

AMENDED IN SENATE APRIL 7, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 683

Introduced by Senator Aanestad

February 22, 2005

An act to amend Section 1626 of, and to add Section 1634.1 to, the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 683, as amended, Aanestad. Dentistry: licensure.

Existing law, the Dental Practice Act, provides for the ~~licensing~~ licensure and regulation of dentists by the Dental Board of California, ~~in the Department of Consumer Affairs~~. *The act makes the practice of dentistry by an unlicensed person unlawful, but exempts dentistry students meeting specified requirements.* The act requires an applicant for licensure to meet specified requirements, including passage of a dental licensure examination, with specified exceptions. ~~Existing law exempts certain types of practices from the act.~~

This bill would also require the board to grant a license to an applicant who passes an examination in California law and ethics and who meets specified education and residency requirements. The bill would ~~also exempt the practice of dentistry by dental school graduates enrolled in certain advanced dental education programs from the act~~ *revise the licensure exemption requirements applicable to dental students.*

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 1626 of the Business and Professions
2 Code is amended to read:

3 1626. It is unlawful for any person to engage in the practice
4 of dentistry in the state, either privately or as an employee of a
5 governmental agency or political subdivision, unless the person
6 has a valid, unexpired license or special permit from the board.

7 The following practices, acts and operations, however, are
8 exempt from the operation of this chapter:

9 (a) The practice of oral surgery by a physician and surgeon
10 licensed under the Medical Practice Act.

11 (b) ~~The operations by, in dental schools approved by the~~
12 ~~board, of bona fide students of dentistry or dental hygiene in the~~
13 ~~school's clinical departments or the laboratory of a reputable~~
14 ~~dental college approved by the Dental Board of California,~~
15 ~~including operations by unlicensed students while engaged in~~
16 ~~dental extension programs which have been approved by a school~~
17 ~~of dentistry, and approved by the Dental Board of California, and~~
18 ~~which are offered by the educational institution comprising the~~
19 ~~approved school of dentistry, and which are under the general~~
20 ~~programmatic and academic supervision of that school of~~
21 ~~dentistry.~~

22 ~~(c) The practice of dentistry by dental school graduates who~~
23 ~~are enrolled in an advanced dental education program accredited~~
24 ~~by the Commission on Dental Accreditation of the American~~
25 ~~Dental Association or a national accrediting body approved by~~
26 ~~the board.~~

27 ~~(d) or laboratories or in a dental extension program approved~~
28 ~~by the board or in an advanced dental education program~~
29 ~~accredited by the Commission on Dental Accreditation or the~~
30 ~~American Dental Association or a national accrediting body~~
31 ~~approved by the board.~~

32 (c) The practice of dentistry by licensed dentists of other states
33 or countries while appearing and operating as bona fide clinicians
34 or instructors in dental colleges approved by the Dental Board of
35 California.

36 ~~(e)~~

37 (d) The practice of dentistry by licensed dentists of other states
38 or countries in conducting or making a clinical demonstration

1 before any bona fide dental or medical society, association, or
2 convention; provided, however, the consent of the Dental Board
3 of California to the making and conducting of the clinical
4 demonstration shall be first had and obtained.

5 ~~(f)~~

6 (e) The construction, making, verification of shade taking,
7 alteration or repairing of bridges, crowns, dentures, or other
8 prosthetic appliances, or orthodontic appliances, when the casts
9 or impressions for this work have been made or taken by a
10 licensed dentist, but a written authorization signed by a licensed
11 dentist shall accompany the order for the work or it shall be
12 performed in the office of a licensed dentist under his or her
13 supervision. The burden of proving written authorization or
14 direct supervision is upon the person charged with the violation
15 of this chapter.

16 It is unlawful for any person acting under the exemption of this
17 subdivision (e) to represent or hold out to the public in any
18 manner that he or she will perform or render any of the services
19 exempted by this subdivision that are rendered or performed
20 under the provisions of this chapter by a licensed dentist,
21 including the construction, making, alteration or repairing of
22 dental prosthetic or orthodontic appliances.

23 ~~(g)~~

24 (f) The manufacture or sale of wholesale dental supplies.

25 ~~(h)~~

26 (g) The practice of dentistry or dental hygiene by applicants
27 during a licensing examination conducted in this state by the
28 licensing agency of another state which does not have a dental
29 school; provided, however, that the consent of the board to the
30 conducting of the examination shall first have been obtained and
31 that the examination shall be conducted in a dental college
32 accredited by the board.

33 ~~(i)~~

34 (h) The practice by personnel of the Air Force, Army, Coast
35 Guard, or Navy or employees of the United States Public Health
36 Service, Veterans' Administration, or Bureau of Indian Affairs
37 when engaged in the discharge of official duties.

38 SEC. 2. Section 1634.1 is added to the Business and
39 Professions Code, to read:

- 1 1634.1. Notwithstanding Section 1634, the board may grant a
2 license to practice dentistry to an applicant who submits all of the
3 following to the board:
- 4 (a) A completed application form and all fees required by the
5 board.
 - 6 (b) Satisfactory evidence of having graduated from a dental
7 school approved by the board or by the Commission on Dental
8 Accreditation of the American Dental Association.
 - 9 (c) Satisfactory evidence of having completed a clinically
10 based postdoctoral general practice or specialty dental residency
11 program, of at least one year’s duration, in a hospital or dental
12 facility accredited for teaching purposes by the Commission on
13 Dental Accreditation of the American Dental Association or a
14 national accrediting body approved by the board, except that any
15 residency program shall include a formal outcome assessment
16 evaluation of the resident’s competence to practice dentistry
17 acceptable to the board.
 - 18 (d) Satisfactory evidence of having successfully completed an
19 examination in California law and ethics.
 - 20 (e) Proof that the applicant has not failed the examination for
21 licensure to practice dentistry under this chapter within five years
22 prior to the date of his or her application for a license under this
23 chapter.