

Report of the Meeting of the Dental Board of California August 26-27, 2013

Prepared for the California Society of Pediatric Dentistry

The Dental Board of California met August 26-27 2013, in Sacramento. The following report summarizes actions and issues coming before the Board pertinent to pediatric oral health

DENTAL LICENSING PROCESS

The Western Regional Examination Board (WREB) is presently the only clinical dental licensure examination given in California. The WREB examination effectively replaced the California clinical examination administered by the Dental Board since the 1920's through 2006 legislation which authorized the Board to accept the WREB for California licensure and also established the portfolio examination as a future pathway to license in California.

The WREB is presently administered by 17 states and accepted for licensing in these and an additional 17 others. Approximately 36% of the 5300 students graduating from US dental schools take the WREB exam. California graduates represented 28% of WREB examinees in 2012 and 697 dentists who successfully completed the examination were granted California licenses that year. Most western states no longer provide their own licensure examination and, instead, recognize the WREB exam. The cost of the examination to the student varies by site, but is approximately \$2,000. The WREB is a "criterion referenced examination" designed to test for minimum competency, thereby resulting in a high pass rate. In 2012 the overall pass rate was 94.7%.

Plans for the Licensure by Portfolio Examination remain on track, although implementation will not occur in time for the Class of 2014. The Dental Board has developed proposed regulatory language relative to the portfolio examination requirements and now enters into the rulemaking phase of regulatory adoption. Proposed regulatory language relevant to the portfolio examination requirements may be accessed on the Board's website (pages 36-88 at http://www.dbc.ca.gov/about_us/materials/20130826fbmm.pdf.)

Comment: Licensure by Portfolio will be a more rigorous licensing process than passage of the WREB examination and it is unclear at this stage what percentage of students will want to avail themselves of the process, especially in view that it provides licensure only in California.

ACTION ON LEGISLATION

The Board this year has tracked 25 bills pertaining to health care coverage, military licensing, and healing arts boards. At the August meeting the Board acted on five bills currently being considered by the legislature.

1. **AB 496 (Gordon)** – Reauthorizes the *Task Force on Culturally and Linguistically Competent Physicians and Dentists Task Force* to advocate for and provide health services to members of linguistic and ethnic minority groups and lesbian, gay, bisexual, transgender and intersex groups at a cost to the Dental Board of \$110,000 over a two-year period. ACTION: Move from Watch to Support.
2. **AB 512 (Rendon)** –Extends to January 1, 2018, current law allowing health care practitioners (including dentists) licensed out-of-state to provide services to uninsured or underinsured persons on a voluntary basis at specified sponsored events after approval by the applicable

- healing arts licensing board of the practitioner and sponsoring entity. ACTION: Move from Watch to Support.
3. **AB 836 (Skinner)** – Reduces from 50 to 30 the continuing education hours biannual required for license renewal by active retired dentists who solely provide uncompensated care. All qualifying units must be gained through courses related to the actual delivery of dental services. ACTION: Continued Support. CSPD supports the bill.
 4. **AB 1231 (Perez, V. Manuel)** – Facilitates and encourages the utilization of telehealth in meeting the health and dental care needs of clients and the families of clients of state Regional Centers (which serves individuals with developmental disabilities, including autism). It involves no changes in scope of practice or supervision of current healthcare providers. ACTION: Continue to Watch.
 5. **SB 562 (Galgiani)** – Establishes the framework for regulation by the Dental Board of portable dental units, provides authority for increased regulation of mobile dental units, and deletes the current restriction limiting dentists to the operation of only one mobile dental clinic. ACTION: Move from Watch to Support if Amended. CSPD supports the bill.

Comment: The Board requests clarification in an amended bill that it will be charged with the regulation of licensed dentists providing portable dental services rather than the obligation to directly regulate the portable dental units. CDA is working with Assembly Business and Professions Committee to secure this clarification as well as one exempting sponsored healthcare events such as CDA Cares.

REVISION OF THE DENTAL PRACTICE ACT SECTIONS RELATED TO GENERAL ANESTHESIA AND CONSCIOUS SEDATION

In October of 2007 the American Dental Association House of Delegates adopted revised *Guidelines for the Use of Sedation and General Anesthesia by Dentists*. The Dental Board of California governs general anesthesia, conscious sedation and oral conscious sedation through provisions of statute embodied in the Business and Professions Code and by regulations adopted by the Board. About two years ago, a two-person subcommittee of the Board was charged with reviewing and reporting back to the Board on consistency of the revised ADA Guidelines with current California statutes and regulations. That report found that “The scope of practice for dentists who provide sedation and anesthesia in California are generally consistent with the ADA educational guidelines, with some differences.” The Subcommittee did not recommend any changes to scope of practice. The report went on to recommend “revision of the Dental Practice Act sections related to general anesthesia and conscious sedation to improve clarity and where possible consistency with nationally recognized guidelines, such as the ADA Guidelines.”

In this regard, at the request of Dr. Bruce Whitcher, an oral surgeon and immediate past president of the Dental Board, the California Dental Association assembled a stakeholder workgroup in April to evaluate current regulation and present proposed changes for consideration and possible action by the Board. Dr. David Rothman represented CSPD on the work group.

At the August meeting, Dr. Whitcher circulated a draft of the recommendations coming from the work group, which will form the basis of future proposed regulation.

Comment: That draft will be reviewed for CSPD by Dr. Rothman and Dr. Richard Udin and will be distributed to the Board of CSPD and interested CSPD members by request. CSPD will respond by written or verbal public comment at the appropriate time at the direction of the Board.

BUDGET REPORT AND INCREASE IN DENTAL LICENSING FEES.

The Board closed the 2012-13 fiscal year June 30 with a \$1.6 million surplus from a \$11.4 million appropriation reverting back to the Dentistry Fund. With this and a final re-repayment to the Dentistry Fund of a 2002 loan to the state's General Fund, the Board projects a balanced 2013-14 budget. However, the state Analysis of Fund Condition shows a negative balance of \$1.3 million for fiscal year 2014-15 and an ongoing fund balance deficit thereafter without an increase in dental licensing fees. The Board has therefore determined that it is necessary to increase initial licensing and biannual renewal fees from \$365 to \$450, the maximum allowable under statute. The Board's existing initial licensing and biannual renewal fees have been remained static since 1998. The increase will take effect following adoption of proposed regulatory language, probably in January of 2014. Other licensing and permit fees will also increase.

Comment: The Dental Assisting Fund, which cannot be comingled with the Dentistry Fund, remains solvent and the Analysis of Fund Condition projects a FY 2014-15 surplus of \$2.3 million. Licensure fees for registered dental assistant categories will remain unchanged.

**Respectfully submitted,
Paul Reggiardo, DDS,
Public Policy Advocate, California Society of Pediatric Dentistry.**