



California Dental Hygienists' Association
The Voice of Dental Hygiene

California Dental Hygienists' Association Government Affairs Update – January 2014

Government Relations Council (GRC) Members: Co-Chairs Lisa Okamoto and Maureen Titus, Sharon Golightly, Vickie Kimbrough, Lin Sarfaraz, Shanda Wallace, Legislative Consultant JoAnn Galliano. Ex-officio members: CDHA Executive officers Nadine Lavell, Karine Strickland and Susan Lopez along with CalHyPAC Chair Carole Ryan.

CDHA is fortunate to continue working with Aaron Read, Terry McHale and Jennifer Tannehill of Aaron Read and Associates. Along with JoAnn Galliano, our expert on drafting legislation, Jennifer has been our principal advocate meeting with legislative staff in the state legislature as well as acting as our representative at legislative hearings.

On January 15, 2014, Governor Brown announced several re-appointments to the Dental Hygiene Committee of California (DHCC) for 2014: Nicolette Moultrie, RDHAP, Evangeline Ward, RDH, and two public members Susan Good and Garry Shay.

CDHA is honored that Ms. Katie Dawson, past ADHA and CDHA president, was appointed by Governor Brown to the Dental Hygiene seat on the Dental Board of California. Her appointment was announced on April 5, 2013.

Issues highlighted in this update:

- AB 1174, scope expansion and teledentistry – CDHA position “Oppose Unless Amended”
 - DHCC Sunset Review, January 2014 – public hearing scheduled for March
 - SB 1202, enacted January 1, 2013 – DH educational programs
 - Dental Hygiene Committee of California (DHCC)
 - California dentists Licensure by Portfolio
- ✧ AB 1174, introduced by Assemblymen Bocanegra and Logue, and sponsored by the Children’s Partnership, would incorporate into law new duties that were tested in the current Virtual Dental Home, Health Workforce Pilot Project (HWPP #172). The bill seeks to improve access to care for underserved populations, by expanding scope of practice in designated areas for all dental hygienists (RDH, RDHAP and RDHEF), as well as RDAs, and RDAEF II (licensed after January 2010), under general supervision without a dentist on site, utilizing tele-health technology. Based upon the latest language, amendments to the Dental Practice Act would:
- Allow RDAs, RDAEF II and all hygienists to determine and take needed xrays
 - Allow RDAEF II and hygienists to remove decay with hand instruments only (no rotary devices) and place an interim restorative material (ITR)
 - Allow for Medi-Cal billing of teledentistry

After reviewing the revised language submitted to the Legislature in January 2014, CDHA has taken an “oppose unless amended” position, as has the DHCC. CDHA supports the concept of teledentistry as a means to increase access as well as allowing RDHs and RDHAPs to place ITRs. However, we strongly oppose the inclusion of Xray language for hygienists as unnecessary since the DHCC has ruled it is already within our scope of practice. More troubling, the new language also places some duties currently unsupervised in public health settings, back under general

supervision, counter to the bill's goal of increasing access. Furthermore, CDHA believes the required supervision, prior authorization and treatment planning by a dentist for hygienists are unnecessary obstructions to access to care.

AB1174 passed out of the Assembly Health Committee on January 14. The author has committed to working with CDHA to address our concerns, and amendments will be taken when the bill reaches the Senate Business and Professions Committee. Track this bill at <http://www.leginfo.ca.gov>

✧ “Sunset” review of the Dental Hygiene Committee of California (DHCC) by the Joint Legislative Sunset Review Committee (JLSRC) is currently underway. Every Board under the Dept of Consumer Affairs is required to undergo periodic review to validate its existence and verify its benefit to the public's well being and safety. At the conclusion of their review, the JLSRC may let the DHCC expire (sunset) or continue, and may also make recommendations for improving operations and/or suggest legislation to aid the agency's mandate. As a primary stakeholder, CDHA submitted a Sunset Review Report to the JLSRC on October 29, 2013 supporting the DHCC Sunset Report, as well as proposing additional amendments to the Dental Practice Act :

- To change the name of Dental Hygiene Committee of California to Dental Hygiene Board of California, establish a dental hygiene practice act (DHPA), and remove “jurisdiction” language that places the DHCC within the jurisdiction of the Dental Board of California (DBC). This would eliminate the confusion and incorrect impression that the DHCC operates under the DBC, when it has in fact operated as a fully independent board for the past 4 years.
- To remove direct supervision requirements, moving under general supervision the RDH duties of local anesthesia, nitrous oxide/oxygen analgesia and soft tissue curettage. These duties could then be provided under the standing orders of the dentist even when the dentist is not in the office.
- To clarify language, within the practice act, enabling RDHAPs to retain an established practice in a Dental Health Professional Shortage Area (DHPSA) even if the DHPSA designation changes
- To require insurance companies to reimburse RDHAPs for all services they can legally provide
- To allow the DHCC to establish a measure of continued competency as a condition of license renewal
- To remove the prescription requirement for RDHAP services
- To allow RDHs and RDHAPs to prescribe, administer and dispense fluoride supplements, topically applied fluoride and topically applied antimicrobials
- To allow RDHAPs to establish corporations
- To change Title 22 of the Welfare Code to allow RDHAP eligibility to fulfill the Title 22 provider requirement for a dental program in nursing homes.

The JLSRC will hold a public hearing on their determination and initial report in the Spring of 2014. JLSRC will then submit their final recommendations for changes to the Dental Practice Act in a legislative committee bill.

✧ SB 1202, a bipartisan bill sponsored by CDHA and authored by Senators Leno (D) and Wyland (R), became law on January 1, 2013. Key features of the bill included “clean up language” to legislation that created the Dental Hygiene Committee of California (DHCC) and provided California with some control over dental hygiene educational

programs in our state. The bill achieved the following goals:

- Special Permit language allows an RDH licensed in another state to teach in a dental hygiene program without a California license with a Special Permit
- Allows DHCC the discretion of requiring a needs assessment for applications of new dental hygiene programs *before* they apply to CODA. New programs must now provide proof that they have adequate facilities, adequate faculty and adequate employment opportunities for graduating students. It should be noted that in February, 2012, the ADA Commission on Dental Accreditation accepted the ADHA recommendation to require needs assessment to determine the feasibility of new dental hygiene programs.
- Changed statutory language so that, once a new dental hygiene program is approved by CODA, the DHCC *may* approve the program. The previous mandate stated the DHCC “must” approve.
- Requires completion of an extended functions course for initial dental hygiene licensure
- Clarifies requirement that education hours used towards licensure be in the immediately preceding five years
- Requires applicants failing the clinical exam three times or causing gross trauma to provide proof of remediation prior to retaking the clinical exam
- Allows RDHAPs to establish mobile clinics
- Requires RDHAPs to register additional sites with the DHCC. This provision applies to “brick and mortar” sites owned by RDHAPs, not settings where RDHAPs practice.
- Providers of CE courses approved by the Dental Board of California may also be approved by the DHCC

✧ Dental Hygiene Committee of California (DHCC)

- Effective January 1, 2014, the DHCC found it necessary to increase biannual dental hygiene license renewal fees as well as other select fees. For the full list of fee increases, go to www.dhcc.ca.gov
- The DHCC has accepted Central Regional Dental Testing Services (CRDTS) as an approved testing site for initial DH licensure in California. This provides California dental hygiene students a third option for initial licensure, along with the California and Western Regional (WREB) exams.

✧ California Dentists Licensure by Portfolio - in 2008, the DBC began considering alternative pathways to initial licensure for dentists in California. The California clinical and written exams for dentists were eliminated by Assembly Bill 1524 in 2010, and replaced with a portfolio examination pathway, to be developed. Over the past 3 years, the DBC has been developing those guidelines for the Licensure by Portfolio pathway. Note that Licensure by Portfolio does not eliminate the live patient exam, but rather provides a 3rd pathway to licensure for California dentists, along with Licensure by Residency and the Western Regional Exam Board (WREB) clinical exam.

- The draft regulatory language for Licensure by Portfolio has been drafted. There was a public hearing on January 6, 2014 in Sacramento, attended by Sharon Golightly, GRC member.
- To view the Proposed Regulatory Language and Incorporated Forms, go to http://www.dbc.ca.gov/formspubs/1021_proposed.pdf

- To view the Initial Statement of Reasons, go to http://www.dbc.ca.gov/formspubs/1021_isr.pdf
- To view the Final Portfolio Pathway to Licensure Report to the DBC, and drafts of the Examiner Training Manual and the Candidates Handbook, go to: http://www.dbc.ca.gov/about_us/materials/meeting_materials.shtml , May 16-17, 2013 meeting materials, Agenda Item 4.

This pathway is being monitored by the DHCC as well as CDHA, as we too consider alternative pathways to initial licensure for dental hygienists.

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