dentists.

Additionally, this proposed regulation complies with the provisions of Business and Professions Code Section 901, as it pertains to licensed dentists, including the application and registration requirements, disciplinary actions, recordkeeping requirements and provisions for termination for the exemption of an out-of-state licensed dentist who wishes to participate in a sponsored free health care event. The Board's proposed regulations are intended to implement Section 901 in a manner that will provide the greatest protection for the people of California.

ECONOMIC IMPACT ANALYSIS CONCLUSION:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that businesses operated by licensees would not be affected by these regulations, as these businesses do not normally provide services at no cost. Businesses owned by small business owners may benefit from these regulations if their employees attend sponsored events and are thus provided dental care at no cost. Sponsoring entities may incur nominal expenses associated with submitting the registration form to the Department, and complying with recordkeeping requirements, and reporting requirements. Out-of-state licensed dentists who apply for authorization to participate in sponsored free health care events will incur a \$30 non-refundable application fee. In addition to the application fee, applicants will incur costs associated with furnishing fingerprints for the purpose of the Board conducting a criminal history check. The requirement to submit fingerprints would only apply to the first application for authorization that is submitted to the board by the applicant. These fees will have to be factored into the cost of the individual's volunteered services. The fees may be covered by sponsoring entities, who will also incur minor costs with respect to maintaining records for their volunteers, reporting to the board after the events and filing a registration. These costs are necessary for the protection of the public and to provide staff time and resources for registration of

sponsored events and volunteer out-of-state practitioners in the short timeframes set in the statute. This cost is outweighed by the benefits to the public of providing access to dental health care services to underinsured or uninsured, who would otherwise be unable to obtain these services. Poor oral health can impact the overall health of an individual.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, that it will not create or eliminate jobs or occupations in California, that it will not impact the creation of new businesses or elimination of existing businesses, that it will not impact the expansion of businesses in California, and the proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services. The Board's proposal does not impact multiple industries.