



**LEGISLATIVE AND REGULATORY COMMITTEE
MEETING MINUTES**

Thursday, February 28, 2013

Holiday Inn on the Bay

1355 North Harbor Drive, San Diego, CA, 92101

Members Present

Chair – Fran Burton, Public Member
Vice Chair – Steve Afriat, Public Member
Huong Le, DDS
Steve Morrow, DDS

Members Absent

Stephen Casagrande, DDS

Staff Present

Karen Fischer, Interim Executive Officer
Kim Trefry, Enforcement Chief
April Alameda, Investigative Analysis Unit and Dental Assisting Unit Manager
Lori Reis, Complaint and Compliance Unit Manager
Jocelyn Campos, Enforcement Coordinator
Linda Byers, Executive Assistant
Spencer Walker, Senior Legal Counsel
Greg Salute, Deputy Attorney General

Fran Burton called the Legislative and Regulatory Committee meeting to order at 11:40 a.m. Roll was called and a quorum established.

LEG 1 - Approval of the December 3, 2012 Legislative and Regulatory Committee Meeting Minutes

M/S/C (Afriat/Morrow) to approve the December 3, 2012 Legislative and Regulatory Committee meeting minutes. The motion passed unanimously.

LEG 2 - 2013 Tentative Legislative Calendar – Information Only

Fran Burton, Chair, noted that February 23, 2013, was the last day for bills to be introduced.

LEG 3 - Report on Legislative Committee Assignments for the 2013-14 Legislative Session

Fran Burton, Chair, reviewed the Legislative Committee assignments noting that Senator Curran D. Price, Jr. remains Chair of the Senate Business, Professions, and Economic Development Committee and Assembly Member Richard S. Gordon is Chair of the Assembly Business, Professions and Consumer Protection Committee.

LEG 4 - Discussion and Possible Action on the Following Legislation:

Fran Burton, Chair, stated that some of the bills have been assigned to a Committee but most have not been heard yet. She recommended discussion but no action on the following bills.

Assembly Bill 50 (Pan) Health Care Coverage: Medi-Cal Eligibility

Ms. Burton explained that this bill would require the department to establish a process in accordance with federal law to allow a hospital that is a participating Medi-Cal provider to elect to be a qualified

entity for purposes of determining whether any individual is eligible for Medi-Cal and providing the individual with medical assistance during the presumptive eligibility period.

This bill would also require the department to implement a new process by January 1, 2015, to inform Medi-Cal enrollees of their options with regard to the delivery of Medi-Cal services, including fee-for-service, if available, and all managed care options.

This bill would also require that an applicant or recipient of benefits under a state health subsidy program be given an option, with his or her informed consent, to have an application for renewal form prepopulated or electronically verified in real time, or both, as specified.

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

Assembly Bill 186 (Maienschein) Professions and Vocations: Military Spouses: Licenses

Ms. Burton explained that this bill would authorize boards within the Department to issue a provisional license to an applicant who qualifies for an expedited license pursuant to Business and Professions Code Section 115.5. This bill specifies that the provisional license would expire after eighteen (18) months. Dr. Morrow asked the Interim Executive Officer to define "expedited". Karen Fischer, Interim Executive Officer stated that staff is in the process of developing a revised form to identify military applicants and make their applications first priority.

Assembly Bill 213 (Logue) Healing Arts: Certification: Military Experience

Ms. Burton explained that this bill would require a healing arts board within the Department and the DPH, upon the presentation of evidence by an applicant for licensure or certification, to accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements to receive a license or certificate if that education, training, or experience is equivalent to the standards of the board or department. If a board or the DPH accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than July 1, 2014, require those schools seeking accreditation or approval to have procedures in place to evaluate an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification, as specified.

Dr. Morrow commented that sufficient information would be needed to evaluate the courses taken to make an educated evaluation of the military courses and their equivalency. Spencer Walker, Senior Legal Counsel stated that page four (4) of the bill addresses compliance.

Assembly Bill 318 (Logue) Dental Care: Telehealth

Ms. Burton explained that this bill would declare the intent of the Legislature to enact legislation that would promote the advancement of telehealth in dental care.

Senate Bill 28 (Hernandez) Medi-Cal: Eligibility

Ms. Burton explained that this bill would, commencing January 1, 2014, implement various provisions of the federal Patient Protection and Affordable Care Act (Affordable Care Act), as amended, by, among other things, modifying provisions relating to determining eligibility for certain groups. The bill would, in this regard, extend Medi-Cal eligibility to specified adults and would require that income eligibility be determined based on modified adjusted gross income (MAGI), as prescribed. The bill would prohibit the use of an asset or resources test for individuals whose financial eligibility for Medi-Cal is determined based on the application of MAGI. The bill would also add, commencing January 1, 2014, benefits, services, and coverage included in the essential health benefits package, as adopted by the state and approved by the United States Secretary of Health and Human Services, to the schedule of Medi-Cal benefits.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Senate Bill 128 (Emmerson) Health Care Professionals

Ms. Burton explained that Business and Professions Code Sections 920 through 922 is known as the Health Care Professional Disaster Response Act (Act). This Act states findings of the Legislature regarding the shortage of qualified health care practitioners during times of national or state disasters, and allows a physician and surgeon, whose license has been expired for less than 5 years and who meets specified criteria, to obtain a license without paying fees.

This bill would make a technical, non-substantive change to those provisions.

Bill Lewis, California Dental Association (CDA) commented that, related to the Affordable Care Act, CDA is focused on working with the Covered California group primarily in the area of the benefits selection process upon enrollment. CDA's goal is to maximize patient choice including the ability to retain their current dentist if applicable and which type of plan they prefer. Mr. Lewis went on to say that CDA is sponsoring two (2) bills; SB 562 relating to Mobile and Portable Dental units and AB 836 relating to Continuing Education Requirements for retired dentists providing voluntary care.

Mr. Lewis concluded his comment stating that the last two (2) bills that CDA is following are SB 456 which is currently a spot bill intended to provide a vehicle to work on alternative workforce models (formerly SB 694) and finally AB 1174 intended as a spot for work on the virtual dental home and health workforce in remote locations.

Lori Gagliardi, California Association of Dental Assisting Teachers (CADAT), requested that bills relating to auxiliaries, especially Registered Dental Assistants (RDA) be included with the dental bills.

M/S/C (Morrow/Afriat) to accept the recommendation to watch all legislation. The motion passed unanimously.

LEG 5 - Discussion of Prospective Legislative Proposals:

There were no proposals.

There was no further public comment.

The Legislative and Regulatory Committee meeting adjourned at 12:19 p.m.