

Senate Bill No. 1541

CHAPTER 908

An act to amend Sections 1725, 1750.2, and 1752.5 of, and to add Section 1750.4 to, the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1541, Ducheny. Registered dental assistants: licensure.

Under existing law, the Dental Practice Act, the Dental Board of California is required to license a person as a registered orthodontic assistant, registered surgery assistant, or registered restorative assistant if the person satisfactorily completes specified courses approved by the board. Existing law provides for a fee for the practical examination for licensure as a registered dental assistant not to exceed \$60. Existing law establishes the State Dental Auxiliary Fund and continuously appropriates moneys in that fund to the board for purposes of the Dental Practice Act as it relates to dental auxiliaries.

This bill would instead require the board to grant licensure as a registered orthodontic assistant, registered surgery assistant, or registered restorative assistant if an applicant has either (1) completed specified courses and passed a written and a practical examination or (2) completed a work experience pathway to licensure, met certain educational requirements, and passed a written and a practical examination. The bill would provide a fee for the practical examination for licensure as a registered orthodontic assistant, registered surgery assistant, and registered restorative assistant not to exceed \$95 or the actual cost of the examination, and a fee for the written examination not to exceed \$80 or the actual cost of the examination. The bill would authorize a dentist to train his or her employees, without charge or cost to the employees, for purposes of the work experience pathway to specialty licensure, subject to specified terms and conditions, including the submission of specified materials to the Committee on Dental Auxiliaries and payment of an administrative fee. By increasing the funds deposited into the State Dental Auxiliary Fund, the bill would make an appropriation.

Existing law authorizes a person, on and after September 1, 2007, to apply for and be issued a license as a dental assistant upon providing evidence to the board of successful completion of one of specified programs, including a program requiring completion of, among other things, 3 board-approved specialty registration courses.

This bill would provide that a person who has been issued a specialty license following completion of a work experience pathway to licensure shall be deemed to have met those specialty course requirements.

This bill would incorporate additional changes to Section 1725 of the Business and Professions Code, proposed by SB 1472, to be operative only if SB 1472 and this bill are both chaptered and become effective on or before January 1, 2007, and this bill is chaptered last.

Appropriation: yes.

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

SECTION 1. Section 1725 of the Business and Professions Code is amended to read:

1725. The amount of the fees prescribed by this chapter that relate to the licensing of dental auxiliaries shall be established by board resolution and subject to the following limitations:

(a) The application fee for an original license shall not exceed twenty dollars (\$20).

(b) (1) The fee for examination for licensure as a registered dental assistant shall not exceed fifty dollars (\$50) for the written examination and shall not exceed sixty dollars (\$60) for the practical examination.

(2) On and after January 1, 2008, the following fees are established for registered orthodontic assistants, registered surgery assistants, registered restorative assistants, and registered dental assistants:

(A) The fee for application and for the issuance of a license shall not exceed fifty dollars (\$50).

(B) The fee for the practical examination shall not exceed ninety-five dollars (\$95), nor shall it exceed the actual cost of the examination.

(C) The fee for a written examination shall not exceed eighty dollars (\$80), nor shall it exceed the actual cost of the examination.

(c) The fee for examination for licensure as a registered dental assistant in extended functions or a registered restorative assistant in extended functions shall not exceed two hundred fifty dollars (\$250).

(d) The fee for examination for licensure as a registered dental hygienist shall not exceed two hundred twenty dollars (\$220).

(e) For third- and fourth-year dental students, the fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(f) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed two hundred fifty dollars (\$250).

(g) The board shall establish the fee at an amount not to exceed the actual cost for licensure as a registered dental hygienist in alternative practice.

(h) The biennial renewal fee for a dental auxiliary whose license expires on or after January 1, 1991, shall not exceed sixty dollars (\$60).

On or after January 1, 1992, the board may set the renewal fee in an amount not to exceed eighty dollars (\$80).

(i) The delinquency fee shall not exceed twenty-five dollars (\$25) or one-half of the renewal fee, whichever is greater. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee.

(j) The fee for issuance of a duplicate registration, license, or certificate to replace one that is lost or destroyed, or in the event of a name change, shall not exceed twenty-five dollars (\$25).

(k) The fee for each curriculum review and site evaluation for educational programs for registered dental assistants which are not accredited by a board-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's office of the California Community Colleges shall not exceed one thousand four hundred dollars (\$1,400).

(l) The fee for each review of radiation safety courses or specialty registration courses that are not accredited by a board-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's office of the California Community Colleges shall not exceed three hundred dollars (\$300).

(m) No fees or charges other than those listed in subdivisions (a) through (k) above shall be levied by the board in connection with the licensure of dental auxiliaries, registered dental assistants educational program site evaluations and radiation safety course evaluations pursuant to this chapter.

(n) Fees fixed by the board pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(o) Fees collected pursuant to this section shall be deposited in the State Dental Auxiliary Fund.

SEC. 1.5 Section 1725 of the Business and Professions Code is amended to read:

1725. The amount of the fees prescribed by this chapter that relate to the licensing of dental auxiliaries shall be established by board resolution and subject to the following limitations:

(a) The application fee for an original license shall not exceed twenty dollars (\$20).

(b) (1) The fee for examination for licensure as a registered dental assistant shall not exceed fifty dollars (\$50) for the written examination and shall not exceed sixty dollars (\$60) for the practical examination.

(2) On and after January 1, 2008, the following fees are established for registered orthodontic assistants, registered surgery assistants, registered restorative assistants, and registered dental assistants:

(A) The fee for application and for the issuance of a license shall not exceed fifty dollars (\$50).

(B) The fee for the practical examination shall not exceed ninety-five dollars (\$95), nor shall it exceed the actual cost of the examination.

(C) The fee for a written examination shall not exceed eighty dollars (\$80), nor shall it exceed the actual cost of the examination.

(c) The fee for examination for licensure as a registered dental assistant in extended functions or a registered restorative assistant in extended functions shall not exceed two hundred fifty dollars (\$250).

(d) The biennial renewal fee for a dental auxiliary whose license expires on or after January 1, 1991, shall not exceed sixty dollars (\$60). On or after January 1, 1992, the board may set the renewal fee in an amount not to exceed eighty dollars (\$80).

(e) The delinquency fee shall not exceed twenty-five dollars (\$25) or one-half of the renewal fee, whichever is greater. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee.

(f) The fee for issuance of a duplicate registration, license, or certificate to replace one that is lost or destroyed, or in the event of a name change, shall not exceed twenty-five dollars (\$25).

(g) The fee for each curriculum review and site evaluation for educational programs for registered dental assistants which are not accredited by a board-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's office of the California Community Colleges shall not exceed one thousand four hundred dollars (\$1,400).

(h) The fee for each review of radiation safety courses or specialty registration courses that are not accredited by a board-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's office of the California Community Colleges shall not exceed three hundred dollars (\$300).

(i) No fees or charges other than those listed in subdivisions (a) through (k) above shall be levied by the board in connection with the licensure of dental auxiliaries, registered dental assistants educational program site evaluations and radiation safety course evaluations pursuant to this chapter.

(j) Fees fixed by the board pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(k) Fees collected pursuant to this section shall be deposited in the State Dental Assistant Fund.

SEC. 2. Section 1750.2 of the Business and Professions Code is amended to read:

1750.2. (a) On and after January 1, 2008, the board shall license as a "registered orthodontic assistant," "registered surgery assistant," or "registered restorative assistant" any person who does either of the following:

(1) Submits written evidence of satisfactory completion of a course or courses approved by the board pursuant to subdivision (b) that qualifies him or her in one of these specialty areas of practice and obtains a passing score on both of the following:

(A) A written examination developed, for the specialty category for which the person is seeking licensure, by the Dental Assisting National Board (DANB) and approved by the board.

(B) A practical examination for the specialty category for which the person is seeking licensure that is approved by the board.

(2) Completes a work experience pathway to licensure that meets the requirements set forth in Section 1750.4. This section permits the work experience pathway to licensure only for those assistants described in this subdivision and does not apply to dentists or dental hygienists.

(b) The board shall adopt regulations for the approval of specialty registration courses in the specialty areas specified in this section. The board shall also adopt regulations for the approval and recognition of required prerequisite courses and core courses that teach basic dental science, when these courses are taught at secondary institutions, regional occupational centers, or through regional occupational programs.

The regulations shall define the minimum education and training requirements necessary to achieve proficiency in the procedures authorized for each specialty registration, taking into account the combinations of classroom and practical instruction, clinical training, and supervised work experience that are most likely to provide the greatest number of opportunities for improving dental assisting skills efficiently.

(c) The board may approve specialty registration courses referred to in this section prior to January 1, 2008, and the board shall recognize the completion of these approved courses prior to January 1, 2008, but no specialty registrations shall be issued prior to January 1, 2008.

(d) The board may approve a course for the specialty registration listed in subdivision (b) that does not include instruction in coronal polishing.

(e) The board may approve a course that only includes instruction in coronal polishing as specified in paragraph (8) of subdivision (b) of Section 1750.3.

(f) A person who holds a specialty registration pursuant to this section shall be subject to the continuing education requirements established by the board pursuant to Section 1645 and the renewal requirements of Article 6 (commencing with Section 1715).

SEC. 3. Section 1750.4 is added to the Business and Professions Code, to read:

1750.4. (a) A dentist who holds a valid, active, and current license to practice dentistry under this chapter may train and educate his or her employees, or employees of the dental office, primary care clinic, or hospital where the dentist is practicing and directly supervises the employees, without charge or cost to the employees, in all of the allowable duties for the purpose of licensure in one of the specialty licensure categories set forth in Section 1750.2. A dentist may not begin the work experience training and education of an employee until his or her application for that particular employee is approved by the Committee on Dental Auxiliaries.

(1) In order to train or educate pursuant to this subdivision, the dentist shall be subject to the following terms and conditions, which are applicable prior to commencing training for each employee:

(A) On a completed and signed application form approved by the committee, the dentist shall provide the specialty dental assistant category in which the dentist will be training the employee and the name of the employee. When the committee provides a requested application to an employer, the committee shall also provide a copy of the regulations governing the education and training of the specialty assistants. Nothing in this section shall preclude the committee from making the application and the regulations available electronically.

(B) The education and training the dentist provides shall be in compliance with the regulations adopted by the board pursuant to subdivision (b) of Section 1750.2. Employees trained pursuant to this section shall be considered bona fide students, as described in Section 1626.5, as added by Section 6 of Chapter 655 of the Statutes of 1999. The dentist shall not allow the employee to begin the clinical training on patients until the employee has completed the didactic and preclinical training, that includes nonpatient training on typodonts and other laboratory models and as prescribed in regulations, and a minimum of 120 days as a dental assistant in California or another state, which may include graduation from a regional occupational center or regional occupation program pursuant to paragraph (1) of subdivision (b).

(C) The dentist shall pay a fee to the committee to cover administrative costs not to exceed two hundred fifty dollars (\$250).

(D) Prior to beginning employee training, the dentist shall complete a teaching methodology course approved by the board that is six hours in length and covers educational objectives, content, instructional methods, and evaluation procedures. The dentist shall be exempt from this requirement if he or she holds any one of the following degrees, credentials, or positions:

- (i) A postgraduate degree in education.
- (ii) A Ryan Designated Subjects Vocational Education Teaching Credential.
- (iii) A Standard Designated Subjects Teaching Credential.
- (iv) A Community College Teaching Credential.
- (v) Is a faculty member of a dental school approved by the Commission on Dental Accreditation.

The dentist shall provide to the board proof of one of these designations or shall submit a certificate of course completion in teaching methodology.

(2) All duties performed by an employee pursuant to this section shall be done in the dentist's presence. The dentist shall ensure that any patient treated by a bona fide student is verbally informed of the student's status.

(3) The work experience pathway for the employee shall not exceed a term of 18 months, starting on the date that the board receives the form, curriculum plan, and fee required pursuant to subparagraphs (A), (B), and (C) of paragraph (1).

(4) Upon successful completion of the work experience pathway period, the dentist shall certify in writing that the employee has successfully completed the educational program covering all procedures authorized for the specialty category for which the employee is seeking licensure.

(5) With respect to this subdivision, the committee:

(A) Shall approve the application form described in subparagraph (A) of paragraph (1). The application form shall not be required to comply with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(B) Shall have a maximum of 60 days from the date a completed application is received in which to approve or deny an application under this subdivision. Nothing in this section shall prohibit a dentist from appealing the denial of an application to the executive officer of the committee or, in the absence of the executive officer, to the assistant executive officer of the committee.

(C) May inspect the dentist's facilities and practice at any time to ensure compliance with regulations adopted by the board pursuant to Section 1750.2.

(b) As a condition for licensure for specialty registration under Section 1750.2, an applicant who completes a work experience pathway pursuant to this section shall do the following:

(1) Certify to the board that he or she has a minimum of 1600 hours of prior work experience as a dental assistant. The 1600 hours of required work experience may be obtained by working for multiple employers, if the applicant provides written evidence of work experience from each dentist employer. The employee may begin the work experience pathway before he or she completes 1600 hours of work experience, but may not apply for licensure until that work experience is completed. The board shall give credit toward the 1600 hours of work experience to persons who have graduated from a dental assisting program in a postsecondary institution, secondary institution, regional occupational center, or regional occupation program that is not approved by the board. The credit shall equal the hours spent in classroom training and internship on an hour-for-hour basis not to exceed 400 hours.

(2) Certify to the board that he or she has completed the educational program covering all procedures authorized for the specialty category for which the applicant is seeking licensure.

(3) Obtain a passing score on a written examination developed, for the specialty category for which the employee is seeking licensure, by the Dental Assisting National Board (DANB) and approved by the board.

(4) Obtain a passing score on a practical examination for the specialty category for which the employee is seeking licensure that is approved by the board.

SEC. 4. Section 1752.5 of the Business and Professions Code is amended to read:

1752.5. On and after September 1, 2007, a person may apply for and be issued a license as a registered dental assistant upon providing evidence to the board of one of the following:

(a) Successful completion of an educational program in registered dental assisting approved by the board on or after January 1, 2006, to teach all of the functions specified in Section 1750.3.

(b) Successful completion of:

(1) An educational program in registered dental assisting approved by the board to teach the duties that registered dental assistants were allowed to perform pursuant to board regulations prior to January 1, 2008.

(2) A board-approved course or courses in the following duties:

(A) Selecting, prepositioning, curing in a position approved by the supervising dentist, and removal of orthodontic brackets.

(B) Monitoring of patients during the preoperative, intraoperative, and postoperative phases.

(i) For purposes of this subparagraph, patient monitoring includes the following:

(I) Selection and validation of monitoring sensors, selecting menus and default settings and analysis for electrocardiogram, pulse oximeter and capnograph, continuous blood pressure, pulse, and respiration rates.

(II) Interpretation of data from noninvasive patient monitors including readings from continuous blood pressure and information from the monitor display for electrocardiogram waveform, carbon dioxide and end tidal carbon dioxide concentration, respiratory cycle data, continuous noninvasive blood pressure data, and pulse arterial oxygen saturation measurements, for the purpose of evaluating the condition of the patient during preoperative, intraoperative, and postoperative treatment.

(ii) For purposes of this subparagraph, patient monitoring does not include the following:

(I) Reading and transmitting information from the monitor display during the intraoperative phase of surgery for electrocardiogram waveform, carbon dioxide and end tidal carbon dioxide concentrations, respiratory cycle data, continuous noninvasive blood pressure data, or pulse arterial oxygen saturation measurements, for the purpose of interpretation and evaluation by a licensed dentist who shall be at chairside during this procedure.

(II) Placing of sensors.

(C) Adding drugs, medications, and fluids to intravenous lines using a syringe.

(D) Applying pit and fissure sealants.

(c) Successful completion of:

(1) Twelve months of satisfactory work experience as a dental assistant in California or another state. The board shall give credit toward the 12 months of work experience to persons who have graduated from a dental assisting program in a postsecondary institution, secondary institution, regional occupational center, or regional occupation program that are not approved by the board. The credit shall equal the total weeks spent in

classroom training and internship on a week-for-week basis not to exceed 16 weeks.

(2) The three board-approved specialty registration courses, as defined in Section 1750.2, for registration as a registered orthodontic assistant, registered surgery assistant, and registered restorative assistant. Any specialty license issued pursuant to paragraph (2) of subdivision (a) of Section 1750.2 shall be deemed to have met the requirements of this subdivision for that specialty.

(3) A board-approved radiation safety program.

SEC. 5. Section 1.5 of this bill incorporates amendments to Section 1725 of the Business and Professions Code proposed by both this bill and SB 1472. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2007, (2) each bill amends Section 1725 of the Business and Professions Code, and (3) this bill is enacted after SB 1472, in which case Section 1 of this bill shall not become operative.