

MEMORANDUM

DATE	April 30, 2025
TO	Members of the Dental Assisting Council
FROM	Tina Vallery, Division Chief License and Program Compliance and Dental Assisting Dental Board of California
SUBJECT	Supplement to Agenda Item 9.: Update, Discussion, and Possible Recommendation to the Board on Legislation a. AB 873 (Alanis, 2025) Dentistry: dental assistants: infection control course

This memorandum discusses concerns with the April 9, 2025 version of Assembly Bill (AB) 873 and the new fee to be charged in Business and Professions Code (BPC) section 1725, subdivision (l).

Background

At the Dental Assisting Council's (Council) February 6, 2025 meeting, the Council approved a recommendation to the Dental Board of California (Board) for submission to the California State Legislature a legislative proposal to amend various BPC sections to resolve clarity and implementation issues with new statutes enacted by the Board's Sunset bill, Senate Bill (SB) 1453 (Ashby, Chapter 483, Statutes of 2024). (February 6, 2025 Council Meeting Materials, Agenda Item 9.b., and supplemental text.) The Board adopted the Council's recommendation at the Board's February 6-7, 2025 meeting. Notably, the legislative proposal sought to set application review fees for three new dental assistant courses established in SB 1453.

The Board collects fees to cover Board expenses in administering and enforcing the Dental Practice Act and supporting regulations. The three new dental assistant courses required application fees to be established in statute.

On February 19, 2025, AB 873 was introduced to resolve concerns of the California Dental Association's (CDA) concerns with the dental assistant infection control course requirements in BPC section 1750. That bill also would repeal BPC section 1755, the new infection control course to resolve the implementation issues raised by Board staff

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during the November 2024 Council and Board meetings. On April 9, 2025, AB 873 was amended in the Assembly Business and Professions Committee and, among other things, would add new fees in BPC section 1725, subdivision (I), for review of the approval application or reevaluation to offer courses in interim therapeutic restorations and radiographic decisionmaking (ITR/RDM) (BPC, § 1753.52), radiation safety (BPC, § 1754.5), and infection control (BPC, § 1755). AB 873 currently is on the suspense file in the Assembly Appropriations Committee.

Discussion

Board staff noted the BPC section 1725 amendments requested by the Board would have set the new dental assistant course fees at \$300, which is the same fee set in California Code of Regulations (CCR), title 16, section 1022 for all other course application reviews. Notably, the \$300 course fees were enacted in 2017 and have not increased since they were initially established.

Setting the course application fees in statute avoids significant delay otherwise experienced when the Board has to set a fee in regulation through the rulemaking process. However, the April 9, 2025 amendments to BPC section 1725 authorized the course fees in an amount not to exceed \$300, which would require the actual fees to be set in regulation, further delaying implementation of the new statutory courses.

In addition, the Assembly Appropriations Committee analysis for the April 23, 2025 hearing, on page 2, stated:

The Board estimates it would receive 173 new applications for approval of infection control courses annually. The Board will need to review each course for compliance with the state's Dental Practice Act and related regulations, minimum standards for infection control such as those set forth by the federal Centers for Disease Control and Prevention, Occupational Safety and Health Administration (OSHA), and California OSHA. The Board estimates it will need one program analyst and an increase in subject matter expert workload of four hours per application, at a rate of \$100 per hour in 2026-27 and ongoing. If the Board charged the maximum fee of \$300 to review an application, the Board would experience a revenue increase of \$52,000 per year, which will not cover the total yearly cost associated with the workload. Assuming the maximum fee, the Board estimates costs of \$184,000 in 2026-27 and \$176,000 in 2027-28 and ongoing (State Dentistry Fund). [Emphasis added.]

To resolve the fee concern raised in that analysis, Board staff met on April 30, 2025, to review the workload analysis for reviewing the new infection control course applications, as well as the new ITR/RDM and radiation safety courses. During this discussion, Board staff determined that to perform the application review and evaluation required under

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statute, the Board would need to charge \$4,800 for ITR/RDM and radiation safety course applications, which require site visits, and \$1,350 for electronic infection control course applications, to cover the Board's costs. Attached for the Council's consideration is a legislative proposal to amend AB 873 to resolve these issues. The legislative proposal would need to be presented to Assembly Member Alanis and CDA for consideration. Board staff also notes the regulatory course fees will need to be reviewed for potential increases, as well.

Action Requested

The Council is asked to consider the proposed legislative amendments. If the Council agrees with the recommendation to amend AB 873 to set the dental assistant course fees, the Council is asked to make one of the following motions.

Option 1 (support the proposed recommendation): Move to recommend to the Board the legislative proposal in **Attachment 1** for submission to amend Business and Professions Code section 1725 regarding dental assistant course fees.

Option 2 (support the proposed recommendation as revised during this meeting): Move to recommend to the Board the legislative proposal in **Attachment 1**, as revised during this meeting, for submission to amend Business and Professions Code section 1725 regarding dental assistant course fees.

Option 3 (no action): If the Council does not wish to act on the recommendation, no motion is needed.

Attachment

1. Legislative Proposal to Amend AB 873 (Alanis, 2025) Regarding Business and Professions Code Section 1725 and Dental Assistant Course Application Fees

DENTAL BOARD OF CALIFORNIA

LEGISLATIVE PROPOSAL TO AMEND AB 873 (ALANIS, 2025) (as Amended April 9, 2025) REGARDING BUSINESS AND PROFESSIONS CODE SECTION 1725 AND DENTAL ASSISTANT COURSE APPLICATION FEES

Proposed amendments are indicated in *blue italic* for new text and ~~red strikethrough~~ for deleted text.

Amend Business and Professions Code Section 1725 in AB 873 as follows:

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

- (a) The application fee for an original license shall not exceed two hundred dollars (\$200).
- (b) The fee for examination for licensure as a registered dental assistant shall not exceed the actual cost of the examination.
- (c) The fee for application and for the issuance of an orthodontic assistant permit or a dental sedation assistant permit shall not exceed two hundred dollars (\$200).
- (d) The fee for the written examination for an orthodontic assistant permit or a dental sedation assistant permit shall not exceed the actual cost of the examination.
- (e) The fee for the Registered Dental Assistant Combined Written and Law and Ethics Examination for a registered dental assistant shall not exceed the actual cost of the examination.
- (f) The fee for examination for licensure as a registered dental assistant in extended functions shall not exceed the actual cost of the examination.
- (g) The biennial renewal fee for a registered dental assistant license, registered dental assistant in extended functions license, dental sedation assistant permit, or orthodontic assistant permit shall not exceed two hundred dollars (\$200).
- (h) The delinquency fee shall be 50 percent of the renewal fee for the license or permit in effect on the date of the renewal of the license or permit.
- (i) The fee for issuance of a duplicate registration, license, permit, or certificate to replace one that is lost or destroyed, or in the event of a name change, shall not exceed one hundred dollars (\$100).
- (j) The fee for each curriculum review and site evaluation for educational programs for registered dental assistants that are not accredited by a board-approved agency, or the Chancellor's office of the California Community Colleges shall not exceed seven thousand five hundred dollars (\$7,500).

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

(l) The fee for review of each approval application or reevaluation for a course provided pursuant to Sections 1753.52, *and* 1754.5, ~~and 1755~~ that is not accredited by a board-approved agency or the Chancellor's office of the California Community Colleges shall ~~not exceed three hundred dollars (\$300)~~ *be set at four thousand eight hundred dollars (\$4,800)*.

(m) The fee for review of each approval application or reevaluation for a course provided pursuant to Section 1755 that is not accredited by a board-approved agency or the Chancellor's office of the California Community Colleges shall be set at one thousand three hundred fifty dollars (\$1,350).

~~(m)~~*(n)* Fees collected pursuant to this section shall be deposited in the State Dentistry Fund.