

Report of the Meeting of the Dental Board of California

August 17-18, 2012

Prepared for the California Society of Pediatric Dentistry
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The Dental Board of California met August 17-18, 2012, in Sacramento. The following summarizes actions and issues coming before the Board pertinent to pediatric oral health

Enforcement Program Statistics

The Enforcement Division of the Dental Board reports regularly on *Complaint Intake and Investigation* statistics. For the previous twelve months, 3,507 complaints were received. If past performance statistics are used as a guide, approximately 60% of the cases will ultimately be dismissed for insufficient evidence, 20% will be discharged with the conclusion that no violation of the Dental Practice Act or Business and Professions Code occurred, and slightly under 20% will result in referral for administrative or criminal action. Approximately two-thirds of the complaints will allege clinical incompetence/negligence.

Comment: Cases are typically closed for insufficient evidence when a complaint alleging negligent or incompetent treatment is reviewed by a Subject Matter Expert appointed by the Board and found to be a simple departure from the normal standard of care or does not rise to the level warranting formal discipline.

RDA Written Examination

The Examination Committee continues to find unacceptably low the pass rate for the Registered Dental Assistant (RDA) written examinations, in spite of the introduction of a revised exam in March. For the first half of this year, the overall pass rate for the RDA written examination was 58% and for the RDA law & ethics examination an even lower 54%. Among repeat candidates, the pass rate is even poorer. Wanting to improve the test result without compromising the integrity of the examination process, the Examination Committee and the Board's Dental Assisting Council jointly recommended to the Board that staff be directed to investigate those factors that might be contributing to the low passing scores. The Board subsequently accepted this recommendation.

Comment: The Board has not collected data that would enable it to differentiate the pass/fail rate for candidates with formal schooling from those with on-the-job training. Likewise, there is no information on the English fluency of RDA applicants or on the relevance of purchase materials and prep courses commercially available to candidates. These are the types of issues the Committee wishes to examine.

Licensing Fee Increase

Citing a shortfall in projected revenues in relation to expenses, the Board acted to start the formal regulatory process that would increase licensure fees by an aggregate 23%. Under the proposed scenario,

the dental biannual license renewal fee would increase from \$365 to \$450 and other examination, licensing and permitting fees would experience a similar increase. These fees were last increased in 1998.

Comment: Examination, licensure, and permit programs are generally supported by their own fees. License renewals are predominately used to support the Board's enforcement programs and administrative overhead costs.

Mobile Facilities Regulation

In May, acting on a request from the California Dental Association, the Board agreed to examine the regulations pertaining to mobile dental providers and facilities. CDA contends current regulations lack appropriate measures to ensure accountability and public safety. A subcommittee appointed by the Board, working with the Board's legal counsel, found the regulatory changes proposed by CDA (see May 2012 Dental Board Report) are not authorized by statute and would not meet the necessity and clarity standards of the Administrative Procedure Act (APA).

Comment: As such, the regulations would not gain approval from the Office of Administrative Law (OAL). Any meaningful changes in mobile facilities regulation will probably require a combination of future statutory and regulatory change.