



**Friday, November 22, 2019**

**Dental Hygiene Board of California**

**Licensing & Examination Subcommittee**

**Agenda**



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

**LICENSING AND EXAMINATION SUBCOMMITTEE MEETING**

Friday, November 22, 2019  
Hilton Los Angeles North/Glendale & Executive Meeting Center  
100 West Glenoaks Blvd  
Glendale, CA 91202

**Licensing and Examination Subcommittee Members:**

Sandy Klein, Public Member, Chair  
Nicolette Moultrie, RDH Member  
Edcelyn Pujol, Public Member  
Timothy Martinez, Public Health Dentist Member

**Upon Conclusion of the Legislative and Regulatory Subcommittee Meeting.**

**Agenda**

**LIC 1** – Roll Call & Establishment of Quorum

**LIC 2** – Chairperson's Report

**LIC 3** – Discussion and Possible Action, and Recommendation to the Full Board on Proposal to Revise Business and Professions Code Section 1930 to Require RDHAPs to Provide Documentation of an Existing Relationship with a Dentist at Each License Renewal

**LIC 4** – Discussion and Possible Action, and Recommendation to the Full Board to Determine the Length of Time for Licensees to Remain on an Inactive Status Before Remediation is Required to Reactivate the Dental Hygiene License

**LIC 5** – Public Comment for Items Not on the Agenda

*[The DHBC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a).]*

**LIC 6** – Future Agenda Items

**LIC 7** – Adjournment of the Licensing Subcommittee

DHBC members who are not members of this subcommittee may attend meetings as observers only and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum. All times are approximate and subject to change. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Board's Web Site at [www.dhbc.ca.gov](http://www.dhbc.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 Elizabeth Elias, Assistant Executive Officer, at 916-263-2010, or email [Elizabeth.elias@dca.ca.gov](mailto:Elizabeth.elias@dca.ca.gov) or send a written request to the DHBC at 2005 Evergreen Street, Suite 2050, Sacramento, CA 95815. Providing your request at least five (5) business days prior to the meeting will help to ensure availability of the requested accommodation.



**Friday, November 22, 2019**

**Dental Hygiene Board of California**

**Licensing and Examination Subcommittee Meeting**

**Agenda Item LIC 2:**

**Chairperson's Report  
A Verbal Report Will Be Given**



**Friday, November 22, 2019**

**Dental Hygiene Board of California**

**Licensing and Examination Subcommittee Meeting**

**Agenda Item LIC 3:**

**Discussion and Possible Action, and Recommendation  
to the Full Board on Proposal to Revise Business and  
Professions Code Section 1930 to Require RDHAPs to  
Provide Documentation of an Existing Relationship with  
a Dentist at Each License Renewal**



## MEMORANDUM

<b>DATE</b>	November 22, 2019
<b>TO</b>	Licensing and Examination Subcommittee
<b>FROM</b>	Anthony Lum Executive Officer Dental Hygiene Board of California
<b>SUBJECT</b>	LIC 3 - Discussion and Possible Action, and Recommendation to the Full Board on Proposal to Revise Business and Professions Code Section 1930 to Require RDHAPs to Provide Documentation of an Existing Relationship with a Dentist at Every License Renewal

### Background:

Business and Professions Code (B & PC) section 1930 sets forth the requirement that a Registered Dental Hygienist in Alternative Practice (RDHAP) shall provide a documented relationship with at least one dentist for referral, consultation, and emergency services.

The Dental Hygiene Board of California's (Board) highest priority is protection of the public. Board staff has identified a gap in the law for appropriate ongoing notification to the Board that an RDHAP has a current relationship with at least one licensed dentist for referral, consultation, and emergency services for their patients. If they do not have an established relationship with a dentist, it is illegal for an RDHAP to practice and considered unprofessional conduct and could place their license in jeopardy. The only official notification the Board receives of a dental relationship is when the RDHAP applies for their license. Once licensed, the Board rarely receives notification of the status of that relationship as to whether it continues, is terminated, or if they have a dental relationship at all. On occasion, Board staff receive calls from dentists that inform us there is no longer a relationship with an RDHAP or hasn't been for a long time and requests to terminate it. Although RDHAPs are required to have a relationship with at least one licensed dentist for consultation, referral, or emergencies to practice, Board staff are rarely notified of any changes in this relationship.

Currently, there is no requirement in law for RDHAPs to report the status of a dental relationship on an ongoing basis to the Board to ensure that there is a resource for further patient dental care and treatment. There is also no provision in the law requiring RDHAPs to notify the Board of the termination of the relationship with the dentist and who they have established a new relationship for consultation, referral, and for emergency services as required by law. Board staff is working to correct the deficiency or gap in the law with this proposal.

### Subcommittee Action Requested:

Staff requests and recommends that the Licensing and Examination Subcommittee review the language in B & PC section 1930 and add additional language to require RDHAPs to report a current relationship with a licensed dentist at every license renewal as well as to report any termination of an existing dentist relationship and identify the new dentist with whom the new relationship has been established for referral, consultation, and emergency services within 10 business days in the interest of consumer protection. The

specific information required would be the dentist's name and license number so that Board staff can verify the dental relationship, if needed.

**Pros:** By requiring RDHAPs to report a current relationship with a licensed dentist every two years at their license renewal, this will promote safety of the public by ensuring the RDHAP has a current relationship with at least one licensed dentist for consultation, referrals, and emergency treatment for their patients as mandated by the law.

**Cons:** If statutory language in B & PC section 1930 remains as is, there will not be an ongoing reporting requirement for the RDHAPs to continue an existing relationship with a dentist for referral, consultation, and emergency services, and Board staff would have no means to verify this mandated relationship thereby compromising consumer protection.



**Friday, November 22, 2019**

**Dental Hygiene Board of California**

**Licensing and Examination Subcommittee Meeting**

**Agenda Item LIC 4:**

**Discussion and Possible Action, and Recommendation  
to the Full Board to Determine the Length of Time for  
Licensees to Remain on an Inactive Status Before  
Remediation is Required to Reactivate the Dental  
Hygiene License**



## MEMORANDUM

<b>DATE</b>	November 22, 2019
<b>TO</b>	Licensing and Examination Subcommittee
<b>FROM</b>	Anthony Lum, Executive Officer Dental Hygiene Board of California
<b>SUBJECT</b>	<b>LIC 4 - Discussion and Possible Action, and Recommendation to the Full Board to Determine the Length of Time for Licensees to Remain on an Inactive Status Before Remediation is Required to Reactivate the Dental Hygiene License</b>

### Background:

This issue was brought forth as a Future Agenda Item at a prior meeting for the Board to discuss as a potential consumer protection issue. Business and Professions Code (B & PC) section 1940 states the requirements to apply for, or reactivate, an inactive dental hygiene license. However, there is no prescriptive language as to the duration an inactive license may remain on an inactive status prior to restoring a license to active status and resume patient care. The issue raised is if a licensee maintains their license for an extended period in the inactive status (as an example, 10 years) and not treat patients, at what point would a practitioner's skills diminish where some form of remediation would be necessary for them to resume practice safely on patients.

Currently, to restore an inactive license to active status, the licensee is only required to submit an application (Reactivation Application) along with evidence that the licensee completed the required number of approved continuing education (CE) hours within the last two years preceding the date of the application. This request targets those licensees who have ceased practice completely for an extended period of time and it's determined when and how they're able to return to practice safely.

### Subcommittee Action Requested:

As the highest priority of the Dental Hygiene Board of California (Board) is protection of the public, staff requests the Licensing and Examination Subcommittee to review the language in B & PC section 1940 to determine if additional language is needed to limit the length of time for licensees to remain on an inactive status before possible remediation requirements are necessary to restore an active dental hygiene license in the interest of consumer protection. For licensees that move out-of-state with an inactive license for the determined amount of time to require remediation but continue to practice, they would need to submit proof of their continued practice in another jurisdiction and required CE hours to be exempt from any remediation requirement upon license reactivation.

**Pros:** If the Board determines that additional language in the law is needed to limit the length of time for licensees to remain on an inactive status before possible remediation requirements are necessary to restore an active dental hygiene license, the Board would ensure the minimum competency of the licensee prior to converting the license to an active status to treat patients.

**Cons:** If statutory language in B & PC section 1940 remains as is, licensees who have been out of the dental workforce for extended periods would have the ability to restore their license to an active status and begin working on patients immediately without a means to ensure they can provide dental hygiene services competently and safely. This could result in a compromise of consumer protection.





**Friday, November 22, 2019**

**Dental Hygiene Board of California**

**Licensing and Examination Subcommittee Meeting**

**Agenda Item LIC 5:**

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

[The DHBC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a).]



**Friday, November 22, 2019**

**Dental Hygiene Board of California**

**Licensing and Examination Subcommittee Meeting**

**Agenda Item LIC 6:**

**Future Agenda Items**



**Friday, November 22, 2019**

**Dental Hygiene Board of California**

**Licensing and Examination Subcommittee Meeting**

**Agenda Item LIC 7:**

**Adjournment of the Licensing and Examination  
Subcommittee**