

Assembly Bill No. 1143

CHAPTER 534

An act to amend Sections 1640, 1640.2, 1642, and 1724 of, to add Section 1640.3 to, and to repeal Section 1641 of, the Business and Professions Code, relating to dentistry.

[Approved by Governor October 5, 2005. Filed with
Secretary of State October 5, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1143, 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 a 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 dentist whose expertise or skill is in a specialty area of dental practice approved by the American Dental Association and recognized by the board or a general dentist, if the dentist has written verification from the dean of a dental school where an employment contract as a professor is pending that the addition of the dentist to the faculty will benefit the students and the dental school program. The bill would limit the special permits issued under 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. The bill would also require that an applicant for a special permit furnish satisfactory evidence of successfully completing an examination in California law and ethics developed and administered by the board.

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

SECTION 1. Section 1640 of the Business and Professions Code is amended to read:

1640. Any person meeting all the following eligibility requirements may apply for a special permit:

(a) Furnishing 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.

(b) Furnishing satisfactory evidence of having graduated from a dental college approved by the board.

(c) Furnishing satisfactory evidence of having been certified as a diplomate of a specialty board or, in lieu thereof, establishing his or her qualifications to take a specialty board examination or furnishing satisfactory evidence of having completed an advanced educational program in a discipline from a dental college approved by the board.

(d) Furnishing satisfactory evidence of successfully completing an examination in California law and ethics developed and administered by the board.

(e) Paying a fee for applications as provided by this chapter.

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

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

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

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

SEC. 3. Section 1640.3 is added to the Business and Professions Code, to read:

1640.3. The board may issue a special permit to a dentist who does not meet the eligibility requirements pursuant to Section 1640 if he or she provides evidence of compliance with the following requirements to the board:

(a) A dentist shall satisfy either of the following conditions:

(1) The dentist's expertise or skill is in a specialty area of dental practice approved by the American Dental Association and recognized by the board, and the board has received verification, in writing, from the dean of the dental school where a contract is pending, that the addition of this dentist to the faculty will benefit the students and the dental program.

(2) Verification, in writing, from the dean of the dental school where a contract is pending, that the addition of this general dentist to the faculty will benefit the students and the dental program.

(b) A complete transcript of academic and clinical dental school records of the applicant is provided to the board.

(c) A legible, true copy of the dental diploma or dental degree conferred upon the applicant is provided to the board.

(d) A copy of the applicant's valid dental license is provided to the board.

(e) Satisfactory evidence of possessing a pending contract with a California dental college approved by the board as a full-time professor, associate professor, or as an assistant professor.

(f) Satisfactory evidence that the applicant's credentials were presented to the school's faculty credentialing committee or similar faculty review committee and the dean of the dental school provides written acknowledgment that the applicant is an essential addition to the school's faculty and strongly recommends to the dean that the applicant be offered an employment contract.

(g) The number of special permits issued by the board under paragraph (1) of subdivision (a) is no more than five permits per dental school. The number of special permits issued by the board under paragraph (2) of subdivision (a) is no more than five permits per dental school.

(h) The board is furnished with satisfactory evidence that the applicant has successfully completed an examination in California law and ethics developed and administered by the board.

(i) A fee for the application is paid as provided by this chapter.

SEC. 4. Section 1641 of the Business and Professions Code is repealed.

SEC. 5. Section 1642 of the Business and Professions Code is amended to read:

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

(a) The special permit holder shall file a copy of his or her employment contract with the board. The contract shall contain the following provision:

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

(b) The holder shall be employed as a full-time or part-time professor, an associate professor, or as an assistant professor at a California dental college approved by the board. "Full-time employment" as used in this

section means a minimum of four days per week. “Part-time employment” as used in this section, means a maximum of three days a week.

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

SEC. 6. Section 1724 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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