

**Introduced by Senator Chesbro**February 16, 2005

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An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry.

## LEGISLATIVE COUNSEL'S DIGEST

SB 299, as introduced, Chesbro. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law requires an applicant for licensure to take an examination before the board and meet certain other requirements.

Existing law authorizes the board to issue a license to an applicant who has not taken an examination if he or she is licensed to practice dentistry in another state and submits certain items to the board. Existing law requires an applicant to submit, among other things, proof that he or she is not subject to disciplinary action in the other state and a release allowing disclosure of specified information from the federal Drug Enforcement Administration, and requires the board to review this to determine if it presents sufficient evidence to warrant the submission of additional information from the applicant or denial of licensure. Existing law also requires an applicant to submit an acknowledgment executed under penalty of perjury and automatic forfeiture of license that the information provided to the board is true and correct and that the applicant hasn't been convicted of an offense involving insurance fraud. Additionally, existing law requires an applicant to provide proof of that he or she has either been in active clinical practice or a full-time faculty member in an accredited dental education program and in active clinical practice, for at least 5,000 hours in 5 of the 7 years preceding his or her application. Existing law

authorizes an applicant that proves at least 2 years of clinical practice or credit to complete the remainder of the requirement by filing a copy of a contract to practice dentistry full time for 2 years in a clinic meeting specified requirements or in an accredited dental education program.

This bill would, with respect to disciplinary actions in the other state and the information from the DEA, require the board to determine if it warrants refusal to issue a license. The bill would delete the requirement that the applicant submit an acknowledgment. The bill would also provide that the entire 5 year clinical practice requirement is met by filing a copy of a contract to practice dentistry full time for 2 full years in a qualifying clinic.

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 1635.5 of the Business and Professions  
2 Code is amended to read:  
3 1635.5. (a) Notwithstanding Section 1634, the board may  
4 grant a license to practice dentistry to an applicant who has not  
5 taken an examination before the board, if the applicant submits  
6 all of the following to the board:  
7 (1) A completed application form and all fees required by the  
8 board.  
9 (2) Proof of a current license issued by another state to  
10 practice dentistry that is not revoked or suspended or otherwise  
11 restricted.  
12 (3) Proof that the applicant has either been in active clinical  
13 practice or has been a full-time faculty member in an accredited  
14 dental education program and in active clinical practice for a  
15 total of at least 5,000 hours in five of the seven consecutive years  
16 immediately preceding the date of his or her application under  
17 this section. The clinical practice requirement shall be deemed  
18 met if documentation of any of the following is submitted:  
19 (A) The applicant may receive credit for two of the five years  
20 of clinical practice by demonstrating completion of a residency  
21 training program accredited by the American Dental Association  
22 Commission on Dental Accreditation, including, but not limited  
23 to, a general practice residency, an advanced education in general

1 dentistry program, or a training program in a specialty  
2 recognized by the American Dental Association.

3 ~~(B) If an applicant provides proof of at least two years of~~  
4 ~~clinical practice or receives two years of credit as defined in~~  
5 ~~subparagraph (A), he or she may commit to completing the~~  
6 ~~remainder of the five-year requirement by filing with the board a~~  
7 *A copy of a pending contract to practice dentistry full time for*  
8 *two full years* in a primary care clinic licensed under subdivision  
9 (a) of Section 1204 of the Health and Safety Code or in a primary  
10 care clinic exempt from licensure pursuant to subdivision (c) of  
11 Section 1206 of the Health and Safety Code, or in a clinic owned  
12 or operated by a public hospital or health system, or a clinic  
13 owned and operated by a hospital that maintains the primary  
14 contract with a county government to fill the county's role under  
15 Section 17000 of the Welfare and Institutions Code. The board  
16 may periodically request verification of compliance with these  
17 requirements, and may revoke the license upon a finding that the  
18 employment requirement, or any other requirement of this  
19 subparagraph, has not been met. ~~The board may, by regulation,~~  
20 ~~define "full time" for the purposes of this paragraph.~~

21 ~~(C) If an applicant provides proof of at least two years of~~  
22 ~~clinical practice or receives two years of credit as defined in~~  
23 ~~subparagraph (A), he or she may commit to completing the~~  
24 ~~remainder of the five-year requirement by filing with the board a~~  
25 *A copy of a pending contract to teach or practice dentistry full*  
26 *time for two full years* in an accredited dental education program  
27 as approved by the Dental Board of California. The board may  
28 periodically request verification of compliance with these  
29 requirements, and may revoke the license upon a finding that the  
30 employment requirement, or any other requirement of this  
31 subparagraph, has not been met.

32 (4) Proof that the applicant has not been subject to disciplinary  
33 action by any state in which he or she is or has been previously  
34 licensed to practice dentistry. If the applicant has been subject to  
35 disciplinary action, the board shall review that action to  
36 determine if it ~~presents sufficient evidence of a violation of~~  
37 ~~Article 4 (commencing with Section 1670) to warrant the~~  
38 ~~submission of additional information from the applicant or the~~  
39 ~~denial of the application for licensure~~ *warrants refusal to issue a*  
40 *license to the applicant.*

1 (5) A signed release allowing the disclosure of information  
2 from the National Practitioner Data Bank and the verification of  
3 registration status with the federal Drug Enforcement  
4 Administration. The board shall review this information to  
5 determine if it ~~presents sufficient evidence of a violation of~~  
6 ~~Article 4 (commencing with Section 1670) to warrant the~~  
7 ~~submission of additional information from the applicant or the~~  
8 ~~denial of the application for licensure~~ *warrants refusal to issue a*  
9 *license to the applicant.*

10 (6) Proof that the applicant has not failed the examination for  
11 licensure to practice dentistry under this chapter within five years  
12 prior to the date of his or her application for a license under this  
13 section.

14 ~~(7) An acknowledgement by the applicant executed under~~  
15 ~~penalty of perjury and automatic forfeiture of license, of the~~  
16 ~~following:~~

17 ~~(A) That the information provided by the applicant to the~~  
18 ~~board is true and correct, to the best of his or her knowledge and~~  
19 ~~belief.~~

20 ~~(B) That the applicant has not been convicted of an offense~~  
21 ~~involving conduct that would violate Section 810.~~

22 ~~(8) Documentation of 50 units of continuing education~~  
23 ~~completed within two years of the date of his or her application~~  
24 ~~under this section. The continuing education shall include the~~  
25 ~~mandatory coursework prescribed by the board pursuant to~~  
26 ~~subdivision (b) of Section 1645.~~

27 ~~(9)~~

28 (8) Any other information as specified by the board to the  
29 extent it is required of applicants for licensure by examination  
30 under this article.

31 (b) The board shall provide in the application packet to each  
32 out-of-state dentist pursuant to this section the following  
33 information:

34 (1) The location of dental manpower shortage areas that exist  
35 in the state.

36 (2) Those not-for-profit clinics and public hospitals seeking to  
37 contract with licensees for dental services.

38 (c) (1) The board shall review the impact of this section on  
39 the availability of dentists in California and report to the  
40 appropriate policy and fiscal committees of the Legislature by

1 January 1, ~~2005~~ 2008. The report shall include a separate section  
2 providing data specific to those dentists who intend to fulfill the  
3 alternative clinical practice requirements of subparagraph (B) of  
4 paragraph (3) of subdivision (a). The report shall include, but not  
5 be limited to, all of the following:

6 (A) The total number of applicants from other states who have  
7 sought licensure.

8 (B) The number of dentists from other states licensed pursuant  
9 to this section, as well as the number of licenses not granted and  
10 the reasons why each license was not granted.

11 (C) The location of the practice of dentists licensed pursuant to  
12 this section.

13 (D) The number of dentists licensed pursuant to this section  
14 who establish a practice in a rural area or in an area designated as  
15 having a shortage of practicing dentists or no dentists at all.

16 (E) The length of time dentists licensed pursuant to this  
17 section maintained their practice in the reported location. This  
18 information shall be reported separately for dentists described in  
19 subparagraphs (C) and (D).

20 (2) In identifying a dentist's location of practice, the board  
21 shall use Medical Service Study Areas or other appropriate  
22 geographic descriptions for regions of the state.

23 (3) If appropriate, the board may report the information  
24 required by paragraph (1) separately for primary care dentists and  
25 specialists.

26 (d) The board is authorized to contract with a third party or  
27 parties to review applications filed under this section and to  
28 advise the board as to whether the applications are complete. The  
29 contracting party, its agents, and its employees shall agree to be  
30 bound by all provisions of law applicable to the board, its  
31 members, and staff, governing custody and confidentiality of  
32 materials submitted by applicants for licensure.