

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1143**

**Introduced by Assembly Member Emmerson**  
(Coauthor: Senator Aanestad)

February 22, 2005

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An act to amend Sections 1640, 1640.2, 1642, and 1724 of, and to repeal Section 1641 of, the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1143, as amended, Emmerson. Dentistry.

Existing law provides for the licensing and regulation of dentists by the Dental Board of California. Existing law authorizes a person who furnishes satisfactory evidence of having a pending contract with a California dental college approved by the board as a full-time professor, an associate professor, or an assistant professor, who meets specified education and certification requirements, and who pays a fee, to apply to take an examination for a special permit to practice dentistry.

This bill would delete the requirement that an applicant apply to take the examination, and would instead authorize him or her to apply for the special permit. The bill would authorize a special permit to be granted where the employment is full-time or part-time, as defined, and would limit the application fee for a special permit to \$300 and the renewal fee to \$100. The bill would exempt from the education and certification requirements a ~~person~~ *general dentist who has written certification from the dean of a dental school where a contract is pending that the addition of the dentist to the faculty will benefit the students and the dental school program, or a dentist whose expertise*

or skill is in a specialty area of dental practice approved by the American Dental Association and recognized by the board; and who has *that* written certification from ~~the a dean that the addition of this person to the faculty will benefit the students and the dental school program.~~ The bill would limit the special permits issued under ~~this exemption~~ *these exemptions* to not more than 5 of each type per dental school. The bill would authorize a person who has held a special permit for the 7 preceding years to enter into a part-time contract with a California dental college approved by the board if specified conditions are met, and would prohibit the holder of a special permit from practicing more than one day a week in the school’s dental practice facility.

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

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

- 1 SECTION 1. Section 1640 of the Business and Professions
- 2 Code is amended to read:
- 3 1640. Any person meeting all the following eligibility
- 4 requirements may apply for a special permit:
- 5 (a) Furnishing satisfactory evidence of having a pending
- 6 contract with a California dental college approved by the board
- 7 as a full-time professor, an associate professor, or an assistant
- 8 professor.
- 9 (b) Furnishing satisfactory evidence of having graduated from
- 10 a dental college approved by the board.
- 11 (c) Furnishing satisfactory evidence of having been certified as
- 12 a diplomate of a specialty board or, in lieu thereof, establishing
- 13 his or her qualifications to take a specialty board examination or
- 14 furnishing satisfactory evidence of having completed an
- 15 advanced educational program in a discipline from a dental
- 16 college approved by the board.
- 17 (d) A ~~person~~ *dentist* not meeting the requirements of
- 18 subdivisions (b) and (c) may apply for a special permit if the
- 19 person’s expertise or skill is in a specialty area of dental practice
- 20 approved by the American Dental Association and recognized by
- 21 the board, and if the board has received certification, in writing,
- 22 by the dean of the dental school where a contract is pending, that

1 the addition of this person to the faculty will benefit the students  
2 and the dental school program.

3 (e) *A general dentist who does not meet the requirements of*  
4 *subdivisions (b) and (c) may apply for a special permit if the*  
5 *board has received certification, in writing, by the dean of the*  
6 *dental school where a contract is pending, that the addition of*  
7 *this person to the faculty will benefit the students and the dental*  
8 *school program.*

9 (f) Paying a fee for applicants as provided by this chapter.

10 SEC. 2. Section 1640.2 of the Business and Professions Code  
11 is amended to read:

12 1640.2. (a) The board shall limit the number of special  
13 permits to practice in a discipline at a college to the number that  
14 may be properly administered and supervised by the board.

15 (b) The board shall allow a person who has held a special  
16 permit for at least the seven preceding years to enter into a  
17 part-time contract with a California dental college approved by  
18 the board, provided that the person notifies the board of this  
19 change and provides the board with a pending employment  
20 contract for part-time employment with a California dental  
21 college approved by the board.

22 (c) The board shall limit the number of special permits issued  
23 under subdivision (d) of Section 1640 to no more than five  
24 permits per dental school. *The board shall limit the number of*  
25 *special permits issued under subdivision (e) of Section 1640 to*  
26 *no more than five permits per dental school.*

27 (d) A holder of a special permit shall practice no more than  
28 one day per week in the school's faculty practice.

29 SEC. 3. Section 1641 of the Business and Professions Code is  
30 repealed.

31 SEC. 4. Section 1642 of the Business and Professions Code is  
32 amended to read:

33 1642. Every person to whom a special permit is issued shall  
34 be entitled to practice in their recognized specialty or discipline  
35 at the dental college at which he or she is employed and its  
36 affiliated institutions as approved by the board on the following  
37 terms and conditions:

38 (a) The special permitholder shall file a copy of his or her  
39 employment contract with the board. The contract shall contain  
40 the following provision:

1 That the holder understands and acknowledges that when his or  
2 her full-time or part-time employment is terminated at the dental  
3 college, his or her special permit will be automatically revoked  
4 and that he or she will voluntarily surrender the permit to the  
5 board and will no longer be eligible to practice unless or until he  
6 or she has successfully passed the required licensure examination  
7 as provided in Article 2 (commencing with Section 1625).

8 (b) The holder shall be employed as a full-time or part-time  
9 professor, as associate professor, or an assistant professor at a  
10 California dental college approved by the board. "Full-time  
11 employment" as used in this section means a minimum of four  
12 days per week. "Part-time employment" as used in this section,  
13 means a maximum of three days a week.

14 (c) The holder shall be subject to all the provisions of this  
15 chapter applicable to licensed dentists with the exception that the  
16 special permit shall be renewed annually.

17 SEC. 5. Section 1724 of the Business and Professions Code is  
18 amended to read:

19 1724. The amount of charges and fees for dentists licensed  
20 pursuant to this chapter shall be established by the board as is  
21 necessary for the purpose of carrying out the responsibilities  
22 required by this chapter as it relates to dentists, subject to the  
23 following limitations:

24 (a) The fee for application for examination shall not exceed  
25 five hundred dollars (\$500).

26 (b) The fee for application for reexamination shall not exceed  
27 one hundred dollars (\$100).

28 (c) The fee for examination and for reexamination shall not  
29 exceed eight hundred dollars (\$800). Applicants who are found  
30 to be ineligible to take the examination shall be entitled to a  
31 refund in an amount fixed by the board.

32 (d) The fee for an initial license and for the renewal of a  
33 license shall not exceed four hundred fifty dollars (\$450).

34 (e) The fee for a special permit shall not exceed three hundred  
35 dollars (\$300), and the renewal fee for a special permit shall not  
36 exceed one hundred dollars (\$100).

37 (f) The delinquency fee shall be the amount prescribed by  
38 Section 163.5.

39 (g) The penalty for late registration of change of place of  
40 practice shall not exceed seventy-five dollars (\$75).

1 (h) The application fee for permission to conduct an additional  
2 place of practice shall not exceed two hundred dollars (\$200).

3 (i) The renewal fee for an additional place of practice shall not  
4 exceed one hundred dollars (\$100).

5 (j) The fee for issuance of a substitute certificate shall not  
6 exceed one hundred twenty-five dollars (\$125).

7 (k) The fee for a provider of continuing education shall not  
8 exceed two hundred fifty dollars (\$250) per year.

9 (l) The fee for application for a referral service permit and for  
10 renewal of that permit shall not exceed twenty-five dollars (\$25).

11 (m) The fee for application for an extramural facility permit  
12 and for the renewal of a permit shall not exceed twenty-five  
13 dollars (\$25).

14 The board shall report to the appropriate fiscal committees of  
15 each house of the Legislature whenever the board increases any  
16 fee pursuant to this section and shall specify the rationale and  
17 justification for that increase.