

Date of Hearing: July 2, 2024

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

SB 1453 (Ashby) – As Amended June 24, 2024

**SENATE VOTE:** 39-0

**SUBJECT:** Dentistry

**SUMMARY:** Extends the sunset date for the Dental Board of California (DBC) until January 1, 2029 and makes various technical changes, statutory improvements, and policy reforms in response to issues raised during the Legislature’s joint sunset review of the DBC.

**EXISTING LAW:**

- 1) Enacts the Dental Practice Act. (Business and Professions Code (BPC) §§ 1600 *et seq.*)
- 2) Establishes the DBC within the Department of Consumer Affairs (DCA) to administer and enforce the Dental Practice Act, consisting of eight practicing dentists, one registered dental hygienist, one registered dental assistant, and five public members. (BPC § 1601.1(a))
- 3) Provides that the DBC is subject to repeal on January, 1, 2025, unless that date is extended by the Legislature through the sunset review process. (BPC § 1601.1(d))
- 4) Declares that protection of the public shall be the highest priority for the DBC and that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (BPC § 1601.2)
- 5) Requires the DBC to meet regularly once each year in the San Francisco Bay area and once each year in southern California, and at such other times and places as the board may designate, for the purpose of transacting its business. (BPC § 1607)
- 6) Defines “dentistry” as the diagnosis or treatment, by surgery or other method, of diseases and lesions and the correction of malpositions of the human teeth, alveolar process, gums, jaws, or associated structures; diagnosis or treatment may include all necessary related procedures as well as the use of drugs, anesthetic agents, and physical evaluation. (BPC § 1625)
- 7) Authorizes the DBC to issue a probationary license to an applicant for licensure as a dentist or dental auxiliary and to place terms or conditions on the issuing of the probationary license for up to three years. (BPC § 1628.7)
- 8) Provides that the DBC shall require applicants for licensure as dentists to successfully complete the written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations and to either pass additional examinations through the Licensure by Examination pathway or demonstrate competence to practice dentistry through one of several alternative licensure pathways. (BPC § 1632)

- 9) Establishes the requirements and parameters for the Licensure by Portfolio pathway, wherein an applicant builds a portfolio of completed clinical experiences and clinical competency examinations in six subject areas over the normal course of their clinical training during dental school and submits a completed portfolio in lieu of taking a single examination to demonstrate their competence to practice dentistry. (BPC §§ 1632(c)(1) – 1632.6)
- 10) Establishes the requirements and parameters for the Licensure by Residency pathway, through which graduates of a dental school approved by the Commission on Dental Accreditation (CODA) of the American Dental Association complete a one-year clinically based advanced education program in general dentistry or an advanced education program in general practice residency that is accredited by CODA. (BPC § 1634.1)
- 11) Establishes the requirements and parameters for the Licensure by Credential pathway, through which applicants who are licensed in good standing as dentists in another state meet specified clinical practice requirements to qualify for licensure in California. (BPC § 1635.5)
- 12) Requires licensed dentists who wish to perform elective facial cosmetic surgery to apply for and receive a permit to perform elective facial cosmetic surgery from the DBC and establishes a five-member credentialing committee appointed by the DBC to review the qualifications of each applicant for a permit. (BPC § 1638.1)
- 13) Requires licensees of the DBC to complete specified continuing education relevant to developments in the practice of dentistry and dental assisting, consistent with regulations established by the DBC, as a condition of license renewal. (BPC § 1645)
- 14) Outlines various requirements for the use of deep sedation and general anesthesia; moderate sedation; oral conscious sedation; and pediatric minimal sedation in dental procedures, including requirements that dentists obtain specified permits, with specific requirements for pediatric procedures. (BPC §§ 1646 – 1647.36)
- 15) Requires licensed dentists to display the name of each and every person employed there in the practice in a conspicuous place in their office whenever engaging in the practice of dentistry. (BPC § 1700)
- 16) Authorizes an association or partnership or corporation or group of three or more dentists to engage in practice under a fictitious name upon applying for and receiving a permit from the DBC. (BPC § 1701.5)
- 17) Provides that licenses issued by the DBC that are not renewed within five years after their expiration shall not be renewed, restored, reinstated, or reissued, but the licensee may apply for and obtain a new license after meeting specified requirements. (BPC § 1718.3)
- 18) Authorizes the DBC to charge specified fees to its licensees. (BPC § 1724)
- 19) Establishes a Dental Assisting Council within the DBC to consider all matters relating to dental assistants and make appropriate recommendations to the DBC and the standing committees of the DBC. (BPC § 1742)

- 20) Declares the intention of the Legislature to permit the full utilization of dental assistants in order to meet the dental care needs of all the state's citizens and for the DBC to give specific consideration to the recommendations of the Dental Assisting Council. (BPC § 1740)
- 21) Defines "direct supervision" to mean the supervision of dental procedures based on instructions given by a licensed dentist, who must be physically present in the treatment facility during the performance of those procedures. (BPC § 1741(b))
- 22) Defines "general supervision" as supervision of dental procedures based on instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist during the performance of those procedures. (BPC § 1741(c))
- 23) Authorizes the DBC, in addition to any other examination required for dental auxiliaries, to require applicants for licensure under this article to successfully complete the Registered Dental Assistant Combined Written and Law and Ethics Examination. (BPC § 1749.1)
- 24) Defines a "dental assistant" as an individual who, without a license, may perform basic supportive dental procedures, as defined, under the supervision of a licensed dentist and defines "basic supportive dental procedures" as procedures that have technically elementary characteristics, are completely reversible, and are unlikely to precipitate potentially hazardous conditions for the patient being treated. (BPC § 1750(a))
- 25) Specifies that the supervising licensed dentist is responsible for determining the competency of a dental assistant to perform any basic supportive dental procedures. (BPC § 1750(b))
- 26) Specifies that the employer of a dental assistant is responsible for ensuring that the dental assistant who has been in continuous employment for 120 days or more, has already completed, or completes, specified requirements within a year of the date of employment. (BPC § 1750(c))
- 27) Authorizes a dental assistant to perform the following duties under the general supervision of a supervising dentist:
  - a) Extra-oral duties or procedures specified by the supervising licensed dentist, provided that these duties or procedures meet the definition of a basic supportive procedure.
  - b) Operate dental radiography equipment for the purpose of oral radiography if the dental assistant has complied with the requirements of Section 1656.
  - c) Perform intraoral and extraoral photography.(BPC § 1750.1(a))
- 28) Authorizes a dental assistant to perform various procedures under the direct supervision of a licensed dentist, including the application of specified topical agents, placing and removing orthodontic separators, examining and seating removable orthodontic appliances, removing post-extraction dressings, and removing sutures, among others. (BPC § 1750.1(b))

- 29) Authorizes the DBC to issue an orthodontic assistant permit to a person who files a completed application including a fee and provides evidence, satisfactory to the DBC, of meeting specified requirements, including successful completion of a course in basic life support. (BPC § 1750.2)
- 30) Authorizes the holder of an orthodontic assistant permit to perform the following duties under the direct supervision of a licensed dentist:
- a) All duties that a dental assistant is allowed to perform.
  - b) Prepare teeth for bonding, and select, preposition, and cure orthodontic brackets after their position has been approved by the supervising licensed dentist.
  - c) Remove only orthodontic brackets and attachments with removal of the bonding material by the supervising licensed dentist.
  - d) Size, fit, and cement orthodontic bands.
  - e) Remove orthodontic bands and remove excess cement from supragingival surfaces of teeth with a hand instrument.
  - f) Place and ligate archwires.
  - g) Remove excess cement with an ultrasonic scaler from supragingival surfaces of teeth undergoing orthodontic treatment.
  - h) Any additional duties that the DBC may prescribe by regulation.
- (BPC § 1750.3)
- 31) Establishes the education and training requirements for licensure by the DBC as a registered dental assistant (RDA) through several available pathways. (BPC § 1752.1)
- 32) Authorizes an RDA to perform all duties that a dental assistant is allowed to perform in addition to numerous additional duties including the placement of bases, liners, and bonding agents, the chemical preparation of teeth for bonding, the adjustment of dentures extra-orally, and the placement of ligature ties and archwires. (BPC § 1752.4(a))
- 33) Allows RDAs to perform additional duties upon completion of an RDA educational program or course in those duties approved by the DBC. (BPC § 1752.4(b))
- 34) Requires RDAs licensed on and after January 1, 2010 to provide evidence of successful completion of a course in the application of pit and fissure sealants. (BPC § 1752.6)
- 35) Authorizes the DBC to issue a dental sedation assistant permit to a person who is licensed as an RDA or who has completed at least 12 months of verifiable work experience as a dental assistant and who has completed additional specified requirements. (BPC § 1750.4)

- 36) Authorizes a person holding a dental sedation assistant permit to perform specified duties under the direct supervision of a licensed dentist or other licensed health care professional authorized to administer moderate sedation, deep sedation, or general anesthesia in the dental office. (BPC § 1750.5)
- 37) Establishes the requirements for licensure by the DBC as a registered dental assistant in extended functions (RDAEF). (BPC § 1753)
- 38) Authorizes an RDAEF to perform all duties and procedures that an RDA is authorized to perform and to perform specified additional procedures under direct supervision and pursuant to the order, control, and full professional responsibility of a licensed dentist, including the sizing, fitting, and cementing of endodontic master points and accessory points and the polishing and contouring of existing amalgam restorations. (BPC § 1753.5)
- 39) Requires RDAEFs to complete approved courses in several of the additional procedures they are authorized to perform prior to performing those procedures. (BPC § 1753.6)
- 40) Restricts dentists to utilizing in their practice no more than three RDAEFs or registered dental hygienists in extended functions. (BPC § 1753.7)
- 41) Requires the name of a dental corporation to contain and be restricted to the name of one or more of the present, prospective, or former shareholders, unless authorized through the issuance of a fictitious name permit. (BPC § 1804)
- 42) Establishes the Dental Hygiene Board of California (DHBC) within the DCA to regulate registered dental hygienists under the Dental Hygiene Practice Act. (BPC §§ 1902 *et seq.*)
- 43) Authorizes registered dental hygienists holding a license as of December 31, 2005 to perform all functions that may be performed by an RDA, but requires registered dental hygienists who were issued a license on or after January 1, 2006 to obtain an RDA license prior to performance of those duties. (BPC § 1907)
- 44) Establishes the Medical Board of California (MBC) within the DCA to regulate physicians and surgeons under the Medical Practice Act. (BPC §§ 2000 *et seq.*)
- 45) Requires a physician and surgeon who desires to administer general anesthesia in the office of a dentist to provide the MBC with a copy of the application submitted to the DBC, and requires the MBC to review the information and inform the DBC of whether the physician and surgeon meets the requirements to administer general anesthesia. (BPC § 2079)

**THIS BILL:**

- 1) Extends the DBC's sunset date from January 1, 2025 to January 1, 2029.
- 2) Replaces the registered dental hygienist member on the DBC with an additional RDA.
- 3) Repeals the requirement that the DBC meet regularly once each year in the San Francisco Bay area and once each year in southern California.

- 4) Expressly authorizes the DBC to deny licensure to any applicant who is guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of their license.
- 5) Requires the DBC to provide a decision placing an applicant on probation in plain view on the DBC's internet website.
- 6) Allows the DBC to specify a term shorter than three years for a probationary license.
- 7) Authorizes the DBC to issue an unrestricted license to a licensee who has successfully completed all terms and conditions of a probationary license or whose probation has been terminated.
- 8) Prohibits an applicant whose application has been denied from reapplying for licensure for a minimum of one year from the effective date of the denial of their application.
- 9) Repeals the requirement that the DBC adopt written guidelines on how to make probation assignments for licensees and to ensure that probationary and evaluation reports are conducted consistently and regularly.
- 10) Eliminates the Licensure by Portfolio pathway.
- 11) Makes various changes to the Licensure by Credential pathway, including by specifying the number of hours that qualify as full-time practice during the applicant's required two years of practice in a qualifying clinics or dental education program.
- 12) Revises the requirements to obtain an elective facial cosmetic surgery permit.
- 13) Defines "good standing" for purposes of various provisions as a license or permit that is active and unrestricted by disciplinary action, is not the subject of an unresolved complaint or review procedure, and is not the subject of any unresolved disciplinary proceeding.
- 14) Provides that the following approved courses shall count toward a licensee's continuing education requirements:
  - a) Licensed mental health and wellness and its impact on the delivery of dental services.
  - b) Diversity, equity, and inclusion and its impact on the delivery of dental services.
- 15) Makes various changes to the requirements for administering sedation and general anesthesia in dental procedures, including by modifying the requirement that a dentist be physically present to only require physical presence in the treatment facility while the patient is under general anesthesia or deep sedation.
- 16) Exempts patient records submitted to the DBC as part of reporting requirements for dentists administering sedation or general anesthesia to minor patients from public disclosure, including under the California Public Records Act.

- 17) Provides for the expiration and required renewal of pediatric endorsements and pediatric minimal sedation permits.
- 18) Requires pediatric minimal sedation permit holders to complete a minimum of seven hours of approved courses of study related to pediatric minimal sedation as a condition of renewal of the permit.
- 19) Authorizes the DBC to post specified administrative citations on its internet website.
- 20) Modifies the requirement for dentists to display the names of individuals working in the practice to require the original or copy of the current license, permit, or registration of each person employed at the facility to practice dentistry to be displayed in an area that is likely to be seen by all patients who use the facility.
- 21) Revises and recasts provisions of the Dental Practice Act establishing the requirements for a fictitious name permit.
- 22) Authorizes the DBC to issue a citation to a person or entity for advertising educational programs or courses without DBC approval, which includes a fine and an order of correction.
- 23) Clarifies that a license that is not renewed within five years of expiring is canceled and that delinquency fees do not accrue after the date the license has been canceled and deletes the requirement that a licensee whose license was canceled must take and pass the examination that would be required if the licensee were then applying for the license for the first time.
- 24) Establishes the application fee for a pediatric endorsement for a general anesthesia permit, deep sedation or general anesthesia permit, or moderate sedation permit, at no more than \$1,000, and establishes the fee for the renewal of a pediatric endorsement at no more than \$600.
- 25) Relocates, revises, and expands provisions of law establishing the definitions of terms related to dental auxiliaries.
- 26) Defines “alternative dental assisting program” as a program offered by an accredited institution of secondary or postsecondary education that offers career technical education programs, regional occupation programs, or apprenticeship programs in dental assisting for purposes of obtaining a license as an RDA.
- 27) Defines “basic supportive dental procedures” as procedures that have technically elementary characteristics, are completely reversible, and are unlikely to precipitate potentially hazardous conditions for the patient being treated, including extraoral tasks involving sterilization procedures and infection control and disease prevention tasks.
- 28) Defines “certified dental assistant” as an individual who has successfully passed the national board examination in clinical chairside assisting administered by the Dental Assisting National Board and has successfully maintained certification satisfactory to terms and conditions of the Dental Assisting National Board.

- 29) Defines “continuing education” as a course of study specific to the performance of dental-related procedures, where a license or permit issued pursuant to this article is impacted, and where the education is directly related to the clinical and supplemental practice of the licensee or permit holder and specifies that continuing education is used to identify dental assisting education in the duties and functions of all aspects of dental assisting.
- 30) Defines “preceptee” as an unlicensed dental assistant who is employed by a California-licensed dentist and is participating in a preceptorship in dental assisting to learn the clinical skills and acquire procedural knowledge through work experience and supplemental dental assisting coursework.
- 31) Defines “preceptor” as a licensed dentist in good standing who directly supervises and provides on-the-job training to a preceptee in a preceptorship in dental assisting by evaluating clinical competence, documenting completion of clinical chairside work experience, learning, and clinical progress, teaching and promoting clinical reasoning, and ensuring completion of course requirements before performing dental assisting duties.
- 32) Defines “preceptorship in dental assisting” as supervised on-the-job training of a preceptee by a preceptor in the performance of dental assistant duties in a competent manner as determined by the preceptor.
- 33) Defines “registered dental assistant” as a person licensed by the DBC to perform all procedures an RDA is authorized to perform.
- 34) Defines “registered dental assistant in extended functions” as a person licensed by the DBC to perform all procedures an RDAEF is authorized to perform.
- 35) Defines “satisfactory work experience” means performance of the duties of a dental assistant in a competent manner as determined by the supervising dentist.
- 36) Provides that the employer of a dental assistant is responsible for ensuring that the dental assistant has successfully completed an approved eight-hour course in infection control prior to performing any basic supportive dental procedures involving potential exposure to blood, saliva, or other potentially infectious materials and establishes, as specified.
- 37) Requires dental assistants to complete an approved radiation safety course prior to performing radiographic procedures and establishes the requirements for that course.
- 38) Makes various changes to the authorized duties and supervision requirements of dental assistants.
- 39) Makes additional changes to the requirements to obtain an orthodontic assistant permit from the DBC and makes various changes to the duties that an orthodontic assistant is authorized to perform under the supervision of a licensed dentist.
- 40) Makes various changes to the requirements to obtain a dental sedation permit and makes various changes to the duties that a dental assistant, RDA, or RDAEF in possession of a dental sedation permit is authorized to perform.



- 41) Makes various changes to the requirements to obtain a license as an RDA and makes various changes to the duties that an RDA is authorized to perform.
- 42) Makes various changes to the requirements to obtain a license as an RDAEF and makes various changes to the duties that an RDAEF is authorized to perform.
- 43) Deletes current law limiting a licensed dentist to no more than three RDAEFs or registered dental hygienists in extended functions in their practice.
- 44) Simplifies the process by which the MBC reviews and confirms information relating to physicians and surgeons seeking to administer general anesthesia in the office of a dentist.

**FISCAL EFFECT:** According to the Senate Committee on Appropriations, the continued operation of the DBC requires approximately \$21.04 million annually based on the 2024-25 Governor's Budget, and specific provisions in this bill would require \$137,000 in Fiscal Year (FY) 2025-26 and \$129,000 in FY 2026-27 for workload associated with the creation of the three new pathways for RDA licensure, with anticipated revenue increases of \$31,200 in FY 2025-26, \$31,200 in FY 2026-27, and \$44,950 in FY 2027-28 and ongoing from an increase in RDA application and renewal fees and delinquent penalties; additionally, the Office of Information Services within the DCA reports costs of \$40,000 for IT updates and modifications.

**COMMENTS:**

**Purpose.** This bill is sponsored by the author, who is Chair of the Senate Committee on Business, Professions, and Economic Development. According to the author:

“This bill is necessary to make changes to the Dental Board of California to improve oversight of the regulated professions under the jurisdiction of the Board.”

**Background.**

*Sunset review.* In order to ensure that California's myriad professional boards and bureaus are meeting the state's public protection priorities, authorizing statutes for these regulatory bodies are subject to statutory dates of repeal, at which point the entity "sunset" unless the date is extended by the Legislature. The sunset process provides a regular forum for discussion around the successes and challenges of various programs and the consideration of proposed changes to laws governing the regulation of professionals. Currently, the sunset review process applies to approximately three dozen different boards and bureaus under the DCA, as well as the Department of Real Estate and three nongovernmental nonprofit councils.

On a schedule averaging every four years, each entity is required to present a report to the Legislature's policy committees, which in return prepare a comprehensive background paper on the efficacy and efficiency of their licensing and enforcement programs. Both the Administration and regulated professional stakeholders actively engage in this process. Legislation is then subsequently introduced extending the repeal date for the entity along with any reforms identified during the sunset review process.

*Dental Board of California.* The DBC is responsible for licensing and regulating dental professionals in California. The DBC was originally created as the Board of Dental Examiners in 1885 during the twenty-sixth session of the California Legislature. Today, the DBC licenses an estimated 112,000 dental professionals, of which approximately 43,500 are licensed dentists; 46,000 are RDAs; and 2,300 are RDAEFs. The DBC is also responsible for setting the duties and functions of unlicensed dental assistants. Dental hygienists are licensed and regulated by a separate and distinct regulatory body, the DHBC.

The Dental Assisting Council within the DBC makes recommendations regarding the DBC's regulation of dental assistants. Three categories of dental assistants are regulated by the DBC, distinguished by what duties they may perform based on their training. This includes unlicensed dental assistants, authorized to perform "basic supportive dental procedures"; RDAs, authorized to perform more complex duties; and RDAEFs, authorized to perform additional restorative procedures following diagnosis and intervention by a dentist.

*Issues Raised during Sunset Review.* The background paper for the DBC's sunset review oversight hearing<sup>1</sup> contained a total of 17 issues and recommendations, each of which is eligible to result in statutory changes enacted through the DBC's sunset bill.

*Board Composition and Organizational Structure.* Issue #1 in the DBC's background paper posed the question as to whether the DBC is reflective of its licensing population and whether there are potential efficiencies that could be realized through updated DBC composition or structural changes. Currently, the DBC is comprised of 15 members, including eight practicing dentists, one registered dental hygienist, one RDA, and five public members. The background paper noted that despite the existence of the DBC's Dental Assisting Council, concerns remain that dental assisting issues are not effectively promoted at the board level, and stakeholders have argued for representatives of dental assistants to have a greater voice in discussions of the DBC related to issues impacting that profession. Stakeholders have similarly argued that it would be more useful for the DBC to include an additional RDA member than to continue having a registered dental hygienist on the board, given that dental hygienists are now independently regulated by the DHBC. This bill would add an additional RDA to the DBC's membership by substituting that member for the appointment currently reserved for a registered dental hygienist.

*Board Meetings.* Issue #2 in the DBC's background paper considered whether the Dental Practice Act is too prescriptive in terms of the specified timeframes and locations for DBC meetings. As discussed in the background paper, unless otherwise provided by statute, existing law requires DCA boards to meet at least two times each calendar year, at least once in northern California and once in southern California. The Dental Practice Act, however, requires the DBC to meet regularly once each year in the San Francisco Bay area and once each year in southern California. Committee staff raised concerns that specific statutory references may be limiting and should be updated so that the DBC instead only has to conform to the requirements applicable to all DCA boards. This bill effectuates that recommendation by eliminating the specific frequency and location requirements for meetings of the DBC.

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<sup>1</sup> <https://abp.assembly.ca.gov/media/1182>

*Dental Assistants.* Issue #5 in the DBC's background paper discussed the board's regulation of dental auxiliaries and considered whether updates to the Dental Practice Act were necessary. In response to concerns about dental workforce shortages, Assembly Bill (AB) 481 (W. Carrillo) was introduced in 2023 to create new licensure pathways and expand the duties of dental assistants. AB 481 proposed a number of changes intended to decrease barriers to licensure and expand safe opportunities for the dental workforce, which Committee staff recommended incorporating into the DBC's sunset bill pursuant to ongoing stakeholder discussions and in order to reflect changes that the DBC can effectively implement. This bill contains provisions relating to the licensure and duties of dental auxiliaries that were previously contained in AB 481, as further refined through additional stakeholder negotiation.

*Licensure by Portfolio.* Issue #6 in the DBC's background paper discussed ongoing questions about the success of the Licensure by Portfolio pathway. Under this pathway, instead of taking a single examination, students build a portfolio of completed clinical experiences and competency examinations in six subject areas over the course of their clinical training during dental school. The portfolio option gives students an alternative to being tested on a live patient over the course of one weekend. However, concerns were raised that because California was one of the first states to establish this pathway, dentists who have obtained their license through the portfolio pathway may face difficulties when seeking reciprocal acknowledgment of qualification by other states.

Following the DBC's sunset review in 2019, the DBC requested that the DCA's Office of Professional Examination Services (OPES) review the Licensure by Portfolio examination. OPES subsequently raised several psychometric issues of concern and recommended that the DBC initiate a process to eliminate that pathway to licensure. The DBC then ultimately voted to recommend repealing Licensure by Portfolio from the Dental Practice Act. The DBC noted in its sunset report that this pathway has been utilized by a small number of applicants since it was originally established but requires a significant amount of time and effort to maintain, including updating the necessary examination for licensure through this pathway. This bill would effectuate the recommendation of OPES and the DBC by eliminating the Licensure by Portfolio pathway.

*Licensure by Credential.* Issue #7 in the DBC's background paper discussed potential changes to the pathway through which applicants who are licensed in good standing as dentists in another state meet specified clinical practice requirements to qualify for licensure in California. Specifically, the DBC cited many questions and complaints from applicants seeking clarification on several aspects of the pathway's requirements, including what qualifies as "otherwise restricted" under the law; minimal practice requirements for licensure; residency credit towards licensure; changes in clinical practice contracts; and what constitutes failure to comply with or complete those contracts and the consequences to the underlying license.

The DBC provided several recommendations to clarify clinical practice work requirements and how much credit residency programs will count towards the total hours required for licensure. DBC suggested adding a requirement for those seeking to receive clinical practice credit through a contractual agreement to submit written documentation verifying compliance with requirements. The DBC also recommended language to specify how many hours per week an applicant must work under a contractual agreement. The DBC would be authorized to cancel the temporary license if it finds that the licensee has not met the terms of the contractual agreement, as applicable. This bill would effectuate all of the DBC's recommendations to clarify the process of applying for licensure through the Licensure by Credential pathway.

*Fictitious Name Permits.* Issue #8 in the DBC’s background paper suggested that clarification may be necessary on certain aspects of Fictitious Name Permit applications. The Dental Practice Act states that an association or partnership or corporation or group of three or more dentists may engage in practice under a fictitious name upon applying for and receiving a permit from the DBC. However, a permit is not required by a corporation if it is practicing under a corporate name according to certain requirements and is not required for an individual practicing under their name with a practice area; for example, “Dr. Terry Jones, General Dentistry.”

The DBC requires applicants for fictitious name permits to provide certain information, including articles of incorporation, accompanied by a fee. The DBC reported that it has received questions about aspects of the application process related to the application process; the allowable family name, specifically relating to past or prospective associates, partners, shareholders, or members of the group; the permit fees and term; and reporting changes in the practicing dentists at the location. The DBC recommended amendments to expand and clarify the information that applicants must provide in support of their permit application, eliminate the family name requirement, and establish reporting procedures for when a named dentist has left the business. This bill incorporates those recommendations.

*Senate Bill 501 Implementation.* Issue #9 in the DBC’s background paper discussed the board’s implementation of statutory updates related to pediatric anesthesia and sedation and considered whether further amendments to the Dental Practice Act may be necessary to ensure effective implementation. In 2016, the Senate Committee on Business, Professions, and Economic Development requested that the DBC form a subcommittee to investigate and report to the Legislature regarding pediatric anesthesia in dentistry. The DBC concluded existing law was sufficient to protect pediatric patients during dental sedation; however, it made recommendations to enhance statute and regulations to provide a greater level of public protection.

Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018) was the culmination of years of policy discussion that followed the tragic death of young boy while undergoing dental work under general anesthesia and established a series of new requirements and minimal standards for the use of sedation and anesthesia in pediatric dental procedures. Specifically, the bill created a new process for the DBC to issue a general anesthesia permit (which may include a pediatric endorsement) as well as moderate and pediatric minimal sedation permits to applicants based on their level of experience and training; and established new requirements for general anesthesia or sedation administered to patients under thirteen years of age. The bill also required the DBC to review data on adverse events related to general anesthesia and sedation and all relevant professional guidelines for purposes of reporting to the Legislature on any relevant findings.

As the DBC has worked to fully implement the provisions of SB 501, it has identified a number of areas in the Dental Practice Act where technical cleanup and clarification may be necessary. The DBC’s recommendations included topics relating to the implementation of the new general anesthesia and sedation permits, fees for general anesthesia and sedation permits, the physical presence requirements for dentists during general anesthesia or sedation, the confidentiality of patient case information, and other areas in need of clarification or cleanup. This bill would incorporate the DBC’s requested technical cleanup and clarification by amending a number of provisions related to SB 501 and the requirements for general anesthesia and sedation in dental procedures.

*Probationary Licenses.* Issue #10 in the DBC’s background paper suggested that the DBC may need additional flexibility to issue probationary licenses as the authority was originally intended. According to the DBC, when an applicant is denied a license for something such as a criminal conviction related to the practice of dentistry, the applicant will be advised of the license denial and informed of their ability to appeal the license denial, which can then result in a stipulated settlement to issue a license on probation. The Dental Practice Act also authorizes the DBC to issue a probationary license, which is intended to provide an efficient and cost-effective path to allow the DBC to review license applications and offer probationary licenses to applicants without first going through an appeals process. However, the DBC has noted that issuing a probationary license still requires an Administrative Procedures Act (APA) process.

The DBC recommended various amendments to the process of issuing a probationary license in order to be more consistent with the probationary license procedures of the MBC, which in turn will result in an easier process both for DBC and for applicants who may be issued probationary licenses. This bill includes many of those recommendations, including language allowing the DBC to impose probation terms and conditions for fewer than three years, clarifying the DBC’s ability to deny a license based on unprofessional conduct, requiring the DBC to post those decisions online, removing the requirement that probationary license issuances go through the APA, and clarifying that an unrestricted license will be issued to the licensee once the probationary term is completed or upon termination of the probationary term.

*Continuing Education.* Issue #11 in the DBC’s background paper considered whether the DBC should accept continuing education credits in mental health and wellness toward a licensee’s mandatory coursework completion necessary for licensure renewal. The Dental Practice Act requires dentists to complete 50 units of continuing education in order to renew their license. If a dentist has certain permits (dental sedation, etc.), they may have additional requirements. Currently, courses in areas “considered to primarily benefit the licensee shall be limited to a maximum of 20% of a licensee’s total required course unit credits for each license or permit renewal period,” and courses “considered to be of direct benefit to the licensee or outside the scope of dental practice in California ... shall not be recognized for continuing education credit.”

The DBC’s background paper raised the importance of expanding recognition of the effect of personal mental health issues on the practice and delivery of care to patients, particularly as it relates to professional misconduct, malpractice, or ethical considerations. The DBC’s background paper suggested that it would be helpful to understand what steps are available through the Dental Practice Act and what additional efforts are necessary to promote licensee well-being while balancing patient welfare and safe practice. This bill would expressly allow for licensees of the DBC to take approved continuing education courses in the following subjects:

- a) Licensed mental health and wellness and its impact on the delivery of dental services.
- b) Diversity, equity, and inclusion and its impact on the delivery of dental services.

*Licensure Display.* Issue #12 in the DBC’s background paper relates to the requirement that licensees display licenses in a conspicuous location. Questions have been raised about what constitutes a “conspicuous location” and whether or not licenses must be displayed, in addition to the names of the licensees. This bill includes recommendations from the DBC to specify the requirements for how licensees must display of a license and what must be displayed.

*Dental Assistant Programs.* Issue #13 in the DBC's background paper discussed the issue of educational programs that advertise DBC approval without actually being approved, which can harm students and the public who may undertake a program only to realize they are not eligible for licensure. The DBC had previously raised concern that some dental assisting educational programs or courses are advertising claims of "Board accreditation" or "Board approval" that are either untrue or misrepresent facts. Fraudulent advertising or other misrepresentations made to potential students can have a detrimental impact on their lives, particularly if they spend time and money to complete a specified training program they believe will lead to licensure, but they end up not actually being eligible since the program was not actually approved.

To combat fraudulent statements and misrepresentations by dental assisting programs and courses, the DBC requested additional authority to pursue administrative enforcement actions, beyond withdrawal or denial of program or course approval. The DBC believes that a clear enforcement action statute, with prescribed administrative enforcement actions, could assist in efforts to hold programs accountable. This bill would expressly authorize the DBC to issue a citation against a person, company, or association believed to be advertising with respect to the offering or provision of an educational program or course that requires board approval without being properly approved by the DBC to offer or provide that educational program or course. This citation could contain both an assessment of an administrative fine, ranging from \$50 to \$5,000 per violation, and an order of correction requiring the violator to cease the unlawful advertising and notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

*Unlicensed Activity.* Issue #14 in the DBC's background paper raised concerns about unlicensed activity, which can harm patients, the public, and licensees alike, and considered whether the Dental Practice Act should be updated to allow the DBC to post public enforcement actions against unlicensed operators. The law authorizes the DBC to post enforcement actions against licensees on its websites; however, the code is silent about the DBC's authority to do so for unlicensed activity. The DBC believes an amendment is necessary to authorize the DBC to post citations on its website issued for unlicensed activity. This bill would effectuate that request by allowing the DBC to post specified citations on its internet website.

*Technical Changes.* Issue #16 in the DBC's background paper recognized that there are amendments to the Dental Practice Act that are technical in nature but may improve DBC operations and the enforcement of the law. For example, the Dental Practice Act still references a now obsolete RDA Practical Examination. Additionally, if changes to the Licensure by Credential pathway outlined above go into effect, additional clarity may need to be made related to Licensure by Residency licensing in order to ensure that an applicant provides proof they have not failed a dental examination in the prior five years before. This bill includes myriad technical changes to the Dental Practice Act suggested by committee staff or the DBC.

*Continued Regulation by the DBC.* Issue #17 in the DBC's background paper posted the traditional question of whether the licensing and regulation of dental health professionals be continued and regulated by the DBC. The background paper noted that patients are protected by the presence of a strong licensing and regulatory board with oversight over dental professionals and concluded that the DBC should be continued, and reviewed again on a future date to be determined. This bill would extend the DBC's sunset date by an additional four years.

**Current Related Legislation.**

AB 3251 (Berman) is the sunset bill for the California Board of Accountancy. *This bill is pending in the Senate Committee on Business, Professions, and Economic Development.*

AB 3252 (Berman) is the sunset bill for the Court Reporters Board of California. *This bill is pending in the Senate Committee on Business, Professions, and Economic Development.*

AB 3253 (Berman) is the sunset bill for the Board for Professional Engineers, Land Surveyors, and Geologists. *This bill is pending in the Senate Committee on Business, Professions, and Economic Development.*

AB 3254 (Berman) is the sunset bill for the Cemetery and Funeral Bureau. *This bill is pending in the Senate Committee on Business, Professions, and Economic Development.*

AB 3255 (Berman) is the sunset bill for the Board of Vocational Nursing and Psychiatric Technicians of the State of California. *This bill is pending in the Senate Committee on Business, Professions, and Economic Development.*

SB 1452 (Ashby) is the sunset bill for the California Architects Board and the Landscape Architects Technical Committee. *This bill is pending in the Assembly Committee on Judiciary.*

SB 1454 (Ashby) is the sunset bill for the Bureau of Security and Investigative Services. *This bill is pending in the Assembly Committee on Appropriations.*

SB 1455 (Ashby) is the sunset bill for the Contractors' State License Board. *This bill is pending in the Assembly Committee on Appropriations.*

SB 1456 (Ashby) is the sunset bill for the California State Athletic Commission. *This bill is pending in the Assembly Committee on Appropriations.*

**Prior Related Legislation.**

AB 481 (W. Carrillo) of 2023 would have made numerous changes to the education, scope of practice, and regulation of dental auxiliaries, including dental assistants, orthodontic assistants, and RDAs. *This bill was held on suspense in the Senate Committee on Appropriations.*

AB 2276 (W. Carrillo) of 2022 would have authorized unlicensed dental assistants to polish teeth and apply dental sealants. *This bill was held on suspense in the Assembly Committee on Appropriations.*

AB 1519 (Low, Chapter 865, Statutes of 2019) extended the DBC's sunset date and made various technical changes, statutory improvements, and policy reforms in response to issues raised during the Legislature's joint sunset review of the DBC.

AB 179 (Bonilla, Chapter 510, Statutes of 2015) extended the DBC's sunset date and made various technical changes, statutory improvements, and policy reforms in response to issues raised during the Legislature's joint sunset review of the DBC.

**ARGUMENTS IN SUPPORT:**

The **California Dental Association** (CDA) supports this bill, writing that “CDA supports the continued ability of the board to ensure Californians receive safe dental care through licensee oversight.” The CDA specifically supports provisions in the bill relating to workforce development and job creation; mental health continuing education; and pediatric dental anesthesia. The CDA also requests additional language “allowing nonclinical public dental health work experience to satisfy the hour requirements helps to remove barriers for licensure portability for licensed dentists to serve in various levels of government and other organizations that are focused on systemic improvements to oral health, such as local oral health departments.”

The **California Dental Assistants Association** (CDAA) also supports this bill, writing: “We appreciate the committees’ work on the sunset review process and the opportunity to contribute to the discussion. The collaborative work between our organization, other stakeholders and the Dental Board has resulted in the ability to submit substantial revisions to current regulations. We are very excited about the addition of a Registered Dental Assistant (RDA) to the Dental Board, which improves the current inequity in representation for dental assistants in California.”

**ARGUMENTS IN OPPOSITION:**

The **California Dental Hygienists’ Association** (CDHA) opposes this bill, specifically the provision replacing the registered dental hygienist on the DBC with another RDA. CDHA writes: “We support the Registered Dental Assistants having a stronger voice on the Dental Board. However, the CA Dental Hygienists’ Association is opposed to removing the RDH from the Dental Board so long as the Dental Hygiene Board of CA is required to obtain approval from the Dental Board for scope changes. ... Dental Hygienists should have a voice on the Dental Board if RDH scope decisions are required to have approval from the Dental Board.”

**SUNSET ISSUES FOR CONSIDERATION:**

*Nonclinical Practice Pathways to Licensure by Credential.* As discussed in Issue #7 of the DBC’s background paper, current law allows license applicants who are licensed in good standing as dentists in another state to qualify for licensure in California. Among other requirements, applicants must demonstrate that while licensed in another state, they have engaged in a specified amount of clinical practice. The DBC recommended a number of changes to clarify this licensure pathway and enhance interstate portability.

Existing law requires applicants seeking to qualify through Licensure by Credential to provide evidence that they have either been in active clinical practice or they have been a full-time faculty member in an accredited dental education program. This statute would exclude licensees engaged in certain nonclinical practice, such as public health dentists who do not typically see patients or teach in an education program but who are actively engaged in the dental profession in other valuable ways, such as in a local oral health department. To allow for public health dentists and others with nonclinical practice experience in other states to qualify for licensure through the DBC, the author and this committee have agreed that this bill should be further amended to allow for applicants who have been engaged with nonclinical practice to satisfy the requirements for Licensure by Credential.



**AMENDMENTS:**

To allow dentists licensed in other states with nonclinical practice experience to qualify for the Licensure by Credential pathway to licensure, amend Section 9 of the bill to add the following language to paragraph (3) of subdivision (a) as currently amended, and add a new subparagraph (D) to that paragraph as provided:

*(3) Proof that the applicant has either been in active clinical practice in another state, district, or territory of the United States, has been engaged with nonclinical practice, or has been a full-time faculty member in an accredited dental education program and in active clinical practice for a total of at least 5,000 hours within the past five years immediately preceding the date of the application under this section. The clinical practice requirement may be met by submitting documentation of any of the following:*

...

*(D) Verification of nonclinical work experience, including employment requiring a valid and current dentist's license.*

**REGISTERED SUPPORT:**

California Association of Dental Assisting Teachers  
California Association of Orthodontists  
California Dental Assistants Association  
California Dental Association  
California Extended Functions Association

**REGISTERED OPPOSITION:**

California Dental Hygienists' Association (*Unless Amended*)

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