

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1174

Introduced by Assembly Member Bocanegra

February 22, 2013

An act to amend Sections 1752.4, 1753.5, 1753.6, and 1910 of the Business and Professions Code, and to add Section 14132.726 to the Welfare and Institution Code, relating to oral health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1174, as amended, Bocanegra. ~~Oral health: virtual dental homes.~~
Dental professionals: teledentistry under Medi-Cal.

Existing

(1) *Existing law, the Dental Practice Act, establishes the Dental Board of California. Existing law creates, within the jurisdiction of the board, a Dental Assisting Council that is responsible for the regulation of dental assistants, registered dental assistants, and registered dental assistants in extended functions and a Dental Hygiene Committee of California, that is responsible for the regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions. Existing law governs the scope of practice for those professionals.*

This bill would authorize a registered dental assistant to determine which radiographs to perform if he or she has completed a specified educational program. The bill would authorize a registered dental assistant in extended functions licensed on or after January 1, 2010 to place interim therapeutic restorations, as defined, pursuant to the order, control, and full professional responsibility of a licensed dentist, as specified. The bill would authorize a registered dental hygienist to

operate dental radiography equipment for the purpose of oral radiography, and, after submitting to the committee evidence of satisfactory completion of a course of instruction approved by the committee, determine which radiographs to perform and place interim therapeutic restorations upon the order of a licensed dentist.

(2) Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including certain dental services, as specified. Existing law provides that, to the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for “teleophthalmology and teledermatology by store and forward,” as defined to mean the asynchronous transmission of medical information to be reviewed at a later time by a licensed physician or optometrist, as specified, at a distant site.

This bill would enact similar provisions relating to the use of teledentistry, as defined, under the Medi-Cal program. The bill would provide that, to the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient shall not be required under the Medi-Cal program for “teledentistry by store and forward.” The bill would define that term to mean an asynchronous transmission of dental information to be reviewed at a later time by a licensed dentist at a distant site, where the dentist at the distant site reviews the dental information without the patient being present in real time, as defined and as specified. The bill would also provide that dentist participation in services provided at an intermittent clinic, as defined, through the use of telehealth, as defined, shall be considered a billable encounter under Medi-Cal. The bill would also require, on or before January 1, 2017, the department to report to the Legislature the number and type of services provided, and the payments made related to the application of teledentistry, as specified.

~~This bill would declare the intent of the Legislature to enact legislation that would incorporate into law the new duties of dental assistants and dental hygienists being tested in a specified pilot project and address barriers to expanding the Virtual Dental Home system of care, as specified, as a cost-effective mechanism to improve the oral health of California’s most underserved and vulnerable citizens.~~

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

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

1 **SECTION 1.** *Section 1752.4 of the Business and Professions*
2 *Code is amended to read:*

3 1752.4. (a) A registered dental assistant may perform all of
4 the following duties:

5 (1) All duties that a dental assistant is allowed to perform.

6 (2) Mouth-mirror inspections of the oral cavity, to include
7 charting of obvious lesions, existing restorations, and missing
8 teeth.

9 (3) Apply and activate bleaching agents using a nonlaser
10 light-curing device.

11 (4) Use of automated caries detection devices and materials to
12 gather information for diagnosis by the dentist.

13 (5) Obtain intraoral images for computer-aided design (CAD),
14 milled restorations.

15 (6) Pulp vitality testing and recording of findings.

16 (7) Place bases, liners, and bonding agents.

17 (8) Chemically prepare teeth for bonding.

18 (9) Place, adjust, and finish direct provisional restorations.

19 (10) Fabricate, adjust, cement, and remove indirect provisional
20 restorations, including stainless steel crowns when used as a
21 provisional restoration.

22 (11) Place post-extraction dressings after inspection of the
23 surgical site by the supervising licensed dentist.

24 (12) Place periodontal dressings.

25 (13) Dry endodontically treated canals using absorbent paper
26 points.

27 (14) Adjust dentures extra-orally.

28 (15) Remove excess cement from surfaces of teeth with a hand
29 instrument.

30 (16) Polish coronal surfaces of the teeth.

31 (17) Place ligature ties and archwires.

32 (18) Remove orthodontic bands.

33 (19) All duties that the board may prescribe by regulation.

34 (b) A registered dental assistant may only perform the following
35 additional duties if he or she has completed a board-approved
36 registered dental assistant educational program in those duties, or
37 if he or she has provided evidence, satisfactory to the board, of
38 having completed a board-approved course in those duties.

1 (1) Remove excess cement with an ultrasonic scaler from
2 supragingival surfaces of teeth undergoing orthodontic treatment.

3 (2) The allowable duties of an orthodontic assistant permitholder
4 as specified in Section 1750.3. A registered dental assistant shall
5 not be required to complete further instruction in the duties of
6 placing ligature ties and archwires, removing orthodontic bands,
7 and removing excess cement from tooth surfaces with a hand
8 instrument.

9 (3) The allowable duties of a dental sedation assistant
10 permitholder as specified in Section 1750.5.

11 (4) The application of pit and fissure sealants.

12 (5) *Determine which radiographs to perform.*

13 (c) Except as provided in Section 1777, the supervising licensed
14 dentist shall be responsible for determining whether each
15 authorized procedure performed by a registered dental assistant
16 should be performed under general or direct supervision.

17 (d) This section shall become operative on January 1, 2010.

18 *SEC. 2. Section 1753.5 of the Business and Professions Code*
19 *is amended to read:*

20 1753.5. (a) A registered dental assistant in extended functions
21 licensed on or after January 1, 2010, is authorized to perform all
22 duties and procedures that a registered dental assistant is authorized
23 to perform as specified in and limited by Section 1752.4, and those
24 duties that the board may prescribe by regulation.

25 (b) A registered dental assistant in extended functions licensed
26 on or after January 1, 2010, is authorized to perform the following
27 additional procedures under direct supervision and pursuant to the
28 order, control, and full professional responsibility of a licensed
29 dentist:

30 (1) Conduct preliminary evaluation of the patient's oral health,
31 including, but not limited to, charting, intraoral and extra-oral
32 evaluation of soft tissue, classifying occlusion, and myofunctional
33 evaluation.

34 (2) Perform oral health assessments in school-based, community
35 health project settings under the direction of a dentist, registered
36 dental hygienist, or registered dental hygienist in alternative
37 practice.

38 (3) Cord retraction of gingiva for impression procedures.

39 (4) Size and fit endodontic master points and accessory points.

40 (5) Cement endodontic master points and accessory points.

- 1 (6) Take final impressions for permanent indirect restorations.
- 2 (7) Take final impressions for tooth-borne removable prosthesis.
- 3 (8) Polish and contour existing amalgam restorations.
- 4 (9) Place, contour, finish, and adjust all direct restorations.
- 5 (10) Adjust and cement permanent indirect restorations.
- 6 (11) Other procedures authorized by regulations adopted by the

7 board.

8 (c) All procedures required to be performed under direct
9 supervision shall be checked and approved by the supervising
10 licensed dentist prior to the patient's dismissal from the office.

11 (d) (1) *A registered dental assistant in extended functions*
12 *licensed on or after January 1, 2010, is authorized to place interim*
13 *therapeutic restorations, defined as the removal of carries using*
14 *hand instruments and placement of an adhesive restorative*
15 *material, upon the order of the supervising dentist under general*
16 *supervision, except as authorized pursuant to paragraph (2), and*
17 *pursuant to the order, control, and full professional responsibility*
18 *of a licensed dentist.*

19 (2) *The supervising licensed dentist shall be responsible for*
20 *determining whether the functions authorized pursuant to*
21 *paragraph (1) may be performed under general or direct*
22 *supervision.*

23 *SEC. 3. Section 1753.6 of the Business and Professions Code*
24 *is amended to read:*

25 1753.6. (a) Each person who holds a license as a registered
26 dental assistant in extended functions on the operative date of this
27 section may only perform those procedures that a registered dental
28 assistant is allowed to perform as specified in and limited by
29 Section 1752.4, and the procedures specified in paragraphs (1) to
30 (6), inclusive, until he or she provides evidence of having
31 completed a board-approved course in the additional procedures
32 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
33 subdivision (b), *and paragraph (1) of subdivision (d)*, of Section
34 1753.5, and an examination as specified in Section 1753.4:

- 35 (1) Cord retraction of gingiva for impression procedures.
- 36 (2) Take final impressions for permanent indirect restorations.
- 37 (3) Formulate indirect patterns for endodontic post and core
38 castings.
- 39 (4) Fit trial endodontic filling points.
- 40 (5) Apply pit and fissure sealants.

1 (6) Remove excess cement from subgingival tooth surfaces with
2 a hand instrument.

3 (b) This section shall become operative on January 1, 2010.

4 *SEC. 4. Section 1910 of the Business and Professions Code is*
5 *amended to read:*

6 1910. A registered dental hygienist is authorized to perform
7 the following procedures under general supervision:

8 (a) Preventive and therapeutic interventions, including oral
9 prophylaxis, scaling, and root planing.

10 (b) Application of topical, therapeutic, and subgingival agents
11 used for the control of caries and periodontal disease.

12 (c) The taking of impressions for bleaching trays and application
13 and activation of agents with nonlaser, light-curing devices.

14 (d) The taking of impressions for bleaching trays and placements
15 of in-office, tooth-whitening devices.

16 (e) *Operate dental radiography equipment for the purpose of*
17 *oral radiography.*

18 (f) *After submitting to the committee evidence of satisfactory*
19 *completion of a course of instruction approved by the committee,*
20 *the following:*

21 (1) *Determine which radiographs to perform.*

22 (2) *Place interim therapeutic restorations, defined as the*
23 *removal of carries using hand instruments and placement of an*
24 *adhesive restorative material, upon the order of a licensed dentist.*

25 *SEC. 5. Section 14132.726 is added to the Welfare and*
26 *Institutions Code, to read:*

27 14132.726. (a) *To the extent that federal financial participation*
28 *is available, face-to-face contact between a health care provider*
29 *and a patient shall not be required under the Medi-Cal program*
30 *for teledentistry by store and forward. Services appropriately*
31 *provided through the store and forward process are subject to*
32 *billing and reimbursement policies developed by the department.*

33 (b) *A patient receiving teledentistry by store and forward shall*
34 *be notified of the right to receive interactive communication with*
35 *the distant dentist, and shall receive an interactive communication*
36 *with the distant dentist, upon request. If requested, communication*
37 *with the distant dentist may occur either at the time of the*
38 *consultation, or within 30 days of the patient's notification of the*
39 *results of the consultation.*

1 (c) *Dentist participation in services provided at an intermittent*
2 *clinic, as defined in Section 1206 of the Health and Safety Code,*
3 *through the use of telehealth, as defined in Section 2290.5 of the*
4 *Business and Professions Code, shall be considered a billable*
5 *encounter under Medi-Cal.*

6 (d) *Notwithstanding Chapter 3.5 (commencing with Section*
7 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
8 *the department may implement, interpret, and make specific this*
9 *section by means of all-county letters, provider bulletins, and*
10 *similar instructions.*

11 (e) *On or before January 1, 2017, the department shall report*
12 *to the Legislature the number and type of services provided, and*
13 *the payments made related to the application of store and forward*
14 *teledentistry as provided, under this section as a Medi-Cal benefit.*

15 (f) *For purposes of this section, the following definitions apply:*

16 (1) *“Asynchronous store and forward” means the transmission*
17 *of a patient’s dental information from an originating site to the*
18 *health care provider at a distant site without the presence of the*
19 *patient.*

20 (2) *“Distant site” means a site where a health care provider*
21 *who provides health care services is located while providing these*
22 *services via a telecommunications system.*

23 (3) *“Health care provider” means a person who is licensed*
24 *under Chapter 4 (commencing with Section 1600) of Division 2*
25 *of the Business and Professions Code.*

26 (4) *“Originating site” means a site where a patient is located*
27 *at the time health care services are provided via a*
28 *telecommunications system or where the asynchronous store and*
29 *forward service originates.*

30 (5) *“Synchronous interaction” means a real-time interaction*
31 *between a patient and a health care provider located at a distant*
32 *site.*

33 (6) *“Teledentistry” means the mode of delivering dental health*
34 *care services and public dental health via information and*
35 *communication technologies to facilitate the diagnosis,*
36 *consultation, treatment, education, care management, and*
37 *self-management of a patient’s dental health care while the patient*
38 *is at the originating site and the dental health care provider is at*
39 *a distant site. Teledentistry includes synchronous interactions and*
40 *asynchronous store and forward transfers.*

1 (7) “Teledentistry by store and forward” means an
2 asynchronous transmission of dental information to be reviewed
3 at a later time by a licensed dentist at a distant site, where the
4 dentist at the distant site reviews the dental information without
5 the patient being present in real time.

6 SECTION 1.—(a) The Legislature finds and declares the
7 following:

8 (1) Significant portions of California’s population suffer from
9 significant oral health disparities. Untreated dental disease can
10 have serious consequences for overall health and the ability to be
11 a productive member of society.

12 (2) Reports from the United States Surgeon General and the
13 Institute of Medicine of the National Academies indicate that these
14 oral health disparities tend to be concentrated in people with low
15 incomes, disadvantaged children, individuals with disabilities and
16 chronic medical conditions, dependent older adults, and people
17 living in rural areas.

18 (3) Approximately one-fourth of all children in California have
19 never visited a dental office and two-thirds of all children in the
20 state suffer from poor oral health by the time they reach the 3rd
21 grade.

22 (4) Low-income adults no longer have coverage under the state’s
23 Denti-Cal program for other than emergency services and too many
24 of them are stigmatized by having missing teeth, miss work because
25 of dental infections, or end up in hospital emergency departments.

26 (5) A new model of delivering oral health services, called the
27 Virtual Dental Home, has been demonstrating a community-based,
28 prevention-focused, telehealth-facilitated system of care in
29 California, supported by the Health Workforce Pilot Project No.
30 172, administered by the Office of Statewide Health Planning and
31 Development.

32 (6) The Virtual Dental Home system of care brings care to
33 community locations where the most underserved and vulnerable
34 children and adults receive educational, social, and general health
35 services. It emphasizes prevention and early intervention and
36 targets those at highest risk for developing dental disease. This
37 system delivers oral health at a very low cost per child or adult
38 and has the potential to save the state overall oral health expenses.

39 (b) It is the intent of the Legislature to enact legislation to
40 incorporate the new duties of dental assistants and dental hygienists

1 ~~being tested in the Health Workforce Pilot Project No. 172 into~~
2 ~~law and to address barriers to expanding the Virtual Dental Home~~
3 ~~system of care as a cost-effective mechanism to improve the oral~~
4 ~~health of California's most underserved and vulnerable citizens.~~

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