

# Report of the Meeting of the Dental Board of California

May 17-18, 2012

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

## Mobile Facilities Regulation

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.

Specifically, CDA made the following recommendations for inclusion in the Dental Practice Act:

- Individuals receiving dental services receive culturally and linguistically appropriate, written information about the treatment they received, including:
  - Names and license numbers of all providers
  - Services performed
  - A description of any dental needs observed during a screening, assessment, or other form of visual inspection, or diagnosed during an exam
  - Future appointment dates and times
  - Contact information of the provider if an individual was referred to another provider
  - Contact information for the mobile provider (phone number and address)
  - Instructions for dental emergencies – who to contact and phone number
- The mobile and portable dental provider has an official place of business in California, that is not a post office box, where official records are stored.
- The mobile and portable dental provider has a phone line for patients, dentists, or other interested parties to contact the mobile provider with emergencies, questions, requests for records, etc.
- A written procedure for emergency follow-up care for patients treated by the mobile dental provider which includes arrangements for treatment in a dental facility permanently established in the area.
- The mobile and portable dental provider submits proof to the Dental Board, via a letter, of a current working relationship with a community-based provider willing to accept patients for follow-up and emergency services.
- Language inclusive of current (RDHAP) and future dental professionals practicing within their scope. This language is needed to align the regulations with current scope of practices and to prevent the need to amend regulations if/when a new type of provider is approved by the state.
- Exemption from these regulations for mobile and portable dental facilities operated or sponsored by the federal, state or local government.

*Comment: The Board acted to appoint a two-member subcommittee to assess the issues raised by CDA. Legal counsel for the Board raised antitrust concerns with any regulations that could be deemed anticompetitive and warned that the Office of Administrative Law would require that any regulations adopted be clear, necessary and legally valid.*

### Dental Laboratory Licensing

In response to a 2011 CDA House of Delegates resolution to seek legislation governing dental laboratories, CDA requested collaboration with the Board to consider statute which would (1) require dental laboratories to disclose the materials and place of origin of materials placed in the mouth and (2) to require dental laboratories to register with the DBC. After some deliberation, the Board voted to appoint a two-member subcommittee to make recommendation on such legislation at a future meeting.

*Comment: Members of the Board expressed skepticism that such legislation is necessary and that public is not adequately protected by current law. Board counsel advised that if labs are registered with the Board the public could expect that the DBC exerts some degree of oversight of the lab's activities. This would likely require an investigative and enforcement mechanism, which would have to be underwritten by a registration cost to the laboratories or by the cost of dental licensing.*

### Special Faculty Permits

The Senate Business, Professions, and Economic Development Committee is considering a CDA legislative proposal regarding amendment to Business and Professions Code (BPC) which would clarify that a dentist who received his/her initial dental degree from a foreign dental school, and who has completed a Commission on Dental Accreditation (CODA) approved advanced residency program, is eligible to obtain a special permit to practice as a California dental school faculty member in a permit category that is not numerically capped. CDA asked the Board for support of the proposal.

Current law creates three categories of special permit holder: one for dentists who have completed advanced training programs in CODA-accredited programs, one for foreign-trained specialists who did not complete a CODA accredited program, and one for general dentists whom the dental school can demonstrate would serve a unique academic need. The last two categories are each capped at five per California dental school; the first category is uncapped.

The BPC includes as one of the requirements for the first, uncapped category of special permits, "furnishing satisfactory evidence of having graduated from a dental college approved by the board." In recent years there has been interpretive uncertainty about whether the word "graduated" in this context means only the receipt of an initial dental diploma, or whether it also encompasses the completion of a Board (CODA) approved residency program. The difference in interpretation can be significant for dental school faculty recruiting, because if those individuals who completed a CODA accredited residency program are not included, they then become part of the special permit category that is capped at five per school.

The Board voted to support in principle the proposed change to the BPC.

*Comment: As California dental schools find it increasingly difficult to recruit faculty, this proposal will clear up any confusion about whether they can recruit an unlimited number of foreign-trained dentists who have completed CODA accredited residencies. This clarification would not dilute the standards by which prospective special permits holders are evaluated; it would merely clarify which categories remain capped.*

**Posting Notice to Consumers of Licensure by the Dental Board**

In compliance with legislation signed last year by the Governor, the Board voted to adopted regulatory language regarding a requirement to take effect January 1, 2013, which provides that a licensed dentist engaged in the practice of dentistry shall provide notice that the dentist is licensed and regulated by the Board by prominently posting in a conspicuous place in no smaller than 48 point type the following statement and information:

**NOTICE TO CONSUMERS**  
**Dentists are licensed and regulated**  
**by the Dental Board of California**  
**(877) 729-7789**  
**[www.dbc.ca.gov](http://www.dbc.ca.gov)**