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AB-1257 Dentistry: Dental Hygiene Board of California: Dental hygienists: Examinations and licensure.
(2023-2024)

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Assembly Bill No. 1257

CHAPTER 677

An act to amend Sections 1901, 1903, 1917, and 1936.1 of the Business and Professions Code, and to amend Section 1315 of the Health and Safety Code, relating to healing arts.

[Approved by Governor October 10, 2023. Filed with Secretary of State October 10, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1257, Berman. Dentistry: Dental Hygiene Board of California: Dental hygienists: Examinations and licensure.

Existing law, the Dental Practice Act, provides for the licensure and regulation of dental hygienists by the Dental Hygiene Board of California. Existing law requires the board to consist of 9 members, and requires 7 members to be appointed by the Governor, one to be appointed by the Senate Committee on Rules, and one to be appointed by the Speaker of the Assembly. Existing law authorizes the Governor to remove any member of the board, as specified. Existing law repeals those provisions on January 1, 2024, at which time the board is subject to review by the appropriate policy committees of the Legislature.

This bill would instead authorize an appointing authority to remove a member of the board appointed by that appointing authority, as specified. This bill would also extend the repeal date of the board and related appointment provisions to January 1, 2028.

Existing law requires the board to license as a registered dental hygienist a person who satisfies specified requirements, including completion of a prescribed education program, satisfactory completion of an examination in California law and ethics, and satisfactory performance, within the preceding 3 years, of the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the board.

Under this bill, graduation from a California accredited dental hygiene college approved by the board within the preceding 3 years satisfies the requirement for satisfactory performance of the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the board. This bill would additionally require an applicant for licensure as a registered dental hygienist to maintain a current, valid certification in basic life support, as prescribed.

Under existing law, the board, as a condition of license renewal, shall require a licensee to successfully complete a portion of the required continuing education hours in specific areas adopted in regulations by the board. Under existing law, the mandatory coursework prescribed by the board shall not exceed 7 1/2 hours per renewal period.

This bill would authorize the board to increase the prescribed mandatory coursework to 10 hours per renewal period.

Existing law requires the State Department of Public Health to license and regulate health facilities. Existing law requires the board to license and regulate registered dental hygienists, registered dental hygienists in extended functions, and registered dental hygienists in alternative practice, who have varying levels of education and training requirements and varying privileges

within the scope of their respective practice. Existing law authorizes a person licensed as a registered dental hygienist in alternative practice to provide oral health inservice training to staff in a long-term health care facility.

This bill would instead authorize a person licensed as a registered dental hygienist to provide the above-described training.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1901 of the Business and Professions Code is amended to read:

1901. (a) There is hereby created in the Department of Consumer Affairs a Dental Hygiene Board of California in which the administration of this article is vested.

(b) Whenever the terms "Dental Hygiene Committee of California" or "committee" are used in this article, they mean the Dental Hygiene Board of California.

(c) Whenever the term "Dental Hygiene Committee of California" is used in any other law, it means the Dental Hygiene Board of California.

(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the hygiene board subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 1903 of the Business and Professions Code is amended to read:

1903. (a) (1) The dental hygiene board shall consist of nine members as follows:

(A) Seven members appointed by the Governor as follows:

(i) Two members shall be public members.

(ii) One member shall be a practicing general or public health dentist who holds a current license in California.

(iii) Four members shall be registered dental hygienists who hold current licenses in California. Of the registered dental hygienist members, one shall be licensed either in alternative practice or in extended functions, one shall be a dental hygiene educator, and two shall be registered dental hygienists. No public member shall have been licensed under this chapter within five years of the date of their appointment or have any current financial interest in a dental-related business.

(B) One public member appointed by the Senate Committee on Rules.

(C) One public member appointed by the Speaker of the Assembly.

(2) (A) The first appointment by the Senate Committee on Rules or the Speaker of the Assembly pursuant to this subdivision shall be made upon the expiration of the term of a public member that is scheduled to occur, or otherwise occurs, on or after January 1, 2019.

(B) It is the intent of the Legislature that committee members appointed prior to January 1, 2019, remain as hygiene board members until their term expires or except as otherwise provided in law, whichever occurs first.

(3) For purposes of this subdivision, a public health dentist is a dentist whose primary employer or place of employment is in any of the following:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(b) (1) Except as specified in paragraph (2), members of the dental hygiene board shall be appointed for a term of four years. Each member shall hold office until the appointment and qualification of the member's successor or until one year shall have lapsed since the expiration of the term for which the member was appointed, whichever comes first.

(2) For the term commencing on January 1, 2012, two of the public members, the general or public health dentist member, and two of the registered dental hygienist members, other than the dental hygiene educator member or the registered dental hygienist member licensed in alternative practice or in extended functions, shall each serve a term of two years, expiring January 1, 2014.

(c) Notwithstanding any other provision of law and subject to subdivision (e), the Governor may appoint to the dental hygiene board a person who previously served as a member of the former committee or hygiene board even if the person's previous term expired.

(d) The dental hygiene board shall elect a president, a vice president, and a secretary from its membership.

(e) No person shall serve as a member of the dental hygiene board for more than two consecutive terms.

(f) A vacancy in the dental hygiene board shall be filled by appointment to the unexpired term.

(g) Each member of the dental hygiene board shall receive a per diem and expenses as provided in Section 103.

(h) Each appointing authority shall have the power to remove from office at any time any member of the board appointed by that authority pursuant to Section 106.

(i) The dental hygiene board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the dental hygiene board and vested in the executive officer by this article.

(j) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 3. Section 1917 of the Business and Professions Code is amended to read:

1917. The dental hygiene board shall grant initial licensure as a registered dental hygienist to a person who satisfies all of the following requirements:

(a) Completion of an educational program for registered dental hygienists, approved by the dental hygiene board, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.

(b) Within the preceding three years, a person completed either of the following:

(1) Satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the dental hygiene board.

(2) Graduation from a California accredited dental hygiene college approved by the dental hygiene board.

(c) Satisfactory completion of the National Board Dental Hygiene Examination.

(d) Satisfactory completion of the examination in California law and ethics as prescribed by the dental hygiene board.

(e) Submission of a completed application form and all fees required by the dental hygiene board.

(f) Satisfactory completion of dental hygiene board-approved instruction in gingival soft-tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia.

(g) Current, valid certification in basic life support offered by a course consistent with Section 1016, 1016.2, or 1017 of Title 16 of the California Code of Regulations.

SEC. 4. Section 1936.1 of the Business and Professions Code is amended to read:

1936.1. (a) The dental hygiene board shall require, as a condition of license renewal, that licensees submit assurances satisfactory to the dental hygiene board that they had, during the preceding two-year period, informed themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the dental hygiene board, or by other means deemed equivalent by the dental hygiene board. The dental hygiene board shall adopt, amend, and revoke regulations providing for the suspension of the licenses at the end of the two-year period until compliance with the assurances provided for in this section is accomplished. The dental hygiene board shall conduct random audits of at least 5 percent of the licensee population each year to ensure compliance of the continuing education requirement.

(b) The dental hygiene board shall also, as a condition of license renewal, require licensees to successfully complete a portion of the required continuing education hours in specific areas adopted in regulations by the dental hygiene board. The dental hygiene

board may prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics. The mandatory coursework prescribed by the dental hygiene board shall not exceed 10 hours per renewal period. Any mandatory coursework required by the dental hygiene board shall be credited toward the continuing education requirements established by the dental hygiene board pursuant to subdivision (a).

(c) The providers of courses referred to in this section shall be approved by the dental hygiene board. Providers approved by the dental board shall be deemed approved by the dental hygiene board.

SEC. 5. Section 1315 of the Health and Safety Code is amended to read:

1315. (a) Dental services, as defined in the Dental Practice Act, may be provided to a patient in a health facility licensed under this chapter. Those services shall be provided by a person licensed by the State of California pursuant to Section 1611 of the Business and Professions Code.

(b) (1) Dental hygiene services, as defined in the Dental Practice Act, may be provided to a patient in a long-term health care facility, as defined in Section 1418, that is licensed under this chapter, by a person licensed by the State of California as a registered dental hygienist in alternative practice pursuant to Section 1922 of the Business and Professions Code, practicing in accordance with those provisions.

(2) A person licensed as a registered dental hygienist by the State of California pursuant to Section 1917, 1917.1, 1918, or 1922 of the Business and Professions Code, practicing in accordance with those provisions, may provide oral health inservice training to staff in a long-term health care facility licensed under this chapter.

(c) This section shall not limit or restrict the right of a licensed physician and surgeon to perform any acts authorized under the Medical Practice Act.