



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda



Dental Hygiene Committee of California

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Notice is hereby given that a public meeting of the Licensing and Examination Subcommittee of the Dental Hygiene Committee of California will be held as follows:

LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING

Upon Conclusion of Licensing and Examination Subcommittee Meeting

**Monday, December 3, 2012
Department of Consumer Affairs Headquarters
El Dorado Room
1625 North Market Street, 2nd Floor North, Room 220
Sacramento, CA 95834**

Agenda

- LEG 1** – Roll Call
- LEG 2** – Public Comment for Items Not Listed on the Agenda
- LEG 3** – Approval of April 16, 2012 Minutes
- LEG 4** – Chairperson's Report
- LEG 5** – Statutory Update
- AB 1588 (Atkins) Professions and Vocations - Military Reservist Licensees: Fees and Continuing Education;
 - SB 694 (Padilla) Dental Care;
 - SB 1202 (Leno) Dental Hygienist
 - SB 1575 Committee on Business Professions and Economic Development: Professions and Vocations;
 - SB 1099 (Wright) Regulations
- LEG 6** – Report and Possible Action on Statutory Language for Inclusion in the Department of Consumer Affairs' Omnibus Bill:
- Section 1915 – Technical Change
 - Section 1917.3 – Initial Probationary License
 - Section 1926.2 (b) – Technical Change
 - Welfare Institutions Code Section 14132 (q) 2 – Allow RDH and RDHEF to Bill and Be Paid for Dental Hygiene Services
 - Section 109, Section 3 of Chapter 294 – Combine Separate Examination Appropriation into Committee's Main Budget
- LEG 7** – Update on Phase I of the Transfer and Possible Amendment of Dental Hygiene Regulations into Division 11 of Title 16, Articles 1-12 of the California Code of Regulations
- LEG 8** – Discussion on Potential Regulations to Implement Business and Professions Code Section 114.3 (AB 1588) Regarding Military Reservist Licensees: Fees and Continuing Education
- LEG 9** – California Notice Register Schedule
- LEG 10** – Future Agenda Items
- LEG 11** – Adjournment

Legislative and Regulatory Subcommittee

Chair – Timothy Martinez, DMD
Michelle Hurlbutt, RDH
Evangeline Ward, RDH
Andrew Wong, Public Member

A quorum of the Committee may be present at the subcommittee meeting. However, Committee members who are not on the subcommittee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The subcommittee 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, for convenience, and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at **www.dhcc.ca.gov**.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 576-5004 or e-mail anthony.lum@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 1050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item 3

Approval of April 16, 2012 Minutes



DRAFT - LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING MINUTES

Tuesday, April 16, 2012
Embassy Suites – San Diego Bay Downtown
Topeka Room
601 Pacific Highway
San Diego, CA 94101

LEG - 1 Roll Call

The Legislative and Regulatory Subcommittee Chair Michelle Hurlbutt called the meeting to order with roll call at 9:50 a.m. With all four subcommittee members present, a quorum was established.

Subcommittee members present: Michelle Hurlbutt, RDH Educator, William Langstaff, DDS, Evangeline Ward, RDH, and Andrew Wong, Public Member.

Subcommittee members absent: None.

Staff present: Lori Hubble, Executive Officer, Anthony Lum, Administration Analyst, and Traci Napper, Legislation and Regulatory Analyst.

Department of Consumer Affairs' (DCA) legal representative present: Claire Yazigi.

LEG - 2 Public Comment for Items Not Listed on the Agenda

Ms. Hurlbutt asked for any public comment for items not listed on the Legislative and Regulatory Subcommittee's agenda.

There was no public comment.

LEG - 3 Approval of December 12, 2011 Minutes

Ms. Hurlbutt asked for a motion to approve the December 12, 2011 Legislative and Regulatory Subcommittee meeting minutes.

- **William Langstaff moved to approve the December 12, 2011 Legislative and Regulatory Subcommittee meeting minutes.**

Michelle Hurlbutt seconded the motion.

Ms. Hurlbutt asked for any comments from the public, staff, and subcommittee members on the December 12, 2011 subcommittee meeting minutes. There were no comments from the public, staff, or subcommittee members.

Ms. Hurlbutt called for the vote to approve the December 12, 2011 Legislative and Regulatory Subcommittee meeting minutes.

Vote: The motion passed unanimously (1- 0; Ms. Hurlbutt was the only member remaining on the subcommittee from December 2011).

Leg - 4 Chairperson's Report

Ms. Hurlbutt stated that she had a brief report since this was her first subcommittee meeting as Chair. She indicated that she had reviewed the subcommittee meeting materials packet and that she and Mr. Calero continue to assist staff with the creation and implementation of legislation and regulations.

LEG - 5 Statutory Update

Ms. Hurlbutt deferred to Ms. Napper for the statutory update. Ms. Napper reported that at the December 2010 meeting, members of the Committee reviewed all of the Dental Hygiene Committee of California's (Committee) statutes where they recommended changes that required either an author for new legislation or inclusion in the DCA's Omnibus Bill [Senate Bill (SB) 1575]. She referred members to a tracking chart she developed for the ease of tracking the recommended changes. Ms. Napper stated that all of the highlighted areas of the chart are those items included in SB 1202. The non-highlighted areas of the chart are those recommended changes that are not in any legislative bill.

Ms. Hurlbutt asked whether there was any comment from the public or subcommittee members regarding the statutory update.

Bill Lewis, California Dental Association (CDA) inquired as to the timeline for the items on the chart that were not highlighted and whether they would be dealt with legislatively this year or 2013. Ms. Napper said that some of the issues are controversial and may be pursued during the Committee's sunset review in 2015. Ms. Hurlbutt indicated that one strategy the Committee discussed was to deal with the remaining items during the Committee's Sunset Review in 2015.

Ms. Hurlbutt asked whether there was any further public comment on the agenda item. There was no further public comment.

LEG - 6 Discussion and Possible Actions on the Following Legislation: Assembly Bill (AB) 1588, SB 694, SB 1202, and SB 1575

Ms. Hurlbutt stated that this agenda item is where the Committee reviews parts of legislation that may impact the licensing of dental hygienists. She explained that during this session, the subcommittee normally takes a position or no position on current legislation and have a choice of support, neutral, oppose, or watch and will be discussing the direction the subcommittee chooses on four bills.

AB 1588

Ms. Hurlbutt indicated that the first item of legislation is AB 1588 and explained that there are several bills during this session that contain military information proposed to the Legislature. She explained that AB 1588 allows a licensee that is called to active military service to not be penalized for their license expiration or not completing their continuing education (CE) hours for their license renewal during the service time if they are not practicing dental hygiene while in the military.

Ms. Hurlbutt inquired about a section of the bill, page two, lines 13, 14, and 15 that state that the renewal fees and CE requirements are waived only for the period in which the reservist is on active duty. She cited an example of when a reservist is called to active duty and are three quarters of the way through their renewal period, and are away on active duty for three months when their license expires, does the bill intend that the Committee will not penalize the individual to pay their license renewal fee even though they have had an active license for one and three quarter years. Ms. Napper indicated that they will still need to pay their license renewal fee however, if the active military person is renewing after their license expired, they will not be required to pay the delinquency fee, as that is waived under the bill due to their active military service. She stated that the delinquency fee is waived under AB 1588 for individuals serving in the military.

Ms. Hurlbutt inquired to clarify the issue about the required CE for a license renewal for an active military person. She stated that licensees should be completing their CE on an ongoing basis whether they are planning to be active in the military or not for the next license renewal. Ms. Napper stated that a licensee is still responsible for the CE hours and can complete the required CE hours whenever they choose throughout the two-year license period.

Ms. Hurlbutt asked for any public comment on AB 1588.

JoAnne Galliano, California Dental Hygiene Association (CDHA), stated that she is also concerned with the contents of AB 1588, as there is no definition of what "active military duty" consists of. She continued that there are reservists that are called to "active duty" one weekend a month and is concerned with how the Committee will enforce this issue without a clear definition of length of time an individual is on active duty and if the active duty occurs at the end of a licensing cycle when it is required to renew the license. She also stated that her other concern is that the bill language states that the individual would not be allowed to use their license and inquired as to the duration of this requirement. She cited an example of an individual who is away on active military duty for three or four months and upon their return, would need to use their license quickly although they have not paid their renewal fees or completed an adequate amount of CE for their renewal. She stated that she is concerned that the Committee, as a consumer protection agency, is not really serving the public by allowing the gaps in licensure and CE. She recommended that the Committee take a watch position on AB 1588.

Ms. Hurlbutt asked for any comments from the subcommittee members or staff prior to voting on a position for AB 1588. Ms. Hubble stated that if AB 1588 were to pass into law, the Committee would need to propose regulations to define the parameters on how the process is structured. Ms. Yazigi stated that any definition(s) of "active military duty" are located in federal law.

- **William Langstaff moved to recommend that the Legislative and Regulation Subcommittee take a watch position on AB 1588.**

Andrew Wong seconded the motion.

Ms. Hurlbutt asked for the vote to take a watch position on AB 1588.

Vote: The motion for a watch position passed unanimously (4-0).

SB 694

Ms. Hurlbutt stated that the second item of legislation for the Legislative and Regulation Subcommittee is SB 694 (Padilla, Emmerson, and Price).

Mr. Langstaff stated that he has been involved with SB 694 for the past two years and has met with Senator Padilla and his staff twice and was included in the stakeholders meeting with Senator Padilla in regard to the bill. He continued that in January 2012, he testified at the California Senate Health Committee about the bill. He clarified that his involvement with the bill was as a part of the California Academy of General Dentistry and not as a member of the Committee. He stated that it would be appropriate to recuse himself from any discussion of the bill because of his prior involvement with it and any discussion with the term “mid-level provider” during these proceedings.

Ms. Hurlbutt explained that SB 694 is sponsored by the Children’s Partnership and would require two items. She stated that the first item is that the bill establishes a state dental director which is a long standing health policy issue and the second item is that it requires a “white paper” or analysis completed on workforce issues regarding the possibility of expanding the scope of practice for a mid-level provider. She indicated that the bill is currently in the Assembly.

Ms. Hurlbutt asked whether there were any questions from the subcommittee members. She indicated that she has concerns about the bill, specifically that the dental director is required to be a licensed dentist. She stated that there are other individuals besides a licensed dentist that would qualify for the position of dental director and opined that she would rather have the most qualified person fill the position rather than restricting the candidates to only licensed dentists. She indicated that if a licensed dentist is the most qualified individual for the position, then they should be appointed to it.

Ms. Hurlbutt stated that a second concern she has with the bill is that the dental director position will not occur unless there is funding from both public and private sectors of the population. She inquired as to whether the Committee would be asked to support the position by contributing public funds (i.e., the Committee’s licensing fees or other) to pay for the position. She stated that she is unclear whether the Committee funds will be requested to pay for the dental director position, how much it will cost, and once the position is established, how it will be sustained financially.

Ms. Hurlbutt indicated that her last concern with the bill is in regard to a scientific study that is to be conducted after the dental director position is established. She stated that the study would only be conducted if there was funding available, but is concerned that it will only be about children even though there are many other areas of the population that are underserved. She continued that there would be more of a benefit from the study if the scope was expanded to include other underserved populations in addition to children. She inquired as to the reason the study was only directed at children when there are other underserved populations.

Mr. Wong stated that he also has similar concerns as Ms. Hurlbutt with the bill. He explained that the bill creates the dental director position if there is funding, but there is no clear funding source identified in the bill. He continued that a

second issue with the bill that is unclear is the relationship between the dental director and all of the other boards, committees, or agencies that currently exist and what is the role of the new position. He indicated that there are many unclear issues to be clarified from the bill prior to the Committee taking a position on it.

Ms. Hubble stated that the bill has already been amended several times and that it is highly likely that it will be amended again. She indicated that she is also concerned about the funding language in the bill, as the Committee cannot afford to use its resources to fund the dental director position. She recommended that the Committee take a watch position on the bill.

Ms. Hurlbutt asked for any public comment.

Katie Dawson from CDHA stated that when she reviewed the bill, it requires a licensed dentist to take the position of the dental director; however, when she reviewed the title of the department, she noticed that it was the Department of Oral Health which she opined that the position is intended for an individual with a public health background. She indicated that in review of the directors of the oral health departments, half are licensed dentists and the remaining are dental hygienists and others with public health backgrounds. She is concerned that by requiring a licensed dentist to fulfill the position, it would restrict other qualified candidates from being selected.

Ms. Dawson responded to the earlier question as to why the study in the bill only pertained to children as opposed to other underserved populations and she indicated that the sponsor, Children's Partnership, is only interested in children's issues.

Mr. Lewis from CDA stated that he concurred with Ms. Hubble's statement in that the bill will probably be amended in the future and is far from complete. He indicated that many of the provisions in the current bill were placed there for expediency through the Senate due to fiscal concerns. He explained that the language indicating to fund the position through public or private funds was to broaden potential funding sources as they needed to be identified for the position. He stated that the CDA has been heavily involved with the bill and revised its policy related to issues in the bill, particularly to the workforce study. He continued that the author (Senator Padilla) of the bill is currently taking all of the information he has received under advisement and making assessments in working with the sponsor to make a decision as to the direction of the legislation. He stated that although Children's Partnership is the sponsor of the bill, the author will make the decision as to the direction of the bill and is interested in finding a comprehensive solution to all of the issues identified in the bill.

Mr. Lewis stated that on the issue of public versus private funding, the Dental Board (DBC) expressed the same concerns as the Committee with inquiry about what public funding means. He indicated that from CDA's perspective, they are not interested in redirecting public resources from the Dental Board or the Committee to pay for the study. He stated that there are many issues in the bill to be addressed and it is not certain that the author will continue with the bill this year, but may wait until next year after he receives more clarifying information to pursue the legislation. He recommended that the Committee take a watch position for the bill.

Ms. Galliano stated that CDHA is opposed to the current bill due to the requirement to put a licensed dentist in the position of the state dental director. She indicated that as a committee that is designed to protect the consumer, the Committee should thoroughly review a bill that dictates who the dental director would be. She recommended that the Committee oppose the bill unless amended, as the individual for the position should be the most qualified person available and not just a licensed dentist.

Ms. Ward inquired as to whether the program the bill implements for children is similar to the prior Medi-Cal dental program (referenced from page 19 of the bill). Ms. Hurlbutt stated that because of the Patient Protection and Affordable Care Act that was signed into law, the claim is that a large number (1.2 million) of children will gain dental care benefit. Mr. Lewis clarified that the Patient Protection Act includes a mandate that all health plans that are operating through the healthcare exchange set up as part of the law offer a pediatric oral healthcare benefit. He continued that the number is a combination of the mandate to increase the oral healthcare benefit plus the expansion of Medi-Cal eligibility by raising the income thresholds which would increase the number of children immensely.

Ms. Hurlbutt asked the subcommittee members for a recommendation.

- **Andrew Wong moved to recommend a watch position on SB 694.**

Evangeline Ward seconded the motion.

Ms. Hurlbutt inquired that if the subcommittee takes a watch position on the bill but has concerns of the language content (i.e., use of public funds and a dentist in the position of the dental director), can the Committee ask the author for additional information. Ms. Yazigi indicated that the subcommittee can recommend a watch position on the bill and request information from the author on the bill issues to the full committee. She stated that once the information is gathered, there can be subsequent subcommittee and committee discussions at meetings based upon the information gathered regarding the bill issues.

Ms. Ward inquired as to where the children under the insurance plan will go for dental services. She stated that most dentists will not accept the type of insurance described in the plan, so if the children must resort to dental clinics, will the services provided be at an acceptable level. She asked whether it would be better to continue to have free clinics instead of what is presented in the bill. Ms. Hurlbutt stated that there is a second section of the bill that analyzes the workforce issue and her assumption is that the author is aware for the need of additional providers of dental services which is probably the reason the bill has the white paper or analysis of the workforce. Mr. Lewis stated that the intent of the bill is to analyze all of the issues mentioned which is the reason the Children's Partnership is sponsoring the bill. He continued that there was recognition for a need to provide dental care services to children and that the debate is whether it is a subject of distribution or a lack of dental providers which are issues that are being reviewed as well.

Mr. Lewis addressed an earlier question from Mr. Wong relating to the dental director position. He stated that part of the purpose of having a state dental director is to have an individual at a high position in an agency to where they could view the big picture and be close to the decision makers to have an

influence on the reinstatement of public dental programs for both adults and children in conjunction with the Affordable Care Act. He added that this would be a means to incorporate more dental service providers to serve the additional people whether it is through an insurance based system or an expanded Medi-Cal or other public based funding system.

Ms. Hurlbutt stated that there is a motion and a second to take a watch position on the bill, but requested to amend it for staff to seek additional information for clarification in the areas discussed today (i.e. public funding and choice of a licensed dentist for the dental director position as opposed to the most qualified person). Ms. Yazigi asked for further clarification and detailed instruction as to what the subcommittee was requesting from staff. Ms. Hurlbutt indicated that the following needs to be researched for the subcommittee:

- What is the cost to create the dental director position;
- What is the source of public funding for the dental director position;
- Further clarification as to why a licensed dentist is required for the dental director position instead of the most qualified person;
- When the workforce issue is reviewed and the needs assessed, why were the services only limited to children and not applicable to other underserved populations.

Ms. Hurlbutt asked whether there were any further questions or objections for the Legislative and Regulatory Subcommittee to take a watch position on AB 694 and have staff research the items bulleted above. There were no further questions or objections.

Vote: The motion passed unanimously (4- 0) to take a watch position on AB 694 and have staff research the bulleted points.

The subcommittee will forward its recommendation to the full committee at tomorrow's full committee meeting.

SB 1202

Ms. Hurlbutt stated that SB 1202 is authored by Senator Mark Leno and sponsored by CDHA. She indicated that SB 1202 introduced the language that was approved by the Committee in December 2010 and was passed by the Senate Business, Professions and Economic Development Committee and now will go before the Senate Appropriations Committee.

Ms. Hurlbutt asked whether there were any questions from the subcommittee members and reminded them that the language in the bill contained items that were previously approved by the Committee.

Ms. Ward inquired as to what the qualifications are for a special permit. Ms. Hurlbutt explained that currently, the Committee does not have a means for an out-of-state licensee to come and teach in California because part of the qualifications to teach at a dental hygiene school is to be licensed as a dental hygienist in the state. She stated that the Dental Board has a provision for an out-of-state dentist to come to California to teach, but not practice, under a special permit. She continued that if the bill passes with the special permit language, the Committee would need to establish regulations to set the

parameters of the special permit. She stated that the bill provides the statutory authority to have a special permit, but the regulations provide the guidelines of how to implement the authority.

Ms. Hurlbutt asked for any public comment on SB 1202.

Ms. Galliano answered Ms. Ward's question by indicating that sections A – D in the bill indicate some qualifications for a special permit, but they would be further clarified and defined in proposed regulations.

Ms. Galliano stated that in a review of the bill and in light of what has recently occurred in the dental hygiene education area, there are some issues pertaining to the Commission on Dental Accreditation (CODA) approval of a dental hygiene program and the program not meeting CODA's requirements for approval, there are items in the bill that need to be amended. She indicated that she would review the proposed amendments to the bill and ask the Committee for its support to make it a stronger bill and maintain the function of consumer protection. She stated that the requested amendments to SB 1202 are:

Special Permit – She stated that the language from the Dental Practice Act that pertained to a special permit for dentists was used to amend the section for DHCC's special permit. She explained that an issue that arose in the language is that to qualify for a special permit the individual must be a fulltime professor, associate professor, or assistant professor. She continued that the requested amendment would change "fulltime" to "part time" because many dental hygiene programs do not have the ability to hire an individual full time, and add instructor or faculty member to those who would qualify for a special permit because many community colleges do not label their teachers as professors.

Ms. Hurlbutt asked the subcommittee members for any objection in concept to modify the language of the bill to broaden the nomenclature to make it more concise. There were no objections to modify the language.

Section 1905 - Ms. Galliano stated that the next request for an amendment was to Section 1905 in the first paragraph, last sentence where it states, "...any dental hygiene program accredited and in good standing..." no longer exists with CODA, as they do not have "in good standing" as a status anymore. She indicated that the request for an amendment would strike the phrase "in good standing" and state, "Any dental hygiene program accredited by the Commission on Dental Accreditation may be approved."

Ms. Hurlbutt asked the subcommittee members for any objection to modify the language of the bill. There were no objections to modify the language.

RDH Program Approval - Ms. Galliano stated that the next request for an amendment was in section two, subsection two in the last sentence of the page where it states, "...that the committee may withdraw or revoke a dental hygiene program approval if the program has been placed on probationary status by CODA." She explained that CODA no longer places programs on probation, but utilize an intent to withdraw or withdrawal. She indicated that the requested amendment to the bill's language would state, "The committee may withdraw or revoke a dental hygiene program from approval if CODA has indicated an intent to withdraw its approval or has withdrawn its approval," which is the current language CODA uses.

Ms. Hurlbutt asked the subcommittee members for any objection to modify the language of the bill. There were no objections to modify the language.

Section 1917.3 - Ms. Galliano indicated that the next issue pertained to a typographical error on page nine. She stated that in section 1917.3 of the Business and Professions Code (BPC), line 36, the word “state” in state clinical examination should be removed, as the Committee now accepts the Western Regional Examination Board’s examination.

Ms. Hurlbutt stated that she reviewed the original language the Committee approved and in those documents, the word “state” is not present. She does not know how “state” was put into the language as the original language approved by the Committee stated, “...clinical exam pursuant to section 1917.”

“Employed” Typo - Ms. Galliano stated that on page 13 pertaining to the extramural dental facility, the word “employ” is not appropriate in the sentence, as dental hygienists do not employ dental facilities, but rather contract with them, so the requested amendment would be to replace “employed” with “contracted with.”

Ms. Galliano stated that the extramural clinics have been a confusing issue for dental hygiene programs in terms of what is defining clinical instruction and there may be some future defining amendments to the bill defining clinical instruction. She indicated that some programs use clinics to rotate their students out for additional off-site experience, but there are no faculty or instructors onsite. She continued that it is an issue that is not clear whether the facility would need to register or is the specific target educational programs that are sending students and faculty to an external facility where the facility would need to meet the same requirements as the educational program’s requirements. She added that CDHA would need to work to clarify the issue.

Ms. Hurlbutt clarified that CDHA would review this section of the bill and find out what is occurring in California in regard to community colleges and universities to ensure that the language is reflective of what actually occurs. She stated that the request for the subcommittee is to accept in concept that the language will be modified with the intent of what is occurring in California with regard to community colleges and universities. Ms. Galliano agreed.

Ms. Hurlbutt asked the subcommittee members for any objection to accept in concept CDHA’s modification of the language of the bill for this issue. There were no objections to modify the language.

Extramural Fees - Ms. Galliano stated that there was an issue with the clarification of the extramural fees in that they do not specify the renewal period. Ms. Hurlbutt inquired whether it will be biennial and Ms. Hubble acknowledged that the extramural fee needs to be clarified and will be renewed on a biennial basis.

Ms. Hurlbutt asked the subcommittee members for any objection to modify the language of the bill to reflect the addition of biennial to the extramural fee. There were no objections to modify the language.

RDH Program Accreditation - Ms. Galliano indicated that CDHA is pursuing stronger language on the issue of hygiene program accreditation. She requested to have Ms. Hurlbutt and Mr. Calero work with CDHA on potential amendment language that may be placed into the bill after the author's approval and to meet with the Committee to create strong accrediting language to avoid the same recent issues at a local educational institution. Mr. Langstaff inquired as to the areas the new language would emphasize. Ms. Galliano indicated that the areas of emphasis would be the needs assessment, standard requirements to start a program, appropriate clinical facilities, and an ongoing funding source to ensure that the new program can be self-sustaining. She believed that CDHA's viewpoint on the issue is that the Committee needs more oversight on the program startup process.

Ms. Hurlbutt asked the subcommittee members for any objection to Ms. Galliano's request. There were no objections to modify the language.

Ms. Hurlbutt asked the subcommittee members for a position motion on the bill.

- **William Langstaff moved to support SB 1202.**

Evangeline Ward seconded the motion to support SB 1202.

Ms. Hurlbutt asked the subcommittee members for any objection to support SB 1202. There were no objections to supporting SB 1202.

Vote: The motion passed unanimously (4- 0) to support SB 1202.

SB 1575

Ms. Hurlbutt indicated that the bill provides authority to boards to require a local or state agency to provide any records of arrest and convictions that the board may need during a licensee investigation. She inquired as to whether this issue is already in statute. Ms. Hubble stated that the provision to collect fingerprints is already in statute; however, the provision in the bill enhances that authority to require local and state agencies to provide the Board's, Bureau and Committee's with the arrest and conviction reports.

Ms. Hurlbutt inquired to Ms. Yazigi that if the Committee is not listed in BPC section 144, does the bill affect the Committee if the subject matter is already contained in statute.

Ms. Yazigi requested the subcommittee to move onto the next agenda item so that it gave her opportunity to research and compare the statutory language to see if the Committee wants to pursue its own amendment.

Ms. Hurlbutt asked the subcommittee members for any objection to allow legal counsel the opportunity to research this issue, move forward to the next agenda item, then return to this agenda item. There were no objections to table the agenda item and return later in the meeting to allow legal counsel time to research the issue.

**(Leg – 6 is continued toward the end of the meeting)*

LEG - 7

Update on Rulemaking for Title 16, Division 11, Articles 1-12 of the California Code of Regulations (CCR)

Ms. Hurlbutt deferred to Ms. Napper for the update. Ms. Napper stated that at the December 2011 meeting, the Committee approved the recommendation for staff to pursue regulations in three phases. She stated that the regulations to be pursued in phase one has been initiated and provided a chart that identifies the contents in the first phase. She reported that she has completed the draft Initial Statement of Reasons for phase one and it will be forwarded to the DCA Legal Affairs Unit for review. Ms. Hurlbutt stated that the items in purple on the chart will need to wait until SB 1202 is passed in order for the Committee to have statutory authority to pursue the items in regulation and the green section contains items that are controversial and will be dealt with in the future. She requested to move the item regarding section 1107 regarding local anesthesia, nitrous oxide and soft tissue curettage, to the green section (from the red) including it in phase two and for staff to modify the table.

Ms. Hurlbutt asked the subcommittee members for any objection to moving section 1107 into the green section (phase two) of the chart. There were no objections to move the item.

Ms. Hurlbutt asked whether there was any public comment for the agenda item. There was no public comment.

LEG - 8

Update on Proposed Amendment to Regulation §1132, Title 16 of the California Code of Regulations Regarding Retroactive Fingerprinting Requirements

Ms. Hurlbutt deferred to Ms. Napper for the update. Ms. Napper stated that this agenda item was in regard to the retroactive fingerprinting regulation. She indicated that Section 1132 of the California Code of Regulations currently requires all licenses prior to January 1, 1994 and those without proof of electronic fingerprint clearances to be live scanned in the State of California for the purpose of conducting a criminal history background record check. She reported that staff is proposing an amendment to section 1132 of the CCR that would exempt an inactive license from obtaining a fingerprint live scan until the licensee practices in this state. She said that staff found that licensees who have an inactive license and those who reside outside of the state have found the requirement to be a huge financial hardship. She continued that it is reasonable to require an active licensee to comply with the requirements as they can legally treat patients in this state. She requested the subcommittee's approval of the recommendation to amend the fingerprint regulation and direct staff to initiate the rulemaking process inclusive of a 45 day public comment period, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.

Ms. Hurlbutt inquired as to whether any other regulatory boards have the fingerprinting provision to exempt the inactive license. Ms. Hubble indicated that there are other boards that have the provision to exempt the inactive license. Ms. Hurlbutt stated that currently, an inactive license is not exempt from the fingerprint requirement in order to renew the license, so an individual that lives and practices in Washington or anywhere out of state must schedule a trip to California in order to obtain electronic fingerprints to renew their California license. She continued that by approving this amendment request, it would exempt the inactive licensee from the fingerprint requirement to renew the

license, but they would be responsible for the completion of the fingerprints and CE in order to renew on an active status. Ms. Hubble clarified that the fingerprint exemption would apply to all inactive licenses whether the licensee resided in or out of the state. Ms. Hurlbutt stated that for any individuals with an active license whether in state or out of state would still be required to provide the fingerprints to renew their license. She indicated that the out of state licensees on an active status would need to come to California in order to obtain electronic fingerprints because the departments controlling the fingerprinting do not communicate with each other. Ms. Ward inquired that if the fingerprinting departments do not communicate their results between states, what happens when a licensee from New York comes to California to practice. Ms. Napper indicated that the Committee would utilize the National Practitioner Database in order to conduct a background check on an out-of-state licensee applying for licensure in California.

Ms. Hurlbutt asked for a motion to approve the staff recommendation to amend section 1132 of the CCR.

- **Evangeline Ward moved to support staff's recommendation to amend section 1132 of the CCR.**

William Langstaff seconded the motion.

Ms. Hurlbutt asked whether there was any further discussion from the subcommittee members or any public comment. There was no further discussion or public comment.

Vote: The motion passed unanimously (4- 0) to amend section 1132 of the CCR.

LEG - 9

Update on Mandatory Report to Legislature Regarding: Licensure By Credential Pursuant to Section 1917.1(d) of the Business and Professions Code

Ms. Hurlbutt deferred to Ms. Napper for the update on the agenda item. Ms. Napper stated that legislation in 2003 created a new pathway toward licensure for dental hygienists licensed in other states, but had not taken a clinical examination in California. She indicated that in 2008, SB 853, Chapter 31, Statutes of 2008 required the Committee to prepare a report for the legislative committee regarding the impact of the new licensure pathway. She stated that the report was submitted to the legislature in December 2011 that was based upon data collected through surveys. She reported that there was an 89% response rate to the surveys and that from July 2009 to December 2011, there were 115 individuals that were Licensed by Credential (LBC).

Ms. Napper stated that with the assistance of the Office of Statewide Health Planning and Development, she was able to obtain a map that showed the distribution of medical and dental services that are available in light blue and a darker blue that represented the areas that are underserved. She stated that of the 79 LBC individuals, only three were working in the underserved areas. Ms. Hurlbutt indicated that the statistics are interesting because the LBC program was established by the Legislature to have individuals come into the state to work in the workforce shortage areas and these statistics show that for dental hygiene, the LBC program is not serving what the Legislature intended. She inquired as to whether the Committee had received any feedback from the

Legislature after submitting the report to the committee. Ms. Napper indicated that the Committee has not received any feedback in regard to the submitted report.

***LEG - 6 Discussion and Possible Actions on the Following Legislation: SB 1575**

Ms. Hurlbutt asked Ms. Yazigi what she discovered during her research of SB 1575. Ms. Yazigi stated that the reason the Committee is not mentioned in BPC section 144 is because in the Dental Practice Act, there is existing authority to request fingerprints for criminal background information. She explained that the reason why section 144.5 is significant is because prior to the bill, the boards listed in section 144 were only able to obtain conviction information on applicants, whereas with section 144.5, they will be able to obtain arrest information as well. She added that for enforcement purposes, this is significant because arrests that may have had an impact in reviewing an applicant that previously went unreported will now be reported to the boards. She stated that the bill will not impact the Committee because obtaining arrest information already exists in the Practice Act under section 1916.

Ms. Hubble stated that section 144.5 provides more authority for the boards to obtain arrest and conviction information. She explained that currently, enforcement staff request certified copies of arrest or court records and many times do not receive any response, so staff must rely on the applicant to provide the certified copies of the information. She continued that the new section of law makes it a requirement for the local or state agency to provide the arrest or conviction information upon request.

Ms. Hurlbutt inquired that in order to modify the Dental Practice Act to parallel the function of section 144.5, the Committee would need to amend section 1916 of the Dental Practice Act, wait for Sunset Review, or add an amendment to SB 1202 if CDHA believed it was an important issue. Ms. Yazigi stated that the Committee could seek a statutory change by any of these mechanisms.

Ms. Hurlbutt asked the subcommittee members whether an amendment to the Dental Practice Act, section 1916, is something the subcommittee wants to address this year. She inquired to staff the importance of having the change in the statute. Ms. Hubble indicated that a change in the statute would be a useful tool for the enforcement staff to use in order to process complaints in a timely manner. Mr. Langstaff asked if the issue could wait and be addressed at Sunset Review. Ms. Hubble indicated that it could wait until then. Ms. Yazigi inquired whether the Committee was not receiving adequate information through the normal DOJ fingerprint arrest and conviction information. Ms. Hubble indicated that she would prefer more detailed information such as the certified copies of the arrest record or court documents rather than just the rap sheet that is received from DOJ.

Ms. Ward inquired as to why dental hygiene schools do not have students obtain fingerprint clearances at the beginning of their education when they have an opportunity to clarify any possible issues prior to obtaining fingerprints for licensure. Ms. Hurlbutt indicated that the schools do ask in the application process about any reason why you would not be issued a license and at Loma Linda University, they identify students that may have an issue in their background. She stated schools may not have authority to obtain students' fingerprint clearances to enter the school. Ms. Yazigi clarified that the Committee

does not have jurisdiction over the individual until they apply or are licensed. Ms. Galliano indicated that all of the programs she has investigated have a message on their website informing students that in order to be licensed, you are required to have fingerprints done and prove that there is no criminal activity against you. She stated that California will not allow programs to use this as a criteria for acceptance or rejection of a student into the program.

Ms. Hurlbutt asked the subcommittee members for any objection to not taking any action on SB 1575. There were no objections from the subcommittee members to not take action on the bill.

Ms. Hurlbutt asked whether there were any comments from subcommittee members or the public for items to be placed on the next subcommittee agenda. There were no comments from the subcommittee members or the public.

LEG – 10

Adjournment

Time: 11:32 a.m.



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item 4

Chairperson's Report



MEMORANDUM

DATE	December 3, 2012
TO	DHCC Committee Members
FROM	Timothy Martinez, DMD, Chair, Legislative and Regulatory Subcommittee
SUBJECT	Agenda Item 4: Chairperson's Report

A verbal report will be provided.



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item 5

Statutory Update: AB 1588, SB 694, SB 1202,
SB 1575, and SB 1099



MEMORANDUM

DATE	December 3, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	LEG 5 - Statutory Update

Background

Each year, DHCC staff tracks bills that relate to the dental profession and to its functions as a Committee. Staff tracked the following bills this session:

- AB 1588 (Atkins) Professions and Vocations: Military Reservist Licensees: Fees and Continuing Education
- SB 694 (Padilla) Dental Care
- SB 1202 (Leno) Dental Hygienists
- SB 1575 (Committee on Business, Professions and Economic Development) Professions and Vocations
- SB 1099 (Wright) Regulations

Following is an update on the status of each of the above bills.

AB 1588 Atkins
Ch. 742 Professions and vocations: reservist licensees: fees and
Stat 2012 continuing education

This law was passed and signed by the Governor to waive renewal fees and continuing education requirements for licensees while on active military duty. The law provides that individuals are prohibited from private practice while under the waiver and that licensees must provide written proof of discharge within 60 days of the date of discharge. This law pertains to all licensees of the Department of Consumer Affairs and will become effective January 1 2013. Regulations to implement this law will be discussed in LEG 8 later in the agenda.

SB 694 Padilla
Dental Care

This bill to create a Statewide Office of Oral Health within the State Department of Public Health has died. A licensed dentist would have served as the dental director, and one of their duties was to conduct a study to assess the safety, quality, cost-effectiveness, and patient satisfaction of expanded dental procedures to inform future decisions about how to meet the unmet oral health need for the state's children. It is anticipated that the bill will be held in a special session sometime in December.

SB 1202 Leno
Ch 331 Dental Hygienists
Stat 2012

This language, with annotated changes, was adopted by the Committee and sponsored by the California Dental Hygienists Association. It contains several provisions that needed to be added to the Business and Professions Code to address:

- Special permits for out of state hygienists to teach in California dental hygiene programs,
- Clarifies the requirement for all applicants to complete Committee approved courses in soft tissue curettage, administration of local anesthesia, and administration of nitrous oxide/oxygen for licensure,
- Mobile clinics operated by Registered Dental Hygienists in Alternative Practice,
- Requirements for remedial education for applicants who have failed the clinical dental hygiene examination three times or caused gross trauma during exam,
- Requirements for Registered Dental Hygienists in Alternative Practice (RDHAP) to register their place of practice, and allow for registration of additional office,
- RDHAP's failure to obtain a prescription within 18 months of initial visit is unprofessional conduct,
- Allow registration of extramural dental hygiene facilities,
- Requirement for new educational programs to provide feasibility study demonstrating the need for a new program prior to seeking approval for initial accreditation,
- Various fee changes and other technical and clean up changes.

This law was passed and signed by the Governor, and will be effective January 1, 2013. The full text of the amended Sections of law follows, with **added** Sections indicated by **blue text** and **amendments** to existing law shown in **red**. Variations to language adopted by the Committee are shown in blue.

SB 1202 – Chaptered 9/18/2012

SECTION 1. Section 1902.3 is added to the Business and Professions Code, to read:

1902.3. A registered dental hygienist licensed in another state may teach in a dental hygiene college without being licensed in this state if he or she has a special permit. The committee may issue a special permit to practice dental hygiene in a discipline at a dental hygiene college in this state to any person who submits an application and satisfies all of the following eligibility requirements:

- (a) Furnishing satisfactory evidence of having a pending contract with a California dental hygiene college approved by the committee as a full-time **or part-time professor, associate professor, assistant professor, faculty member, or instructor.**
- (b) Furnishing satisfactory evidence of having graduated from a dental hygiene college approved by the committee.
- (c) Furnishing satisfactory evidence of having been certified as a diplomate of a specialty committee or, in lieu thereof, establishing his or her qualifications to take a specialty committee examination or furnishing satisfactory evidence of having completed an advanced educational program in a discipline from a dental hygiene college approved by the committee.
- (d) Furnishing satisfactory evidence of having successfully completed an examination in California law and ethics developed and administered by the committee.
- (e) Paying an application fee, subject to a biennial renewal fee, as provided by Section 1944.

SEC. 2. Section 1905 of the Business and Professions Code is amended to read:

1905. (a) The committee shall perform the following functions:

(1) Evaluate all registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions educational programs that apply for approval and grant or deny approval of those applications in accordance with regulations adopted by the committee. Any such educational programs approved by the dental board on or before June 30, 2009, shall be deemed approved by the committee. Any dental hygiene program accredited by the Commission on Dental Accreditation may be approved.

(2) Withdraw or revoke its prior approval of a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions educational program in accordance with regulations adopted by the committee. The committee may withdraw or revoke a dental hygiene program approval **if the Commission on Dental Accreditation has indicated an intent to withdraw approval or has withdrawn approval.**

(3) Review and evaluate all registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions applications for licensure to ascertain whether the applicant meets the appropriate licensing requirements specified by statute and regulations, maintain application records, cashier application fees, issue and renew licenses, and perform any other tasks that are incidental to the application and licensure processes.

(4) Determine the appropriate type of license examination consistent with the provisions of this article, and develop or cause to be developed and administer examinations in accordance with regulations adopted by the committee.

(5) Determine the amount of fees assessed under this article, not to exceed the actual cost.

(6) Determine and enforce the continuing education requirements specified in Section 1936.1.

(7) Deny, suspend, or revoke a license under this article, or otherwise enforce the provisions of this article. Any such proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all of the powers granted therein.

(8) Make recommendations to the dental board regarding dental hygiene scope of practice issues.

(9) Adopt, amend, and revoke rules and regulations to implement the provisions of this article, including the amount of required supervision by a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions of a registered dental assistant.

(b) The committee may employ employees and examiners that it deems necessary to carry out its functions and responsibilities under this article.

SEC. 3. Section 1917 of the Business and Professions Code is amended to read:

1917. The committee shall grant initial licensure as a registered dental hygienist to a person who satisfies all of the following requirements:

(a) Completion of an educational program for registered dental hygienists, approved by the committee, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.

(b) Satisfactory performance on the state clinical examination, or satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical dental hygiene examination approved by the committee.

(c) Satisfactory completion of the National Dental Hygiene Board Examination.

(d) Satisfactory completion of the examination in California law and ethics as prescribed by the committee.

(e) Submission of a completed application form and all fees required by the committee.

(f) Satisfactory completion of committee-approved instruction in gingival soft tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia.

SEC. 4. Section 1917.1 of the Business and Professions Code is amended to read:

1917.1. (a) The committee may grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the committee, if the applicant submits all of the following to the committee:

(1) A completed application form and all fees required by the committee.

(2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.

(3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years **immediately** preceding the date of his or her application under this section. The clinical practice

requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the committee a copy of a pending contract to practice dental hygiene in any of the following facilities:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(4) Satisfactory performance on a California law and ethics examination and any examination that may be required by the committee.

(5) Proof that the applicant has not been subject to disciplinary action by any state in which he or she is or has been previously issued any professional or vocational license. If the applicant has been subject to disciplinary action, the committee shall review that action to determine if it warrants refusal to issue a license to the applicant.

(6) Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation.

(7) Proof of satisfactory completion of the National Dental Hygiene Board Examination and of a state clinical examination, regional clinical licensure examination, **or any other clinical dental hygiene examination approved by the committee.**

(8) Proof that the applicant has not failed the state clinical examination, the examination given by the Western Regional Examining Board, or any other clinical dental hygiene examination approved by the committee for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of his or her application for a license under this section.

(9) Documentation of completion of a minimum of 25 units of continuing education earned in the two years preceding application, including completion of any continuing education requirements imposed by the committee on registered dental hygienists licensed in this state at the time of application.

(10) Any other information as specified by the committee to the extent that it is required of applicants for licensure by examination under this article.

(b) The committee may periodically request verification of compliance with the requirements of paragraph (3) of subdivision (a), and may revoke the license upon a finding that the employment requirement or any other requirement of paragraph (3) of subdivision (a) has not been met.

(c) The committee shall provide in the application packet to each out-of-state dental hygienist pursuant to this section the following information:

(1) The location of dental manpower shortage areas in the state.

(2) Any not-for-profit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

(d) The committee shall review the impact of this section on the availability of actively practicing registered dental hygienists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2012. The report shall include a separate section providing data specific to registered dental hygienists who intend to fulfill the alternative clinical practice requirements of subdivision (a). The report shall include, but shall not be limited to, the following:

(1) The number of applicants from other states who have sought licensure.

(2) The number of registered dental hygienists from other states licensed pursuant to this section, the number of licenses not granted, and the reason why the license was not granted.

(3) The practice location of registered dental hygienists licensed pursuant to this section. In identifying a registered dental hygienist's location of practice, the committee shall use medical service study areas or other appropriate geographic descriptions for regions of the state.

(4) The number of registered dental hygienists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing registered dental hygienists or no registered dental hygienists or in a safety net facility identified in paragraph (3) of subdivision (a).

(5) The length of time registered dental hygienists licensed pursuant to this section practiced in the reported location.

SEC. 5. Section 1917.3 is added to the Business and Professions Code, to read:

1917.3. Notwithstanding Section 135, an examinee for a registered dental hygienist license who either fails to pass the clinical examination required by Section 1917 after three attempts or fails to pass the clinical examination as a result of a single incidence of imposing gross trauma on a patient shall not be eligible for further

reexamination until the examinee has successfully completed remedial education at an approved dental hygiene program or a comparable organization approved by the committee.

SEC. 6. Section 1926.1 is added to the Business and Professions Code, to read:

1926.1. Notwithstanding any other provision of law, a registered dental hygienist in alternative practice may operate a mobile dental hygiene clinic provided by his or her property and casualty insurer as a temporary substitute site for the practice registered by him or her pursuant to Section 1926.3, if both of the following requirements are met:

(a) The licensee's registered place of practice has been rendered and remains unusable due to loss or calamity.

(b) The licensee's insurer registers the mobile dental hygiene clinic with the committee in compliance with Section 1926.3.

SEC. 7. Section 1926.2 is added to the Business and Professions Code, to read:

1926.2. (a) Notwithstanding any other provision of law, a registered dental hygienist in alternative practice may operate one mobile dental hygiene clinic registered as a dental hygiene office or facility. The owner or operator of the mobile dental hygiene clinic or unit shall be registered and operated in accordance with regulations established by the committee, which regulations shall not be designed to prevent or lessen competition in service areas, and shall pay the fees described in Section 1944.

(b) A mobile service unit, as defined in subdivision (b) of Section 1765.105 of the Health and Safety Code, and a mobile unit operated by an entity that is exempt from licensure pursuant to subdivision (b), (c), or (h) of Section 1206 of the Health and Safety Code, are exempt from this article and Article 3.5 (commencing with Section 1658). Notwithstanding this exemption, the owner or operator of the mobile unit shall notify the committee within 60 days of the date on which dental hygiene services are first delivered in the mobile unit, or the date on which the mobile unit's application pursuant to Section 1765.130 of the Health and Safety Code is approved, whichever is earlier.

(c) A licensee practicing in a mobile unit described in subdivision (b) is not subject to subdivision (a) as to that mobile unit.

SEC. 8. Section 1926.3 is added to the Business and Professions Code, to read:

1926.3. Every person who is now or hereafter licensed as a registered dental hygienist in alternative practice in this state shall register with the executive officer, on forms prescribed by the committee, his or her place of practice, or, if he or she has more than one place of practice pursuant to Section 1926.4, all of the places of practice. If he or she has no place of practice, he or she shall so notify the executive officer. A person licensed by the committee shall register with the executive officer within 30 days after the date of the issuance of his or her license as a registered dental hygienist in alternative practice.

SEC. 9. Section 1926.4 is added to the Business and Professions Code, to read:

1926.4. When a registered dental hygienist in alternative practice desires to have more than one place of practice, he or she shall, prior to the opening of the additional office, apply to the committee, pay the fee required by Section 1944, and obtain permission in writing from the committee to have the additional place of practice, subject to a biennial renewal fee described in Section 1944.

SEC. 10. Section 1931 of the Business and Professions Code is amended to read:

1931. (a) (1) A dental hygienist in alternative practice may provide services to a patient without obtaining written verification that the patient has been examined by a dentist or physician and surgeon licensed to practice in this state.

(2) If the dental hygienist in alternative practice provides services to a patient 18 months or more after the first date that he or she provides services to a patient, he or she shall obtain written verification that the patient has been examined by a dentist or physician and surgeon licensed to practice in this state. The verification shall include a prescription for dental hygiene services as described in subdivision (b).

(b) A registered dental hygienist in alternative practice may provide dental hygiene services for a patient who presents to the registered dental hygienist in alternative practice a written prescription for dental hygiene services issued by a dentist or physician and surgeon licensed to practice in this state. The prescription shall be valid for a time period based on the dentist's or physician and surgeon's professional judgment, but not to exceed two years from the date it was issued.

(c) (1) The committee **may** seek to obtain an injunction against any registered dental hygienist in alternative practice who provides services pursuant to this section, if the committee has reasonable cause to believe that the services are being provided to a patient who has not received a prescription for those services from a dentist or physician and surgeon licensed to practice in this state.

(2) **Providing services pursuant to this section without obtaining a prescription in accordance with subdivision (b) shall constitute unprofessional conduct on the part of the registered dental hygienist in alternative practice, and reason for the committee to revoke or suspend the license of the registered dental hygienist in alternative practice pursuant to Section 1947.**

SEC. 11. Section 1941 of the Business and Professions Code is amended to read:

1941. (a) The committee **shall** grant or renew approval of only those educational programs for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions that continuously maintain a high quality standard of instruction **and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the committee.**

(b) **A new educational program for registered dental hygienists shall submit a feasibility study demonstrating a need for a new educational program and shall apply for approval from the committee prior to seeking approval for initial accreditation from the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the committee. The committee may approve, provisionally approve, or deny approval of any such new educational program.**

(c) **For purposes of this section, a new educational program for registered dental hygienists means a program provided by a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education and that has as its primary purpose providing college level courses leading to an associate or higher degree, that is either affiliated with or conducted by a dental school approved by the dental board, or that is accredited to offer college level or college parallel programs by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the committee.**

SEC. 12. Section 1942 is added to the Business and Professions Code, to read:

1942. (a) As used in this article "extramural dental facility" means any clinical facility that has contracted with an approved dental hygiene educational program for instruction in dental hygiene, that exists outside or beyond the walls, boundaries, or precincts of the primary campus of the approved program, and in which dental hygiene services are rendered.

(b) An approved dental hygiene educational program shall register an extramural dental facility with the committee. That registration shall be accompanied by information supplied by the dental hygiene program pertaining to faculty supervision, scope of treatment to be rendered, name and location of the facility, date on which the operation will commence, discipline of which the instruction is a part, and a brief description of the equipment and facilities available. The foregoing information shall be supplemented by a copy of the agreement between the approved dental hygiene educational program or parent university, and the affiliated institution establishing the contractual relationship. Any change in the information initially provided to the committee shall be communicated to the committee.

SEC. 13. Section 1944 of the Business and Professions Code is amended to read:

1944. (a) The committee shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the committee. The fees are subject to the following limitations:

(1) The application fee for an original license **and the fee for issuance of an original license shall not exceed two hundred fifty dollars (\$250).**

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

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

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

(5) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.

(6) The biennial renewal fee shall not **exceed one hundred sixty dollars (\$160)**.

(7) The delinquency fee shall not exceed one-half of the renewal fee. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee, and compliance with all other applicable requirements of this article.

(8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall not exceed twenty-five dollars (\$25) or one-half of the renewal fee, whichever is greater.

(9) The fee for certification of licensure shall not exceed one-half of the renewal fee.

(10) The fee for each curriculum review and site evaluation for educational programs for dental hygienists who are not accredited by a committee-approved agency shall not **exceed two thousand one hundred dollars (\$2,100)**.

(11) The fee for each review of courses required for licensure that are not accredited by a committee-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's Office of the California Community Colleges shall not exceed three hundred dollars (\$300).

(12) The initial application and biennial fee for a provider of continuing education shall not exceed five hundred dollars (\$500).

(13) The amount of fees payable in connection with permits issued under Section 1962 is as follows:

(A) The initial permit fee is an amount equal to the renewal fee for the applicant's license to practice dental hygiene in effect on the last regular renewal date before the date on which the permit is issued.

(B) If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.

(b) The renewal and delinquency fees shall be fixed by the committee by resolution at not more than the current amount of the renewal fee for a license to practice under this article nor less than five dollars (\$5).

(c) Fees fixed by the committee by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the committee and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to implement the provisions of this article.

(e) No fees or charges other than those listed in this section shall be levied by the committee in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The fee for registration of an extramural dental facility shall not exceed two hundred fifty dollars (\$250).

(g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars (\$150).

(h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars (\$250).

(i) The fee for an additional office permit shall not exceed two hundred fifty dollars (\$250).

(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

(k) The initial application and biennial special permit fee is an amount equal to the biennial renewal fee specified in paragraph (6) of subdivision (a).

(l) The fees in this section shall not exceed an amount sufficient to cover the reasonable regulatory cost of carrying out the provisions of this article.

**SB 1575 Committee on Business, Professions, and Economic Development
Ch 799 Professions and Vocations
Stat 2012**

This language was adopted by the Committee and submitted by staff for inclusion in the Department of Consumer Affairs' Omnibus bill last session, as they are technical or non controversial. **Added** Sections are indicated by **blue** text, **amendments** to existing law appear in **red**.

SB 1575 – Chaptered September 29, 2012

SEC. 6. Section 1934 of the Business and Professions Code is amended to read:

1934. A licensee who changes his or her physical address of record or email address shall notify the committee within 30 days of the change. A licensee who changes his or her legal name shall provide the committee with documentation of the change within 10 days.

SEC. 7. Section 1950.5 of the Business and Professions Code is amended to read:

1950.5. Unprofessional conduct by a person licensed under this article is defined as, but is not limited to, any one of the following:

- (a) The obtaining of any fee by fraud or misrepresentation.
- (b) The aiding or abetting of any unlicensed person to practice dentistry **or dental hygiene**.
- (c) The aiding or abetting of a licensed person to practice dentistry **or dental hygiene** unlawfully.
- (d) The committing of any act or acts of sexual abuse, misconduct, or relations with a patient that are substantially related to the practice of dental hygiene.
- (e) The use of any false, assumed, or fictitious name, either as an individual, firm, corporation, or otherwise, or any name other than the name under which he or she is licensed to practice, in advertising or in any other manner indicating that he or she is practicing or will practice dentistry, except that name as is specified in a valid permit issued pursuant to **Section 1962**.
- (f) The practice of accepting or receiving any commission or the rebating in any form or manner of fees for professional services, radiographs, prescriptions, or other services or articles supplied to patients.
- (g) The making use by the licensee or any agent of the licensee of any advertising statements of a character tending to deceive or mislead the public.
- (h) The advertising of either professional superiority or the advertising of performance of professional services in a superior manner. This subdivision shall not prohibit advertising permitted by subdivision (h) of Section 651.
- (i) The employing or the making use of solicitors.
- (j) Advertising in violation of Section 651.
- (k) Advertising to guarantee any dental hygiene service, or to perform any dental hygiene procedure painlessly. This subdivision shall not prohibit advertising permitted by Section 651.
- (l) The violation of any of the provisions of this division.
- (m) The permitting of any person to operate dental radiographic equipment who has not met the requirements to do so, as determined by the committee.
- (n) The clearly excessive administering of drugs or treatment or the clearly excessive use of treatment procedures, or the clearly excessive use of treatment facilities, as determined by the customary practice and standards of the dental hygiene profession. Any person who violates this subdivision is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) or more than six hundred dollars (\$600), or by imprisonment for a term of not less than 60 days or more than 180 days, or by both a fine and imprisonment.
- (o) The use of threats or harassment against any patient or licensee for providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of this chapter or to aid in the compliance.
- (p) Suspension or revocation of a license issued, or discipline imposed, by another state or territory on grounds that would be the basis of discipline in this state.
- (q) The alteration of a patient's record with intent to deceive.
- (r) Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental hygiene profession.
- (s) The abandonment of the patient by the licensee, without written notice to the patient that treatment is to be discontinued and before the patient has ample opportunity to secure the services of another registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions and provided the health of the patient is not jeopardized.
- (t) The willful misrepresentation of facts relating to a disciplinary action to the patients of a disciplined licensee.
- (u) Use of fraud in the procurement of any license issued pursuant to this article.
- (v) Any action or conduct that would have warranted the denial of the license.
- (w) The aiding or abetting of a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions to practice dental hygiene in a negligent or incompetent manner.
- (x) The failure to report to the committee in writing within seven days any of the following: (1) the death of his or her patient during the performance of any dental hygiene procedure; (2) the discovery of the death of a patient whose death is related to a dental hygiene procedure performed by him or her; or (3) except for a scheduled

hospitalization, the removal to a hospital or emergency center for medical treatment for a period exceeding 24 hours of any patient as a result of dental or dental hygiene treatment. Upon receipt of a report pursuant to this subdivision, the committee may conduct an inspection of the dental hygiene practice office if the committee finds that it is necessary.

(y) A registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions shall report to the committee all deaths occurring in his or her practice with a copy sent to the dental board if the death occurred while working as an employee in a dental office. A dentist shall report to the dental board all deaths occurring in his or her practice with a copy sent to the committee if the death was the result of treatment by a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions.

SEC. 8. Section 1958.1 is added to the Business and Professions Code, to read:

1958.1. (a) Notwithstanding any other law, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory under military law, or under federal law, all of the following shall apply:

(1) The committee shall deny an application by the individual for licensure pursuant to this article.

(2) If the individual is licensed under this article, the committee shall promptly revoke the license of the individual. The committee shall not stay the revocation nor place the license on probation.

(3) The committee shall not reinstate or reissue the individual's licensure under this article. The committee shall not issue a stay of license denial and place the license on probation.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the committee from exercising its discretion to discipline a licensee under other provisions of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to January 1, 2013. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition against reinstating a license to an individual who is required to register as a sex offender shall be applicable.

**SB 1099 Wright
Ch 295 Regulations
Stat 2012**

This law was passed and signed into law by the Governor to change the effective date of regulations from 30 days from the date of approval, to quarterly, as of January 1 if approved between September 1 and November 30, April 1 if approved between December 1 and February 29, July 1 if approved between March 1 and May 30, or October 1 if approved between June 1 and August 31. The law also provides for a later effective date, if prescribed by statute or in the regulation or request, and for an earlier date if good cause is demonstrated.

Committee Action Requested

This item is informational only. No action is necessary.



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item 6

Report and Possible Action on Statutory Language for
Inclusion in the Department of Consumer Affairs'
Omnibus Bill: BPC Sections 109, 1915, 1917.3,
1926.2(b), WIC Section 14132(q)(2), and Section 109,
Section 3 of Chapter 294



MEMORANDUM

DATE	December 3, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	LEG 6 - Report and Possible Action on Statutory Language for Inclusion in the Department of Consumer Affairs' Omnibus Bill

Background

The Department of Consumer Affairs annually submits an omnibus bill containing various technical changes that have been requested by individual boards, bureaus and committees. Only technical, noncontroversial proposals are considered.

DHCC staff has submitted the following five proposals for inclusion in the Department's omnibus bill. Strikeouts indicate deleted text, underlines indicate proposed added text.

- Proposed technical change to correct the license type listed in **Business and Professions (B&P) Code Section 1915** from “registered dental hygienist in alternative ~~functions~~” to “registered dental hygienist in alternative practice”, as the current term references a nonexistent license type and if literally interpreted, would not allow RDHAPs to perform their allowed functions.
- Proposed technical change to correct the Sections of statutory law referenced in **B&P Code Section 1926.2(b)** from “Article ~~3-5~~” to “Article 9” and Section “~~4658~~” to Section “1925”. By referencing incorrect sections of law, users are misdirected to sections of law that pertain to dentists when attempting to access the law regarding mobile dental hygiene units operated by registered dental hygienists in alternative practice. This is a typographical correction.
- Proposed technical change to add language into the Budget Act to eliminate its legislative licensing appropriation in the amount of \$264,000 and add it into the main budget act appropriation by \$264,000 in order to combine both the budget act and legislative appropriations into one budget act appropriation, as follows:
- **SEC. 109.**
 Section 3 of Chapter 294 of the Statutes of 2004 is amended to read:

Sec. 3.

1. The sum of one hundred thirty-eight thousand dollars (\$138,000) in the 2004–05 fiscal year, and the sum of two hundred sixty-four thousand dollars (\$264,000) in the 2005–06 fiscal year and subsequent fiscal years, is hereby appropriated from the State Dental Hygiene Fund to the Dental Hygiene Committee of California for operating expenses necessary to manage the dental hygiene licensing examination.
 2. Of the amount appropriated by this item, \$264,000 is in lieu of the appropriation provided for operating expenses necessary to manage the Dental Hygiene licensing examination pursuant to Section 109 of Chapter 307 of the Statutes of 2009.
- **B&P Code Section 1917.4.** This proposed addition to the code would allow the Dental Hygiene Committee of California (DHCC) to issue an initial probationary license in the instance that an applicant has broken the law. Currently, the DHCC only has the ability to issue a clear and unrestricted license or deny a license. Currently, if a license is denied, the DHCC would file a statement of Issues and the applicant could request a hearing before an Administrative Law Judge.

Following is the proposed new text:

- (a) Notwithstanding any other provision of law, the committee may, in its sole discretion, issue a probationary license to an applicant subject to terms and conditions deemed appropriate by the committee, including, but not limited to, the following:
 - (1) Medical or psychiatric evaluation.
 - (2) Continuing medical, psychiatric, or psychological treatment.
 - (3) Restriction of the type or circumstances of practice.
 - (4) Random fluid testing for alcohol or drugs.
 - (5) Ongoing participation in a specified rehabilitation program. Abstention from the use of alcohol or drugs.
 - (6) Compliance with all provisions of this chapter.
- (b)(1) Notwithstanding any other provision of law, and for purposes of this section, when deciding whether to issue a probationary license, the committee shall request that an applicant with a dismissed conviction provide proof of that dismissal and shall give special consideration to applicants whose convictions have been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal Code.
- (2) The committee shall also take into account and consider any other reasonable documents or individual character references provided by the applicant that may serve as evidence of rehabilitation as deemed appropriate by the committee.
- (c) The committee may modify or terminate the terms and conditions imposed on the probationary license upon receipt of a petition from the applicant or licensee after two years.
- (d) For purposes of issuing a probationary license to qualified new applicants, the committee shall develop standard terms of probation that shall include, but not be limited to, the following:
 - (1) A three to five-year limit on the individual issued a probationary license.
 - (2) Supervision requirements.
 - (3) Compliance and quarterly reporting requirements.
- (e) The applicant shall have the right to appeal the denial, or the issuance with terms and conditions, of any license in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of

the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

- Proposed change to add license types registered dental hygienist (RDH) or a registered dental hygienist in extended functions (RDHEF) to **Welfare and Institutions Code Section 14132(q)(2)** to conform the statute to allow an RDH or RDHEF employed in a public health setting the ability to bill and be paid for dental hygiene services performed as allowed by Business and Professions Code Section 1911(c). Currently, Denti Cal refuses to pay such claims because Welfare and Institutions Code Section 14132(q)(2) does not list RDH or RDHEF licensees as providers of Denti Cal covered services. Other technical changes are needed to correct references to the Business and Professions Code Sections that specify allowed dental hygiene duties for each license type, as follows:

(q) (1) Application of fluoride, or other appropriate fluoride treatment as defined by the department, other prophylaxis treatment for children 17 years of age and under, are covered.

(2) All dental hygiene services provided by a registered dental hygienist, registered dental hygienist in extended functions and registered dental hygienist in alternative practice pursuant to Sections 1917, 1918, 1753.7 and 19221768 and 1770 of the Business and Professions Code may be covered as long as they are within the scope of Denti-Cal benefits and they are necessary services provided by a registered dental hygienist, registered dental hygienist in extended functions or registered dental hygienist in alternative practice.

Committee Action Requested

- Staff requests a motion to approve the legislative proposals as submitted or to suggest any changes to the language, as appropriate.



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item 7

Update on Phase 1 of the Transfer and Possible
Amendment of Dental Hygiene Regulations into
Division 11 of Title 16, Articles 1-12 of the California
Code of Regulations



MEMORANDUM

DATE	December 3, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	LEG 7 - Update on Phase I of the Transfer and Possible Amendment of Dental Hygiene Regulations into Division 11 of Title 16, Articles 1-12 of the California Code of Regulations

Background

At the December 10, 2011 meeting, Committee members approved staff's recommendation to complete the regulatory process in three phases. Staff has begun Phase 1.

The Phases are as follows:

- Phase 1 - existing regulations from the Dental Practice Act with none or minor revisions (non substantive changes)
- Phase 2 - regulations that have been revised with substantive changes.
- Phase 3 - new regulations - DHCC had no statutory authority to implement.

The attached chart provides a list of the regulations to be processed in phases, as directed by the Committee. In light of the Committee's statutory authority to pursue certain regulations now listed in Phase 3, staff recommends that those items be moved to and included in the Phase I regulatory package. Also, since California Code of Regulations (CCR) section 1107 regarding approval of SLN courses was moved to Phase 2, proposed CCR section 1108 relating to requirements for SLN courses should be moved to Phase 2 as well.

Committee Action Requested

Motion to include regulatory CCR sections 1129 (Remedial Education) and 1146 (Additional Offices) in Phase 1, and CCR section 1108 (Requirements for SLN courses) in Phase 2.

LEG 7 Regulatory Process in Phases:

Yellow = Phase 1 Green = Phase 2 Purple = Phase 3 & Orange = Place Holders

Phase 1 Regulatory	
Article 1: Definitions	1100 Definitions
Article 2: Administration	1101 Delegation to the Committee's Executive Officer
Article 3: Educational Programs	1103 Definitions 1104 Approval of RDH Educational Programs 1105 Requirements for RDH Educational Programs 1106 Radiation Safety 1109 Approval of RDHAP Educational Programs 1110 Requirements of RDHAP Educational Programs 1111 Approval of RDHEF Educational Programs 1114 List of Approved Schools 1115 Posting of Notice Experimental Dental Health Program
Article 5: Licensure	1117 General Application Requirements 1119 RDHAP Applications 1120 RDHEF Applications
Article 6: Examinations	1121 Dental Hygiene Written Examinations 1122 General Procedures for the Committee's Written Examination 1124 General Procedures for the Committee's Clinical Examinations 1126 Conduct of the Committee's Clinical 1127 Committee Clinical Examination Review Procedures; Appeals
Article 9: Continuing Education	1134 Purposes 1135 Continuing Education Providers and Courses 1136 Units Required for License Renewal 1137 Inactive License
Phase 2 Regulatory	
Article 4: Duties	1007 Approval of RDH Courses in Soft Tissue Curettage, Administration of Local Anesthesia and Administration of Nitrous-Oxide/Oxygen 1116 RDH Procedures
Article 6: Examinations	1123 Dental Hygiene Clinical Examinations 1125 DHCC Clinical Examination 1128 Western Regional Examination Board Clinical Dental Hygiene Examination pass rate
Phase 3 Regulatory	
Article 5: Licensure	1118 RDH Applications (liability insurance) 1129 Remedial Education
Article 6: Examinations	1145 Professional Relationships, Responsibilities and Conduct Not Affected 1146 Additional Offices
Article 12: Dental Hygiene Corporations	1147 Security for Claims Against a Dental Corporation 1148 Shares: Ownership and Transfer
Place Holders	1102, 1108, 1112, 1113, 1130



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item 8

Discussion on Potential Regulations to Implement
Business and Professions Code Section 114.3
(AB 1588) Regarding Military Reservist Licensees:
Fees and Continuing Education



MEMORANDUM

DATE	December 3, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	LEG 8 - Discussion on Potential Regulations to Implement Business and Professions Code Section 114.3 (AB 1588) Regarding Military Reservists Licensees: Fees and Continuing Education

Background

AB 1588 will become effective January 1, 2013, requiring boards, commissions and bureaus under the Department of Consumer Affairs (DCA) to waive professional license renewal fees and continuing education (CE) requirements for licensees called to active duty in the United States (U.S.) armed forces, as follows:

- a) The license was in good standing at the time the reservist was called to active duty;
- b) The waiver is only for the period when the reservist is on active duty service; and,
- c) Written proof of active duty service must be provided to the board.

This new law will provide waivers from professional license renewal fees and CE requirements for active duty military members. Additionally, the licensee must meet all renewal requirements within six (6) months of the date of discharge from active duty service, and must notify the Committee within 60 days of his or her notice of discharge. No private practice is permitted during the period of active duty.

Staff estimates that a very small number of current active licensees will qualify to take advantage of this waiver.

Committee Action Requested

- Staff requests direction regarding potential regulations needed to implement the provisions of this law.

Assembly Bill No. 1588

CHAPTER 742

An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 29, 2012. Filed with Secretary of State September 29, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1588, Atkins. Professions and vocations: reservist licensees: fees and continuing education.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

This bill would require the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. The bill would, except as specified, prohibit a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect. The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license. The bill would require a licensee or registrant to notify the board of his or her discharge from active duty within a specified time period.

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

SECTION 1. Section 114.3 is added to the Business and Professions Code, to read:

114.3. (a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item 9

California Notice Register Schedule



MEMORANDUM

DATE	December 3, 2012
TO	DHCC Committee Members
FROM	Lori Hubble, Executive Officer
SUBJECT	LEG 9 - California Notice Register Schedule

Background

Every Friday the Office of Administrative Law (OAL) publishes the California Regulatory Notice Register, containing notices of proposed regulatory actions by state regulatory agencies. A state agency must complete its rulemaking processes and submit the completed file to OAL within one year of the date of publication of a Notice of Proposed Action in the Notice Register. The Notice must be submitted to OAL at least ten (10) days before the desired publication date.

The Notice for a regulatory change, or rulemaking, must be published at least 45 days before the public hearing, to allow this minimum time for public comment on the proposed changes.

Following is the Notice Register publication schedule which identifies the required deadline date for OAL to receive the Notice for publication in order to meet the date for the close of the public comment period and for the public hearing.

Committee Action Requested

This item is informational only. No action is necessary.

2013
CALIFORNIA REGULATORY NOTICE REGISTER SCHEDULE

Date to OAL		Publication Date		End of 45-Day Notice Period	
January	1, 2013	January	11, 2013	February	25, 2013
January	8, 2013	January	18, 2013	March	4, 2013
January	15, 2013	January	25, 2013	March	11, 2013
January	22, 2013	February	1, 2013	March	18, 2013
January	29, 2013	February	8, 2013	March	25, 2013
February	5, 2013	February	15, 2013	April	1, 2013
February	12, 2013	February	22, 2013	April	8, 2013
February	19, 2013	March	1, 2013	April	15, 2013
February	26, 2013	March	8, 2013	April	22, 2013
March	5, 2013	March	15, 2013	April	29, 2013
March	12, 2013	March	22, 2013	May	6, 2013
March	19, 2013	March	29, 2013	May	13, 2013
March	26, 2013	April	5, 2013	May	20, 2013
April	2, 2013	April	12, 2013	May	27, 2013
April	9, 2013	April	19, 2013	June	3, 2013
April	16, 2013	April	26, 2013	June	10, 2013
April	23, 2013	May	3, 2013	June	17, 2013
April	30, 2013	May	10, 2013	June	24, 2013
May	7, 2013	May	17, 2013	July	1, 2013
May	14, 2013	May	24, 2013	July	8, 2013
May	21, 2013	May	31, 2013	July	15, 2013
May	28, 2013	June	7, 2013	July	22, 2013
June	4, 2013	June	14, 2013	July	29, 2013
June	11, 2013	June	21, 2013	August	5, 2013
June	18, 2013	June	28, 2013	August	12, 2013
June	25, 2013	July	5, 2013	August	19, 2013
July	2, 2013	July	12, 2013	August	26, 2013
July	9, 2013	July	19, 2013	September	2, 2013
July	16, 2013	July	26, 2013	September	9, 2013
July	23, 2013	August	2, 2013	September	16, 2013
July	30, 2013	August	9, 2013	September	23, 2013
August	6, 2013	August	16, 2013	September	30, 2013
August	13, 2013	August	23, 2013	October	7, 2013
August	20, 2013	August	30, 2013	October	14, 2013
August	27, 2013	September	6, 2013	October	21, 2013
September	3, 2013	September	13, 2013	October	28, 2013
September	10, 2013	September	20, 2013	November	4, 2013
September	17, 2013	September	27, 2013	November	11, 2013
September	24, 2013	October	4, 2013	November	18, 2013
October	1, 2013	October	11, 2013	November	25, 2013
October	8, 2013	October	18, 2013	December	2, 2013
October	15, 2013	October	25, 2013	December	9, 2013
October	22, 2013	November	1, 2013	December	16, 2013
October	29, 2013	November	8, 2013	December	23, 2013
November	5, 2013	November	15, 2013	December	30, 2013
November	12, 2013	November	22, 2013	January	6, 2014
November	19, 2013	November	29, 2013	January	13, 2014
November	26, 2013	December	6, 2013	January	20, 2014
December	3, 2013	December	13, 2013	January	27, 2014
December	10, 2013	December	20, 2013	February	3, 2014
December	17, 2013	December	27, 2013	February	10, 2014
December	24, 2013	January	3, 2014	February	17, 2014
December	31, 2013	January	10, 2014	February	24, 2014



Monday, December 3, 2012

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item 10

Future Agenda Items