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California Dental Hygienists' Association
The Voice of Dental Hygiene

California Dental Hygienists' Association
Government Affairs Update – May 5, 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.

Current issues highlighted in this update:

- SB 1245, DHCC Sunset Extension – CDHA position “Support”
 - AB 1174, scope expansion and teledentistry – CDHA position “Oppose Unless Amended”
 - SB 850, Community College Baccalaureate Degrees – CDHA position “Support”
 - Dental Hygiene Committee of California (DHCC) proposed Title 16 regulations
- ✧ SB 1245 (Lieu, Bonilla) Dental Hygiene Committee of California (DHCC) Extension – Every Board under the Dept of Consumer Affairs is required to undergo periodic “sunset” review to validate its existence and verify its benefit to the public’s well being and safety. Since January of this year, the DHCC has been undergoing its Sunset Review. The Joint Legislative Sunset Review Committee (JLSRC), a subcommittee of the Business and Professions Committees (B&P) of the Senate and of the House, has recommended extension of DHCC and has also suggested that the DHCC seek separate legislation to implement some of the other recommendations submitted. Recommendations submitted by DHCC and CDHA included:
- 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.

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SB 1245 would continue DHCC operations and set its next sunset for January 1, 2019. It passed the Senate B&P Committee on a 9-0 vote on April 28. The bill must pass full votes of both the Senate and the House, before it can be signed into law by the Governor later this year.

✧ AB 1174 (Bocanegra, Logue) would incorporate into law new duties that were tested in the current Virtual Dental Home, Health Workforce Pilot Project (HWPP #172) and is sponsored by the Children's Partnership. 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 took an "oppose unless amended" position, as had the DHCC. CDHA supports the concept of teledentistry as a means to increase access as well as allowing RDHs and RDHAPs to place ITRs.

AB1174 passed out of the Assembly Health Committee on January 14. Amendments will be taken when the bill reaches the Senate Business and Professions Committee. Most of the curriculum language for hygienists that CDHA strongly opposed will be removed. The DHCC and CDHA continue to work with the author on remaining areas of concern, so that AB 1174 becomes a bill which we can support.

✧ SB 850 (Block, Anderson and Hill) would allow for baccalaureate degree pilot programs in community college districts. CDHA has two existing policies supporting the goal of baccalaureate degrees for dental hygienists. A baccalaureate pilot program for dental hygiene would be considered if this bill passes and CDHA supports SB 850.

All legislative bills can be tracked at <http://www.leginfo.ca.gov>.

✧ Dental Hygiene Committee of California (DHCC)

- Title 16 Proposals – The DHCC has proposed definitions and regulations related to dental hygiene programs. Public hearings were held on January 6 and April 28 to solicit public comments, and a presentation was made to California Dental Hygiene Educators Association (CDHEA) in February. There was discussion at the May 2-3 DHCC meeting, and another 15 day comment period will be posted regarding the amendments made.

CDHA supports the proposed definitions and the need for some regulations, following nationally recognized dental hygiene standards of care, leaving the details of the curriculum regulations to CDHEA and the DHCC. CDHA has also responded to CDA attorneys letters to the Department of Consumer Affairs, the

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Dental Board, and the DHCC. The CDHA letter can be found in the Members Section. Information on these curriculum proposals can be found under "Regulatory Hearings" at www.dhcc.ca.gov.

- Title 16 Proposals – Proposed regulations related to the required feasibility studies for new dental hygiene programs were also on the agenda for the May 2-3, 2014 DHCC meetings. There will be a 45 day comment period to accept comments.
 - Effective January 1, 2014, the DHCC increased 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
 - Effective January 1, 2014, Central Regional Dental Testing Services (CRDTS) is an approved clinical 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) clinical 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 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. At their February meeting, the DBC voted to move forward with their rule making documents.
 - 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 continues to be monitored by the DHCC as well as CDHA, as we too consider alternative pathways to initial licensure for dental hygienists.

For more information, contact GRC Co-Chairs Lisa Okamoto lisokamoto@aol.com or Maureen Titus naseema6@sbcglobal.net

Recent Historical Information

- ✧ 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

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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