

# Summary of the Meeting of the Dental Board of California

## May 15-16, 2008

### Prepared for the California Society of Pediatric Dentistry

*The Dental Board of California met May 15-16, 2008, in South San Francisco. The following summarizes actions and issues coming before the Board pertinent to pediatric oral health*

#### **Dental Assistant Training and Licensure**

Existing law specifies the allowable duties and supervision levels of a dental assistant (DA), registered dental assistant (RDA), registered surgery assistant (RSA), registered orthodontic assistant (ROA), registered restorative assistant (RRA), registered dental assistant in extended functions (RDAEF), and registered restorative assistant in extended functions (RRAEF) effective January 1, 2010, and requires the Committee on Dental Auxiliaries (COMDA) to issue such licenses if specified examination and education or training requirements are met. **SB 2637 (Eng) (Dental Auxiliaries)** as amended in the legislature 5/1/08, would repeal those provisions governing the four new assistant categories (RSA, ROA, RRA, RRAEF) and preserve the current RDA and RDAEF license. The bill modifies some DA and RDA duties and requires that RDAEFs licensed after January 1, 2010, complete a board-approved course in pit and fissure sealant application prior to their first license renewal as a condition of renewal. The bill establishes two specialty permits ----- that of the orthodontic assistant and dental sedation assistant, each with specified specialty duties designed to meet workforce needs in orthodontics and oral surgery --- that may be issued to a DA or RDA upon satisfactory completion of board-approved education and passage of a written examination.

Under the bill, unlicensed dental assistants within one year of employment would be required to complete a board-approved course in the dental practice act, a board-approved eight-hour course in infection control, and a course in basic life support with maintenance of certification thereafter. The on-the-job training required for application of the RDA license under the work experience pathway would increase from 12 to 15 months and require satisfactory performance on a written examination on law and ethics. All applicants for the RDA license would be required to complete within five years prior to application a board-approved course in the dental practice act, a board-approved eight-hour course in infection control, a course in basic life support approved by the American Red Cross or American Heart Association and board-approved courses in coronal polishing and radiation safety.

The bill was developed by the California Dental Association in conjunction with the California Association of Oral and Maxillofacial Surgeons, the California Association of Orthodontists, the California Society of Pediatric Dentistry, and the California Dental Assisting Alliance and represents a consensus of stakeholders with regard to overhaul of the proposed dental assisting regulatory scheme. After listening to testimony, including that of CSPD, the board voted unanimously to support the measure before the legislature.

*Comment: The most significant difference between this legislation and that which would otherwise become effective January 1, 2010, is that this bill establishes specialty permits rather than new specialty categories of licensure. These permits may be issued to either an unlicensed dental assistant or to a licensed registered dental assistant, each upon satisfactory completion of board-approved education and passage of a written examination. The bill maintains the work experience pathway and removes a number of requirements that would have been imposed on a dentist providing on-the-job training.*

#### **Continuing Education**

In January 2006, the Board approved amendments to the Business and Professions Code to add the mandatory reporter obligations of dental professionals to the biannually-required California Dental Practice Act course. In November, 2006, the Board authorized additional changes regarding auditing and enforcement of continuing education requirements and modified the definition of courses qualifying for Class I and Class II credits. At its February 2007 meeting, the Board voted to add drug abuse and dependency issue to Class I credit and to move courses on dependency from Category II to Category I. Language was developed and regulatory hearings were conducted in June. At its August meeting the Board adopted additional modifications to the regulations and in November approved other changes including, at the urging of CSPD, placing all courses related to behavior guidance and anxiety management of the child and adult patient into Category I and directed staff to proceed with rulemaking.

In December 2007, CSPD requested that the Board reconsider the requirement included in the rulemaking file that providers place the licensee's name and license number on the course certificate prior to the distribution of that certificate. At its January 2008 meeting, the Board adopted modified language to accommodate this request and made other changes requested by CDA and Board staff. At its March meeting, after hearing presentations by representatives of the ADA-CERP and the AGD-PACE programs, the Board directed staff to draft for its consideration in May regulations that would recognize courses given by providers approved by CERP or PACE as qualifying for California continuing education credit. In the meantime, the rulemaking file expired before it could be approved by the Office of Administrative Law.

Failure of Board staff to provide draft language concerning recognition of CERP and PACE approved providers and failure of approval of the rulemaking file led the Board to conclude that a new rulemaking package will be developed, to encompass all that had transpired since January 2006 as well as the proposed PACE / CERP recognition.

*Comment: I believe this will lead the Board to conclude that the current two-tier classification system of continuing education credit, unique to California, is a flawed one, impractical if CERP and PACE recognition are integrated into re- licensure, and of dubious value. This conclusion will be the foundation of a decision to return to equality of credit for all qualifying continuing education offerings.*

### **Dental Board Sunset**

As an unintended consequence of the Governor's veto last year of SB 534, which would have created a new Dental Hygiene Committee of California, the Dental Board becomes inoperative on July 1 and its authority transferred to a Bureau of the Department of Consumer Affairs. Examination, licensing, disciplinary and regulatory operations will transfer to the Director of the Department of Consumer Affairs until statutory mandate for a new Dental Board can be established. In the interim, the Director has indicated she will utilize the members of the current Board, so far as they are willing, as an advisory body to the new Dental Bureau.

*Comment: Four bills before the legislature attempt to address different aspects of the Board's sunset. AB 1545 (Eng) would re-establish the Board in its current form and authority as of January 1, 2009. Former Board members could potentially be appointed to the new Board and would serve as Board members in an interim capacity until new members are appointed. SB 797(Ridley-Thomas) is a companion urgency measure that would "bridge" the period from the Board's sunset until a new Board is established January 1. The bill continues the Board's Executive Officer as Bureau Chief and specifies that the current members of the Board will become an advisory committee to the Bureau. SB 853 (Perata), essentially identical to last year's SB 534, would abolish COMDA, transfer its dental assisting examination and licensing responsibilities to the Dental Board, and create a Dental Hygiene Committee under the jurisdiction of the Dental Board for the purpose of examination, licensing, and disciplinary enforcement of dental hygienists. Lastly, SB 963 (Ridley-Thomas) would create an Office of Consumer Advocate in the Department of Consumer Affairs to replace the current sunset review system of the Department's boards and bureaus.*

Respectfully Submitted,

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