

**FULL BOARD MEETING**  
**Thursday, March 3, 2016**



**Humphreys Half Moon Inn & Suites**  
**2303 Shelter Island Drive**  
**San Diego, CA 92106**

**Call to Order**

**Roll Call**

**Establishment of  
Quorum**



## **BOARD MEETING AGENDA**

**March 3, 2016**

Humphreys Half Moon Inn & Suites  
2303 Shelter Island Drive  
San Diego, CA 92106  
800-542-7400 (Hotel) or 916-263-2300 (Board Office)

### **Members of the Board**

Steven Morrow, DDS, MS, President  
Judith Forsythe, RDA, Vice President  
Steven Afriat, Public Member, Secretary

Fran Burton, MSW, Public Member  
Stephen Casagrande, DDS  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, RDH  
Luis Dominicus, DDS  
Kathleen King, Public Member

Ross Lai, DDS  
Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Thomas Stewart, DDS  
Bruce Whitcher, 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 or technical difficulties that may arise.

# **Thursday, March 3, 2016**

## **9:00 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).

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

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).

### **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).
3. Approval of the December 3-4, 2015 Board Meeting Minutes.
4. President's Report.
5. Executive Officer's Report.
6. Report from the Dental Hygiene Committee of California.
7. Oral Health Program Advisory Committee Report.
8. Update on the Implementation of the BreEZe Online Licensing and Enforcement System.

### **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 FULL BOARD OPEN SESSION**

### **COMMITTEE MEETINGS – SEE ATTACHED AGENDAS**

- **ENFORCEMENT COMMITTEE**  
See attached Enforcement Committee agenda
- **LEGISLATIVE AND REGULATORY COMMITTEE**  
See attached Legislative and Regulatory Committee agenda.



**RETURN TO OPEN SESSION – FULL BOARD**

**RECESS**

**CLOSED SESSION**

**LCP CLOSED SESSION**



## MEMORANDUM

<b>DATE</b>	February 11, 2016
<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).



## **BOARD MEETING Minutes**

**December 3-4, 2015**

Marriott LAX  
5855 West Century Blvd.  
Los Angeles, CA 90045

**DRAFT**

### **Board Members Present**

Fran Burton, MSW, Public Member, President  
Bruce Whitchee, DDS, Vice President  
Judith Forsythe, RDA, Secretary  
Steven Afriat, Public Member  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, RDH  
Luis Dominicus, 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

### **Board Members Absent**

Stephen Casagrande, DDS

### **Staff Present**

Karen M. Fischer, MPA, Executive Officer  
Sarah Wallace, Assistant Executive Officer  
Teri Lane, Enforcement Chief  
Lusine Sarkisyan, Legislative and Regulatory Analyst  
Linda Byers, Executive Assistant  
Spencer Walker, Senior Legal Counsel

## **Thursday, December 3, 2015**

### **8:00 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 8:02 a.m. Judith Forsythe, Secretary, called the roll and a quorum was established. The Board immediately went into Closed Session.

### **CLOSED SESSION – FULL BOARD**

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

## RETURN TO OPEN SESSION – FULL BOARD

### 2. **Licensing, Certification and Permits Committee Report on Closed Session**

Dr. Whitcher, Chair, gave a report on the results of Closed Session. The Committee recommended that the Board grant a license to replace cancelled license to:

Applicant CY – RDA – after completion of the Law and Ethics Examination

Applicant DE – RDA – after completion of the Law and Ethics Examination and the RDA Written Examination

Applicant CM – RDA – after completion of the Law and Ethics Examination

Applicant JL – RDA – after completion of the Law and Ethics Examination

Applicant SA – RDA – after completion of the Law and Ethics Examination

The DDS applicant was deferred.

GA/CS applicant to request further evaluation for Conscious Sedation Permit Onsite Inspection was denied.

Motioned/Seconded/Carried (M/S/C) (Afriat/Chappell-Ingram) to accept the committee's recommendations.

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

The motion passed.

### 3. **Approval of the August 27-28, 2015 Board Meeting Minutes**

M/S/C (Whitcher/King) to approve the August 26-27, 2015 Board Meeting minutes.

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

The motion passed.

### 4. **President's Report**

Dental Board President Fran Burton gave an overview of her Board related activities since the last meeting.

## JOINT MEETING OF THE DENTAL BOARD AND DENTAL ASSISTING COUNCIL

## RETURN TO FULL BOARD OPEN SESSION

### 5. **Presentation of the Controlled Substance Review and Evaluation System (CURES) by the Department of Justice (DOJ)**

Tina Farales from the Department of Justice gave a presentation about the CURES 2.0 prescriber registration process and use of the system. Gayle Mathe, California

Dental Association (CDA) commented that CDA provides courses on pain control in dentistry and how to use the CURES system.

## **COMMITTEE/COUNCIL MEETINGS**

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

### **RECESS**

## **Friday, December 4, 2015**

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

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

President Burton called the meeting to order at 8:14 a.m. Secretary Judith Forsythe 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**

#### **7. Executive Officer's Report**

Karen Fischer, Executive Officer of the Dental Board reported that during the previous Closed Session the Board agreed to grant an extension of her contract as the Executive Officer. She reported on her activities on behalf of the Board as well as several of the accomplishments of the Board during the past year.

#### **8. BreZE Update from the Department of Consumer Affairs**

Sean O'Connor, Chief of IT Legislation and Data Governance for the Office of Information Services at the Department of Consumer Affairs gave an update and presentation on the new licensing and enforcement system known as BreZE that will be going live on January 19, 2016.

#### **9. Discussion and Possible Action on the North Carolina State Board of Dental Examiners vs. Federal Trade Commission Supreme Court Decision, Attorney General's Opinion Regarding "Active State Supervision," and Federal Trade Commission Guidance on "Active State Supervision"**

Spencer Walker, Senior Legal Counsel reviewed the opinions provided.

#### **10. Legislation and Regulations:**

Lusine Sarkisyan, Legislative and Regulatory Analyst gave an overview of the information provided. Sarah Wallace, Assistant Executive Officer, gave an overview of additional information provided.

M/S/C (Morrow/Le) to accept staff's recommendation to revise Business and Professions Code Section 1632(a) as such: "The board shall require each applicant to successfully complete the ~~Part I and Part II~~ written examinations of the National Board Dental Examination of the Joint Commission on National Dental

Examinations and to direct staff to prepare the proposal for submission to the Committee for inclusion in the 2016 healing arts board omnibus bill.

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

The motion passed.

11. **Discussion and Possible Action Regarding Notification to Patients by Licensees on Probation**

Karen Fischer, Executive Officer, reviewed the information provided. Following the discussion it was agreed to ask the Department of Consumer Affairs for assistance with an outreach program and to revise the wording on the Dental Board's website to make it simpler and clearer to understand. Mr. Afriat suggested asking the Legislature to include information in their newsletters.

12. **Discussion and Possible Action on the Subcommittee Report Regarding Changes to Licensure By Credential (LBC) Application Requirements**

Sarah Wallace, Assistant Executive Officer, gave an overview of the information provided. There was discussion regarding self-employment, residency programs and clarity in the proposed regulatory language.

13. **Discussion and Possible Action Regarding the Dental School Application from the Republic of Moldova and Appointments to the Site Evaluation Team**

Dr Dominicis recused himself and left the room. Ms. Fischer gave an overview of the information provided.

M/S/C (Morrow/King) to accept the Moldova Dental School application as complete.

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

The motion passed.

M/S/C (Afriat/Chappell-Ingram) to appoint Dr. Octavia Plesh as the fourth member of the Site Evaluation Team.

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

The motion passed.

M/S/C (Afriat/McKenzie) to delegate authority to the Executive Officer and Dr. Morrow to select an alternate member of the Site Team if necessary.

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

The motion passed.



Retired Senator Polanco thanked the Board for their approval of the application.

14. **Examinations:**

Dr. Le gave an update on the Western Regional Examinations Board (WREB). Dr. Joe Zayas , past President of WREB gave additional updates on WREB.

15. **Budget Report**

Ms. Fischer gave an overview of the information provided. Olivia Chavez, Veterans Awareness Project asked how many witnesses were veterans.

16. **Report on the October 14, 2015 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits**

Dr. Whitcher gave an overview of the information provided.

M/S/C (Dominicis/Afriat) to accept the Elective Facial Cosmetic Surgery Committee report.

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

The motion passed.

M/S/C (Morrow/Afriat) to accept the Committee's recommendation to issue Michael P. Morrisette, DDS an Efcs permit for unlimited Category I and Category II privileges.

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

The motion passed.

17. **Dental Assisting Council Report**

Judith Forsythe, Chair, gave a report on the Dental Assisting Council meeting.

18. **Access to Care Committee Report**

Dr. Le, Chair, gave a report on the Access to Care Committee meeting.

19. **Prescription Drug Abuse Committee Report**

Dr. Stewart, Chair, gave a report on the Prescription Drug Abuse Committee meeting.

20. **Election of Board Officers for 2016**

Dr. Whitcher, former Dental Board President, presented Ms. Burton a plaque in recognition of being the first public member to serve as President and in appreciation for her service as President of the Dental Board for the past two years.

Dr. Stewart nominated Dr. Morrow for President. Dr. Morrow accepted the nomination.

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

The motion passed.

Ms. Burton nominated Ms. Forsythe for Vice President. Ms. Forsythe accepted the nomination.

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

The motion passed.

Ms. Forsythe nominated Dr. Woo for Secretary. Dr. Le nominated Mr. Afriat for Secretary. Ms. Forsythe accepted the nomination. Mr. Afriat accepted the nomination.

Vote for Dr. Woo for Secretary.

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

Vote for Mr. Afriat for Secretary.

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

The vote was tied.

Second vote for Dr. Woo for Secretary.

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

Second vote for Mr. Afriat for Secretary.

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

Dr. Woo received five aye votes and Mr. Afriat received six aye votes. Mr. Afriat is elected Secretary.

21. **Public Comment on Items Not on the Agenda**

Ms. Olivia Chavez, Founder and CEO of the Veterans Awareness Project spoke on behalf of Tina Gomes. She is advocating for the patients right to be notified when a licensee is on probation. Mr. Ken Phillips spoke as an advocate for Tina Gomes. He commented that he feels that Ms. Gomes case was not adjudicated properly. Ms. Tina Gomes spoke on her own behalf commenting that she advocates the

notification of patients when a licensee is placed on probation. She also commented that public protection should be the most important goal of the Board.

22. **Board Member Comments on Items Not on the Agenda**

There were no Board member comments.

23. **Adjournment**

The Board adjourned at 2:33 p.m.

DRAFT



## MEMORANDUM

<b>DATE</b>	February 11, 2016
<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, Steven G. Morrow, DDS, will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	February 11, 2016
<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, Executive Officer, will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	February 11, 2016
<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>	February 18, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Item 7:</b> Oral Health Program Advisory Committee Report.

On June 5, 2015, Gov. Jerry Brown announced that Jayanth V. Kumar, DDS, MPH, would serve as California's new state dental director. The establishment of this position is a major achievement for the state's oral health program and access to care planning goals

Dr. Kumar came to the California Department of Public Health (CDPH) with more than 25 years of experience in the New York State Bureau of Dental Health. He held the positions of state dental director and acting director since 2009 and is responsible for developing the first comprehensive state oral health plan for New York.

Dr. Kumar directs and manages the oral health program in the CDPH and, in collaboration with the Department of Health Care Services, provides leadership in developing and implementing innovative strategies and policies to reduce oral health disparities in California. In addition to a state oral health plan, Dr. Kumar is also responsible for establishing prevention and oral health education projects and working to secure funding for prevention-focused oral health programs, particularly for children.

Dental Board members Fran Burton and Dr. Huong Le serve on the Oral Health Program Advisory Committee and will provide a report.



## MEMORANDUM

<b>DATE</b>	February 23, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Karen Fischer, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 8:</b> Update on the Implementation of the BreEZe Online Licensing and Enforcement System

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



**JOINT MEETING OF  
THE DENTAL BOARD  
AND DENTAL  
ASSISTING COUNCIL**



## **JOINT MEETING OF THE DENTAL BOARD AND DENTAL ASSISTING COUNCIL**

**Thursday, March 3, 2016**

*Upon Conclusion of Agenda Item 8*

Humphreys Half Moon Inn & Suites

2303 Shelter Island Drive

San Diego, CA 92106

800-542-7400 (Hotel) or 916-263-2300 (Board Office)

### **Members of the Board**

Steven Morrow, DDS, MS, President

\*Judith Forsythe, RDA, Vice President (Also a Council member)

Steven Afriat, Public Member, Secretary

Fran Burton, MSW, Public Member

Stephen Casagrande, DDS

Yvette Chappell-Ingram, Public Member

Katie Dawson, RDH

Luis Dominicus, DDS

Kathleen King, Public Member

Ross Lai, DDS

Huong Le, DDS, MA

Meredith McKenzie, Public Member

Thomas Stewart, DDS

\*Bruce Whitcher, DDS, (Also a Council member)

Debra Woo, DDS

### **Members of the Dental Assisting Council**

Chair – Anne Contreras, RDA

Vice Chair – Emma Ramos, RDA

Pamela Davis-Washington, RDA

Teresa Lua, RDAEF

Tamara McNealy, RDA

Judith Forsythe, RDA

Bruce Whitcher, DDS

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**DENTAL ASSISTING  
COUNCIL  
ROLL CALL**

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 - Approval of the December 3, 2015 Joint Dental Board and Dental Assisting Council Meeting Minutes.

JNT 3 - Dental Assisting Staff Update.

JNT 4 - Update on Registered Dental Assistants (RDAs) and Registered Dental Assistants in Extended Functions (RDAEFs) Practical Examinations Statistics.

JNT 5 – Update on Registered Dental Assistants (RDAs) and Registered Dental Assistants in Extended Functions (RDAEFs) Licensing Statistics

JNT 6 – Staff Update on the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) Occupational Analysis of the Registered Dental Assistant (RDA) and Registered Dental Assistant in Extended Functions (RDAEF) Practical Examinations.

JNT 7 - Discussion and Possible Action Regarding Legislative Counsel's Opinion, Dated February 10, 2016, Relating to the Registered Dental Assistant Practical Examination

JNT 8 – Update on Dental Assisting Council Regulatory Workshops.

JNT 9 – Update on Dental Assisting Council Recruitment.

JNT 10 - 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 11 - Adjourn Joint Meeting of the Dental Board and the Dental Assisting Council.



**MINUTES FROM THE JOINT MEETING OF THE DENTAL BOARD AND DENTAL ASSISTING COUNCIL**

**Thursday, December 3, 2015**

Marriott LAX  
5855 West Century Blvd.  
Los Angeles, CA 90045

**DRAFT**

**Members of the Board Present**

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  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, RDH  
Luis Dominicus, 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**

Stephen Casagrande, DDS

**Members of the Dental Assisting Council Present**

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

**Members Absent**

Tamara McNealy, RDA

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

President Fran Burton called the DAC meeting to start at 11:28 a.m. Judith Forsythe, Board Secretary, called the roll and a quorum was established.

**JNT 2 - Approval of the August 27, 2015 Joint Dental Board and Dental Assisting Council Meeting Minutes**

The motion to Approve: Dr. Morrow and 2<sup>nd</sup> by: Dr. Le. However, Teresa Lua found mistake on Item #10 that mentioned Sunday, August 28, 2015 when it should read Friday, August 28, 2015. President Burton found spelling error of words "letting" and "commented" on page 3 of the minutes. Lastly, on page 7, Ms. Davis-Washington's name was backwards.

Spencer Walker asked that the motion be ammended to approve the corrected minutes.

The motioner (Dr. Morrow) and seconder (Dr. Le) agreed.

President Burton asked that a DAC member be the seconder to the motion along with Dr. Le since this is a joint meeting. Emma Ramos, DAC member, was the seconder.

Ms. Forsythe read rollcall for motion:

**Support:** Burton, Forsythe, Casagrande, Chappell-Ingram, Dominicis, King, Lai, Le, McKenzie, Stewart, Whitcher, Morrow, Woo, Contreras, Davis-Washington, Lua, Ramos **Oppose:** 0 **Abstain:** Afriat, Dawson

Motion carries.

### **JNT 3 - Dental Assisting Staff Update**

Sarah Wallace, Assistant Executive Officer, gave a staff update. Ms. Wallace mentioned that we are now fully staffed in the Dental Assisting (DA) Unit. With being fully staffed, we will begin scheduling regulatory workshops in 2016 on Fridays every six to eight weeks.

The RDA and RDAEF Occupational Analysis is currently in the survey process. The initial survey sample did not give OPES the response rate they were looking for so reminder postcards were sent out before Thanksgiving. Due to the initial low response rate, the final results and findings will not be available until late March or early April.

The 2016 RDA and RDAEF examination schedules have been posted on the Board website. We are continuing to look for additional dates. Due to the launch of Breeze, there are more strict rules on application deadlines which are noted on the posted schedules.

Ms. Wallace had Ms. Byers pass out the practical and written examination results that are currently being posted to the Board website.

### **Questions:**

Dr. Stewart, Board Member, asked if the new application deadlines were clearly marked on the schedule with big red flags. Ms. Wallace responded that they are clearly marked in a red font and that she is getting a letter out to all the program directors to inform them as well. Ms. Wallace stated that we have been receiving applications and have scheduled the candidates in February who were not able to be scheduled for the November examination, as well as adding more space to our Southern California location which essentially adds another session's worth of candidates throughout the weekend.

### **Public Comment:**

Lori Gagliardi, CADAT, acknowledged that there had been discussion about a preparation guidebook for the examination. She is still asking that the guidebook to be created and, as a stakeholder, is willing to help the Board create it. She is also asking that a sub-committee be created that would include stakeholders and Board members

to help write it. Her next comment was regarding the examination locations. For the candidates graduating in May, either driving 4 hours to Fresno in July or having to wait until September will create difficulty.

Karen Fischer, Executive Officer, commented that the Board has asked if other facilities are interested in holding the RDA examination. However, we only received interest from Foothill College. Rumors circulated that there was a list of twenty-two locations interested, but the Board has yet to see that list. Karen asked that if Board members or members of the public know if any locations, to please share.

Steven Afriat, Public Member, asked for what is needed at facility to run an examination. Ms. Wallace responded with what's needed and also mentioned that we would be responding to a party that showed interest later in the week.

Dr. Stewart, Board Member, asked about the candidate handbook that was brought up. Ms. Wallace responded that we currently have candidate instructions that are available on the Board website and are researching what other Boards offer by means of a handbook and would need to consult with OPES to continue to move forward.

Claudia Pohl, CDAA, commented that she would like to see two exam sites in Southern California. She also asked if Carrington College was open to have an exam date available in the summer. Ms. Wallace responded that though they are available with dates, the Board has a conflicting schedule, and that we are continuing to work on the schedule.

Cara Miyasaki, Foothill College and also representing the Dental Assisting Educators group, commented that she feels it would be important that Program Directors be stakeholders for the examination handbook.

President Burton announced there was nothing further and to move onto the next item.

#### **JNT 4 - Discussion and Possible Action Regarding the Implementation of AB 179**

Ms. Wallace gave a complete overview of the memo that was presented regarding AB 179.

Pamela Davis-Washington, DAC member, asked how dentists and dental assistants will go about knowing to send their email addresses to the Board. Ms. Wallace responded that there will be outreach efforts in the new Breeze system or manually inputting information into the system. Ms. Fischer also commented that there will be a massive outreach along with the implementation of the new Breeze program.

President Burton announced there was nothing further and to move onto the next item.

#### **JNT 5 - Presentation by the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) Regarding Occupational Analyses, Examination Development, and Recommendations for Dental Examinations**

President Burton introduced Heidi Lincer-Hill, Ph. D, who is Chief of the Office of Professional Examination Services (OPES), who gave an extensive power point presentation regarding the overview of the ongoing Occupational Analysis (OA).

Questions:

Emma Ramos, DAC Member, asked how RDA's were receiving information regarding the Survey that was sent out. Dr. Lincer-Hill explained that a sampling plan was developed that included 2700 or 8.2% of all RDA's in California based on years licensed and different counties throughout the state. She also mentioned that they intentionally reached out to 60% of licensees who have held a license for zero-five years. Each recipient received a letter with a pin number and password to join the survey. Dr. Lincer-Hill also said that survey letters were sent out to 100% of RDAEF2's and 55% of RDAEF1's totalling 924 licensees.

Dr. Whitcher, Board Member, asked how some of the more infrequent duties in the scope of practice are weighed in the examination. Dr. Lincer-Hill responded that they discuss the duties with the Subject Matter Experts (SME's) to determine the weight. They will also see what the results of the survey are and discuss this at future workshops.

Dr. Morrow, Board Member, asked how the different variables of the practical examination, which is taken in different environments with different equipment that the candidates do not have any control over, are accounted for and how are the passing and non-passing scores are accounted for due to these environmental effects and use of different equipment to prove their skill level. Dr. Lincer-Hill explained that practical examinations are difficult to maintain consistency while trying to prove that each candidate can achieve the skill level while testing in different environments. This is something that all Boards struggle with. By observing the examinations in person, OPES will be able to offer recommendations to achieve consistency and recommend whether the practical examination should continue.

Dr. Le, Board Member, asked what procedures are being tested on the RDA examination and if they are parallel to the written examination. Dr. Lincer-Hill responded that what is on the practical examination is set in regulation and was created separately from the written examination.

Judith Forsythe, Chair of DAC, asked what the written examination format would look like if there isn't a practical examination. Dr. Lincer-Hill explained that through multiple choice questions, everything on the practical examination would be covered as well as possible.

Teresa Lua, DAC member, asked if RDA's were surveyed who had been in the profession longer than five years since it was brought up (during the presentation) that OPES focused on licensees of five years or less. Dr. Lincer-Hill responded that 40% of all RDA's surveyed were licensees who have held a license longer than five years.

Dr. Morrow asked how long, approximately, Boards go before having an Occupational Analysis (OA) done. Dr. Lincer-Hill responded that, for the last 20 years she has been with the Department, they have been performed about every five-six years. Dr.



Morrow said that, based on rapidly changing technology, the intervals of when OA's are preformed should be less than five-six years.

No Public Comment.

President Burton thanked Dr. Lincer-Hill for her time.

**JNT 6 - Public Comment on Items Not on the Agenda**

None.

**JNT 7 - Adjourn Joint Meeting of the Dental Board and the Dental Assisting Council**

President Burton adjourned the meeting at 1:00pm

DRAFT



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>JNT 3:</b> Dental Assisting Staff Update.

Sarah Wallace, Assistant Executive Officer will provide a verbal report.



## MEMORANDUM

<b>DATE</b>	February 18, 2016
<b>TO</b>	Dental Assisting Council Members, Dental Board of California
<b>FROM</b>	Katie Le, Dental Assisting Educational Program Coordinator Dental Board of California
<b>SUBJECT</b>	<b>JNT 4:</b> Dental Assisting Program Examination Statistics

### Written Examination Statistics for **April – December 2015 All Candidates**

Written Exam	Total Candidates Tested	% Passed	% Failed
RDA	2080	64%	36%
RDA Law & Ethics	1654	62%	38%
RDAEF	101	57%	43%
Orthodontic Assistant	345	43%	57%
Dental Sedation Assistant	4	100%	0%

### Written Examination Statistics for **April–December 2015 First Time Candidates**

Written Exam	Total Candidates Tested	% Passed	% Failed
RDA	1463	70%	30%
RDA Law & Ethics	1140	68%	32%
RDAEF	66	56%	44%
Orthodontic Assistant	189	49%	51%
Dental Sedation Assistant	4	100%	0%

### Written Examination Statistics for **April – December Repeat Candidates**

Written Exam	Total Candidates Tested	% Passed	% Failed
RDA	617	49%	51%
RDA Law & Ethics	514	50%	50%
RDAEF	35	60%	40%
Orthodontic Assistant	156	35%	65%
Dental Sedation Assistant	0	N/A	N/A

### RDA Practical Examination Statistics for 2015 All Candidates

<b>Practical Exam</b>	<b>Total Candidates Tested</b>	<b>% Passed</b>	<b>% Failed</b>
RDA – February North	472	45%	55%
RDA – February South	429	18%	82%
RDA – April South	467	69%	31%
RDA – April North	334	77%	23%
RDA – July Central	105	81%	19%
RDA – August North	507	71%	29%
RDA – August South	517	52%	48%
RDA – Nov North	488	63%	37%
RDA – Nov South	579	58%	42%
<b>Total for Year</b>	<b>3898</b>	<b>59%</b>	<b>41%</b>

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

<b>Practical Exam</b>	<b>Total Candidates Tested</b>	<b>% Passed</b>	<b>% Failed</b>
RDA – February North	233	38%	62%
RDA – February South	196	15%	85%
RDA – April South	287	68%	32%
RDA – April North	182	75%	25%
RDA – July Central	47	96%	4%
RDA – August North	287	52%	48%
RDA – August South	230	52%	48%
RDA – Nov North	380	65%	35%
RDA – Nov South	442	60%	40%
<b>Total for Year</b>	<b>2284</b>	<b>58%</b>	<b>42%</b>

### RDA Practical Examination Statistics for 2015 Repeat Candidates

<b>Practical Exam</b>	<b>Total Candidates Tested</b>	<b>% Passed</b>	<b>% Failed</b>
RDA – February North	239	51%	49%
RDA – February South	233	21%	79%
RDA – April South	180	70%	30%
RDA – April North	152	80%	20%
RDA – July Central	58	69%	31%
RDA – August North	320	79%	21%
RDA – August South	230	52%	48%
RDA – Nov North	108	56%	44%
RDA – Nov South	137	51%	49%
<b>Total for Year</b>	<b>1657</b>	<b>59%</b>	<b>41%</b>

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

<b>Clinical/Practical Exam</b>	<b>Total Candidates Tested</b>	<b>% Passed</b>	<b>% Failed</b>
RDAEF – June North	25	44%	56%
RDAEF – July South	26	62%	38%
RDAEF – Oct South	26	69%	31%
<b>Total for Year</b>	<b>77</b>	<b>58%</b>	<b>42%</b>

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

<b>Clinical/Practical Exam</b>	<b>Total Candidates Tested</b>	<b>% Passed</b>	<b>% Failed</b>
RDAEF – June North	14	79%	21%
RDAEF – July South	22	59%	41%
RDAEF – Oct South	15	80%	20%
<b>Total for Year</b>	<b>51</b>	<b>73%</b>	<b>82%</b>

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

<b>Clinical/Practical Exam</b>	<b>Total Candidates Tested</b>	<b>% Passed</b>	<b>% Failed</b>
RDAEF – June North	11	0%	100%
RDAEF – July South	4	75%	25%
RDAEF – Oct South	11	55%	45%
<b>Total for Year</b>	<b>26</b>	<b>43%</b>	<b>57%</b>

**RDA WRITTEN EXAMINATION SCHOOL STATISTICS**

Program	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Total
4D College - Victorville (914)	N/A	N/A	N/A	100%	N/A	N/A	0%	0%	N/A	100%	100%	N/A	50%
pass				1			0	0		1	1		3
fail				0			1	2		0	0		3
Allan Hancock (508)	N/A	100%	100%	N/A	N/A	100%	100%	N/A	50%	N/A	N/A	N/A	96%
pass		1	1			14	7		1				24
fail		0	0			0	0		1				1
American Career - Anaheim (896)	N/A	50%	100%	100%	N/A	33%	0%	N/A	33%	100%	0%	33%	45%
pass		1	1	2		1	0		1	2	0	1	9
fail		1	0	0		2	2		2	0	2	2	11
American Career - Los Angeles (867)	100%	100%	100%	100%	0%	N/A	33%	0%	N/A	100%	25%	25%	48%
pass	1	2	1	2	0		1	0		2	1	1	11
fail	0	0	0	0	2		2	2		0	3	3	12
American Career - Ontario (905)	0%	50%	50%	50%	67%	100%	100%	100%	40%	N/A	25%	100%	0%
pass	0	2	2	1	2	2	1	3	2		1	1	0
fail	1	2	2	1	1	0	0	0	3		3	0	1
Anthem College (503)	0%	100%	50%	50%	100%	0%	33%	100%	N/A	50%	50%	0%	42%
pass	0	1	1	2	1	0	1	2		1	1	0	10
fail	2	0	1	2	0	1	2	0		1	1	4	14
Bakersfield College	N/A												N/A
pass													
fail													
Baldy View ROP (590)	N/A	N/A	N/A	100%	100%	N/A	N/A	0%	N/A	100%	0%	0%	43%
pass				1	1			0		1	0	0	3
fail				0	0			2		0	1	1	4
Blake Austin College (897)	80%	100%	100%	100%	100%	100%	N/A	50%	0%	80%	100%	80%	79%
pass	4	1	2	4	2	2		1	0	4	3	0	23
fail	1	0	0	0	0	0		1	0	1	0	3	6
Butte County ROP (605)	0%	100%	N/A	N/A	N/A	100%	100%	100%	100%	N/A	N/A	N/A	93%
pass	0	1				1	3	6	2				13
fail	1	0				0	0	0	0				1
Cabrillo College (001)	N/A	N/A	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	0%
pass						0							0
fail						1							1
CA Coll of Voc Careers (878)	N/A												N/A
pass													
fail													
Carrington - Antioch (886)	N/A	100%	N/A	N/A	N/A	N/A	N/A	100%	N/A	100%	100%	100%	100%
pass		1						2		1	1	1	6
fail		0						0		0	0	0	0
Carrington - Citrus Heights (882)	N/A	50%	100%	60%	67%	50%	67%	100%	75%	60%	88%	50%	71%
pass		1	2	3	4	3	4	9	3	3	7	3	42
fail		1	0	2	2	3	2	0	1	2	1	3	17
Carrington - Pleasant Hill (868)	50%	75%	100%	N/A	50%	50%	67%	50%	50%	100%	20%	67%	58%
pass	1	3	1		4	2	4	3	2	4	1	4	29
fail	1	1	0		4	2	2	3	2	0	4	2	21
Carrington - Pomona (908)	N/A	N/A	N/A	100%	N/A	N/A	N/A	100%	100%	100%	0%	N/A	67%
pass				1				1	1	1	0		4
fail				0				0	0	0	2		2
Carrington - Sacramento (436)	100%	100%	55%	100%	91%	86%	50%	80%	33%	80%	67%	67%	76%
pass	3	3	6	5	10	6	1	12	1	4	4	2	54
fail	0	0	5	0	1	1	1	3	2	1	2	1	17
Carrington - San Jose (876)	43%	0%	25%	80%	50%	100%	50%	25%	0%	100%	67%	60%	53%
pass	3	0	1	4	1	2	1	1	0	3	2	3	21
fail	4	1	3	1	1	0	1	3	2	0	1	2	19
Carrington - San Leandro (609)	33%	100%	50%	67%	50%	75%	100%	N/A	50%	100%	67%	N/A	77%
pass	1	5	1	2	1	3	2		1	3	2		20
fail	2	0	1	1	1	1	0		1	0	1		6
Carrington - Stockton (902)	67%	100%	0%	0%	75%	0%	100%	100%	100%	50%	N/A	40%	57%
pass	2	1	0	0	3	0	1	1	3	1		2	12
fail	1	0	1	1	1	2	0	0	0	1		3	9
Carrington - Emeryville (904)	N/A												N/A
pass													
fail													
Cerritos College (511)	N/A	100%	N/A	50%	0%	67%	N/A	N/A	N/A	100%	100%	100%	67%

**RDA WRITTEN EXAMINATION SCHOOL STATISTICS**

Program	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Total
pass		2		1	0	2				1	2	2	10
fail		0		1	3	1				0	0	0	5
Chaffey College (514)	N/A	100%	N/A	N/A	N/A	50%	100%	100%	N/A	N/A	33%	100%	73%
pass		1				1	3	1			1	1	8
fail		0				1	0	0			2	0	3
Charter College - Canyon Country (401)	67%	0%	0%	100%	100%	33%	0%	100%	N/A	100%	N/A		73%
pass	2	0	0	3	1	1	0	3		2		1	11
fail	1	1	1	0	0	2	0	0		0		0	4
Citrus College (515)	N/A	100%	N/A	N/A	100%	100%	N/A	100%	N/A	100%	100%	67%	93%
pass		1			1	2		2		2	3	2	13
fail		0			0	0		0		0	0	1	1
City College of SF (534)	N/A	100%	N/A	100%	100%	N/A	50%	N/A	100%	N/A	N/A	N/A	86%
pass		1		1	1		1		2				6
fail		0		0	0		1		0				1
College of Alameda (506)	N/A	0%	100%	50%	N/A	0%	100%	100%	50%	0%	0%	50%	46%
pass		0	1	1		0	1	1	1	0	0	1	6
fail		1	0	1		1	0	0	1	1	1	1	7
College of Marin (523)	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	100%	0%	N/A	100%	88%
pass						1	1	1	2	0		2	7
fail						0	0	0	0	1		0	1
College of the Redwoods (838)	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	100%	100%	100%	N/A	100%
pass						1	1	11	1	2	1		17
fail						0	0	0	0	0	0		0
College of San Mateo (536)	100%	0%	N/A	100%	N/A	100%	N/A	67%	100%	100%	100%	67%	81%
pass	1	0		1		1		2	1	4	1	2	13
fail	0	1		0		0		1	0	0	0	1	3
Concorde Career - Garden Grove (425)	0%	50%	100%	100%	50%	50%	100%	100%	67%	30%	100%	N/A	62%
pass	0	2	2	1	1	2	1	3	2	3	4		21
fail	1	2	0	0	1	2	0	0	1	7	0		13
Concorde Career - North Hollywood (435)	50%	33%	50%	75%	25%	50%	50%	100%	0%	67%	67%	50%	52%
pass	1	1	2	3	1	1	1	1	0	2	2	1	16
fail	1	2	2	1	3	1	1	0	1	1	1	1	15
Concorde Career - San Bernardino (430)	67%	25%	40%	67%	0%	75%	50%	80%	33%	50%	60%	67%	53%
pass	2	1	2	4	0	3	2	4	1	1	3	4	27
fail	1	3	3	2	4	1	2	1	2	1	2	2	24
Concorde Career - San Diego (421)	0%	67%	67%	N/A	100%	67%	0%	60%	50%	0%	25%	40%	47%
pass	0	2	2		3	2	0	3	2	0	1	2	17
fail	1	1	1		0	1	2	2	2	3	3	3	19
Contra Costa (745)	100%	0%	N/A	100%	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	67%
pass	1	0		1									2
fail	0	1		0									1
Cypress College (518)	100%	100%	N/A	67%	100%	0%	100%	75%	100%	0%	100%	100%	83%
pass	2	1		2	1	0	2	3	1	0	2	1	15
fail	0	0		1	0	0	0	1	0	1	0	0	3
Diablo Valley College (516)	N/A	0%	N/A	100%	N/A	N/A	N/A	100%	N/A	100%	100%	50%	85%
pass		0		1				1		6	2	1	11
fail		1		0				0		0	0	1	2
East Los Angeles Occ Cntr (855)	N/A												N/A
pass													
fail													
Eden ROP (608) (856)	N/A	0%	N/A	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	67%
pass		0		1	1								2
fail		1		0	0								1
Everest - Alhambra (406)	N/A	N/A	N/A	100%	N/A	100%	N/A	N/A	67%	N/A	N/A	100%	83%
pass				1		1			2			1	5
fail				0		0			1			0	1
Everest - Anaheim (403)/(600)	0%	50%	83%	100%	50%	50%	100%	N/A	N/A	N/A	N/A	50%	65%
pass	0	1	5	1	1	1	1					1	11
fail	1	1	1	0	1	1	0					1	6
Everest - City of Industry (875)	N/A	N/A	0%	0%	0%	0%	100%	N/A	N/A	N/A	N/A	N/A	17%
pass			0	0	0	0	1						1
fail			1	1	1	2	0						5
Everest - Gardena (870)	0%	0%	60%	N/A	0%	0%	50%	N/A	0%	0%	N/A	N/A	29%
pass	0	0	3		0	0	1	0	0	0			4
fail	1	2	2		1	1	1	0	1	1			10

**RDA WRITTEN EXAMINATION SCHOOL STATISTICS**

Program	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Total
Everest - Los Angeles (410)	33%	0%	0%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	29%
pass	1	0	0	1								0	2
fail	2	1	1	0								1	5
Everest - Ontario (501)	100%	N/A	0%	100%	100%	50%	0%	50%	20%	50%	100%	0%	54%
pass	1		0	3	3	1	0	1	1	1	2	0	13
fail	0		2	0	0	1	1	1	4	1	0	1	11
Everest - Reseda (404)	50%	60%	67%	100%	0%	50%	100%	100%	50%	N/A	N/A	100%	58%
pass	1	3	2	1	0	2	1	1	2			1	14
fail	1	2	1	0	2	2	0	0	2			0	10
Everest - San Bern (881)	N/A	0%	100%	N/A	100%	100%	N/A	N/A	N/A	0%	N/A	N/A	60%
pass		0	1		1	1				0			3
fail		1	0		0	0				1			2
Everest - San Fran (407)	20%	40%	0%	0%	100%	0%	100%	N/A	N/A	0%	0%	0%	28%
pass	1	2	0	0	3	0	1			0	0	0	7
fail	4	3	1	3	0	3	0			1	1	2	18
Everest - San Jose (408)	100%	100%	N/A	N/A	67%	0%	0%	N/A	50%	N/A	N/A	N/A	56%
pass	1	1			2	0	0	0	1				5
fail	0	0			1	1	1	0	1				4
Everest - Torrance (409)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	0%
pass								0					0
fail								1					1
Everest - W LA (Was Nova) (874)	N/A	0%	100%	N/A	33%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	40%
pass		0	1		1								2
fail		1	0		2								3
Foothill College (517)	N/A	100%	100%	N/A	N/A	N/A	N/A	100%	100%	100%	100%	100%	100%
pass		1	1					1	4	1	2	1	11
fail		0	0					0	0	0	0	0	0
Galen - Fresno (413)	N/A	N/A	N/A	0%	N/A	100%	0%	0%	0%	N/A	N/A	N/A	20%
pass				0	0	1	0	0	0				1
fail				2	0	0	1	0	1				4
Galen - Modesto (497)	N/A												N/A
pass													0
fail													0
Galen - Visalia (445)	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%
pass				1								1	
fail				0								0	
Grossmont Com Coll - El Cajon (519)	0%	100%	0%	100%	83%	100%	57%	0%	50%	0%	100%	100%	63%
pass	0	1	0	1	5	1	4	0	2	0	2	1	17
fail	1	0	1	0	1	0	3	1	2	1	0	0	10
Grossmont Health Oc (610)	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%
pass		0											0
fail		1											1
Hacienda La Puente (776)	N/A	100%	N/A	N/A	N/A	N/A	100%	N/A	100%	N/A	N/A	N/A	100%
pass		1					1		1				3
fail		0					0		0				0
Heald - Concord (891)	100%	100%	100%	100%	50%	100%	100%	0%	0%	100%	N/A	25%	67%
pass	1	1	1	1	1	1	2	0	0	1		1	10
fail	0	0	0	0	1	0	0	0	1	0		3	5
Heald - Hayward (889)	33%	0%	0%	100%	0%	50%	67%	100%	0%	50%	0%	100%	39%
pass	2	0	0	2	0	1	2	1	0	2	0	3	13
fail	4	1	1	0	4	1	1	0	3	2	3	0	20
Heald - Roseville (911)	N/A	0%	50%	50%	100%	50%	100%	100%	0%	100%	100%	100%	73%
pass		0	1	1	1	1	2	2	0	1	1	1	11
fail		1	1	1	0	1	0	0	0	0	0	0	4
Heald - Salida (910)	0%	N/A	N/A	100%	33%	100%	100%	0%	100%	100%	0%	100%	70%
pass	0			2	1	3	2	0	2	1	0	3	14
fail	1			0	2	0	0	2	0	0	1	0	6
Heald - Stockton (887)	N/A	N/A	0%	50%	33%	0%	50%	0%	0%	50%	N/A	N/A	27%
pass			0	1	1	0	1	0	0	1			4
fail			1	1	2	2	1	1	2	1			11
Kaplan - Bakersfield (884)	33%	0%	0%	33%	0%	100%	50%	67%	100%	N/A	67%	50%	48%
pass	1	0	0	1	0	2	1	2	1		2	1	11
fail	2	1	1	2	2	0	1	1	0		1	1	12
Kaplan - Clovis (885)	67%	100%	0%	100%	0%	0%	0%	50%	0%	67%	100%	80%	50%
pass	2	1	0	3	0	0	0	1	0	4	1	4	16



**RDA WRITTEN EXAMINATION SCHOOL STATISTICS**

Program	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Total
fail	1	0	3	0	1	2	3	1	2	2	0	1	16
Kaplan - Modesto (499)/(890)	0%	75%	25%	50%	50%	60%	33%	50%	0%	100%	57%	100%	54%
pass	0	3	1	2	2	3	1	3	0	2	4	5	26
fail	1	1	3	2	2	2	2	3	2	0	3	1	22
Kaplan - Palm Springs (901)	33%	100%	N/A	50%	0%	0%	0%	50%	100%	0%	100%	N/A	60%
pass	1	3		1	0	0	0	1	2	0	1		9
fail	2	0		1	0	1	0	1	0	1	0		6
Kaplan - Riverside (898)	0%	N/A	100%	100%	N/A	N/A	N/A	100%	0%	0%	100%	100%	62%
pass	0		1	3				2	0	0	1	1	8
fail	2		0	0				0	2	1	0	0	5
Kaplan - Sacramento (888)	50%	100%	0%	100%	N/A	0%	100%	N/A	50%	67%	67%	0%	56%
pass	3	2	0	1		0	2		1	2	4	0	15
fail	3	0	1	0		1	0		1	1	2	3	12
Kaplan - San Diego (899)	100%	100%	N/A	0%	50%	25%	0%	50%	100%	100%	50%	N/A	56%
pass	1	1		0	2	1	0	1	2	1	1		10
fail	0	0		1	2	3	0	1	0	0	1		8
Kaplan - Stockton (611)	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	100%
pass	1								1				2
fail	0								0				0
Kaplan - Vista (900)	75%	33%	N/A	33%	67%	75%	0%	100%	33%	100%	0%	100%	59%
pass	3	1		1	2	3	0	3	1	2	0	1	17
fail	1	2		2	1	1	1	0	2	0	2	0	12
Milan Institute - Indio (906)	0%	100%	0%	0%	N/A	33%	100%	100%	33%	33%	N/A	100%	48%
pass	0	1	0	0	0	1	1	2	2	1		2	10
fail	1	0	1	1	0	2	0	0	4	2		0	11
Milan Institute - Visalia (907)	50%	100%	33%	100%	N/A	N/A	100%	N/A	N/A	100%	67%	100%	71%
pass	1	1	1	1			1			2	2	1	10
fail	1	0	2	0			0			0	1	0	4
Modesto Junior College (526)	N/A												N/A
pass													0
fail													0
Monterey Peninsula (527)	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	100%	100%	N/A	60%	70%
pass		0							2	2		3	7
fail		1							0	0		2	3
Moreno Valley College (903)	N/A	N/A	N/A	100%	N/A	N/A	N/A	100%	100%	100%	N/A	N/A	100%
pass				1				2	1	3			7
fail				0				0	0	0			0
Mt. Diablo/Loma Vista (500)	50%	0%	N/A	83%	100%	100%	80%	83%	N/A	100%	67%	75%	79%
pass	1	0		5	4	1	4	5		2	2	3	27
fail	1	1		1	0	0	1	1		0	1	1	7
National Education Center (604)	N/A	N/A	N/A	N/A	N/A	N/A	60%	0%	100%	N/A	N/A	N/A	64%
pass							6	0	1				7
fail							4	0	0				4
Newbridge College - SD (883)	0%	0%	50%	N/A	N/A	0%	N/A	N/A	N/A	100%	N/A	N/A	33%
pass	0	0	1			0				1			2
fail	1	1	1			1				0			4
North Orange Co (formerly Valley Career Coll) (495)	100%	N/A	0%	83%	50%	33%	100%	0%	50%	50%	50%	67%	59%
pass	2		0	5	2	1	3	0	2	1	1	2	19
fail	0		1	1	2	2	0	2	2	1	1	1	13
North-West - Pomona (420)	N/A	N/A	N/A	N/A	100%	100%	N/A	N/A	N/A	N/A	100%	0%	75%
pass					1	1				0	1	0	3
fail					0	0				0	0	1	1
North-West - West Covina (419)	N/A	N/A	100%	100%	100%	100%	N/A	0%	N/A	0%	0%	N/A	63%
pass			1	1	1	2	0	0	0	0	0		5
fail			0	0	0	0	0	1	0	1	1		3
Orange Coast (528)	N/A	N/A	100%	N/A	N/A	100%	100%	100%	67%	100%	100%	N/A	93%
pass			1			1	3	3	2	1	2		13
fail			0			0	0	0	1	0	0		1
Palomar College (721)	100%	N/A	N/A	N/A	100%	100%	100%	100%	100%	100%	100%	100%	100%
pass	1				1	1	6	6	3	3	3	1	1
fail	0				0	0	0	0	0	0	0	0	0
Pasadena City College (529)	N/A	N/A	N/A	N/A	100%	100%	100%	N/A	100%	N/A	N/A	N/A	100%
pass					1	1	1		1				4
fail					0	0	0		0				0
Pima - Chula Vista (871)	100%	50%	N/A	N/A	75%	N/A	50%	100%	N/A	100%	N/A	67%	75%

**RDA WRITTEN EXAMINATION SCHOOL STATISTICS**

Program	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Total
pass	1	1			3	0	1	3		1		2	12
fail	0	1			1	0	1	0		0		1	4
Riverside County Office of Education (921)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	100%
pass											1		1
fail											0		0
Reedley College (530)	N/A	100%	N/A	100%	100%	0%	N/A	100%	67%	50%	100%	50%	76%
pass		1		1	1	0		5	2	1	1	1	13
fail		0		0	0	1		0	1	1	0	1	4
Riverside ROP (498)	50%	100%	100%	100%	0%	0%	100%	0%	67%	67%	100%	100%	73%
pass	1	3	2	2	0	0	1	0	2	2	2	1	16
fail	1	0	0	0	1	1	0	1	1	1	0	0	6
Sac City College (532)	N/A	0%	N/A	N/A	50%	100%	0%	92%	50%	80%	100%	100%	76%
pass		0			1	1	0	11	2	4	1	2	22
fail		1			1	0	1	1	2	1	0	0	7
San Bernardino Cty ROP - Hesperia (454)	N/A	0%	N/A	0%	100%	100%	0%	60%	100%	100%	N/A	100%	69%
pass		0		0	1	1	0	3	1	1		2	9
fail		1		1	0	0	0	2	0	0		0	4
San Bernardino Cty ROP - Morongo USD (913)	N/A	N/A	100%	N/A	N/A	N/A	100%	N/A	0%	N/A	N/A	N/A	67%
pass			1				1		0				2
fail			0				0		1				1
San Diego Mesa (533)	0%	N/A	N/A	N/A	N/A	N/A	100%	N/A	100%	100%	N/A	100%	89%
pass	0						4	0	1	2		1	8
fail	1						0	0	0	0		0	1
SJVC - Bakersfield (601)	100%	33%	50%	0%	100%	0%	N/A	N/A	N/A	100%	100%	N/A	60%
pass	3	1	1	0	1	0			0	2	1		9
fail	0	2	1	2	0	1			0	0	0		6
SJVC - Fresno (602)	75%	67%	100%	100%	100%	100%	50%	N/A	N/A	N/A	100%	67%	81%
pass	3	2	1	3	2	4	2			0	2	2	21
fail	1	1	0	0	0	0	2			0	0	1	5
SJVC - Rancho Cordova (880)	N/A												N/A
pass													
fail													
SJVC - Temecula (919)	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	100%	N/A	100%	100%	100%
pass						1			1		3	2	3
fail						0			0		0	0	0
SJVC - Visalia (446)	100%	50%	100%	N/A	100%	100%	25%	80%	100%	80%	100%	0%	79%
pass	6	1	1		5	1	1	4	2	4	2	0	27
fail	0	1	0		0	0	3	1	0	1	0	1	7
San Jose City College (535)	100%	67%	50%	50%	100%	75%	67%	N/A	100%	100%	80%	60%	71%
pass	2	2	2	1	1	3	4		1	1	4	3	24
fail	0	1	2	1	0	1	2		0	0	1	2	10
Santa Barbara City College (537)	N/A												100%
pass													1
fail													0
Santa Rosa JC (538)	50%	N/A	100%	N/A	N/A	N/A	N/A	100%	N/A	N/A	100%	100%	50%
pass	1		1					1			1	13	1
fail	1		0					0			0	0	1
Shasta/Trinity ROP (455)	N/A												N/A
pass													
fail													
Southern Cal ROC - Torrance (612)	N/A	N/A	N/A	100%	100%	0%	75%	67%	0%	0%	50%	100%	71%
pass				1	1	0	3	2	0	0	1	2	10
fail				0	0	1	1	1	0	0	1	0	4
Southland College (428)	N/A												N/A
pass													
fail													
Tri Cities ROP (877)	N/A	N/A	100%	N/A	100%	0%	N/A	N/A	N/A	100%	100%	N/A	83%
pass			2		1	0				1	1		5
fail			0		0	1				0	0		1
UEI - Chula Vista (879)	N/A	N/A	100%	50%	50%	0%	0%	50%	67%	0%	N/A	N/A	47%
pass			1	2	1	0	0	2	2	0			8
fail			0	2	1	1	1	2	1	1			9
UEI - El Monte (909)	N/A	N/A	N/A	0%	0%	N/A	0%	N/A	0%	50%	N/A	N/A	13%
pass				0	0		0		0	1			1
fail				1	1		1		3	1			7

**RDA WRITTEN EXAMINATION SCHOOL STATISTICS**

Program	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Total
<b>UEI - Huntington Park (448)</b>	67%	33%	0%	25%	50%	0%	N/A	67%	50%	25%	25%	60%	<b>40%</b>
pass	2	1	0	1	1	0		2	2	1	1	3	<b>14</b>
fail	1	2	1	3	1	2		1	2	3	3	2	<b>21</b>
<b>UEI - LA (449)</b>	N/A												<b>N/A</b>
pass													
fail													
<b>UEI - Ontario (450)</b>	N/A	0%	33%	N/A	100%	N/A	N/A	100%	0%	0%	0%	N/A	<b>33%</b>
pass		0	1		1			1	0	0	0		<b>3</b>
fail		1	2		0			0	0	1	2		<b>6</b>
<b>UEI - San Diego (451)</b>	N/A	N/A	N/A	N/A	33%	100%	N/A	50%	N/A	N/A	N/A	N/A	<b>50%</b>
pass					1	1		1					<b>3</b>
fail					2	0		1					<b>3</b>
<b>UEI - Riverside (917)</b>	N/A	100%	N/A	100%	N/A	N/A	N/A	50%	N/A	100%	33%	100%	<b>70%</b>
pass		1		2				1		1	1	1	<b>7</b>
fail		0		0				1		0	2	0	<b>3</b>
<b>UEI - Van Nuys (453)</b>	N/A	N/A	N/A	N/A	N/A	N/A	50%	100%	N/A	N/A	100%	50%	<b>67%</b>
pass							1	2			2	1	<b>6</b>
fail							1	0			0	1	<b>3</b>
<b>UEI - Gardena (915)</b>	N/A	0%	N/A	N/A	N/A	100%	N/A	100%	N/A	67%	N/A	0%	<b>50%</b>
pass		0				1		1		2		0	<b>4</b>
fail		1				0		0		1		2	<b>4</b>
<b>UEI - Anaheim (916)</b>	N/A												<b>N/A</b>
pass													
fail													
<b>RDA Schools</b>	56%	54%	54%	70%	62%	61%	66%	76%	56%	70%	64%	65%	<b>56%</b>
(ACE) pass	68	62	62	102	96	98	105	153	83	113	101	118	<b>68</b>
fail	54	53	52	43	60	63	53	49	66	49	57	64	<b>54</b>
<b>ADA Education</b>	63%	57%	64%	58%	38%	83%	0%	82%	44%	0%	50%	70%	<b>63%</b>
pass	5	4	9	7	3	5	0	9	4	0	3	7	<b>5</b>
fail	3	3	5	5	5	1	0	2	5	3	3	3	<b>3</b>
<b>PERCENT PASS</b>	<b>56%</b>	<b>54%</b>	<b>55%</b>	<b>69%</b>	<b>60%</b>	<b>62%</b>	<b>66%</b>	<b>76%</b>	<b>55%</b>	<b>68%</b>	<b>63%</b>	<b>65%</b>	<b>56%</b>
<b>TOTAL PASS</b>	<b>73</b>	<b>66</b>	<b>71</b>	<b>109</b>	<b>99</b>	<b>103</b>	<b>105</b>	<b>162</b>	<b>87</b>	<b>113</b>	<b>104</b>	<b>125</b>	<b>73</b>
<b>TOTAL FAIL</b>	<b>57</b>	<b>56</b>	<b>57</b>	<b>48</b>	<b>65</b>	<b>64</b>	<b>53</b>	<b>51</b>	<b>71</b>	<b>52</b>	<b>60</b>	<b>67</b>	<b>57</b>

**RDA LAW ETHICS EXAMINATION SCHOOL STATISTICS**

Program	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Total
<b>4D College - Victorville (914)</b>	N/A	N/A	N/A	100%	100%	0%	0%	0%	N/A	0%	0%	N/A	29%
pass				1	1	0	0	0		0	0		2
fail				0	0	1	1	1		1	1		5
<b>Allan Hancock (508)</b>	N/A	100%	100%	N/A	N/A	88%	100%	N/A	100%	N/A	N/A	0%	89%
pass		1	1			14	7	0	1			0	24
fail		0	0			2	0	0	0			1	3
<b>American Career - Anaheim (896)</b>	N/A	N/A	N/A	100%	0%	25%	0%	33%	0%	100%	0%	33%	33%
pass					0	1	0	1	0	1	0	1	6
fail					1	3	1	2	0	0	3	2	12
<b>American Career - Los Angeles (867)</b>	100%	N/A	0%	0%	N/A	100%	50%	0%	0%	100%	20%	33%	33%
pass	1		0	0		1	1	0	0	1	1	1	6
fail	0		2	1		0	1	1	1	0	4	2	12
<b>American Career - Ontario (905)</b>	0%	50%	33%	0%	50%	33%	100%	67%	75%	0%	50%	100%	56%
pass		1	1	0	1	1	2	2	3		1	2	14
fail		1	2	2	1	2	0	1	1		1	0	11
<b>Anthem College (503)</b>	50%	N/A	100%	67%	50%	50%	N/A	N/A	N/A	50%	N/A		56%
pass	1		4	2	1	1				1		0	10
fail	1		0	1	1	1				1		3	8
<b>Bakersfield College</b>	N/A												N/A
pass													
fail													
<b>Baldy View ROP (590)</b>	N/A	0%	N/A	100%	0%	N/A	N/A	N/A	N/A	N/A	N/A	50%	40%
pass		0		1	0							1	2
fail		1		0	1							1	3
<b>Blake Austin College (897)</b>	100%	100%	N/A	83%	0%	33%	100%	67%	N/A	75%	60%	0%	68%
pass	6	1		5	0	1	2	2		3	3	0	23
fail	0	0		1	2	2	0	1		1	2	2	11
<b>Butte County ROP (605)</b>	50%	100%	N/A	N/A	100%	N/A	100%	75%	100%	N/A	N/A	N/A	88%
pass	1	1			1		4	3	4				14
fail	1	0			0		0	1	0				2
<b>CA Coll of Voc Careers (878)</b>	N/A												N/A
pass													
fail													
<b>Carrington - Antioch (886)</b>	N/A	N/A	N/A	N/A	0%	N/A	0%	N/A	50%	100%	100%	100%	57%
pass					0		0		1	1	1	1	4
fail					1		1		1	0	0	0	3
<b>Carrington - Citrus Heights (882)</b>	N/A	100%	100%	100%	100%	86%	86%	60%	100%	67%	80%	50%	81%
pass		1	5	2	3	6	6	3	4	6	4	2	42
fail		0	0	0	0	1	1	2	0	3	1	2	10
<b>Carrington - Pleasant Hill (868)</b>	N/A	75%	100%	100%	60%	50%	83%	30%	80%	100%	50%	50%	61%
pass		3	1	1	3	2	5	3	4	2	2	2	28
fail		1	0	0	2	2	1	7	1	0	2	2	18
<b>Carrington - Pomona (908)</b>	N/A	100%	100%	N/A	N/A	N/A	N/A	N/A	0%	100%	33%	N/A	63%
pass		1	1						0	2	1		5
fail		0	0						1	0	2		3
<b>Carrington - Sacramento (436)</b>	80%	100%	64%	71%	60%	67%	71%	83%	50%	29%	83%	29%	67%
pass	4	4	7	5	6	6	5	10	2	2	5	2	58
fail	1	0	4	2	4	3	2	2	2	5	1	3	29
<b>Carrington - San Jose (876)</b>	33%	100%	67%	100%	N/A	N/A	64%	100%	N/A	75%	75%	67%	69%
pass	2	2	2	3			7	3		3	3	2	27
fail	4	0	1	0			4	0		1	1	1	12
<b>Carrington - San Leandro (609)</b>	50%	100%	50%	67%	25%	60%	50%	33%	83%	67%	100%	100%	64%
pass	1	3	1	2	1	3	1	1	5	2	2	1	23
fail	1	0	1	1	3	2	1	2	1	1	0	0	13
<b>Carrington - Stockton (902)</b>	100%	100%	100%	50%	50%	0%	50%	100%	75%	75%	N/A	100%	73%
pass	1	1	3	1	1	0	1	1	3	3		1	16
fail	0	0	0	1	1	1	1	0	1	1		0	6
<b>Carrington - Emeryville (904)</b>	N/A												N/A
pass													
fail													
<b>Cerritos College (511)</b>	100%	100%	100%	100%	N/A	N/A	0%	100%	N/A	0%	100%	100%	88%
pass	1	1	3	2			0	1		0	2	4	14
fail	0	0	0	0			1	0		1	0	0	2
<b>Chaffey College (514)</b>	100%	100%	N/A	N/A	N/A	100%	100%	N/A	N/A	N/A	100%	0%	88%
pass	1	1				1	3				1	0	7
fail	0	0				0	0				0	1	1

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<b>Charter College - Canyon Country (401)</b>	100%	100%	100%	80%	N/A	50%	N/A	100%	N/A	67%	50%	N/A	76%
pass	1	1	1	4		1		2		2	1		13
fail	0	0	0	1		1		0		1	1		4
<b>Citrus College (515)</b>	N/A	100%	N/A	N/A	100%	100%	N/A	100%	N/A	N/A	75%	80%	87%
pass		1			2	1		2			3	4	13
fail		0			0	0		0			1	1	2
<b>City College of SF (534)</b>	N/A	100%	N/A	0%	100%	0%	100%	0%	0%	0%	N/A	N/A	56%
pass		1		0	1	0	3	0	0	0			5
fail		0		1	0	1	0	0	1	1			4
<b>College of Alameda (506)</b>	0%	0%	0%	67%	100%	N/A	100%	N/A	50%	N/A	50%	50%	41%
pass	0	0	0	2	1		1		1		1	1	7
fail	1	3	2	1	0		0		1		1	1	10
<b>College of Marin (523)</b>	N/A	N/A	N/A	N/A	N/A	0%	100%	100%	N/A	100%	N/A	0%	55%
pass						0	1	4		1		0	6
fail						2	0	0		0		3	5
<b>College of the Redwoods (838)</b>	100%	N/A	100%	N/A	N/A	N/A	100%	88%	100%	100%	N/A	N/A	95%
pass	1		1				3	7	2	4			18
fail	0		0				0	1	0	0			1
<b>College of San Mateo (536)</b>	100%	0%	N/A	100%	67%	N/A	N/A	100%	100%	100%	67%	N/A	84%
pass	2	0		1	2			3	2	4	2		16
fail	0	1		0	1			0	0	0	1		3
<b>Concorde Career - Garden Grove (425)</b>	N/A	50%	67%	0%	100%	67%	67%	100%	67%	40%	60%	0%	59%
pass		1	2	0	2	2	2	1	2	2	3	0	17
fail		1	1	1	0	1	1	0	1	3	2	1	12
<b>Concorde Career - North Hollywood (435)</b>	100%	N/A	50%	75%	0%	100%	50%	0%	0%	50%	67%	50%	55%
pass	1		1	3	0	2	1	0	0	1	2	1	12
fail	0		1	1	1	0	1	1	2	1	1	1	10
<b>Concorde Career - San Bernardino (430)</b>	75%	60%	25%	60%	33%	40%	40%	50%	25%	40%	14%	40%	41%
pass	3	3	1	3	1	2	2	3	1	2	1	2	24
fail	1	2	3	2	2	3	3	3	3	3	6	3	34
<b>Concorde Career - San Diego (421)</b>	100%	67%	50%	50%	100%	0%	75%	67%	0%	83%	57%	40%	61%
pass	2	2	1	1	3	0	3	2	0	5	4	2	25
fail	0	1	1	1	0	2	1	1	2	1	3	3	16
<b>Contra Costa (745)</b>	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%
pass	1	1											2
fail	0	0											0
<b>Cypress College (518)</b>	100%	0%	N/A	100%	0%	67%	100%	100%	100%	0%	100%	100%	72%
pass	1	0		1	0	2	4	1	1	0	2	1	13
fail	0	1		0	2	1	0	0	0	1	0	0	5
<b>Diablo Valley College (516)</b>	N/A	100%	N/A	100%	N/A	N/A	100%	N/A	N/A	100%	80%	50%	83%
pass		1		1			1			2	4	1	10
fail		0		0			0			0	1	1	2
<b>East Los Angeles Occ Cntr (855)</b>	N/A												N/A
pass													
fail													
<b>Eden ROP (608) (856)</b>	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%
pass	1												1
fail	0												0
<b>Everest - Alhambra (406)</b>	N/A	100%	N/A	100%	N/A	50%	N/A	0%	0%	100%	100%	N/A	67%
pass		1		1		1		0	0	2	1		6
fail		0		0		1		1	1	0	0		3
<b>Everest - Anaheim (403)/(600)</b>	N/A	67%	25%	100%	0%	100%	100%	100%	N/A	100%	N/A	N/A	69%
pass		2	1	2	0	2	1	1		2			11
fail		1	3	0	1	0	0	0		0			5
<b>Everest - City of Industry (875)</b>	0%	100%	N/A	N/A	0%	N/A	0%	N/A	N/A	N/A	N/A	N/A	25%
pass	0	1			0		0						1
fail	1	0			1		1						3
<b>Everest - Gardena (870)</b>	N/A	0%	67%	100%	100%	0%	0%	100%	0%	N/A	N/A	0%	42%
pass		0	2	1	1	0	0	1	0			0	5
fail		1	1	0	0	1	2	0	1			1	7
<b>Everest - Los Angeles (410)</b>	N/A	N/A	0%	0%	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	29%
pass			0	0	1	1							2
fail			3	2	0	0							5
<b>Everest - Ontario (501)</b>	0%	0%	50%	100%	20%	75%	0%	50%	67%	100%	100%	N/A	50%
pass	0	0	1	2	1	3	0	1	2	1	1		12
fail	1	1	1	0	4	1	2	1	1	0	0		12

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<b>Everest - Reseda (404)</b>	0%	40%	67%	50%	0%	67%	50%	100%	100%	100%	0%	33%	<b>52%</b>
pass	0	2	2	1	0	2	2	1	2	1	0	1	<b>14</b>
fail	1	3	1	1	1	1	2	0	0	0	1	2	<b>13</b>
<b>Everest - San Bern(881)</b>	100%	N/A	N/A	N/A	100%	N/A	N/A	50%	N/A	0%	N/A	N/A	<b>60%</b>
pass	1				1			1		0			<b>3</b>
fail	0				0			1		1			<b>2</b>
<b>Everest - San Fran (407)</b>	25%	67%	50%	0%	0%	67%	50%	0%	0%	N/A	0%	100%	<b>40%</b>
pass	1	2	1	0	0	2	1	0	0		0	1	<b>8</b>
fail	3	1	1	1	1	1	1	1	1		1	0	<b>12</b>
<b>Everest - San Jose (408)</b>	100%	N/A	N/A	N/A	33%	100%	0%	67%	100%	100%	N/A	N/A	<b>73%</b>
pass	2				1	1	0	2	1	1			<b>8</b>
fail	0				2	0	0	1	0	0			<b>3</b>
<b>Everest - Torrance (409)</b>	N/A												<b>N/A</b>
pass													
fail													
<b>Everest - W LA (874) (formerly Nova)</b>	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<b>100%</b>
pass					1								<b>1</b>
fail					0								<b>0</b>
<b>Foothill College - Los Altos (007)</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	<b>100%</b>
pass												1	<b>1</b>
fail												0	<b>0</b>
<b>Foothill Community College - Los Altos Hills (517)</b>	N/A	N/A	100%	N/A	N/A	N/A	100%	100%	100%	100%	50%	100%	<b>92%</b>
pass			1				1	3	2	1	1	2	<b>11</b>
fail			0				0	0	0	0	1	0	<b>1</b>
<b>Galen - Fresno (413)</b>	N/A	N/A	100%	0%	0%	0%	100%	0%	0%	0%	N/A	0%	<b>20%</b>
pass			1	0	0	0	1	0	0	0		0	<b>2</b>
fail			0	1	1	1	0	1	2	1		1	<b>8</b>
<b>Galen - Modesto (497)</b>	N/A												<b>N/A</b>
pass													
fail													
<b>Galen - Visalia (445)</b>	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<b>100%</b>
pass					1								<b>1</b>
fail					0								<b>0</b>
<b>Grossmont Com Coll - El Cajon (519)</b>	50%	N/A	N/A	25%	57%	40%	40%	80%	50%	100%	N/A	N/A	<b>53%</b>
pass	1			1	4	2	4	4	2	3			<b>21</b>
fail	1			3	3	3	6	1	2	0			<b>19</b>
<b>Grossmont Health Oc (610)</b>	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<b>0%</b>
pass		0											<b>0</b>
fail		1											<b>1</b>
<b>Hacienda La Puente (776)</b>	0%	0%	100%	N/A	N/A	N/A	100%	0%	100%	N/A	N/A	N/A	<b>60%</b>
pass	0	0	1				1	0	1				<b>3</b>
fail	1	1	0				0	0	0				<b>2</b>
<b>Heald - Concord (891)</b>	N/A	100%	50%	100%	0%	100%	100%	0%	100%	N/A	50%	100%	<b>61%</b>
pass		1	1	1	0	1	3	0	1		1	2	<b>11</b>
fail		0	1	0	4	0	0	1	0		1	0	<b>7</b>
<b>Heald - Hayward (889)</b>	67%	0%	100%	100%	N/A	33%	100%	0%	0%	33%	N/A	67%	<b>50%</b>
pass	2	0	1	1		1	2	0	0	1		2	<b>10</b>
fail	1	1	0	0		2	0	1	2	2		1	<b>10</b>
<b>Heald - Roseville (911)</b>	N/A	0%	50%	50%	50%	0%	100%	100%	N/A	100%	100%	100%	<b>65%</b>
pass		0	1	1	1	0	2	2		2	1	1	<b>11</b>
fail		1	1	1	1	2	0	0		0	0	0	<b>6</b>
<b>Heald - Salida (910)</b>	N/A	N/A	N/A	100%	100%	100%	100%	100%	100%	100%	0%	100%	<b>93%</b>
pass				2	2	1	2	1	2	1	0	2	<b>13</b>
fail				0	0	0	0	0	0	0	1	0	<b>1</b>
<b>Heald - Stockton (887)</b>	N/A	100%	N/A	33%	0%	0%	40%	100%	0%	N/A	N/A	N/A	<b>31%</b>
pass		1		1	0	0	2	1	0				<b>5</b>
fail		0		2	1	4	3	0	1				<b>11</b>
<b>Kaplan - Bakersfield (884)</b>	0%	50%	0%	67%	0%	100%	N/A	0%	N/A	100%	67%	50%	<b>42%</b>
pass	0	1	0	2	0	2		0		1	2	2	<b>10</b>
fail	4	1	1	1	2	0		2		0	1	2	<b>14</b>
<b>Kaplan - Clovis (885)</b>	50%	N/A	20%	0%	50%	33%	0%	0%	83%	33%	100%	17%	<b>34%</b>
pass	1		1	0	1	1	0	0	5	1	1	1	<b>12</b>
fail	1		4	3	1	2	2	2	1	2	0	5	<b>23</b>
<b>Kaplan - Modesto (499)/(890)</b>	75%	100%	0%	83%	50%	60%	43%	0%	50%	100%	14%	43%	<b>49%</b>
pass	3	3	0	5	3	3	3	0	1	1	1	3	<b>26</b>

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fail	1	0	4	1	3	2	4	1	1	0	6	4	27
Kaplan - Palm Springs (901)	N/A	100%	N/A	N/A	N/A	N/A	N/A	75%	N/A	N/A	0%	N/A	71%
pass		2						3			0		5
fail		0						1			1		2
Kaplan - Riverside (898)	100%	100%	100%	100%	N/A	N/A	0%	100%	100%	N/A	0%	0%	80%
pass	1	1	1	2				2	1		0	0	8
fail	0	0	0	0				0	0		1	1	2
Kaplan - Sacramento (888)	100%	0%	33%	100%	100%	N/A	67%	100%	N/A	50%	60%	67%	67%
pass	4	0	1	2	1		2	1		2	3	2	18
fail	0	1	2	0	0		1	0		2	2	1	9
Kaplan - San Diego (899)	0%	N/A	N/A	67%	0%	100%	N/A	50%	100%	50%	50%	N/A	53%
pass	0			2	0	2		1	2	2	1		10
fail	1			1	3	0		1	0	2	1		9
Kaplan - Stockton (611)	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	N/A	N/A	33%
pass	0								1	0			1
fail	1								0	1			2
Kaplan - Vista (900)	100%	100%	N/A	67%	67%	100%	25%	100%	50%	33%	0%	100%	58%
pass	1	1		2	2	2	1	2	2	1	0	1	15
fail	0	0		1	1	0	3	0	2	2	2	0	11
Los Angeles City College (522)	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%
pass	1												1
fail	0												0
Milan Institute - Indio (906)	N/A	100%	0%	50%	N/A	100%	100%	50%	33%	75%	0%	50%	56%
pass		1	0	1		1	1	1	1	3	0	1	10
fail		0	1	1		0	0	1	2	1	1	1	8
Milan Institute - Visalia (907)	100%	100%	100%	100%	100%	N/A	100%	N/A	0%	100%	100%	100%	93%
pass	1	1	4	1	2		1		0	1	2	1	14
fail	0	0	0	0	0		0		1	0	0	0	1
Modesto Junior College (526)	N/A												N/A
pass													
fail													
Monterey Peninsula (527)	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	100%	100%	N/A	80%	91%
pass		1							3	2		4	10
fail		0							0	0		1	1
Moreno Valley College (903)	N/A	N/A	N/A	100%	N/A	N/A	100%	0%	100%	0%	N/A	0%	71%
pass				1			3	0	1	0		0	5
fail				0			0	0	0	1		1	2
Mt. Diablo/Loma Vista (500)	75%	50%	67%	100%	75%	50%	100%	60%	67%	50%	25%	50%	66%
pass	3	1	2	4	3	1	4	3	2	1	1	2	27
fail	1	1	1	0	1	1	0	2	1	1	3	2	14
National Education Center (604)	0%	N/A	N/A	N/A	N/A	N/A	79%	N/A	N/A	100%	N/A	N/A	75%
pass	0						11			1			12
fail	1						3			0			4
Newbridge College - SD (883) (formerly Valley Career Coll)	N/A	0%	0%	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	33%
pass		0	0		1								1
fail		1	1		0								2
North Orange Co (495)	33%	100%	67%	50%	25%	N/A	25%	0%	100%	N/A	100%	0%	47%
pass	1	2	2	3	1		1	0	3		1	0	14
fail	2	0	1	3	3		3	1	0		0	3	16
North-West - Pomona (420)	N/A	N/A	N/A	N/A	0%	100%	N/A	N/A	N/A	100%	100%	N/A	75%
pass					0	1				1	1		3
fail					1	0				0	0		1
North-West - West Covina (419)	N/A	N/A	100%	N/A	100%	100%	N/A	0%	100%	0%	N/A	N/A	67%
pass			1		1	1		0	1	0			4
fail			0		0	0		1	0	1			2
Orange Coast (528)	N/A	N/A	N/A	N/A	100%	N/A	100%	60%	100%	0%	100%	N/A	77%
pass					2		2	3	2	0	1		10
fail					0		0	2	0	1	0		3
Palomar College (721)	100%	N/A	N/A	N/A	N/A	100%	100%	78%	75%	100%	75%	0%	83%
pass	1					1	5	7	3	4	3	0	24
fail	0					0	0	2	1	0	1	1	5
Pasadena City College (529)	N/A	N/A	N/A	N/A	100%	N/A	100%	N/A	N/A	100%	N/A	N/A	100%
pass					1		2			3			6
fail					0		0			0			0
Pima - Chula Vista (871)	N/A	100%	0%	N/A	100%	100%	75%	100%	0%	0%	N/A	33%	63%

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pass		1	0		2	1	3	2	0	0		1	10
fail		0	1		0	0	1	0	2	0		2	6
Reedley College (530)	100%	N/A	100%	0%	100%	100%	0%	100%	100%	0%	33%	25%	70%
pass	1		1	0	1	1	0	4	4	0	1	1	14
fail	0		0	1	0	0	0	0	0	0	2	3	6
Riverside County Office of Education (921)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	100%
pass											2		2
fail											0		0
Riverside ROP (498)	0%	100%	100%	100%	0%	0%	0%	0%	100%	67%	50%	100%	65%
pass	0	3	3	2	0	0	0	0	3	2	1	1	15
fail	1	0	0	0	1	2	1	1	0	1	1	0	8
Sac City College (532)	N/A	N/A	N/A	N/A	0%	100%	67%	73%	50%	40%	50%	50%	58%
pass					0	1	2	8	3	2	1	1	18
fail					1	0	1	3	3	3	1	1	13
San Bernardino Cty ROP - Hesperia (454)	N/A	N/A	N/A	50%	0%	N/A	0%	33%	100%	50%	100%	50%	45%
pass				1	0		0	2	3	2	1	1	10
fail				1	2		2	4	0	2	0	1	12
San Bernardino Cty ROP - Morongo USD (913)	N/A	N/A	100%	N/A	N/A	N/A	100%	0%	0%	N/A	0%	N/A	50%
pass			1				1	0	0		0		2
fail			0				0	0	1		1		2
San Diego Mesa (533)	N/A	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	100%	100%	N/A	100%
pass							3	3	1	3	1		11
fail							0	0	0	0	0		0
SJVC - Bakersfield (601)	100%	60%	N/A	50%	N/A	50%	N/A	100%	N/A	100%	0%	100%	64%
pass	1	3		1		1		1		1	0	1	9
fail	0	2		1		1		0		0	1	0	5
SJVC - Fresno (602)	50%	33%	100%	100%	0%	67%	80%	100%	0%	100%	N/A	67%	69%
pass	2	1	2	2	0	2	4	1	0	2		2	18
fail	2	2	0	0	1	1	1	0	0	0		1	8
SJVC - Rancho Cordova (880)	N/A												N/A
pass													
fail													
SJVC - Temecula (919)	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	0%	N/A	67%	100%	33%
pass						1			0		2	2	1
fail						0			1		1	0	2
SJVC - Visalia (446)	100%	100%	100%	100%	100%	100%	75%	50%	75%	50%	50%	0%	82%
pass	4	4	2	2	3	3	3	1	3	1	1	0	27
fail	0	0	0	0	0	0	1	1	1	1	1	1	6
San Jose City College (535)	60%	100%	100%	N/A	100%	33%	0%	50%	100%	N/A	40%	67%	64%
pass	3	2	2		1	1	0	2	4		2	4	21
fail	2	0	0		0	2	1	2	0		3	2	12
Santa Barbara City College (537)	N/A												N/A
pass													
fail													
Santa Rosa JC (538)	100%	100%	N/A	N/A	N/A	0%	0%	100%	0%	100%	100%	100%	100%
pass	2	2					0	1	0	1	1	10	2
fail	0	0					0	0	0	0	0	0	0
Shasta/Trinity ROP (455)	N/A												N/A
pass													
fail													
Southern Cal ROC - Torrance (612)	N/A	33%	0%	0%	N/A	50%	75%	80%	N/A	N/A	100%	0%	56%
pass		1	0	0		1	3	4			1	0	10
fail		2	1	1		1	1	1			0	1	8
Southland College (428)	N/A												N/A
pass													
fail													
Tri Cities ROP (877)	N/A	N/A	100%	N/A	100%	0%	N/A	N/A	N/A	N/A	100%	N/A	83%
pass			3		1	0					1		5
fail			0		0	1					0		1
UEI - Chula Vista (879)	N/A	0%	N/A	100%	N/A	N/A	40%	0%	100%	0%	0%	50%	29%
pass		0		2			2	0	1	0	0	1	6
fail		3		0			3	1	0	5	2	1	15
UEI - El Monte (909)	0%	N/A	N/A	100%	N/A	0%	N/A	N/A	0%	N/A	0%	100%	25%
pass	0			1		0			0		0	1	2
fail	1			0		1			2		2	0	6
UEI - Huntington Park (448)	100%	0%	33%	50%	67%	0%	N/A	33%	67%	50%	33%	0%	38%



**RDA LAW ETHICS EXAMINATION SCHOOL STATISTICS**

Program	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Total
pass	1	0	1	1	2	0		1	2	2	1	0	11
fail	0	2	2	1	1	4		2	1	2	2	1	18
UEI - LA (449)	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%
pass	0												0
fail	1												1
UEI - Ontario (450)	N/A	N/A	100%	N/A	100%	N/A	N/A	100%	N/A	50%	0%	N/A	63%
pass			1		1			2		1	0		5
fail			0		0			0		1	2		3
UEI - San Diego (451)	0%	100%	N/A	0%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%
pass	0	1		0	1								0
fail	1	0		1	0								1
UEI - Riverside (917)	N/A	N/A	100%	100%	100%	N/A	N/A	50%	100%	100%	50%	0%	70%
pass			1	1	1		0	1	1	1	1	0	7
fail			0	0	0		0	1	0	0	1	1	3
UEI - Van Nuys (453)	100%	N/A	N/A	N/A	N/A	N/A	50%	50%	N/A	N/A	0%	50%	40%
pass	1						1	1			0	1	4
fail	0						1	1			3	1	6
UEI - Gardena (915)	N/A	N/A	N/A	N/A	N/A	0%	100%	N/A	100%	25%	33%	0%	31%
pass						0	1		1	1	1	0	4
fail						2	0		0	3	2	2	9
UEI - Anaheim (916)							N/A						N/A
pass													
fail													
RDA Schools (ACE)	65%	67%	61%	68%	55%	58%	69%	66%	67%	64%	51%	52%	62%
pass	71	74	78	95	75	91	146	130	103	108	87	87	1,145
fail	39	37	49	45	62	67	67	68	50	61	84	79	708
ADA Education	60%	45%	67%	25%	40%	64%	0%	86%	0%	60%	67%	69%	58%
pass	6	5	12	1	4	7	0	6	0	3	4	9	57
fail	4	6	6	3	6	4	0	1	3	2	2	4	41
PERCENT PASS	64%	65%	62%	67%	54%	58%	69%	66%	66%	64%	51%	54%	62%
TOTAL PASS	77	79	90	96	79	98	146	136	103	111	91	96	1,202
TOTAL FAIL	43	43	55	48	68	71	67	69	53	63	86	83	749

## RDA PRACTICAL EXAMINATION SCHOOL STATISTICS

Program	Nov-15	Aug-15	Jul-15	Apr-15	Feb-15	Nov-14	Oct-14	Aug-14	Apr-14	Feb-14	Nov-13	Aug-13	Apr-13	Feb-13	Nov-12	Aug-12	Apr-12	Feb-12	Nov-11	Aug-11	Apr-11	Feb-11	Nov-10	Total	
4D College - Victorville (914)	0%	33%	N/A	100%	50%	0%	0%	N/A																27%	
pass	0	1		2	1	0	0																	4	
fail	2	2		0	1	5	1																	11	
Allan Hancock (508)	33%	50%	87%	N/A		25%	N/A	70%	N/A		100%	83%	N/A		100%	96%	N/A		100%	96%	100%	N/A		84%	
pass	1	1	20			1		16			4	20			2	25			1	27	1			119	
fail	2	1	3			3		7			0	4			0	1			0	1	0			22	
American Career - Anaheim (896)	58%	13%	0%	71%	17%	9%	N/A	14%	60%	50%	100%	83%	57%	75%	50%	78%	100%	33%	63%	80%	100%	N/A	40%	54%	
pass	7	1	0	5	1	1		1	3	1	2	10	4	3	2	7	3	1	5	4	5		2	68	
fail	5	7	1	2	5	10		6	2	1	0	2	3	1	2	2	0	2	3	1	0		3	58	
American Career - Los Angeles (867)	70%	50%	N/A	22%	17%	0%	N/A	33%	100%	44%	75%	100%	100%	67%	80%	100%	80%	67%	67%	67%	100%	N/A	100%	58%	
pass	14	3		2	1	0		3	4	4	3	7	2	2	4	3	4	2	4	2	2		3	69	
fail	6	3		7	5	9		6	0	5	1	0	0	1	1	0	1	1	2	1	0		0	0	0
American Career - Ontario (905)	44%	50%	100%	67%	29%	9%	0%	30%	75%	83%	88%	100%	100%	100%	92%	100%	100%	100%	89%	86%	100%	100%	N/A	68%	
pass	4	5	1	10	2	1	0	3	3	5	7	7	6	3	11	5	1	2	8	6	2	1		93	
fail	5	5	0	5	5	10	1	7	1	1	1	0	0	0	1	0	0	0	1	1	0	0		44	
Anthem College (503)	100%	89%	N/A	33%	33%	0%	N/A	17%	100%	60%	92%	83%	86%	100%	90%	62%	86%	100%	89%	100%	84%	60%	87%	75%	
pass	1	8		1	4	0		1	7	3	12	5	6	9	9	8	6	4	8	11	16	3	13	135	
fail	0	1		2	8	9		5	0	2	1	1	1	0	1	5	1	0	1	0	1	0	3	2	2
Bakersfield College (509)	100%	N/A		0%	N/A																		50%		
pass	1			0																			1		
fail	0			1																			1		
Baldy View ROP (590)	80%	33%	N/A		0%	N/A		9%	N/A	100%	80%	89%	100%	100%	100%	85%	N/A		100%	100%	100%	N/A		74%	
pass	4	1			0			1		1	4	8	1	1	5	22			2	10	3			63	
fail	1	2			3			10		0	1	1	0	0	0	4			0	0	0			22	
Blake Austin College (897)	62%	40%	N/A	83%	40%	33%	N/A	29%	67%	80%	86%	75%	100%	88%	100%	100%	100%	100%	75%	100%	100%	100%	90%	76%	
pass	13	2		10	4	2		2	6	4	6	6	5	7	5	15	3	7	3	9	1	4	9	123	
fail	8	3		2	6	4		5	3	1	1	2	0	1	0	0	0	0	0	1	0	0	0	1	38
Butte County ROP (605)	67%	86%	N/A		100%	50%	N/A	69%	N/A	N/A	100%	95%	N/A			100%	N/A	100%	100%	94%	N/A		100%	88%	
pass	2	12			3	2		11				1	18				18		1	2	16			2	88
fail	1	2			0	2		5				0	1				0		0	0	1			0	12
CA Coll of Voc Careers (878)	N/A										100%	100%	100%	N/A			100%	N/A	0%	100%	N/A		83%		
pass											1	1	1				1		0	1			5		
fail											0	0	0				0		0	1	0			1	
Cabrillo College, Aptos (510)	75%	0%	0%	N/A																			50%		
pass	3	0	0																				3		
fail	1	1	1																				3		
Carrington - Antioch (886)	50%	100%	N/A			100%	N/A		100%	100%	100%	100%	67%	83%	100%	100%	100%	86%	88%	71%	100%	100%	88%	90%	
pass	2	1				1			2	2	12	4	2	5	6	7	7	6	7	5	6	3	7	85	
fail	2	0				0			0	0	0	0	1	1	0	0	0	1	1	2	0	0	1	9	
Carrington - Citrus Heights (882)	72%	68%	100%	79%	39%	27%	N/A	62%	89%	100%	100%	88%	64%	100%	100%	95%	100%	N/A	100%	91%	92%	93%	94%	80%	
pass	13	17	1	15	7	4		8	8	5	10	14	9	12	17	19	5		9	20	12	13	16	234	
fail	5	8	0	4	11	11		5	1	0	0	0	2	5	0	0	1		0	0	2	1	1	1	58
Carrington - Pleasant Hill (868)	78%	77%	N/A	93%	39%	40%	N/A	50%	100%	100%	93%	100%	86%	100%	80%	100%	100%	100%	77%	92%	100%	100%	89%	79%	

RDA PRACTICAL EXAMINATION SCHOOL STATISTICS

Program	Nov-15	Aug-15	Jul-15	Apr-15	Feb-15	Nov-14	Oct-14	Aug-14	Apr-14	Feb-14	Nov-13	Aug-13	Apr-13	Feb-13	Nov-12	Aug-12	Apr-12	Feb-12	Nov-11	Aug-11	Apr-11	Feb-11	Nov-10	Total
pass	14	10		14	9	6		9	3	9	14	13	6	10	4	7	5	11	10	11	10	3	8	186
fail	4	3		1	14	9		9	0	0	1	0	1	0	1	0	0	0	3	1	0	0	1	48
Carrington - Pomona (908)	60%	60%	N/A		100%	67%	N/A	100%	75%	100%	50%	N/A	100%	0%	100%	100%							74%	
pass	3	3			1	2		1	3	2	1		1	0	3	3							23	
fail	2	2			0	1		0	1	0	1		0	1	0	0							8	
Carrington - Sacramento (436)	64%	62%	100%	70%	46%	27%	N/A	56%	86%	95%	90%	100%	85%	100%	80%	97%	91%	91%	83%	93%	95%	100%	88%	78%
pass	16	21	2	14	17	6		10	12	18	18	22	11	14	12	28	10	21	24	26	20	9	14	345
fail	9	13	0	6	20	16		8	2	1	2	0	2	0	3	1	1	2	5	2	1	0	2	96
Carrington - San Jose (876)	69%	64%	N/A	67%	26%	33%	N/A	33%	77%	92%	100%	100%	89%	80%	100%	80%	100%	86%	90%	82%	40%	100%	78%	69%
pass	11	7		8	6	5		5	10	11	14	7	8	4	4	4	4	6	9	9	2	7	7	148
fail	5	4		4	17	10		10	3	1	0	0	1	1	0	1	0	1	1	2	3	0	2	66
Carrington - San Leandro (609)	30%	53%	N/A	60%	42%	13%	N/A	36%	80%	92%	50%	90%	86%	75%	92%	88%	86%	75%	83%	80%	86%	67%	100%	66%
pass	3	8		6	5	2		4	8	11	7	9	6	6	11	7	6	3	10	8	6	2	5	133
fail	7	7		4	7	13		7	2	1	7	1	1	2	1	1	1	1	2	2	1	1	0	69
Carrington - Stockton (902)	67%	60%	N/A	33%	27%	50%	N/A	50%	90%	83%	88%	100%	100%	90%	100%	100%	75%	75%	100%	100%	100%	67%	78%	77%
pass	16	6		2	3	3		4	9	5	7	9	8	9	5	9	3	3	9	13	2	2	7	134
fail	8	4		4	8	3		4	1	1	1	0	0	1	0	0	1	1	0	0	0	1	2	40
Carrington - Emeryville (904)	N/A									100%	100%	0%	100%	50%	100%	100%	N/A		50%	N/A			77%	
pass										1	1	0	1	1	1	4			1				10	
fail										0	0	1	0	1	0	0			1				3	
Cerritos College (511)	73%	50%	N/A	83%	22%	8%	43%	40%	100%	N/A	100%	93%	100%	100%	75%	94%	N/A	100%	82%	87%	100%	N/A	100%	71%
pass	8	2		5	2	1	6	2	3		8	14	2	3	3	16		1	9	13	1		7	106
fail	3	2		1	7	12	8	3	0		0	1	0	0	1	1		0	2	2	0		0	43
Chaffey College (514)	0%	70%	N/A	75%	0%	0%	25%	100%	0%	100%	100%	67%	N/A	89%	100%	80%	75%	80%	N/A	100%	0%	100%	100%	66%
pass	0	7		3	0	0	2	1	0	9	1	6		8	1	8	3	12		7	0	1	4	73
fail	1	3		1	11	3	6	0	2	0	0	3		1	0	2	1	3		0	1	0	0	38
Charter College - Canyon Country (401)	0%	75%	100%	80%	25%	100%	N/A	38%	100%	75%	100%	100%	100%	71%	75%	80%	80%	100%	100%	89%	67%	100%	50%	77%
pass	0	6	1	4	1	2		3	5	3	7	2	5	5	6	4	4	3	1	8	2	3	2	77
fail	1	2	0	1	3	0		5	0	1	0	0	0	2	2	1	1	0	0	1	1	0	2	23
Citrus College (515)	73%	57%	N/A	50%	25%	9%	50%	63%	50%	100%	N/A	97%	100%	100%	100%	90%	100%	75%	60%	91%	100%	N/A	100%	76%
pass	8	4		1	1	1	2	5	1	1		28	2	2	1	19	2	3	3	21	1		1	107
fail	3	3		1	3	10	2	3	1	0		1	0	0	0	2	0	1	2	2	0		0	34
City College of SF (534)	100%	90%	N/A	100%	33%	N/A		50%	100%	100%	N/A	96%	N/A		100%	92%	N/A	N/A	100%	100%	N/A		100%	89%
pass	1	9		3	1			6	1	1		23			2	22			3	21			1	94
fail	0	1		0	2			6	0	0		1			0	2			0	0			0	12
College of Alameda (506)	33%	83%	N/A	0%	50%	57%	N/A	36%	100%	0%	100%	80%	100%	N/A	100%	100%	N/A		100%	89%	N/A	100%	100%	69%
pass	3	5		0	2	4		4	2	0	1	8	1		3	7			3	8		1	2	54
fail	6	1		1	2	3		7	0	1	0	2	0		0	0			0	1		0	0	24
College of Marin (523)	75%	79%	N/A	67%	40%	50%	N/A	44%	100%	67%	73%	100%	0%	50%	100%	95%	0%	N/A	100%	69%	100%	0%	63%	72%
pass	3	11		2	2	4		7	3	2	8	11	0	1	3	20	0		2	11	1	0	5	96
fail	1	3		1	3	4		9	0	1	3	0	1	1	0	1	1		0	5	0	1	3	38
College of the Redwoods (838)	60%	75%	N/A	100%	60%	33%	67%	64%	N/A	100%	100%	100%	100%	N/A	100%	100%	N/A		100%	92%	N/A		83%	81%
pass	3	12		1	3	2	8	9		1	3	18	2		1	12			4	11			5	95
fail	2	4		0	2	4	4	5		0	0	0	0		0	0			0	1			1	23

## RDA PRACTICAL EXAMINATION SCHOOL STATISTICS

Program	Nov-15	Aug-15	Jul-15	Apr-15	Feb-15	Nov-14	Oct-14	Aug-14	Apr-14	Feb-14	Nov-13	Aug-13	Apr-13	Feb-13	Nov-12	Aug-12	Apr-12	Feb-12	Nov-11	Aug-11	Apr-11	Feb-11	Nov-10	Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
College of San Mateo (536)	83%	63%	N/A	80%	70%	50%	N/A	23%	0%	100%	100%	82%	N/A		100%	91%	100%	100%	100%	91%	100%	0%	50%	71%																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
pass	5	12		4	7	8		5	0	4	1	18			2	21	1	1	4	21	1	0	1	116																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
fail	1	7		1	3	8		17	1	0	0	4			0	2	0	0	0	2	0	1	1	48																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Concorde Career - Garden Grove (425)	69%	65%	N/A	63%	33%	15%	N/A	47%	38%	63%	71%	83%	92%	86%	83%	100%	85%	75%	89%	91%	83%	N/A	100%	70%																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
pass	11	11		10	4	2		8	3	5	12	10	12	12	19	8	11	3	8	10	5		8	172																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
fail	5	6		6	8	11		9	5	3	5	2	2	1	2	4	0	2	1	1	1		1	0	73																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
Concorde Career - North Hollywood (435)	25%	75%	100%	67%	0%	0%	N/A	0%	33%	40%	80%	83%	67%	83%	86%	83%	80%	71%	67%	50%	71%	100%	75%	57%																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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Concorde Career - San Bernardino (430)	46%	45%	0%	68%	5%	6%	0%	20%	31%	78%	66%	83%	82%	94%	89%	100%	65%	71%	81%	62%	74%	86%	61%	63%																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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Concorde Career - San Diego (421)	55%	45%	100%	86%	10%	0%	0%	9%	64%	75%	84%	77%	83%	87%	100%	100%	67%	80%	77%	63%	75%	0%	80%	63%																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
pass	11	5	1	12	1	0	0	1	7	6	21	17	10	13	9	10	2	4	10	5	6	0	4	155																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
fail	9	6	0	2	9	24	1	10	4	2	4	5	2	2	0	0	1	1	3	3	2	1	1	92																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Concorde Career - Contra Costa (745)	N/A					100%	N/A			100%	100%	N/A		100%	100%	100%	100%	N/A				100%	100%	67%	93%																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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fail						0				0	0			0	0	0					0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

RDA PRACTICAL EXAMINATION SCHOOL STATISTICS

Program	Nov-15	Aug-15	Jul-15	Apr-15	Feb-15	Nov-14	Oct-14	Aug-14	Apr-14	Feb-14	Nov-13	Aug-13	Apr-13	Feb-13	Nov-12	Aug-12	Apr-12	Feb-12	Nov-11	Aug-11	Apr-11	Feb-11	Nov-10	Total
pass	0	2		1	1	0	0	1	3	1	1	2		1	3	4			4	1	3	1	3	32
fail	2	2		1	2	2	0	2	1	1	1	1		0	1	2			1	1	2	0	2	24
Everest - Ontario (501)	60%	N/A		80%	11%	0%	N/A	44%	60%	100%	65%	100%	60%	80%	100%	82%	83%	100%	80%	91%	57%	100%	83%	67%
pass	3			8	1	0		4	6	5	13	4	3	4	8	9	5	2	12	10	4	1	5	107
fail	2			2	8	10		5	4	0	7	0	2	1	0	2	1	0	3	1	3	0	1	52
Everest - Reseda (404)	57%	75%	100%	100%	0%	0%	0%	27%	54%	75%	89%	69%	75%	88%	85%	89%	50%	63%	75%	70%	100%	100%	85%	67%
pass	4	3	3	9	0	0	0	4	7	3	8	9	9	7	11	8	4	5	12	7	7	2	11	133
fail	3	1	0	0	8	6	1	11	6	1	1	4	3	1	2	1	4	3	4	3	0	0	2	65
Everest - San Bern (881)	29%	0%	0%	50%	0%	0%	N/A	0%	100%	67%	0%	60%	N/A	75%	88%	100%	67%	100%	75%	N/A	100%	N/A	50%	60%
pass	2	0	0	2	0	0		0	5	2	0	3		3	7	4	4	2	6		3		2	45
fail	5	2	1	2	3	3		1	0	1	2	2		2	1	1	0	2	0		2		0	2
Everest - San Fran (407)	33%	80%	N/A	100%	33%	8%	N/A	33%	50%	100%	75%	78%	80%	75%	86%	100%	88%	100%	82%	60%	86%	83%	63%	70%
pass	1	4		1	2	1		2	2	5	6	7	4	3	12	7	7	7	9	3	6	5	5	99
fail	2	1		0	4	12		4	2	0	2	2	1	1	2	0	1	0	2	2	1	1	3	43
Everest - San Jose (408)	0%	100%	N/A	100%	0%	0%	N/A	40%	100%	100%	100%	100%	100%	100%	100%	100%	20%	100%	100%	94%	20%	100%	67%	79%
pass	0	1		4	0	0		2	2	1	10	6	4	2	7	7	1	4	7	15	1	3	6	83
fail	1	0		0	3	3		3	0	0	0	0	0	0	0	0	0	4	0	0	1	4	0	3
Everest - Torrance (409)	N/A					0%	N/A													100%	N/A			33%
pass						0														1				1
fail						2														0				2
Everest - W LA (874) (formerly Nova)	N/A	67%	100%	N/A	11%	0%	N/A			100%	100%	60%	67%	50%	100%	N/A		100%	N/A				57%	
pass		6	1		1	0				2	2	3	2	3	2		2					24		
fail		3	0		8	1				0	0	2	1	3	0		0					0	18	1
Foothill College (517)	60%	73%	N/A	100%	80%	44%	N/A	83%	N/A	100%	100%	90%	100%	0%	N/A	100%	100%	0%	100%	89%	N/A		100%	83%
pass	3	11		3	4	4		10		1	1	18	1	0		22	1	0	2	17			1	99
fail	2	4		0	1	5		2		0	0	2	0	1		0	1	0	0	1			0	2
Galen - Fresno (413)	0%	100%	0%	100%	50%	0%	N/A	20%	33%	50%	100%	63%	100%	100%	83%	83%	80%	100%	100%	100%	100%	25%	75%	63%
pass	0	2	0	2	1	0		2	1	1	4	5	1	4	5	5	4	2	3	2	3	1	6	54
fail	1	0	1	0	1	7		8	2	1	0	3	0	0	0	1	1	1	0	0	0	0	3	2
Galen - Modesto (497)	N/A			100%	0%	0%	N/A	100%	50%	N/A			100%	0%	100%	50%	N/A	100%	50%	100%	75%	N/A	80%	70%
pass				1	0	0		2	1				2	0	1	1		1	1	2	3		4	19
fail				0	1	1		0	1				0	1	0	1		0	1	0	1		0	1
Galen - Visalia (445)	0%	N/A		100%	N/A	0%	N/A		0%	100%	0%	N/A												33%
pass	0			1		0			0	1	0													2
fail	1			0		1			1	1	1													4
Grossmont Com Coll - El Cajon (519)	60%	56%	100%	67%	25%	0%	N/A	33%	40%	100%	50%	93%	82%	N/A	100%	82%	100%	100%	50%	N/A	75%	N/A	80%	61%
pass	3	10	1	14	1	0		2	10	2	2	14	9		2	14	2	1	2		9		4	102
fail	2	8	0	7	3	13		4	15	0	2	1	2		2	0	3	0	0		2		3	3
Grossmont Health Oc (610)	N/A	100%	N/A													100%	79%	100%	0%	90%	N/A		84%	
pass		1														4	11	1	0	9			26	
fail		0														0	3	0	1	1			5	
Hacienda La Puente (776)	0%	0%	N/A	0%	33%	50%	N/A	0%	0%	0%	100%	0%	N/A	100%	N/A	100%	50%	100%	100%	100%	100%	N/A		42%
pass	0	0		0	1	1		0	0	0	2	0		1		1	2	2	1	1	1			13
fail	2	3		2	2	1		3	1	1	0	1		0		0	2	0	0	0	0			0

RDA PRACTICAL EXAMINATION SCHOOL STATISTICS

Program	Nov-15	Aug-15	Jul-15	Apr-15	Feb-15	Nov-14	Oct-14	Aug-14	Apr-14	Feb-14	Nov-13	Aug-13	Apr-13	Feb-13	Nov-12	Aug-12	Apr-12	Feb-12	Nov-11	Aug-11	Apr-11	Feb-11	Nov-10	Total
Heald - Concord (891)	80%	100%	N/A	100%	67%	60%	N/A	75%	100%	100%	50%	92%	100%	100%	93%	100%	60%	50%	25%	86%	33%	100%	100%	84%
pass	4	2		2	2	3		3	5	4	1	12	11	7	14	2	3	1	1	6	1	1	2	87
fail	1	0		0	1	2		1	0	0	1	1	0	0	1	0	2	1	3	1	2	0	0	17
Heald - Hayward (889)	0%	75%	N/A	75%	67%	20%	N/A	17%	100%	0%	50%	75%	29%	86%	80%	55%	75%	83%	67%	81%	N/A	80%	50%	62%
pass	0	6		6	2	2		1	6	0	4	3	2	6	4	6	3	5	4	13		4	1	78
fail	3	2		2	1	8		5	0	1	4	1	5	1	1	5	1	1	2	3		1	1	48
Heald - Roseville (911)	50%	50%	N/A	50%	33%	20%	N/A	100%	N/A															
pass	1	3		6	1	1		1																
fail	1	3		6	2	4		0																
Heald - Salida (910)	100%	60%	100%	80%	70%	40%	N/A	20%	67%	100%	60%	100%	100%	100%	83%	86%	N/A						74%	
pass	1	3	2	4	7	4		2	2	10	6	14	1	6	10	6							78	
fail	0	2	0	1	3	6		8	1	0	4	0	0	0	2	1							28	
Heald - Stockton (887)	50%	67%	N/A	100%	75%	13%	N/A	20%	100%	100%	80%	80%	80%	100%	100%	100%	100%	80%	75%	88%	75%	50%	67%	71%
pass	3	2		1	3	1		1	2	1	4	4	4	5	5	1	4	4	6	7	6	1	4	69
fail	3	1		0	1	7		4	0	0	1	1	1	0	0	0	0	1	2	1	2	1	2	28
Kaplan - Bakersfield (884)	82%	33%	71%	100%	25%	0%	N/A	63%	100%	67%	71%	80%	67%	75%	100%	100%	60%	75%	100%	91%	67%	100%	80%	75%
pass	9	1	5	1	1	0		5	4	2	10	8	2	6	8	5	3	6	6	10	2	2	4	100
fail	2	2	2	0	3	5		3	0	1	4	2	1	2	0	0	2	2	0	1	1	0	1	34
Kaplan - Clovis (885)	64%	86%	N/A	63%	50%	35%	0%	38%	88%	100%	100%	80%	100%	75%	83%	100%	100%	89%	86%	100%	100%	86%	69%	74%
pass	9	6		5	5	6	0	6	7	5	6	4	5	3	5	12	2	8	6	10	4	6	9	129
fail	5	1		3	5	11	0	10	1	0	0	1	0	1	1	0	0	1	1	0	0	1	4	46
Kaplan - Modesto (499)/(890)	67%	72%	100%	71%	57%	5%	N/A	57%	95%	100%	88%	90%	81%	100%	94%	87%	77%	78%	88%	65%	100%	100%	71%	76%
pass	18	13	1	10	8	1		8	18	13	14	18	13	5	16	13	10	7	22	11	10	7	10	246
fail	9	5	0	4	6	20		6	1	0	2	2	3	0	1	2	3	2	3	6	0	0	4	79
Kaplan - Palm Springs (901)	100%	60%	100%	100%	50%	0%	N/A	50%	33%	100%	100%	91%	100%	67%	100%	100%	75%	83%	94%	88%	75%	80%	77%	82%
pass	2	3	1	3	1	0		1	1	3	8	10	7	6	4	4	6	5	15	7	6	4	10	107
fail	0	2	0	0	1	3		1	2	0	0	1	0	3	0	0	2	1	1	1	2	1	3	24
Kaplan - Riverside (898)	67%	50%	N/A	71%	33%	0%	N/A	29%	63%	100%	80%	100%	100%	100%	100%	100%	100%	100%	100%	88%	100%	N/A	100%	71%
pass	4	1		5	2	0		2	5	3	4	5	2	2	4	1	3	1	2	7	5		4	62
fail	2	1		2	4	6		5	3	0	1	0	0	0	0	0	0	0	0	1	0		0	25
Kaplan - Sacramento (888)	64%	71%	N/A	40%	50%	22%	N/A	50%	90%	100%	85%	57%	100%	91%	90%	100%	100%	100%	86%	100%	75%	100%	85%	80%
pass	9	5		2	4	2		2	9	7	11	4	4	10	9	5	4	7	6	9	3	14	11	137
fail	5	2		3	4	7		2	1	0	2	3	0	1	1	0	0	0	1	0	1	0	2	35
Kaplan - San Diego (899)	25%	75%	100%	75%	29%	0%	0%	67%	50%	100%	100%	90%	75%	100%	100%	100%	100%	100%	82%	75%	80%	100%	80%	69%
pass	2	3	1	9	2	0	0	2	3	1	3	9	3	1	7	7	2	3	9	6	8	5	4	90
fail	6	1	0	3	5	12	1	1	3	0	0	1	1	0	0	0	0	0	2	2	2	0	1	41
Kaplan - Stockton (611)	N/A				100%	0%	N/A		100%	N/A	100%	77%	83%	100%	100%	100%	100%	100%	100%	91%	88%	90%	79%	90%
pass					2	0			2		7	10	5	11	4	8	3	5	8	10	7	9	15	106
fail					0	1			0		0	3	1	0	0	0	0	0	0	1	1	1	4	12
Kaplan - Vista (900)	46%	83%	75%	90%	17%	11%	0%	50%	33%	75%	67%	100%	100%	100%	100%	88%	86%	80%	89%	86%	90%	100%	67%	71%
pass	6	5	3	9	2	1	0	4	2	6	4	7	6	4	7	14	6	4	8	6	9	6	6	125
fail	7	1	1	1	10	8	1	4	4	2	2	0	0	0	0	2	1	1	1	1	1	0	3	51
Milan Institute - Indio (906)	67%	44%	100%	44%	0%	0%	N/A	17%	50%	50%	67%	0%	100%	100%	86%	50%	N/A						45%	



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pass	2	4	1	4	0	0		1	1	2	4	0	4	3	6	1									33
fail	1	5	0	5	8	9		5	1	2	2	1	0	0	1	1									41
Milan Institute - Visalia (907)	60%	43%	50%	83%	21%	20%	0%	21%	0%	80%	81%	78%	N/A	100%	67%	100%	N/A						52%		
pass	6	3	2	5	4	1	0	3	0	4	13	7		4	4	1									57
fail	4	4	2	1	15	4	2	11	2	1	3	2		0	2	0									53
Modesto Junior College (526)	N/A												100%	0%	N/A				100%	86%	N/A	100%	100%	88%	
pass													1	0					1	12		2	5	21	
fail													0	1					0	2		0	0	3	
Monterey Peninsula (527)	40%	83%	N/A	100%	33%	25%	N/A	44%	N/A	100%	100%	92%	N/A		100%	92%	N/A			100%	100%	N/A	67%	73%	
pass	2	10		2	1	2		8		1	3	11			2	12				14	2		2	72	
fail	3	2		0	2	6		10		0	0	1			0	1				0	1		0	0	1
Moreno Valley College (903)	90%	80%	100%	100%	0%	0%	N/A	13%	0%	0%	0%	89%	N/A		100%	100%	100%	100%	50%	90%	N/A			57%	
pass	9	4	1	2	0	0		2	0	0	0	8			1	3	1	1	1	9				42	
fail	1	1	0	0	7	4		14	1	1	0	1			1	0	0	0	0	1				1	32
Mt. Diablo/Loma Vista (500)	33%	64%	N/A	75%	70%	12%	N/A	55%	50%	100%	89%	80%	79%	87%	67%	100%	73%	63%	100%	100%	100%	60%	100%	73%	
pass	4	7		12	7	2		6	2	3	8	8	11	13	4	13	11	5	2	8	6	3	7	138	
fail	8	4		4	3	15		5	2	0	1	2	3	2	2	0	4	3	0	0	0	2	0	52	
National Education Center (604)	N/A	100%	100%	0%	N/A																		0%		
pass		1	2	0																			0		
fail		0	0	1																			1		
Newbridge College - SD (883) ( formerly Valley Career College)	N/A	50%	N/A	100%	N/A	50%	N/A	33%	0%	33%	33%	43%	60%	25%	100%	100%	100%	100%	67%	100%	100%	100%	100%	64%	
pass		1		1		1		1	0	1	2	3	6	1	8	3	1	3	2	5	4	3	4	50	
fail		1		0		1		2	6	2	4	4	4	3	0	0	0	0	1	0	0	0	0	0	28
North Orange Co (495)	67%	40%	100%	57%	25%	0%	N/A	20%	53%	N/A	79%	100%	100%	100%	86%	50%	83%	100%	0%	N/A	85%	100%	100%	68%	
pass	6	2	1	13	1	0		1	10		11	1	2	16	6	1	20	3	0		11	1	3	109	
fail	3	3	0	10	3	6		4	9		3	0	0	0	1	1	4	0	2		2	0	0	51	
North-West - Pomona (420)	50%	N/A		33%	50%	0%	N/A	0%	0%	100%	67%	75%	N/A	100%	80%	100%	0%	N/A	100%	100%	100%	N/A	33%	60%	
pass	2			1	1	0		0	0	2	2	3		1	4	4	0		2	1	1		1	25	
fail	2			2	1	2		2	2	0	1	1		0	1	0	1		0	1	0		0	0	2
North-West - West Covina (419)	33%	25%	N/A	100%	25%	0%	N/A	0%	100%	100%	N/A	100%	100%	100%	0%	0%	0%	100%	100%	75%	N/A	100%	100%	62%	
pass	1	1		2	1	0		0	1	3		1	1	3	0	0	0	1	4	3		2	5	29	
fail	2	3		0	3	3		1	0	0		0	0	0	1	3	1	0	1	0		1	0	0	0
Orange Coast (528)	50%	47%	N/A	33%	33%	33%	N/A	44%	N/A	100%	100%	82%	N/A	100%	N/A	88%	N/A		75%	86%	100%	N/A	67%	67%	
pass	1	9		1	2	1		7		1	2	14		1		15			3	18	1		2	78	
fail	1	10		2	4	2		9		0	0	3		0		2			1	3	0		2	1	3
Palomar College (721)	N/A	78%	100%	100%	38%	0%	N/A	28%	N/A	100%	N/A	95%	N/A	100%	100%	100%	N/A		100%	88%	N/A		100%	75%	
pass		18	2	2	3	0		5		1		18		1	1	16			4	14		2	87		
fail		5	0	0	5	3		13		0		1		0	0	0			0	0		0	2	0	2
Pasadena City College (529)	100%	60%	N/A	67%	33%	N/A		18%	N/A		100%	100%	N/A		100%	94%	N/A			100%	N/A		100%	72%	
pass	5	3		2	2		3			2	8			1	16				13			1	56		
fail	0	2		1	4		14			0	0			0	1				0			1	0	1	0
Pima - Chula Vista (871)	53%	29%	N/A	75%	0%	0%	0%	14%	40%	86%	75%	80%	80%	100%	100%	100%	63%	67%	90%	100%	100%	N/A	71%	62%	
pass	8	2		6	0	0	0	1	2	6	6	4	4	1	5	3	5	2	9	3	7		5	79	
fail	7	5		2	4	8	1	6	3	1	2	1	1	0	0	0	3	1	1	0	0		2	48	

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Reedley College (530)	80%	67%	N/A	100%	50%	33%	N/A	65%	100%	100%	100%	83%	N/A			94%	N/A	100%	100%	75%	100%	N/A	75%	79%
pass	4	14		2	1	1		11	1	1	1	20				31		2	4	18	2		3	116
fail	1	7		0	1	2		6	0	0	0	4				2		0	0	6	0			1
Riverside County Office of Edu. (921)	100%	75%	N/A																					89%
pass	5	3																						8
fail	0	1																						1
Riverside ROP (498)	79%	58%	100%	63%	29%	20%	0%	13%	0%	100%	83%	77%	100%	100%	100%	97%	80%	80%	90%	83%	50%	N/A	100%	70%
pass	11	14	1	5	5	1	0	3	0	7	10	17	2	1	1	30	4	4	19	25	1		4	165
fail	3	10	0	3	12	4	1	20	1	0	2	5	0	0	0	1	1	1	2	5	1		0	72
Sac City College (532)	100%	78%	N/A	100%	67%	67%	N/A	60%	50%	100%	N/A	96%	N/A		100%	100%	N/A	100%	100%	94%	N/A		85%	
pass	4	18		2	2	6		15	1	1		25			1	20		1	2	29			127	
fail	0	5		0	1	3		10	1	0		1			0	0		0	0	2			23	
San Bernardino Cty ROP - Hesperia (454)	68%	80%	N/A	64%	0%	20%	0%	50%	53%	0%	100%	100%	80%	100%	67%	64%	83%	67%	80%	80%	50%	100%	89%	69%
pass	15	8		7	0	1	0	2	10	0	9	8	8	5	4	9	5	2	4	8	4	1	8	118
fail	7	2		4	2	4	2	2	9	1	0	0	2	0	2	5	1	1	1	2	4	0	1	52
San Bernardino Cty ROP - Morongo USD (913)	0%	N/A		80%	N/A	0%	N/A	N/A	0%	N/A	100%	100%	N/A	100%	N/A								53%	
pass	0			4		0			0		2	1		2									9	
fail	5			1		1			1		0	0		0									8	
San Diego Mesa (533)	50%	78%	100%	100%	50%	0%	N/A	47%	67%	N/A	100%	94%	N/A			100%	N/A	100%	100%	89%	100%	N/A	100%	83%
pass	1	7	1	2	2	0		7	2		2	15				19		2	4	17	1		4	86
fail	1	2	0	0	2	1		8	1		0	1				0		1	0	0	2		0	0
SJVC - Bakersfield (601)	50%	100%	100%	43%	17%	33%	N/A	40%	33%	N/A	75%	90%	75%	86%	100%	80%	100%	100%	75%	71%	80%	75%	75%	69%
pass	2	2	3	3	1	2		4	4		6	9	3	6	12	4	5	5	3	5	8	3	3	93
fail	2	0	0	4	5	4		6	8		2	1	1	1	0	1	0	1	0	1	2	2	1	1
SJVC - Fresno (602)	82%	50%	100%	50%	64%	53%	0%	38%	50%	100%	92%	86%	100%	100%	89%	100%	75%	67%	83%	71%	78%	0%	78%	75%
pass	9	2	1	2	7	9	0	3	3	6	11	6	3	7	8	6	3	4	5	5	7	0	7	114
fail	2	2	0	2	4	8	0	5	3	0	1	1	0	0	1	0	1	2	1	2	2	0	2	39
SJVC - Rancho Cordova (880)	N/A														100%	N/A			100%	100%	50%	100%	100%	86%
pass															1				1	1	1	1	1	6
fail															0				0	1	0	0	1	
SJVC - Temecula (919)	83%	100%	0%	100%	N/A																			70%
pass	15	1	0	7																				7
fail	3	0	0	0																				3
SJVC - Visalia (446)	80%	83%	100%	85%	44%	30%	N/A	62%	88%	83%	94%	100%	92%	100%	82%	100%	83%	88%	100%	100%	100%	100%	88%	83%
pass	8	5	9	11	7	3		8	7	10	17	11	11	10	9	10	5	7	8	5	5	2	7	175
fail	2	1	0	2	9	7		5	1	2	1	0	1	0	2	0	1	1	0	0	0	0	1	36
San Jose City College (535)	73%	50%	0%	83%	56%	50%	N/A	0%	100%	100%	100%	89%	N/A	93%	100%	90%	50%	100%	100%	87%	100%	93%	50%	83%
pass	19	5	0	5	5	8		0	21	1	1	16		25	4	19	1	12	7	13	4	14	1	181
fail	7	5	0	1	4	8		2	0	0	0	2		2	0	2	1	0	0	2	0	1	1	38
Santa Barbara City College (537)	N/A											100%	N/A										100%	
pass												1											1	
fail												0											0	
Santa Rosa JC (538)	74%	0%	N/A	88%	43%	11%	N/A				100%	100%	67%	67%	81%	100%	100%	100%	94%	N/A	100%	100%	84%	73%



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pass	17	0		7	6	2					23	1	2	2	17	1	1	1	17		2	2	16	117		
fail	6	2		1	8	16					0	0	1	1	4	0	0	0	1		0	0	3	43		
Shasta/Trinity ROP (455)	67%	N/A			0%	33%	N/A	43%	N/A			100%	N/A		100%	80%	N/A		100%	78%	N/A		100%	74%		
pass	2				0	1		3				10			2	8			1	7			1	35		
fail	1				1	2		4				0			0	2			0	2			0	12		
Southern Cal ROC (612)	67%	47%	N/A	0%	20%	0%	N/A	21%	67%	100%	100%	68%	100%	N/A	33%	88%	0%	100%	100%	89%	100%	0%	33%	59%		
pass	4	7		0	1	0		3	2	1	2	13	2		1	14	0	3	5	8	2	0	3	71		
fail	2	8		1	4	3		11	1	0	0	6	0		2	2	1	0	0	1	0	1	6	49		
Southland College (428)	N/A																							N/A		
pass																										
fail																										
The Valley School of DA (920)	N/A	0%	N/A																				0%			
pass		0																					0			
fail		1																					1			
Tri Cities ROP (877)	75%	100%	N/A	100%	0%	0%	N/A	0%	75%	100%	20%	89%	N/A			100%	N/A			100%	N/A		56%			
pass	6	4		1	0	0		0	3	2	1	8				1				2			28			
fail	2	0		0	2	5		7	1	0	4	1				0				0			22			
UEI - Chula Vista (879)	75%	33%	N/A	67%	0%	0%	N/A	50%	0%	100%	100%	88%	80%	100%	100%	89%	100%	83%	88%	67%	83%	N/A	71%	75%		
pass	6	2		2	0	0		3	0	5	7	7	4	4	5	8	2	5	7	2	5		5	79		
fail	2	4		1	3	4		3	1	0	0	1	1	0	0	1	0	1	1	1	1		2	27		
UEI - El Monte (909)	75%	N/A	100%	50%	0%	0%	N/A	50%	100%	100%	67%	0%	0%	67%	60%	60%	N/A						46%			
pass	3		1	1	0	0		2	1	1	2	0	0	2	3	3							19			
fail	1		0	1	2	5		2	0	0	1	2	3	1	2	2							22			
UEI - Huntington Park (448)	75%	56%	100%	75%	0%	0%	N/A	33%	67%	89%	40%	82%	100%	40%	75%	83%	N/A	100%	50%	80%	0%	100%	75%	59%		
pass	6	5	1	9	0	0		2	6	8	2	9	4	2	3	10		2	4	4	0	1	3	81		
fail	2	4	0	3	7	14		4	3	1	3	2	0	3	1	2		0	4	1	1	0	1	56		
UEI - LA (449)	N/A				0%	N/A					100%	100%	N/A						0%	N/A		50%				
pass					0						1	1							0			2				
fail					1						0	0							1			2				
UEI - Ontario (450)	100%	50%	N/A		33%	0%	N/A	0%	50%	N/A	33%	100%	75%	100%	86%	100%	100%	67%	70%	83%	67%	N/A	100%	71%		
pass	1	2			1	0		0	1		1	2	3	1	6	3	4	2	7	5	2		7	48		
fail	0	2			2	2		3	1		2	0	1	0	1	0	0	1	3	1	1		0	20		
UEI - San Diego (451)	N/A								100%	0%	100%	N/A	100%	80%	100%	80%	100%	70%	65%	100%	82%	67%	79%	82%		
pass									1	0	3		3	4	11	8	7	7	11	10	9	2	15	91		
fail									0	1	0		0	1	0	2	0	3	6	0	2	1	4	20		
UEI - Riverside (917)	44%	50%	N/A	83%	0%	25%	N/A	0%	67%	100%	N/A											44%				
pass	7	3		5	0	1		0	2	2												20				
fail	9	3		1	5	3		3	1	0												25				
UEI - Van Nuys (453)	60%	25%	N/A	100%	0%	0%	N/A	22%	33%	75%	86%	80%	50%	100%	50%	N/A	33%	100%	75%	100%	100%	N/A	100%	60%		
pass	6	1		2	0	0		2	1	3	6	4	1	3	2		1	1	6	4	4		5	52		
fail	4	3		0	4	4		7	2	1	1	1	1	0	2		2	0	2	0	0		0	34		
UEI - Gardena (915)	50%	70%	N/A	67%	0%	0%	N/A	0%	0%	N/A													38%			
pass	2	7		2	0	0		0	0														11			
fail	2	3		1	3	7		1	1														18			

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UEI - Anaheim (916)	N/A																							N/A
pass																								
fail																								
RDA Schools (ACE)	67%	72%	83%	72%	33%	19%	26%	39%	65%	72%	89%	87%	82%	87%	88%	91%	78%	83%	83%	87%	83%	87%	84%	72%
pass	607	496	68	409	211	145	10	327	299	140	280	827	316	390	496	893	286	307	512	811	335	185	774	9,124
fail	301	190	14	160	435	604	29	522	164	54	35	119	71	56	67	84	81	61	106	120	71	27	148	3,519
ADA Education	55%	58%	100%	81%	59%	15%	0%	30%	100%	88%	88%	89%	95%	93%	73%	88%	90%	65%	71%	88%	63%	75%	91%	72%
pass	16	18	2	29	16	5	0	9	1	23	29	32	19	37	29	36	19	13	17	21	12	6	20	409
fail	13	13	0	7	11	29	1	21	0	3	4	4	1	3	11	5	2	7	7	3	7	2	2	156
MIX OJT & ED (MEO)	54%	55%	100%	79%	32%	17%	0%	33%	68%	92%	94%	89%	79%	91%	75%	89%	89%	65%	70%	86%	71%	83%	63%	69%
pass	15	16	2	27	15	5	0	9	17	22	16	33	27	32	27	32	17	11	14	19	12	5	12	385
fail	13	13	0	7	32	25	1	18	8	2	1	4	7	3	9	4	2	6	6	3	5	1	7	177
O-J-T	55%	56%	71%	73%	36%	17%	0%	39%	60%	92%	87%	80%	82%	84%	84%	88%	81%	80%	82%	83%	73%	80%	73%	67%
pass	131	116	15	146	82	39	0	94	100	259	59	160	97	105	117	147	87	95	173	126	82	36	148	2,414
fail	108	93	6	53	145	184	4	148	68	23	9	40	22	20	22	20	21	24	37	26	30	9	55	1,167
PERCENT PASS	64%	68%	81%	73%	34%	19%	22%	38%	63%	84%	89%	86%	82%	87%	86%	91%	79%	81%	82%	87%	80%	86%	82%	71%
TOTAL PASS	769	646	87	611	324	194	10	439	417	444	384	1052	459	564	669	1108	409	426	716	977	441	232	954	12,332
TOTAL FAIL	435	309	20	227	623	842	35	709	240	82	49	167	101	82	109	113	106	98	156	152	113	39	212	5,019



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Assisting Council Members, Dental Board of California
<b>FROM</b>	Leslie Campaz, Educational Program Analyst
<b>SUBJECT</b>	<b>JNT 5:</b> Update on Registered Dental Assistants (RDAs) and Registered Dental Assistants in Extended Functions (RDAEFs) Licensing Statistics

Following are statistics of current license/permits by type as of February 24, 2016

<b>Registered Dental Assistant License (RDA)</b>	
Active	29,114
Inactive	4,842
Renewal in Process	553
Fingerprinting Hold	203
Delinquent	10,134
Suspended	1
<b>Total Cancelled</b>	<b>39,944</b>

<b>Registered Dental Assistant Extended Functions License (RDAEF)</b>	
Active	1,338
Inactive	77
Renewal in Process	3
Fingerprinting Hold	19
Delinquent	194
Suspended	0
<b>Total Cancelled</b>	<b>228</b>

<b>Orthodontic Assistant Permit (OA)</b>	
<b>Active</b>	440
<b>Inactive</b>	2
<b>Renewal in Process</b>	2
<b>Fingerprinting Hold</b>	0
<b>Delinquent</b>	21
<b>Suspended</b>	0
<b>Total Cancelled</b>	0

<b>Dental Sedation Permit (DSA)</b>	
<b>Active</b>	29
<b>Inactive</b>	1
<b>Renewal in Process</b>	0
<b>Fingerprinting Hold</b>	0
<b>Delinquent</b>	6
<b>Suspended</b>	0
<b>Total Cancelled</b>	0



## MEMORANDUM

<b>DATE</b>	February 25, 2016
<b>TO</b>	Members of the Dental Board of California Members of the Dental Assisting Council
<b>FROM</b>	Leslie Campaz, Educational Program Analyst
<b>SUBJECT</b>	<b>JNT 6:</b> Staff Update on the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) Occupational Analysis of the Registered Dental Assistant (RDA) and Registered Dental Assistant in Extended Functions (RDAEF) Practical Examinations.

The Office of Professional Examination Services (OPES) has concluded the process of collecting responses to its occupational survey from licensed registered dental assistants (RDA) and registered dental assistants in extended functions (RDAEF). The scheduled workshops have also taken place. OPES has deemed the workshops and survey results successful and is currently in the process of developing a final report. As a result, the Board and Dental Assisting Council will most likely consider the results of the occupational analysis sometime in the spring of 2016. Sarah Wallace, Assistant Executive Officer, will provide a verbal report at the meeting.



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>JNT 7:</b> Discussion and Possible Action Regarding Legislative Counsel's Opinion, Dated February 10, 2016, Relating to the Registered Dental Assistant Practical Examination.

Assembly Bill 179 requires the Dental Board of California, in consultation with the Office of Professional Examination Services, to conduct a review 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 authorize the board to vote to suspend the practical examination if the review concludes that the practical examination is unnecessary or does not accurately measure the competency of registered dental assistants. The bill would provide that the suspension of the practical examination commences on the date the board votes to suspend the practical examination and would continue being suspended until July 1, 2017. The bill would require the board to post a notice on its Internet Web site if it suspends the practical examination.

A question arose as to whether or not the language in AB 179 allows the Board to continue to issue licenses to registered dental assistants during the practical examination suspension. Assemblywoman Bonilla asked for a Legislative Counsel Opinion (Opinion) to clarify this issue. The Opinion follows.



LEGISLATIVE  
COUNSEL  
BUREAU

February 10, 2016

Honorable Susan A. Bonilla  
Room 4140, State Capitol

**REGISTERED DENTAL ASSISTANT: PRACTICAL EXAMINATION - #1602127**

Dear Ms. Bonilla:

The Dental Practice Act provides that an applicant for licensure as a registered dental assistant must complete certain eligibility requirements, including satisfactory performance on a practical examination administered by the Dental Board of California. In addition, that act allows the board, if certain requirements are met, to vote to suspend the practical examination until July 1, 2017. You asked us whether, if the board suspends the practical examination for registered dental assistants, the board may, during that suspension, license an applicant who has not taken the practical examination.

The Dental Practice Act (Bus. & Prof. Code, § 1600 et seq.; hereafter the act)<sup>1</sup> governs the licensing and regulation of dental auxiliaries by the Dental Board of California (board).<sup>2</sup> (§ 1740 et seq.) The act creates categories of dental auxiliaries, including a registered dental assistant. (§ 1752.1 et seq.; Cal. Code Regs., tit. 16, § 1067, subd. (c).) The board may license an applicant as a registered dental assistant if he or she submits an application and demonstrates that he or she has completed certain eligibility requirements, including satisfactory performance on a practical examination administered by the board. (§ 1752.1, subd. (a).) The act requires the board to administer the practical examination, which must consist of certain procedures set out in section 1752.3, subdivision (b). (See also Cal. Code Regs., tit. 16, §§ 1080, 1081.1, 1083, subd. (b).)

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<sup>1</sup> All further section references are to the Business and Professions Code, unless otherwise indicated.

<sup>2</sup> In addition, the Dental Assisting Council of the Dental Board of California provides recommendations to the board on topics relating to dental auxiliaries. (§§ 1742, 1752.3, subd. (b), 1753.4.)



Your question relates to the authority of the board to suspend the practical examination under section 1752.1, subdivisions (i) and (j) (hereafter subdivisions (i) and (j), respectively). Those subdivisions read as follows:

“(i) The board shall, in consultation with the Office of Professional Examination Services, *conduct a review to determine whether a practical examination is necessary to demonstrate competency of registered dental assistants*, and if so, how this examination should be developed and administered. The board shall submit its review and determination to the appropriate policy committees of the Legislature on or before July 1, 2017.

“(j) *Notwithstanding any other law*, if the review conducted by the Office of Professional Examination Services pursuant to subdivision (i) concludes that *the practical examination is unnecessary or does not accurately measure the competency of registered dental assistants*, the board may vote to *suspend the practical examination*. The suspension of the practical examination shall commence on the date the board votes to suspend the practical examination and shall remain suspended until July 1, 2017, at which date the practical examination shall be reinstated....” (Emphasis added.)

In summary, subdivision (j) authorizes the board, if the review conducted under subdivision (i) reaches certain conclusions, to suspend the practical examination until July 1, 2017.

To interpret the language of subdivision (j), we apply the general rules of statutory interpretation. In that regard, we construe statutory language in accordance with its ordinary and usual meaning, and consistent with the statutory framework of which it is a part.<sup>3</sup> If the statutory language is unambiguous, the plain meaning controls.<sup>4</sup> As described above, the act contains two interrelated requirements relating to the practical examination. First, it requires that the board issue a license to become a registered dental assistant only to an applicant who, among other things, demonstrates satisfactory performance on the practical examination. (§ 1752.1, subd. (a).) Second, it requires the board to administer the practical examination. (§§ 1752.1, subd. (a) & 1752.3, subd. (b).) The broad phrase “suspend the practical examination,” as used in subdivision (j), is not expressly limited to the administration of the practical examination. Rather, in this context, we think that the plain meaning of that phrase, as used in subdivision (j), is that the board is authorized to suspend all requirements relating to the practical examination during the applicable period, including the requirement that the board issue a registered dental assistant license only to an applicant who demonstrates satisfactory performance on the practical examination.

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<sup>3</sup> See, e.g., *City of Alhambra v. County of Los Angeles* (2012) 55 Cal.4th 707, 719.

<sup>4</sup> *In re W.B., Jr.* (2012) 55 Cal.4th 30, 52; hereafter *In re W.B.*



The Legislature's use of the phrase "notwithstanding any other law" at the beginning of subdivision (j) also supports this construction. Courts have interpreted "notwithstanding any other law" to be a comprehensive phrase indicating that a particular provision of law will override all other code sections in conflict therewith, "unless it is specifically modified by use of a term applying it only to a particular code section or phrase."<sup>5</sup> Accordingly, by beginning subdivision (j) with that phrase, the Legislature demonstrated an intent that subdivision (j) apply over any statutory provision in conflict with it.<sup>6</sup> If subdivision (j) affected only the requirement for the board to administer the practical examination, one could argue that subdivision (j) would not prevail over the requirement that an applicant pass the practical examination as a condition of licensure. In our view, however, that argument would not prevail because the plain meaning of subdivision (j) authorizes the board to suspend all requirements relating to the practical examination, including the requirement that it limit the issuance of registered dental assistant licenses to applicants who pass that examination.<sup>7</sup>

You informed us that the board has interpreted subdivision (j) to authorize the board to suspend the requirement that it administer the practical examination, but not the requirement that it limit the issuance of registered dental assistant licenses to applicants who pass that examination. We recognize that, as the administrative entity in charge with implementing the act, a court would give weight to any administrative construction of subdivision (j) by the board.<sup>8</sup> But the amount of weight a court will give to the administrative

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<sup>5</sup> *In re Marriage of Cutler* (2000) 79 Cal.App.4th 460, 475; see also *People v. Duff* (2010) 50 Cal.4th 787, 798 (the phrase "notwithstanding any other law" will prevent or negate the operation of contrary law, even in the "absence of an express reference to that provision").

<sup>6</sup> The Office of the Attorney General has opined that the phrase "notwithstanding any other law" indicates an intent that the provision "take precedence over other statutes affecting the same subject matter." (95 Ops.Cal.Atty.Gen. 102 (2012), quoting 90 Ops.Cal.Atty.Gen. 32, 37 (2007).) This test would not change our analysis, as statutory provisions conflict only when they affect the same subject matter.

<sup>7</sup> As discussed above, in construing the effect of subdivision (j), we think a court would rely on the plain meaning of that subdivision. But presuming that a court found subdivision (j) to be ambiguous, a court would then examine its legislative history to determine the legislative intent. (See, e.g., *In re W.B.*, *supra*, 55 Cal.4th at p. 52.) In that regard, the Assembly Floor Analysis of the bill that added subdivision (j) stated that if the board votes to suspend the practical examination, "Applicants for licensure would still need to meet all other existing requirements for licensure, including passing the written examination." (Assem. Floor Analysis, analysis of Assem. Bill No. 179 (2015-2016 Reg. Sess.) as amended Sept. 4, 2015, at p. 4.) That statement demonstrates that the Legislature intended to allow the board to continue to issue registered dental assistant licenses even if the board voted to suspend the practical examination.


<sup>8</sup> See, e.g., *Dicon Fiberoptics, Inc. v. Franchise Tax Bd.* (2012) 53 Cal.4th 1227, 1242.

construction of a statute is “fundamentally situational” and depends on complex factors.<sup>9</sup> Generally, a court is more likely to give greater weight to an administrative construction of a statute if it “concerns technical and complex matters within the scope of the agency’s expertise.”<sup>10</sup> In this instance, subdivision (j) does not implicate technical or complex matters within the board’s medical expertise. Instead, for the reasons stated above, it is our view that subdivision (j) unambiguously authorizes the board, if it suspends the practical examination, to issue a registered dental assistant license to an applicant who has not taken that examination. For those reasons, while we acknowledge that a court considering the issue would give some weight to the board’s interpretation of subdivision (j), we do not think the court would adopt that interpretation.

Accordingly, it is our opinion that if the Dental Board of California suspends the practical examination for registered dental assistants, the board may, during that suspension, license an applicant who has not taken the practical examination, so long as that applicant meets all other requirements for licensure.

Very truly yours,

Diane F. Boyer-Vine  
Legislative Counsel

  
By  
Daniel S. Vandekoolwyk  
Deputy Legislative Counsel

DSV:sjk

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<sup>9</sup> *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12; hereafter *Yamaha*.

<sup>10</sup> *Center for Biological Diversity v. California Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 236; see also *Yamaha, supra*, at p. 11 (an agency’s interpretation of statutory language is given a lesser degree of deference than an agency’s application of legislative power delegated to it by the Legislature).



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Members of the Dental Board of California Members of the Dental Assisting Council
<b>FROM</b>	Leslie Campaz, Educational Program Analyst
<b>SUBJECT</b>	<b>JNT 8:</b> Update on Dental Assisting Council Regulatory Workshops.

### 2016 Regulatory Development Workshops

Staff has scheduled dates for regulatory workshops throughout 2016 for the purpose of developing the dental assisting comprehensive rulemaking package. Please note, that while we were able to confirm these Sacramento locations we are still researching the possibility of having workshops in Southern California should we be able to secure a location that would meet our needs. If we are able to secure a Southern California location, it will be updated on the Board's web page. The following are the scheduled dates and locations:

Date	Location
March 18, 2016	Dental Board of CA 2005 Evergreen Dr. Sacramento, CA 95815 Evergreen-Hearing Room(1st Fl. Rm. 1150)
April 29, 2016	HQ 2 Building 1747 North Market Blvd. Sacramento, CA 95834 Emerald Training Room - Ste. 184
June 10, 2016	HQ 2 Building 1747 North Market Blvd. Sacramento, CA 95834 Emerald Training Room - Ste. 184
July 15, 2016	HQ 2 Building 1747 North Market Blvd. Sacramento, CA 95834 Emerald Training Room - Ste. 184
September 16, 2016	HQ 2 Building 1747 North Market Blvd. Sacramento, CA 95834 Emerald Training Room - Ste. 184
October 28, 2016	HQ 2 Building 1747 North Market Blvd. Sacramento, CA 95834 Emerald Training Room - Ste. 184
December 16, 2016	HQ 2 Building 1747 North Market Blvd. Sacramento, CA 95834 Emerald Training Room - Ste. 184



## MEMORANDUM

<b>DATE</b>	February 23, 2016
<b>TO</b>	Dental Board Dental Assisting Council
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>JNT 9:</b> Update on Dental Assisting Council Recruitment

### **Background**

The Dental Assisting Council (Council) considers all matters relating to dental assistants in California and makes appropriate recommendations to the Board and the standing Committees of the Board. The members of the Council include the registered dental assistant member of the Board, another member of the Board, and five registered dental assistants.

In March 2016, the initial term of one of the members of the Dental Assisting Council will expire. Therefore, the Board is now accepting applications from qualified registered dental assistants in extended functions (RDAEFs) to fill this vacancy.

On February 10, 2016, the Board posted a recruitment notice and application on its website ([www.dbc.ca.gov](http://www.dbc.ca.gov)) and sent out an email blast. The filing deadline for applications to be considered is March 30, 2016.

A subcommittee of the Board will review the applications and may interview candidates on the telephone. A subcommittee recommendation may be presented to the full Board for consideration at the May meeting.

The Board will consider the following qualifications in accordance with Business & Professions Code, Section 1742 when considering the Subcommittee's recommendations and its appointment to the Council.

### **SECTION 1742 QUALIFICATION REQUIREMENTS FOR THIS VACANCY:**

Applicants must meet the following minimum requirements to be eligible for appointment:

The candidate is required to have possessed a current and active RDAEF license for at least the prior five years; and be employed clinically in a private dental practice or public safety net or dental health care clinic, and shall have been so employed for at least the prior five years. The candidate shall not be employed by a current member of the Dental

Board, shall not have served on the Dental Assisting Forum and shall not have any financial interest in any Registered Dental Assistant school. Please refer to the application for any additional qualification requirements.

Each member shall comply with conflict of interest requirements that apply to Dental Board members. Such requirements include prohibitions against members making, participating in making or in any way attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any council member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision. (Gov. Code, § 87100.)

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.

**TERM OF OFFICE:**

The term of office for this appointment will be four years.

# **Public Comment on Items Not on the Agenda**

# **Adjourn Joint Meeting of the Dental Board and the Dental Assisting Council**

# **ENFORCEMENT COMMITTEE**



**Call to Order**

**Roll Call**

**Establishment of  
Quorum**



## **ENFORCEMENT COMMITTEE MEETING MINUTES**

**Thursday, February 26, 2015**

Doubletree by Hilton  
1646 Front Street, San Diego, CA 92101

**DRAFT**

### **MEMBERS OF THE ENFORCEMENT COMMITTEE**

Chair – Steven Afriat, Public Member

Vice Chair – Ross Lai, DDS

Katie Dawson, RDH

Luis Dominicus, DDS

Thomas Stewart, DDS

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

Steven Afriat, Chair, called the meeting to order at 5:43pm. Roll was called and a quorum was established.

#### **2. Approval of the August 25, 2014 Enforcement Committee Meeting Minutes**

M/S/C (Afriat/Stewart) to approve the August 25, 2014 Enforcement Committee meeting minutes. There was no public comment.

**Approve:** Afriat, Lai, Dawson, Dominicus, Stewart **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

#### **3. Staff Update Regarding Enforcement Program Status**

Teri Lane, Enforcement Chief, gave an overview of the information provided. There was no public comment.

#### **4. Enforcement – Statistics and Trends**

Teri Lane, Enforcement Chief, gave an overview of the information provided. There was no public comment.

#### **5. Review of First and Second Quarter Performance Measures from the Department of Consumer Affairs**

Teri Lane, Enforcement Chief, gave an overview of the information provided. There was no public comment.

#### **6. Diversion Program Report and Statistics**

Teri Lane, Enforcement Chief, gave an overview of the information provided. There was no public comment.

#### **7. Public Comment of Items Not on the Agenda**

There was no public comment.

8. **Future Agenda Items**

There were no future agenda item requests.

9. **Committee Member Comments for Items Not on the Agenda**

There were no committee member comments.

10. **Adjournment**

Mr. Afriat adjourned the committee meeting at 5:56pm.

DRAFT



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	Theresa Lane, Enforcement Chief
<b>SUBJECT</b>	<b>ENF 3:</b> Enforcement Statistics and Trends (Complaints and Investigations)

Attached please find Complaint Intake and Investigation statistics for the previous five fiscal years, and quarter one and two of the current fiscal year 2015/2016. Below is a summary of some of the program's trends (as of December 31, 2016):

### **Complaint & Compliance Unit**

#### **Complaints Received**

The total number of complaints received during the first quarter (July-September) was **1025**, averaging **342** per month.

The total number of complaints received during the second quarter (October-December) was **801**, averaging **267** per month.

**Active Caseload:**           1241 First Quarter  
                                  1079 Second Quarter

The average caseload per Consumer Services Analyst (CSA) during the first quarter was **248** complaint cases.

The average caseload per Consumer Services Analyst (CSA) during the second quarter was **216** complaint cases.

## Complaint Aging

### First Quarter

# Months Open	# of Cases	% of Total Cases
0 – 3 Months	844	69%
4 – 6 Months	226	18%
7 – 9 Months	97	8%
10 – 12 Months	53	4%
1 – 3 Years	21	1%

### Second Quarter

# Months Open	# of Cases	% of Total Cases
0 – 3 Months	570	53%
4 – 6 Months	359	33%
7 – 9 Months	95	9%
10 – 12 Months	31	3%
1 – 3 Years	24	2%

### **Cases Closed:**

The total number of complaint files closed between July 1, 2015, and September 30, 2015, was **639**, averaging **213** per month.

The total number of complaint files closed between October 1, 2015, and December 31, 2015, was **675**, averaging **225** per month.

The previous five-year average was **230** closures per month.

The average number of days a complaint took to close within the first quarter was **116** days.

The average number of days a complaint took to close within the second quarter was **142** days.

Chart 2 displays the average complaint closure age over the previous five fiscal years.

## **Investigations**

### **Current Open Caseload:**

There are currently approximately **1102** open investigative cases, **358** probation cases, and **125** open inspection cases.

Average caseload per full time Investigator = 47

Average caseload per Special Investigator = 48

Average caseload per Analyst = 57

# Months Open	# of Cases	% of Total Cases
0 – 3 Months	131	12%
4 – 6 Months	212	19%
6 - 12 Months	303	27%
1 – 2 Years	368	33%
2 – 3 Years	67	6%
3+ Years	21	2%

## Case Closures:

### First Quarter

The total number of investigation cases closed, filed with the AGO or filed with the District/City Attorney during the first quarter is **239**, an average of approximately **79** per month.

The average number of days an investigation took to complete an investigation during the first quarter was **383** days.

### Second Quarter

The total number of investigation cases closed, filed with the AGO or filed with the District/City Attorney during the first quarter is **293**, an average of approximately **97** per month.

The average number of days an investigation took to complete an investigation during the first quarter was **382** days.

Chart 2 displays the average closure age over the previous five fiscal years.

## Cases Referred for Discipline:

The total number of cases referred to the AGO's during the first quarter was **18** (approximately 6 referrals per month). The three-month average for a disciplinary case to be completed was **1217** days.

The total number of cases referred to the AGO's during the second quarter was **20** (approximately 6.6 referrals per month). The three-month average for a disciplinary case to be completed was **1077** days.

Chart 2 displays the average closure age over the previous four fiscal years for cases referred for discipline.

## Chart 3 – Case Categories

Chart 3 provides a breakdown of the number of cases based on allegation.

I will be available during the Board meeting to answer any questions or concerns you may have.

# Dental Board of California

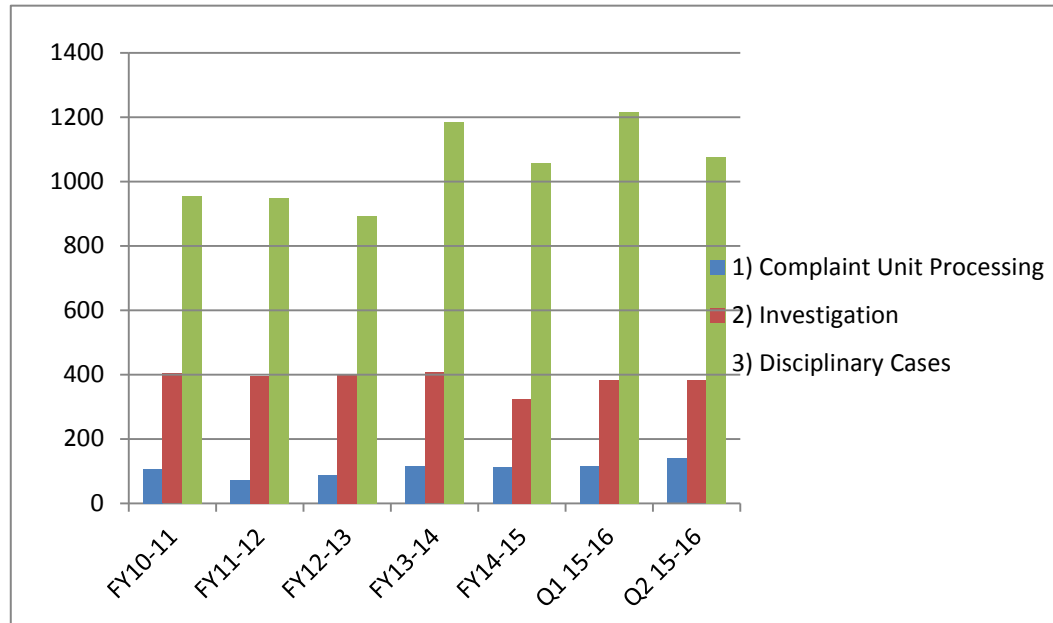
## Chart 1

STATISTICAL DESCRIPTION	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 2015-16				
COMPLAINT UNIT						Jul-Sep	Oct - Dec	Jan - Mar	Apr - Jun	Total
Complaints Received	3046	2813	2874	3021	3557	824	705			1529
Convictions/Arrests Received	674	750	1083	650	623	201	96			297
Total Intake Received	3720	3563	3957	3671	4180	1025	801			1826
Total Complaints Closed	2863	2404	2911	2855	2762	639	675			1314
Pending at end of period	472	738	1072	1022	989	1173	1048			
<b>INVESTIGATIONS</b>										
Cases Opened	1241	916	719	659	1426	248	302			550
Cases Closed	997	1094	813	955	1195	239	293			532
Referred to AG	144	174	85	71	188	18	20			38
Referred for Criminal	8	12	19	28	20	24	14			38
Pending at end of period	995	1025	767	809	1082	768	1099			
Citations Issued	42	15	27	83	48	8	9			17
<b>ATTORNEY GENERAL'S OFFICE</b>										
Cases Pending at AG	199	229	183	172	189	182	178			
<b>Administrative Actions:</b>										
Accusation	90	99	52	71	70	18	19			37
Statement of Issues	23	41	9	18	4	3	3			6
Petition to Revoke Probation	5	9	4	8	3	0	0			0
<b>Licensee Disciplinary Actions:</b>										
Revocation	24	30	27	33	21	3	4			7
Probation	65	68	51	54	38	11	8			19
Suspension/Probation	0	2	0	0	0	0	0			0
License Surrendered	10	6	10	15	9	0	3			3
Public Reprimand	9	13	11	12	11	2	3			5
Other Action (e.g. exam required, education course, etc.)	11	8	7	3	11	4	0			4
Accusation Withdrawn	9	8	10	1	3	1	2			3
Accusation Declined	6	1	2	0	2	0	2			2
Accusation Dismissed	0	0	2	1	0	1	0			1
Total, Licensee Discipline	134	136	120	119	95	22	22			44
<b>Other Legal Actions:</b>										
Interim Suspension Order Issued	1	6	5	0	0	0	0			0
PC 23 Order Issued	0	1	2	2	3	0	1			1

# Dental Board of California

Chart 2

Average Days to Close	FY10-11	FY11-12	FY12-13	FY13-14	FY14-15	Q1 15-16	Q2 15-16
1) Complaint Unit Processing	106	72	88	117	113	116	142
2) Investigation	404	397	400	407	323	383	382
3) Disciplinary Cases	954	950	893	1185	1059	1217	1077





**Dental Board of California**  
**Chart 3**

						2015-16					
<b>Allegations</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-2014</b>	<b>2014-2015</b>	<b>Jul-Sep</b>	<b>Oct - Dec</b>	<b>Jan - Mar</b>	<b>Apr - Jun</b>	<b>Total</b>	<b>% of Total</b>
Substance Abuse, Mental/Physical Impairment	12	4	7	17	21	3	7			10	1%
Drug Related Offenses	29	38	33	30	37	6	3			9	0%
Unsafe/Unsanitary Conditions	70	79	92	99	110	10	16			26	1%
Fraud	299	123	124	218	389	97	68			165	9%
Non-Jurisdictional	393	251	217	235	266	51	34			85	5%
Incompetence / Negligence	2076	1540	1459	1795	2218	491	451			942	52%
Other	181	266	295	163	332	38	47			85	5%
Unprofessional Conduct	352	205	219	244	250	64	45			109	6%
Sexual Misconduct	15	13	14	16	20	1	0			1	0%
Discipline by Another State	31	25	16	10	11	5	3			8	0%
Unlicensed / Unregistered	127	111	124	201	227	58	31			89	5%
Criminal Charges	456	854	1137	650	669	201	96			297	16%
<b>Total</b>	<b>4041</b>	<b>3509</b>	<b>3737</b>	<b>3678</b>	<b>4550</b>	<b>1025</b>	<b>801</b>	<b>0</b>	<b>0</b>	<b>1826</b>	<b>100%</b>

Agency Statistical Profile (AR)(091)

## MEMORANDUM

<b>DATE</b>	February 11, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	Theresa Lane, Enforcement Chief Dental Board of California
<b>SUBJECT</b>	<b>ENF 4: First Quarter Performance Measures</b>

Performance measures are linked directly to an agency's mission, vision and strategic objectives/initiatives. In some cases, each Board, Bureau, and program was allowed to set their individual performance targets, or specific levels of performance against which actual achievement would be compared. In other cases, some standards were established by DCA. As an example, a target of an average of 540 days for the cycle time of formal discipline cases was set by the previous Director. Data is collected quarterly and reported on the Department's website at: [http://www.dca.ca.gov/about\\_dca/cpei/index.shtml](http://www.dca.ca.gov/about_dca/cpei/index.shtml)

**Q1** (July to September 2015)

**Volume: 1,026** Total (825 Consumer complaints, 201 Conviction reports)  
 Number of complaints and convictions received per quarter

### Cycle Time:

- Intake – Target: 10 Days** **Q4 Average: 8 Days**  
 Average cycle time from complaint receipt, to the date the complaint was acknowledged and assigned to an analyst in the Complaint Unit for processing (This 10 day time frame is mandated by Business and Professions Code section 129 (b)) ;
- Intake & Investigation – Target: 270 Days** **Q4 Average: 178 Days**  
 Average time from complaint receipt to closure of the investigation process (does not include cases sent to the Attorney General (AG) or other forms of formal discipline);
- Formal Discipline – Target: 540 Days** **Q4 Average: 1,075 Days**  
 Average number of days to complete the entire enforcement process for cases resulting in formal discipline (Includes intake and investigation by the Board, and prosecution by the AG);

A number of factors (both internally and externally) can contribute to case aging at the Attorney General's office. Board actions which may extend case aging include when additional investigations are combined with a pending accusation and can set back the overall time to resolve. Amending an accusation or requesting additional expert opinions can also cause delays in case adjudication. Other matters are outside the control of the

Board and include: availability of hearing dates, continuance of hearing dates, changes to opposing party counsel, and requests for a change of venue.

- **Probation Intake – Target: 10 Days**

**Q4 Average: 8 Days**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer; and

Probation Intake measures the time between when the probation monitor is assigned the case file and the date they meet with their assigned probationer to review monitoring terms and conditions. The Board's probation monitors are assigned a case file within a few days of the probationary order being signed. Monitors attempt to schedule their initial meeting on or soon after the effective date of the decision; thereby resulting in a 10 – 20 day intake average. We believe this Q4 average of 19 days is reasonable. It should also be noted that in some cases, probation monitoring may not take place until an applicant has completed all their licensing requirements, or returned to California (if the applicant is out-of-state). These exceptions may skew this average.

- **Probation Violation Response – Target: 10 Days**

**Q4 Average: None to report**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

In general, once a violation is discovered, the decision to take action is made immediately. However, the monitor must collect any supporting evidence (arrest/conviction records, positive drug test results) and write a report documenting the event. Once the report is referred for discipline, "appropriate action" has been initiated and the clock stops. Factors which may affect the turnaround time on this measure include how the violation is reported; (incoming complaints or arrest/conviction reports from the Department of Justice may take several days to be processed) and how quickly the monitor can write up and file the violation.

# Dental Board of California

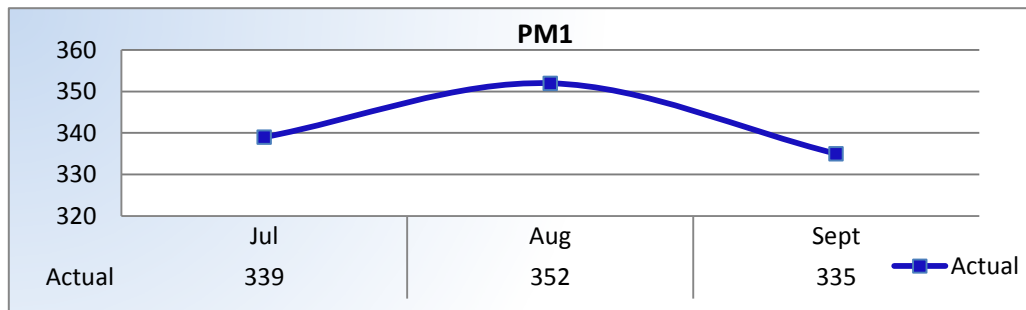
## Performance Measures

### Q1 Report (July - September 2015)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

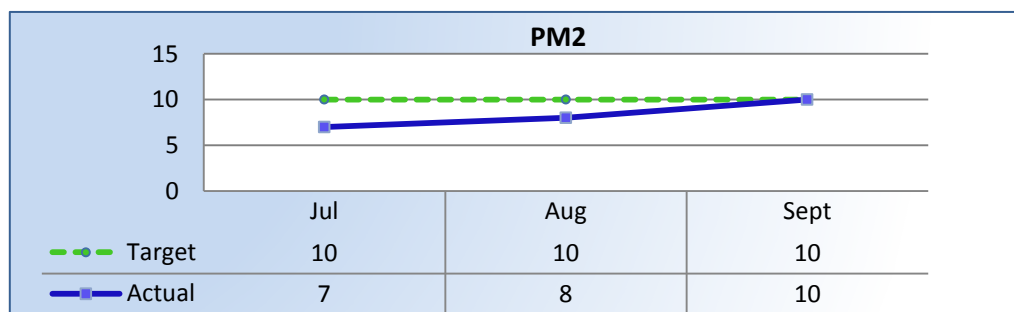


**Total Received: 1,026 Monthly Average: 342**

**Complaints: 825 | Convictions: 201**

#### PM2 | Intake

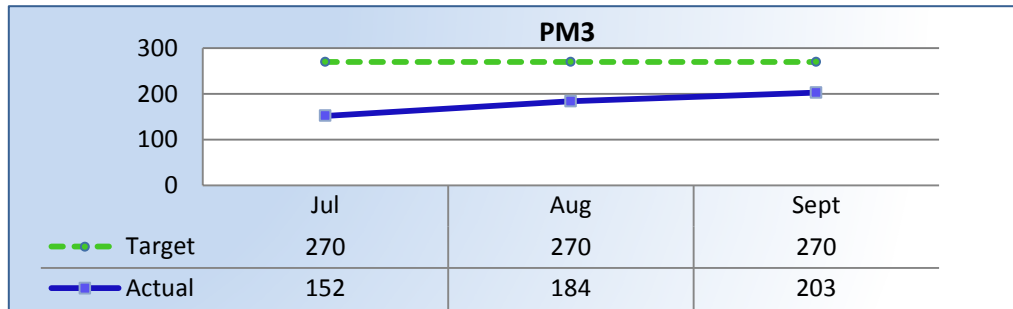
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 10 Days | Actual Average: 8 Days**

### PM3 | Intake & Investigation

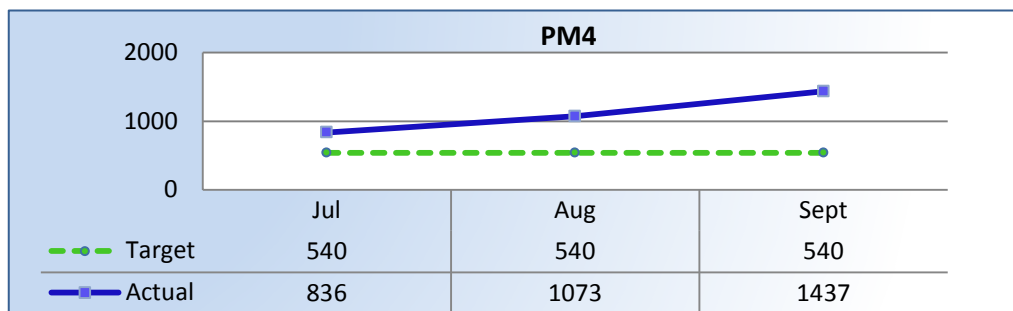
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 270 Days | Actual Average: 178 Days**

### PM4 | Formal Discipline

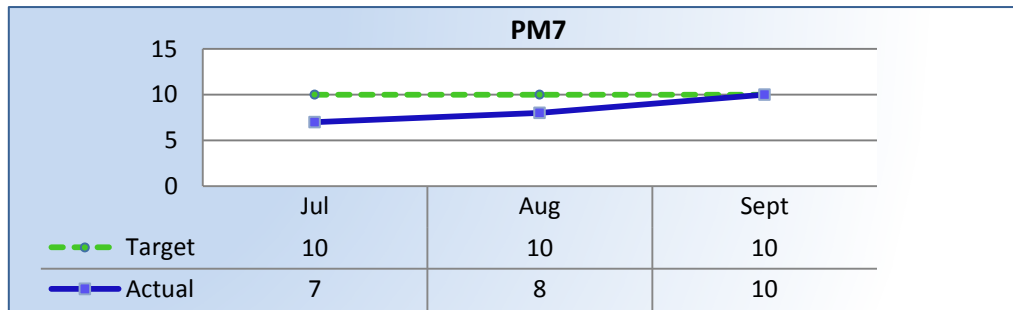
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



**Target Average: 540 Days | Actual Average: 1,075 Days**

### PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



\*This measure does not account for the effective date of the probation period. First contact with the probationer may occur prior to the effective date of the probation period or the issuance of the license.

**Target Average: 10 Days | Actual Average: 8 Days**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not have any probation violations this quarter.*

**Target Average: 15 Days | Actual Average: N/A**



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	April Alameda, Diversion Program Manager
<b>SUBJECT</b>	<b>ENF 5</b> : Discussion and Possible Action Regarding a Recommendation for Appointment of Southern Diversion Evaluation Committee Members

### Background

The Dental Board of California (Board) Diversion Program utilizes two Diversion Evaluation Committees (DECs), one Northern and one Southern, consisting of six members each: including three licensed dentists, one licensed dental auxiliary, one public member, and one licensed physician or psychologist.

The Southern DEC currently has two vacancies; for a licensed dentist and a public member. In addition, one dental member on the Southern DEC is currently serving a one year grace period and recruitment is ongoing for this position.

In accordance with California Code of Regulations (CCR), Title 16, Section 1020.4,

“(b) Each committee member shall have experience or knowledge in the evaluation or management of persons who are impaired due to alcohol or drug abuse.

(c) Each member of the committee shall be appointed by the board and shall serve at the board's pleasure. Members of a committee shall be appointed for a term of four years, and each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of; the term, for which he or she was appointed, whichever first occurs. No person shall serve as a member of the committee for more than two terms.”

The Southern DEC has completed interviews for two potential candidates. The panel recommends the appointment of George Shinn, Jr., DDS, to fill the licensed dentist vacancy and Shannon Chavez, MD, to fill the public member vacancy. Dr. Shinn and Dr. Chavez have satisfactorily established they have the experience and knowledge in the evaluation and/or management of persons who have an alcohol or drug abuse impairment. Their applications and resumes are attached.

Dr. Thomas Stewart, DDS Board Member Liaison to the DEC conducted telephone interviews with both candidates and will be able to speak to this recommendation.

Action Requested

The Board may take action to accept or reject the recommendation to appoint George Shinn Jr., DDS, to fill the licensed dentist vacancy and Shannon Chavez, MD, to fill the public member vacancy on the Southern DEC.





### DIVERSION EVALUATION COMMITTEE APPLICATION

(This form is a public record, but subject to the protection of the Information Practices Act)

Please Print or Type

Name SHANNON CHAVEZ M.D.  
Address [REDACTED]  
Phones (work) [REDACTED] (home) [REDACTED] (cell) [REDACTED]  
Email [REDACTED]  
Category for which you are applying:  
☐ Dentist ☐ Dental Auxiliary ☒ Physician/Psychologist ☐ Public Member  
Committee you wish to be on: ☐ Northern DEC ☒ Southern DEC  
California License Number: 459169 SSN [REDACTED]  
(except for public member applicants)

In the space below, briefly summarize your professional, educational, and/or personal experience which documents your expertise:

11.6.15

I AM A PSYCHIATRIST AND ADDICTIONOLOGIST.  
I RETIRED FROM UCSF IN 2012. It has been my  
privilege to serve on the:  
MEDICAL BOARD DEC 2000 - 2008 (CLOSURE)  
Bd of REG. NURSING 2008 - 2011

I CURRENTLY SERVE AS THE  
CLINICAL CONSULTANT TO STATE BAR OF CA.  
I HAVE BEEN IN THAT POSITION SINCE 2005.

IN RETIREMENT MY HIGHER PURPOSE IS TO  
SERVE THE HEALTH PROFESSIONAL WHO  
SUFFERS FROM ADDICTION AND MENTAL ILLNESS.  
I AM CURRENTLY IN MY 22nd YEAR OF  
RECOVERY, AS A DIRECT RESULT OF MY ACTIVE  
PARTICIPATION IN AA; however I believe  
There are MANY WAYS TO REACH SOBRIETY. I  
ALSO BELIEVE THE HEALTH PROFESSIONAL WITH  
OTHER MENTAL ILLNESS IS UNDERSERVED. I HOPE  
MY OWN EXPERIENCE, STRENGTH AND HOPE AS WELL AS  
TRAINING CAN BENEFIT OTHERS. THANK YOU FOR YOUR  
CONSIDERATION.

Shannon Y. Chavez, M.D.

In the space below, give your philosophical beliefs relative to the treatment of chemical dependency.

CHEMICAL DEPENDENCY IS A DISEASE PROCESS THAT AFFECTS THE BODY, BRAIN AND SPIRIT. IT'S REACHED EPIDEMIC PROPORTIONS IN THE U.S. AND IS WOEFULLY UNDERTREATED DUE TO SHAME AND SECRECY.

I BELIEVE ALL WHO SUFFER SHOULD HAVE THE CHANCE TO EMBRACE RECOVERY WITHOUT STIGMA. THE HEALTH PROFESSIONALS DESERVE KIND, FIRM GUIDANCE AND A SAFE PLACE TO BEGIN THIS PROCESS.


MY OWN SPONSOR HAS 32 YR SOBER AND NEVER HAD FORMAL TREATMENT. I REQUIRED 6mo. OF INPATIENT/RECOVERY HOME. WE ARE ALL DIFFERENT. OUR JOB IS TO MAKE SURE WE HELP OUR COLLEAGUES RECEIVE THE GUIDANCE/CARE THEY NEED.

I HAVE READ AND UNDERSTAND THE RESPONSIBILITIES, TIME COMMITMENTS, AND REIMBURSEMENT OF DIVERSION EVALUATION COMMITTEE MEMBERS.

Signature 

Date 11.6.15

SUBMIT COMPLETED APPLICATION AND RESUME TO:

  
Dental Board of California  
2005 Evergreen Street, Suite 1550  
Sacramento, CA 95815

#### INFORMATION COLLECTION AND ACCESS

The information requested herein is mandatory and is maintained by Executive Officer, Dental Board of California, 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, 916-263-2300, in accordance with Business & Professions Code, §1600 et seq. Except for Social Security numbers, the information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Disclosure of your Social Security number is mandatory and collection is authorized by §30 of the Business & Professions Code and Pub. L. 94-455 (42 U.S.C.A. §405(c)(2)(C)). Your Social Security number will be used exclusively for tax enforcement purposes, for compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination board, and where licensing is reciprocal with the requesting state. If you fail to disclose your Social Security number, you may be reported to the Franchise Tax Board and be assessed a penalty of \$100. The official responsible for information maintenance is the Executive Officer (916) 263-2300, 2005 Evergreen Street, Suite 1550, Sacramento, California 95815. To comply each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure. Your name and address listed on this application will be disclosed to the public upon request if and when you become licensed.

**Alameda, April@DCA**

---

**From:** Curtis Vixie <[REDACTED]>  
**Sent:** Wednesday, January 06, 2016 8:29 AM  
**To:** Alameda, April@DCA  
**Subject:** Fwd: FW: Dental Board Diversion Eval. Committee Application -- Shannon Chavez, MD  
**Attachments:** Ssfcopier1515121615000.pdf

----- Forwarded message -----

**From:** Carlton, Richard <[REDACTED]>  
**Date:** Wed, Dec 16, 2015 at 3:14 PM  
**Subject:** FW: Dental Board Diversion Eval. Committee Application -- Shannon Chavez, MD  
**To:** "[REDACTED]" <[REDACTED]>  
**Cc:** "Carlton, Richard" <[REDACTED]>

To whom it may concern:

I strongly recommend Shannon Chavez, MD for service on the Dental Board of California's Diversion Evaluation Committee. Dr. Chavez has served on our program's Evaluation Committee for over a decade. For the previous several years she has been our program's Clinical Consultant, and in this capacity she chairs all of our evaluation committee meetings. Through her medical training in psychiatry and addiction medicine, her many years of evaluation committee service, and her personal experience as a health professional in recovery, Dr. Chavez brings a unique and extremely valuable perspective to the Committee role. She is also a very warm and insightful person who readily connects with new participants in our program.

Richard Carlton

--

Richard P. Carlton | Director

Lawyer Assistance Program

The State Bar of California | 180 Howard St. | San Francisco, CA 94105

[REDACTED]

*This message may contain confidential information that may also be privileged. Unless you are the intended recipient or are authorized to receive information for the intended recipient, you may not use, copy, or disclose the message in whole or in part. If you have received this message in error, please advise the sender by reply e-mail and delete all copies of the message. Thank you.*

**From:** [sfcopier15@calsb.org](mailto:sfcopier15@calsb.org) [mailto:[sfcopier15@calsb.org](mailto:sfcopier15@calsb.org)]

**Sent:** Wednesday, December 16, 2015 2:00 PM

**To:** Carlton, Richard

**Subject:** Dental Board Diversion Eval. Committee Application -- Shannon Chavez, MD

**Alameda, April@DCA**

---

**From:** Curtis Vixie <[REDACTED]>  
**Sent:** Monday, February 15, 2016 2:09 PM  
**To:** Alameda, April@DCA  
**Subject:** DEC interview

Dear April,

The interview of Dr. Chavez went very well. She is a perfect candidate. Years of experience on various DEC's and therefor understands the primary objective of public safety along with the premise of the best way to do so is to fully treat the disease. Her experience with dual diagnosis and co-existing disorders will be a gift to the committee for the clients that don't seem to be "getting it". She is personally entrenched in AA type recovery but realizes that at times there needs to be individualization of treatment plans.

Please put forward her name.

Curtis

**Dental Board of California**

2005 Evergreen Street, Suite 1550, Sacramento, California 95811  
P (916) 263-2300 | F (916) 263-2140 | www.dbc.ca.gov



SEP 22 2015

**DIVERSION EVALUATION COMMITTEE APPLICATION**

(This form is a public record, but subject to the protection of the Information Practices Act)

DENTAL BOARD  
OF CALIFORNIA

**Please Print or Type**

Name George B. Shinn Jr  
Address [REDACTED]  
Phones (work) [REDACTED] (home) [REDACTED] (cell) [REDACTED]  
Email [REDACTED]

Category for which you are applying:

☒ Dentist ☐ Dental Auxiliary ☐ Physician/Psychologist ☐ Public Member

Committee you wish to be on:

☐ Northern DEC

☒ Southern DEC

California License Number: 24371

SSN [REDACTED]

(except for public member applicants)

In the space below, briefly summarize your professional, educational, and/or personal experience which documents your expertise:

In 1974, I had the honor of being one of the 1st 4 blacks to graduate from UCLA's School of Dentistry. After practicing as a General dentist for 1 year, I was accepted into the Univ. of Iowa's Endodontic Specialty Program and graduated in 1977. Upon graduation, I purchased an Endodontic Practice on 1127 Wilshire Blvd LA and practiced there until 1994. I've also associated at many offices as an independent contractor ever since. Recently, I signed a 10 year lease to open my own private Endodontic practice on 8540 S. Sepulveda Blvd LA CA. I also volunteer my services at the Childrens Dental Center of LA in Inglewood CA. This professional snapshot of today highly contrasts my former private life of substance abuse. My experiences in addiction & recovery have enriched my life and developed my dedication to helping another health professional.

In the space below, give your philosophical beliefs relative to the treatment of chemical dependency.


For the majority of my life (Approx 38 years) I considered myself a well rounded, wild & crazy Guy. I WAS under the delusion that I WAS a functional addict (after suspecting that I could be an addict) Quite frankly, I WAS in denial for such a very long time. My addiction got progressively worse as well as the consequences. In hindsight the consequences were a blessing that forced ME into treatment. Knowing better has enabled ME to do better. Treatment allowed ME to change my behavior which in turn changed my thinking. I believe this entire journey has been an Act of providence designed to bring ME closer to my higher power.

I HAVE READ AND UNDERSTAND THE RESPONSIBILITIES, TIME COMMITMENTS, AND REIMBURSEMENT OF DIVERSION EVALUATION COMMITTEE MEMBERS.

George B. Shuniga DDS  
Signature

9-17-15  
Date

SUBMIT COMPLETED APPLICATION AND RESUME TO:

  
Dental Board of California  
2005 Evergreen Street, Suite 1550  
Sacramento, CA 95815

#### INFORMATION COLLECTION AND ACCESS

The information requested herein is mandatory and is maintained by Executive Officer, Dental Board of California, 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, 916-263-2300, in accordance with Business & Professions Code, §1600 et seq. Except for Social Security numbers, the information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Disclosure of your Social Security number is mandatory and collection is authorized by §30 of the Business & Professions Code and Pub. L 94-455 (42 U.S.C.A. §405(c)(2)(C)). Your Social Security number will be used exclusively for tax enforcement purposes, for compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination board, and where licensing is reciprocal with the requesting state. If you fail to disclose your Social Security number, you may be reported to the Franchise Tax Board and be assessed a penalty of \$100. The official responsible for information maintenance is the Executive Officer (916) 263-2300, 2005 Evergreen Street, Suite 1550, Sacramento, California 95815. To comply each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure. Your name and address listed on this application will be disclosed to the public upon request if and when you become licensed.

# George B. Shinn Jr. D.D.S.

Objective	<b>Endodontist</b> Highly skilled professional in the field of dentistry with 38 years of practical experience with the diseases of pulp (such as pulp caps, pulotomies, pulpectomies, root canal therapy and retreats, apexification, apicoectomies, retrograde fillings, root amputations, hemisections, incisions and drainage of abscesses, endodontic implants, bleaching).		
Professional Experience	Endodontic Associate, Airport Center Family Dental	Los Angeles, CA	2010 - Present
	Endodontic Associate, With Dr. Roland Markarian, DDS	Lancaster, CA	2009 - Present
	Endodontic Associate, With High Desert Dental	Palmdale, CA	2008 - Present
	Endodontic Associate, With Dr. Paul Campbell, DDS	Los Angeles, CA	1992 - Present
	Endodontic Associate, With Dr. Mehta and Dr. Pandya, DDS	Los Angeles, CA	2001 - 2005
	Endodontic Private Practice	Los Angeles, CA	1977 - 1994
	Endodontic Specialist, Hubert Humphrey Comprehensive Health Center	Los Angeles, CA	1978 - 1979
	Adjunct Instructor, University of Iowa School of Dentistry	Iowa City, IA	1975 - 1977
	Associate General Dentist, With Dr. Walter Tucker, DDS	Compton, CA	1974-1975
	Adjunct Instructor, Director of the CE at UCLA School of Dentistry With Dr. John Flocken, DDS	Los Angeles, CA	1973-1974
Education	Co-Founder / Coordinator For Student National Dental Association	Los Angeles, CA	1972-1974
	University Iowa School of Dentistry Endodontic Certificate		1975 - 1977
	UCLA School of Dentistry Doctor of Dental Surgery		1970 - 1974
	University of Southern California		1969 - 1970
	Los Angeles Harbor College		1965 - 1969
Credentials	California Board Exam and License		1974
	Central Regional Board Examination (10 States)		1975
	Iowa Dental License		1975
Affiliations	American Dental Association		
	American Association of Endodontists		
	Los Angeles Dental Society		
	Angel City Dental Society		

References are available upon request





## MEMORANDUM

<b>DATE</b>	February 19, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	April Alameda, Diversion Program Manager
<b>SUBJECT</b>	<b>ENF 6 : Diversion Statistics</b>

The Diversion Evaluation Committee (DEC) program statistics for the last two quarters ending December 31, 2015, are provided below. These statistics reflect the participant activity in the Diversion (Recovery) Program and are presented for information purposes only.

These statistics are derived from the MAXIMUS monthly reports.

<b>Intake Referrals</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>FY Total</b>
<b>Self-Referral</b>	0	0	0	0	0	0	0
Enforcement Referral	0	0	1	0	0	0	1
Probation Referral	0	0	1	0	0	0	1
<b>Closed Cases</b>	1	2	2	0	0	1	6
<b>Active Participants</b>	28	27	27	25	25	25	

The Board continues recruitment for the following positions:

Southern DEC – one (1) Public Member and one (1) Dentist

The next DEC meeting is scheduled for April 6, 2016, in Southern California.

**ACTION REQUESTED:**

No action requested.



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	April Alameda, Diversion Program Manager
<b>SUBJECT</b>	<b>ENF 6i:</b> Department of Consumer Affairs Contract and Performance Audit of DCA Diversion Programs Provided by Maximus Health Services.

### **BACKGROUND**

Business and Professions Code Section 156.1 (c) authorized the Department's Director or Chief to request an examination and audit of performance under the Maximus contract for the Boards' Diversion Programs.

In 2003, the Department of Consumer Affairs (DCA) entered into a contract with Maximus Health Services, Inc. (Maximus) to provide Diversion Program services to the Dental Board along with five additional health care licensing Boards and one Committee which are under the umbrella of the Department.

In October 2015, the Department's Internal Audit Office contracted with CPS HR Consulting (CPS) to conduct an audit of the Diversion Services provided by Maximus for the contract period from January 1, 2010, through December 31, 2014. This audit was performed in compliance with SB 1441, Uniform Standard 15 that requires an external independent audit at least every three years. CPS released their final report on February 18, 2016.

In summary, CPS found in their audit, that Maximus is effectively and efficiently managing the Diversion Programs for the DCA Boards and Committee, and recommends the program be continued under Maximus.

### **ACTION REQUESTED:**

No action requested. A copy of the report is available upon request.



## MEMORANDUM

<b>DATE</b>	February 10, 2015
<b>TO</b>	Enforcement Committee Members
<b>FROM</b>	Theresa Lane, Enforcement Chief
<b>SUBJECT</b>	<b>Agenda Item ENF 7: Update on Issuance of Public Reprimands</b>

Effective February 1, 2016, the Office of the Attorney General (AG) was asked to change the way the Board has been processing the Letter of Public Reprimand/Reproval.

Instead of having a separate letter that accompanies the Board's Decision, the Public Reprimand/Reproval language will become part of the actual Disciplinary Order. The Public Reprimand/Reproval will be concise and list the reasons for the discipline as well as the additional conditions of the stipulation, such as cost recovery and remedial education.

For your review, I have attached a Stipulated Settlement and Disciplinary Order used by the Medical Board of California that shows how the language is incorporated into the disciplinary order.

1 **DISCIPLINARY ORDER**

2 A. **PUBLIC REPRIMAND**

3 IT IS HEREBY ORDERED that the Physician's and Surgeon's Certificate No. 1  
4 issued to Respondent (Respondent) is hereby publicly reprimanded pursuant  
5 to California Business and Professions Code section 2227, subdivision (a)(4). This public  
6 reprimand, which is issued in connection with Respondent's care and treatment of patient MC, as  
7 set forth in Accusation No. is as follows:

8 You failed to adequately document your care and treatment of patient MC in March 2009,  
9 pursuant to Business and Professions Code sections 2234 and 2266.

10 B. **MEDICAL RECORD KEEPING COURSE**

11 Within 60 calendar days of the effective date of this Decision, Respondent shall  
12 enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course  
13 offered by the Physician Assessment and Clinical Education Program, University of California,  
14 San Diego School of Medicine (Program), approved in advance by the Board or its designee.  
15 Respondent shall provide the program with any information and documents that the Program may  
16 deem pertinent. Respondent shall participate in and successfully complete the classroom  
17 component of the course not later than six (6) months after Respondent's initial enrollment.  
18 Respondent shall successfully complete any other component of the course within one (1) year of  
19 enrollment. The medical record keeping course shall be at Respondent's expense and shall be in  
20 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

21 A medical record keeping course taken after the acts that gave rise to the charges in the  
22 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
23 or its designee, be accepted towards the fulfillment of this condition if the course would have  
24 been approved by the Board or its designee had the course been taken after the effective date of  
25 this Decision.

26 Respondent shall submit a certification of successful completion to the Board or its  
27 designee not later than 15 calendar days after successfully completing the course, or not later than  
28 15 calendar days after the effective date of the Decision, whichever is later.

1 Any failure to comply with the terms and conditions of the Disciplinary Order set forth  
2 above shall constitute unprofessional conduct and will subject Respondent's Physician's and  
3 Surgeon's Certificate to further disciplinary action.

4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
6 discussed it with my attorney, \_\_\_\_\_ Esq.. I understand the stipulation and the effect it  
7 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
8 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
9 Decision and Order of the Medical Board of California.



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Members of the Enforcement Committee of the Dental Board of California
<b>FROM</b>	Sarah Wallace, Assistant Executive Officer
<b>SUBJECT</b>	<b>ENF 8: Discussion and Possible Action Regarding the Need to Define “Filing” and “Discovery” in Regulations</b>

### **Background:**

While working through the Dental Board of California’s (Board) administrative discipline process, the Attorney General’s Office has advised that it would be beneficial to establish definitions for the terms “filing” and “discovery” in regulation.

The statute of limitations for the Board is set forth in Business and Professions Code section 1670.2, which requires that accusations “shall be filed within three years after the board discovers the act or omission alleged as the ground for disciplinary action...” The Board has not defined the terms “discovery” or “filing” as the Medical Board of California has done.

California Code of Regulations, Title 16, Section 1356.2(a)(1) defines the word “discovers” under the Medical Board’s statute of limitations set forth in Business and Professions Code section 2230.5 to be “the date the board received the complaint or report describing the act or omission.”

California Code of Regulations, Title 16, Section 1356.5 defines the word “filed” under the Medical Board’s statute of limitations set forth in Business and Professions Code section 2230.5 as “an accusation or petition to revoke probation shall be deemed “filed” on the date it is signed by the executive director or other person described in section 1356.”

It has been advised by the Attorney General’s Office that the Board may want to consider promulgating a regulation to define the terms “discovery” and “filing” as found in Business and Professions Code section 1670.2, as the Medical Board has. This would provide a clearer understanding for both prosecutors, who have the duty to file accusations timely, and for respondents.

The following applicable regulations from the Medical Board of California are included for reference:

**MEDICAL BOARD OF CALIFORNIA REGULATIONS**  
**CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTIONS 1356, 1356.2, and 1356.5**

**§ 1356. Delegation of Functions.**

Except for those powers reserved exclusively to the “agency itself” under the Administrative Procedure Act Section 11500, et seq. of the Government Code, the division delegates and confers upon the executive director of the board, the assistant executive director, the medical consultant, chief of enforcement, or his or her designee, all functions necessary to the dispatch of business of the division in connection with investigative and administrative proceedings under the jurisdiction of the division.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2220, 2224 and 2230, Business and Professions Code; and Section 11500, Government Code.

**§ 1356.2. Statute of Limitations-Discovery of Act.**

(a) For purposes of Section 2230.5 of the code, the word “discovers” means, with respect to each act or omission alleged as the ground for disciplinary action:

- (1) the date the board received a complaint or report describing the act or omission.
- (2) the date, subsequent to the original complaint or report, on which the board became aware of any additional acts or omissions alleged as the ground for disciplinary action against the same individual.

(b) For purposes of this section:

- (1) “Complaint” means a written complaint from the public or a written complaint generated by board staff that names a particular physician.
- (2) “Report” means any written report required under the code to be filed with the board, but does not include a notice filed under Code of Civil Procedure Section 364.1.

(c) A notice filed under Code of Civil Procedure Section 364.1 shall be retained, pursuant to that code section, in a potential investigation file. If a complaint or report on the same act or omission is subsequently received by the board, the date the board discovers the act or omission alleged as the ground for disciplinary action is the date the board receives that complaint or report.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2230.5, Business and Professions Code.

**§ 1356.5. Filing Date.**

An accusation or petition to revoke probation shall be deemed “filed” on the date it is signed by the executive director or other person described in section 1356.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2230.5, Business and Professions Code.

**Staff Recommendation:**

Staff recommends the Board direct staff to work with Legal Counsel to prepare proposed regulatory language to define “filing” and “discovery” in California Code of Regulations, Title 16, and Division 10 to bring to the Board for consideration of initiation of a rulemaking at a future meeting.

# **Public Comment on Items Not on the Agenda**



# **FUTURE AGENDA ITEMS**

**Stakeholders are encouraged to  
propose items for possible  
consideration by the Committee at a  
future meeting.**

# **COMMITTEE MEMBER COMMENTS FOR ITEMS NOT ON THE AGENDA**

**The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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)).**

# **LEGISLATIVE AND REGULATORY COMMITTEE**



**NOTICE OF LEGISLATIVE AND REGULATORY COMMITTEE MEETING**

**Thursday, March 3, 2016**

*Upon Conclusion of the Enforcement Committee Meeting*

Humphreys Half Moon Inn & Suites

2303 Shelter Island Drive

San Diego, CA 92106

800-542-7400 (Hotel) or 916-263-2300 (Board Office)

**MEMBERS OF THE LEGISLATIVE & REGULATORY COMMITTEE**

Chair – Fran Burton, MSW, Public Member

Vice Chair – Kathleen King, Public Member

Katie Dawson, RDH

Huong Le, DDS, MA

Meredith McKenzie, Public Member

Bruce Whitcher, DDS

Public comments will be taken on agenda items at the time the specific item is raised. The Committee 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 Committee Chair. 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 Committee 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 or technical difficulties that may arise.

1. Call to Order/Roll Call/Establishment of Quorum
2. Approval of the May 14, 2015 Legislative and Regulatory Committee Meeting Minutes
3. 2015 Tentative Legislative Calendar – Information Only
4. Discussion and Possible Action on the Following Legislation:
  - American Board of Dental Examiners (ADEX)
  - Dental Corp Loan Repayment Program

- Designated Two-Year Legislative Bills
  - AB 12 (Cooley) State Government: Administrative Regulations: Review
  - AB 648 (Low) Community Based Services: Virtual Dental Home Grant Program
  - SB 149 (Stone) Investigational Drugs, Biological Products or Devices: Right to Try
  - SB 482 (Lara) Controlled Substances: CURES database
- Newly Introduced Legislation
  - SB 1033 (Hill) Medical Board: Disclosure of Probationary Status
  - SB 1039 (Hill) Professions and Vocations
  - SB 1217 (Stone) Healing Arts: Reporting Requirements: Professional Liability
  - AB 2048 (Gray) National Health Service Corps State Loan Repayment Program
  - AB 2235 (Thurmond) Board of Dentistry: Pediatric Anesthesia: Committee
  - AB 2331 (Dababneh) Dentistry: Applicants to Practice

5. Update on Pending Regulatory Packages:

- Abandonment of Applications (Cal. Code of Regs., Title 16, Section 1004)
- Delegation of Authority to the Executive Officer (Cal. Code of Regs., Title 16, Section 1001)
- Dental Assisting Comprehensive Regulatory Proposal; (Cal. Code of Regs., Title 16, Division 10, Chapter 3)
- Elective Facial Cosmetic Surgery Permit Application and Renewal Requirements (New Regulation);
- Licensure By Credential Application Requirements (New Regulation);
- Continuing Education Requirements and Basic Life Support Equivalency Standards(Cal. Code of Regs., Title 16, Sections 1016 and 1017);

6. Discussion of Prospective Legislative Proposals:

Stakeholders Are Encouraged to Submit Proposals in Writing to the Board Before or During the Meeting for Possible Consideration by the Board at a Future Meeting

7. Public Comment of Items Not on the Agenda

The Committee 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)).

8. Future Agenda Items

Stakeholders are encouraged to propose items for possible consideration by the Committee at a future meeting.

9. Committee Member Comments for Items Not on the Agenda

The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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)).

10. Adjournment

**Call to Order**

**Roll Call**

**Establishment of  
Quorum**



## **LEGISLATIVE AND REGULATORY COMMITTEE MEETING MINUTES**

**Thursday, May 14, 2015**

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

**DRAFT**

### **MEMBERS PRESENT**

Chair – Fran Burton, MSW, Public Member  
Vice Chair – Thomas Stewart, DDS  
Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Steven Morrow, DDS, MS

### **MEMBERS ABSENT**

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

Fran Burton, Chair of the Legislative and Regulatory Committee called the meeting to order at 11:07am. Roll was called and a quorum established.

#### **2. Approval of the February 26, 2015 Legislative and Regulatory Committee Meeting Minutes**

M/S/C (McKenzie/Morrow) to approve the February 26, 2015 Legislative and Regulatory Committee minutes. There was no public comment.

Support: Burton, Stewart, Le, McKenzie, Morrow. Oppose: 0 Abstain: 0

The motion passed unanimously.

#### **3. 2015 Tentative Legislative Calendar – Information Only**

Ms. Burton gave an overview of the information provided.

#### **4. Discussion and Possible Action on the Following Legislation:**

Sarah Wallace, Assistant Executive Officer, gave an overview of the information provided.

- **AB 85 (Wilk) Open meetings**

M/S/C (McKenzie/Burton) to recommend the Board “Oppose” this bill and send a letter stating the concerns. There was no public comment.

**Support:** Burton, Stewart, Le, McKenzie, Morrow **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

- **AB 178 (Bonilla) Board of Vocational Nursing and Psychiatric Technicians of the State of California**



M/S/C (Morrow/Le) to recommend the Board “Support” this bill and send a letter of support. There was no public comment.

**Support:** Burton, Stewart, Le, McKenzie, Morrow **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

- **AB 179 (Bonilla) Healing Arts**

M/S/C (Morrow/McKenzie) to recommend the Board “Support” this bill and send a letter of support. Gayle Mathe, California Dental Association (CDA) thanked the Board for all of their work on this bill. She commented that she hoped the Board would continue their analyses of fees and caps.

**Support:** Burton, Stewart, Le, McKenzie, Morrow **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

- **AB 502 (Chau) Dental Hygiene**

M/S/C (McKenzie/Burton) to recommend the Board take a position of “watch” on this bill. There was discussion regarding the intent and purpose of the bill.

**Support:** Burton, Stewart, Le, McKenzie, Morrow **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

- **AB 507 (Olsen) Department of Consumer Affairs: BreEZe system: annual report**

This bill will be removed from the list.

- **AB 611 (Dahle) Controlled substances: prescriptions: reporting**

M/S/C (Burton/Le) to recommend the Board take a position of “watch” on this bill and send a letter if necessary.

**Support:** Burton, Stewart, Le, McKenzie, Morrow **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

- **AB 648 (Low) Community – Based services: Virtual Dental Home Program**

M/S/C (Morrow/McKenzie) to recommend the Board take a position of “watch” on this bill. Gayle Mathe, CDA, commented that they are looking for support beyond the pilot program. Dr. Paul Reggiardo, California Society of Pediatric Dentistry, commented that they support this bill.

**Support:** Burton, Stewart, Le, McKenzie, Morrow **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

- **AB 880 (Ridley-Thomas) Dentistry: licensure: exempt**

Gary Cooper, Oral and Facial Surgeons of California who are the sponsors of this bill, provided an overview. There was discussion regarding the ratio of student to faculty supervision, resident eligibility, fingerprinting requirements and the benefits of this bill versus public protection. Dr. Reggiardo commented that it seems unclear what the informed consent would entail. M/S/C (Burton/Le) to recommend the Board take a position of “oppose “ unless amended and send a letter with the proposed amendments. Amendments to include:

- 1) Student supervision to be done by a faculty member from the students school
- 2) Include fourth year and advanced dental education students
- 3) Reflect a student/faculty ratio based on the schools ratio
- 4) Informed consent to include “May be treated by a student being supervised by faculty member from their institution.”

**Support:** Burton, Stewart, Le, McKenzie, Morrow **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

- **SB 800 (Senate Committee on Business, Professions and Economic Development) Healing Arts**

M/S/C (Burton/McKenzie) to recommend the Board “Support” this bill and send a letter of support. There was no public comment.

**Support:** Burton, Stewart, Le, McKenzie, Morrow **Oppose:** 0 **Abstain:** 0

The motion passed unanimously.

5. **Update on 2015 Pending Regulatory Packages:**

Ms. Wallace gave an overview of the information provided.

6. **Discussion of Prospective Legislative Proposals**

There were no legislative proposals.

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

There was no public comment.

8. **Future Agenda Items**

There were no future agenda items requested.

9. **Committee Member Comments for Items Not on the Agenda**

There were no Committee member comments.

10. **Adjournment**

The Committee adjourned at 12:58pm.



## MEMORANDUM

<b>DATE</b>	February 22, 2016
<b>TO</b>	Legislative and Regulatory Committee Members
<b>FROM</b>	Lusine M Sarkisyan, Legislative & Regulatory Analyst
<b>SUBJECT</b>	<b>Agenda Item LEG 3:</b> 2016 Tentative Legislative Calendar – Information Only

The 2016 Tentative Legislative Calendars are enclosed.

**Action Requested:**  
No action necessary.

2016 TENTATIVE LEGISLATIVE CALENDAR  
COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE  
10/7/2015

JANUARY						
S	M	T	W	TH	F	S
					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						

FEBRUARY						
S	M	T	W	TH	F	S
	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					

MARCH						
S	M	T	W	TH	F	S
		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		

APRIL						
S	M	T	W	TH	F	S
					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

MAY						
S	M	T	W	TH	F	S
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				

DEADLINES

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 15** Last day for **policy committees** to hear and report to Fiscal Committees fiscal bills introduced in their house in the odd-numbered year. (J.R. 61(b)(1)).
- Jan. 18** Martin Luther King, Jr. Day observed.
- Jan. 22** Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2015 (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced in that house in the** odd-numbered year (J.R. 61(b)(3)), (Art. IV, Sec. 10(c)).

- Feb. 15** Presidents’ day observed.
- Feb. 19** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).

- Mar. 17** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 28** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).

- Apr. 1** Cesar Chavez Day Observed.
- Apr. 22** Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

- May 6** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to June 6 (J.R. 61(b)(7)).
- May 27** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 6 (J.R. 61 (b)(9)).
- May 30** Memorial Day observed.
- May 31 - June 3** **Floor Session only.** No committee may meet for any purpose (J.R. 61(b)(10)).

\*Holiday schedule subject to Senate Rules committee approval

2016 TENTATIVE LEGISLATIVE CALENDAR  
COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE  
10/7/2015

JUNE						
S	M	T	W	TH	F	S
			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		

- June 3** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- June 6** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).
- June 30** Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elections Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
					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						

- July 1** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins upon adjournment provided the Budget Bill has been passed (J.R. 51(b)(2)).
- July 4** Independence Day observed.

AUGUST						
S	M	T	W	TH	F	S
	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			

- Aug. 1** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- Aug. 12** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).
- Aug. 15 - 31 Floor Session only.** No committees may meet for any purpose (J.R. 61(b)(15)).
- Aug. 19** Last day to **amend** on the Floor (J.R. 61(b)(16)).
- Aug. 31** Last day for **each house to pass bills**, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).  
**Final Recess** begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

- 2016**
- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).
- Nov. 8 General Election.
- Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 5 12 Noon convening of the 2017-18 Regular Session (Art. IV, Sec. 3(a)).
- 2017**
- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

\*Holiday schedule subject to Senate Rules committee approval



## MEMORANDUM

<b>DATE</b>	February 22, 2016
<b>TO</b>	Legislative & Regulatory Committee Members
<b>FROM</b>	Lusine M Sarkisyan, Legislative & Regulatory Analyst
<b>SUBJECT</b>	<b>Agenda Item LEG 4:</b> Discussion and Possible Action on Legislation

The following is legislation that staff has been tracking that pertains to the Dental Board of California.

### **American Board of Dental Examiners (ADEX)**

This will be discussed under “Newly Introduced Legislation” as part of AB 2331 (Dababneh) below.

### **Dental Corp Loan Repayment Program**

This program was created in 2002 (AB 982, Chapter 1131, Statutes of 2002) to increase the number of dentists who practice in historically underserved areas by providing grants to help pay for the high cost of attending dental school.

During the December 2015 Board meeting, the Dental Corp Loan Repayment Program was discussed. It was stated that in the initial implementation of this legislation there were numerous applications received; however after July 2006 there appears to have been a break in the applications received until September 2010 where only one application was received and approved. In 2012, three applications were received and all were approved. These three participants recently received disbursements for completing their final year of service. Currently, there is one participant in the program.

Board staff identified possible issues that may be contributing to the decrease in the submission of applications for the Loan Repayment Program consisting of difficulty in understanding the application instructions to timing of payment to the participant to the lack of outreach to dental schools in providing information about the program.

Recently, Assembly Member Miguel Santiago, introduced a Dental Corp Loan Repayment Program bill, AB 2485. This bill transfers the authority to implement the Dental Corps Loan Repayment Program to the Health Professions Education Foundation within the Office of Statewide Health Planning and Development.

Attached is the bill analysis for AB 2485 as well as the most recent copy of the bill for committee reference.

### **Designated Two-Year & Newly Introduced Legislation**

Board staff is currently tracking nine (9) bills, pertaining to health care coverage, healing arts boards, and regulations.

The following legislation will most likely impact the Dental Practice Act:

Bill Number	Author	Bill Title
AB 12	Cooley	State Government: Administrative Regulations: Review
AB 648	Low	Community Based Services: Virtual Dental Home Grant Program
SB 482	Lara	Controlled Substances: CURES Database
SB 1033	Hill	Medical Board: Disclosure of Probationary Status
SB 1039	Hill	Professions and Vocations
SB 1217	Stone	Healing Arts: Reporting Requirements: Professional Liability
AB 2048	Gray	National Health Service Corps State Loan Repayment Program
AB 2235	Thurmond	Board of Dentistry. Pediatric Anesthesia: Committee
AB 2331	Dababneh	Dentistry: Applicants to Practice

Staff has provided a matrix of the tracked legislation disclosing information regarding each bill's status and location. Staff has provided copies of each bill in their most recent version, accompanied by staff analyses.

The following Web sites are excellent resources for viewing proposed legislation and finding additional information:

- [www.senate.ca.gov](http://www.senate.ca.gov)
- [www.assembly.ca.gov](http://www.assembly.ca.gov)
- [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

### **The following will be discussed by the Committee at the meeting.**

SB 1033	Hill	Medical Board: Disclosure of Probationary Status
SB 1039	Hill	Professions and Vocations
SB 1217	Stone	Healing Arts: Reporting Requirements: Professional Liability
AB 2048	Gray	National Health Service Corps State Loan Repayment Program
AB 2235	Thurmond	Board of Dentistry. Pediatric Anesthesia: Committee
AB 2331	Dababneh	Dentistry: Applicants to Practice

**Action Requested:**

The Legislative and Regulatory Committee may recommend the Board take one of the following actions regarding each bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

Staff recommendations regarding Board action are included on the individual bill's analysis.



**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
MARCH 3-4, 2016 BOARD MEETING**

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<b>BILL NUMBER:</b>	Assembly Bill 2485		
<b>AUTHOR:</b>	Assembly Member Miguel Santiago	<b>SPONSOR:</b>	
<b>VERSION:</b>	Introduced 2/19/2016	<b>INTRODUCED:</b>	2/19/2016
<b>BILL STATUS:</b>	02/22/16 – Read first time.	<b>BILL LOCATION:</b>	Assembly
<b>SUBJECT:</b>	Dental Corps Loan Repayment Program	<b>RELATED BILLS:</b>	

**SUMMARY**

Existing law establishes the Dental Corps Loan Repayment Program of 2002 within the Dental Board of California. Existing law creates the Dentally Underserved Account within the State Dentistry Fund. The program assists dentists who practice in an underserved area with loan repayment pursuant to an agreement between the board and the dentist, as specified.

This bill would repeal those provisions and instead transfer the authority to implement the program to the Health Professions Education Foundation (HPEF) within the Office of Statewide Health Planning and Development and would rename the account the Dental Corps Loan Repayment Account. The bill would make funds in the account available, upon appropriation by the Legislature, for purposes of the program. The bill would require the foundation to submit a report to the Legislature by an unspecified date.

**ANALYSIS**

This bill is essentially transferring the authority to implement this loan repayment program currently designated in the Business and Professions Code to the Health and Safety Code to be administered by the Health Professions Education Foundation; while maintaining the language of the existing provisions.

During the December 2015 Board meeting, it was reported that there is a decrease in applications for this program which raises the following issues: since the language proposed is the same as the existing language, how will this proposal generate more applicants; and what are the administrative costs associated with having HPEF implement this program.

**REGISTERED SUPPORT/OPPOSITION**

To date, there is no registered support or opposition on file.

**BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

Staff recommends taking a “WATCH” position on this bill.



CHIEF DEPUTY  
Aaron Silva

PRINCIPAL DEPUTIES  
Joe Ayala  
Candy Merten Cardillo  
Amy Jean Haydt  
Thomas J. Kerbs  
Kirk S. Louie  
Fred A. Messerer  
Robert A. Pratt  
Janice L. Thurston

Sergio E. Carpio  
Stephen G. Dehrer  
Lisa C. Goldkuhl  
William E. Modellmeyer  
Sheila R. Mohan  
Lara Bierman Nelson  
Kendra A. Nielsen  
Gerardo Partida  
Armin G. Yazdi

DEPUTIES  
Jennifer Klein Baldwin  
Jeanette Barnard  
Jennifer M. Barry  
Vanessa S. Bedford  
Robert C. Binning  
Brian Bilzer  
Rebecca Bitzer  
Brian Bobb  
Lucas D. Botello  
Ann M. Burastero  
William Chan  
Elaine Chu  
Paul Coaxum  
Byron D. Damiani, Jr.  
Brandon L. Darnell  
Thomas Dombrowski  
Sharon L. Everett  
Krista M. Ferns  
Nathaniel W. Grader  
Mari C. Guzman  
Ronny Hamed Troyansky  
Jacob D. Heninger  
Alex Hirsch  
Stephanie Elaine Hoehn  
Russell H. Holder  
Cara L. Jenkins  
Valerie R. Jones  
Lori Ann Joseph  
Dave Judson  
Alyssa Kaplan  
Christina M. Kenzie  
Michael J. Kerns  
Daniel J. R. Kessler  
Deborah Kiley  
Mariko Kotani  
L. Erik Lange  
Felicia A. Lee  
Jason K. Lee  
Kathryn W. Londenberger  
Embert P. Madison, Jr.  
Richard Maffica  
Anthony P. Marquez  
Aimee Martin  
Francisco Martin  
Christine P. Maruccia  
Annanda Mattson  
Abigail Maurer  
Jason Miller  
Natalie R. Moore  
Lindsey S. Nakano  
Yooli Choi O'Brien  
Sue-Ann Peterson  
Lisa M. Plummer  
Robert D. Roth  
Stacy Saechao  
Michelle L. Samore  
Kevin Schmitt  
Amy E. Schweitzer  
Melissa M. Scolari  
Stephanie Lynn Shirley  
Jessica L. Steele  
Mark Franklin Terry  
Josh Tosney  
Daniel Vandelkoolwyk  
Joanna E. Varner  
Joyce L. Wallach  
Bradley N. Webb  
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Genevieve Wong  
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January 6, 2016

Honorable Susan A. Bonilla  
Room 4140, State Capitol

**OFFICE OF PROFESSIONAL EXAMINATION SERVICES: ACCEPTANCE OF  
PRIVATE FUNDS - #1528414**

Dear Ms. Bonilla:

You have asked if the Office of Professional Examination Services in the Department of Consumer Affairs may accept funds from a private examination company to review the company's dental examination for compliance with Business and Professions Code section 139.

Business and Professions Code section 139<sup>1</sup> requires every regulatory board to ensure that its licensing examinations are subject to an examination validation and occupational analysis (hereafter section 139 review). An applicant for a dental license in California must receive a passing score on either a portfolio examination or a clinical and written examination administered by the Western Regional Examining Board (WREB) (§ 1632, subd. (c)), and the Office of Professional Examination Services (OPES) is required to review the WREB exam to ensure compliance with section 139 (§ 1632.5). You have asked us to assume, for purposes of this opinion, that legislation will be enacted to authorize California dental license applicants to take an examination developed by a private examination company as an alternative to the WREB exam and that the OPES would be required to perform a section 139 review of that exam. In addition, you have informed us that the private examination company would like to donate funds to the OPES to perform the section 139 review, which would not be conditioned upon any specific result of the review, and the OPES would retain complete authority and discretion to conduct the section 139 review pursuant to current requirements and practices. In this context, you would like to

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<sup>1</sup> All further section references are to the Business and Professions Code, unless otherwise indicated.

know if the OPES may accept funding from the private examination company that developed the alternative exam to perform the section 139 review.

### 1. Authority to accept private funds

A statutory agency has only those powers that are expressly granted by statute or necessarily implied from those powers. (*Ferdig v. State Personnel Bd.* (1969) 71 Cal.2d 96, 103-104.) With respect to the OPES, there is no express provision of law that authorizes the OPES or any member thereof to accept funds on behalf of the office. Furthermore, no such power may be implied from the express powers provided to the OPES. Additionally, neither the Department of Consumer Affairs nor the Dental Board of California is expressly or impliedly authorized to accept private funding for the purpose of performing a section 139 review.<sup>2</sup> Therefore, in our opinion, the OPES is not authorized to accept private funding for purposes of conducting a section 139 review.

However, the Legislature has devised a procedure through which the state may accept funds donated to a state entity, such as the OPES, by private sources. In this regard, the Director of Finance may accept, on behalf of the state, any gift of real or personal property whenever he or she deems the gift, and the terms and conditions thereof, to be in the best interest of the state. (Gov. Code, § 11005.1.) Government Code section 11005 generally prevents the acceptance of gifts to the state of real or personal property without the approval of the Director of Finance, unless the Legislature specifically provides otherwise. Thus, the Director of Finance may accept a gift that is earmarked for the OPES for the purpose of performing a section 139 review of a dental licensing exam if the director deems that gift, and the terms and conditions thereof, to be in the best interest of the state.

Furthermore, if the Director of Finance accepts a gift from a private examination company to the OPES, then the company may file a "written designation of the fund or appropriation [the company] desires to benefit thereby" and the "donation shall be credited accordingly." (Gov. Code, § 16302.) Additionally, the donated funds may be deposited in the Special Deposit Fund, which consists of money that is paid into it in trust pursuant to law when no other fund has been created. (Gov. Code, §§ 16370 & 16372.) Moneys in the Special Deposit Fund are continuously appropriated to fulfill the purposes for which payments are made into it. (Gov. Code, § 16370.) Thus, private funding donated pursuant to this process may be expended pursuant to an existing appropriation or be deposited into a designated fund, including the Special Deposit Fund.

Therefore, we conclude that, although the OPES does not have the statutory authority to accept funds from a private examination company to review the company's dental examination for compliance with section 139, the OPES may receive those funds if

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<sup>2</sup> By contrast, the Dental Board of California is expressly authorized by statute to accept matching private funding for purposes of the California Dental Corps Loan Repayment Program of 2002. (§ 1973.)

they are donated to the state, approved by the Director of Finance, and designated for use by the OPES in accordance with the statutory provisions described above.

## **2. Conflict of interest**

The question also arises as to whether any law would prohibit the OPES from receiving funds from a private examination company to pay for a section 139 review of its exam due to a concern that the company has a vested interest in the outcome of the section 139 review. In our view, there are three provisions of law regarding conflicts of interest that must be examined to determine whether the receipt of funds from a company with a vested interest would be prohibited in the factual scenario you have described.

First, Penal Code section 68 prohibits state employees from receiving a bribe “upon any agreement or understanding that his or her vote, opinion, or action upon any matter then pending, or that may be brought before him or her in his or her official capacity, shall be influenced thereby.” Although the compensation received by OPES employees from the state to complete a section 139 review may originate from a private examination company, no agreement or understanding would condition the receipt of such compensation on the employee performing the section 139 review in a manner satisfactory to the company. As discussed above, the gift to the OPES would not be conditioned upon any specific result of the review, and the OPES would retain complete authority and discretion to conduct the section 139 review pursuant to current requirements and practices. Therefore, it is our view that the receipt by the OPES of funds donated by a private examination company to conduct a section 139 review of the company’s dental exam would not violate Penal Code section 68.

Second, Penal Code section 70 makes it a misdemeanor for a state employee to knowingly ask, receive, or agree to receive “any emolument, gratuity, or reward, or any promise thereof excepting such as may be authorized by law for doing an official act.” Thus, absent statutory or other legal authority, an OPES employee may not be paid by a private exam company to conduct a section 139 review. However, as discussed above, the Legislature has devised a statutory procedure through which the Director of Finance may accept private funds donated to a state entity. (See Gov. Code, §§ 11005, 11005.1 & 16302.) Therefore, although the salaries of certain OPES employees may be, in part, derived from the private funding donated to conduct the section 139 review, such a payment would not violate Penal Code section 70 because the private funding would have actually been received by the state pursuant to a statutory procedure enacted by the Legislature.

Lastly, the Political Reform Act of 1974 (Gov. Code, § 81000 et seq.; hereafter the PRA) prohibits public officials, including employees and consultants of a state agency (Cal. Code Regs., tit. 2, § 18700, subd. (c)(1)), from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which the official has a financial interest. (Gov. Code, § 87100.) A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the official or a member of his or her immediate family, or on, among other things, “[a]ny source of income ... aggregating five hundred dollars (\$500) or more in value provided or promised to,

received by, the public official within 12 months prior to the time when the decision is made.” (Gov. Code, § 87103, subd. (c).) Therefore, if the payment made to the state and designated for use by the OPES is considered a source of income to an OPES employee or consultant conducting the section 139 review, then the PRA may prohibit the employee or consultant from performing the section 139 review.

However, in general, “income” in the context of the PRA does not include a salary received from a state agency. (Gov. Code, § 82030, subd. (b)(2).) Further, Government Code section 87103.6 provides the following:

“Notwithstanding subdivision (c) of Section 87103, any person who makes a payment to a state agency or local government agency to defray the estimated reasonable costs to process any application, approval, or any other action, including but not limited to, holding public hearings and evaluating or preparing any report or document, shall not by reason of the payments be a source of income to a person who is retained or employed by the agency.”

Thus, “generally speaking, any person who makes a payment to a public agency to defray processing costs is exempted from the definition of ‘source’ and shall not by reason of the payments be a ‘source of income’ to an employee or a consultant who is retained or employed by the agency.” (Fair Political Practices Com., Meade Advice Letter, No. I-91-533 (Mar. 2, 1992) p. 2.) Accordingly, it is our opinion that the OPES’s receipt of private funds from an examination company to conduct a section 139 review of the company’s dental exam generally would not be considered a “source of income” such that the PRA would prohibit OPES employees or consultants from performing the section 139 review.<sup>3</sup>

Therefore, in our view, under the facts presented by your question, the PRA would not prohibit the OPES from receiving private funding from an examination company for conducting a section 139 review of the company’s dental exam.

### 3. Conclusion

It is our opinion that the OPES may not accept funds from a private examination company to review the company’s dental examination for compliance with section 139. However, it is also our opinion that, under the facts presented by your question, the OPES

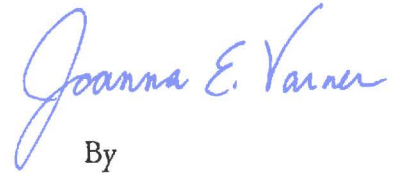
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<sup>3</sup> However, we note that the OPES may need to comply with regulations adopted by the Fair Political Practices Commission (FPPC) when using the private funding. In this regard, California Code of Regulations, title 2, section 18944 provides that a payment made to a state government agency “is not a gift or income of any official of that agency” if it meets four requirements: (1) the payment must be used for official agency business, (2) the agency head must control the use of the payment and select the agency official who will use the payment, (3) the agency must report the payment on a prescribed form, and (4) the form must be maintained by the agency as a public record pursuant to specific reporting requirements.

may receive those funds if they are donated to the state, approved by the Director of Finance, and designated for use by the OPES in accordance with the statutory provisions described above.

Very truly yours,

Diane F. Boyer-Vine  
Legislative Counsel



By  
Joanna E. Varner  
Deputy Legislative Counsel

JEV:sjk



# 2015-2016 DBC LEGISLATIVE BILL TRACKER

House	Bill No.	Bill Name	Author	Date of Introduction	Status	Location	Staff Recommended Action	Board Position
Assembly	12	<u>State Government: Administrative Regulations: Review</u>	Ken Cooley	12/1/2014	<u>8/27/2015 Held under submission in Senate Appropriations</u>	Senate Appropriations	Watch	
Assembly	648	<u>Community Based Services: Virtual Dental Home Grant Program</u>	Evan Low	2/24/2015	<u>09/09/15 Ordered to inactive file at the request of Senator Monning. (Senate Inactive 2/23/2016)</u>	Senate	Watch	WATCH/ May 2015 Meeting
Assembly	2048	<u>National Health Service Corps State Loan Repayment Program</u>	Adam Gray	2/17/2016	<u>02/18/16 From printer. May be heard in committee March 19.</u>	Assembly	Watch	
Assembly	2235	<u>Board of Dentistry: Pediatric Anesthesia: Committee (BPC add 1601.4)</u>	Tony Thurmond	2/18/2016	<u>2/19/2016 From printer. May be heard in committee March 20.</u>	Assembly	Watch	
Assembly	2331	<u>Dentistry: Applicants to Practice (BPC 1632 &amp; 1632.6)</u>	Matt Dababneh	2/18/2016	<u>02/19/16 From printer. May be heard in committee March 20.</u>	Assembly	Watch	
Senate	482	<u>Controlled Substances: CURES database</u>	Ricardo Lara	2/26/2015	<u>5/28/2015 Read first/Held at Desk</u>	Senate Appropriations	Watch	



<b>Senate</b>	1033	<u>Medical Board: Disclosure of Probationary Status (BPC 803.1, 2027, and 2228)</u>	Jerry Hill	2/12/2016	<u>02/16/16 From printer. May be acted upon on or after March 17</u>	Senate	Watch	
<b>Senate</b>	1039	<u>Professions and Vocations (Omnibus Bill)</u>	Jerry Hill	2/12/2016	<u>2/16/2016 From printer. May be acted upon on or after March 17.</u>	Senate		
<b>Senate</b>	1217	<u>Healing Arts: Reporting Requirements: Professional Liability (BPC 800, 801, 801.1, 802)</u>	Jeff Stone	2/18/2016	<u>2/19/2016 From printer. May be acted upon on or after March 20.</u>	Senate	Watch	

**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
MARCH 3-4, 2016 BOARD MEETING**

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<b>BILL NUMBER:</b>	Assembly Bill 12	<b>SPONSOR:</b>	
<b>AUTHOR:</b>	Assembly Member Ken Cooley		
<b>VERSION:</b>	08/19/2015	<b>INTRODUCED:</b>	12/1/2014
<b>BILL STATUS:</b>	08/27/2015 - In committee: Held under submission.	<b>BILL LOCATION:</b>	Senate Appropriations
<b>SUBJECT:</b>	State Government: Administrative Regulations: Review	<b>RELATED BILLS:</b>	SB 981 (Huff); SB 366 (Calderon)

**SUMMARY**

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified.

**ANALYSIS**

The potential impact of this bill upon the Dental Board of California (Board) is that this bill would impose costs on the Board relating to time and staff resources in order to review all regulations in the California Code of Regulations, and adopt, amend, or repeal any that are identified as duplicative, overlapping, inconsistent, or outdated.

**REGISTERED SUPPORT/OPPOSITION**

American Federation of State, County and Municipal Employees  
Associated Builders and Contractors of California Building Owners and Managers Association of California  
California Asian Pacific Chamber of Commerce  
California Association of Bed & Breakfast Inns  
California Building Industry Association  
California Business Properties Association  
California Business Roundtable  
California Chamber of Commerce  
California Construction and Industrial Materials Association  
California Grocers Association

California Hotel & Lodging Association  
California League of Food Processors  
California Manufacturers & Technology Association  
California Retailers Association  
California Taxpayers Association  
Commercial Real Estate Development Association  
Consumer Specialty Products Association  
Family Business Association  
Industrial Environmental Association  
International Council of Shopping Centers  
National Federation of Independent Business/California  
Small Business California  
USANA Health Services, Inc.  
Western States Petroleum Association

### **OPPOSITION**

None received

### **ARGUMENTS IN SUPPORT**

Proponents state that “AB 12 simply directs agencies to look at their regulations and ask the basic questions of necessity, contradiction and complication. We believe that the answers to these regulations will provide greater balance to the laws and regulations and open the door for modernization as the California economy changes with the advent of new industries and technologies.” Proponents also contend that reducing regulatory overlaps, contradictions, and complications would diminish the cost of compliance for California businesses without lowering environmental, health, and safety standards.

### **BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

Staff recommends taking a “WATCH” position on this bill.

AMENDED IN SENATE AUGUST 19, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 12**

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**Introduced by Assembly Member Cooley**  
**(Coauthors: Assembly Members Chang, Daly, and Wilk)**  
*(Coauthor: Senator Huff)*

December 1, 2014

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An act to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agency regulations.

### LEGISLATIVE COUNSEL’S DIGEST

AB 12, as amended, Cooley. State government: administrative regulations: review.

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency’s regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

SECTION 1. Chapter 3.6 (commencing with Section 11366) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 3.6. REGULATORY REFORM

Article 1. Findings and Declarations

11366. The Legislature finds and declares all of the following:

(a) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500)) requires agencies and the Office of Administrative Law to review regulations to ensure their consistency with law and to consider impacts on the state's economy and businesses, including small businesses.

(b) However, the act does not require agencies to individually review their regulations to identify overlapping, inconsistent, duplicative, or out-of-date regulations that may exist.

(c) At a time when the state's economy is slowly recovering, unemployment and underemployment continue to affect all Californians, especially older workers and younger workers who received college degrees in the last seven years but are still awaiting their first great job, and with state government improving but in need of continued fiscal discipline, it is important that state agencies systematically undertake to identify, publicly review, and eliminate overlapping, inconsistent, duplicative, or out-of-date regulations, both to ensure they more efficiently implement and enforce laws and to reduce unnecessary and outdated rules and regulations.

Article 2. Definitions

11366.1. For the purposes of this chapter, the following definitions shall apply:

(a) "State agency" means a state agency, as defined in Section 11000, except those state agencies or activities described in Section 11340.9.

(b) “Regulation” has the same meaning as provided in Section 11342.600.

### Article 3. State Agency Duties

11366.2. On or before January 1, 2018, each state agency shall do all of the following:

(a) Review all provisions of the California Code of Regulations ~~applicable to, or adopted by,~~ *adopted by* that state agency.

(b) Identify any regulations that are duplicative, overlapping, inconsistent, or out of date.

(c) Adopt, amend, or repeal regulations to reconcile or eliminate any duplication, overlap, inconsistencies, or out-of-date provisions, and shall comply with the process specified in Article 5 (commencing with Section 11346) of Chapter 3.5, unless the addition, revision, or deletion is without regulatory effect and may be done pursuant to Section 100 of Title 1 of the California Code of Regulations.

(d) Hold at least one noticed public hearing, ~~that~~ *which* shall be noticed on the Internet Web site of the state agency, for the purposes of accepting public comment on proposed revisions to its regulations.

(e) Notify the appropriate policy and fiscal committees of each house of the Legislature of the revisions to regulations that the state agency proposes to make at least 30 days prior to initiating the process under Article 5 (commencing with Section 11346) of Chapter 3.5 or Section 100 of Title 1 of the California Code of Regulations.

(g) (1) Report to the Governor and the Legislature on the state agency’s compliance with this chapter, including the number and content of regulations the state agency identifies as duplicative, overlapping, inconsistent, or out of date, and the state agency’s actions to address those regulations.

(2) The report shall be submitted in compliance with Section 9795 of the Government Code.

11366.3. (a) On or before January 1, 2018, each agency listed in Section 12800 shall notify a department, board, or other unit within that agency of any existing regulations adopted by that department, board, or other unit that the agency has determined may be duplicative, overlapping, or inconsistent with a regulation

1 adopted by another department, board, or other unit within that  
2 agency.

3 (b) A department, board, or other unit within an agency shall  
4 notify that agency of revisions to regulations that it proposes to  
5 make at least 90 days prior to a noticed public hearing pursuant to  
6 subdivision (d) of Section 11366.2 and at least 90 days prior to  
7 adoption, amendment, or repeal of the regulations pursuant to  
8 subdivision (c) of Section 11366.2. The agency shall review the  
9 proposed regulations and make recommendations to the  
10 department, board, or other unit within 30 days of receiving the  
11 notification regarding any duplicative, overlapping, or inconsistent  
12 regulation of another department, board, or other unit within the  
13 agency.

14 11366.4. An agency listed in Section 12800 shall notify a state  
15 agency of any existing regulations adopted by that agency that  
16 may duplicate, overlap, or be inconsistent with the state agency's  
17 regulations.

18 11366.45. This chapter shall not be construed to weaken or  
19 undermine in any manner any human health, public or worker  
20 rights, public welfare, environmental, or other protection  
21 established under statute. This chapter shall not be construed to  
22 affect the authority or requirement for an agency to adopt  
23 regulations as provided by statute. Rather, it is the intent of the  
24 Legislature to ensure that state agencies focus more efficiently and  
25 directly on their duties as prescribed by law so as to use scarce  
26 public dollars more efficiently to implement the law, while  
27 achieving equal or improved economic and public benefits.

#### 28 29 Article 4. Chapter Repeal 30

31 11366.5. This chapter shall remain in effect only until January  
32 1, 2019, and as of that date is repealed, unless a later enacted  
33 statute, that is enacted before January 1, 2019, deletes or extends  
34 that date.

**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
March 3-4, 2016 Board Meeting**

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**BILL NUMBER:** AB 648

**AUTHOR:** Assembly Member Low

**SPONSOR:** California Dental Association; and The Children's Partnership

**VERSION:** Amended in Senate  
09/01/2015

**INTRODUCED:** 2/24/2015

**BILL STATUS:** 09/09/15 Ordered to inactive file at request of Senator Monning.

**BILL LOCATION:** Senate Inactive File  
2/24/2016

**SUBJECT:** Community Based – Services:  
Virtual Dental Home Program

**RELATED  
BILLS:** AB 1174 (Chapter 662, Statutes of 2014)

**SUMMARY**

This bill is a two-year bill that appropriates \$3 million to the Department of Public Health (DPH) to establish the Virtual Dental Home (VDH) program, and specifies administrative requirements and program goals.

**ANALYSIS**

At this time, the potential impact of this bill upon the Dental Board of California (Board) is unknown.

**FISCAL EFFECT:**

1) One time authorization of \$3 million from the California Health Facilities Financing Authority Hospital Equipment Loan Program (CHFFA Fund) to DPH to establish the program. DPH would scale the effort, including number of sites, individuals trained, and individuals served, to the available funding. The bill's supporters, who are familiar with the VDH model, project the funding could be used to support training and equipment in 20 communities over a three-year grant period.

2) To the extent this model is successful in promoting access to preventive and diagnostic dental services and more children are able to receive such services through its widespread adoption, there could be commensurate cost pressure on Medi-Cal dental services to reimburse for additional services (General Fund and federal funds). However, any increased costs would likely be offset to some extent by reductions in emergency dental procedures or complications from untreated dental disease. The magnitude and likelihood of such costs or savings is unknown.



## **COMMENTS:**

1) **Purpose.** The author states VDH has the potential to become a sustainable and scalable model for dental care delivery, but needs an upfront investment in training, equipment, technical assistance, and other support to develop the critical mass needed to spread statewide and truly be integrated into California's dental delivery system. The bill is co-sponsored by the California Dental Association and The Children's Partnership.

2) **Background.** VDH is a community-based oral health delivery system in which people receive preventive and simple therapeutic services in community settings. It uses telehealth technology to link dental hygienists and dental assistants in the community with dentists in dental offices and clinics, enabling care in places like Head Start sites and schools. VDH was developed and evaluated through the state Office of Statewide Health Planning and Development's Health Workforce Pilot Program (HWPP#172). AB 1174 (Bocanegra), Chapter 662, Statutes of 2014, provided a statutory framework for VDH and authorized scope of practice changes, as well as Medi-Cal reimbursement for VDH-provided services.

## **REGISTERED SUPPORT**

Support:

California Dental Association

The Children's Partnership

Alameda County Board of Supervisors

Alameda County Developmental Disabilities Council

California Chronic Care Coalition

California Dental Hygienists' Association

California Society of Pediatric Dentistry

Children Now

Community Clinic Association of Los Angeles County

Community Health Systems, Inc.

Delta Dental

Dental Hygiene Committee of California

East Bay Developmental Disabilities Legislative Coalition

First 5 Sonoma County

Liberty Dental Plan of California, Inc.

Maternal and Child Health Access

Mendocino Community Health Clinic, Inc.

Neighborhood Mobile Dental Van Prevention Program

Shasta Community Health Center

State Council on Developmental Disabilities

United Ways of California

Venice Family Clinic

## **OPPOSITION**

None on file

**BOARD POSITION**

- ☐ Support
- ☐ Support if Amended
- ☐ Oppose
- ☐ Watch
- ☐ Neutral
- ☐ No Action

**BOARD POSITION**

Staff recommends taking a “WATCH” position on this bill.

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE JUNE 29, 2015

AMENDED IN SENATE JUNE 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 648**

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**Introduced by Assembly Member Low**  
(Coauthor: Senator Nguyen)

February 24, 2015

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An act to add Section ~~104755.5~~ to the Health and Safety Code, ~~15438.11~~ to the Government Code, relating to oral health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 648, as amended, Low. ~~Community-based services: Health care access demonstration project grants:~~ Virtual Dental Home program.

~~Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the administration of a state oral health program known as the Office of Oral Health for the purposes of, among other things, establishing community dental disease prevention programs for schoolaged children.~~

*Existing law, the California Health Facilities Financing Authority Act, establishes a program for the California Health Facilities Authority to award grants that do not exceed \$1,500,000 to one or more projects designed to demonstrate specified new or enhanced cost-effective methods of delivering quality health care services to improve access to quality health care for vulnerable populations or communities, or both, that are effective at enhancing health outcomes and improving access to quality health care and preventive services. Existing law requires*

*the authority to prepare and provide a report to the Legislature and the Governor on the outcomes of the demonstration grant program that includes, among other information, the total amount of grants issued and the amount of each grant issued. Existing law establishes the California Health Facilities Financing Authority Fund, a continuously appropriated fund, for these purposes.*

*This bill would establish the Virtual Dental Home—grant program Grant Program, to be administered by the authority, to expand the virtual dental home (VDH) model of community-based delivery of dental care to the residents of this state who are in greatest need, as prescribed. The bill would also create the California Virtual Dental Home Grant Program Account (VDH account) within the California Health Facilities Financing Authority Fund. The bill would require the program to facilitate, coordinate, and encourage development and expansion of the delivery of dental health services through use of the Virtual Dental Home VDH model by providing grants to, among other things, develop training modules and establish community-based learning collaboratives, as prescribed. The bill would require the program administrator authority to evaluate the grant program’s progress toward meeting the objective to expand the virtual dental home VDH model of the community-based delivery of dental care and to post the evaluation and a summary of the evaluation, as specified. The bill would transfer up to \$6,500,000 from the California Health Facilities Financing Authority Hospital Equipment Loan Program Fund to the VDH account for the purposes of the bill. By expanding the purposes for which a continuously appropriated fund may be used, this bill would make an appropriation.*

*The bill would appropriate \$4,000,000 to the department for the purposes of this program.*

*This bill would become operative only if SB 315 is enacted and takes effect on or before January 1, 2016.*

*Vote:  $\frac{2}{3}$ -majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.*

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

- 1     SECTION 1. Section 15438.11 is added to the Government
- 2     Code, to read:
- 3     15438.11. (a) (1) There is hereby created the California
- 4     Virtual Dental Home Grant Program Account in the California

1 *Health Facilities Financing Authority Fund for the purpose of*  
2 *administering a competitive grant selection process, in accordance*  
3 *with this section.*

4 (2) *An amount of up to three million dollars (\$3,000,000) shall*  
5 *be transferred from funds in the California Health Facilities*  
6 *Financing Authority Hospital Equipment Loan Program that are*  
7 *not impressed with a trust for other purposes into the California*  
8 *Virtual Dental Home Grant Program Account for the purpose of*  
9 *administering a competitive grant selection process pursuant to*  
10 *this section.*

11 (b) *The Virtual Dental Home (VDH) Grant Program is hereby*  
12 *established to expand the virtual dental home model of*  
13 *community-based delivery of dental care to the residents of this*  
14 *state who are in greatest need. The program shall be administered*  
15 *by the authority.*

16 (c) *The VDH Grant Program shall facilitate, coordinate, and*  
17 *encourage development and expansion of the delivery of dental*  
18 *health services through the use of the VDH model by providing*  
19 *grants to do all of the following:*

20 (1) *Develop training modules and Internet-based technical*  
21 *assistance.*

22 (2) *Establish community-based learning collaboratives.*

23 (3) *Fund essential VDH technology and equipment.*

24 (4) *Develop and fund other services, as determined by the grant*  
25 *administrator, as required to meet the requirements of this section.*

26 (d) *The authority may seek additional private or public funds*  
27 *to expand access to the VDH Grant Program.*

28 (e) *The VDH Grant Program shall be focused on providing*  
29 *needed services in geographic areas of highest need, as determined*  
30 *by the authority.*

31 (f) *The authority may grant funds directly to public and private*  
32 *educational institutions or nonprofit entities as required to meet*  
33 *the requirements of this section.*

34 (g) *The authority shall evaluate the VDH Grant Program's*  
35 *progress toward meeting the objective to expand the VDH model*  
36 *of the community-based delivery of dental care to residents in*  
37 *geographic areas of highest need. On or before January 1, 2020,*  
38 *the authority shall post the evaluation and a summary of the*  
39 *evaluation on its Internet Web site.*

1     *SEC. 2. This act shall become operative only if Senate Bill 315*  
2     *is enacted and takes effect on or before January 1, 2016.*

3     ~~SECTION 1. Section 104755.5 is added to the Health and~~  
4     ~~Safety Code, to read:~~

5     ~~104755.5. (a) The Virtual Dental Home (VDH) grant program~~  
6     ~~is hereby established to expand the virtual dental home model of~~  
7     ~~community-based delivery of dental care to the residents of this~~  
8     ~~state who are in greatest need.~~

9     ~~(b) The grant program shall be administered by the dentist~~  
10    ~~appointed to the State Department of Public Health, Oral Health~~  
11    ~~Unit, by the director pursuant to Section 104755.~~

12    ~~(c) The VDH grant program shall facilitate, coordinate, and~~  
13    ~~encourage development and expansion of the delivery of dental~~  
14    ~~health services through the use of the Virtual Dental Home model~~  
15    ~~by providing grants to do all of the following:~~

16    ~~(1) Develop training modules and Web-based technical~~  
17    ~~assistance.~~

18    ~~(2) Establish community-based learning collaboratives.~~

19    ~~(3) Fund essential VDH technology and equipment.~~

20    ~~(4) Develop and fund other services, as determined by the grant~~  
21    ~~administrator, as required to meet the requirements of this section.~~

22    ~~(d) The program administrator may seek additional private or~~  
23    ~~public funds to expand access to the VDH program.~~

24    ~~(e) The VDH program shall be focused on providing needed~~  
25    ~~services in geographic areas of highest need, as determined by the~~  
26    ~~program administrator.~~

27    ~~(f) The program administrator may grant funds directly to public~~  
28    ~~and private educational institutions or nonprofit entities as required~~  
29    ~~to meet the requirements of this section.~~

30    ~~(g) The program administrator shall evaluate the grant program's~~  
31    ~~progress toward meeting the objective to expand the virtual dental~~  
32    ~~home model of the community-based delivery of dental care to~~  
33    ~~residents in geographic areas of highest need. Upon completion~~  
34    ~~of the evaluation, the program administrator shall post the~~  
35    ~~evaluation and a summary of the evaluation on the State~~  
36    ~~Department of Public Health's Internet Web site.~~

37    ~~SEC. 2. The sum of four million dollars (\$4,000,000) is hereby~~  
38    ~~appropriated from the General Fund to the State Department of~~  
39    ~~Public Health for the purposes of the Virtual Dental Home (VDH)~~

- 1 ~~program established pursuant to Section 104755.5 of the Health~~
- 2 ~~and Safety Code.~~

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**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
March 3 - 4, 2016 BOARD MEETING**

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<b>BILL NUMBER:</b>	Senate Bill 482	<b>SPONSOR:</b>	
<b>AUTHOR:</b>	Senate Member Ricardo Lara	<b>INTRODUCED:</b>	2/26/2015
<b>VERSION:</b>	Amended 4/30/2015	<b>BILL LOCATION:</b>	Senate Appropriations Committee
<b>BILL STATUS:</b>	05/28/15 – In Assembly. Read first time. Held at Desk.	<b>RELATED BILLS:</b>	
<b>SUBJECT:</b>	Controlled Substances: CURES Database		

**SUMMARY**

Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. Existing law requires dispensing pharmacies and clinics to report specified information for each prescription of a Schedule II, Schedule III, or Schedule IV controlled substance to the department.

This bill would require prescribers of Schedule II or Schedule III controlled substances to consult with the CURES database before prescribing controlled substance to patient for the first time and annually thereafter if the substance remains part of the patient's treatment. Also, it prohibits the prescriber in prescribing additional Schedule II or Schedule III controlled substances to a patient who already has an existing prescription until there is a legitimate need for it.

**ANALYSIS**

Abuse of prescription drugs has become increasingly prevalent. Abuse can stem from the fact that prescription drugs are legal and potentially more easily accessible, as they can be found at home in a medicine cabinet.

According to the Senate Floor Analysis, at this time, the potential impact of this bill upon the Dental Board of California (Board) is the minor cost of notifying its licensees of the requirement to check the CURES System.

**REGISTERED SUPPORT (Verified 5/20/15)**

California Narcotic Officers' Association (co-source)  
Consumer Attorneys of California (co-source)  
Association for Los Angeles Deputy Sheriffs  
California Association of Code Enforcement Officers



California Chamber of Commerce  
California College and University Police Chiefs Association  
California Conference Board of the Amalgamated Transit Union  
California Conference of Machinists  
California Congress of Seniors  
California Correctional Supervisors Organization  
California Teamsters Public Affairs Council  
Consumer Federation of California  
Consumer Watchdog  
Engineers and Scientists of California, IFPTE Local 20, AFL-CIO  
International Faith Based Coalition  
International Longshore and Warehouse Union  
Los Angeles Police Protective League  
Pacific Compensation Insurance Company  
Professional and Technical Engineers, IFPTE Local 21, AFL-CIO  
Riverside Sheriffs Organization  
Union of American Physicians and Dentists  
UNITE-HERE, AFL-CIO  
Utility Workers Union of America

#### **REGISTERED OPPOSITION**

Association of Northern California Oncologists  
California Chapter of American Emergency Room Physicians  
California Dental Association  
California Medical Association  
The Doctor's Company

#### **ARGUMENTS IN SUPPORT**

Supporters believe that the CURES database is an effective reference point in assuring that a patient is not engaged in prescription drug abuse and that this bill will save lives.

#### **ARGUMENTS IN OPPOSITION**

Opponents believe that this bill will create an unnecessary regulatory burden to prescribing and increase the threat of litigation, both of which would have a detrimental impact on patient care while adding limited value to addressing prescription drug abuse. Opponents argue that the mandate in this bill will fall disproportionately on patients with a legitimate medical issue and that once a functional CURES system is in place, the mandates imposed by this bill will not be necessary, as physicians support the CURES database and want to have it as a tool in their clinical practice.

#### **BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support
- Support if Amended

- Oppose
- Watch
- Neutral
- No Action

Staff recommends taking a “WATCH” position on this bill.

AMENDED IN SENATE APRIL 30, 2015

AMENDED IN SENATE APRIL 16, 2015

**SENATE BILL**

**No. 482**

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**Introduced by Senator Lara**

February 26, 2015

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An act to add Section 11165.4 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 482, as amended, Lara. Controlled substances: CURES database.

Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. Existing law requires dispensing pharmacies and clinics to report specified information for each prescription of a Schedule II, Schedule III, or Schedule IV controlled substance to the department.

This bill would require all prescribers, as defined, prescribing a Schedule II or Schedule III controlled substance, ~~and all dispensers, as defined, dispensing a Schedule II or Schedule III controlled substance,~~ to consult a patient's electronic history in the CURES database before prescribing ~~or dispensing~~ the controlled substance to the patient for the first time. The bill would also require the prescriber to consult the CURES database at least annually when the prescribed controlled substance remains part of the patient's treatment. The bill would prohibit prescribing an additional Schedule II or Schedule III controlled

substance to a patient with an existing prescription until the prescriber determines that there is a legitimate need for the controlled substance.

The bill would make the failure to consult a patient's electronic history in the CURES database a cause for disciplinary action by the prescriber's or dispenser's licensing board and would require the ~~respective licensing boards~~ *licensing boards* to notify all ~~licensees~~ *prescribers* authorized to prescribe or dispense controlled substances of these requirements. The bill would provide that a prescriber or dispenser is not in violation of these requirements during any time that the CURES database is suspended or not accessible, or during any time that the Internet is not operational. The bill would make its provisions operative upon the Department of Justice's certification that the CURES database is ready for statewide use.

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 11165.4 is added to the Health and Safety
- 2 Code, to read:
- 3 11165.4. (a) A prescriber shall access and consult the CURES
- 4 database for the electronic history of controlled substances
- 5 dispensed to a patient under his or her care before prescribing a
- 6 Schedule II or Schedule III controlled substance for the first time
- 7 to that patient and at least annually when that prescribed controlled
- 8 substance remains part of his or her treatment. If the patient has
- 9 an existing prescription for a Schedule II or Schedule III controlled
- 10 substance, the prescriber shall not prescribe an additional controlled
- 11 substance until the prescriber determines that there is a legitimate
- 12 need for that controlled substance.
- 13 ~~(b) A dispenser shall access and consult the CURES database~~
- 14 ~~for the electronic history of controlled substances dispensed to a~~
- 15 ~~patient under his or her care before dispensing a Schedule II or~~
- 16 ~~Schedule III controlled substance for the first time to that patient.~~
- 17 ~~If the patient has an existing prescription for a Schedule II or~~
- 18 ~~Schedule III controlled substance, the dispenser shall not dispense~~
- 19 ~~an additional controlled substance until the dispenser checks the~~
- 20 ~~CURES database.~~
- 21 (e)

1 (b) Failure to consult a patient's electronic history as required  
2 by subdivision (a) ~~or (b)~~ is cause for disciplinary action by the  
3 ~~respective licensing board of the prescriber or dispenser~~  
4 *prescriber's licensing board*. The licensing boards of all prescribers  
5 ~~and dispensers~~ authorized to write or issue prescriptions for  
6 controlled substances shall notify these licensees of the  
7 requirements of this section.

8 ~~(d)~~

9 (c) Notwithstanding any other law, a prescriber ~~or dispenser~~ is  
10 not in violation of this section during any period of time in which  
11 the CURES database is suspended or not accessible or any period  
12 of time in which the Internet is not operational.

13 ~~(e)~~

14 (d) This section shall not become operative until the Department  
15 of Justice certifies that the CURES database is ready for statewide  
16 use.

17 ~~(f)~~

18 (e) For purposes of this section, ~~the following terms shall have~~  
19 ~~the following meanings:~~ "prescriber" means a health care  
20 practitioner who is authorized to write or issue prescriptions under  
21 Section 11150, excluding veterinarians.

22 (1) "Dispenser" means a person who is authorized to dispense  
23 a controlled substance under Section 11011.

24 (2) "Prescriber" means a health care practitioner who is  
25 authorized to write or issue prescriptions under Section 11150,  
26 excluding veterinarians.

27 ~~(g)~~

28 (f) A violation of this section shall not be subject to the  
29 provisions of Section 11374.

**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
MARCH 3-4, 2016 BOARD MEETING**

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<b>BILL NUMBER:</b>	Senate Bill 1033	<b>SPONSOR:</b>	
<b>AUTHOR:</b>	Senate Member Jerry Hill	<b>INTRODUCED:</b>	2/12/2016
<b>VERSION:</b>	Introduced 2/12/2016	<b>BILL LOCATION:</b>	Senate
<b>BILL STATUS:</b>	02/16/16 – From Printer. May be heard in committee March 17.	<b>RELATED BILLS:</b>	
<b>SUBJECT:</b>	Medical Board: Disclosure of Probationary Status		

**SUMMARY**

Existing law authorizes the Medical Board of California to discipline a physician or a surgeon by placing her or him on probation, which may include requiring the physician or surgeon to complete specified trainings, examinations, or community service or restricting the extent, scope, or type of practice, as specified. Also, current law requires the Medical Board to disclose to an inquiring member of the public and to post on its Internet Web site specified information concerning each physician and surgeon, including revocations, suspensions, probations, or limitations on practice.

This bill would require the Medical Board to require a physician or surgeon to disclose her or his probationary status to patients before each visit while the physician or surgeon is on probation under specified circumstances, including the Board finding the physician or surgeon committed gross negligence or the physician or surgeon having been on probation repeatedly, among others. The bill would require the Board, by July 1, 2018, to adopt related regulations that include requiring the physician or surgeon to obtain from the patient a signed receipt containing specified information following the disclosure.

This bill would require the board, by July 1, 2018, to include in each order of probation a written summary containing specified information and to include the summary in the disclosure to an inquiring member of the public, on any board documents informing the public of probation orders, and on a specified profile web page of each physician and surgeon subject to probation.

**ANALYSIS**

At this time, the potential impact of this bill upon the Dental Board of California is unknown as this bill specifically relates to the Medical Board of California. However, there has been prior Board discussion regarding this matter.

**REGISTERED SUPPORT/OPPOSITION**

To date, there is no registered support or opposition on file.

**BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

Staff recommends taking a “WATCH” position.

**Introduced by Senator Hill**

February 12, 2016

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An act to amend Sections 803.1, 2027, and 2228 of the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1033, as introduced, Hill. Medical Board: disclosure of probationary status.

Existing law, the Medical Practice Act, establishes the Medical Board of California for the licensing, regulation, and discipline of physicians and surgeons. Existing law authorizes the board to discipline a physician or a surgeon by placing her or him on probation, which may include requiring the physician or surgeon to complete specified trainings, examinations, or community service or restricting the extent, scope, or type of practice, as specified.

This bill would require the board to require a physician or surgeon to disclose her or his probationary status to patients before each visit while the physician or surgeon is on probation under specified circumstances, including the board finding the physician or surgeon committed gross negligence or the physician or surgeon having been on probation repeatedly, among others. The bill would require the board, by July 1, 2018, to adopt related regulations that include requiring the physician or surgeon to obtain from the patient a signed receipt containing specified information following the disclosure.

Existing law requires the board to disclose to an inquiring member of the public and to post on its Internet Web site specified information concerning each physician and surgeon, including revocations, suspensions, probations, or limitations on practice.



This bill would require the board, by July 1, 2018, to include in each order of probation a written summary containing specified information and to include the summary in the disclosure to an inquiring member of the public, on any board documents informing the public of probation orders, and on a specified profile web page of each physician and surgeon subject to probation.

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 803.1 of the Business and Professions  
2 Code is amended to read:

3 803.1. (a) Notwithstanding any other provision of law, the  
4 Medical Board of California, the Osteopathic Medical Board of  
5 California, the California Board of Podiatric Medicine, and the  
6 Physician Assistant Board shall disclose to an inquiring member  
7 of the public information regarding any enforcement actions taken  
8 against a licensee, including a former licensee, by the board or by  
9 another state or jurisdiction, including all of the following:

10 (1) Temporary restraining orders issued.

11 (2) Interim suspension orders issued.

12 (3) Revocations, suspensions, probations, or limitations on  
13 practice ordered by the board, including those made part of a  
14 probationary order or stipulated agreement.

15 (4) Public letters of reprimand issued.

16 (5) Infractions, citations, or fines imposed.

17 (b) Notwithstanding any other provision of law, in addition to  
18 the information provided in subdivision (a), the Medical Board of  
19 California, the Osteopathic Medical Board of California, the  
20 California Board of Podiatric Medicine, and the Physician Assistant  
21 Board shall disclose to an inquiring member of the public all of  
22 the following:

23 (1) Civil judgments in any amount, whether or not vacated by  
24 a settlement after entry of the judgment, that were not reversed on  
25 appeal and arbitration awards in any amount of a claim or action  
26 for damages for death or personal injury caused by the physician  
27 and surgeon's negligence, error, or omission in practice, or by his  
28 or her rendering of unauthorized professional services.

1 (2) (A) All settlements in the possession, custody, or control  
2 of the board shall be disclosed for a licensee in the low-risk  
3 category if there are three or more settlements for that licensee  
4 within the last 10 years, except for settlements by a licensee  
5 regardless of the amount paid where (i) the settlement is made as  
6 a part of the settlement of a class claim, (ii) the licensee paid in  
7 settlement of the class claim the same amount as the other licensees  
8 in the same class or similarly situated licensees in the same class,  
9 and (iii) the settlement was paid in the context of a case where the  
10 complaint that alleged class liability on behalf of the licensee also  
11 alleged a products liability class action cause of action. All  
12 settlements in the possession, custody, or control of the board shall  
13 be disclosed for a licensee in the high-risk category if there are  
14 four or more settlements for that licensee within the last 10 years  
15 except for settlements by a licensee regardless of the amount paid  
16 where (i) the settlement is made as a part of the settlement of a  
17 class claim, (ii) the licensee paid in settlement of the class claim  
18 the same amount as the other licensees in the same class or  
19 similarly situated licensees in the same class, and (iii) the  
20 settlement was paid in the context of a case where the complaint  
21 that alleged class liability on behalf of the licensee also alleged a  
22 products liability class action cause of action. Classification of a  
23 licensee in either a “high-risk category” or a “low-risk category”  
24 depends upon the specialty or subspecialty practiced by the licensee  
25 and the designation assigned to that specialty or subspecialty by  
26 the Medical Board of California, as described in subdivision (f).  
27 For the purposes of this paragraph, “settlement” means a settlement  
28 of an action described in paragraph (1) entered into by the licensee  
29 on or after January 1, 2003, in an amount of thirty thousand dollars  
30 (\$30,000) or more.

31 (B) The board shall not disclose the actual dollar amount of a  
32 settlement but shall put the number and amount of the settlement  
33 in context by doing the following:

34 (i) Comparing the settlement amount to the experience of other  
35 licensees within the same specialty or subspecialty, indicating if  
36 it is below average, average, or above average for the most recent  
37 10-year period.

38 (ii) Reporting the number of years the licensee has been in  
39 practice.

1 (iii) Reporting the total number of licensees in that specialty or  
2 subspecialty, the number of those who have entered into a  
3 settlement agreement, and the percentage that number represents  
4 of the total number of licensees in the specialty or subspecialty.

5 (3) Current American Board of Medical Specialties certification  
6 or board equivalent as certified by the Medical Board of California,  
7 the Osteopathic Medical Board of California, or the California  
8 Board of Podiatric Medicine.

9 (4) Approved postgraduate training.

10 (5) Status of the license of a licensee. By January 1, 2004, the  
11 Medical Board of California, the Osteopathic Medical Board of  
12 California, and the California Board of Podiatric Medicine shall  
13 adopt regulations defining the status of a licensee. The board shall  
14 employ this definition when disclosing the status of a licensee  
15 pursuant to Section 2027. *By July 1, 2018, the Medical Board of*  
16 *California shall include the summary of each probation order as*  
17 *written pursuant to subdivision (e) of Section 2228.*

18 (6) Any summaries of hospital disciplinary actions that result  
19 in the termination or revocation of a licensee's staff privileges for  
20 medical disciplinary cause or reason, unless a court finds, in a final  
21 judgment, that the peer review resulting in the disciplinary action  
22 was conducted in bad faith and the licensee notifies the board of  
23 that finding. In addition, any exculpatory or explanatory statements  
24 submitted by the licensee electronically pursuant to subdivision  
25 (f) of that section shall be disclosed. For purposes of this paragraph,  
26 "peer review" has the same meaning as defined in Section 805.

27 (c) Notwithstanding any other provision of law, the Medical  
28 Board of California, the Osteopathic Medical Board of California,  
29 the California Board of Podiatric Medicine, and the Physician  
30 Assistant Board shall disclose to an inquiring member of the public  
31 information received regarding felony convictions of a physician  
32 and surgeon or doctor of podiatric medicine.

33 (d) The Medical Board of California, the Osteopathic Medical  
34 Board of California, the California Board of Podiatric Medicine,  
35 and the Physician Assistant Board may formulate appropriate  
36 disclaimers or explanatory statements to be included with any  
37 information released, and may by regulation establish categories  
38 of information that need not be disclosed to an inquiring member  
39 of the public because that information is unreliable or not  
40 sufficiently related to the licensee's professional practice. The

1 Medical Board of California, the Osteopathic Medical Board of  
2 California, the California Board of Podiatric Medicine, and the  
3 Physician Assistant Board shall include the following statement  
4 when disclosing information concerning a settlement:  
5

6 “Some studies have shown that there is no significant correlation  
7 between malpractice history and a doctor’s competence. At the  
8 same time, the State of California believes that consumers should  
9 have access to malpractice information. In these profiles, the State  
10 of California has given you information about both the malpractice  
11 settlement history for the doctor’s specialty and the doctor’s history  
12 of settlement payments only if in the last 10 years, the doctor, if  
13 in a low-risk specialty, has three or more settlements or the doctor,  
14 if in a high-risk specialty, has four or more settlements. The State  
15 of California has excluded some class action lawsuits because  
16 those cases are commonly related to systems issues such as product  
17 liability, rather than questions of individual professional  
18 competence and because they are brought on a class basis where  
19 the economic incentive for settlement is great. The State of  
20 California has placed payment amounts into three statistical  
21 categories: below average, average, and above average compared  
22 to others in the doctor’s specialty. To make the best health care  
23 decisions, you should view this information in perspective. You  
24 could miss an opportunity for high-quality care by selecting a  
25 doctor based solely on malpractice history.

26 When considering malpractice data, please keep in mind:

27 Malpractice histories tend to vary by specialty. Some specialties  
28 are more likely than others to be the subject of litigation. This  
29 report compares doctors only to the members of their specialty,  
30 not to all doctors, in order to make an individual doctor’s history  
31 more meaningful.

32 This report reflects data only for settlements made on or after  
33 January 1, 2003. Moreover, it includes information concerning  
34 those settlements for a 10-year period only. Therefore, you should  
35 know that a doctor may have made settlements in the 10 years  
36 immediately preceding January 1, 2003, that are not included in  
37 this report. After January 1, 2013, for doctors practicing less than  
38 10 years, the data covers their total years of practice. You should  
39 take into account the effective date of settlement disclosure as well

1 as how long the doctor has been in practice when considering  
2 malpractice averages.

3 The incident causing the malpractice claim may have happened  
4 years before a payment is finally made. Sometimes, it takes a long  
5 time for a malpractice lawsuit to settle. Some doctors work  
6 primarily with high-risk patients. These doctors may have  
7 malpractice settlement histories that are higher than average  
8 because they specialize in cases or patients who are at very high  
9 risk for problems.

10 Settlement of a claim may occur for a variety of reasons that do  
11 not necessarily reflect negatively on the professional competence  
12 or conduct of the doctor. A payment in settlement of a medical  
13 malpractice action or claim should not be construed as creating a  
14 presumption that medical malpractice has occurred.

15 You may wish to discuss information in this report and the  
16 general issue of malpractice with your doctor.”

17 (e) The Medical Board of California, the Osteopathic Medical  
18 Board of California, the California Board of Podiatric Medicine,  
19 and the Physician Assistant Board shall, by regulation, develop  
20 standard terminology that accurately describes the different types  
21 of disciplinary filings and actions to take against a licensee as  
22 described in paragraphs (1) to (5), inclusive, of subdivision (a). In  
23 providing the public with information about a licensee via the  
24 Internet pursuant to Section 2027, the Medical Board of California,  
25 the Osteopathic Medical Board of California, the California Board  
26 of Podiatric Medicine, and the Physician Assistant Board shall not  
27 use the terms “enforcement,” “discipline,” or similar language  
28 implying a sanction unless the physician and surgeon has been the  
29 subject of one of the actions described in paragraphs (1) to (5),  
30 inclusive, of subdivision (a).

31 (f) The Medical Board of California shall adopt regulations no  
32 later than July 1, 2003, designating each specialty and subspecialty  
33 practice area as either high risk or low risk. In promulgating these  
34 regulations, the board shall consult with commercial underwriters  
35 of medical malpractice insurance companies, health care systems  
36 that self-insure physicians and surgeons, and representatives of  
37 the California medical specialty societies. The board shall utilize  
38 the carriers’ statewide data to establish the two risk categories and  
39 the averages required by subparagraph (B) of paragraph (2) of  
40 subdivision (b). Prior to issuing regulations, the board shall

1 convene public meetings with the medical malpractice carriers,  
2 self-insurers, and specialty representatives.

3 (g) The Medical Board of California, the Osteopathic Medical  
4 Board of California, the California Board of Podiatric Medicine,  
5 the Physician Assistant Board shall provide each licensee, including  
6 a former licensee under subdivision (a), with a copy of the text of  
7 any proposed public disclosure authorized by this section prior to  
8 release of the disclosure to the public. The licensee shall have 10  
9 working days from the date the board provides the copy of the  
10 proposed public disclosure to propose corrections of factual  
11 inaccuracies. Nothing in this section shall prevent the board from  
12 disclosing information to the public prior to the expiration of the  
13 10-day period.

14 (h) Pursuant to subparagraph (A) of paragraph (2) of subdivision  
15 (b), the specialty or subspecialty information required by this  
16 section shall group physicians by specialty board recognized  
17 pursuant to paragraph (5) of subdivision (h) of Section 651 unless  
18 a different grouping would be more valid and the board, in its  
19 statement of reasons for its regulations, explains why the validity  
20 of the grouping would be more valid.

21 (i) *By July 1, 2018, the board shall include each licensee's*  
22 *probation summary written pursuant to subdivision (e) of Section*  
23 *2228 on any board documents informing the public of probation*  
24 *orders, including, but not limited to, newsletters.*

25 SEC. 2. Section 2027 of the Business and Professions Code is  
26 amended to read:

27 2027. (a) The board shall post on its Internet Web site the  
28 following information on the current status of the license for all  
29 current and former licensees:

30 (1) Whether or not the licensee is presently in good standing.

31 (2) Current American Board of Medical Specialties certification  
32 or board equivalent as certified by the board.

33 (3) Any of the following enforcement actions or proceedings  
34 to which the licensee is actively subjected:

35 (A) Temporary restraining orders.

36 (B) Interim suspension orders.

37 (C) (i) Revocations, suspensions, probations, or limitations on  
38 practice ordered by the board or the board of another state or  
39 jurisdiction, including those made part of a probationary order or  
40 stipulated agreement.

1     (ii) *By July 1, 2018, the board shall include, in plain view on*  
2 *the BreEZe profile web page of each licensee subject to probation,*  
3 *the summary of each probation order as written pursuant to*  
4 *subdivision (e) of Section 2228. For purposes of this subparagraph,*  
5 *a BreEZe profile web page is a profile web page on the BreEZe*  
6 *system pursuant to Section 210.*

7     (D) Current accusations filed by the Attorney General, including  
8 those accusations that are on appeal. For purposes of this paragraph,  
9 “current accusation” means an accusation that has not been  
10 dismissed, withdrawn, or settled, and has not been finally decided  
11 upon by an administrative law judge and the board unless an appeal  
12 of that decision is pending.

13     (E) Citations issued that have not been resolved or appealed  
14 within 30 days.

15     (b) The board shall post on its Internet Web site all of the  
16 following historical information in its possession, custody, or  
17 control regarding all current and former licensees:

18         (1) Approved postgraduate training.

19         (2) Any final revocations and suspensions, or other equivalent  
20 actions, taken against the licensee by the board or the board of  
21 another state or jurisdiction or the surrender of a license by the  
22 licensee in relation to a disciplinary action or investigation,  
23 including the operative accusation resulting in the license surrender  
24 or discipline by the board.

25         (3) Probation or other equivalent action ordered by the board,  
26 or the board of another state or jurisdiction, completed or  
27 terminated, including the operative accusation resulting in the  
28 discipline by the board.

29         (4) Any felony convictions. Upon receipt of a certified copy of  
30 an expungement order granted pursuant to Section 1203.4 of the  
31 Penal Code from a licensee, the board shall, within six months of  
32 receipt of the expungement order, post notification of the  
33 expungement order and the date thereof on its Internet Web site.

34         (5) Misdemeanor convictions resulting in a disciplinary action  
35 or accusation that is not subsequently withdrawn or dismissed.  
36 Upon receipt of a certified copy of an expungement order granted  
37 pursuant to Section 1203.4 of the Penal Code from a licensee, the  
38 board shall, within six months of receipt of the expungement order,  
39 post notification of the expungement order and the date thereof on  
40 its Internet Web site.

1 (6) Civil judgments issued in any amount, whether or not  
2 vacated by a settlement after entry of the judgment, that were not  
3 reversed on appeal, and arbitration awards issued in any amount,  
4 for a claim or action for damages for death or personal injury  
5 caused by the physician and surgeon's negligence, error, or  
6 omission in practice, or by his or her rendering of unauthorized  
7 professional services.

8 (7) Except as provided in subparagraphs (A) and (B), a summary  
9 of any final hospital disciplinary actions that resulted in the  
10 termination or revocation of a licensee's hospital staff privileges  
11 for a medical disciplinary cause or reason. The posting shall  
12 provide any additional explanatory or exculpatory information  
13 submitted by the licensee pursuant to subdivision (f) of Section  
14 805. The board shall also post on its Internet Web site a factsheet  
15 that explains and provides information on the reporting  
16 requirements under Section 805.

17 (A) If a licensee's hospital staff privileges are restored and the  
18 licensee notifies the board of the restoration, the information  
19 pertaining to the termination or revocation of those privileges shall  
20 remain posted on the Internet Web site for a period of 10 years  
21 from the restoration date of the privileges, and at the end of that  
22 period shall be removed.

23 (B) If a court finds, in a final judgment, that peer review  
24 resulting in a hospital disciplinary action was conducted in bad  
25 faith and the licensee notifies the board of that finding, the  
26 information concerning that hospital disciplinary action posted on  
27 the Internet Web site shall be immediately removed. For purposes  
28 of this subparagraph, "peer review" has the same meaning as  
29 defined in Section 805.

30 (8) Public letters of reprimand issued within the past 10 years  
31 by the board or the board of another state or jurisdiction, including  
32 the operative accusation, if any, resulting in discipline by the board.

33 (9) Citations issued within the last three years that have been  
34 resolved by payment of the administrative fine or compliance with  
35 the order of abatement.

36 (10) All settlements within the last five years in the possession,  
37 custody, or control of the board shall be disclosed for a licensee  
38 in the low-risk category if there are three or more settlements for  
39 that licensee within the last five years, and for a licensee in the  
40 high-risk category if there are four or more settlements for that



1 licensee within the last five years. Classification of a licensee in  
2 either a “high-risk category” or a “low-risk” category depends  
3 upon the specialty or subspecialty practiced by the licensee and  
4 the designation assigned to that specialty or subspecialty by the  
5 board pursuant to subdivision (f) of Section 803.1.

6 (A) For the purposes of this paragraph, “settlement” means a  
7 settlement in an amount of thirty thousand dollars (\$30,000) or  
8 more of any claim or action for damages for death or personal  
9 injury caused by the physician and surgeon’s negligence, error, or  
10 omission in practice, or by his or her rendering of unauthorized  
11 professional services.

12 (B) For the purposes of this paragraph, “settlement” does not  
13 include a settlement by a licensee, regardless of the amount paid,  
14 when (i) the settlement is made as a part of the settlement of a  
15 class claim, (ii) the amount paid in settlement of the class claim  
16 is the same amount paid by the other licensees in the same class  
17 or similarly situated licensees in the same class, and (iii) the  
18 settlement was paid in the context of a case for which the complaint  
19 that alleged class liability on behalf of the licensee also alleged a  
20 products liability class action cause of action.

21 (C) The board shall not disclose the actual dollar amount of a  
22 settlement, but shall disclose settlement information in the same  
23 manner and with the same disclosures required under subparagraph  
24 (B) of paragraph (2) of subdivision (b) of Section 803.1.

25 (11) Appropriate disclaimers and explanatory statements to  
26 accompany the information described in paragraphs (1) to (10),  
27 inclusive, including an explanation of what types of information  
28 are not disclosed. These disclaimers and statements shall be  
29 developed by the board and shall be adopted by regulation.

30 (c) The board shall provide links to other Internet Web sites  
31 that provide information on board certifications that meet the  
32 requirements of subdivision (h) of Section 651. The board may  
33 also provide links to any other Internet Web sites that provide  
34 information on the affiliations of licensed physicians and surgeons.  
35 The board may provide links to other Internet Web sites on the  
36 Internet that provide information on health care service plans,  
37 health insurers, hospitals, or other facilities.

38 SEC. 3. Section 2228 of the Business and Professions Code is  
39 amended to read:

2228. (a) The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

~~(a)~~

(1) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.

~~(b)~~

(2) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.

~~(c)~~

(3) Restricting or limiting the extent, scope, or type of practice of the licensee, including requiring notice to applicable patients that the licensee is unable to perform the indicated treatment, where appropriate.

~~(d)~~

(4) Providing the option of alternative community service in cases other than violations relating to quality of care.

*(b) The board shall require a licensee to disclose her or his probationary status to patients before each visit while the licensee is on probation in any of the following circumstances:*

*(1) The board made a finding in the probation order that the licensee committed any of the following:*

*(A) Gross negligence.*

*(B) Repeated negligent acts involving a departure from the standard of care with multiple patients.*

*(C) Repeated acts of inappropriate and excessive prescribing of controlled substances, including, but not limited to, prescribing controlled substances without appropriate prior examination or without medical reason documented in medical records.*

*(D) Drug or alcohol abuse that threatens to impair a licensee's ability to practice medicine safely, including practicing under the influence of drugs or alcohol.*

- 1     (E) Felony conviction arising from or occurring during patient
- 2     care or treatment.
- 3     (2) The board ordered any of the following in conjunction with
- 4     placing the licensee on probation:
- 5         (A) That a third party chaperone be present when the licensee
- 6         examines patients as a result of sexual misconduct.
- 7         (B) That the licensee submit to drug testing as a result of drug
- 8         or alcohol abuse.
- 9         (C) That the licensee have a monitor.
- 10        (D) Restricting totally or partially the licensee from prescribing
- 11        controlled substances.
- 12        (E) Suspending the licensee from practice in cases related to
- 13        quality of care.
- 14     (3) The licensee has not successfully completed a clinical
- 15     training program or any associated examinations required by the
- 16     board as a condition of probation.
- 17     (4) The licensee has been on probation repeatedly.
- 18     (c) The board shall adopt regulations by July 1, 2018, to
- 19     implement subdivision (b). The board shall include in these
- 20     regulations a requirement that the licensee obtain from each
- 21     patient a signed receipt following the disclosure that includes a
- 22     written explanation of how the patient can find further information
- 23     on the licensee's discipline on the board's Internet Web site.
- 24     (d) Section 2314 shall not apply to subdivision (b) or (c).
- 25     (e) By July 1, 2018, the board shall include, in the first section
- 26     of each order of probation, a standardized, single paragraph,
- 27     plain-language summary that contains the accusations that led to
- 28     the licensee's probation, the length of the probation and the end
- 29     date, and all practice restrictions placed on the licensee by the
- 30     board.

**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
MARCH 3-4, 2016 BOARD MEETING**

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**BILL NUMBER:** Senate Bill 1039

**AUTHOR:** Senate Member Jerry Hill

**SPONSOR:**

**VERSION:** Introduced 2/12/2016

**INTRODUCED:** Introduced  
2/12/2016

**BILL STATUS:** 02/16/2016 – From printer.  
May be acted upon on or  
after March 17

**BILL LOCATION:** Senate

**SUBJECT:** Professions and Vocations.

**RELATED BILLS:**

**SUMMARY**

Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

This bill would state the intent of the legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

Existing law requires the Dental Board of California (Board) to be responsible for the approval of foreign dental schools by evaluating foreign dental schools based on specified criteria. The Dental Practice Act (DPA) authorizes the Board to contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools, as specified. That act requires the board to establish a technical advisory group to review the survey and evaluation contracted for prior to the board taking any final action regarding a foreign dental school. It also requires periodic surveys and evaluations of all approved schools be made to ensure compliance with the DPA.

This bill essentially will delete the authorization to contract with outside consultants and would instead authorize the Board, in lieu of conducting its own survey and evaluation of a foreign dental school, to accept the findings of any commission or accreditation agency approved by the board, if the findings meet specified standards, and adopt those findings as the Board's own. The bill would also delete the requirement to establish a technical advisory group. The bill would instead authorize periodic surveys and evaluations be made to ensure compliance with the DPA.

**ANALYSIS**

This legislation intends to address issues that arose during the sunset review for the Dental Board, Nursing Board and Structural Pest Control Board. The Dental Board issues relate to the Loan Repayment Program and Foreign Dental Schools.

**REGISTERED SUPPORT/OPPOSITION**

To date, there is no registered support or opposition on file.

**BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

**Introduced by Senator Hill**

February 12, 2016

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An act to amend Sections 1636.4, 2811.5, 8516, 8518, and 8555 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1039, as introduced, Hill. Professions and vocations.

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

(2) The Dental Practice Act provides for the licensure and regulation of persons engaged in the practice of dentistry by the Dental Board of California, which is within the Department of Consumer Affairs, and requires the board to be responsible for the approval of foreign dental schools by evaluating foreign dental schools based on specified criteria. That act authorizes the board to contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools, as specified. That act requires the board to establish a technical advisory group to review the survey and evaluation contracted for prior to the board taking any final action regarding a foreign dental school. That act also requires periodic surveys and evaluations of all approved schools be made to ensure compliance with the act.

This bill would delete the authorization to contract with outside consultants and would instead authorize the board, in lieu of conducting its own survey and evaluation of a foreign dental school, to accept the findings of any commission or accreditation agency approved by the board, if the findings meet specified standards, and adopt those findings as the board's own. The bill would delete the requirement to establish a technical advisory group. The bill would instead authorize periodic surveys and evaluations be made to ensure compliance with that act.

(3) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires providers of continuing education programs approved by the board to make records of continuing education courses given to registered nurses available for board inspection.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements.

(4) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee

for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision only applicable to work relating to wood destroying pests and organisms.

Existing law provides that the laws governing structural pest control operators, including licensure, does not apply to persons engaged in the live capture and removal of vertebrate pests, bees, or wasps from a structure without the use of pesticides.

This bill would instead apply those laws to persons that engage in the live capture and removal of vertebrate pests without the use of pesticides. By requiring persons that engaged in the live capture and removal of vertebrate pests without the use of pesticides to comply with the laws governing structural pest control operators, this bill would expand an existing crime, and would, therefore, impose a state-mandated local program. By requiring those person to be licensed, this bill would require them to pay a licensee fee that would go into a continuously appropriated fund, which would, therefore, result in an appropriation.



(5) 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.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

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

1     SECTION 1. It is the intent of the Legislature to enact future  
2     legislation that would establish a Dental Corps Scholarship  
3     Program within the Health and Professions Education Foundation  
4     to increase the supply of dentists serving in medically underserved  
5     areas.

6     SEC. 2. Section 1636.4 of the Business and Professions Code  
7     is amended to read:

8     1636.4. (a) The Legislature recognizes the need to ensure that  
9     graduates of foreign dental schools who have received an education  
10    that is equivalent to that of accredited institutions in the United  
11    States and that adequately prepares their students for the practice  
12    of dentistry shall be subject to the same licensure requirements as  
13    graduates of approved dental schools or colleges. It is the purpose  
14    of this section to provide for the evaluation of foreign dental  
15    schools and the approval of those foreign dental schools that  
16    provide an education that is equivalent to that of similar accredited  
17    institutions in the United States and that adequately prepare their  
18    students for the practice of dentistry.

19    (b) The board shall be responsible for the approval of foreign  
20    dental schools based on standards established pursuant to  
21    subdivision (d). ~~The board may contract with outside consultants~~  
22    ~~or a national professional organization to survey and evaluate~~  
23    ~~foreign dental schools. The consultant or organization shall report~~  
24    ~~to the board regarding its findings in the survey and evaluation.~~

25    (c). *The board may, in lieu of conducting its own survey and*  
26    *evaluation of a foreign dental school, accept the findings of any*  
27    *commission or accreditation agency approved by the board if the*  
28    *findings meet the standards of subdivision (c) and adopt those*  
29    *findings as the board's own.*

1     ~~(e) The board shall establish a technical advisory group to review~~  
2 ~~and comment upon the survey and evaluation of a foreign dental~~  
3 ~~school contracted for pursuant to subdivision (b), prior to any final~~  
4 ~~action by the board regarding certification of the foreign dental~~  
5 ~~school. The technical advisory group shall be selected by the board~~  
6 ~~and shall consist of four dentists, two of whom shall be selected~~  
7 ~~from a list of five recognized United States dental educators~~  
8 ~~recommended by the foreign school seeking approval. None of~~  
9 ~~the members of the technical advisory group shall be affiliated~~  
10 ~~with the school seeking certification.~~

11     ~~(d)~~

12     (c) Any foreign dental school that wishes to be approved  
13 pursuant to this section shall make application to the board for this  
14 approval, which shall be based upon a finding *by the board* that  
15 the educational program of the foreign dental school is equivalent  
16 to that of similar accredited institutions in the United States and  
17 adequately prepares its students for the practice of dentistry.  
18 Curriculum, faculty qualifications, student attendance, plant and  
19 facilities, and other relevant factors shall be reviewed and  
20 evaluated. ~~The board, with the cooperation of the technical advisory~~  
21 ~~group, board~~ shall identify by rule the standards and review  
22 procedures and methodology to be used in the approval process  
23 consistent with this subdivision. The board shall not grant approval  
24 if deficiencies found are of such magnitude as to prevent the  
25 students in the school from receiving an educational base suitable  
26 for the practice of dentistry.

27     ~~(e)~~

28     (d) Periodic surveys and evaluations of all approved schools  
29 ~~shall may~~ be made to ensure continued compliance with this  
30 section. Approval shall include provisional and full approval. The  
31 provisional form of approval shall be for a period determined by  
32 the board, not to exceed three years, and shall be granted to an  
33 institution, in accordance with rules established by the board, to  
34 provide reasonable time for the school seeking permanent approval  
35 to overcome deficiencies found by the board. Prior to the expiration  
36 of a provisional approval and before the full approval is granted,  
37 the school shall be required to submit evidence that deficiencies  
38 noted at the time of initial application have been remedied. A  
39 school granted full approval shall provide evidence of continued  
40 compliance with this section. In the event that the board denies

1 approval or reapproval, the board shall give the school a specific  
2 listing of the deficiencies that caused the denial and the  
3 requirements for remedying the deficiencies, and shall permit the  
4 school, upon request, to demonstrate by satisfactory evidence,  
5 within 90 days, that it has remedied the deficiencies listed by the  
6 board.

7 (f)

8 (e) A school shall pay a registration fee established by rule of  
9 the board, not to exceed one thousand dollars (\$1,000), at the time  
10 of application for approval and shall pay all reasonable costs and  
11 expenses ~~the board incurs~~ *incurred* for ~~the conduct of~~ *conducting*  
12 the approval survey.

13 (g)

14 (f) The board shall renew approval upon receipt of a renewal  
15 application, accompanied by a fee not to exceed five hundred  
16 dollars (\$500). Each fully approved institution shall submit a  
17 renewal application every seven years. Any approval that is not  
18 renewed shall automatically expire.

19 SEC. 3. Section 2811.5 of the Business and Professions Code  
20 is amended to read:

21 2811.5. (a) Each person renewing his or her license under  
22 Section 2811 shall submit proof satisfactory to the board that,  
23 during the preceding two-year period, he or she has been informed  
24 of the developments in the registered nurse field or in any special  
25 area of practice engaged in by the licensee, occurring since the  
26 last renewal thereof, either by pursuing a course or courses of  
27 continuing education in the registered nurse field or relevant to  
28 the practice of the licensee, and approved by the board, or by other  
29 means deemed equivalent by the board.

30 (b) For purposes of this section, the board shall, by regulation,  
31 establish standards for continuing education. The standards shall  
32 be established in a manner to assure that a variety of alternative  
33 forms of continuing education are available to licensees, including,  
34 but not limited to, academic studies, in-service education, institutes,  
35 seminars, lectures, conferences, workshops, extension studies, and  
36 home study programs. The standards shall take cognizance of  
37 specialized areas of ~~practice~~. *practice, and content shall be based*  
38 *on generally accepted scientific principles*. The continuing  
39 education standards established by the board shall not exceed 30  
40 hours of direct participation in a course or courses approved by

1 the board, or its equivalent in the units of measure adopted by the  
2 board.

3 *(c) The board shall audit continuing education providers at*  
4 *least once every five years to ensure adherence to regulatory*  
5 *requirements, and shall withhold or rescind approval from any*  
6 *provider that is in violation of the regulatory requirements.*

7 ~~(e)~~

8 *(d) The board shall encourage continuing education in spousal*  
9 *or partner abuse detection and treatment. In the event the board*  
10 *establishes a requirement for continuing education coursework in*  
11 *spousal or partner abuse detection or treatment, that requirement*  
12 *shall be met by each licensee within no more than four years from*  
13 *the date the requirement is imposed.*

14 ~~(d)~~

15 *(e) In establishing standards for continuing education, the board*  
16 *shall consider including a course in the special care needs of*  
17 *individuals and their families facing end-of-life issues, including,*  
18 *but not limited to, all of the following:*

19 *(1) Pain and symptom management.*

20 *(2) The psycho-social dynamics of death.*

21 *(3) Dying and bereavement.*

22 *(4) Hospice care.*

23 ~~(e)~~

24 *(f) In establishing standards for continuing education, the board*  
25 *may include a course on pain management.*

26 ~~(f)~~

27 *(g) This section shall not apply to licensees during the first two*  
28 *years immediately following their initial licensure in California*  
29 *or any other governmental jurisdiction.*

30 ~~(g)~~

31 *(h) The board may, in accordance with the intent of this section,*  
32 *make exceptions from continuing education requirements for*  
33 *licensees residing in another state or country, or for reasons of*  
34 *health, military service, or other good cause.*

35 SEC. 4. Section 8516 of the Business and Professions Code is  
36 amended to read:

37 8516. (a) This section, and Section 8519, apply only to wood  
38 destroying pests or organisms.

39 (b) ~~No~~ A registered company or licensee shall *not* commence  
40 work on a contract, or sign, issue, or deliver any documents

1 expressing an opinion or statement relating to the absence or  
2 presence of wood destroying pests or organisms until an inspection  
3 has been made by a licensed Branch 3 field representative or  
4 ~~operator.~~ *operator employed by a registered company, except as*  
5 *provided in Section 8519.5.* The address of each property inspected  
6 or upon which work is completed shall be reported on a form  
7 prescribed by the board and shall be filed with the board no later  
8 than 10 business days after the commencement of an inspection  
9 or upon completed work.

10 Every property inspected pursuant to this subdivision or Section  
11 8518 shall be assessed a filing fee pursuant to Section 8674.

12 Failure of a registered company to report and file with the board  
13 the address of any property inspected or work completed pursuant  
14 to Section 8518 or this section is grounds for disciplinary action  
15 and shall subject the registered company to a fine of not more than  
16 two thousand five hundred dollars (\$2,500). *The address of an*  
17 *inspection report prepared for use by an attorney for litigation*  
18 *purposes shall not be required to be reported to the board and*  
19 *shall not be assessed a filing fee.*

20 A written inspection report conforming to this section and a form  
21 approved by the board shall be prepared and delivered to the person  
22 requesting the inspection ~~and the property owner,~~ or to the ~~person's~~  
23 ~~property owner's~~ designated ~~agent~~ agent, within 10 business days  
24 ~~of from the start of the~~ inspection, except that an inspection report  
25 prepared for use by an attorney for litigation purposes is not  
26 required to be reported to the ~~board.~~ *board or the property owner.*  
27 *An inspection report may be a complete, limited, supplemental, or*  
28 *reinspection report, as defined by Section 1993 of Title 16 of the*  
29 *California Code of Regulations.* The report shall be delivered  
30 before work is commenced on any property. The registered  
31 company shall retain for three years all ~~original~~ inspection reports,  
32 field notes, and activity forms.

33 Reports shall be made available for inspection and reproduction  
34 to the executive officer of the board or his or her duly authorized  
35 representative during business hours. ~~Original~~ All inspection reports  
36 or copies thereof shall be submitted to the board upon ~~request~~  
37 *demand* within two business days. The following shall be set forth  
38 in the report:

39 (1) The *start* date of the inspection and the name of the licensed  
40 field representative or operator making the inspection.

1 (2) The name and address of the person or firm ordering the  
2 report.

3 (3) The name and address of *the property owner and* any person  
4 who is a party in interest.

5 (4) The address or location of the property.

6 (5) A general description of the building or premises inspected.

7 (6) A foundation diagram or sketch of the structure or structures  
8 or portions of the structure or structures inspected, ~~indicating~~  
9 ~~thereon~~ *including* the approximate location of any infested or  
10 infected areas evident, and the parts of the structure where  
11 conditions that would ordinarily subject those parts to attack by  
12 wood destroying pests or organisms exist. *Reporting of the infested*  
13 *or infected wood members, or parts of the structure identified,*  
14 *shall be listed in the inspection report to clearly identify them, as*  
15 *is typical in standard construction components, including, but not*  
16 *limited to, siding, studs, rafters, floor joists, fascia, subfloor,*  
17 *sheathing, and trim boards.*

18 (7) Information regarding the substructure, foundation walls  
19 and footings, porches, patios and steps, air vents, abutments, attic  
20 spaces, roof framing that includes the eaves, rafters, fascias,  
21 exposed timbers, exposed sheathing, ceiling joists, and attic walls,  
22 or other parts subject to attack by wood destroying pests or  
23 organisms. Conditions usually deemed likely to lead to infestation  
24 or infection, such as earth-wood contacts, excessive cellulose  
25 debris, faulty grade levels, excessive moisture conditions, evidence  
26 of roof leaks, and insufficient ventilation are to be reported.

27 (8) One of the following statements, as appropriate, printed in  
28 bold type:

29 (A) The exterior surface of the roof was not inspected. If you  
30 want the water tightness of the roof determined, you should contact  
31 a roofing contractor who is licensed by the Contractors' State  
32 License Board.

33 (B) The exterior surface of the roof was inspected to determine  
34 whether or not wood destroying pests or organisms are present.

35 (9) Indication or description of any areas that are inaccessible  
36 or not inspected with recommendation for further inspection if  
37 practicable. If, after the report has been made in compliance with  
38 this section, authority is given later to open inaccessible areas, a  
39 supplemental report on conditions in these areas shall be made.

40 (10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control *or prevention* as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter.

~~(13) The inspection report shall contain the following statement, printed in boldface type:~~

~~“NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.”~~

An estimate or bid ~~for repairs~~ shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing *each* corrective ~~measures~~: *measure*.

If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled ~~“Reinspection” in capital letters by rubber stamp or typewritten~~: *“Reinspection.”* Each reinspection shall also identify the original report by date.

After four months from an original inspection, all inspections shall be original inspections and not reinspections.

Any reinspection shall be performed for not more than the price of the registered company’s original inspection price and shall be completed within 10 ~~working~~ *business* days after a reinspection has been ordered.

*(13) The inspection report shall contain the following statement, printed in boldface type:*

1  
2 “NOTICE: Reports on this structure prepared by various  
3 registered companies should list the same findings (i.e. termite  
4 infestations, termite damage, fungus damage, etc.). However,  
5 recommendations to correct these findings may vary from company  
6 to company. You have a right to seek a second opinion from  
7 another company.”  
8

9 (c) At the time a report is ordered, the registered company or  
10 licensee shall inform the person or entity ordering the report, that  
11 a separated report is available pursuant to this subdivision. If a  
12 separated report is requested at the time the inspection report is  
13 ordered, the registered company or licensee shall separately identify  
14 on the report each recommendation for corrective measures as  
15 follows:

16 (1) The infestation or infection that is evident.

17 (2) The conditions that are present that are deemed likely to  
18 lead to infestation or infection.

19 If a registered company or licensee fails to inform as required  
20 by this subdivision and a dispute arises, or if any other dispute  
21 arises as to whether this subdivision has been complied with, a  
22 separated report shall be provided within 24 hours of the request  
23 but, in no event, later than the next business day, and at no  
24 additional cost.

25 (d) When a corrective condition is identified, either as paragraph  
26 (1) or (2) of subdivision (c), and the responsible party, as negotiated  
27 ~~between the buyer and the seller, property owner of the property~~  
28 *owner's designated agent* chooses not to correct those conditions,  
29 the registered company or licensee shall not be liable for damages  
30 resulting from a failure to correct those conditions or subject to  
31 any disciplinary action by the board. Nothing in this subdivision,  
32 however, shall relieve a registered company or a licensee of any  
33 liability resulting from negligence, fraud, dishonest dealing, other  
34 violations pursuant to this chapter, or contractual obligations  
35 between the registered company or licensee and the responsible  
36 parties.

37 (e) The inspection report form prescribed by the board shall  
38 separately identify the infestation or infection that is evident and  
39 the conditions that are present that are deemed likely to lead to  
40 infestation or infection. If a separated form is requested, the form



1 shall explain the infestation or infection that is evident and the  
2 conditions that are present that are deemed likely to lead to  
3 infestation or infection and the difference between those conditions.  
4 In no event, however, shall conditions deemed likely to lead to  
5 infestation or infection be characterized as actual “defects” or as  
6 actual “active” infestations or infections or in need of correction  
7 as a precondition to issuing a certification pursuant to Section  
8 8519.

9 (f) The report and any contract entered into shall also state  
10 specifically when any guarantee for the work is made, and if so,  
11 the specific terms of the guarantee and the period of time for which  
12 the guarantee shall be in effect. *If a guarantee extends beyond*  
13 *three years, the registered company shall maintain all original*  
14 *inspection reports, field notes, activity forms, and notices of*  
15 *completion for the duration of the guarantee period and for one*  
16 *year after the guarantee expires.*

17 ~~(g) Control service is defined as the regular reinspection of a~~  
18 ~~property after a report has been made in compliance with this~~  
19 ~~section and any corrections as have been agreed upon have been~~  
20 ~~completed.—For purposes of this section, “control service~~  
21 ~~agreement” means an agreement, including extended warranties,~~  
22 ~~to have a licensee conduct over a period of time regular inspections~~  
23 ~~and other activities related to the control or eradication of wood~~  
24 ~~destroying pests and organisms.~~ Under a control service agreement  
25 a registered company shall refer to the original report and contract  
26 in a manner as to identify them clearly, and the report shall be  
27 assumed to be a true report of conditions as originally issued,  
28 except it may be modified after a control service inspection. A  
29 registered company is not required to issue a report as outlined in  
30 paragraphs (1) to (11), inclusive, of subdivision (b) after each  
31 control service inspection. If after control service inspection, no  
32 modification of the original report is made in writing, then it will  
33 be assumed that conditions are as originally reported. A control  
34 service contract shall state specifically the particular wood  
35 destroying pests or organisms and the portions of the buildings or  
36 structures covered by the contract.

37 (h) A registered company or licensee may enter into and  
38 maintain a control service agreement provided the following  
39 requirements are met:

(1) The control service agreement shall be in writing, signed by both parties, and shall specifically include the following:

~~(A) The wood destroying pests and organisms that could infest and infect the structure.~~

~~(B)~~

(A) The wood destroying pests and organisms covered by the control service agreement. ~~Any~~

(B) Any wood destroying pest or organism that is not covered must be specifically listed.

(C) The type and manner of treatment to be used to correct the infestations or infections.

(D) The structures or buildings, or portions thereof, covered by the agreement, including a statement specifying whether the coverage for purposes of periodic inspections is limited or full. Any exclusions from those described in the original report must be specifically listed.

~~(E) A reference to the original inspection report and agreement report.~~

(F) The frequency of the inspections to be provided, the fee to be charged for each renewal, and the duration of the agreement.

(G) Whether the fee includes structural repairs.

(H) If the services provided are guaranteed, and, if so, the terms of the guarantee.

(I) A statement that all corrections of infestations or infections covered by the control service agreement shall be completed within six months of discovery, unless otherwise agreed to in writing by both parties.

*(2) The original inspection report, the control service agreement, and completion report shall be maintained for three years after the cancellation of the control service agreement.*

~~(2)~~

(3) Inspections made pursuant to a control service agreement shall be conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

~~(3)~~

(4) A full inspection of the property covered by the control service agreement shall be conducted and a report filed pursuant to subdivision (b) at least once every three years from the date that the agreement was entered into, unless the consumer cancels the

1 contract within three years from the date the agreement was entered  
2 into.

3 ~~(4) A~~

4 (5) *Under a control service agreement*, a written report shall  
5 be required for the correction of any infestation or infection unless  
6 all of the following conditions are met:

7 (A) The infestation or infection has been previously reported.

8 (B) The infestation or infection is covered by the control service  
9 agreement.

10 (C) There is no additional charge for correcting the infestation  
11 or infection.

12 (D) Correction of the infestation or infection takes place within  
13 45 days of its discovery.

14 (E) Correction of the infestation or infection does not include  
15 fumigation.

16 ~~(5)~~

17 (6) All notice requirements pursuant to Section 8538 shall apply  
18 to all pesticide treatments conducted under control service  
19 agreements.

20 ~~(6) For purposes of this section, “control service agreement”~~  
21 ~~means any agreement, including extended warranties, to have a~~  
22 ~~licensee conduct over a period of time regular inspections and~~  
23 ~~other activities related to the control or eradication of wood~~  
24 ~~destroying pests and organisms.~~

25 (i) All work recommended by a registered company, where an  
26 estimate or bid for making repairs was given with the original  
27 inspection report, or thereafter, shall be recorded on this report or  
28 a separate work agreement and shall specify a price for each  
29 recommendation. This information shall be provided to the person  
30 requesting the inspection, and shall be retained by the registered  
31 company with the inspection report copy for three years.

32 SEC. 5. Section 8518 of the Business and Professions Code is  
33 amended to read:

34 8518. (a) When a registered company completes work under  
35 a contract, it shall prepare, on a form prescribed by the board, a  
36 notice of work completed and not completed, and shall furnish  
37 that notice to the owner of the property or the owner’s agent within  
38 10 business days after completing the work. The notice shall  
39 include a statement of the cost of the completed work and estimated  
40 cost of work not completed.

1 (b) The address of each property inspected or upon which work  
2 was completed shall be reported on a form prescribed by the board  
3 and shall be filed with the board no later than 10 business days  
4 after completed work.

5 (c) A filing fee shall be assessed pursuant to Section 8674 for  
6 every property upon which work is completed.

7 (d) Failure of a registered company to report and file with the  
8 board the address of any property upon which work was completed  
9 pursuant to subdivision (b) of Section 8516 or ~~Section 8518~~ *this*  
10 *section* is grounds for disciplinary action and shall subject the  
11 registered company to a fine of not more than two thousand five  
12 hundred dollars (\$2,500).

13 (e) The registered company shall retain for three years all  
14 original notices of work completed, work not completed, and  
15 activity forms.

16 (f) Notices of work completed and not completed shall be made  
17 available for inspection and reproduction to the executive officer  
18 of the board or his or her duly authorized representative during  
19 business hours. Original notices of work completed or not  
20 completed or copies thereof shall be submitted to the board upon  
21 request within two business days.

22 (g) *This section shall only apply to work relating to wood*  
23 *destroying pests or organisms.*

24 SEC. 6. Section 8555 of the Business and Professions Code is  
25 amended to read:

26 8555. This chapter does not apply to:

27 (a) Public utilities operating under the regulations of the Public  
28 Utilities Commission, except to work performed upon property of  
29 the utilities not subject to the jurisdiction of the Public Utilities  
30 Commission or work done by the utility for hire.

31 (b) Persons engaged only in agricultural pest control work under  
32 permit or license by the Department of Pesticide Regulation or a  
33 county agricultural commissioner.

34 (c) Pest control performed by persons upon property that they  
35 own, lease or rent, except that the persons shall be subject to the  
36 limitations imposed by Article 3 of this chapter.

37 (d) Governmental agencies, state, federal, city, or county  
38 officials, and their employees while officially engaged.

39 (e) Authorized representatives of an educational institution or  
40 state or federal agency engaged in research or study of pest control,

1 or engaged in investigation or preparation for expert opinion or  
 2 testimony. A professional engaging in research, study,  
 3 investigation, or preparation for expert opinion or testimony on  
 4 his or her own behalf shall comply with the requirements of this  
 5 chapter.

6 (f) Certified architects and registered civil engineers, acting  
 7 solely within their professional capacity, except that they shall be  
 8 subject to the limitations imposed by Article 3 of this chapter.

9 (g) Persons engaged in the live capture and removal or exclusion  
 10 of ~~vertebrate pests, bees, bees~~ or wasps from a structure without  
 11 the use of pesticides, provided those persons maintain insurance  
 12 coverage as described in Section 8692. ~~“Vertebrate pests” include,~~  
 13 ~~but are not limited to, bats, raccoons, skunks, and squirrels, but do~~  
 14 ~~not include mice, rats, or pigeons. This section does not exempt a~~  
 15 ~~person from the provisions of Chapter 1.5 (commencing with~~  
 16 ~~Section 2050) of Division 3 of the Fish and Game Code.~~

17 SEC. 7. No reimbursement is required by this act pursuant to  
 18 Section 6 of Article XIII B of the California Constitution because  
 19 the only costs that may be incurred by a local agency or school  
 20 district will be incurred because this act creates a new crime or  
 21 infraction, eliminates a crime or infraction, or changes the penalty  
 22 for a crime or infraction, within the meaning of Section 17556 of  
 23 the Government Code, or changes the definition of a crime within  
 24 the meaning of Section 6 of Article XIII B of the California  
 25 Constitution.

**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
MARCH 3-4, 2016 BOARD MEETING**

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<b>BILL NUMBER:</b>	Senate Bill 1217		
<b>AUTHOR:</b>	Senate Member Jeff Stone	<b>SPONSOR:</b>	
<b>VERSION:</b>	Introduced 2/18/2016	<b>INTRODUCED:</b>	2/18/2016
<b>BILL STATUS:</b>	02/18/16 – From printer. May be acted upon on or after March 20.	<b>BILL LOCATION:</b>	Senate
<b>SUBJECT:</b>	Healing Arts: Reporting Requirements: Professional Liability Resulting in Death or Personal Injury	<b>RELATED BILLS:</b>	

**SUMMARY**

Existing law requires various healing boards, including the Dental Board of California (Board) to create and maintain a central file of names of all persons who hold a license, certificate or similar authority from the Board as a way to provide an individual historical record for each licensee with respect to judgments or settlements requiring the licensee or his or her insurer to pay any amount of damages in excess of three thousand dollars (\$3,000). Additionally, existing law requires every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency as specified to send a complete report to that agency as to any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that licensee's negligence, error, or omission in practice, or by his or her rendering of authorized professional services.

This bill would raise the minimum dollar amount triggering those reporting requirements from \$3,000 to \$10,000.

**ANALYSIS**

At this time, the potential impact of this bill upon the Board is unknown and potentially negligible as the Board would continue in its current operation and instead of recording damages of its licensees of \$3,000, the Board would record licensee liability of \$10,000.

**REGISTERED SUPPORT/OPPOSITION**

To date, there is no registered support or opposition on file.

**BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support

- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

Staff recommends taking a “WATCH” position.

**Introduced by Senator Stone**

February 18, 2016

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An act to amend Sections 800, 801, 801.1, and 802 of the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1217, as introduced, Stone. Healing arts: reporting requirements: professional liability resulting in death or personal injury.

Existing law establishes within the Department of Consumer Affairs various boards that license and regulate the practice of various professions and vocations, including those relating to the healing arts. Existing law requires each healing arts licensing board to create and maintain a central file containing an individual historical record on each person who holds a license from that board. Existing law requires that the individual historical record contain any reported judgment or settlement requiring the licensee or the licensee's insurer to pay over \$3,000 in damages for any claim that injury or death was proximately caused by the licensee's negligence, error or omission in practice, or rendering unauthorized professional service.

This bill would instead require the record to contain reported judgments or settlements with damages over \$10,000.

Existing law requires an insurer providing professional liability insurance to a physician and surgeon, a governmental agency that self-insures a physician and surgeon or, if uninsured, a physician and surgeon himself or herself, to report to the respective licensing board information concerning settlements over \$30,000, arbitration awards in any amount, and judgments in any amount in malpractice actions to the practitioner's licensing board. Existing law provides that information concerning professional liability settlements, judgments, and arbitration



awards of over \$10,000 in damages arising from death or personal injury must be reported to the respective licensing boards of specified healing arts practitioners including, among others, licensed professional clinical counselors, licensed dentists, and licensed veterinarians. Existing law provides that, for other specified healing arts practitioners including, among others, licensed educational psychologists, licensed nurses, and licensed pharmacists, information concerning professional liability settlements, judgments, and arbitration awards of over \$3,000 in damages arising from death or personal injury shall be reported to their respective licensing boards.

This bill would raise the minimum dollar amount triggering those reporting requirements from \$3,000 to \$10,000.

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 800 of the Business and Professions Code
- 2     is amended to read:
- 3     800. (a) The Medical Board of California, the Board of
- 4     Psychology, the Dental Board of California, the Dental Hygiene
- 5     Committee of California, the Osteopathic Medical Board of
- 6     California, the State Board of Chiropractic Examiners, the Board
- 7     of Registered Nursing, the Board of Vocational Nursing and
- 8     Psychiatric Technicians of the State of California, the State Board
- 9     of Optometry, the Veterinary Medical Board, the Board of
- 10    Behavioral Sciences, the Physical Therapy Board of California,
- 11    the California State Board of Pharmacy, the Speech-Language
- 12    Pathology and Audiology and Hearing Aid Dispensers Board, the
- 13    California Board of Occupational Therapy, the Acupuncture Board,
- 14    and the Physician Assistant Board shall each separately create and
- 15    maintain a central file of the names of all persons who hold a
- 16    license, certificate, or similar authority from that board. Each
- 17    central file shall be created and maintained to provide an individual
- 18    historical record for each licensee with respect to the following
- 19    information:
- 20    (1) Any conviction of a crime in this or any other state that
- 21    constitutes unprofessional conduct pursuant to the reporting
- 22    requirements of Section 803.

1 (2) Any judgment or settlement requiring the licensee or his or  
2 her insurer to pay any amount of damages in excess of ~~three~~  
3 ~~thousand dollars (\$3,000)~~ *ten thousand dollars (\$10,000)* for any  
4 claim that injury or death was proximately caused by the licensee's  
5 negligence, error or omission in practice, or by rendering  
6 unauthorized professional services, pursuant to the reporting  
7 requirements of Section 801 or 802.

8 (3) Any public complaints for which provision is made pursuant  
9 to subdivision (b).

10 (4) Disciplinary information reported pursuant to Section 805,  
11 including any additional exculpatory or explanatory statements  
12 submitted by the licensee pursuant to subdivision (f) of Section  
13 805. If a court finds, in a final judgment, that the peer review  
14 resulting in the 805 report was conducted in bad faith and the  
15 licensee who is the subject of the report notifies the board of that  
16 finding, the board shall include that finding in the central file. For  
17 purposes of this paragraph, "peer review" has the same meaning  
18 as defined in Section 805.

19 (5) Information reported pursuant to Section 805.01, including  
20 any explanatory or exculpatory information submitted by the  
21 licensee pursuant to subdivision (b) of that section.

22 (b) (1) Each board shall prescribe and promulgate forms on  
23 which members of the public and other licensees or certificate  
24 holders may file written complaints to the board alleging any act  
25 of misconduct in, or connected with, the performance of  
26 professional services by the licensee.

27 (2) If a board, or division thereof, a committee, or a panel has  
28 failed to act upon a complaint or report within five years, or has  
29 found that the complaint or report is without merit, the central file  
30 shall be purged of information relating to the complaint or report.

31 (3) Notwithstanding this subdivision, the Board of Psychology,  
32 the Board of Behavioral Sciences, and the Respiratory Care Board  
33 of California shall maintain complaints or reports as long as each  
34 board deems necessary.

35 (c) (1) The contents of any central file that are not public  
36 records under any other provision of law shall be confidential  
37 except that the licensee involved, or his or her counsel or  
38 representative, shall have the right to inspect and have copies made  
39 of his or her complete file except for the provision that may  
40 disclose the identity of an information source. For the purposes of

1 this section, a board may protect an information source by  
 2 providing a copy of the material with only those deletions necessary  
 3 to protect the identity of the source or by providing a  
 4 comprehensive summary of the substance of the material.  
 5 Whichever method is used, the board shall ensure that full  
 6 disclosure is made to the subject of any personal information that  
 7 could reasonably in any way reflect or convey anything detrimental,  
 8 disparaging, or threatening to a licensee's reputation, rights,  
 9 benefits, privileges, or qualifications, or be used by a board to  
 10 make a determination that would affect a licensee's rights, benefits,  
 11 privileges, or qualifications. The information required to be  
 12 disclosed pursuant to Section 803.1 shall not be considered among  
 13 the contents of a central file for the purposes of this subdivision.

14 (2) The licensee may, but is not required to, submit any  
 15 additional exculpatory or explanatory statement or other  
 16 information that the board shall include in the central file.

17 (3) Each board may permit any law enforcement or regulatory  
 18 agency when required for an investigation of unlawful activity or  
 19 for licensing, certification, or regulatory purposes to inspect and  
 20 have copies made of that licensee's file, unless the disclosure is  
 21 otherwise prohibited by law.

22 (4) These disclosures shall effect no change in the confidential  
 23 status of these records.

24 SEC. 2. Section 801 of the Business and Professions Code is  
 25 amended to read:

26 801. (a) Except as provided in Section 801.01 and ~~subdivisions~~  
 27 ~~(b), (c), and (d)~~ *subdivision (b)* of this section, every insurer  
 28 providing professional liability insurance to a person who holds a  
 29 license, certificate, or similar authority from or under any agency  
 30 specified in subdivision (a) of Section 800 shall send a complete  
 31 report to that agency as to any settlement or arbitration award over  
 32 ~~three thousand dollars (\$3,000)~~ *ten thousand dollars (\$10,000)* of  
 33 a claim or action for damages for death or personal injury caused  
 34 by that person's negligence, error, or omission in practice, or by  
 35 his or her rendering of unauthorized professional services. The  
 36 report shall be sent within 30 days after the written settlement  
 37 agreement has been reduced to writing and signed by all parties  
 38 thereto or within 30 days after service of the arbitration award on  
 39 the parties.

~~(b) Every insurer providing professional liability insurance to a person licensed pursuant to Chapter 13 (commencing with Section 4980), Chapter 14 (commencing with Section 4990), or Chapter 16 (commencing with Section 4999.10) shall send a complete report to the Board of Behavioral Sciences as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.~~

~~(c) Every insurer providing professional liability insurance to a dentist licensed pursuant to Chapter 4 (commencing with Section 1600) shall send a complete report to the Dental Board of California as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.~~

~~(d)~~

~~(b) Every insurer providing liability insurance to a veterinarian licensed pursuant to Chapter 11 (commencing with Section 4800) shall send a complete report to the Veterinary Medical Board of any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional service. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.~~

~~(e)~~

~~(c) The insurer shall notify the claimant, or if the claimant is represented by counsel, the insurer shall notify the claimant's attorney, that the report required by subdivision (a), (b), or (e) (a) has been sent to the agency. If the attorney has not received this~~

1 notice within 45 days after the settlement was reduced to writing  
2 and signed by all of the parties, the arbitration award was served  
3 on the parties, or the date of entry of the civil judgment, the  
4 attorney shall make the report to the agency.

5 (f)

6 (d) Notwithstanding any other provision of law, no insurer shall  
7 enter into a settlement without the written consent of the insured,  
8 except that this prohibition shall not void any settlement entered  
9 into without that written consent. The requirement of written  
10 consent shall only be waived by both the insured and the insurer.  
11 This section shall only apply to a settlement on a policy of  
12 insurance executed or renewed on or after January 1, 1971.

13 SEC. 3. Section 801.1 of the Business and Professions Code  
14 is amended to read:

15 801.1. (a) Every state or local governmental agency that  
16 self-insures a person who holds a license, certificate, or similar  
17 authority from or under any agency specified in subdivision (a) of  
18 Section 800 (except a person licensed pursuant to Chapter 3  
19 (commencing with Section 1200) or Chapter 5 (commencing with  
20 Section 2000) or the Osteopathic Initiative Act) shall send a  
21 complete report to that agency as to any settlement or arbitration  
22 award over ~~three thousand dollars (\$3,000)~~ *ten thousand dollars*  
23 *(\$10,000)* of a claim or action for damages for death or personal  
24 injury caused by that person's negligence, error, or omission in  
25 practice, or rendering of unauthorized professional services. The  
26 report shall be sent within 30 days after the written settlement  
27 agreement has been reduced to writing and signed by all parties  
28 thereto or within 30 days after service of the arbitration award on  
29 the parties.

30 ~~(b) Every state or local governmental agency that self-insures~~  
31 ~~a person licensed pursuant to Chapter 13 (commencing with~~  
32 ~~Section 4980), Chapter 14 (commencing with Section 4990), or~~  
33 ~~Chapter 16 (commencing with Section 4999.10) shall send a~~  
34 ~~complete report to the Board of Behavioral Science Examiners as~~  
35 ~~to any settlement or arbitration award over ten thousand dollars~~  
36 ~~(\$10,000) of a claim or action for damages for death or personal~~  
37 ~~injury caused by that person's negligence, error, or omission in~~  
38 ~~practice, or rendering of unauthorized professional services. The~~  
39 ~~report shall be sent within 30 days after the written settlement~~  
40 ~~agreement has been reduced to writing and signed by all parties~~

1 ~~thereto or within 30 days after service of the arbitration award on~~  
2 ~~the parties.~~

3 SEC. 4. Section 802 of the Business and Professions Code is  
4 amended to read:

5 802. ~~(a) Every settlement, judgment, or arbitration award over~~  
6 ~~three thousand dollars (\$3,000)~~ *ten thousand dollars (\$10,000)* of  
7 a claim or action for damages for death or personal injury caused  
8 by negligence, error or omission in practice, or by the unauthorized  
9 rendering of professional services, by a person who holds a license,  
10 certificate, or other similar authority from an agency specified in  
11 subdivision (a) of Section 800 (except a person licensed pursuant  
12 to Chapter 3 (commencing with Section 1200) or Chapter 5  
13 (commencing with Section 2000) or the Osteopathic Initiative Act)  
14 who does not possess professional liability insurance as to that  
15 claim shall, within 30 days after the written settlement agreement  
16 has been reduced to writing and signed by all the parties thereto  
17 or 30 days after service of the judgment or arbitration award on  
18 the parties, be reported to the agency that issued the license,  
19 certificate, or similar authority. A complete report shall be made  
20 by appropriate means by the person or his or her counsel, with a  
21 copy of the communication to be sent to the claimant through his  
22 or her counsel if the person is so represented, or directly if he or  
23 she is not. If, within 45 days of the conclusion of the written  
24 settlement agreement or service of the judgment or arbitration  
25 award on the parties, counsel for the claimant (or if the claimant  
26 is not represented by counsel, the claimant himself or herself) has  
27 not received a copy of the report, he or she shall himself or herself  
28 make the complete report. Failure of the licensee or claimant (or,  
29 if represented by counsel, their counsel) to comply with this section  
30 is a public offense punishable by a fine of not less than fifty dollars  
31 (\$50) or more than five hundred dollars (\$500). Knowing and  
32 intentional failure to comply with this section or conspiracy or  
33 collusion not to comply with this section, or to hinder or impede  
34 any other person in the compliance, is a public offense punishable  
35 by a fine of not less than five thousand dollars (\$5,000) nor more  
36 than fifty thousand dollars (\$50,000).

37 ~~(b) Every settlement, judgment, or arbitration award over ten~~  
38 ~~thousand dollars (\$10,000) of a claim or action for damages for~~  
39 ~~death or personal injury caused by negligence, error or omission~~  
40 ~~in practice, or by the unauthorized rendering of professional~~

1 services, by a marriage and family therapist, a clinical social  
2 worker, or a professional clinical counselor licensed pursuant to  
3 Chapter 13 (commencing with Section 4980), Chapter 14  
4 (commencing with Section 4990), or Chapter 16 (commencing  
5 with Section 4999.10), respectively, who does not possess  
6 professional liability insurance as to that claim shall within 30  
7 days after the written settlement agreement has been reduced to  
8 writing and signed by all the parties thereto or 30 days after service  
9 of the judgment or arbitration award on the parties be reported to  
10 the agency that issued the license, certificate, or similar authority.  
11 A complete report shall be made by appropriate means by the  
12 person or his or her counsel, with a copy of the communication to  
13 be sent to the claimant through his or her counsel if he or she is  
14 so represented, or directly if he or she is not. If, within 45 days of  
15 the conclusion of the written settlement agreement or service of  
16 the judgment or arbitration award on the parties, counsel for the  
17 claimant (or if he or she is not represented by counsel, the claimant  
18 himself or herself) has not received a copy of the report, he or she  
19 shall himself or herself make a complete report. Failure of the  
20 marriage and family therapist, clinical social worker, or  
21 professional clinical counselor or claimant (or, if represented by  
22 counsel, his or her counsel) to comply with this section is a public  
23 offense punishable by a fine of not less than fifty dollars (\$50) nor  
24 more than five hundred dollars (\$500). Knowing and intentional  
25 failure to comply with this section, or conspiracy or collusion not  
26 to comply with this section or to hinder or impede any other person  
27 in that compliance, is a public offense punishable by a fine of not  
28 less than five thousand dollars (\$5,000) nor more than fifty  
29 thousand dollars (\$50,000).

## O

**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
MARCH 3-4, 2016 BOARD MEETING**

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<b>BILL NUMBER:</b>	Assembly Bill 2048		
<b>AUTHOR:</b>	Assembly Member Adam Gray	<b>SPONSOR:</b>	
<b>VERSION:</b>	Introduced 2/17/2016	<b>INTRODUCED:</b>	2/17/2016
<b>BILL STATUS:</b>	02/18/16 – From Printer. May be heard in committee March 19.	<b>BILL LOCATION:</b>	Assembly
<b>SUBJECT:</b>	National Health Service Corps State Loan Repayment Program	<b>RELATED BILLS:</b>	

**SUMMARY**

Existing law provides that in administering the National Health Service Corps State Loan Repayment Program in accordance with federal law and regulations, the Office of Statewide Health Planning and Development is required to strive, whenever feasible, to equitably distribute loan repayment awards between eligible urban and rural program sites, after taking into account the availability of health care services in the communities to be served and the number of individuals to be served in each program site.

This would make technical, nonsubstantive changes to that provision.

**ANALYSIS**

At this time, the potential impact of this bill upon the Dental Board of California (Board) is unknown.

**REGISTERED SUPPORT/OPPOSITION**

To date, there is no registered support or opposition on file.

**BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

Staff recommends taking a “WATCH” position on this bill.



**ASSEMBLY BILL**

**No. 2048**

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**Introduced by Assembly Member Gray**

February 17, 2016

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An act to amend Section 127940 of the Health and Safety Code, relating to health professions development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2048, as introduced, Gray. National Health Service Corps State Loan Repayment Program.

Existing law provides that in administering the National Health Service Corps State Loan Repayment Program in accordance with federal law and regulations, the Office of Statewide Health Planning and Development is required to strive, whenever feasible, to equitably distribute loan repayment awards between eligible urban and rural program sites, after taking into account the availability of health care services in the communities to be served and the number of individuals to be served in each program site.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1     SECTION 1. Section 127940 of the Health and Safety Code
- 2     is amended to read:
- 3     127940. (a) In administering the National Health Service
- 4     Corps State Loan Repayment Program in accordance with Section

- 1 254q-1 of Title 42 of the United States Code and related federal  
2 regulations, the ~~office~~ *Office of Statewide Health Planning and*  
3 *Development* shall strive, whenever feasible, to equitably distribute  
4 loan repayment awards between eligible urban and rural program  
5 sites, after taking into account the availability of health care  
6 services in the communities to be served and the number of  
7 individuals to be served in each program site. ~~The~~  
8 (b) The office shall set a reasonable deadline for when all  
9 applications are required to be received. ~~All~~  
10 (c) All eligible applications shall be given consideration before  
11 any award is granted.

**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
MARCH 3-4, 2016 BOARD MEETING**

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<b>BILL NUMBER:</b>	Assembly Bill 2235		
<b>AUTHOR:</b>	Assembly Member Tony Thurmond	<b>SPONSOR:</b>	
<b>VERSION:</b>	Introduced 2/87/2016	<b>INTRODUCED:</b>	2/18/2016
<b>BILL STATUS:</b>	02/18/16 – Read first time. To print	<b>BILL LOCATION:</b>	Assembly
<b>SUBJECT:</b>	Board of Dentistry: Pediatric Anesthesia: Committee	<b>RELATED BILLS:</b>	

**SUMMARY**

This bill would require the Dental Board of California (Board) to establish a committee to investigate whether the current laws, regulations, and policies of the State of California are sufficient to guard against unnecessary use of anesthesia for young patients and potential injury or death before March 31, 2017.

Additionally, this bill requires the committee, before December 1, 2017, to review all incident reports related to pediatric anesthesia in dentistry in this State between 2011-2016 and to review the policies of other states and dental associations to ensure that this State has regulation and policies in place to protect young patients.

**ANALYSIS**

This bill mirrors a request submitted to the Board President by Senate Committee on Business Professions and Economic Development Chair Jerry Hill. However the reporting time frames differ. Senator Hill has requested the review begin as soon as possible and a report submitted to him by January 1, 2017 while this legislation requires the Board to establish a committee by March 31, 2017 and research the incident reports by December 1, 2017.

At this time Board staff believes the costs associated with this review by the subcommittee would be absorbable.

**REGISTERED SUPPORT/OPPOSITION**

To date, there is no registered support or opposition on file.

**BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support
- Support if Amended
- Oppose

- Watch
- Neutral
- No Action

Staff recommends taking a “WATCH” position on this bill.

**ASSEMBLY BILL**

**No. 2235**

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**Introduced by Assembly Member Thurmond**

February 18, 2016

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An act to add Section 1601.4 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2235, as introduced, Thurmond. Board of Dentistry: pediatric anesthesia: committee.

The Dental Practice Act provides for the licensure and regulation of dentists by the Dental Board of California. That act authorizes a committee of the board to evaluate all suggestions or requests for regulatory changes related to the committee and to hold informational hearings in order to report and make appropriate recommendations to the board, after consultation with departmental legal counsel and the board's chief executive officer. The act requires a committee to include in any report regarding a proposed regulatory change, at a minimum, the specific language or the proposed change or changes and the reasons therefor, and any facts supporting the need for the change.

The act governs the use of general anesthesia, conscious sedation, and oral conscious sedation for pediatric and adult patients.

This bill would require the board, on or before March 31, 2017, to establish a committee to investigate whether the current laws, regulations, and policies of the state are sufficient to guard against unnecessary use of anesthesia for young patients and potential injury or death. The bill would require the committee, on or before December 1, 2017, to review all incident reports related to pediatric anesthesia in dentistry in the state for the years 2011 through 2016, inclusive, and to

review the policies of other states and dental associations to ensure that this state has regulation and policies in place to do everything feasible to protect young patients.

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 1601.4 is added to the Business and
- 2 Professions Code, to read:
- 3 1601.4. The board, on or before March 31, 2017, shall establish
- 4 a committee to investigate whether the current laws, regulations,
- 5 and policies of the state are sufficient to guard against unnecessary
- 6 use of anesthesia for young patients and potential injury or death.
- 7 On or before December 1, 2017, the committee shall review all
- 8 incident reports related to pediatric anesthesia in dentistry in the
- 9 state for the years 2011 through 2016, inclusive, and shall review
- 10 the policies of other states and dental associations to ensure that
- 11 this state has regulation and policies in place to do everything
- 12 feasible to protect young patients.

**DENTAL BOARD OF CALIFORNIA  
BILL ANALYSIS  
MARCH 3-4, 2016 BOARD MEETING**

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<b>BILL NUMBER:</b>	Assembly Bill 2331		
<b>AUTHOR:</b>	Assembly Member Matt Dababneh	<b>SPONSOR:</b>	
<b>VERSION:</b>	Introduced 2/18/2016	<b>INTRODUCED:</b>	2/18/2016
<b>BILL STATUS:</b>	02/18/16 – Read first time. To print	<b>BILL LOCATION:</b>	Assembly
<b>SUBJECT:</b>	Dentistry: Applicants to Practice	<b>RELATED BILLS:</b>	

**SUMMARY**

Existing law requires each applicant for a license to practice dentistry to successfully complete specified examinations, including receiving a passing score on either a portfolio examination, as specified, or a clinical and written examination administered by the Western Regional Examining Board (WREB).

Additionally, existing law authorizes the Director of Finance to accept on behalf of the state any gift of real or personal property whenever he or she deems the gift and the terms and conditions thereof to be in the best interest of the state.

This bill would provide an additional pathway to dental licensure in California by allowing an applicant to satisfy a portion of the licensure examination requirements by taking and successfully passing an examination developed by the American Board of Dental Examiners, Inc (ADEX). Additionally, this bill would authorize the Director of Finance to accept funds for the purpose of implementing the ADEX examination which would be deposited into the Special Deposit Fund.

**ANALYSIS**

At this time, the potential impact of this bill upon the Dental Board of California (Board) is significant, as it would require the Board to conduct an occupational analyses prior to a psychometric evaluation validation of ADEX as required by Business and Professions Code (Code) Section 139.

During a prior Board meeting, discussion took place in regards to the cost associated with the occupational analyses which is believed to be addressed in this proposed bill by the addition of language regarding the acceptance of funds by the Director of Finance. Prior to this legislation being introduced, discussion took place regarding whether ADEX could pay for the occupational analyses and the psychometric evaluation validation. Legislative Counsel provided an opinion regarding this matter, which is attached for reference.

Furthermore, there are costs undetermined relating to establishing the ADEX examination as a pathway within BreEZe. Since candidate interest is unknown this may require the hiring of additional staff to process the ADEX examination.

If ADEX is planning to mirror the WREB examination then the following are missing:

- Language regarding compliance with Code Section 1632.5;
- Defining of the ADEX examination
- Identification of “Its successor organization” and its intent

Furthermore, the proposed Section 1632.6 already exists within the BPC, thus it is necessary for the author to add a new section reference.

### **REGISTERED SUPPORT/OPPOSITION**

To date, there is no registered support or opposition on file.

### **BOARD POSITION**

The Board has not taken a position on the bill. The Committee may consider recommending the Board take one of the following actions regarding this bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

Staff recommends taking a “WATCH” position on this bill.



**ASSEMBLY BILL**

**No. 2331**

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**Introduced by Assembly Member Dababneh**

February 18, 2016

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An act to amend Section 1632 of, and to add Section 1632.6 to, the Business and Professions Code, relating to dentistry and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2331, as introduced, Dababneh. Dentistry: applicants to practice.

The Dental Practice Act provides for the licensure and regulation of dentists and associated professions by the Dental Board of California within the Department of Consumer Affairs. The act requires each applicant for a license to practice dentistry to successfully complete specified examinations, including receiving a passing score on either a portfolio examination, as specified, or a clinical and written examination administered by the Western Regional Examining Board, which determines the passing score for that examination.

This bill would additionally allow an applicant to satisfy that examination requirement by receiving a passing score on an examination developed by the American Board of Dental Examiners, Inc.

Existing law authorizes the Director of Finance to accept on behalf of the state any gift of real or personal property whenever he or she deems the gift and the terms and conditions thereof to be in the best interest of the state. Existing law establishes the Special Deposit Fund, a continuously appropriated fund, which consists of money that is paid into it in trust pursuant to law when no other fund has been created to receive that money.

This bill would authorize the Director of Finance to accept funds for the purposes of implementing the dental examination developed by the American Board of Dental Examiners, Inc., described above. Because these funds would be deposited in the Special Deposit Fund, a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

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

1     SECTION 1. Section 1632 of the Business and Professions  
2     Code is amended to read:

3     1632. (a) The board shall require each applicant to successfully  
4     complete the Part I and Part II written examinations of the National  
5     Board Dental Examination of the Joint Commission on National  
6     Dental Examinations.

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

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

28    (1) A portfolio examination of the applicant's competence to  
29    enter the practice of dentistry. This examination shall be conducted  
30    while the applicant is enrolled in a dental school program at a

1 board-approved school located in California. This examination  
2 shall utilize uniform standards of clinical experiences and  
3 competencies, as approved by the board pursuant to Section 1632.1.  
4 The applicant shall pass a final assessment of the submitted  
5 portfolio at the end of his or her dental school program. Before  
6 any portfolio assessment may be submitted to the board, the  
7 applicant shall remit the required fee to the board to be deposited  
8 into the State Dentistry Fund, and a letter of good standing signed  
9 by the dean of his or her dental school or his or her delegate stating  
10 that the applicant has graduated or will graduate with no pending  
11 ethical issues.

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

16 (B) The board shall also provide written notice to the Legislature  
17 and the Legislative Counsel when these regulations have been  
18 adopted.

19 (2) A clinical and written examination administered by the  
20 Western Regional Examining Board, *or an examination developed*  
21 *by the American Board of Dental Examiners, Inc., or its successor*  
22 *organization*, which board shall determine the passing score for  
23 that examination.

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

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

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

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

37 SEC. 2. Section 1632.6 is added to the Business and Professions  
38 Code, to read:

39 1632.6. The Department of Finance may accept funds pursuant  
40 to Sections 11005.1 and 16302 of the Government Code for the

- 1 purposes of implementing the examination developed by the
- 2 American Board of Dental Examiners, Inc., as described in
- 3 paragraph (2) of subdivision (c) of Section 1632.

O



## MEMORANDUM

<b>DATE</b>	February 22, 2016
<b>TO</b>	Legislative & Regulatory Committee Members
<b>FROM</b>	Lusine M Sarkisyan, Legislative and Regulatory Analyst
<b>SUBJECT</b>	<b>Agenda Item LEG 5:</b> Update on 2016 Pending Regulatory Packages

### **Abandonment of Applications (California Code of Regulations, Title 16, Section 1004):**

At its May 2013 meeting, the Dental Board of California (Board) approved proposed regulatory language relative to the abandonment of applications and directed staff to initiate the rulemaking. Board staff filed the initial rulemaking documents with the Office of Administrative Law (OAL) on July 23, 2015 and the proposal was published in the California Regulatory Notice Register on Friday, August 7, 2015. The 45-day public comment period began on August 7, 2015 and ended on September 21, 2015. A public regulatory hearing was held in Sacramento on September 22, 2015. The Board did not receive comments. Since, there were no comments the Board adopted the proposed language and directed staff to finalize the rulemaking file.

Staff submitted the final rulemaking file to the Department of Consumer Affairs (Department) on September 28, 2015. The rulemaking file is currently pending approval from the Director of the Department and the Secretary of the Business, Consumer Services and Housing Agency (Agency), and the Director of the Department of Finance (Finance).

Final rulemaking files are required to be approved by the Director of the Department, the Agency Secretary, and the Finance Director. Once approval signatures are obtained, the final rulemaking file will be submitted to the OAL. The OAL will have thirty (30) working days to review the file. Once approved, the rulemaking will be filed with the Secretary of State. Beginning January 1, 2013, new quarterly effective dates for regulations will be dependent upon the timeframe an OAL approved rulemaking is filed with the Secretary of State, as follows:

- The regulation would take effect on January 1 if the OAL approved rulemaking is filed with the Secretary of State on September 1 to November 30, inclusive.

- The regulation would take effect on April 1 if the OAL approved rulemaking is filed with the Secretary of State on December 1 to February 29, inclusive.
- The regulation would take effect on July 1 if the OAL approved rulemaking is filed with the Secretary of State on March 1 to May 31, inclusive.
- The regulation would take effect on October 1 if the OAL approved regulation is filed on June 1 to August 31, inclusive.

The deadline to submit this final rulemaking file to the Office of Administrative Law for review and determination of approval is August 6, 2016.

**Delegation of Authority to the Executive Officer (California Code of Regulations, Title 16, Section 1001):**

At its May 2014 meeting, the Board approved proposed regulatory language to delegate authority to the Board's Executive Officer to approve settlement agreements for the revocation, surrender, or interim suspension of a license without requiring the Board to vote to adopt the settlement. Board staff filed the initial rulemaking documents with OAL on February 10, 2015 and the proposal was published in the California Regulatory Notice on February 20, 2015. The 45-day public comment period began on February 20, 2015 and ended on April 6, 2015. A regulatory hearing was held on April 7, 2015 in Sacramento. No public comments were received in response to the proposal.

Staff submitted the final rulemaking file to the Department of Consumer Affairs (Department) on June 17, 2015. The final rulemaking file has been approved by the Director of the Department, Agency Secretary and the Director Finance. Thus, on January 22, 2016, the final rulemaking file was submitted to the OAL. The OAL will have thirty (30) working days to review the file. Once approved, the rulemaking will be filed with the Secretary of State. Beginning January 1, 2013, new quarterly effective dates for regulations will be dependent upon the timeframe on OAL approved rulemaking is filed with the Secretary of State, as follows:

- The regulation would take effect on January 1 if the OAL approved rulemaking is filed with the Secretary of State on September 1 to November 30, inclusive.
- The regulation would take effect on April 1 if the OAL approved rulemaking is filed with the Secretary of State on December 1 to February 29, inclusive.
- The regulation would take effect on July 1 if the OAL approved rulemaking is filed with the Secretary of State on March 1 to May 31, inclusive.
- The regulation would take effect on October 1 if the OAL approved regulation is filed on June 1 to August 31, inclusive.

The deadline to submit the final rulemaking file to the Office of Administrative Law for review and determination of approval is February 19, 2016.

**Dental Assisting Comprehensive Regulatory Proposal:**

The Dental Assisting Council (Council) held a regulatory development workshop on June 19, 2015 to work on the Radiation Safety Course Requirements as part of the Dental Assisting Comprehensive Regulatory Proposal. Board staff has scheduled a series of workshops to develop proposed regulatory language to present to the Board at a future meeting. Once completed, this rulemaking will include educational program and course requirements, examination requirements, and licensure requirements relating to dental assisting.

### **Elective Facial Cosmetic Surgery Permit Application Requirements and Renewal:**

Regulations are necessary to interpret and specify the provisions contained in Business and Professions Code Section 1638.1 relating to the application and approval process requirements for the issuance of an Elective Facial Cosmetic Surgery permit. Board staff scheduled a teleconference in October where further discussions took place regarding regulatory language. Board staff anticipates proposed language will be considered by the Elective Facial Cosmetic Surgery (EFCS) Permit Credentialing Committee at a future meeting.

### **Licensure by Credential Application Requirements:**

The Board added this rulemaking to its list of priorities for Fiscal Year (FY) 2015-16. Staff has been working with Board Legal Counsel to identify issues and develop regulatory language to implement, interpret, and specify the application requirements for the Licensure by Credential pathway to licensure. A subcommittee was appointed (Drs. Whitcher and Woo) to work with staff to draft regulatory language and to determine if statutory changes are also necessary. Staff met with the subcommittee and the Board Legal Counsel in October 2015 and as a result of that meeting, staff presented a few policy issues to the Board for recommendation during the December 2015 Board meeting. Staff has been working to incorporate the recommendations in the development of regulatory language to proceed forward in the rulemaking process which will be presented to the Board at a future meeting.

### **Continuing Education Requirements and Basic Life Support Equivalency Standards:**

In March 2013, the Board's Executive Officer received a letter from Mr. Ralph Shenefelt, Senior Vice President of the Health and Safety Institute, petitioning the Board to amend California Code of Regulations, Title 16, Sections 1016(b)(1)(C) and 1017(d) such that a Basic Life Support (BLS) certification issued by the American Safety and Health Institute (ASHI), which is a brand of the Health and Safety Institute, would satisfy the mandatory BLS certification requirement for license renewal, and the required advanced cardiac life support course required for the renewal of a general anesthesia permit. Additionally, the letter requested an amendment to Section 1017(d) to specify that an advanced cardiac life support course which is approved by the American Heart Association or the ASHI include an examination on the materials presented in the course or any other advanced cardiac life support course which is identical in all respects, except for the omission of materials that relate solely to hospital emergencies or neonatology, to the most recent "American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" published by the American Heart Association.

Additionally, AB 836 (Skinner Chapter 299, statutes of 2013) restricted the continuing education requirement hours for active-retired dentists who provide only uncompensated care at a maximum of 60% of that required for non-retired active dentists, and requires the Board to report on the status of retired active dentists who provide only uncompensated care during its next sunset report. These new requirements will need to be implemented as part of this rulemaking proposal.

The Board deemed the development of a regulatory package relating to Continuing Education and Basic Life Support Equivalency Standards a priority for FY 2014-15. Board staff is working on the development of proposed language and will present it to the Board for consideration at a future meeting.

**Mobile and Portable Dental Unit Registration Requirements (California Code of Regulations, Title 16, Section 1049):**

Senate Bill 562 (Galgiani Chapter 562, Statute of 2013) eliminated the one mobile dental clinic or unit limit and required a mobile dental unit or a dental practice that routinely uses portable dental units, as defined, to be registered and operated in accordance with the regulations of the Board. The bill required any regulations adopted by the board pertaining to this matter to require the registrant to identify a licensed dentist responsible for the mobile dental unit or portable practice, and to include requirements for availability to follow-up and emergency care, maintenance and availability of provider and patient records, and treatment information to be provided to patients and other appropriate parties. At its November 2014 meeting, the Board directed staff to add Mobile and Portable Dental Units to its list of regulatory priorities in order to interpret and specify the provisions relating to the registration requirements for the issuance of a mobile and portable dental unit. In December 2015, staff met and worked with the California Dental Association (CDA) to further develop regulatory language that will be presented to the Board for consideration during this meeting.

**Action Requested:**

No Action Requested.





## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Legislative and Regulatory Committee
<b>FROM</b>	Lusine Sarkisyan, Legislative and Regulatory Analyst Dental Board of California
<b>SUBJECT</b>	<b>LEG 6:</b> Discussion of Prospective Legislative Proposals

Stakeholders are encouraged to submit proposals in writing to the Board before or during the meeting for possible consideration by the Board at a future Board meeting.

# **Public Comment on Items Not on the Agenda**

# **FUTURE AGENDA ITEMS**

**Stakeholders are encouraged to  
propose items for possible  
consideration by the Committee at a  
future meeting.**

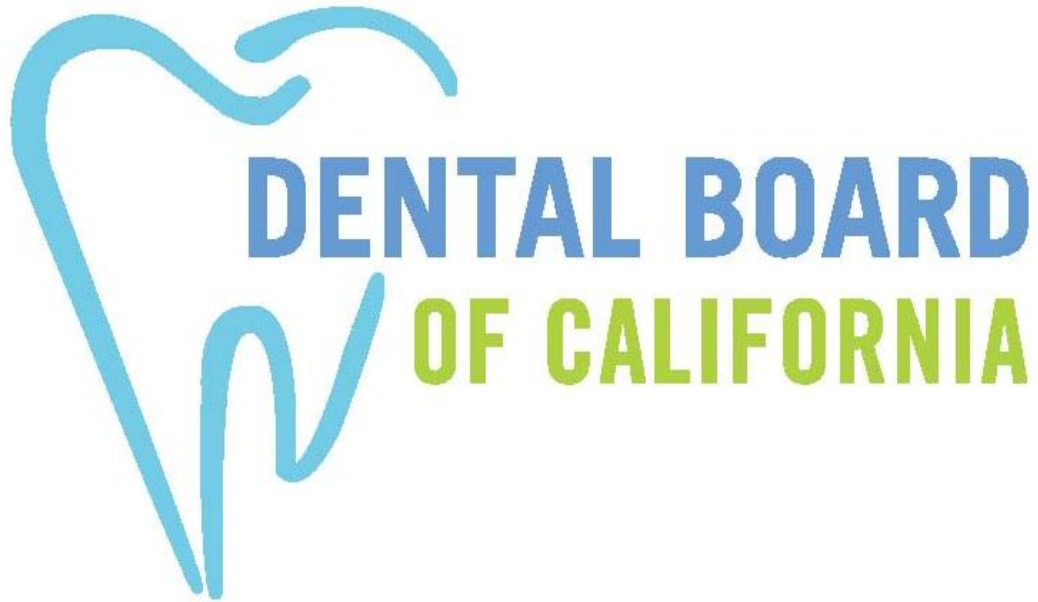
# **COMMITTEE MEMBER COMMENTS FOR ITEMS NOT ON THE AGENDA**

**The Committee may not discuss or take action on any matter raised during the Committee Member Comments 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)).**

# ADJOURNMENT

# **RETURN TO OPEN SESSION**

**RECESS**



**FULL BOARD MEETING**  
**Friday, March 4, 2016**



**Humphreys Half Moon Inn & Suites**  
**2303 Shelter Island Drive**  
**San Diego, CA 92106**



**Call to Order**

**Roll Call**

**Establishment of  
Quorum**



## **BOARD MEETING AGENDA**

**March 4, 2016**

Humphreys Half Moon Inn & Suites  
2303 Shelter Island Drive  
San Diego, CA 92106  
800-542-7400 (Hotel) or 916-263-2300 (Board Office)

### **Members of the Board**

Steven Morrow, DDS, MS, President  
Judith Forsythe, RDA, Vice President  
Steven Afriat, Public Member, Secretary

Fran Burton, MSW, Public Member  
Stephen Casagrande, DDS  
Yvette Chappell-Ingram, Public Member  
Katie Dawson, RDH  
Luis Dominicus, DDS  
Kathleen King, Public Member

Ross Lai, DDS  
Huong Le, DDS, MA  
Meredith McKenzie, Public Member  
Thomas Stewart, DDS  
Bruce Whitcher, 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 or technical difficulties that may arise.

# Friday, March 4, 2016

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

9. Call to Order/Roll Call/Establishment of Quorum.
10. Discussion and Possible Action to Initiate a Rulemaking to Amend California Code of Regulations, Title 16, Section 1049 Relating to Mobile and Portable Dental Unit Registration Requirements.
11. Report on the Little Hoover Commission Hearing on Occupational Licensing
12. Examinations:
  - A. Western Regional Examination Board (WREB) Update
  - B. Staff Update on Portfolio Pathway to Licensure
13. Licensing, Certifications and Permits:
  - A. Review of Dental Licensure and Permit Statistics
  - B. Request Received from Senator Jerry Hill Regarding Appointment of a Subcommittee to Investigate Whether California's Current Laws, Regulations, and Policies Relating to Pediatric Anesthesia Provide Sufficient Consumer Protection
14. Budget Report
15. Discussion and Possible Action to Initiate a Rulemaking to Amend California Code of Regulations, Title 16 Sections 1021 and 1022, Dentistry and Dental Assisting Licensing and Permitting Fee Increase.
16. Enforcement Committee Report  
The Board may take action on any items listed on the attached Enforcement Committee agenda.
17. Legislative and Regulatory Committee Report  
The Board may take action on any items listed on the attached Legislative and Regulatory Committee agenda.
18. 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)).
19. Board Member Comments on Items Not on the Agenda.  
The Board may not discuss or take action on any matter raised during the Board Member Comments 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)).
20. Adjournment.



## MEMORANDUM

<b>DATE</b>	February 22, 2016
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Lusine Sarkisyan, Legislative & Regulatory Analyst
<b>SUBJECT</b>	<b>Agenda Item 10:</b> Discussion and Possible Action to Initiate a Rulemaking to Implement, Interpret, and Make Specific California Code of Regulation, Title 16, Section 1049 Relating to Mobile and Portable Dental Unit Registration Requirements

### **Background:**

Senate Bill 562 (Galgiani Chapter 562, Statutes of 2013) eliminated the one mobile dental clinic or unit limit and required a mobile dental unit or a dental practice that routinely uses portable dental units, as defined, to be registered and operated in accordance with the regulations of the Dental Board of California (Board). A copy of the bill is enclosed for reference. The bill required any regulations adopted by the Board pertaining to these matters to require the registrant to identify a licensed dentist responsible for the mobile dental unit or portable practice, and to include requirements for availability of follow-up and emergency care, maintenance and availability of provider and patient records, and treatment information to be provided to patients and other appropriate parties. At its November 2014 meeting, the Board directed staff to add Mobile and Portable Dental Units to its list of regulatory priorities.

The California Dental Association (CDA) submitted an initial rough draft of proposed regulatory language to Board staff to begin the process. Staff met with a representative of the CDA to discuss the proposed provisions and additionally consulted the Board's Legal Counsel. After evaluation of the requirements of the Administrative Procedures Act (APA) and the Board's statutory authority, staff has drafted the enclosed proposed regulatory language for the Board's consideration.

Please note there is terminology highlighted in gray in the proposed language that will require the development of a definition. Staff will be presenting possible definitions for "community facilities", "necessary parties", and "permanently established" for the Board's discussion and consideration.

### **Action Requested:**

Consider and possibly accept the proposed regulatory language relative to the registration requirements for mobile and portable dental units, and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the

proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to California Code of Regulations, Title 16, Section 1049 as noticed in the proposed text.

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

**PROPOSED LANGUAGE**

Amend Section 1049 of Division 10 of Title 16 of the California Code of Regulations to read:

**§ 1049. Mobile Dental Clinics and Portable Dental Units.**

(a) Definitions. For purposes of Section 1657 of the code, a ~~“mobile dental clinic” or “mobile dental unit” means any self-contained facility in which dentistry will be practiced which may be moved, towed, or transported from one location to another.~~ the following definitions shall apply:

(1) “Mobile dental clinic” or “mobile dental unit” means any self-contained facility in which dentistry will be practiced which may be moved, towed, or transported from one location to another

(2) “Portable dental clinic” or “portable dental unit” means a self-contained unit housing equipment used for providing dental treatment or prevention that is transported to, and used on a temporary basis at, non-dental office locations.

(3) “Communication capability” means... an operator has telephone service that is accessible twenty-four (24) hours per day

(4) “Necessary parties” means... emergency responders, medical/dental clinics, care facility or school staff, guardians, and designated family members.

(5) “Operator” means an individual licensed to practice dentistry in the State of California who has registered a mobile dental or portable dental unit with the Board pursuant to the registration requirements of this regulation.

(6) “Permanently established dentist” means... a dentist who has a fixed place of business. A self-contained facility that cannot be moved, towed or transported.

(7) “Routinely” means a dental practice that provides dental treatment via mobile or portable means for more than thirty (30) days in any twelve (12) month time period.

(b) Application for Permit. A licensed dentist ~~who wishes to routinely operate a mobile dental clinic or portable dental unit~~ shall apply to the board for a permit by providing

evidence of compliance with the requirements of this section and paying the fee prescribed in Section 1021 for application for an additional office permit.

The board shall inform an applicant for a permit in writing within seven (7) days whether the application is complete and accepted for filing or is deficient and list what specific information is required to satisfy the deficiencies.

The board shall decide within sixty (60) days after the filing of a completed application whether the applicant meets the requirements of a permit.

(c) Requirements.

(1) The applicant shall ~~certify that~~ submit documentation of the following to the Board along with their applications:

(A) ~~There is a~~ are written procedures in place for emergency and follow-up care for patients treated by a provider using a mobile or portable dental clinic-unit and that such procedures ~~includes~~ arrangements for treatment in a dental facility which is permanently established in the area.

(B) There is a written agreement or contract with a permanently established dentist or dental clinic within the geographical area in which the mobile or portable dental unit proposes to provide services indicating their willingness to accept patients for emergency care.

~~(B)(C)~~ The mobile or portable dental clinic-unit has communication capability which will enable the operator thereof to contact necessary parties in the event of a medical or dental emergency.

~~(C) The mobile dental clinic conforms to all applicable federal, state and local laws, regulations and ordinances dealing with radiographic equipment, flammability, construction, sanitation and zoning and the applicant possesses all applicable county and city licenses or permits to operate the unit.~~

(D) A phone number where patients are able to contact the official business, and have their non-emergency call returned, with questions, concerns, or emergency needs. If a live person is not available to answer calls, the phone line shall include a recorded message with information about who to contact in case of a dental emergency.

~~(D)(E)~~ The driver of the mobile or portable dental unit possesses a valid California driver's license.

(F) Proof of insurance from a licensed insurance carrier that the operator maintains at least the minimum amount of general and professional liability insurance.

(G) Proof of radiation machine registration with the California Department of Public Health (CDPH).

(2) Official Place of Business and Maintenance of Records. The applicant shall maintain an official business or mailing address of record which shall be filed with the board.

(A) The board shall be notified within 30 days of any change in the address of record.

(B) All written or printed documents available from or issued by the mobile or portable dental ~~clinic~~ unit shall contain the official phone number and address of record for the mobile or portable dental ~~clinic~~ unit.

(C) All dental and official records shall be maintained by the operator and available for inspection and copying upon request by representatives of the Board or other person as authorized by state or federal law.

(D) With a signed patient authorization, patient records, including radiographs and any diagnosis and proposed treatment plan, must be provided to the requesting entity within fifteen (15) business days.

(3) Each mobile or portable dental ~~clinic~~ unit shall:

(A) Have ready access to a ramp or lift if services are provided to disabled persons. . If one is not available, must provide a justification that is consistent with the Americans with Disabilities Act (ADA). Portable dental units are exempt from this requirement.

(B) Have access to a properly functioning sterilization system.

(C) Have ready access to an adequate supply of potable water, including hot water.

(D) Have ready access to toilet facilities.

(E) Have a covered galvanized, stainless steel, or other noncorrosive metal container for deposit of refuse and waste materials.

(F) Conform to all applicable federal, state and local laws, regulations and ordinances dealing with disposal of medical waste, radiographic



equipment, flammability, construction, sanitation and zoning and the applicant possesses all applicable county and city licenses or permits to operate the unit.

(G) Be in compliance with the current Recommended Infection Control Practices for Dentistry as published by the federal Centers for Disease Control and Injury Prevention (CDC) and Section 1005 of Division 10 of Title 16 of the California Code of Regulations.

(H) Allow the inspection of the mobile or portable dental unit by a representative of the Board prior to receiving approval to operate, at the Board's discretion.

(I) Have communication capability which enables the operator thereof to contact emergency medical services and other necessary parties in the event of a medical or dental emergency.

(J) Have an Automated External Defibrillator (AED)

(K) Have a schedule and log demonstrating the regular inspection of all emergency drugs and equipment for administration of anesthesia, including the date(s) and name of person who last checked drugs and equipment and the results of the checks, including that of the condition of the equipment according to the manufacturers' specifications.

(L) Conform to all applicable policies of the California Departments of Health Care Services and Public Health.

(d) Transferability. A permit to operate a mobile or portable dental ~~clinic~~unit is not transferable.

(e) Renewal. A permit to operate a mobile or portable dental ~~clinic~~unit expires at the same time as the permit holder's dental license. The permit holder may apply for renewal and shall pay the fee set for renewal of an additional office permit.

(f) Exemptions.

(1) Mobile or portable dental facilities operated by or sponsored by agencies of the federal, state or local government or California dental schools are exempt from the requirements of this section.

(2) Dentists and other California licensed dental professionals practicing within their scope of practice, who have not registered with the board to operate a mobile or portable dental unit may provide dental services through the use of dental instruments, materials, and equipment taken out of a dental office without

notifying the Board if the service is provided as emergency treatment for their patients of record.

(g) Identification of Personnel, Notification of Changes in Written Procedures, and Display of Licenses.

(1) The operator of a mobile or portable dental unit shall identify and advise the board in writing within thirty (30) days of any change of licensed personnel associated with the mobile or portable dental unit operation by providing the full name, address, telephone numbers, and license numbers.

(2) The operator shall advise the board in writing within thirty (30) days of any change in the written procedure for emergency follow-up care for patients treated in the mobile or portable dental unit, including arrangements for treatment in a dental facility which is permanently established in the area. The permanent dental facility(s) shall be identified in the written procedure.

(3) Each dentist, registered dental assistant, and any other licensed individual providing dental services in the mobile or portable dental unit shall prominently display evidence of his or her California dental license in plain view of patients.

(h) Identification of Location of Services.

(1) Each operator of a mobile or portable dental unit shall maintain a confidential written or electronic record detailing the following for each location where services are provided:

(A) Street address of the service location;

(B) Date of each treatment session;

(C) Names of patients served; and

(D) Types of dental services provided.

(2) The confidential written or electronic record shall be made available to a representative of the Board within ten (10) days of the Board's receipt of a request. Costs for such records shall be borne by the mobile or portable dental unit.

(i) Licensed Dentist in Charge. A California licensed dentist in good standing with the board shall be in charge of and responsible at all times and for all aspects of a mobile dental facility or portable dental operation subject to the requirements of this section.

(j) Information for Patients.

(1) During or at the conclusion of each patient's visit to the mobile or portable dental unit, the patient, or if a minor, the minor's parent or legal representative, shall be provided with an information sheet. If the patient has provided consent to an institutional facility or dental office to access the patient's dental health records, the institution shall also be provided with a copy of the information sheet. An institutional facility includes, but is not limited to, a long-term care facility or school. A dental office includes, but is not limited to, a private practice, a community clinic, or other mobile or portable dental unit.

(2) The information sheet as required herein shall include the following:

(A) Pertinent contact information for the mobile or portable dental unit;

(B) Name of the dentist and other licensed dental staff who provided services;

(C) A description of the treatment rendered, including CDT billed service codes and fees associated with treatment, and tooth numbers when appropriate; and

(D) A description of any dental needs observed during a screening, assessment, or other form of visual inspection, or diagnosis during an examination.

(E) If necessary, referral information to another dentist within the patient's geographically accessible area as required by this regulation.

(F) Detailed bill for services rendered, detailing the amount covered by patient's insurance and the amount due from the patient (if any);

(G) Language, including the Board's contact information, notifying patients of their right to contact the Dental Board should the patient have a problem they are unable to resolve with the mobile or portable dental unit and/or the rendering dentist.

(k) Follow-up Treatment Services.

(1) "Patient of record" refers to a patient who has been examined, has had a medical and dental history completed and evaluated, and has had oral conditions diagnosed and a written plan developed by the licensed dentist.

(2) A mobile or portable dental provider who collects diagnostic records, including radiographs, shall be considered to have accepted the patient as a patient of record.

- (3) Providers shall meet their responsibility for ensuring care to patients of record by arranging for proper follow up care for treatment provided, and referring for care identified but not provided, to a geographically accessible location for dental services.
- (4) A mobile or portable dental unit provider that does not follow-up with treatment or follow-up on referral for treatment consistent with the requirements of section (k)(3), shall be considered as abandoning the patient. Preventative programs are exempt.
- (5) A provider shall make reasonable documented attempts to follow up with patients who fail to appear for follow up care, or referred appointments. After these reasonable attempts, the provider shall be considered to have met the patient of record responsibilities.

(l) Cessation of Operation.

- (1) Upon cessation of operation by the mobile or portable dental unit, the operator shall notify the board within thirty (30) days of the last day of operation in writing of the final disposition of patient records and charts.
- (2) If the mobile dental facility or portable unit is sold, a new registration application must be filed with the board.
- (3) Upon choosing to discontinue practice or services in a community, the operator of a mobile clinic or portable unit shall notify all patients of record and preserve all records.
- (4) The operator shall make reasonable arrangements with the active patients of the mobile or portable unit for the transfer of the patient's records, including radiographs or copies thereof, to the succeeding practitioner or, at the written request of the patient, to the patient.
- (5) As used in this section, "active patient" applies and refers to a patient of record whom the mobile clinic or the portable unit has examined, treated, or cared for within the two-year (2) year period prior to discontinuation of practice, or moving from or leaving the community.

(m) Consent for Services.

- (1) No dental services, including dental examination or disease prevention services shall be performed on a patient unable to provide direct consent, such as a minor or person with special needs, without a signed consent from the parent or legal representative.

(2) The mobile or portable provider, who offers only dental disease prevention services, shall list the services provided, clearly state that they are limited to prevention, and advise the patient to seek comprehensive examination from a dentist.

(3) Consent for services provided by a mobile or portable dental provider whose program includes multiple dental services, including diagnostic, preventive, and/or restorative or surgical services shall provide a list of available procedures, the risks and benefits of each, restorative materials used, and a copy of the required dental materials fact sheet. At a minimum, the consent process must offer the parent or legal representative the following options:

(A) To consent to proceed with restorative, surgical or other dental treatment identified by the diagnosing dentist at the first opportunity, waiving request for further information or details of the procedures

(B) To receive first a written treatment plan and to consent to the recommended services prior to commencing treatment

(C) To request to be present at the time of treatment

(4) Consent forms shall include a request for the name of the patient's dentist and date of last visit, if known. Providers governed by this section are encouraged to take all reasonable steps to consult with a patient's existing dentist of record, if any, as appropriate to avoid duplication of services.

(n) Safety. A mobile clinic must have carbon monoxide detection devices installed and in proper working order.

(o) Failure to Comply. Failure to comply with state statutes or regulations regulating the practice of dentistry, dental hygiene, and the operation of mobile or portable dental units may subject the operator and all practitioners providing services through a mobile or portable dental unit to disciplinary action.

Note: Authority cited: Sections 1614 and 1657, Business and Professions Code.  
Reference: Section 1657, Business and Professions Code.



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Karen Fischer, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 11:</b> Report on the Little Hoover Commission Hearing on Occupational Licensing

On December 15, 2015, the Dental Board received a letter from the Little Hoover Commission (Commission)\* indicating that it would be conducting a review of occupational licensing in California, beginning the process with advisory meetings scheduled in 2016.

According to the information provided, the number of individuals who must meet government-established criteria to practice a given occupation has grown rapidly in the last half century. In the 1950's, fewer than five percent of workers nationwide were required to hold licenses to practice their professions; by 2008, that number had increased to 29 percent of workers nationwide, according to economists Morris Kleiner and Alan Kreuger. Approximately 21 percent of California's 10 million-member workforce is licensed. Proponents of occupational licensing maintain that these regulations are necessary to protect the health and safety of consumers. Critics contend that the regulations at times go beyond consumer protection and unjustifiably restrict competition.

Commission staff met with the Department of Consumer Affairs (DCA) to discuss the study; and DCA is working with the Commission to answer any questions it has surrounding occupational licensing. According to the Commission, it does not intend to review any specific licensing program.

At the introductory hearing that was held February 4, 2016 at the State Capitol Building, the Commission heard testimony from various speakers regarding the following topics:

- The economic links between occupational licensing, employment, wages, prices and the quality and availability of services;
- The impact of occupational licensing on innovation, entrepreneurship and upward mobility;
- Protecting the public interest; and
- Legislative sunrise and sunset review.

The agenda for this meeting and the supporting documentation can be found at the following link:

<http://www.lhc.ca.gov/studies/agendas/Feb16.html>

Additional hearings will be scheduled in the coming months.

*\* The Commission is an independent state agency comprised of members of the Legislature and public appointees of the Governor and Legislature. It studies various topics related to government operations and provides reports and recommendations on improvements.*



## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Board of California
<b>FROM</b>	Linda Byers, Executive Assistant
<b>SUBJECT</b>	<b>Agenda Items 12 A &amp; B:</b> Western Regional Examination Board (WREB) Update; Portfolio Pathway to Licensure Update

### **A. Western Regional Examination Board (WREB)**

Dr. Huong Le will provide a verbal report.

### **B. Portfolio Pathway to Licensure Update**

Dr. Steve Morrow will give a verbal report about the Portfolio presentation that he made at Colorado State Dental Board meeting. In addition to the Colorado Dental Board's interest, Dr. Sid Brantley, Kentucky Board of Dentistry Board Member, requested and was sent information about the Portfolio Pathway to Licensure.

The University of California, San Francisco (UCSF) notified staff on September 23, 2015 that they have trained and calibrated their faculty in compliance with the Board's requirements; and has requested candidate numbers for 105 students.

The University of California, Los Angeles (UCLA) notified staff on January 27, 2016 that they have trained and calibrated their faculty in compliance with the Board's requirements; and has requested candidate numbers for 2 students.

The University of the Pacific (UOP) notified staff on February 19, 2016 that they have trained and calibrated their faculty in compliance with the Board's requirements; and has requested candidate numbers for 120 students.

The University of Southern California (USC) notified staff on October 23, 2015 of their faculty members that will be participating in the Portfolio Examination process.

Staff is currently working on the addition of a portfolio page to the website.





## MEMORANDUM

<b>DATE</b>	February 24, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	Jessica Olney, Associate Governmental Program Analyst
<b>SUBJECT</b>	<b>Agenda Item 13: A</b> - Review of Dental Licensure and Permit Statistics <b>B</b> - Request Received from Senator Jerry Hill Regarding Appointment of a Subcommittee to Investigate Whether California's Current Laws, Regulations, and Policies Relating to Pediatric Anesthesia Provide Sufficient Consumer Protection

**A.** Following are statistics of current license/permits by type as of February 17, 2016

<b>Dental License (DDS)</b>	
<b>Active</b>	34,059
<b>Inactive</b>	2,036
<b>Retired</b>	1,769
<b>Disabled - Non practice</b>	156
<b>Renewal in Process</b>	300
<b>Fingerprinting Hold</b>	55
<b>Delinquent</b>	4,591
<b>Suspended No Coronal Polish/X-ray</b>	N/A
<b>Total Cancelled Since Licensing was required</b>	14,112

<b>Dental Licenses Issued via Pathway</b>	<b>Total Issued in 2015</b>	<b>Total Issued in 2014</b>	<b>Total Issued in 2013</b>	<b>Total Issued to Date</b>	<b>Date Pathway Implemented</b>
California Exam	0	0	0	53,977	Prior to 1929
WREB Exam	747	753	767	7,546	January 1, 2006
Licensure by Residency	162	170	171	547	January 1, 2007
Licensure by Credential	116	144	141	2809	July 1, 2002
LBC Clinic Contract	5	1	3	28	July 1, 2002
LBC Faculty Contract	2	0	0	3	July 1, 2002
Portfolio	7	N/A	N/A	7	November 5, 2014

License/Permit /Certification/Registration Type	Current Active Permits	Delinquent	Total Cancelled Since Permit was Required
Additional Office Permit	2,446	433	5,953
Conscious Sedation Permit	514	32	393
Continuing Education Registered Provider Permit	1,110	636	1,716
Elective Facial Cosmetic Surgery Permit	27	1	0
Extramural Facility Registration*	154	n/a	n/a
Fictitious Name Permit	6,471	822	5,115
General Anesthesia Permit	837	37	846
Mobile Dental Clinic Permit	40	27	35
Medical General Anesthesia Permit	87	27	155
Oral Conscious Sedation Certification (Adult Only 1,418; Adult & Minors 1,523)	2,366	564	458
Oral & Maxillofacial Surgery Permit	84	8	15
Referral Service Registration*	153	n/a	n/a
Special Permits	43	9	163

\*Current population for Extramural Facilities and Referral Services are approximated because they are not automated programs.

### Active Licensees by County as of February 17, 2016

County	DDS	County	DDS
Alameda	1,421	Placer	447
Alpine	0	Plumas	18
Amador	23	Riverside	1,047
Butte	154	Sacramento	1,068
Calaveras	21	San Benito	23
Colusa	4	San Bernardino	1,299
Contra Costa	1,061	San Diego	2,641
Del Norte	15	San Francisco	1,217
El Dorado	152	San Joaquin	355
Fresno	568	San Luis Obispo	226
Glenn	9	San Mateo	876
Humboldt	82	Santa Barbara	314
Imperial	38	Santa Clara	2,205
Inyo	11	Santa Cruz	189
Kern	340	Shasta	124
Kings	50	Sierra	2
Lake	25	Siskiyou	21
Lassen	23	Solano	292
Los Angeles	8,267	Sonoma	417
Madera	52	Stanislaus	277
Marin	325	Sutter	59
Mariposa	6	Tehama	25
Mendocino	57	Trinity	4
Merced	92	Tulare	215
Modoc	5	Tuolumne	47
Mono	3	Ventura	688
Monterey	279	Yolo	116
Napa	103	Yuba	9
Nevada	83	Out of State/Country	2,848
Orange	3,731		
		<b>TOTAL</b>	<b>34,069</b>

**2015-2016 Statistical Overviews of the On-Site Inspections and Evaluations  
Administered by the Board**

**General Anesthesia Evaluations**

	<b>Pass Eval</b>	<b>Fail Eval</b>	<b>Permit Cancelled / Non Compliance</b>	<b>Postpone no evaluators</b>	<b>Postpone by request</b>	<b>Permit Canc by Request</b>
<b>January</b>	12	0	3	0	3	2
<b>February</b>	15	0	1	0	5	2
<b>March</b>	18	0	1	0	0	4
<b>April</b>	8	1	3	0	5	1
<b>May</b>	16	0	2	1	4	0
<b>June</b>	7	1	0	1	3	0
<b>July</b>	6	1	2	1	3	2
<b>August</b>	15	1	3	1	3	3
<b>September</b>	16	1	1	0	4	2
<b>October</b>	14	0	2	0	2	3
<b>November</b>	13	0	0	0	1	1
<b>December</b>	6	0	0	1	2	2
<b>January*</b>	16	0	0	3	3	1
<b>February*</b>	19	0	0	0	4	0
<b>Total</b>	<b>181</b>	<b>5</b>	<b>18</b>	<b>8</b>	<b>42</b>	<b>23</b>

\*Approximate schedule for January and February

## Conscious Sedation Evaluations

	Pass Eval	Fail Eval	Permit Cancelled / Non Compliance	Postpone no evaluators	Postpone by request	Permit Canc by Request
January	4	0	1	0	0	2
February	7	1	0	0	1	1
March	2	0	1	2	1	2
April	7	0	2	1	1	2
May	4	2	1	1	1	0
June	5	0	0	1	1	0
July	6	0	0	1	2	1
August	9	0	0	0	1	1
September	3	0	3	0	3	0
October	6	0	0	2	2	1
November	3	0	2	2	2	1
December	3	0	1	2	1	1
January*	4	0	0	1	3	1
February*	7	0	0	0	1	0
<b>Total</b>	<b>70</b>	<b>3</b>	<b>11</b>	<b>13</b>	<b>20</b>	<b>13</b>

\*Approximate schedule for January and February

**There is a great need for conscious sedation evaluators throughout California. Several evaluations have been postponed recently due to a lack of available evaluators. The Board is actively recruiting for the evaluation program.**

## Medical General Anesthesia Evaluations

	Pass Eval	Fail Eval	Permit Cancelled / Non Compliance	Postpone no evaluators	Postpone by request	Permit Canc by Request
January	0	0	1	1	1	0
February	0	0	0	0	0	1
March	0	0	1	1	0	0
April	0	0	0	0	0	2
May	1	0	0	1	0	1
June	0	0	2	1	0	2
July	0	0	0	1	0	1
August	0	0	0	1	0	1
September	0	0	0	1	0	1
October	0	0	0	2	0	0
November	0	0	0	2	0	0
December	0	0	0	1	0	0
January*	1	0	0	0	0	0
February*	1	0	0	0	0	0
<b>Total</b>	3	0	4	12	1	9

\*Approximate schedule for January and February

## Evaluators Approved after February 1, 2016

Region	GA	CS	MGA
Northern California	2	0	0
Southern California	1	1	0

### **Pending Evaluator Applications\***

<b>Region</b>	<b>GA</b>	<b>CS</b>	<b>MGA</b>
Northern California	0	0	0
Southern California	0	0	0

\*Application deficient, or does not meet 3 year requirement.

### **Current Evaluators per Region**

<b>Region</b>	<b>GA</b>	<b>CS</b>	<b>MGA</b>
Northern California	142	67	10
Southern California	176	92	11

- B.** Dr. Steven Morrow will be responding to the attached request received from Senator Jerry Hill regarding appointment of a subcommittee to investigate whether California's current laws, regulations, and policies relating to pediatric anesthesia provide sufficient consumer protection.

CHIEF CONSULTANT  
BILL GAGE

CONSULTANTS  
SARAH HUCHEL  
SARAH MASON  
MARK MENDOZA

COMMITTEE ASSISTANT  
KRIMILDA MCKENZIE

# California Legislature

## SENATE COMMITTEE ON BUSINESS, PROFESSIONS & ECONOMIC DEVELOPMENT

SENATOR JERRY HILL, CHAIR

### MEMBERS

PATRICIA C. BATES  
VICE CHAIR

TOM BERRYHILL  
MARTY BLOCK  
CATHLEEN GALGANI  
ED HERNANDEZ, O.D.  
HANNAH-BETH JACKSON  
TONY MENDOZA  
BOB WIECKOWSKI



February 8, 2016

Steven Morrow, DDS  
Dental Board of California  
2005 Evergreen Street, Suite 1550  
Sacramento, California 95815

Dear Dr. Morrow:

I am asking your help to determine whether there is anything we can do to make children's dental care safer. I was recently made aware of a tragedy in which an otherwise healthy child died after receiving general anesthesia at a dentist's office.

My staff spoke with Karen Fischer and, thankfully, there are very few reports of this in California. However, I am concerned about the rise in use of anesthesia for young patients, and I am respectfully asking that you appoint a subcommittee of the Dental Board of California to investigate whether California's present laws, regulations, and policies are sufficient to guard against unnecessary use and any further misfortune. In doing the research, I would appreciate if the subcommittee reviews all incident reports related to pediatric anesthesia in California for the past five years and look into other states' and dental associations' policies to ensure we are doing everything we can.

I look forward to a report from the subcommittee by January 1, 2017 so that we can prepare any necessary legislation.

Thank you for your attention to this important matter and your service on the Board. Please do not hesitate to contact Sarah Huchel in the Senate Committee on Business, Professions and Economic Development at (916) 651-4104.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Hill'. The signature is stylized and fluid.

JERRY HILL  
Senator, 13<sup>th</sup> District





## MEMORANDUM

<b>DATE</b>	March 4, 2016
<b>TO</b>	Dental Board Members
<b>FROM</b>	Tammy White, Budget Analyst
<b>SUBJECT</b>	<b>Agenda Item 14: Budget Report</b>

The Board manages two separate funds: 1) Dentistry Fund, and 2) Dental Assisting Fund. The funds are not comingled. The following is intended to provide a summary of expenses for the second quarter of fiscal year (FY) 2015-16 for the Dentistry and Dental Assisting funds.

### Dentistry Fund Overview

#### *Second Quarter Expenditure Summary for Fiscal Year 2015-16*

The second quarter expenditures are based upon the budget report released by the Department of Consumer Affairs (DCA) in mid-January 2016. This report reflects actual expenditures for July 1, 2015 through December 31, 2015. The Board spent roughly \$5.9 million or 44% of its total Dentistry Fund appropriation for FY 2015-16. Of that amount, approximately \$2.7 million of the expenditures were for Personnel Services and \$3.2 million were for Operating Expense & Equipment (OE&E) for this fiscal year.

For comparison purposes, last year at this time the Board spent roughly \$6.2 million or 47% of its FY 2014-15 Dentistry budget appropriation. Approximately \$2.8 million of the expenditures was Personnel Services and approximately \$3.4 million of the expenditures was OE&E.

<b>Fund Title</b>	<b>Appropriation</b>	<b>Expenditures Through 12-31-15</b>
Dentistry Fund	\$13,016,000	\$5,768,668

**Attachment 1** displays year-to-date expenditures for the Dentistry Fund.



### *Analysis of Fund Condition*

**Attachment 1a** displays an analysis of the State Dentistry Fund's condition excluding expenditures for the BreEze system. Without fee increases, the State Dentistry Fund is heading towards insolvency for FY 2017-18. Months in reserve are decreasing and will go negative in FY 2017-18.

### **Dental Assisting Fund Overview**

#### *Second Quarter Expenditure Summary for Fiscal Year 2015-16*

The second quarter expenditures are based upon the budget report released by the Department of Consumer Affairs (DCA) in mid-January 2016. This report reflects actual expenditures for July 1, 2015 through December 31, 2015. The Board spent roughly \$1.1 million or 41% of its total Dental Assisting Fund appropriation for FY 2015-16. Of that amount, approximately \$311,000 of the expenditures were for Personnel Services and \$747,000 were for OE&E for this fiscal year.

For comparison purposes, last year at this time the Board spent roughly \$903,000 or 47% of its FY 2014-15 Dental Assisting Fund appropriation. Approximately \$343,500 of the expenditures was Personnel Services and approximately \$560,000 of the expenditures was OE&E.

<b>Fund Title</b>	<b>Appropriation</b>	<b>Expenditures Through 12-31-15</b>
Dental Assisting Fund	\$2,564,000	\$1,058,073

**Attachment 2** displays year-to-date expenditures for the Dental Assisting Fund

### *Analysis of Fund Condition*

**Attachment 2a** displays the Dental Assisting Fund's condition excluding expenditures for the BreEze system. Without fee increases, the State Dentistry Fund is heading towards insolvency for FY 2017-18. Months in reserve are decreasing and will go negative in FY 2017-18.

### **Governor's Proposed Budget FY 2016-17 Overview**

Governor Brown submitted his proposed Budget for the 2016-17 fiscal year at the beginning of January. Expenditures projection for the Dental Board is \$16,427,000. The Dentistry Fund expenditures projection is \$13,616,000, an increase of \$600,000 from 2015-16. The Dental Assistant Fund expenditures projection is \$2,679,000, an increase of \$115,000 from 2015-16.

<b>Fund Title</b>	<b>Reimbursements</b>	<b>Fund Total</b>	<b>Total Expenditures</b>
State Dentistry Fund	\$267,000	\$13,349,000	\$13,616,000
Dentally Underserved Account, State Dentistry Fund	\$132,000		\$132,000
State Dental Assistant Fund	\$16,000	\$2,663,000	\$2,679,000

**DENTAL BOARD - FUND 0741  
BUDGET REPORT  
FY 2015-16 EXPENDITURE PROJECTION**

FM 6

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16				
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES (MONTH 13)	EXPENDITURES 12/31/2014	STONE 2015-16	EXPENDITURES 12/31/2015	SPENT	TO YEAR END	BALANCE
<b>PERSONNEL SERVICES</b>							
Salary & Wages (Staff)	3,423,184	1,474,524	4,001,000	1,680,578	42%	3,743,862	257,138
Statutory Exempt (EO)	104,411	42,755	96,000	54,168	56%	105,696	(9,696)
Temp Help (Expert Examiners)	0	0	40,000	0	0%	0	40,000
Physical Fitness Incentive			0	0		0	0
Temp Help Reg (907)	152,995	87,783	199,000	62,800	32%	153,000	46,000
Temp Help (Exam Proctors)	0	0	45,000	0	0%	0	45,000
BL 12-03 Blanket	33,224	16,030		32,164		56,000	(56,000)
Board Member Per Diem (901, 920)	20,474	5,800	46,314	4,500	10%	16,000	30,314
Committee Members (911)	4,000	1,400	58,686	2,200	4%	4,000	54,686
Overtime	16,262	11,817	25,000	6,565	26%	15,800	9,200
Staff Benefits	1,744,941	710,112	2,170,000	903,280	42%	2,012,257	157,743
<b>TOTALS, PERSONNEL SVC</b>	<b>5,499,491</b>	<b>2,350,221</b>	<b>6,681,000</b>	<b>2,746,255</b>	<b>41%</b>	<b>6,106,615</b>	<b>574,385</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>							
General Expense	144,462	52,876	59,000	53,759	91%	129,000	(70,000)
Fingerprint Reports	16,343	6,512	26,000	5,669	22%	16,000	10,000
Minor Equipment	45,199	759	6,000	1,412	24%	1,412	4,588
Printing	48,239	22,002	42,000	29,764	71%	55,000	(13,000)
Communication	41,183	13,937	33,000	9,819	30%	36,000	(3,000)
Postage	68,234	30,361	59,000	34,198	58%	66,000	(7,000)
Insurance	6,211	6,211	2,000	8,056	403%	8,056	(6,056)
Travel In State	161,046	53,873	109,000	52,657	48%	157,000	(48,000)
Travel, Out-of-State	3,125		0			0	0
Training	3,352	790	7,000	2,907	42%	4,000	3,000
Facilities Operations	408,859	401,547	361,000	442,400	123%	442,400	(81,400)
C & P Services - Interdept.	50,097	324,467	77,000	7,478	10%	44,700	32,300
C & P Services - External	215,793	260,701	268,000	376,523	140%	376,523	(108,523)
<b>DEPARTMENTAL SERVICES:</b>							
OIS Pro Rata	783,624	348,402	1,091,000	539,000	49%	1,091,000	0
Admin/Exec	740,436	357,416	796,000	387,500	49%	796,000	0
Interagency Services	0	0	1,000	0	0%	1,000	0
IA w/ OPES	36,722	22,928	0	61,030		61,030	(61,030)
DOI-ProRata Internal	19,659	11,204	22,000	11,000	50%	22,000	0
Public Affairs Office	22,799	10,918	51,000	11,500	23%	51,000	0
PPRD	25,979	12,912	0	13,500		0	0
<b>INTERAGENCY SERVICES:</b>							
Consolidated Data Center	21,621	9,090	18,000	18,420	102%	24,000	(6,000)
DP Maintenance & Supply	15,166	11,610	11,000	4,898	45%	12,000	(1,000)
Central Admin Svc-ProRata	582,361	291,181	607,000	303,597	50%	607,000	0
<b>EXAMS EXPENSES:</b>							
Exam Supplies	0	0	43,291	0	0%	0	43,291
Exam Freight	0	0	166	0	0%	0	166
Exam Site Rental	0	0	196,586	0	0%	0	196,586
C/P Svcs-External Expert Administration	103,913	38,764	6,709	41,201	614%	110,000	(103,291)
C/P Svcs-External Expert Examiners	0	0	238,248	0	0%	0	238,248
C/P Svcs-External Subject Matter	4,846	400		11,277		11,277	(11,277)
Other Items of Expense	2,934	4,320	1,000	7,273	727%	7,273	(6,273)
Tort Pymts-Punitive						0	0
<b>ENFORCEMENT:</b>							
Attorney General	1,117,956	449,344	1,778,000	553,235	31%	1,376,000	402,000
Office Admin. Hearings	331,993	103,325	407,000	123,303	30%	396,000	11,000
Court Reporters	31,418	6,006		2,504		13,000	(13,000)
Evidence/Witness Fees	453,715	164,964	244,000	128,110	53%	307,000	(63,000)
DOI - Investigative			0	0		0	0
Vehicle Operations	36,460	14,108	5,000	14,561	291%	37,000	(32,000)
Major Equipment	155,332	25,734	36,000	0	0%	40,000	(4,000)
<b>TOTALS, OE&amp;E</b>	<b>5,699,077</b>	<b>3,056,662</b>	<b>6,602,000</b>	<b>3,256,550</b>	<b>49%</b>	<b>6,298,671</b>	<b>303,329</b>
<b>TOTAL EXPENSE</b>	<b>11,198,568</b>	<b>5,406,883</b>	<b>13,283,000</b>	<b>6,002,805</b>	<b>90%</b>	<b>12,405,286</b>	<b>877,714</b>
Sched. Interdepartmental							0
Sched. Reimb. - Fingerprints	(15,296)	(6,615)	(53,000)	(5,541)	10%	(53,000)	0
Sched. Reimb. - Other	(9,400)	(4,935)	(214,000)	(3,760)	2%	(214,000)	0
Unsched. Reimb. - External/Private	(48,311)	(19,595)		(24,309)			0
Probation Monitoring Fee - Variable	(110,914)	(43,323)		(49,886)			0
Invest Cost Recover FTB Collection	(1,383)	(1,383)					0
Unsched. - DOI ICR Civil Case Only							0
Unsched. - Investigative Cost Recovery	(296,399)	(102,881)		(150,641)			0
<b>NET APPROPRIATION</b>	<b>10,716,865</b>	<b>5,228,151</b>	<b>13,016,000</b>	<b>5,768,668</b>	<b>44%</b>	<b>12,138,286</b>	<b>877,714</b>
<b>SURPLUS/(DEFICIT):</b>							<b>6.7%</b>

2/18/2016

# 0741 - Dental Board of California

## Analysis of Fund Condition

(Dollars in Thousands)

### 2016-17 Governor's Budget

	ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18
<b>BEGINNING BALANCE</b>	\$ 6,085	\$ 5,635	\$ 3,370	\$ 704
Prior Year Adjustment	\$ -27	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 6,058	\$ 5,635	\$ 3,370	\$ 704
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
125600 Other regulatory fees	\$ 77	\$ 69	\$ 72	\$ 72
125700 Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966	\$ 966
125800 Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582	\$ 9,582
125900 Delinquent fees	\$ 87	\$ 69	\$ 70	\$ 70
131700 Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 13	\$ 14	\$ 10	\$ -
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -
160100 Settlements and Judgements	\$ 2	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 10,303	\$ 10,774	\$ 10,700	\$ 10,690
Totals, Revenues and Transfers	\$ 10,303	\$ 10,774	\$ 10,700	\$ 10,690
Totals, Resources	\$ 16,361	\$ 16,409	\$ 14,070	\$ 11,394
<b>EXPENDITURES</b>				
Disbursements:				
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17	\$ 17
1110 Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349	\$ 13,616
Total Disbursements	\$ 10,727	\$ 13,039	\$ 13,366	\$ 13,634
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 5,635	\$ 3,370	\$ 704	\$ -2,240
<b>Months in Reserve</b>	5.2	3.0	0.6	-1.9

## NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1
- C. ASSUMES INTEREST RATE AT 0.3%.
- D. DOES NOT INCLUDE OVER-COLLECTION OF REIMBURSEMENTS AND ESTIMATED EXPENDITURE SAVINGS.

**DENTAL ASSISTING PROGRAM - FUND 3142  
BUDGET REPORT  
FY 2015-16 EXPENDITURE PROJECTION**

FM 6

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16				
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES	EXPENDITURES	STONE	EXPENDITURES			
	(MONTH 13)	12/31/2014	2015-16	12/31/2015	SPENT	TO YEAR END	BALANCE
<b>PERSONNEL SERVICES</b>							
Salary & Wages (Staff)	329,737	188,812	497,000	186,311	37%	365,194	131,806
Statutory Exempt (EO)			0			0	0
Temp Help (Expert Examiners)			0				0
Temp Help (Consultants)			0				0
Temp Help Reg (907)	19,981	19,494	0			29,241	(29,241)
Temp Help (Exam Proctors)			0			0	0
Board Member Per Diem (901, 920)	3,900	2,100	0	800		4,000	(4,000)
Overtime	6,938	5,090	0	856		3,000	(3,000)
Staff Benefits	238,182	128,015	301,000	123,964	41%	242,986	58,014
<b>TOTALS, PERSONNEL SVC</b>	598,738	343,511	798,000	311,931	39%	644,421	153,579
<b>OPERATING EXPENSE AND EQUIPMENT</b>							
General Expense	9,122	3,263	36,000	4,189	12%	10,000	26,000
Fingerprint Reports	0	0	8,000	0	0%	0	8,000
Minor Equipment			0	6,369		6,369	(6,369)
Printing	6,650	2,843	20,000	1,384	7%	7,000	13,000
Communication	30	15	13,000	19	0%	19	12,981
Postage	23,965	11,611	37,000	14,372	39%	29,000	8,000
Insurance			0			0	0
Travel In State	52,084	28,456	49,000	13,454	27%	46,000	3,000
Training	0	0	4,000	0	0%	0	4,000
Facilities Operations	45,546	44,932	64,000	71,107	111%	71,107	(7,107)
Utilities			1,000		0%		1,000
C & P Services - Interdept.	0	0	288,000	0	0%	0	288,000
C & P Services - External	3,000	16,177	15,000	14,000	93%	14,000	1,000
<b>DEPARTMENTAL SERVICES:</b>							
OIS ProRata	344,648	141,882	586,000	289,500	49%	586,000	0
Admin/Exec	103,661	50,038	135,000	65,500	49%	135,000	0
Interagency Services	0	0	73,000	0	0%	73,000	0
IA w/ OPES			0			0	0
DOI-ProRata Internal	2,685	1,566	4,000	2,000	50%	4,000	0
Public Affairs Office	3,115	1,528	9,000	2,000	22%	9,000	0
PPRD	3,008	1,672	0	2,500		0	0
<b>INTERAGENCY SERVICES:</b>							
Consolidated Data Center	0	0	3,000	0	0%	0	3,000
DP Maintenance & Supply	0	0	1,000	0	0%	0	1,000
Statewide ProRata	85,731	42,866	92,000	45,832	50%	92,000	0
<b>EXAMS EXPENSES:</b>							
Exam Supplies	17,071	13,414	3,708	7,938	214%	16,000	(12,292)
Exam Site Rental - State Owned	39,729	18,479		37,685		50,000	(50,000)
Exam Site Rental - Non State Owned	36,710	20,910	69,939	20,010	29%	50,000	19,939
C/P Svcs-External Expert Administration	2,827	2,010	30,877	2,159	7%	3,000	27,877
C/P Svcs-External Expert Examiners	0	0	47,476	0	0%	0	47,476
C/P Svcs-External Expert Examiners			0			0	0
C/P Svcs-External Subject Matter	150,469	86,770	0	92,085		160,000	(160,000)
Other Items of Expense	0	0	0	0		0	0
<b>ENFORCEMENT:</b>							
Attorney General	128,138	71,195	173,000	53,440	31%	128,000	45,000
Office Admin. Hearings	0		3,000	0	0%	0	3,000
Evidence/Witness Fees	23,964		0	707		24,000	(24,000)
Major Equipment			16,000	568		568	15,432
<b>TOTALS, OE&amp;E</b>	1,082,153	559,627	1,782,000	746,818	42%	1,514,063	267,937
<b>TOTAL EXPENSE</b>	1,680,891	903,138	2,580,000	1,058,749	81%	2,158,484	421,516
Sched. Reimb. - Fingerprints	(1,078)	(588)	(13,000)	(441)	3%	(1,421)	(11,579)
Sched. Reimb. - Other	(705)	0	(3,000)	(235)	8%	(705)	(2,295)
<b>NET APPROPRIATION</b>	1,679,108	902,550	2,564,000	1,058,073	41%	2,156,358	407,642
<b>SURPLUS/(DEFICIT):</b>							<b>15.9%</b>

# 3142 - Dental Assisting Program

## Analysis of Fund Condition

2/18/2016

(Dollars in Thousands)

### 2016-17 Governor's Budget

	Actual 2014-15	CY 2015-16	BY 2016-17	BY + 1 2017-18
<b>BEGINNING BALANCE</b>	\$ 2,826	\$ 2,840	\$ 1,939	\$ 917
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,859	\$ 2,840	\$ 1,939	\$ 917
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
125600 Other regulatory fees	\$ 18	\$ 18	\$ 18	\$ 18
125700 Other regulatory licenses and permits	\$ 264	\$ 301	\$ 278	\$ 278
125800 Renewal fees	\$ 1,275	\$ 1,265	\$ 1,270	\$ 1,270
125900 Delinquent fees	\$ 90	\$ 70	\$ 69	\$ 69
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 3	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 6	\$ 5	\$ 5	\$ 5
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,662	\$ 1,666	\$ 1,644	\$ 1,641
Totals, Revenues and Transfers	\$ 1,662	\$ 1,666	\$ 1,644	\$ 1,641
Totals, Resources	\$ 4,521	\$ 4,506	\$ 3,583	\$ 2,558
<b>EXPENDITURES</b>				
Disbursements:				
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 2	\$ 3	\$ 3	\$ -
1110 Program Expenditures (State Operations)	\$ 1,679	\$ 2,564	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 2,663	\$ 2,716
Total Disbursements	\$ 1,681	\$ 2,567	\$ 2,666	\$ 2,716
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 2,840	\$ 1,939	\$ 917	\$ -158
<b>Months in Reserve</b>	13.3	8.7	4.1	-0.7

#### NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.



## MEMORANDUM

<b>DATE</b>	February 23, 2016
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Lusine Sarkisyan, Legislative & Regulatory Analyst
<b>SUBJECT</b>	<b>Agenda Item 15:</b> Discussion and Possible Action to Initiate a Rulemaking to Implement, Interpret, and Make Specific California Code of Regulation, Title 16, Sections 1021 and 1022, Relating to Dentistry and Dental Assisting Licensing and Permitting Fee Increase.

### **Background:**

During the prior Board meetings, it was determined that the Dental Board of California is heading towards insolvency in Budget Year 2017-2018. As a result, the Board sought to increase its statutorily authorized fee maximums for both dentists and dental auxiliaries. Assembly Bill 179 (Bonilla, Chapter 510, Statutes of 2015) was chaptered which authorized the increases in the statutorily authorized fee maximums relating to dentist and dental assistant licensure and permitting.

During the August 2015 Board meeting, the subcommittee headed by Doctor Bruce Whitcher and Kathleen King, presented the findings from the Fee Audit Report provided by Capital Accounting Partners. This report detailed cost recovery projections for the Dental Board in the coming years. Capital Accounting Partners recommended that the Board increase fees which would allow full recovery. As a result, the subcommittee provided a fee increase proposal during the August meeting.

Attached is a comprehensive spreadsheet of the dentist and dental auxiliary fees for licensing and permitting. This matrix includes the subcommittee's recommendation, staff's recommendation, and Capital Accounting Partners' recommendation.

Additionally, attached for reference and discussion are the following documents:

- Fund Condition for Dentistry Fund with Subcommittee Recommendation
- Fund Condition for Dentistry Fund with Staff Recommendation at \$650
- Fund Condition for Dentistry Fund with Staff Recommendation at \$600
- Fund Condition for Dental Assistant Fund with Subcommittee Recommendation
- Fund Condition for Dental Assistant Fund with Staff Recommendation

After further review of the proposed fees, staff recommends the Board appoint a subcommittee from the members of the Dental Assisting Council to work with staff and the existing Board subcommittee to determine fees for the licensing and permitting fees to further develop the regulatory proposal. Additionally, there are fees highlighted in gray in the proposed language that will require the recommendation of an appropriate fee amount. Rather than initiate the rulemaking at this time, once the appropriate fees are determined staff will present the proposed language at the May 2016 meeting.

**Action Requested:**

Appoint a subcommittee consisting of members from the Dental Assistant Council to work with staff and the existing Board subcommittee to determine fees final licensure and permitting fees for review at the May Board meeting.

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

**PROPOSED LANGUAGE**

Amend Sections 1021 and 1022 of Division 10 of Title 16 of the California Code of Regulations to read:

**§ 1021. Examination, Permit and License Fees for Dentists.**

The following fees are set for dentist examination and licensure by the board\*\*:

(a) Initial application for those applicants qualifying pursuant to Section 1632(c)(2) ~~and those applicants qualifying pursuant to Section 1634.1~~      ~~\$100-~~ \$400

~~(b) Initial application for restorative technique examination~~      ~~\$250~~  
Initial application for those applicants qualifying pursuant to Section 1634.1

~~(c) Applications for reexamination~~      ~~\$ 75-~~ \$800

Initial application for those applicants qualifying pursuant to Section 1632(c)(1)

~~(d) Restorative technique examination or reexamination~~      ~~\$250-~~ \$525  
Initial application fee for those applicants qualifying pursuant to Section 1635.5

~~(e) Fee for application for licensure by credential~~ Fee for initial license      ~~\$283~~ 650

~~(gf)~~ Biennial license renewal fee      ~~\$450-~~ \$650

~~(hg)~~ Biennial license renewal fee for those qualifying pursuant to Section 1716.1 of the code shall be one half of the renewal fee prescribed by subsection (g).

~~(ih)~~ Delinquency fee-license renewal - The delinquency fee for license renewal shall be the amount prescribed by sections 163.5 and 1724 of the code.

~~(ji)~~ Substitute certificate      \$ 50

~~(kj)~~ Application for an additional office permit      ~~\$100~~ \$350



( <del>lk</del> ) Biennial renewal of additional office permit	<del>\$100</del> <u>\$250</u>
( <del>ml</del> ) Late change of practice registration	\$ 50
( <del>nm</del> ) Fictitious name permit The fee prescribed by Section 1724.5 of the Code	
( <del>en</del> ) Fictitious name renewal	<del>\$150</del> <u>\$650</u>
( <del>po</del> ) Delinquency fee-fictitious name renewal The delinquency fee for fictitious name permits shall be one-half of the fictitious name permit renewal fee.	
( <del>qp</del> ) Continuing education registered provider fee	<del>\$250</del> <u>\$410</u>
( <del>rg</del> ) General anesthesia or conscious sedation permit or adult or minor oral conscious sedation certificate	<del>\$200</del> <u>\$500</u>
( <del>sr</del> ) Oral Conscious Sedation Certificate Renewal	<del>\$ 75</del> <u>\$500</u>
( <del>ts</del> ) General anesthesia or conscious sedation permit renewal fee	<del>\$200</del> <u>\$325</u>
( <del>ut</del> ) General anesthesia or conscious sedation on-site inspection and evaluation fee	<del>\$250</del> <u>\$2000</u>
( <del>fu</del> ) <del>Initial license</del> <u>Special permit application</u>	<del>\$450</del> <u>\$1000</u>
(v) <u>Initial application for Elective Facial Cosmetic Surgery</u>	<u>\$850</u>
(w) <u>Elective Facial Cosmetic Surgery Renewal</u>	<u>\$850</u>
(x) <u>Application for an Oral and Maxillofacial Surgery</u>	<u>\$500</u>
(y) <u>Oral and Maxillofacial Surgery Renewal</u>	<u>\$650</u>
(z) <u>Mobile or Portable Dental Clinic</u>	
(aa) <u>Mobile or Portable Dental Clinic Renewal</u>	<u>\$100</u>
(ab) <u>Continuing Education Registered Provider Renewal</u>	<u>\$325</u>
(ac) <u>Special Permit Renewal</u>	<u>\$125</u>
(ad) <u>Oral Conscious Sedation Renewal</u>	<u>\$325</u>
(ae) <u>License Certification</u>	<u>\$50</u>
(af) <u>Law and Ethics Examination</u>	<u>\$125</u>

\* Fee pro-rated based on applicant's birth date.

\*\* Examination, licensure, and permit fees for dentistry may not all be included in this section, and may appear in the Business and Professions Code.

Note: Authority cited: Sections 1614, 1635.5, 1634.2(c), 1724 and 1724.5, Business and Professions Code.  
Reference: Sections 1632, 1634.1, 1646.6, 1647.8, 1647.12, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5, Business and Professions Code.

#### HISTORY

1. Amendment filed 12-16-85; effective thirtieth day thereafter (Register 85, No. 51).
2. Amendment filed 4-8-87; operative upon filing (Register 87, No. 15).
3. Amendment filed 4-1-91; operative 5-1-91 (Register 91, No. 18).
4. Amendment filed 8-2-91; operative 9-2-91 (Register 91, No. 48).
5. Amendment filed 5-28-93; operative 6-28-93 (Register 93, No. 22).
6. Editorial correction of subsections (c) and (p) (Register 97, No. 24).
7. Amendment of subsections (f) and (g) and amendment of footnote and Note filed 2-23-98; operative 6-1-98 (Register 98, No. 9).
8. Change without regulatory effect amending subsections (f) and (g) filed 3-26-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 13).
9. Amendment of subsections (t) and (u) and amendment of Note filed 5-15-2000 as an emergency; operative 5-15-2000 (Register 2000, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-12-2000 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 5-15-2000 order, including further amendments, transmitted to OAL 9-7-2000 and filed 10-18-2000 (Register 2000, No. 42).
11. Change without regulatory effect repealing subsections (q) and (r) and relettering subsections filed 12-19-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 51).
12. New subsection (f) and subsection relettering filed 7-17-2003; operative 8-16-2003 (Register 2003, No. 29).
13. Amendment of subsections (a), (d) and (g)-(i), footnote and Note filed 3-13-2006 as an emergency; operative 3-13-2006 (Register 2006, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-11-2006 or emergency language will be repealed by operation of law on the following day.
14. Amendment of subsections (a), (d) and (g)-(i), footnote and Note refiled 7-12-2006 as an emergency; operative 7-12-2006 (Register 2006, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-9-2006 or emergency language will be repealed by operation of law on the following day.
15. Reinstatement on 11-10-2006 of section as it existed prior to 3-13-2006 emergency amendment by operation of Government Code section 11346.1(f) (Register 2006, No. 46).
16. Amendment of subsections (a), (d) and (g)-(i), footnote and Note refiled 11-15-2006 as an emergency; operative 11-15-2006 (Register 2006, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-15-2007 or emergency language will be repealed by operation of law on the following day.
17. Certificate of Compliance as to 11-15-2006 order transmitted to OAL 1-5-2007 and filed 2-15-2007 (Register 2007, No. 7).
18. Amendment of subsection (s) filed 12-13-2007; operative 12-13-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 50).
19. Amendment of section heading, first paragraph, subsection (a) and Note filed 2-1-2008 as an emergency; operative 2-1-2008 (Register 2008, No. 5). A Certificate of Compliance must be transmitted to OAL by 7-30-2008 or emergency language will be repealed by operation of law on the following day.
20. Certificate of Compliance as to 2-1-2008 order transmitted to OAL 7-29-2008 and filed 9-10-2008 (Register 2008, No. 37).
21. Amendment of subsections (g) and (h) filed 2-19-2014; operative 7-1-2014 (Register 2014, No. 8).
22. Amendment of first paragraph (including new footnote \*\*) and subsection (a), repealer of subsection (d), subsection relettering and amendment of newly designated subsection (h) filed 11-5-2014; operative 11-5-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 45).

This database is current through 2/5/16 Register 2016, No. 6

16 CCR § 1021, 16 CA ADC § 1021

## § 1022. Dental Auxiliaries.

The following fees are fixed for dental auxiliaries licensed by the board:

(a) <u>RDA/RDAEF Application</u>	<del>\$20</del> <u>\$120</u>
(b) <u>Dental Sedation Assistant Permit</u>	<u>\$120</u>
(c) <u>Orthodontic Assistant Permit Application</u>	<u>\$120</u>
<del>(b)</del> (d) <u>Nonclinical RDA Practical Examination or Reexamination</u>	<del>\$30</del> <u>\$100</u>
<del>(c)</del> (e) <u>Clinical examination or reexamination RDAEF Examination</u>	<del>\$50</del> <u>\$500</u>
(f) <u>Orthodontic Assistant and Sedation Assistant Written Examination</u>	
<del>(d)</del> (g) <u>RDA Biennial License Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	<del>\$12</del> <u>\$100</u>
<del>(e)</del> (h) <u>RDAEF Biennial License Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	<del>\$10</del> <u>\$100</u>
<del>(f)</del> RDH license renewal (i) <u>Dental Sedation Assistant Permit Biennial Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	<del>\$24</del> <u>\$100</u>
<del>(g)</del> RDHEF license renewal (j) <u>Orthodontic Assistant Permit Biennial Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	<del>\$10</del> <u>\$100</u>
<del>(h)</del> (k) <u>RDA Delinquency Renewal fee</u> The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.	<del>\$6</del> <u>\$50</u>
<del>(i)</del> (l) <u>RDAEF Delinquency Renewal fee</u> The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.	<del>\$5</del> <u>\$50</u>
<del>(j)</del> RDH delinquency fee (m) <u>Dental Sedation Assistant Permit Delinquency Renewal</u> The delinquency fee for licensing periods beginning on or	<del>\$12</del> <u>\$50</u>

~~after January 1, 1988 shall be \$15.~~

~~(k) RDHEF delinquency fee~~ (n) Orthodontic Assistant Permit ~~\$5-\$50~~  
Delinquency Renewal

~~The delinquency fee for licensing periods beginning on or~~  
~~after January 1, 1988 shall be \$15.~~

(o) RDA Program Application \$1400

(p) RDAEF Program Application \$1400

(q) Orthodontic Assistant Permit Course Application \$300

(r) Dental Sedation Assistant Permit Course Application \$300

(s) Infection Control Course Application \$300

(t) Coronal Polish Course Application \$300

(u) Pit & Fissure Sealant Course Application \$300

(v) Radiation Safety Course Application \$300

(w) Ultrasonic Scaling Course Application \$300

~~(ix) Substitute Certificate~~ Duplicate License/Certification ~~\$25-\$50~~  
Fee

Note: Authority cited: Section 1614, Business and Professions Code.  
Reference: Sections 1656 and 1725, Business and Professions Code.

#### HISTORY

1. Amendment filed 1-22-86; effective thirtieth day thereafter (Register 86, No. 4).

2. Amendment filed 9-18-87; operative 10-18-87 (Register 87, No. 39).  
16 CA ADC s 1022

Statutorily Authorized Fee Maximum - Dentistry								
Revenue Source Code	Code Reference	Fee Name	Current Fee Assessed as of Jan 1 2015 (as a result of SB 1416)	New Satutorily Authorized Fee Maximum Update (as a result of AB 179)	Subcommittee Recommendation (August 2015 Board Meeting)	Staff Recommendation at \$650	Staff Recommendation at \$600	Capital Partners Recommendation
125700 54	1724(m)	Initial Appl Elective Facial Cosmetic Surgery	\$ 500.00	\$ 4,000.00	\$ 850.00			\$ 3,627.00
125700 NH	1724(n)	Permit/Oral Maxillofacial	\$ 150.00	\$ 1,000.00	\$ 500.00			\$ 849.00
125700 53	1724(b)	Initial Application WREB (pathway)-1632(c)(2)	\$ 100.00	\$ 1,000.00	\$ 400.00			\$ 745.00
125700 51	1724(a)	Initial Application by Residency (pathway)-1634.1	\$ 100.00	\$ 1,000.00				\$ 876.00
125700 CQ	1724(c)	Initial Application Credential (pathway) - 1635.5	\$ 283.00	\$ 1,000.00	\$ 525.00			\$ 789.00
125700 W5	1724(a)	Initial Application Portfolio (pathway)-1632(c)(1)	\$ 350.00	\$ 1,500.00	\$ 800.00			\$ 1,638.00
125700 OA	1724(d)	Initial License (prorated amount)	\$ 525.00	\$650 (Jan, 2016) and \$800 (Jan 1, 2018)	variable	\$ 650.00	\$ 600.00	\$ 288.00
125700 VN		Fictitious Name Application	\$ 525.00		\$ 650.00			\$ 570.00
125700 NR	1724 (e)	Special Permit Application	\$ 300.00	\$ 1,000.00	\$ 1,000.00			\$ 1,183.00
125700 NU	1724 (j)	CE Registered Provider Application	\$ 250.00	\$ 500.00	\$ 410.00			\$ 827.00
125700 55	1724(p)	Onsite Inspection - GA/CS Permit	\$ 250.00	\$ 4,500.00	\$ 2,000.00			\$ 3,982.00
125700 NB	1724(q)	Conscious Sedation Application	\$ 200.00	\$ 1,000.00	\$ 500.00			\$ 716.00
125700 NA	1724(o)	General Anesthesia Permit	\$ 250.00	\$ 1,000.00	\$ 500.00			\$ 716.00
125700 NK	1724(h)	Additional Office Application	\$ 100.00	\$ 750.00	\$ 350.00			\$ 437.00
125600 ND or 125600 MN	1724(s)	License Certification	\$ 2.00	\$ 125.00	\$ 200.00			\$ 364.00
125700 L3		Fictitious Name 1/2	\$ 225.00		\$ 325.00			\$ 285.00
125700 VV	1724(r)	Oral Conscious Sedation Certification	\$ 200.00	\$ 1,000.00	\$ 500.00			\$ 368.00
NEW CODE NEEDED	1724(t)	Law & Ethics Exam	\$ -	\$ 250.00	\$ 125.00			\$ 311.00
125800 8R	1724(d)	DDS Biennial Renewal	\$ 525.00	\$650 and \$800 (Jan 1, 2018)	\$ 560.00	\$ 650.00	\$ 600.00	\$ 405.00
125800 8T	1724(n)	Oral Maxillofacial Renewal	\$ 525.00	\$ 1,200.00	\$ 650.00			\$ 849.00
125800 NZ	1724(j)	CE Registered Provider Renewal	\$ 250.00	\$ 500.00	\$ 325.00			\$ 355.00
125800 NV	1724(o)	General Anesthesia Permit Renewal	\$ 200.00	\$ 600.00	\$ 325.00			\$ 237.00
125800 N6	1724(q)	Conscious Sedation Renewal	\$ 200.00	\$ 600.00	\$ 325.00			\$ 237.00
125800 8X		DDS Biennial Renewal - Inactive			\$ 560.00	\$ 650.00	\$ 600.00	
125800 8S		DDS Biennial Renewal - Retired	\$ 225.00		\$ 280.00	\$ 650.00	\$ 600.00	\$ 237.00
125800 8B		Disability Status Renewal			\$ 280.00	\$ 650.00	\$ 600.00	
125800 3G	1724(m)	Renewal Elective Facial Cosmetic Surgery	\$ 200.00	\$ 800.00	\$ 850.00			\$ 368.00
125800 4Q	1724 (e)	Special Permit Renewal	\$ 100.00	\$ 600.00	\$ 125.00			\$ 247.00
125800 NF	1724(h)	DDS Additional Office Permit Renewal	\$ 100.00	\$ 375.00	\$ 250.00			\$ 136.00

125800 2Y		Mobile Dental Clinic License Renewal	\$ 100.00		\$ 100.00			\$ 136.00
125800 NY		Fictitious Name Permit Renewal	\$ 150.00		\$ 325.00	\$ 650.00	\$ 650.00	\$ 136.00
125800 VV	1724(r)	Oral Conscious Sedation Renewal	\$ 75.00	\$ 600.00	\$ 325.00			\$ 136.00
125600 NF	1724(g)	Change of Practice Late Fee		\$ 75.00				
125900 NQ	1724(f)	DDS Delinquent		50% of renewal fee	\$ 280.00			
125900 NR	1724(f)	Oral/Maxillofacial Delinquent		50% of renewal fee	\$ 325.00			
125900 4G	1724(f)	Mobile Dental Clinic Renewal Delinquent		50% of renewal fee	\$ 50.00			
125900 7U	1724(f)	DDS Delinquent - Retired		50% of renewal fee	\$ 140.00			
125900 4Q	1724(f)	Special Permit Delinquent		50% of renewal fee	\$ 62.50			
125900 NK	1724(f)	Fictitious Name Permit Delinquent		50% of renewal fee	\$ 162.50			
125900 NC	1724(f)	Additional Office Permit Delinquent		50% of renewal fee	\$ 125.00			
125900 NF	1724(f)	Prior Year Accrual Delinquent		50% of renewal fee	variable			
125900 AQ	1724(f)	GA Permit Renewal Delinquent		50% of renewal fee	\$ 162.50			
		CS/OCS Renewal Delinquent		50% of renewal fee				
		RP/EFCS Renewal Delinquent		50% of renewal fee				
125600 MM	1724(i)	Duplicate License	\$ 25.00	\$ 125.00				

0741 - Dental Board of California  
Analysis of Fund Condition

(Dollars in Thousands)

SUBCOMITTEE RECOMMENDATION  
2016-17 Governor's Budget

1/27/2016

	ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18	BY+2 2018-19	BY+5 2019-20
BEGINNING BALANCE	\$ 6,085	\$ 5,635	\$ 3,370	\$ 704	\$ 887	\$ 797
Prior Year Adjustment	\$ -27	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 6,058	\$ 5,635	\$ 3,370	\$ 704	\$ 887	\$ 797
REVENUES AND TRANSFERS						
Revenues:						
125600 Other regulatory fees	\$ 77	\$ 69	\$ 72	\$ 72	\$ 72	\$ 72
Fee Increase	\$ -	\$ -	\$ -	\$ 174	\$ 174	\$ 174
125700 Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966	\$ 966	\$ 966	\$ 966
Fee Increase	\$ -	\$ -	\$ -	\$ 1,087	\$ 1,087	\$ 1,087
125800 Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582	\$ 9,582	\$ 9,582	\$ 9,582
Fee Increase	\$ -	\$ -	\$ -	\$ 1,799	\$ 1,799	\$ 1,799
125900 Delinquent fees	\$ 87	\$ 69	\$ 70	\$ 70	\$ 70	\$ 70
Fee Increase	\$ -	\$ -	\$ -	\$ 64	\$ 64	\$ 64
131700 Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 13	\$ 14	\$ 10	\$ 3	\$ 2	\$ 1
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160100 Settlements and Judgements	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 10,303	\$ 10,774	\$ 10,700	\$ 13,817	\$ 13,816	\$ 13,815
Transfers from Other Funds						
F00001 Repayment Per Item 1250-011-0741, Budget Act of 2003	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 10,303	\$ 10,774	\$ 10,700	\$ 13,817	\$ 13,816	\$ 13,815
Totals, Resources	\$ 16,361	\$ 16,409	\$ 14,070	\$ 14,521	\$ 14,703	\$ 14,612
EXPENDITURES						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17	\$ 17	\$ 17	\$ 17
1110 Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349	\$ 13,616	\$ 13,888	\$ 14,166
Total Disbursements	\$ 10,727	\$ 13,039	\$ 13,366	\$ 13,634	\$ 13,906	\$ 14,184
FUND BALANCE						
Reserve for economic uncertainties	\$ 5,635	\$ 3,370	\$ 704	\$ 887	\$ 797	\$ 428
Months in Reserve	5.2	3.0	0.6	0.8	0.7	#DIV/0!

NOTES:  
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.  
B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1  
C. ASSUMES INTEREST RATE AT 0.3%.

0741 - Dental Board of California  
Analysis of Fund Condition

1/28/2016

(Dollars in Thousands)

STAFF RECOMMENDATION @ \$650

2016-17 Governor's Budget

		ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18	BY+2 2018-19	BY+3 2019-20	BY+4 2021-22	BY+5 2022-23	BY+6 2023-24
BEGINNING BALANCE		\$ 6,085	\$ 5,635	\$ 3,370	\$ 704	\$ 3,623	\$ 6,278	\$ 8,662	\$ 10,769	\$ 12,593
Prior Year Adjustment		\$ -27	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance		\$ 6,058	\$ 5,635	\$ 3,370	\$ 704	\$ 3,623	\$ 6,278	\$ 8,662	\$ 10,769	\$ 12,593
REVENUES AND TRANSFERS										
Revenues:										
125600	Other regulatory fees	\$ 77	\$ 69	\$ 72	\$ 72	\$ 72	\$ 72	\$ 72	\$ 72	\$ 72
	Fee Increase	\$ -	\$ -	\$ -	\$ 174	\$ 174	\$ 174	\$ 174	\$ 174	\$ 174
125700	Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966	\$ 966	\$ 966	\$ 966	\$ 966	\$ 966	\$ 966
	Fee Increase	\$ -	\$ -	\$ -	\$ 1,243	\$ 1,243	\$ 1,243	\$ 1,243	\$ 1,243	\$ 1,243
125800	Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582	\$ 9,582	\$ 9,582	\$ 9,582	\$ 9,582	\$ 9,582	\$ 9,582
	Fee Increase	\$ -	\$ -	\$ -	\$ 4,371	\$ 4,371	\$ 4,371	\$ 4,371	\$ 4,371	\$ 4,371
125900	Delinquent fees	\$ 87	\$ 69	\$ 70	\$ 70	\$ 70	\$ 70	\$ 70	\$ 70	\$ 70
	Fee Increase	\$ -	\$ -	\$ -	\$ 64	\$ 64	\$ 64	\$ 64	\$ 64	\$ 64
131700	Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
141200	Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500	Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300	Income from surplus money investments	\$ 13	\$ 14	\$ 10	\$ 11	\$ 19	\$ 26	\$ 32	\$ 38	\$ 42
150500	Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160100	Settlements and Judgements	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160400	Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000	Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161400	Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
164300	Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues		\$ 10,303	\$ 10,774	\$ 10,700	\$ 16,553	\$ 16,561	\$ 16,568	\$ 16,574	\$ 16,580	\$ 16,584
Transfers from Other Funds										
F00001	Repayment Per Item 1250-011-0741, Budget Act of 2003	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers		\$ 10,303	\$ 10,774	\$ 10,700	\$ 16,553	\$ 16,561	\$ 16,568	\$ 16,574	\$ 16,580	\$ 16,584
Totals, Resources		\$ 16,361	\$ 16,409	\$ 14,070	\$ 17,257	\$ 20,184	\$ 22,846	\$ 25,236	\$ 27,349	\$ 29,177
EXPENDITURES										
Disbursements:										
0840	State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880	Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17	\$ 17	\$ 17	\$ 17	\$ 17	\$ 17	\$ 17
1110	Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1111	Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349	\$ 13,616	\$ 13,888	\$ 14,166	\$ 14,449	\$ 14,738	\$ 15,033
Total Disbursements		\$ 10,727	\$ 13,039	\$ 13,366	\$ 13,634	\$ 13,906	\$ 14,184	\$ 14,467	\$ 14,756	\$ 15,051
FUND BALANCE										
Reserve for economic uncertainties		\$ 5,635	\$ 3,370	\$ 704	\$ 3,623	\$ 6,278	\$ 8,662	\$ 10,769	\$ 12,593	\$ 14,126
Months in Reserve		5.2	3.0	0.6	3.1	5.3	7.2	8.8	10.0	#DIV/0!

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.  
B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1  
C. ASSUMES INTEREST RATE AT 0.3%.



0741 - Dental Board of California  
Analysis of Fund Condition

(Dollars in Thousands)

2/24/2016

2016-17 Governor's Budget

	ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18	BY+2 2018-19	BY+5 2019-20
BEGINNING BALANCE	\$ 6,085	\$ 5,635	\$ 3,370	\$ 704	\$ 2,543	\$ 4,114
Prior Year Adjustment	\$ -27	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 6,058	\$ 5,635	\$ 3,370	\$ 704	\$ 2,543	\$ 4,114
REVENUES AND TRANSFERS						
Revenues:						
125600 Other regulatory fees	\$ 77	\$ 69	\$ 72	\$ 72	\$ 72	\$ 72
Fee Increase	\$ -	\$ -	\$ -	\$ 174	\$ 174	\$ 174
125700 Other regulatory licenses and permits	\$ 957	\$ 969	\$ 966	\$ 966	\$ 966	\$ 966
Fee Increase	\$ -	\$ -	\$ -	\$ 1,161	\$ 1,161	\$ 1,161
125800 Renewal fees	\$ 9,159	\$ 9,653	\$ 9,582	\$ 9,582	\$ 9,582	\$ 9,582
Fee Increase	\$ -	\$ -	\$ -	\$ 3,376	\$ 3,376	\$ 3,376
125900 Delinquent fees	\$ 87	\$ 69	\$ 70	\$ 70	\$ 70	\$ 70
Fee Increase	\$ -	\$ -	\$ -	\$ 64	\$ 64	\$ 64
131700 Misc. Revenue from Local Agencies	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 13	\$ 14	\$ 10	\$ 8	\$ 12	\$ 16
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160100 Settlements and Judgements	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 10,303	\$ 10,774	\$ 10,700	\$ 15,473	\$ 15,477	\$ 15,481
Transfers from Other Funds						
F00001 Repayment Per Item 1250-011-0741, Budget Act of 2003	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 10,303	\$ 10,774	\$ 10,700	\$ 15,473	\$ 15,477	\$ 15,481
Totals, Resources	\$ 16,361	\$ 16,409	\$ 14,070	\$ 16,177	\$ 18,020	\$ 19,595
EXPENDITURES						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System of California (State Operations)	\$ 10	\$ 23	\$ 17	\$ 17	\$ 17	\$ 17
1110 Program Expenditures (State Operations)	\$ 10,717	\$ 13,016	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 13,349	\$ 13,616	\$ 13,888	\$ 14,166
Total Disbursements	\$ 10,727	\$ 13,039	\$ 13,366	\$ 13,634	\$ 13,906	\$ 14,184
FUND BALANCE						
Reserve for economic uncertainties	\$ 5,635	\$ 3,370	\$ 704	\$ 2,543	\$ 4,114	\$ 5,411
Months in Reserve	5.2	3.0	0.6	2.2	3.5	#DIV/0!

NOTES:  
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.  
B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1  
C. ASSUMES INTEREST RATE AT 0.3%.

Statutorily Authorized Fee Maximum - Dental Assistant							
Revenue Source Code	Code Reference	Fee Name	Current Fee Assessed as of Jan 1 2015 (as a result of SB 1416)	New Satutorily Authorized Fee Maximum Update (as a result of AB 179)	Subcommittee Recommendation (August 2015 Board Meeting)	Staff Recommendation	Capital Partners Recommendation
125600 MP	1725(n)	Duplicate License/Certification Fee		\$ 100.00	\$ 25.00	\$ 50.00	
125700 MP	1725(a)	RDA Application -1725	\$ 20.00	\$ 200.00	\$ 72.00	\$ 120.00	\$ 72.00
125700 MU	1725(a)	RDAEF Application - 1725	\$ 20.00	\$ 200.00	\$ 72.00	\$ 120.00	\$ 87.00
12500 7F	1725(c)	Dental Sedation Assistant Permit Application-1725	\$ 20.00	\$ 200.00	\$ 1,200.00	\$ 120.00	\$ 2,342.00
125700 7L	1725(c)	Orthodontic Assistant Permit Application-1725	\$ 20.00	\$ 200.00	\$ 1,000.00	\$ 120.00	\$ 2,176.00
125700 2A	1725(b)	RDA Practical Exam	\$ 60.00	actual cost of practical exam	\$ 100.00	\$ 100.00	\$ 355.00
125700 2B	1725(g)	RDAEF Exam	\$ 250.00	actual cost of practical exam	\$ 500.00	\$ 500.00	\$ 2,112.00
125800 2Z	1725(l)	RDA Biennial Renewal	\$ 70.00	\$ 200.00	\$ 72.00	\$ 100.00	\$ 50.00
1258000 3I	1725(l)	RDAEF Biennial Renewal	\$ 70.00	\$ 200.00	\$ 72.00	\$ 100.00	\$ 50.00
125800 5B	1725(l)	Dental Sedation Assistant Permit Biennial Renewal	\$ 70.00	\$ 200.00	\$ 72.00	\$ 100.00	\$ 50.00
125800 5F	1725(l)	Orthodontic Assistant Permit Biennial Renewal	\$ 70.00	\$ 200.00	\$ 72.00	\$ 100.00	\$ 50.00
125900 NS	1725(m)	RDA Delinquent Renewal	\$ 35.00	50% of renewal fee	\$ 100.00	\$ 50.00	\$ 52.00
125900 NT	1725(m)	RDAEF Delinquent Renewal	\$ 35.00	50% of renewal fee	\$ 100.00	\$ 50.00	\$ 52.00
125900 5B	1725(m)	Dental Sedation Assistant Permit Delinquent Renewal	\$ 35.00	50% of renewal fee	\$ 100.00	\$ 50.00	\$ 52.00
125900 5F	1725(m)	Orthodontic Assistant Permit Delinquent Renewal	\$ 35.00	50% of renewal fee	\$ 72.00	\$ 50.00	\$ 52.00
	1725(o)	RDA Program Application	\$ 1,400.00	\$ 7,500.00	\$ 1,400.00	\$ 1,400.00	\$ 7,486.00
		RDAEF Program Application	\$ 1,400.00	\$ 7,500.00	\$ 1,400.00	\$ 1,400.00	\$ 7,486.00
125700 7A	1725(p)	Orthodontic Assistant Permit Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,176.00
125700 7B	1725(p)	Dental Sedation Assistant Permit Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,342.00
125700 7C	1725(p)	Infection Control Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,866.00
125700 FQ	1725(p)	Coronal Polish Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,866.00
125700 FR	1725(p)	Pit & Fissure Sealant Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,977.00
125700 M4	1725(p)	Radiation Safety Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	\$ 2,977.00
125700 6M	1725(p)	Ultrasonic Scaling Course Application	\$ 300.00	\$ 2,000.00	\$ 300.00	\$ 300.00	
	1725 (e)	RDA Written		Actual Cost of Exam			
	1725(f)	RDA Law & Ethics		Actual Cost of Exam			
	1724(l)	Referral Service Permit/Renewal		25			
	1724(l)	Extramural Facility/Renewal		25			

	1725(d)	Ortho & Sedation Assistant Written Exam		Actual Cost of Exam			
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3142 - Dental Assisting Program  
Analysis of Fund Condition

(Dollars in Thousands)

1/28/2016

SUBCOMMITTEE RECOMMENDATION

2016-17 Governor's Budget

	Actual 2014-15	CY 2015-16	BY 2016-17	BY + 1 2017-18	BY + 2 2018-19	BY + 3 2019-20	BY + 4 2021-22	BY + 5 2023-24	BY + 6 2024-25	BY + 7 2025-26
BEGINNING BALANCE	\$ 2,826	\$ 2,840	\$ 1,939	\$ 917	\$ 461	\$ -51	\$ -618	\$ -1,241	\$ -1,923	\$ -2,662
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,859	\$ 2,840	\$ 1,939	\$ 917	\$ 461	\$ -51	\$ -618	\$ -1,241	\$ -1,923	\$ -2,662
REVENUES AND TRANSFERS										
Revenues:										
125600 Other regulatory fees	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18
125700 Other regulatory licenses and permits	\$ 264	\$ 301	\$ 278	\$ 278	\$ 278	\$ 278	\$ 278	\$ 278	\$ 278	\$ 278
Fee Increase	\$ -	\$ -	\$ -	\$ 592	\$ 592	\$ 592	\$ 592	\$ 592	\$ 592	\$ 592
125800 Renewal fees	\$ 1,275	\$ 1,265	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270
Fee Increase	\$ -	\$ -	\$ -	\$ 26	\$ 26	\$ 26	\$ 26	\$ 26	\$ 26	\$ 26
125900 Delinquent fees	\$ 90	\$ 70	\$ 69	\$ 69	\$ 69	\$ 69	\$ 69	\$ 69	\$ 69	\$ 69
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 3	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 6	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,662	\$ 1,666	\$ 1,644	\$ 2,260	\$ 2,259	\$ 2,259	\$ 2,259	\$ 2,259	\$ 2,259	\$ 2,259
Totals, Revenues and Transfers	\$ 1,662	\$ 1,666	\$ 1,644	\$ 2,260	\$ 2,259	\$ 2,259	\$ 2,259	\$ 2,259	\$ 2,259	\$ 2,259
Totals, Resources	\$ 4,521	\$ 4,506	\$ 3,583	\$ 3,177	\$ 2,720	\$ 2,208	\$ 1,641	\$ 1,018	\$ 336	\$ (403)
EXPENDITURES										
Disbursements:										
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 2	\$ 3	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 1,679	\$ 2,564	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 2,663	\$ 2,716	\$ 2,771	\$ 2,826	\$ 2,883	\$ 2,940	\$ 2,999	\$ 3,059
Total Disbursements	\$ 1,681	\$ 2,567	\$ 2,666	\$ 2,716	\$ 2,771	\$ 2,826	\$ 2,883	\$ 2,940	\$ 2,999	\$ 3,059
FUND BALANCE										
Reserve for economic uncertainties	\$ 2,840	\$ 1,939	\$ 917	\$ 461	\$ -51	\$ -618	\$ -1,241	\$ -1,923	\$ -2,662	\$ -3,462
Months in Reserve	13.3	8.7	4.1	2.0	-0.2	-2.6	-5.1	-7.7	-10.4	#DIV/0!

NOTES:  
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING.  
B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.  
C. ASSUMES INTEREST RATE AT 0.3%.

3142 - Dental Assisting Program  
Analysis of Fund Condition

(Dollars in Thousands)  
STAFF RECOMMENDATION  
2016-17 Governor's Budget

2/25/2016

	Actual 2014-15	CY 2015-16	BY 2016-17	BY + 1 2017-18	BY + 2 2018-19	BY + 3 2019-20	BY + 4 2021-22	BY + 5 2023-24	BY + 6 2024-25	BY + 7 2025-26
BEGINNING BALANCE	\$ 2,826	\$ 2,840	\$ 1,939	\$ 917	\$ 920	\$ 868	\$ 760	\$ 596	\$ 372	\$ 90
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,859	\$ 2,840	\$ 1,939	\$ 917	\$ 920	\$ 868	\$ 760	\$ 596	\$ 372	\$ 90
REVENUES AND TRANSFERS										
Revenues:										
125600 Other regulatory fees	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18
Fee Increase	\$ -	\$ -	\$ -	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18
125700 Other regulatory licenses and permits	\$ 264	\$ 301	\$ 278	\$ 278	\$ 278	\$ 278	\$ 278	\$ 278	\$ 278	\$ 278
Fee Increase	\$ -	\$ -	\$ -	\$ 524	\$ 524	\$ 524	\$ 524	\$ 524	\$ 524	\$ 524
125800 Renewal fees	\$ 1,275	\$ 1,265	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270	\$ 1,270
Fee Increase	\$ -	\$ -	\$ -	\$ 504	\$ 504	\$ 504	\$ 504	\$ 504	\$ 504	\$ 504
125900 Delinquent fees	\$ 90	\$ 70	\$ 69	\$ 69	\$ 69	\$ 69	\$ 69	\$ 69	\$ 69	\$ 69
Fee Increase	\$ -	\$ -	\$ -	\$ 29	\$ 29	\$ 29	\$ 29	\$ 29	\$ 29	\$ 29
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 3	\$ 3	\$ 3	\$ 2	\$ 2	\$ 1	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 6	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5	\$ 5
164300 Penalty Assessments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,662	\$ 1,666	\$ 1,644	\$ 2,719	\$ 2,719	\$ 2,718	\$ 2,718	\$ 2,717	\$ 2,716	\$ 2,716
Totals, Revenues and Transfers	\$ 1,662	\$ 1,666	\$ 1,644	\$ 2,719	\$ 2,719	\$ 2,718	\$ 2,718	\$ 2,717	\$ 2,716	\$ 2,716
Totals, Resources	\$ 4,521	\$ 4,506	\$ 3,583	\$ 3,636	\$ 3,639	\$ 3,586	\$ 3,478	\$ 3,313	\$ 3,088	\$ 2,806
EXPENDITURES										
Disbursements:										
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 2	\$ 3	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 1,679	\$ 2,564	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ -	\$ 2,663	\$ 2,716	\$ 2,771	\$ 2,826	\$ 2,883	\$ 2,940	\$ 2,999	\$ 3,059
Total Disbursements	\$ 1,681	\$ 2,567	\$ 2,666	\$ 2,716	\$ 2,771	\$ 2,826	\$ 2,883	\$ 2,940	\$ 2,999	\$ 3,059
FUND BALANCE										
Reserve for economic uncertainties	\$ 2,840	\$ 1,939	\$ 917	\$ 920	\$ 868	\$ 760	\$ 596	\$ 372	\$ 90	\$ -253
Months in Reserve	13.3	8.7	4.1	4.0	3.7	3.2	2.4	1.5	0.4	#DIV/0!

NOTES:  
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING.  
B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.  
C. ASSUMES INTEREST RATE AT 0.3%.

# **Enforcement Committee Report**

**The Board may take action on any items  
listed on the attached Enforcement  
Committee agenda**

# **Legislative and Regulatory Committee Report**

**The Board may take action on any items  
listed on the attached Legislative and  
Regulatory Committee agenda.**

# **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)).**



# **Board Member Comments on Items Not on the Agenda.**

**The Board may not discuss or take action on any matter raised during the Board Member Comments 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)).**

# ADJOURNMENT