



**Notice of Meeting and Agenda
Teleconference Public Board Meeting
July 24, 2020**

Members of the Board:

Thomas Stewart, DDS, President
Steven Chan, DDS, Vice President
Joanne Pacheco, RDH, Secretary

Fran Burton, MSW, Public Member
Alan Felsenfeld, MA, DDS
Ross Lai, DDS
Lilia Larin, DDS
Meredith McKenzie, Public Member

Abigail Medina, Public Member
Steven Morrow, DDS, MS
Rosalinda Olague, RDA, BA
James Yu, DDS, MS

DATE & TIME: July 24, 2020 at 9:00 a.m.

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, a state body may hold a meeting telephonically and the requirement to have a physical location for the meeting or teleconference is suspended.

INSTRUCTIONS FOR PARTICIPATION: For all those who wish to participate or observe the meeting, please log on to this website: <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e3f0289d7c6e171a4f3b31af4cefb9eca>

Instructions to connect to the meeting are attached to this agenda. The preferred audio connection is via telephone conference and not the microphone and speakers on your computer. The phone number and access code will be provided as part of your connection to the meeting.

Important Notices to the Public: The Dental Board of California will hold this meeting via WebEx – instructions above. The meeting is open to the public and shall meet accessibility requirements, as applicable. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen M. Fischer, MPA, Executive Officer, at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Discussion and action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the President. In the event a quorum of the Board is unable to attend the meeting, or the Board is unable to maintain a quorum once the meeting is called to order, the members present may, at the

President's discretion, continue to discuss items from the agenda and make recommendations to the full Board at a future meeting.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Board, but the President may, at his or her discretion, apportion available time among those who wish to speak. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

LUNCH BREAK estimated to occur between Noon and 12:30 – The break will be for thirty minutes.

Friday July 24, 2020

FULL BOARD MEETING – OPEN SESSION at 9:00 a.m.

1. Call to Order/Roll Call/Establishment of a Quorum
2. Discussion and Possible Action Regarding May 14, 2020 and June 5, 2020, Dental Board Meeting Minutes **[6-23]**
3. Board President Welcome and Report **[24]**
4. Executive Officer's Report **[25]**
5. Report of the Dental Hygiene Board of California (DHBC) Activities **[26]**
6. Report of the Department of Consumer Affairs (DCA) Staffing and Activities **[27]**
7. Discussion and Possible Action Regarding Appointment of Dental Assisting Council Member(s) **[28-109]**
8. Dental Assisting
 - a. Update on New Dental Assisting Program and Course Applications **[110-113]**
 - b. Update on Registered Dental Assistant (RDA) Program Re-Evaluations **[114-119]**
 - c. Update on Dental Assisting Examination Statistics **[120-158]**
 - i. Registered Dental Assistant (RDA) General Written and Law and Ethics Examination
 - ii. Registered Dental Assistant in Extended Functions (RDAEF) Clinical and Practical Examinations

- iii. Registered Dental Assistant in Extended Functions (RDAEF) General Written Examination
 - iv. Orthodontic Assistant (OA) Written Examination
 - v. Dental Sedation Assistant (DSA) Written Examination
 - d. Update on Dental Assisting Licensing Statistics **[159-166]**
 - i. Registered Dental Assistant (RDA)
 - ii. Registered Dental Assistant in Extended Functions (RDAEF)
 - iii. Orthodontic Assistant (OA)
 - iv. Dental Sedation Assistant (DSA)
- 9. Enforcement
 - a. Review of Enforcement Statistics and Trends **[167-170]**
- 10. Substance Use Awareness
 - a. Diversion Program Report and Statistics **[171]**
 - b. Controlled Substance Utilization Review and Evaluation System (CURES) Report **[172-189]**
- 11. Report on the July 8, 2020 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits **[190-191]**
- 12. Examinations
 - a. Western Regional Examination Board (WREB) Report **[192]**
 - b. American Board of Dental Examiners (ADEX) Report **[193]**
 - c. Update Regarding Office of Professional Examination Services Review on the WREB Mannikin Based Examination and ADEX CompeDont Examination **[194-199]**
- 13. Licensing, Certifications, and Permits
 - a. Review of Dental Licensure and Permit Statistics **[200-208]**
 - b. General Anesthesia and Conscious Sedation Permit Evaluation Statistics **[209-212]**
- 14. Legislation
 - a. 2020 Tentative Legislative Calendar – Informational Only **[213-217]**
 - b. Discussion and Possible Action Regarding the Following Legislation: **[218-379]**
 - i. Assembly Bill 613 (Low) Dentists: clinical laboratories: license examinations

- ii. Assembly Bill 1998 (Low) Dental Practice Act: unprofessional conduct: patient of record
 - iii. Assembly Bill 2028 (Aguiar-Curry) state agencies: Meetings
 - iv. Assembly Bill 2113: (Low; Coauthors: Carillo, Chiu, Medina, Blanca Rubio, and Gonzalez) Refugees asylees, and immigrants: professional licensing
 - v. Assembly Bill 2520 (Chui; Coauthor: Senator Leyva) Access to medical records
 - vi. Assembly Bill 2549 (Salas; Coauthor: Gonzalez) Department of Consumer Affairs: temporary licenses
 - vii. Assembly Bill 3045 (Gray and Patterson; Coauthors: Gallagher, Fong, Gipson, Grayson, and Obernolte) Department of Consumer Affairs: boards: veterans: military spouses: licenses
 - viii. Senate Bill: 878 (Jones) Department of Consumer Affairs: license: application: processing timeframes
 - ix. Senate Bill 1168 (Morrell) State Agencies: licensing services
 - x. Senate Bill 1474 (Glazer, Archuleta, Chang, Dodd, Galgiani, Hill, Leyva, Pan, and Wilk; Coauthor: Low) Business and professions
- c. Discussion of Prospective Legislative Proposals **[380]**
Stakeholders are Encouraged to Submit Proposals In Writing to the Board Before or During the Meeting for Possible Consideration by the Board at a Future Meeting

15. Regulations

- a. Update on Pending Regulatory Packages: **[381-386]**
- i. Basic Life Support Equivalency Standards (Cal. Code of Regs., Title 16, Sections 1016 and 1016.2)
 - ii. Citation and Fine (Cal. Code of Regs., Title 16, Sections 1023.2 and 1023.7)
 - iii. Continuing Education Requirements (Cal. Code of Regs., Title 16, Sections 1016 and 1017)
 - iv. Dental Assisting Comprehensive Rulemaking (Cal. Code of Regs., Title 16, Division 10, Chapter 3)
 - v. Determination of Radiographs and Placement of Interim Therapeutic Restorations (Cal. Code of Regs., Title 16, Section 1071.1)
 - vi. Diversion Committee Membership (Cal. Code of Regs., Title 16, Section 1020.4)
 - vii. Elective Facial Cosmetic Surgery Permit Application Requirements and Renewal Requirements (Cal. Code of Regs., Title 16, Sections 1044.6, 1044.7, and 1044.8)
 - viii. Dentistry Law and Ethics Exam Score (Cal. Code of Regs., Title 16, Section 1031)
 - ix. Mobile Dental Clinic and Portable Dental Unit Registration Requirements (Cal. Code of Regs., Title 16, Section 1049)
 - x. Minimum Standards for Infection Control (Cal. Code of Regs., Title 16, Section 1005)

- xi. Substantial Relationship Criteria (Cal. Code of Regs., Title 16, Section 1019 and 1020)
- xii. Criminal Conviction Inquiry – Section 100 (Cal. Code of Regs., Title 16, Section 1028)

16. Discussion and Possible Action Regarding Meeting Dates for 2021 **[387-393]**

17. Public Comment on Items Not on the Agenda

The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

18. Board Member Comments on Items Not on the Agenda

The Board may not discuss or take action on any matter raised during the Board Member Comments section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 and 11125.7(a)).

19. Adjournment - Upon conclusion of Business

DENTAL BOARD OF CALIFORNIA

2005 Evergreen St., Suite 1550, Sacramento, CA 95815

P (916) 263-2300 | F (916) 263-2140 | www.dbc.ca.gov



**DENTAL BOARD OF CALIFORNIA
TELECONFERENCE PUBLIC BOARD MEETING
MEETING MINUTES
THURSDAY, MAY 14, 2020**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.

Members Present:

Thomas Stewart, DDS, President
Steven Chan, DDS, Vice President
Joanne Pacheco, RDH, MAOB, Secretary
Fran Burton, MSW, Public Member
Alan Felsenfeld, DDS, MA
Ross Lai, DDS
Lilia Larin, DDS
Meredith McKenzie, ESQ, Public Member
Abigail Medina, Public Member
Steven Morrow, DDS, MS,
Rosalinda Olague, RDA, BA
James Yu, DDS, MS

Members Absent:

None.

Staff Present:

Karen M. Fischer, MPA, Executive Officer
Sarah Wallace, Assistant Executive Officer
Tina Vallery, Chief of Administration and Licensing
Wilbert Rumbaoa, Administrative Services Unit Manager
Gabriel Nevin, Legislative and Regulatory Analyst
Pahoua Thao, Associate Governmental Program Analyst
Michael Kanotz, Legal Counsel
Danielle Rogers, Legal Counsel

Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum

The Board President called the meeting to order at 9:30 a.m. The Board Secretary called the roll and a quorum was established.

Agenda Item 2: Discussion and Possible Action Regarding February 27-28, 2020, Board Meeting Minutes

Motion/Second/Call (M/S/C) (Morrow/Chan) to approve the February 27-28, 2020 Board meeting minutes.

Ayes: Burton, Chan, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: Felsenfeld.

Absent: None.

Recusals: None.

The motion passed and the minutes were approved with no changes. There were no public comments.

Agenda Item 3: President's Report

President Stewart welcomed all attendees and acknowledged the challenges presented by the Coronavirus (COVID-19) pandemic. Dr. Stewart acknowledged and thanked Governor Newsom, the California Department of Public Health (CDPH), the Department of Consumer Affairs (DCA) Director, Kimberly Kirchmeyer, for their leadership in facilitating the continued provision of care to individuals affected by the COVID-19 outbreak. Dr. Stewart thanked the Board's Executive Officer, Karen Fischer, and Board staff for maintaining Board operations while maintaining flexibility in their changing work environment. Dr. Stewart acknowledged the hardship of office closures, postponement of examinations, and impacts to licensure relating to the dental profession. Dr. Stewart reminded all attendees that the highest priority of the Board is maintaining the protection of the public. Dr. Stewart recognized and acknowledged the leadership of the deans for the six (6) dental schools in California. There were no public comments.

Agenda Item 4: Executive Officer's Report

Ms. Karen Fischer, Executive Officer, provided a report on the impact of COVID-19 on Board operations. Additionally, she reported on the Budget Act for Fiscal Year (FY) 2020-21, personnel activities, and a Controlled Substance Utilization Review and Evaluation System (CURES) fee increase to be implemented by the Department of Justice effective January 1, 2021. There were no public comments.

Agenda Item 5: Discussion and Possible Action Regarding Dental Assisting Council Member(s)

Ms. Karen Fischer, Executive Officer, reported that Dental Assisting Council (DAC) member Ms. Anne Contreras provided a letter of her resignation. A recruitment to fill her position will be posted on the Board's web site. No action was required. President Stewart commented that Ms. Contreras will be missed. There were no public comments.

Agenda Item 6(a): Discussion and Possible Action Regarding Comments Received During the 45-day Comment Period for the Board's Proposed Rulemaking to Amend California Code of Regulations, Title 16, Sections 1019 and 1020 Relating to Substantial Relationship and Rehabilitation Criteria

Gabriel Nevin, Legislative and Regulatory Analyst, reported that the Board previously approved regulatory language to implement Assembly Bill (AB) 2138 (Chui, Chapter

995, Statutes of 2018) at its February 7-8, 2019 and August 15-16, 2019 meetings. The provisions of the bill become effective on July 1, 2020.

The Board noticed the regulatory proposal on March 13, 2020 and gave the public forty-five (45) days to provide public comment ending on April 28, 2020. No public hearing was requested or conducted.

Danielle Rogers, DCA Legal Counsel, provided recommendations to the Board to modify the proposed text to address concerns of compliance with the Administrative Procedure Act relating to necessity, authority, reference, clarity, consistency, and non-duplication. Ms. Rogers recommended the Board make the following modifications to the proposed text:

Section 1019

- Insertion in subdivision (a) of “,” after “141”, and deletion of “or.” Board staff recommended the addition of the Business and Professions Code (BPC) sections enumerated in 2., infra, staff proposed adding comma after “141, and eliminating “or” since the amendment outlined in 2. creates an additional list item.
- Insertion in subdivision (a) of “or Sections 1670.1, 1680(e), 1681(c).” The cited section referred to grounds for discipline listed in the Board’s practice act for “substantially related” offenses. This modification was added here so that references to substantial relationship were addressed together in one regulation. This amendment would add clarity to this subdivision.
- Insertion in Note of Reference sections 1670.1, 1680, and 1681. Board staff recommended adding these sections to the Reference section of the regulation because the regulation, as modified, implements, interprets, and/or makes specific to these additional BPC sections.

Section 1020

- Insertion in re-numbered subdivision (b) of “Denial of a license.” Board staff recommended adding this category because it lends greater organization and clarity to the regulation.
- Re-numbering of subdivision (b)(1)-(5) to subdivision (1)(A)-(E) and re-numbering of subdivision (c)(1)-(6) to subdivision (2)(A)-(F). The re-numbering was necessitated by the creation of new subdivision (b).
- Deletion in subdivision (b)(1) of “was” and insertion of “has been.” Board staff proposed deleting “was” and replacing it with “has been” because “has been” is

used to refer to something which started in the past and is still continued in the present tense. "Was," on the other hand, is used to refer to some action which was going on at some time in the past. Staff recommended using "has been" to include the present tense so the relevant time period for a conviction includes up to the present.

- Deletion in subdivision (b)(1) of "and is presently eligible for a license." Staff recommended deleting this phrase from subdivision (b)(1) of section 1020 because "eligible" could be seen as referring to other eligibility requirements for licensure, rather than referring to fitness or suitability for licensure. Deletion of this phrase would clarify the regulation.
- Insertion in subdivision (b)(2) of "If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (b)(1), the denial is based on professional misconduct, or the denial is based on the ground specified in Section 1687," deletion of "If subdivision (b) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (b)," and deletion of "The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering of the following criteria, the board finds that the applicant is rehabilitated." The original text of subdivision (b)(2) was unclear in specifying the circumstances when the regulation would apply. Instead of catch-all language, staff recommended deleting the former preface to the regulation and enumerating each specific instance when subdivision (b)(1) would not apply, and proposed to include all of the specified categories. Staff recommended citing to BPC section 1687 since it is in the Board's practice act and authorizes the Board to deny a license. This would make the regulation inclusive of all of the instances in which the Board could deny a license. Staff recommended deleting the final sentence of subdivision (b)(2) for clarity and brevity.
- Insertion in subdivision (b)(2)(A)-(C) of "professional misconduct." The addition of "professional misconduct" to subdivision (b)(2)(A) through (C) was made necessary by the addition of "professional misconduct" in subdivision (b)(2).
- Deletion in subdivision (b)(2)(B) of "under Section 480 of the Code." Staff recommended adding "professional misconduct" to subdivision (b)(2), which necessitated the removal of this phrase because the amended subdivision now encompasses more than crimes and acts enumerated in section 480.

- Re-numbering of (1) and (2) in subdivision (b)(2)(C) to (A) and (B). This re-numbering was necessitated by the creation of new subdivision (b).
- Deletion in subdivision (b)(2)(E) of “-” and insertion of “through.” Staff recommended this amendment to lend greater clarity to the subdivision.
- Insertion in re-numbered subdivision (c) of “Suspension or revocation of a license.” Staff recommended adding this category because it lends greater organization and clarity to the regulation.
- Deletion in subdivision (c)(1) of “and is presently eligible for a license.” Staff recommended the deletion of this phrase from subdivision (c)(1) of section 1020 because “eligible” could be seen as referring to other eligibility requirements for licensure, rather than referring to fitness or suitability for licensure. Deletion of this phrase will clarify the regulation.
- Re-numbering of subdivision (d)(1)-(5) to subdivision (1)(A)-(E) This re-numbering was necessitated by the creation of new subdivision (c).
- Insertion in subdivision (c)(2) of “If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (c)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 1611.5, 1638.1, 1646.7, 1647.9, 1647.17, 1647.25, 1647.34, 1670, 1670.1, 1680, 1681, 1682, 1683, 1683.1, 1684, 1684.1, 1684.5, 1685, 1687,” deletion of “If subsection (d) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (d),” and deletion of “. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the licensee is rehabilitated.” The original text of subdivision (c)(2) was unclear in specifying the circumstances when the regulation would apply. Instead of catch-all language, staff recommended the deletion of the former preface to the regulation and enumeration of each specific instance of when subdivision (c)(1) would not apply, and including all of the specified categories. Staff recommended citing BPC sections 1611.5, 1638.1, 1646.7, 1647.9, 1647.17, 1647.25, 1647.34, 1670, 1670.1, 1680, 1681, 1682, 1683, 1683.1, 1684, 1684.1, 1684.5, 1685, 1687 since they are in the Board's practice act and authorize the Board to discipline a license. This would make the regulation inclusive of all of the

instances in which the Board could discipline a license. Staff recommended deleting the final sentence of subdivision (c)(2) for clarity and brevity.

- Re-numbering of subdivision (e)(1)-(7) to subdivision (2)(A)-(G). This re-numbering was necessitated by the creation of new subdivision (c).
- Insertion in subdivision (b)(2)(A) and (b)(2)(C) of “disciplinary action(s).” The addition of “disciplinary action(s)” to subdivision (c)(2)(A) and (c)(2)(C) was made necessary by the addition of “disciplinary action” in subdivision (c)(2).
- Deletion in subdivision (c)(2)(F) of “-” and insertion of “through.” Staff recommended this amendment to lend greater clarity to the subdivision.
- Re-numbering of (d)(1)-(5) in subdivision (c)(2)(F) to (c)(1)(A)-(e). This re-numbering was necessitated by the creation of new subdivision (c).
- Re-numbering of subdivision (f) to (d) and re-numbering of (e) to (c)(2) in renumbered subdivision (d). This re-numbering was necessitated by the creation of new subdivision (c).
- Insertion in Note of Reference sections 1611.5, 1638.1, 1646.7, 1647.9, 1647.17, 1647.25, 1647.34, 1670, 1670.1, 1680, 1681, 1682, 1683, 1683.1, 1684, 1684.1, 1684.5, 1685, and 1687. Staff recommended adding these sections to the Reference section of the regulation because the regulation, as modified, implements, interprets, and/or makes specific these additional BPC sections.

(M/S/C) (Larin/Burton) to accept the proposed modifications to the proposed text as recommended by DCA Legal Counsel.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

On April 28, 2020, the Board received written comments in a joint letter from A New Way of Life Reentry Project, Californians for Safety and Justice, Center for Employment Opportunities, Center for Living and Learning, Community Legal Services in East Palo Alto, Criminal Justice Clinic, UC Irvine School of Law, East Bay Community Law Center,

Legal Aid at Work, Legal Services for Prisoners with Children, All of Us or None, Los Angeles Regional Reentry Project, National Association of Social Workers, California Chapter, REDF, The Record Clearance Project, San Jose State University, Root and Rebound, Rubicon Programs, and Underground Scholars Initiative outlining their concerns regarding the implementation of AB 2138.

Mr. Nevin presented each comment and staff's recommendation related to the 45-day Comment Period for the Board's Proposed Rulemaking to Amend California Code of Regulations, Title 16, Sections 1019 and 1020 Relating to Substantial Relationship and Rehabilitation Criteria.

The joint letter stated that the proposed regulations left some gaps in the regulatory scheme pursuant to the changes to Business and Professions Code (BPC) section 480, 481, 482, and 493 as modified by AB 2138. The comment stated that the proposed regulations failed to meet and implement these statutes. Additionally, the comment stated that the proposed regulations fall short of the intent of the bill, which included combating discrimination against people with records who have demonstrated rehabilitation and seek to establish themselves professionally. Board staff recommended the rejection of the comment. The purpose of the proposed regulations was to clarify substantial relationship criteria and criteria for rehabilitation, as required by AB 2138. (BPC, § 481.) Consistent with the requirements enacted by AB 2138, these regulations would adopt all of the following criteria, which would assist the Board in the implementation of a balanced approach to evaluating an applicant's eligibility for licensure: the nature and gravity of the offense, the number of years elapsed since the date of the offense, and the nature and duties of a dentist or dental auxiliary.

(M/S/C) (Morrow/Lai) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

Additionally, the joint letter stated that the regulations did not comply with AB 2138 because proposed section 1019(c) states that certain violations were substantially related regardless of the time that has passed or the nature and gravity of the offense in contravention of BPC section 481. AB 2138 allows the Board discretion to determine which crimes are substantially related on an individual basis. Section 1019(c) failed to note that criminal history that resulted in the applicant obtaining a certificate of rehabilitation, pardon, dismissal per Penal Code section 1203.4 et seq., or an arrest that resulted in a disposition other than a conviction shall not be denied a license. Board staff

recommended the rejection of the comment. Subdivision (c) of section 1020 provides that substantially related crimes, professional misconduct, or acts shall include: any violation of Article 6, Chapter 1, Division 2 (hereinafter, "Article) of the Code except Sections 651.4, 654 or 655. (§ 1020, subd. (c)(1).) and any violation of the provisions of Chapter 4, Division 2 (hereinafter, "Dental Practice Act") of the Code. (§ 1020, subd. (c)(2).)

(M/S/C) (Burton/Yu) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

In addition, the joint letter commented that Section 1020 relied too heavily on law enforcement's reports and determination of the applicant's progress. Rehabilitation can and does take many forms that the current language does not fully embrace. The comment referred the reader to Comment 8 below for examples of rehabilitation to expand the regulations. Board staff recommended the rejection of the comment. As addressed more fully in the Board staff's recommended response to Comment 8, section 1020 permits the applicant to offer evidence of rehabilitation that can encompass any of the forms of rehabilitation proposed in the letter. Accordingly, the Board believes that the proposed language is consistent with legislative intent.

(M/S/C) (Morrow/Yu) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

Furthermore, the joint letter requested for the proposed language to include a "7-year washout period" for consideration of convictions or discipline which are not statutorily considered serious felonies under Penal Code section 1192.7. (BPC, § 480, subd. (a)(1), effective July 1, 2020.) Board staff recommended the rejection of the comment. Staff argued that regulations should not indiscriminately incorporate statutory language.

(Gov. Code, § 11349, subd. (f).) The seven-year period during which a board can deny a license for a conviction or formal discipline is fully described in BPC section 480(a)(1)(A) and (B), effective July 1, 2020. As this is already included in statute, adding this provision would be duplicative of section 480(a)(1). Therefore, it was not necessary to repeat it in the regulations.

(M/S/C) (Burton/Chan) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

Additionally, the joint letter also stated that the regulations should provide that a person with a criminal history shall not be denied a license if the applicant has obtained a certificate of rehabilitation, dismissal per Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.42, or an arrest which led to an infraction/citation or a disposition other than a conviction, or juvenile adjudication. (BPC, § 480, subds. (b)-(d).) Board staff recommended the rejection of the comment. Regulations should not indiscriminately incorporate statutory language. (Gov. Code, § 11349, subd. (f).) BPC section 480(c), effective July 1, 2020, already states that a license may not be denied based on a conviction, or on the basis of the underlying acts, if it has been dismissed pursuant to Penal Code sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425, or otherwise dismissed or expunged. In addition, BPC section 480(b), effective July 1, 2020, prohibits license denial if the applicant has obtained a certificate of rehabilitation, was granted clemency or a pardon, or has made a showing of rehabilitation per BPC section 482. BPC section 480(d), effective July 1, 2020, prohibits license denial based on an arrest that resulted in something other than a conviction, such as an infraction, citation, or juvenile adjudication. Since these provisions were specifically addressed in statute, adding them again in regulation would be duplicative.

(M/S/C) (Larin/Yu) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

Furthermore, the joint letter stated that the regulations fail to state that the Board shall not require an applicant to disclose any information or documentation regarding the applicant's criminal history. (BPC, § 480, subd. (f)(2).) Board staff recommended the rejection of the comment. Section 480(f)(2), effective July 1, 2020, provides that a board cannot require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. As this is already provided by statute, adding this provision would be duplicative of section 480(f)(2). Therefore, it was not necessary to repeat it in the regulations.

(M/S/C) (Morrow/Chan) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

Additionally, the joint letter stated that the proposed language failed to include that the Board must notify the applicant in writing if the applicant is denied a license or is disqualified from licensure. The comment stated that the Board must provide procedures describing the process for an applicant to challenge a decision or request consideration, a procedure stating that the applicant has a right to appeal the Board's decision and provide a process for requesting a complete conviction history. (BPC, § 480, subd. (f)(3).) Board staff recommended the rejection of the comment. BPC sections 480(f)(3), 485 through 487, and the Administrative Procedure Act, at Government Code section 11500, et seq., already contain these requirements, including requirements for providing the legal and factual basis for the denial, service of the denial on the applicant, and notice to the applicant regarding the opportunity to request a hearing to challenge the decision. Restating these requirements would be duplicative of the statutes. (Gov. Code, § 11349, subd. (f).)

(M/S/C) (Burton/Yu) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

Next, the joint letter stated that the intent of AB 2138 was not to incorporate mere probation or parole reports into the occupational licensing determinations. The letter stated that rehabilitation can and does take many forms that extend beyond law enforcement supervision. Therefore, the letter recommended that the Board consider adding the following rehabilitation criteria which included: volunteer service, successful employment in a related field, history of work experience in an employment social enterprise, unpaid work in the community; furthered education, abstinence from controlled substances and/or alcohol, stability of family life, fulfillment of parental and familial responsibilities, new and different social and business relationships from those which existed at the time of the underlying charges at issue, change in attitude of the applicant, and other markers of rehabilitation. Board staff recommended the rejection of the comment. BPC section 482, effective July 1, 2020, requires boards to develop criteria to evaluate rehabilitation and to consider whether an applicant or licensee has made a showing of rehabilitation if either the criminal sentence has been completed without violation of probation or parole, or if the board otherwise finds the applicant rehabilitated. The final text for proposed section 1020 articulated a two-step process for evaluating rehabilitation: First, the Board must determine if the completion of the criminal sentence with no violations constitutes rehabilitation. Consistent with the direction in AB 2138, to consider rehabilitation if an applicant completes the criminal sentence at issue without a violation of parole or probation, specific criteria were added to section 1020(b) to help the Board determine whether sentence completion demonstrates rehabilitation. Criteria include the nature and gravity of the crime(s), the length(s) of the applicable parole or probation period(s), the extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified, the terms and conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation, and the extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification. If the Board finds rehabilitation, no further information needs to be provided. Second, if rehabilitation is not demonstrated based on sentence completion, the Board is required to consider certain other criteria to evaluate rehabilitation. A general category permitting submission of any rehabilitation evidence allows an applicant to offer evidence relating to the proposed categories suggested above. As the Board can and already does give serious consideration to these factors when considering whether an applicant is rehabilitated, the Board believes that the proposed language is consistent with legislative intent.

(M/S/C) (Chan/Larin) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

Finally, the joint letter stated that the proposed regulations failed to state the requirements set forth in BPC section 480(g)(2), effective July 1, 2020, including, that a board retain the number of applicants with a criminal record who received notice of denial or disqualification of licensure, the number of applicants with a criminal record who provided evidence of mitigation or rehabilitation, and the final disposition and demographic information. Board staff recommended the rejection of the comment. These requirements were already set forth in statute. (BPC, § 480, subd. (g)(2), effective July 1, 2020.) Stating them in regulation would be duplicative of the statute. (Gov. Code, § 11349, subd. (f).)

(M/S/C) (Yu/Lai) to accept staff's recommendation to reject the joint letter's comment.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

At 10:50 a.m. the Board recessed for a break.

At 11:02 a.m. the Board reconvened to open session.

Agenda Item 6(b): Discussion and Possible Action Regarding Adoption of Proposed Amendments to California Code of Regulations, Title 16, Sections 1019 and 1020 Relating to Substantial Relationship and Rehabilitation Criteria

Gabriel Nevin, Legislative and Regulatory Analyst, provided an overview of the agenda item which is available in the meeting materials on the Board's website. Based on the actions taken in the previous agenda item, the Board took the following action:

(M/S/C) (Chan/McKenzie) to modify the text in response to staff's recommendations received and direct staff to take all steps necessary to complete the rulemaking process, including preparing the modified text for a 15-day public comment period, which includes the amendments accepted by the board at this meeting. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amendments to California Code of Regulations, Title 16, Sections 1019 and 1020 relating to substantial relationship and rehabilitation criteria as noticed in the modified text.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.
Absent: None.
Recusals: None.

The motion passed. There were no public comments.

Agenda Item 7(a): Discussion and Possible Action on Legislation

Gabriel Nevin, Legislative and Regulatory Analyst, provided an overview of the bills the Board has currently been tracking: Assembly Bill (AB) 2028, AB 2185, AB 2549, AB 2631, AB 2704, AB 3045, AB 3315, Senate Bill (SB) 1168. Summary of the bills are available in the meeting materials. Ms. Fran Burton led the discussion and pointed out that some of the bills discussed will not be moving forward due to impacts of COVID-19 and budget limitations. Ms. Burton commented that the chairs of each committee will choose which bills will be heard. She reported the Policy Committee will hold one hearing for the month of May.

(M/S/C) (McKenzie/Yu) to take an “oppose” position on AB 2028 and send a letter to the author outlining concerns regarding the Board’s inability to discuss updated bills and new materials sent from stakeholders and the public within the 10-day timeframe.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.
Nays: None.
Abstentions: None.
Absent: None.
Recusals: None.

The motion passed. There were no public comments.

(M/S/C) (Burton/Morrow) to take a “watch” position on AB 2185 and send a letter to the author outlining concerns regarding the requirement of a rulemaking, assessment of applicants, implementation of online processes, and how it interacts will AB 2631 (Cunningham Coauthors: Horvath, Fong, Lackey, Mayes and Sens Jones and Wilk).

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.
Nays: None.
Abstentions: None.
Absent: None.
Recusals: None.

The motion passed. There were no public comments.

(M/S/C) (Burton/Yu) to take an “oppose” position on AB 2549 and send a letter to the author outlining concerns regarding the competency of practitioners who will be issued a temporary license.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

(M/S/C) (Burton/McKenzie) to take a “watch” position on AB 2631.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

Ms. Fran Burton pointed out that the AB 2631 has not been scheduled for hearing.

The motion passed. There were no public comments.

(M/S/C) (Lai/Larin) to take a “watch” position on AB 2704.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

(M/S/C) (Burton/Lai) to take an “oppose” position on AB 3045 and send a letter to the author outlining concerns regarding the assessment of applicants, the inability to provide temporary licenses for specialty licensees, and issues relating to reciprocal licensure.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

(M/S/C) (Burton/Morrow) to take an “oppose” position on AB 3315 and send a letter to the author indicating that the Board will be able to focus on its primary duty of protecting California consumers through the administration and enforcement of the Dental Practice Act if the responsibility for approving foreign dental schools was delegated to the Commission on Dental Accreditation (CODA).

Ayes: Burton, Chan, Felsenfeld, Lai, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: Larin.

Absent: None.

Recusals: None.

Francisco Leal, The State University of Medicine and Pharmacy “Nicolae Testemitanu” of the Republic of Moldova representative, commented that Assembly Bill 3315 is an expensive, time-consuming, and cumbersome process and can take up to eight (8) years. He believes that it will lead to a path of non-accreditation for its students who are scheduled to graduate in June 2024. Mr. Leal encouraged the Board to reassess the renewal accreditation for the State University of Medicine and Pharmacy “Nicolae Testemitanu” of the Republic of Moldova and the University of De La Salle Bajio in Mexico.

The motion passed.

(M/S/C) (Burton/Larin) to take a “watch” position on AB 1168.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The motion passed. There were no public comments.

At 12:06 p.m. the Board recessed for a break.

At 12:15 p.m. the Board reconvened to open session.

Agenda Item 8: Discussion and Possible Action Regarding Directing the Department of Consumer Affairs’ Office of Professional Examination Services to Review the WREB Mannikin Based Examination and the ADEX CompeDont Examination

Ms. Karen Fischer, Executive Officer, provided an overview of the agenda item which is available in the meeting materials on the Board’s website.

(M/S/C) (Morrow/Felsenfeld) to direct staff to contact the Department of Consumer Affairs' Office of Professional Examination Services to review the WREB Mannikin Based Examination and the ADEX CompeDont Examination.

Ayes: Burton, Chan, Felsenfeld, Lai, Larin, McKenzie, Medina, Morrow, Olague, Pacheco, Stewart, Yu.

Nays: None.

Abstentions: None.

Absent: None.

Recusals: None.

The Board members had a lengthy discussion regarding the validity and ability to utilize the WREB Mannikin Based Examination and the ADEX CompeDont Examination as a licensing examination.

Mary McCune, California Dental Association (CDA) representative, strongly urged the Board to move for the permanent approval of the WREB and ADEX mannikin based examination. CDA believes that the licensing exams are a final but limited evaluation of the candidate's readiness to practice and does not pose a patient safety risk. Ms. McCune commented that the Dental Practice Act does not require the periodontics exam to be on a live patient. Shelby Maurice, dental student at Western University of Health Sciences College of Dental Medicine, urged the Board to establish a timely pathway for this year's school graduates to obtain a dental licensure and believes it does not compromise patient safety. Dr. Steven Friedrichsen, Dean at the College of Dental Medicine at Western University of Health Sciences, thanked President Stewart and members of the Board for considering a solution to the issue and expressed his support regarding Ms. McCune and Dr. Maurice's comment. Mourad Fawzy, commented that he provides services to dental schools and believes that the examinations proposed is sufficient enough to assess dental students. Anthony Lum, Executive Officer of the Dental Hygiene Board of California (DHBC), commented that DHBC be discussing their issue to modify the WREB clinical examination to a written format as a temporary basis at their Board meeting scheduled on May 29, 2020. Dr. Bruce Horn, Director of Dental Examinations for the WREB, commented that the psychometric overview provided is intended to be an interim dental examination. Dr. Horn mentioned that the periodontal scaling on a plastic tooth is not a reliable assessment. Dr. Guy Champagne, Vice President of the ADEX, commented that the CompeDont is a simulation tooth that required three (3) years of development and was not developed in response to COVID-19. Eddie Sandoval, student at the University of Moldova Dental School, expressed his support in the temporary approval of the mannikin based examination. William Pappas, DDS, President of the ADEX, addressed Board members concerns and commented that dentists are not responsible for performing the periodontal scaling procedure. Additionally, he commented that the preparation of operative procedure is covered in the Objective Structure Clinical Examination (OSCE). Dr. Huong Le, former Board member, commented that dentists should understand the diagnosis and treatment plan for periodontics. She commented that if students can successfully demonstrate the preparation for a

plastic tooth, then it displays hand skills and clinical knowledge in the dental profession. Dr. Le encouraged the Board to think creatively regarding non-patient examinations. Gary Pickard, Pacific Dental Services representative, commented his support on CDA's position.

The motion passed.

Agenda Item 9: Update Regarding Impact of COVID-19 on Licensing

Tina Vallery, Chief of Administration and Licensing, provided the report, which is available in the meeting materials published on the Board's website.

Denise Romero, Program Director of the Dental Assisting Program at Pasadena City College, commented that the lab and clinical courses were suspended for the summer and would impact students who are scheduled for graduation in 2020.

Agenda Item 10: Public Comment on Items Not on the Agenda

Gary Pickard, Senior Director of Pacific Dental Services, requested for the Board to allow dentists to administer diagnostic testing as a scope of practice in light of the COVID-19 pandemic. He commented that American Dental Association (ADA) and American General Dentistry (AGD) recommended similar action.

Agenda Item 11: Board Member Comment on Items Not on the Agenda

There were no Board member comments for items not on the agenda.

At 1:25 p.m. the Board recessed to convene in closed session as a full Board to deliberate and take action on disciplinary matters and to discuss litigation.

At 3:44 p.m. the Board returned to open session.

Agenda Item 12: Adjournment

The Board President adjourned the meeting at 3:45 p.m.

DENTAL BOARD OF CALIFORNIA

2005 Evergreen St., Suite 1550, Sacramento, CA 95815

P (916) 263-2300 | F (916) 263-2140 | www.dbc.ca.gov



**DENTAL BOARD OF CALIFORNIA
TELECONFERENCE PUBLIC BOARD MEETING
MEETING MINUTES
FRIDAY, JUNE 5, 2020**

Members Present:

Thomas Stewart, DDS, President
Steven Chan, DDS, Vice President
Joanne Pacheco, RDH, MAOB, Secretary
Fran Burton, MSW, Public Member
Alan Felsenfeld, DDS, MA
Ross Lai, DDS
Lilia Larin, DDS
Meredith McKenzie, ESQ, Public Member
Abigail Medina, Public Member
Steven Morrow, DDS, MS,
Rosalinda Olague, RDA, BA
James Yu, DDS, MS

Members Absent:

None

Staff Present:

Sarah Wallace, Assistant Executive Officer
Wilbert Rumbaoa, Administrative Services Unit Manager
Nellie Forget, Associate Governmental Program Analyst
Paige Ragali, Staff Services Analyst
Pahoua Thao, Associate Governmental Program Analyst

Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum

The Board President called the meeting to order at 9:30 a.m. The Board Secretary called the roll and a quorum was established.

Agenda Item 2: Public Comment on Items Not on the Agenda

There were no public comments for items not on the agenda.

At 9:40 a.m. the Board recessed to convene in closed session as a full Board to discuss litigation.

At 11:26 a.m. the Board returned to open session.

Agenda Item 3: Adjournment

The Board President adjourned the meeting at 11:27 a.m.



MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 3: Board President Welcome and Report

Background:

Thomas Stewart, DDS, President of the Dental Board of California, will provide a verbal report.

Action Requested:

No action requested.



MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 4: Executive Officer's Report

Background:

Karen Fischer, Executive Officer of the Dental Board of California, will provide a verbal report.

Action Requested:

No action requested.



MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 5: Report of the Dental Hygiene Board of California (DHBC) Activities

Background:

The President, Dr. Timothy Martinez, and the Executive Officer, Anthony Lum, of the Dental Hygiene Board of California will provide a verbal report.

Action Requested:

No action requested.



MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 6: Report of the Department of Consumer Affairs (DCA) Staffing and Activities

Background:

Carrie Holmes, Deputy Director of Board and Bureau Relations of the Department of Consumer Affairs, will provide a verbal report.

Action Requested:

No action requested.



MEMORANDUM

DATE	July 14, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 7: Discussion and Possible Action Regarding Appointment of Dental Assisting Council Member(s)

Background:

The Dental Assisting Council (Council) considers all matters relating to dental assistants in California and makes appropriate recommendations to the Dental Board of California (Board) and the standing Committees of the Board. The Council meets quarterly in conjunction with the Board meetings and at other times as deemed necessary. The Council is composed of the Registered Dental Assistant (RDA) member of the Board, another member of the Board, two members who are employed as faculty members of a RDA educational program approved by the Board, and three members, one of which shall be a registered dental assistant in extended functions (RDAEF), who shall be employed clinically in private dental practice or public safety net or dental health care clinics. Council members are appointed by the Board and serve at the Board's pleasure.

At the February 2020 Board meeting, a report was provided regarding the resignation of the following Council Members:

Clinical:

Stacy Welch (RDAEF) – notified the Board of her resignation in December 2019.

Pamela Peacock (RDA) – notified the Board of her resignation in January 2020.

Based on this information, a recruitment notice was posted on the Board's website and the Council had the following vacancies: one (1) RDAEF member employed clinically in private dental practice or public safety net or dental health care clinics; and one (1) RDA member employed clinically in private dental practice or public safety net or dental health care clinics. The application deadline was Tuesday, March 31, 2020.

At the May 2020 Board meeting, a report was provided regarding the resignation of Councilmember Anne Contreras. Shortly after the May meeting, Councilmember Cindy Ovard notified the Board of her resignation. A recruitment notice was posted on the Board's website and the Council had the following vacancies: two (2) RDAs or RDAEFs who are

employed as faculty members of an RDA educational program approved by the Board. The application deadline was Monday, June 22, 2020.

Board staff received a total of nine (9) applications; however, only eight (8) applications were considered by the subcommittee since one (1) of the applicants did not meet the qualifications – employed clinically in a private dental practice or public safety net or dental health care clinic.

Board President, Dr. Thomas Stewart, appointed Ms. Joanne Pacheco and Ms. Rosalinda Olague to a subcommittee to review the applications, to conduct telephone interviews, and to bring recommendations to fill these vacancies to the Board at a future meeting.

The candidates to be considered for appointment to the Council by the Board are as follows:

Faculty:

Cara Miyasaki (RDA)
Jeri Fowler (RDAEF)
Melodi Randolph (RDAEF)

Clinical:

Belinda Irlanda (RDA)
Elizabeth Balboa Brooks (RDA)
Michelle Jawad (RDA)
Norissa Ramirez (RDA)
Traci Reed Espinoza (RDAEF)

Telephone interviews were conducted for each candidate. The Subcommittee recommends the Board appoint:

Faculty:

Cara Miyasaki (RDA)
Jeri Fowler (RDAEF)

Clinical:

Traci Reed Espinoza (RDAEF)
Michelle Jawad (RDA)

SECTION 1742 QUALIFICATION REQUIREMENTS FOR THIS VACANCY:

Candidates must meet the following minimum requirements to be eligible for appointment: The candidate shall be employed clinically in private dental practice or public safety net or dental health care clinic.

The candidate shall have possessed a current and active RDA or RDAEF license for at least the prior five years and shall not be employed by a current member of the Board. No Council appointee shall have served previously on the dental assisting forum or have any financial interest in any RDA school. Each member shall comply with conflict

Agenda Item 7: Discussion and Possible Action Regarding Appointment of Dental Assisting Council Member(s)
Dental Board of California Meeting
July 24, 2020

of interest requirements that apply to Board members. Such requirements include prohibitions against members making, participating in making or in any way attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Council member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision. (Gov. Code, § 87100.)

Action Requested:

After review and discussion, the subcommittee requests a motion to accept their recommendation to appoint two (2) RDAs or RDAEFs who are employed as faculty members of an RDA educational program approved by the Board; one (1) RDAEF member employed clinically in private dental practice or public safety net or dental health care clinics; and one (1) RDA member employed clinically in private dental practice or public safety net or dental health care clinics.

The attachments that include applications for agenda item 7, *Discussion and Possible Action Regarding Appointment of Dental Assisting Council Member(s)*, will be made available during the presentation. Request for the attachments can also be made via email. Please send request to Pahoua.thao@dca.ca.gov.



MEMORANDUM

DATE	July 24, 2020
TO	Members of the Dental Board of California
FROM	Justin Lehr, Education Coordinator for RDA Programs Dental Board of California
SUBJECT	Agenda Item 8(a): Update on New Dental Assisting Program and Course Applications

Update on Dental Assisting Program and Course Applications

Table 1 identifies the total number of DA Program/Course curriculum applications approved in 2020. Table 2 lists the number of RDA and RDAEF Program site visits conducted in 2020. Table 3 lists the DA Program and Course application status in 2020. Table 4 provides the total number of approved DA programs and courses. Table 5 identifies approved DA program or course providers by name and type of program.

Table 1 Total DA Program and Course Applications Approved in 2020											
	RDA Programs	RDAEF Programs	RDAEF-ITR	Radiation Safety Course	Coronal Polish Course	Pit & Fissure Sealant	Ultrasonic Scaler	Infection Control	Ortho Assistant	Dental Sedation Assistant	Grand Total
Course Totals	0	0	0	7	8	4	1	5	5	1	31

Table 2 Total RDA and RDAEF Program Site Visits in 2019					
	RDA Programs		RDAEF Programs		Grand Total
	Provisional	Full	Provisional	Full	
Totals	0	0	0	0	0

**Table 3
DA Program & Course Application Status
2019**

Program or Course	Approved	Denied	Curriculum Approved-Pending Site Visit	In the Review Process	Deficient
RDA Program/Curriculum	0	0	1	1	0
RDAEF Program/Curriculum	0	0	0	0	0
RDAEF-ITR	0	0	N/A	0	0
Radiation Safety	7	0	N/A	2	7
Coronal Polish	8	0	N/A	0	1
Pit & Fissure Sealant	4	0	N/A	0	1
Ultrasonic Scaler	1	0	N/A	0	1
Infection Control	5	0	N/A	0	4
OA Permit	5	0	N/A	2	1
DSA Permit	1	0	N/A	0	1
Total Applications	31	0	1	5	16

**Table 4
Total Approved DA Programs and Courses***

RDA Programs	RDAEF Programs	RDAEF-ITR Programs	Radiation Safety Course	Coronal Polish Course	Pit and Fissure Sealants Course	Ultrasonic Scaler Course	Infection Control Course	Orthodontic Assistant Course	Dental Sedation Assistant Course
90	11	4	123	67	80	18	75	109	24

*This reflects the number of programs/courses which are currently active

**Table 5
Approved DA Program & Course by Name**

Provider	Approval Date	RDA Program	RDAEF Program	RDAEF-ITR	X-Ray	CP	P/F	US	IC	DSA	OA
Richard Chang	2/4/20				X						
High Desert Medical College - Bakersfield	2/12/20				X						
High Desert Medical College - Lancaster	2/12/20				X						
High Desert Medical College - Temecula	5/4/20				X						
Hikeda Ikeda, DDS, MS Dental Corporation	5/4/20										X
California Dental Institute	5/4/20				X						
Newport Oral Surgery	5/4/20									X	
San Ramon Orthodontics	5/4/20										X
OC Dental Specialists	5/20/20										X
OC Dental Specialists	5/20/20								X		
OC Dental Specialists	5/20/20				X						
OC Dental Specialists	5/20/20						X				
OC Dental Specialists (Dr. Thomas Boone)	5/20/20					X					
OC Dental Specialists (Dr. Thomas Boone)	5/20/20							X			
Dental Fundamentals CE	5/27/20								X		
Family Tree Orthodontics	5/27/20										X
Central California Dental Academy	5/27/20								X		
Central California Dental Academy	5/27/20					X					
Douglas J Harrington, D.D.S	5/29/20										X
Joshua Twiss DDS	5/29/20					X					
Ordemy	6/19/20					X					
Ordemy	6/19/20				X						
Ordemy	6/19/20								X		
Accelerated Dental Assisting Academy	6/29/20								X		
High Desert Medical College - Bakersfield	7/1/20					X					
High Desert Medical College - Lancaster	7/1/20						X				

High Desert Medical College - Lancaster	7/1/20					X					
High Desert Medical College - Temecula	7/1/20						X				
High Desert Medical College - Temecula	7/1/20					X					
High Desert Medical College - Bakersfield	7/1/20						X				
National Career College	5/27/20					X					
Contra Costa Medical Career College	Pending	X									
INDIVIDUAL PROGRAM/COURSE TOTALS		1	0	0	7	8	4	1	5	1	5
TOTAL APPROVALS = 31											



MEMORANDUM

DATE	July 24, 2020
TO	Members of the Dental Board of California
FROM	Justin Lehr, Education Coordinator for RDA Programs Dental Board of California
SUBJECT	Agenda Item 8(b): Update on RDA Program Re-Evaluations

Update on RDA Program Re-Evaluations

The Dental Board of California (Board) has the authority to audit programs and courses to ensure compliance with regulations in the event the Board deems it necessary.

Board staff began the re-evaluation process with the Registered Dental Assistant (RDA) programs. The order of the programs to be evaluated was determined by the Law and Ethics and the RDA Written Examination statistics, using the school or program's overall pass/fail rate and the year the program was given full approval. Board staff determined that there were fifty (50) RDA programs that required a re-evaluation of their curriculum.

The following table details the current status of the re-evaluations.

Program Name:	Letter Mailed:	Status:
San Joaquin Valley College - Visalia	February 6, 2018	Approved 9/24/18
San Joaquin Valley College - Bakersfield		Approved 9/24/18
Grossmont Health Occupations Center		Deficient 7/23/2019: Program Content
San Joaquin Valley College - Fresno		Approved 9/24/18
Hacienda La Puente Adult School	March 5, 2018	Deficient 9/1/2018: Part-time faculty hire date August 2019
Carrington College - San Leandro		Approved 2/8/2019
Allan Hancock College		Approved 7/10/2019
College of the Redwoods		Approved 2/13/2019
Pima Medical Institute - Chula Vista		Approved 2/11/2019

Program Name:	Letter Mailed:	Status:
Concorde Career College - San Diego	April 2, 2018	Deficiency response received 9/16/2019: In review process.
Concorde Career College - North Hollywood		Approved 3/21/2019
Concorde Career College - San Bernardino		Approved 10/16/2019
Concorde Career College - Garden Grove	May 7, 2018	Approved 12/13/18
Riverside County Office of Education		Approved 8/13/18
North Orange County ROP	June 12, 2018	Approved 7/1/20
United Education Institute - Chula Vista		Approved 9/14/18
Southern California ROC	July 23, 2018	Currently in review process
United Education Institute - Ontario		Approved 12/6/18
San Bernardino ROP – Hesperia Unified		Approved 6/26/20
United Education Institute - Huntington Park		Approved 1/28/2019
Chaffey College	August 27, 2018	Deficient 1/15/19: Program Director, Faculty, Emergency Management, Length of Program, Facilities and Resources, Program Content, Extramural Clinical Instruction, Radiation Safety, Coronal Polishing, Pit and Fissure Sealants. Extension Granted.
Mt. Diablo/Loma Vista Adult Center		Approved 6/29/20
Eden Regional Occupational Program		Approved 4/26/2019
Baldy View Regional Occupational Program		Deficiency response received 10/11/2019: In review process.
American Career College - Anaheim	September 7, 2018	Currently in review process
Blake Austin College		Deficiency response received 9/16/2019: In review process.
Carrington College - San Jose		Approved 9/10/2019
Tri-Cities Regional Occupational Program		Extension Granted.
Carrington College - Sacramento	October 30, 2018	Currently in review process
Carrington College - Citrus Heights		Currently in review process
Moreno Valley College		Approved 8/16/19
American Career College - Ontario	November 27, 2018	Currently in review process
Milan Institute – Palm Desert		Currently in review process
Milan Institute - Visalia		Currently in review process
Carrington College - Stockton		Currently in review process
Butte County Regional Occupational Program		Currently in review process
Reedley College		Extension Granted. Due date 1/08/2019.

Program Name:	Letter Mailed:	Status:
The Valley School for Dental Assisting	January 9, 2019	Deficiency response received 10/17/2019: In review process.
College of Alameda		Deficient 8/30/2019: Administration, Program Director, Faculty, Student Certificate of Completion, Infection Control/Hazardous Waste, Length of Program, Facilities and Resources, Program Content, Extramural Clinical Instruction, Radiation Safety Instruction, Pit and Fissure Sealants. Response due 10/14/2019.
Monterey Peninsula College		Deficient 8/20/2019: Administration, Faculty, Emergency Management, Infection Control/Hazardous Waste, Facilities and Resources, Program Content, Extramural Clinical Instruction, Radiation Safety Instruction, Coronal Polishing Instruction, Pit and Fissure Sealants. Response due 10/04/2019.
San Jose City College		Extension Granted. Due date 4/30/2019.
Carrington Career College - Pleasant Hill		Deficient 4/14/2019: Application, Admin, Program Director, Emergency Management, Infection Control/Hazardous Waste Disposal Protocols, Length of Program, Facilities and Resources, Program Content, Extramural Clinical Instruction, Radiation Safety, Coronal Polishing, Pit and Fissure Sealants. Response due 5/30/2019.
Santa Rosa Junior College	February 15, 2019	Currently in review process
Citrus College		Extension Granted.
College of San Mateo		Extension Granted. Due date 2/29/2020.
Cypress College		Deficient 10/01/2019: Faculty, Infection Control/Hazardous Waste Disposal Protocols, Length of Program, Facilities and Resources, Program Content, Radiation Safety Instruction, Coronal Polishing Instruction, Pit and Fissure Sealants. Response due 11/15/2019.

Overview of Re-Evaluation Process

The re-evaluation process is a rereview of currently approved RDA programs. The goal of the re-evaluation is to ensure that the RDA programs are currently in compliance with the current laws and regulations. During the re-evaluations, the approved programs can continue to run their programs as usual. Once the program receives notification that they are being re-evaluated, they are given six weeks to submit the required documentation. Once the documentation has been received by the Board, the information is reviewed by one of our Subject Matter Experts (SME). Once the review is completed, the program is notified of their re-approval or of any outstanding deficiencies. If deficiencies have been identified, programs will receive notification, in writing, and be given an opportunity to correct the issues identified.

In early 2019, it was brought to the attention of Board staff that programs were struggling with the re-evaluation process. Programs were concerned with the amount of time that they were given to respond to the re-evaluation request, and they seemed to have questions regarding what was required of them. Board staff made the decision to suspend new requests for re-evaluations. This decision was made to provide the current programs undergoing a re-evaluation and Board staff an opportunity to address any areas of concern.

Based on feedback from stakeholders, Board staff decided to host an informational workshop to go over the re-evaluation process and to allow programs an opportunity to ask questions regarding the process. An email invitation was sent to all the RDA program directors and staff that would be assisting in the process.

Two informational workshops were given; one on May 3, 2019 in Sacramento and the other on May 10, 2019 in Glendora, California.

Board staff, with the assistance of one of the Board's subject matter experts, provided a brief overview of the re-evaluation process and the basis for the re-evaluations. Board staff reviewed the expectations of the programs and went over the most common deficiencies found while conducting the re-evaluations. Attendees were given the opportunity to ask questions regarding the process and were given the contact information of Board staff and management, should the program directors have any specific questions relating to extensions, the re-evaluation process, or deficiency notices. Board staff and program directors agreed that the open dialogue was helpful, and the program directors were more at ease with the process. Many program directors felt the re-evaluation process was daunting as they were new to their positions, but they were optimistic to take on this challenge.

Subsequently, Board staff received additional feedback from stakeholders indicating that they felt the re-evaluation process needed improvement. Specifically, that the applications were duplicative, there were deficiencies sent out to programs that were for items not listed on the applications, and that the information requested on the applications is confusing (i.e. the number of requested application copies, missing instructions on submission of documents, inconsistency in language of items).

To rectify the issues mentioned, Board staff is in the process of developing a new application specifically for the re-evaluation process. When complete, the final product will merge all current RDA program requirements into one application, which will remove the issue of duplication and should clarify and make it easier to identify all the required documents. Additionally, Board staff is developing a checklist, as requested, to make the application requirements clear.

Board staff was also informed that there was concern regarding privacy and confidentiality. Programs were concerned that the applications requested the personal information of the program director and faculty and the wondered what happened to the documents they submitted after the re-evaluation has been approved. During the workshops, Board staff explained that all SME's have signed privacy and confidentiality agreements and that all documents are kept by the Board or shredded by Board staff. Board staff also advised attendees that they can omit their addresses from the Curriculum vitae's that they submit with their application.

Additionally, Board staff were informed that there was concern regarding what appeared to be inconsistencies of policies regarding timeframes, extensions, and that the Board has unrealistic due dates. Throughout the re-evaluation process, Board staff and management have expressed numerous times that we are willing to work with programs with regard to due dates or extensions. Board staff are willing to work with each program and give as much time and assistance as we are able. We have granted several requests for extensions, on a case by case basis and based on each program operational needs, these extensions can vary. Board staff are currently determining if initial lead time is warranted and will be deciding on that amount of time, prior to sending out new requests for re-evaluation. All programs have been encouraged to communicate with Board staff and or management, if they need any assistance during this process, if they have concerns, and to ask for additional time.

Board staff have also created a schedule to identify when programs are undergoing their CODA re-evaluations to avoid the programs being evaluated by both entities during the same year.

The re-evaluation process is new to the Board and is a work in progress, however, with the addition of new Subject Matter Experts and more frequent communication with the programs, we are making progress. We believe that the new application, once approved, will assist in making this a smoother process for all involved and we welcome any further suggestions.



MEMORANDUM

DATE	July 14, 2020
TO	Members of the Dental Board of California
FROM	Daniel Yoon, Examination Coordinator Dental Board of California
SUBJECT	Agenda Item 8(c): Update on Dental Assisting Examination Statistics

Background:

The following tables provides the written examination pass and fail statistics for candidates who took the examinations from July 2019 through June 2020 for all, first- time and repeat candidates.

Written Examination Statistics - All Candidates

Written Exam	Total Candidates Tested	# of Candidates Passed	# of Candidates Failed	% of Candidates Passed	% of Candidates Failed
RDA Combined	3,602	2,050	1,552	57%	43%
RDAEF	149	101	48	68%	32%
Orthodontic Assistant	438	201	237	46%	54%
Dental Sedation Assistant	6	6	0	100%	0%

Written Examination Statistics - First Time Candidates

Written Exam	Total Candidates Tested	# of Candidates Passed	# of Candidates Failed	% of Candidates Passed	% of Candidates Failed
RDA Combined	2,122	1,416	706	67%	33%
RDAEF	96	71	25	74%	26%
Orthodontic Assistant	213	110	103	52%	48%
Dental Sedation Assistant	6	6	0	100%	0%

Written Examination Statistics - Repeat Candidates

Written Exam	Total Candidates Tested	# of Candidates Passed	# of Candidates Failed	% of Candidates Passed	% of Candidates Failed
RDA Combined	1,480	634	846	43%	57%
RDAEF	53	30	23	57%	43%
Orthodontic Assistant	225	91	134	40%	60%
Dental Sedation Assistant	0	0	0	0%	0%

The following tables provide the RDAEF clinical and practical examination statistics for the months of July 2019 through June 2020 for all. The first-time and repeat candidates are for 2020 only.

Clinical Examination Statistics - All Candidates

Clinical Exam Date/Site	Total Candidates Tested	% Candidates Passed	% Candidates Failed
Aug 2019 – UCSF/UCLA	21	71%	29%
Oct 2019 – UCLA	27	48%	52%
Nov 2019 – UCSF	16	44%	56%
Feb 2020 – UCLA	31	61%	39%
Mar 2020 – UCSF	49	43%	57%
Total	144	66%	34%

Clinical Examination Statistics - First Time Candidates in 2020

Clinical Exam	Total Candidates Tested	% Candidates Passed	% Candidates Failed
Total	56	52%	48 %

Clinical Examination Statistics - Repeat Candidates in 2020

Clinical Exam	Total Candidates Tested	% Candidates Passed	% Candidates Failed
Total	24	46%	54%

Practical Examination Statistics - All Candidates

Clinical Exam Date/Site	Total Candidates Tested	% Candidates Passed	% Candidates Failed
Aug 2019 – UCSF/UCLA	27	70%	30%
Oct 2019 – UCLA	27	59%	41%
Nov 2019 – UCSF	17	29%	71%
Feb 2020 – UCLA	29	55%	45%
Mar 2020 – UCSF	56	43%	57%
Total	156	51%	49%

Practical Examination Statistics - First Time Candidates in 2020

Practical Exam	Total Candidates Tested	% Candidates Passed	% Candidates Failed
Total	64	52%	48%

Practical Examination Statistics - Repeat Candidates in 2020

Practical Exam	Total Candidates Tested	% Candidates Passed	% Candidates Failed
Total	21	33%	67%

Action Requested:

No action requested, informational only.

RDA GENERAL AND LAW AND ETHICS WRITTEN EXAMINATION SCHOOL STATISTICS

Program	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total	YTD First Time Testers	YTD Repeat Testers
4D College - Victorville (914)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Allan Hancock (508)	100%	50%	100%	100%	N/A	100%	N/A	N/A	100%	N/A	100%	N/A	95%	100%	0%
pass	10	1	2	1		3			1		1		19	2	0
fail	0	1	0	0		0			0		0		1	0	0
American Career - Anaheim (896)	N/A	50%	N/A	25%	40%	13%	0%	100%	50%	N/A	0%	100%	32%	100%	40%
pass		1		1	2	1	0	1	1		0	1	8	1	2
fail		1		3	3	7	1	0	1		1	0	17	0	3
American Career - Long Beach (997)	100%	N/A	33%	N/A	100%	N/A	50%	100%	0%	N/A	N/A	N/A	60%	100%	0%
pass	1		1		2		1	1	0				6	2	0
fail	0		2		0		1	0	1				4	0	2
American Career - Los Angeles (867)	0%	0%	33%	40%	70%	80%	50%	100%	50%	N/A	50%	100%	51%	67%	50%
pass	0	0	2	2	7	8	2	1	1		1	1	25	4	2
fail	6	2	4	3	3	2	2	0	1		1	0	24	2	2
American Career - Ontario (905)	33%	0%	33%	86%	60%	38%	100%	100%	N/A	N/A	0%	33%	51%	40%	75%
pass	1	0	1	6	3	3	1	3			0	1	19	2	3
fail	2	2	2	1	2	5	0	0			2	2	18	3	1
Anthem College - Sacramento (503)	0%	0%	50%	25%	0%	N/A	100%	N/A	0%	N/A	N/A	100%	36%	100%	50%
pass	0	0	2	1	0		1		0			1	5	1	1
fail	1	1	2	3	1		0		1			0	9	0	1
Bakersfield College	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Baldy View Regional Occupational Program (590)	100%	100%	100%	50%	N/A	100%	0%	100%	N/A	N/A	N/A	N/A	70%	50%	0%
pass	2	1	1	1		1	0	1					7	1	0
fail	0	0	0	1		0	2	0					3	1	1
Blake Austin College (897)	N/A	0%	75%	50%	75%	67%	N/A	N/A	N/A	N/A	N/A	75%	67%	67%	100%
pass		0	3	1	3	4						3	14	2	1
fail		1	1	1	1	2						1	7	1	0
Brightwood - Bakersfield (884)	0%	50%	N/A	50%	33%	50%	0%	N/A	N/A	N/A	N/A	N/A	38%	0%	0%
pass	0	1		2	2	1	0						6	0	0
fail	1	1		2	4	1	1						10	0	1
Brightwood - Clovis (885)	0%	0%	40%	67%	50%	100%	25%	0%	75%	N/A	50%	100%	40%	57%	29%
pass	0	0	2	2	2	2	1	0	3		1	1	14	4	2
fail	2	5	3	1	2	0	3	3	1		1	0	21	3	5
Brightwood - Modesto (499)/(890)	75%	50%	0%	0%	20%	57%	100%	0%	0%	N/A	0%	100%	46%	83%	0%
pass	3	4	0	0	1	4	2	0	0		0	3	17	5	0
fail	1	4	3	2	4	3	0	1	1		1	0	20	1	2
Brightwood - Palm Springs (901)	0%	33%	67%	0%	100%	100%	100%	N/A	100%	N/A	N/A	100%	50%	100%	100%
pass	0	1	2	0	1	1	1		1			1	8	2	1
fail	2	2	1	3	0	0	0		0			0	8	0	0
Brightwood - Riverside (898)	N/A	0%	N/A	N/A	50%	0%	50%	N/A	N/A	N/A	N/A	N/A	25%	0%	100%
pass		0			1	0	1						2	0	1
fail		1			1	3	1						6	1	0

RDA GENERAL AND LAW AND ETHICS WRITTEN EXAMINATION SCHOOL STATISTICS

Carrington - Stockton (902)	33%	25%	60%	50%	50%	60%	100%	33%	100%	N/A	N/A	N/A	50%
pass	1	2	3	3	3	6	2	1	1				22
fail	2	6	2	3	3	4	0	2	0				22
Cerritos Community College - Norwalk (511)	100%	40%	75%	83%	50%	83%	100%	100%	N/A	N/A	100%	N/A	73%
pass	1	2	3	5	2	5	1	2			1		22
fail	0	3	1	1	2	1	0	0			0		8
Chabot College (513)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
Chaffey College (514)	N/A	0%	100%	N/A	N/A	100%	100%	100%	100%	N/A	100%	N/A	91%
pass		0	2			2	1	3	1		1		10
fail		1	0			0	0	0	0		0		1
Charter College - Canyon Country (401)	100%	0%	N/A	N/A	N/A	N/A	100%	0%	N/A	N/A	N/A	N/A	50%
pass	1	0					2	0					3
fail	0	2					0	1					3
Citrus College - Glendora (515)	100%	100%	100%	67%	100%	N/A	N/A	100%	N/A	N/A	N/A	100%	93%
pass	1	3	5	2	1			1				1	14
fail	0	0	0	1	0			0				0	1
City College of San Francisco (534)	0%	67%	75%	100%	100%	100%	100%	N/A	N/A	N/A	N/A	N/A	82%
pass	0	2	3	1	4	3	1						14
fail	1	1	1	0	0	0	0						3
College of Alameda - Alameda (506)	N/A	50%	47%	100%	0%	100%	N/A	N/A	N/A	N/A	0%	50%	55%
pass		3	7	4	0	2					0	1	17
fail		3	8	0	1	0					1	1	14
College of Marin (523)	N/A	N/A	N/A	100%	100%	100%	100%	N/A	100%	N/A	N/A	N/A	100%
pass				4	4	4	1		1				14
fail				0	0	0	0		0				0
College of San Mateo - San Mateo (536)	40%	100%	80%	75%	100%	50%	0%	N/A	N/A	N/A	N/A	N/A	65%
pass	2	1	4	3	2	1	0						13
fail	3	0	1	1	0	1	1						7
College of the Redwoods (838)	50%	100%	N/A	100%	100%	0%	N/A	N/A	N/A	N/A	N/A	100%	80%
pass	1	2		1	2	0						2	8
fail	1	0		0	0	1						0	2
Concorde Career - Garden Grove (425)	50%	0%	75%	25%	60%	44%	67%	100%	100%	N/A	0%	N/A	51%
pass	2	0	3	1	3	4	2	2	1		0		18
fail	2	1	1	3	2	5	1	0	0		2		17
Concorde Career - North Hollywood (435)	50%	33%	0%	33%	0%	80%	0%	100%	50%	N/A	N/A	N/A	43%
pass	2	1	0	1	0	4	0	1	1				10
fail	2	2	2	2	2	1	1	0	1				13
Concorde Career - San Bernardino (430)	50%	55%	69%	64%	57%	67%	75%	0%	100%	N/A	80%	100%	64%
pass	9	6	9	7	8	10	3	0	5		4	4	65
fail	9	5	4	4	6	5	1	2	0		1	0	37
Concorde Career - San Diego (421)	25%	33%	50%	50%	63%	85%	N/A	40%	50%	N/A	100%	60%	60%
pass	1	1	2	1	5	11		2	1		1	3	28
fail	3	2	2	1	3	2		3	1		0	2	19
Concorde Career - San Jose (400)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0

60%	100%
3	1
2	0
100%	100%
3	1
0	0
0%	0%
0	0
0	0
100%	0%
6	0
0	0
100%	0%
2	0
0	1
100%	0%
2	0
0	0
50%	0%
1	0
1	1
100%	0%
2	0
0	0
0%	0%
0	0
1	0
100%	0%
2	0
0	0
100%	25%
4	1
0	3
100%	33%
1	1
0	2
90%	40%
9	2
1	3
71%	33%
5	2
2	4
0%	0%
0	0
0	0

RDA GENERAL AND LAW AND ETHICS WRITTEN EXAMINATION SCHOOL STATISTICS

Contra Costa (745)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
pass														0	
fail														0	
Cypress College (518)	N/A	100%	N/A	100%	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	
pass	2		3		3		2							10	
fail	0		0		0							0			
Diablo Valley College - Pleasant Hill (516)	67%	100%	43%	50%	0%	100%	100%	100%	N/A	N/A	N/A	100%	68%		
pass	4	5	3	1	0	1	1	1				1	17		
fail	2	0	4	1	1	0	0	0				0	8		
East Los Angeles Occupational Center (855)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
pass														0	
fail														0	
Eden Area Regional Occupational Program (608) (856)	0%	0%	100%	0%	N/A	100%	0%	0%	N/A	N/A	0%	100%	40%		
pass	0	0	1	0			1	0	0				2	4	
fail	1	1	0	1			0	1	1				1	6	
Everest - Alhambra (406)	100%	N/A	100%	N/A	50%	N/A	N/A	100%	N/A	N/A	N/A	N/A	80%		
pass	1	1		1					1					4	
fail	0	0		1					0					1	
Everest - Anaheim (403)/(600)	N/A	100%	N/A	N/A	N/A	N/A	50%	N/A	N/A	N/A	100%	N/A	80%		
pass	1							1				2	4		
fail	0							1				0	1		
Everest - City of Industry (875)	N/A	N/A	N/A	0%	50%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	33%		
pass				0	1								1		
fail				1	1								2		
Everest - Gardena (870)	N/A	N/A	N/A	100%	100%	N/A	100%	N/A	N/A	N/A	N/A	N/A	100%		
pass				1	1			1						3	
fail				0	0			0						0	
Everest - Los Angeles (410)	0%	0%	33%	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	100%	50%		
pass	0	0	1	2	1							1	5		
fail	1	2	2	0	0							0	5		
Everest - Ontario (501)	N/A	N/A	0%	N/A	N/A	75%	N/A	0%	0%	N/A	0%	N/A	30%		
pass			0				3			0	0			3	
fail			1				1			3	1			7	
Everest - Reseda (404)	N/A	50%	0%	0%	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	50%		
pass	1		0	0	3	1							5		
fail	1		1	3	0	0							5		
Everest - San Bernardino (881)	N/A	0%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	33%		
pass	0		1										1		
fail	2		0										2		
Everest - San Francisco (407)	N/A	N/A	N/A	100%	N/A	100%	50%	0%	N/A	N/A	N/A	0%	57%		
pass				2			1	1	0				0	4	
fail				0			0	1	1				1	3	
Everest - San Jose (408)	N/A	N/A	N/A	N/A	100%	0%	N/A	100%	N/A	N/A	0%	100%	60%		
pass					1	0			1				0	1	3
fail					0	1			0				1	0	2
Everest - Torrance (409)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
pass														0	
fail														0	

0%	0%
0	0
0	0
0%	0%
0	0
0	0
100%	100%
2	1
0	0
0%	0%
0	0
0	0
50%	50%
1	1
1	2
100%	0%
1	0
0	0
75%	0%
3	0
1	0
0%	0%
0	0
0	0
0%	100%
0	1
0	0
100%	0%
1	0
0	0
0%	0%
0	0
1	4
0%	0%
0	0
0	0
0%	0%
50%	0%
1	0
1	2
67%	0%
2	0
1	0
0%	0%
0	0
0	0

RDA GENERAL AND LAW AND ETHICS WRITTEN EXAMINATION SCHOOL STATISTICS

Intercoast College - El Cajon (883)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	100%
pass								1					1
fail								0					0
Intercoast College - Riverside (923)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
Med-Help Training School (441)	N/A	N/A	N/A	0%	0%	0%	0%	0%	N/A	N/A	N/A	N/A	0%
pass				0	0	0	0	0					0
fail				1	1	2	1	1					6
Milan Institute - Merced (928)	0%	50%	100%	0%	60%	75%	N/A	67%	N/A	N/A	N/A	0%	56%
pass	0	1	1	0	3	3		2				0	10
fail	1	1	0	1	2	1		1				1	8
Milan Institute - Palm Desert/Indio (906)	100%	N/A	N/A	0%	0%	33%	50%	100%	N/A	N/A	50%	N/A	45%
pass	1			0	0	1	1	1			1		5
fail	0			1	1	2	1	0			1		6
Milan Institute - Visalia (907)	N/A	33%	0%	100%	50%	67%	N/A	100%	100%	N/A	50%	100%	60%
pass		1	0	1	2	6		1	1		1	2	15
fail		2	2	0	2	3		0	0		1	0	10
Modesto Junior College (526)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
Monterey Peninsula College (527)	100%	50%	100%	100%	0%	100%	N/A	100%	N/A	N/A	N/A	100%	85%
pass	3	1	3	2	0	4		1				3	17
fail	0	1	0	0	2	0		0				0	3
Moreno Valley College (903)	100%	100%	N/A	100%	50%	100%	N/A	100%	N/A	N/A	N/A	100%	92%
pass	2	3		1	1	2		1				1	11
fail	0	0		0	1	0		0				0	1
Mt. Diablo Adult Education - Concord (500)	100%	50%	67%	0%	100%	75%	N/A	100%	100%	N/A	N/A	N/A	76%
pass	2	2	2	0	2	3		3	2				16
fail	0	2	1	1	0	1		0	0				5
National Education Center (604)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
North Orange County Regional Occupational Program (495)	N/A	67%	0%	100%	17%	75%	50%	100%	N/A	N/A	N/A	N/A	55%
pass		2	0	3	1	3	1	2					12
fail		1	2	0	5	1	1	0					10
North-West College - Pomona (420)	100%	N/A	100%	N/A	75%	100%	N/A	N/A	0%	N/A	0%	100%	69%
pass	1		2		3	2			0		0	1	9
fail	0		0		1	0			2		1	0	4
North-West College - West Covina (419)	N/A	50%	0%	0%	100%	N/A	N/A	100%	N/A	N/A	N/A	N/A	70%
pass		1	0	0	5			1					7
fail		1	1	1	0			0					3
Orange Coast College - Costa Mesa (528)	100%	67%	100%	N/A	N/A	100%	100%	N/A	100%	N/A	N/A	100%	93%
pass	2	2	4			3	1		1			1	14
fail	0	1	0			0	0		0			0	1
Palomar College - San Marcos (721)	100%	100%	100%	100%	100%	100%	100%	N/A	N/A	N/A	N/A	N/A	100%
pass	1	13	5	1	1	3	1						25
fail	0	0	0	0	0	0	0						0

100%	0%
1	0
0	0
0%	0%
0	0
0	0
0%	0%
0	0
0	2
0%	67%
0	2
1	1
50%	100%
2	1
2	0
67%	100%
2	3
1	0
0%	0%
0	0
0	0
100%	100%
3	1
0	0
100%	0%
2	0
0	0
0%	100%
0	5
0	0
0%	0%
0	0
0	0
100%	50%
2	1
0	1
0%	100%
0	1
0	0
100%	0%
3	0
0	0
100%	0%
1	0
0	0

RDA GENERAL AND LAW AND ETHICS WRITTEN EXAMINATION SCHOOL STATISTICS

Pasadena City College (529)	100%	0%	100%	83%	0%	71%	50%	100%	100%	N/A	N/A	N/A	74%
pass	1	0	6	5	0	5	1	1	1				20
fail	0	2	0	1	1	2	1	0	0				7
Pima Medical Institute - Chula Vista (871)	0%	75%	33%	33%	67%	50%	67%	50%	25%	N/A	N/A	100%	48%
pass	0	3	1	2	2	3	2	1	1			1	16
fail	1	1	2	4	1	3	1	1	3			0	17
Pima Medical Institute - San Marcos (1004)	100%	100%	50%	N/A	100%	67%	N/A	N/A	N/A	N/A	N/A	N/A	75%
pass	1	1	1		1	2							6
fail	0	0	1		0	1							2
Reedley College (530)	67%	57%	100%	67%	N/A	100%	0%	50%	0%	N/A	N/A	N/A	60%
pass	2	4	2	2		1	0	1	0				12
fail	1	3	0	1		0	1	1	1				8
Riverside County Office of Education - Indio (921)	0%	N/A	N/A	100%	100%	100%	N/A	N/A	N/A	N/A	N/A	0%	75%
pass	0			1	1	4						0	6
fail	1			0	0	0						1	2
Riverside County Regional Occupational Program (498)	50%	25%	100%	75%	0%	60%	N/A	0%	N/A	N/A	100%	N/A	50%
pass	1	1	1	3	0	3		0			1		10
fail	1	3	0	1	2	2		1			0		10
Sacramento City College (532)	100%	80%	50%	75%	100%	0%	100%	50%	100%	N/A	N/A	100%	82%
pass	10	4	1	3	1	0	1	1	1			1	23
fail	0	1	1	1	0	1	0	1	0			0	5
San Bernardino County Regional Occupational Program - Hesperia (454)	N/A	100%	67%	50%	50%	83%	N/A	0%	N/A	100%	100%	100%	72%
pass		1	2	3	3	5		0		1	2	6	23
fail		0	1	3	3	1		1		0	0	0	9
San Bernardino County Regional Occupational Program - Twentynine Palms (913)	N/A	N/A	33%	60%	0%	100%	0%	N/A	N/A	N/A	N/A	N/A	42%
pass			1	3	0	1	0						5
fail			2	2	2	0	1						7
San Diego Mesa College - San Diego (533)	100%	100%	100%	100%	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	100%
pass	5	1	2	1	3	2							14
fail	0	0	0	0	0	0							0
San Joaquin Valley College - Bakersfield (601)	75%	71%	100%	100%	100%	67%	N/A	100%	75%	N/A	N/A	0%	77%
pass	3	5	3	1	1	2		2	3			0	20
fail	1	2	0	0	0	1		0	1			1	6
San Joaquin Valley College - Fresno (602)	0%	50%	63%	50%	86%	75%	50%	0%	100%	N/A	100%	75%	68%
pass	0	1	5	1	6	6	1	0	1		2	3	26
fail	1	1	3	1	1	2	1	1	0		0	1	12
San Joaquin Valley College - Hesperia (998)	100%	100%	N/A	60%	50%	80%	100%	50%	N/A	N/A	100%	N/A	74%
pass	2	1		3	1	4	1	1			1		14
fail	0	0		2	1	1	0	1			0		5
San Joaquin Valley College - Rancho Cordova (880)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
San Joaquin Valley College - Temecula (919)	100%	100%	67%	100%	50%	60%	67%	67%	100%	N/A	100%	N/A	79%
pass	7	3	2	3	2	3	2	4	3		2		31
fail	0	0	1	0	2	2	1	2	0		0		8
San Joaquin Valley College - Visalia (446)	38%	75%	75%	100%	75%	83%	N/A	N/A	100%	N/A	50%	100%	73%
pass	3	6	6	4	6	5			3		1	2	36
fail	5	2	2	0	2	1			0		1	0	13

100%	0%
3	0
0	1
60%	40%
3	2
2	3
0%	0%
0	0
0	0
0%	25%
0	1
0	3
0%	0%
0	0
1	0
100%	0%
1	0
0	1
100%	0%
4	0
0	1
100%	0%
9	0
0	1
0%	0%
0	0
0	1
0%	0%
0	0
0	0
83%	0%
5	0
1	1
75%	50%
6	1
2	1
100%	0%
3	0
0	1
0%	0%
0	0
0	0
91%	33%
10	1
1	2
83%	100%
5	1
1	0

RDA GENERAL AND LAW AND ETHICS WRITTEN EXAMINATION SCHOOL STATISTICS

San Jose City College - San Jose (535)	0%	33%	40%	44%	100%	50%	100%	50%	N/A	100%	100%	100%	49%
pass	0	3	4	4	2	3	1	1		1	4	1	24
fail	4	6	6	5	0	3	0	1		0	0	0	25
Santa Barbara City College (537)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
Santa Rosa Junior College - Santa Rosa (538)	0%	0%	100%	100%	100%	100%	N/A	N/A	N/A	100%	0%	50%	69%
pass	0	0	1	1	2	3				1	0	1	9
fail	1	1	0	0	0	0				0	1	1	4
Shasta/Trinity Regional Occupational Program (455)	0%	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	33%
pass	0	0										1	1
fail	1	1										0	2
Simi Valley Adult School (866)	N/A	N/A	N/A	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%
pass				1	1								2
fail				0	0								0
Southern California Regional Occupational Center - Torrance (612)	100%	50%	0%	60%	60%	80%	0%	N/A	N/A	N/A	100%	N/A	62%
pass	1	1	0	3	3	4	0				1		13
fail	0	1	1	2	2	1	1				0		8
Southland College (428)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
The Valley School of Dental Assisting (920)	N/A	100%	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	100%
pass		1						1					2
fail		0						0					0
Tri Cities Regional Occupational Program (877)	N/A	N/A	N/A	0%	N/A	50%	0%	100%	N/A	N/A	N/A	N/A	40%
pass				0		1	0	1					2
fail				1		1	1	0					3
United Education Institute - Anaheim (916)	100%	50%	0%	50%	60%	N/A	0%	50%	N/A	N/A	N/A	N/A	50%
pass	1	1	0	1	3		0	1					7
fail	0	1	1	1	2		1	1					7
United Education Institute - Bakersfield (926)	14%	0%	0%	17%	33%	27%	22%	33%	100%	N/A	0%	0%	23%
pass	1	0	0	1	4	3	2	2	1		0	0	14
fail	6	4	3	5	8	8	7	4	0		1	1	47
United Education Institute - Chula Vista (879)	17%	20%	25%	0%	80%	22%	100%	0%	0%	N/A	0%	67%	32%
pass	1	1	1	0	4	2	2	0	0		0	2	13
fail	5	4	3	3	1	7	0	1	2		1	1	28
United Education Institute - El Monte (909)	50%	0%	60%	0%	67%	71%	67%	100%	N/A	N/A	100%	50%	55%
pass	2	0	3	0	2	5	2	1			1	1	17
fail	2	1	2	4	1	2	1	0			0	1	14
United Education Institute - Encino (453)	80%	33%	100%	75%	50%	100%	25%	100%	N/A	N/A	100%	50%	62%
pass	4	1	1	3	1	1	1	1			1	2	16
fail	1	2	0	1	1	0	3	0			0	2	10
United Education Institute - Fresno (927)	86%	14%	8%	17%	100%	50%	50%	67%	N/A	N/A	N/A	N/A	36%
pass	6	1	1	1	2	1	1	2					15
fail	1	6	12	5	0	1	1	1					27
United Education Institute - Gardena (915)	67%	33%	50%	0%	0%	75%	N/A	N/A	N/A	N/A	N/A	N/A	50%
pass	4	1	1	0	0	3							9
fail	2	2	1	1	2	1							9

86%	100%
6	2
1	0
0%	0%
0	0
0	0
100%	0%
2	0
0	2
100%	0%
1	0
0	0
0%	0%
0	0
0	0
100%	0%
1	0
0	1
0%	0%
0	0
0	0
100%	0%
1	0
0	0
0%	50%
0	1
0	1
50%	0%
1	0
1	1
0%	29%
0	5
1	12
40%	50%
2	2
3	2
100%	50%
3	2
0	2
57%	33%
4	1
3	2
67%	50%
2	1
1	1
0%	0%
0	0
0	0

RDA GENERAL AND LAW AND ETHICS WRITTEN EXAMINATION SCHOOL STATISTICS

United Education Institute - Huntington Park (448)	50%	38%	20%	33%	67%	29%	100%	0%	33%	N/A	N/A	100%	39%
pass	1	3	1	1	4	2	1	0	1			1	15
fail	1	5	4	2	2	5	0	2	2			0	23
United Education Institute - Los Angeles (449)	N/A	50%	N/A	100%	N/A	100%	100%	N/A	N/A	N/A	N/A	N/A	80%
pass		1		1		1	1						4
fail		1		0		0	0						1
United Education Institute - Ontario (450)	0%	0%	100%	25%	0%	50%	33%	50%	100%	N/A	N/A	100%	42%
pass	0	0	3	1	0	2	1	1	1			1	10
fail	3	2	0	3	1	2	2	1	0			0	14
United Education Institute - Riverside (917)	0%	0%	100%	0%	80%	67%	0%	N/A	0%	N/A	100%	75%	50%
pass	0	0	1	0	4	2	0		0		1	3	11
fail	2	1	0	2	1	1	2		1		0	1	11
United Education Institute - Sacramento (1006)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	100%
pass								1					1
fail								0					0
United Education Institute - San Diego (451)	100%	N/A	N/A	100%	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	100%
pass	1			2		1							4
fail	0			0		0							0
United Education Institute - San Marcos (918)	40%	45%	0%	50%	50%	40%	50%	50%	0%	N/A	N/A	100%	44%
pass	2	5	0	4	6	2	2	1	0			2	24
fail	3	6	4	4	6	3	2	1	1			0	30
United Education Institute - Stockton (925)	0%	100%	50%	25%	0%	38%	0%	N/A	0%	N/A	0%	75%	32%
pass	0	3	2	1	0	3	0		0		0	3	12
fail	3	0	2	3	2	5	6		2		2	1	26
United Education Institute - Van Nuys (453)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
Unitek - Concord (994)	25%	0%	75%	100%	50%	75%	33%	33%	50%	N/A	N/A	N/A	54%
pass	1	0	3	3	1	3	1	1	1				14
fail	3	1	1	0	1	1	2	2	1				12
Unitek - Sacramento (924)	67%	N/A	50%	100%	50%	100%	33%	N/A	100%	N/A	0%	N/A	65%
pass	2		1	3	1	2	1		1		0		11
fail	1		1	0	1	0	2		0		1		6
Unitek - San Jose (995)	N/A	0%	0%	100%	N/A	50%	0%	N/A	100%	N/A	N/A	100%	50%
pass		0	0	2		1	0		1			1	5
fail		1	1	0		1	2		0			0	5
University of California, Los Angeles - Extension (803)	N/A	0%	N/A	N/A	0%	0%	N/A	N/A	N/A	N/A	N/A	N/A	0%
pass		0			0	0							0
fail		1			1	1							3
West Los Angeles College (1001)	N/A	N/A	100%	100%	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	100%
pass			1	1		2							4
fail			0	0		0							0
National (ADA) Out of State	100%	N/A	N/A	N/A	0%	100%	100%	N/A	N/A	N/A	N/A	100%	80%
pass	1				0	1	1					1	4
fail	0				1	0	0					0	1
Work Experience	54%	50%	58%	45%	63%	57%	54%	57%	60%	50%	70%	73%	57%
pass	45	53	59	56	84	108	37	34	24	4	23	44	571
fail	38	53	43	69	50	81	31	26	16	4	10	16	437

50%	33%
2	1
2	2
0%	100%
0	1
0	0
50%	67%
2	2
2	1
75%	25%
3	1
1	3
100%	0%
1	0
0	0
0%	0%
0	0
0	0
75%	40%
3	2
1	3
17%	25%
1	2
5	6
0%	0%
0	0
0	0
67%	20%
2	1
1	4
50%	0%
2	0
2	1
100%	33%
1	1
0	2
0%	0%
0	0
0	0
0%	0%
0	0
0	0
100%	0%
2	0
0	0
71%	48%
116	50
48	55

RDA GENERAL AND LAW AND ETHICS WRITTEN EXAMINATION SCHOOL STATISTICS

Mixed Education and Work Experience	35%	57%	40%	52%	48%	49%	67%	55%	0%	N/A	50%	75%	51%
pass	6	13	8	16	14	20	10	6	0		4	12	109
fail	11	10	12	15	15	21	5	5	3		4	4	105
PERCENT PASS	54%	51%	55%	52%	59%	60%	52%	59%	59%	64%	61%	76%	57%
TOTAL PASS	188	222	236	234	279	373	117	113	76	9	67	136	2,051
TOTAL FAIL	158	213	190	220	193	244	110	79	53	5	43	44	1,552

73%	48%
19	13
7	14
72%	44%
360	154
137	197

*The totals for the First Time and Repeat Test Takers only includes those that tested in 2020

**Registered Dental Assistant General and Law and Ethics Written Examination Statistics
April 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Carrington College - Pleasant Hill (868)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Carrington College - Sacramento (436)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
FADE, Inc. (999)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
San Bernardino County ROP - Hesperia (454)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
San Jose City College - San Jose (535)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Santa Rosa Junior College - Santa Rosa (538)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
TOTALS	6	5	83%	1	17%	6	5	83%	1	17%	0	0	0%	0	0%
NATIONAL (ADA)	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%
WORK EXPERIENCE	8	4	50%	4	50%	5	4	80%	1	20%	3	0	0%	3	100%
MIXED EDUCATION AND WORK EXPERIENCE	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%
GRAND TOTALS	14	9	64%	5	36%	11	9	82%	2	18%	3	0	0%	3	100%

Registered Dental Assistant General and Law and Ethics Written Examination Statistics
May 2020

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Allan Hancock College - Santa Maria (508)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
American Career College - Anaheim (896)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
American Career College - Los Angeles (867)	2	1	50%	1	50%	1	0	0%	1	100%	1	1	100%	0	0%
American Career College - Ontario (905)	2	0	0%	2	100%	2	0	0%	2	100%	0	0	0%	0	0%
Brightwood College - Clovis (885)	2	1	50%	1	50%	1	1	100%	0	0%	1	0	0%	1	100%
Brightwood College - Modesto (890)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Carrington College - Citrus Heights (882)	2	1	50%	1	50%	2	1	50%	1	50%	0	0	0%	0	0%
Carrington College - San Jose (876)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Carrington College - Pleasant Hill (868)	2	1	50%	1	50%	0	0	0%	0	0%	2	1	50%	1	50%
Carrington College - Sacramento (436)	8	6	75%	2	25%	7	6	86%	1	14%	1	0	0%	1	100%
Carrington College - San Leandro (609)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Cerritos Community College - Norwalk (511)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Chaffey Community College - Rancho Cucamonga (514)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
College of Alameda - Alameda (506)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Concorde Career College - Garden Grove (425)	2	0	0%	2	100%	0	0	0%	0	0%	2	0	0%	2	100%
Concorde Career College - San Bernardino (430)	5	4	80%	1	20%	5	4	80%	1	20%	0	0	0%	0	0%
Concorde Career College - San Diego (421)	1	1	100%	0	0%	0	0	0%	0	0%	1	1	100%	0	0%
Eden Area Regional Occupational Center - Hayward (608)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Everest College - Ontario (501)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Everest College - Anaheim (403)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
Everest College - San Jose (408)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Foothill Community College - Los Altos Hill (517)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Milan Institute - Palm Desert (906)	2	1	50%	1	50%	2	1	50%	1	50%	0	0	0%	0	0%
Milan Institute - Visalia (907)	2	1	50%	1	50%	2	1	50%	1	50%	0	0	0%	0	0%
North-West College - Pomona (420)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Riverside County Office of Education - Riverside (498)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
San Bernardino County ROP - Hesperia (454)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
San Joaquin Valley College - Fresno (602)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
San Joaquin Valley College - Hesperia (998)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
San Joaquin Valley College - Temecula (919)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
San Joaquin Valley College - Visalia (446)	2	1	50%	1	50%	2	1	50%	1	50%	0	0	0%	0	0%
San Jose City College - San Jose (535)	4	4	100%	0	0%	3	3	100%	0	0%	1	1	100%	0	0%
Santa Rose Junior College - Santa Rosa (538)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Southern California ROC - Torrance (612)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
United Education Institute - Bakersfield (926)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
United Education Institute - Chula Vista (879)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
United Education Institute - El Monte (909)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
United Education Institute - Encino (453)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
United Education Institute - Riverside (917)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
United Education Institute - Stockton (925)	2	0	0%	2	100%	2	0	0%	2	100%	0	0	0%	0	0%
Unitek College - Sacramento (924)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
TOTALS	69	40	58%	29	42%	54	36	67%	18	33%	15	4	27%	11	73%
NATIONAL (ADA)	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%
WORK EXPERIENCE	33	23	70%	10	30%	25	18	72%	7	28%	8	5	63%	3	38%
MIXED EDUCATION AND WORK EXPERIENCE	8	4	50%	4	50%	4	3	75%	1	25%	4	1	25%	3	75%

Registered Dental Assistant General and Law and Ethics Written Examination Statistics
May 2020

GRAND TOTALS	110	67	61%	43	39%	83	57	69%	26	31%	27	10	37%	17	63%
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Registered Dental Assistant General and Law and Ethics Written Examination Statistics

Jun 2020

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
American Career College - Anaheim (896)	1	1	100%	0	0%	0	0	0%	0	0%	1	1	100%	0	0%
American Career College - Los Angeles (867)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
American Career College - Ontario (905)	3	1	33%	2	67%	2	1	50%	1	50%	1	0	0%	1	100%
Anthem College - Sacramento (503)	1	1	100%	0	0%	0	0	0%	0	0%	1	1	100%	0	0%
Blake Austin College - Vacaville (897)	4	3	75%	1	25%	3	2	67%	1	33%	1	1	100%	0	0%
Brightwood College - Clovis (885)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Brightwood College - Modesto (890)	3	3	100%	0	0%	3	3	100%	0	0%	0	0	0%	0	0%
Brightwood College - Palm Springs (901)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Brightwood College - Sacramento (888)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
Brightwood College - Vista (900)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Butte County Regional Occupation Center - Chico (605)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Carrington College - Citrus Heights (882)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Carrington College - San Jose (876)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Carrington College - Pleasant Hill (868)	3	3	100%	0	0%	0	0	0%	0	0%	3	3	100%	0	0%
Carrington College - Sacramento (436)	4	3	75%	1	25%	2	2	100%	0	0%	2	1	50%	1	50%
Carrington College - San Leandro (609)	3	0	0%	3	100%	3	0	0%	3	100%	0	0	0%	0	0%
Citrus College - Glendora (515)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
College of Alameda - Alameda (506)	2	1	50%	1	50%	2	1	50%	1	50%	0	0	0%	0	0%
College of the Redwoods - Eureka (838)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
Concorde Career College - San Bernardino (430)	4	4	100%	0	0%	3	3	100%	0	0%	1	1	100%	0	0%
Concorde Career College - San Diego (421)	5	3	60%	2	40%	3	2	67%	1	33%	2	1	50%	1	50%
Diablo Valley College - Pleasant Hill (516)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Eden Area Regional Occupational Center - Hayward (608)	2	2	100%	0	0%	1	1	100%	0	0%	1	1	100%	0	0%
Everest College - Los Angeles (410)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Everest College - San Francisco (407)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Everest College - San Jose (408)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Milan Institute - Merced (928)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Milan Institute - Visalia (907)	2	2	100%	0	0%	1	1	100%	0	0%	1	1	100%	0	0%
Monterey Peninsula College - Monterey (527)	3	3	100%	0	0%	3	3	100%	0	0%	0	0	0%	0	0%
Moreno Valley College - Moreno Valley (903)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
North-West College - Pomona (420)	1	1	100%	0	0%	0	0	0%	0	0%	1	1	100%	0	0%
Orange Coast College - Costa Mesa (528)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Pima Medical Institute - Chula Vista (871)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Riverside County Office of Education - Indio (921)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Sacramento City College - Sacramento (532)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
San Bernardino County ROP - Hesperia (454)	6	6	100%	0	0%	6	6	100%	0	0%	0	0	0%	0	0%
San Joaquin Valley College - Bakersfield (601)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
San Joaquin Valley College - Fresno (602)	4	3	75%	1	25%	4	3	75%	1	25%	0	0	0%	0	0%
San Joaquin Valley College - Visalia (446)	2	2	100%	0	0%	1	1	100%	0	0%	1	1	100%	0	0%
San Jose City College - San Jose (535)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Santa Rosa Junior College - Santa Rosa (538)	2	1	50%	1	50%	1	1	100%	0	0%	1	0	0%	1	100%
Shasta-Trinity ROP - Redding (455)	1	1	100%	0	0%	0	0	0%	0	0%	1	1	100%	0	0%
United Education Institute - Bakersfield (926)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
United Education Institute - Chula Vista (879)	3	2	67%	1	33%	2	2	100%	0	0%	1	0	0%	1	100%
United Education Institute - El Monte (909)	2	1	50%	1	50%	1	1	100%	0	0%	1	0	0%	1	100%
United Education Institute - Encino (453)	4	2	50%	2	50%	2	1	50%	1	50%	2	1	50%	1	50%
United Education Institute - Huntington Park (448)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
United Education Institute - Ontario (450)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
United Education Institute - Riverside (917)	4	3	75%	1	25%	2	2	100%	0	0%	2	1	50%	1	50%

**Registered Dental Assistant General and Law and Ethics Written Examination Statistics
Jun 2020**

United Education Institute - San Marcos (918)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
United Education Institute - Stockton (925)	4	3	75%	1	25%	1	1	100%	0	0%	3	2	67%	1	33%
Unitek College - San Jose (995)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
TOTALS	103	79	77%	24	23%	73	61	84%	12	16%	30	18	60%	12	40%
NATIONAL (ADA)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
WORK EXPERIENCE	60	44	73%	16	27%	45	36	80%	9	20%	15	8	53%	7	47%
MIXED EDUCATION AND WORK EXPERIENCE	16	12	75%	4	25%	9	7	78%	2	22%	7	5	71%	2	29%
GRAND TOTALS	180	136	76%	44	24%	128	105	82%	23	18%	52	31	60%	21	40%

OA WRITTEN EXAMINATION SCHOOL STATISTICS

Program	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	YTD Total	YTD First Time Testers	YTD Repeat Testers
Alexander and Martin (115)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	100%	100%	0%
pass									1				1	1	0
fail									0				0	0	0
American Canyon Orthodontics (092)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Andrea DeLurgio, DDS (032)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Bakersfield Orthodontic Dental Group (126)	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass	1												1	0	0
fail	0												0	0	0
Baird Orthodontics (108)	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass						1							1	0	0
fail						0							0	0	0
Bakersfield Orthodontics (047)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Barbara G. Yee, DDS (071)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	0%	0%	0%
pass								0					0	0	0
fail								1					1	1	0
Bart R. Boulton, DDS (038)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Bella Smile (016)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Bernstein Orthodontics (047)	0%	0%	N/A	N/A	0%	N/A	0%	N/A	100%	N/A	N/A	N/A	20%	0%	50%
pass	0	0			0		0		1				1	0	1
fail	1	1			1		1		0				4	0	1
Braces - San Diego (113)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Brent Sexton, DDS (136)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Brian H Bergh, DDS (111)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
California Institute of Dental Education (127)	100%	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass	1				1								2	0	0
fail	0				0								0	0	0
Cameron Mashouf, DDS (066)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Chapa-De Indian Health Program (152)	N/A	N/A	N/A	N/A	N/A	0%	67%	0%	100%	N/A	N/A	N/A	43%	0%	75%
pass						0	2	0	1				3	0	3
fail						1	1	2	0				4	2	1
Children's Braces and Dentistry (129)	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass					1								1	0	0
fail					0								0	0	0

OA WRITTEN EXAMINATION SCHOOL STATISTICS

Program	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	YTD Total	YTD First Time Testers	YTD Repeat Testers
Classic Orthodontics (140)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dental Advantage (123)	33%	N/A	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	25%	0%	0%
pass	1					0							1	0	0
fail	2					1							3	0	0
Dental Career Institute (006)	N/A	N/A	0%	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%	0%
pass			0	0									0	0	0
fail			1	1									2	0	0
Dental Pros (007)	0%	67%	50%	0%	33%	N/A	50%	100%	N/A	N/A	N/A	N/A	44%	100%	50%
pass	0	4	1	0	1		1	1					8	1	1
fail	2	2	1	2	2		1	0					10	0	1
Dental Specialties Institute Inc. (015)	N/A	0%	N/A	25%	25%	100%	50%	0%	N/A	N/A	50%	N/A	35%	50%	33%
pass		0		1	1	2	1	0			1		6	1	1
fail		2		3	3	0	1	1			1		11	1	2
Diablo Orthodontic Specialities (096)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Downey Adult School (004)	N/A	100%	N/A	0%	33%	0%	0%	0%	0%	N/A	0%	N/A	18%	0%	0%
pass		1		0	1	0	0	0	0		0		2	0	0
fail		0		1	2	1	2	1	1		1		9	2	3
Dr. Amy E. Buchler (082)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Brian C Crawford (086)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Christopher C. Cruz (081)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Douglas Nguyen (012)	N/A	N/A	N/A	N/A	N/A	0%	0%	0%	100%	N/A	N/A	N/A	25%	0%	33%
pass						0	0	0	1				1	0	1
fail						1	1	1	0				3	0	2
Dr. Efstatios Righellis (029)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Jasmine Gordon (008)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Jason M. Cohen (085)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Jeffrey Kwong (083)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Joel Brodsky (013)	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass					1								1	0	0
fail					0								0	0	0
Dr. Joseph Gray (009)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0

OA WRITTEN EXAMINATION SCHOOL STATISTICS

Program	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	YTD Total	YTD First Time Testers	YTD Repeat Testers
Dr. Kathleen Nuckles, Specialist in Orthodontics (019)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Kurt Stromberg (014)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Lili Mirtorabi Orthodontics (021)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	100%	0%
pass											1	2	3	3	0
fail											0	0	0	0	0
Dr. Michael Payne/CAO (005)	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass		1											1	0	0
fail		0											0	0	0
Dr. Paul J. Styr (067)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Dr. Waleed Soliman Brite Dental Group (020)	N/A	N/A	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%	0%
pass						0							0	0	0
fail						1							1	0	0
Dr. Waleed Soliman Brite Dental Group At Western Dental Natomas (20B)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Elite Orthodontics (031)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Expanded Functions Dental Assistant Assoc (001)	40%	63%	50%	64%	43%	33%	100%	40%	33%	N/A	100%	50%	54%	60%	50%
pass	4	12	3	9	3	1	3	4	1		2	1	43	6	5
fail	6	7	3	5	4	2	0	6	2		0	1	36	4	5
Garrett Orthodontics (017)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Hamid Barkhovdar, DDS (124)	40%	50%	22%	50%	27%	33%	75%	60%	33%	50%	50%	50%	41%	64%	44%
pass	2	2	2	3	3	3	3	3	1	1	1	2	26	7	4
fail	3	2	7	3	8	6	1	2	2	1	1	2	38	4	5
Hello Orthodontics (094)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%
pass													0	0	0
fail													0	0	0
Howard Healthcare Academy, LLC (084)	N/A	0%	N/A	100%	100%	N/A	N/A	0%	100%	N/A	N/A	0%	50%	0%	100%
pass		0		1	1			0	1			0	3	0	1
fail		1		0	0			1	0			1	3	2	0
Image Orthodontics (114)	N/A	N/A	0%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50%	0%	0%
pass			0	1									1	0	0
fail			1	0									1	0	0
Irvine Children's Dentistry (97)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
J Productions (003)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Jimmy Vu Ngo (139)	N/A	N/A	N/A	0%	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	50%	0%	0%
pass				0		1							1	0	0
fail				1		0							1	0	0

OA WRITTEN EXAMINATION SCHOOL STATISTICS

Program	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	YTD Total	YTD First Time Testers	YTD Repeat Testers
Joseph K. Buchanan DDS, Inc (036)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Kairos Career College (117)	100%	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50%	0%	0%
pass	1				0								1	0	0
fail	0				1								1	0	0
Kanwar Sachdeva, DDS (070)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%	0%	0%
pass												0	0	0	0
fail												1	1	0	0
Karrisham B Jumani, Inc (112)	0%	40%	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	33%	0%	0%
pass	0	2		1									3	0	0
fail	3	3		0									6	0	0
Keller Orthodontics (059)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Loma Linda University, School of Dentistry (090)	N/A	N/A	100%	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	100%	100%	0%
pass			1				1						2	1	0
fail			0				0						0	0	0
M. John Redmond, DDS (024)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Markhan Orthodontics (093)	N/A	N/A	N/A	N/A	0%	0%	N/A	N/A	N/A	0%	N/A	N/A	0%	0%	0%
pass					0	0				0			0	0	0
fail					1	1				1			3	0	1
Mark Holt Orthodontics (060)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	100%	100%	0%
pass												1	1	1	0
fail												0	0	0	0
Matthew Molitor, DDS (150)	N/A	N/A	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass						1							1	0	0
fail						0							0	0	0
Milde Family Orthodontics (120)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Melanie Parker, DDS (049)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Monterey Bay Orthodontics (151)	N/A	N/A	N/A	100%	100%	0%	N/A	100%	N/A	N/A	N/A	N/A	83%	100%	100%
pass				2	1	0		2					5	1	1
fail				0	0	1		0					1	0	0
OC Dental Specialists (128)	0%	50%	N/A	0%	0%	100%	50%	0%	N/A	N/A	N/A	N/A	30%	33%	0%
pass	0	1		0	0	1	1	0					3	1	0
fail	2	1		1	1	0	1	1					7	2	0
Orthoworks Dental Group, Dr. David Shen (043)	N/A	N/A	N/A	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	0%	0%	0%
pass							0						0	0	0
fail							1						1	0	1
Parkside Dental (041)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Pasadena City College (011)	N/A	0%	0%	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	33%	0%	0%
pass		0	0		1								1	0	0
fail		1	1		0								2	0	0

OA WRITTEN EXAMINATION SCHOOL STATISTICS

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Raymond J. Kieffer, DDS (069)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Riverside County Office of Education (087)	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%	0%
pass			0										0	0	0
fail			1										1	0	0
Robert Sheffield, DDS Inc. (018)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Sacramento City College (002)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Samra Low Orthodontics (156)	100%	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	100%	100%	0%
pass	1		1								1		3	1	0
fail	0		0								0		0	0	0
Southern California Orthodontic Assisting School (149)	50%	50%	43%	33%	67%	100%	60%	0%	50%	N/A	N/A	50%	48%	30%	100%
pass	1	1	3	1	2	2	3	0	1			1	15	3	2
fail	1	1	4	2	1	0	2	3	1			1	16	7	0
Susan S. So, DDS (121)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Tal D. Jeregensen, DDS (042)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Thao Nguyen, DDS (038)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
The FADE Institute, Inc. (137)	100%	N/A	100%	50%	67%	80%	67%	67%	100%	100%	100%	100%	77%	90%	60%
pass	2		1	1	4	4	4	2	1	1	2	2	24	9	3
fail	0		0	1	2	1	2	1	0	0	0	0	7	1	2
Thompson Tom, DDS (030)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Toth and Torossian Partnership (110)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Touni Orthodontics Dental Practice (134)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	N/A	0%	0%	0%
pass											0		0	0	0
fail											1		1	1	0
Tri-Valley Orthodontics (101)	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass						1							1	0	0
fail						0							0	0	0
Tsai & Snowden Esthetic Partners Dental Group (106)	N/A	N/A	100%	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass			1	1									2	0	0
fail			0	0									0	0	0
Valley School of Dental Assisting (027)	50%	67%	50%	50%	25%	67%	33%	50%	50%	N/A	N/A	N/A	48%	60%	25%
pass	2	2	1	1	1	2	1	1	2				13	3	1
fail	2	1	1	1	3	1	2	1	2				14	2	3
Weideman Pediatric Dentistry & Orthodontics (144)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	100%	100%	0%
pass										1			1	1	0
fail										0			0	0	0

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Western Career College (025)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	100%	0%	100%
pass									1				1	0	1
fail									0				0	0	0
Western Dental Services - Bakersfield (147)	0%	0%	50%	33%	0%	0%	0%	0%	0%	N/A	N/A	N/A	13%	0%	0%
pass	0	0	1	1	0	0	0	0	0				2	0	0
fail	1	1	1	2	2	1	3	1	1				13	0	5
Western Dental Services - Banning (078)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Western Dental Services- Bellflower (053)	N/A	N/A	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50%	0%	0%
pass			1	1									2	0	0
fail			1	1									2	0	0
Western Dental Services- Corona (102)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Western Dental Services - Fontana (079)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Western Dental Services - Fresno (131)	N/A	0%	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50%	0%	0%
pass		0		1									1	0	0
fail		1		0									1	0	0
Western Dental Services - Lodi (130)	N/A	0%	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	50%	0%	0%
pass		0				1							1	0	0
fail		1				0							1	0	0
Western Dental Services - Los Angeles (052)	N/A	100%	N/A	0%	0%	N/A	N/A	50%	N/A	N/A	N/A	N/A	40%	0%	50%
pass		1		0	0			1					2	0	1
fail		0		1	1			1					3	0	1
Western Dental Services - Manteca (062)	N/A	0%	0%	N/A	100%	N/A	N/A	N/A	0%	N/A	N/A	N/A	25%	0%	0%
pass		0	0		1				0				1	0	0
fail		1	1		0				1				3	0	1
Western Dental Services - Modesto (064)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Western Dental Services - Oceanside (055)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%
pass													0	0	0
fail													0	0	0
Western Dental Services - Orange (044)	N/A	N/A	0%	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%	0%
pass			0			0							0	0	0
fail			1			1							2	0	0
Western Dental Services - Oxnard (103)	N/A	N/A	N/A	N/A	N/A	0%	N/A	N/A	N/A	N/A	N/A	N/A	0%	0%	0%
pass						0							0	0	0
fail						1							1	0	0
Western Dental Services - Rancho Cordova (155)	N/A	N/A	N/A	N/A	N/A	0%	N/A	N/A	0%	N/A	N/A	N/A	0%	0%	0%
pass						0			0				0	0	0
fail						2			1				3	0	1
Western Dental Services - Redwood City (076)	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0%	0%
pass				1									1	0	0
fail				0									0	0	0
Western Dental Services - Riverside (057)	N/A	100%	0%	N/A	N/A	N/A	N/A	0%	100%	N/A	N/A	N/A	50%	0%	50%
pass		1	0					0	1				2	0	1
fail		0	1					1	0				2	0	1

**Orthodontic Assistant Written Examination Statistics
April 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Hamid Barkhovdar, DDS (124)	2	1	50%	1	50%	1	1	100%	0	0%	1	0	0%	1	100%
Markhan Orthodontics (093)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
The FADE Institute, Inc (137)	1	1	100%	0	0%	0	0	0%	0	0%	1	1	100%	0	0%
Weideman Pediatric Dentistry & Orthodontics (144)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
TOTALS	5	3	60%	2	40%	2	2	100%	0	0%	3	1	33%	2	67%

**Orthodontic Assistant Written Examination Statistics
May 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Dental Specialties Institute Inc. (015)	2	1	50%	1	50%	0	0	0%	0	0%	2	1	50%	1	50%
Downey Adult School (004)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Dr. Lili Mirtorabi Orthodontics (021)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Expanded Functions Dental Assistants Assoc (001)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
Hamid Barkhovdar, DDS (124)	2	1	50%	1	50%	1	0	0%	1	100%	1	1	100%	0	0%
Samra Low Orthodontics (156)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
The FADE Institute, Inc (137)	2	2	100%	0	0%	1	1	100%	0	0%	1	1	100%	0	0%
Touni Orthodontics Dental Practice (134)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
TOTALS	12	8	67%	4	33%	7	5	71%	2	29%	5	3	60%	2	40%

**Orthodontic Assistant Written Examination Statistics
Jun 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Dr. Lili Mirtorabi Orthodontics (021)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
Expanded Functions Dental Assistants Assoc (001)	2	1	50%	1	50%	1	1	100%	0	0%	1	0	0%	1	100%
Hamid Barkhovdar, DDS (124)	4	2	50%	2	50%	3	2	67%	1	50%	1	0	0%	1	100%
Howard Healthcare Academy, LLC (084)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Kanwar Sachdeva, DDS (070)	1	0	0%	1	100%	1	0	0%	1	100%	0	0	0%	0	0%
Mark Holt Orthodontics (060)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
Southern California Orthodontic Assisting School (149)	2	1	50%	1	50%	2	1	50%	1	50%	0	0	0%	0	0%
The FADE Institute, Inc (137)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
Western Dental Services - Sacramento (051)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Western Dental Services - Santa Clara (054)	2	1	50%	1	50%	1	1	100%	0	0%	1	0	0%	1	100%
TOTALS	18	10	56%	8	44%	14	10	71%	4	29%	4	0	0%	4	100%

RDAEF WRITTEN EXAMINATION SCHOOL STATISTICS

Program	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total
Central California Dental Academy (011)	60%	50%	N/A	N/A	50%	0%	N/A	N/A	N/A	0%	100%	N/A	50%
pass	3	1			1	0				0	1		6
fail	2	1			1	1				1	0		6
Dental Care Institute (007)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
Dental Career Institute (008)	33%	100%	100%	75%	N/A	0%	50%	83%	67%	N/A	N/A	N/A	68%
pass	1	1	2	3		0	1	5	2				15
fail	2	0	0	1		1	1	1	1				7
Dental Specialties Institute (013)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75%	50%	50%	50%	67%	63%
pass								6	1	1	2	2	12
fail								2	1	1	2	1	7
Expanded Functions Dental Assistants Association (004)	100%	100%	67%	60%	75%	N/A	100%	N/A	N/A	N/A	100%	N/A	75%
pass	1	1	2	3	3		1				1		12
fail	0	0	1	2	1		0				0		4
Howard Healthcare Academy (009)	100%	N/A	N/A	N/A	0%	0%	50%	67%	100%	N/A	N/A	N/A	47%
pass	2				0	0	2	2	2				8
fail	0				4	2	2	1	0				9
J Productions (005)	33%	60%	100%	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	100%	67%
pass	1	3	2			1						1	8
fail	2	2	0			0						0	4
Loma Linda University (007)	75%	100%	0%	N/A	50%	N/A	N/A	N/A	0%	N/A	N/A	N/A	56%
pass	3	1	0		1				0				5
fail	1	0	1		1				1				4
Ordemy (014)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	100%	N/A	N/A	N/A	100%
pass								1	1				2
fail								0	0				0
The FADE Institute, Inc. (010)	82%	100%	N/A	N/A	N/A	100%	83%	88%	100%	N/A	N/A	N/A	85%
pass	14	1				1	5	7	1				29
fail	3	0				0	1	1	0				5
University of California, Los Angeles (001)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
University of California, San Francisco (002)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
pass													0
fail													0
University of the Pacific (006)	67%	67%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	67%

YTD First Time Testers	YTD Repeat Testers
0%	50%
0	1
0	1
0%	0%
0	0
0	0
75%	67%
6	2
2	1
60%	75%
9	3
6	1
0%	100%
0	2
0	0
75%	60%
3	3
1	2
100%	0%
1	0
0	0
0%	0%
0	0
0	1
100%	0%
2	0
0	0
85%	100%
11	2
2	0
0%	0%
0	0
0	0
0%	0%
0	0
0%	0%

RDAEF WRITTEN EXAMINATION SCHOOL STATISTICS

Program	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total
pass	2	2											4
fail	1	1											2
PERCENT PASS	71%	71%	75%	67%	42%	33%	69%	81%	70%	33%	67%	75%	68%
TOTAL PASS	27	10	6	6	5	2	9	21	7	1	4	3	101
TOTAL FAIL	11	4	2	3	7	4	4	5	3	2	2	1	48

YTD First Time Testers	YTD Repeat Testers
0	0
0	0
74%	68%
32	13
11	6

*The totals for the First Time and Repeat Test Takers only includes those that tested in 2020

**Registered Dental Assistant in Extended Functions (RDAEF) Written Examination Statistics
April 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Central California Dental Academy (11E)	1	0	0%	1	100%	0	0	0%	0	0%	1	0	0%	1	100%
Dental Specialties Institute (13E)	2	1	50%	1	50%	0	0	0%	0	0%	2	1	50%	1	50%
TOTALS	3	1	33%	2	67%	0	0	0%	0	0%	3	1	33%	2	67%

**Registered Dental Assistant in Extended Functions (RDAEF) Written Examination Statistics
May 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Central California Dental Academy (11E)	1	1	100%	0	0%	0	0	0%	0	0%	1	1	100%	0	0%
Dental Specialties Institute (13E)	4	2	50%	2	50%	4	2	50%	2	50%	0	0	0%	0	0%
Expanded Functions Dental Assistants Assoc. (04E)	1	1	100%	0	0%	0	0	0%	0	0%	1	1	100%	0	0%
TOTALS	6	4	67%	2	33%	4	2	50%	2	50%	2	2	100%	0	0%

**Registered Dental Assistant in Extended Functions (RDAEF) Written Examination Statistics
Jun 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Dental Specialties Institute (13E)	3	2	67%	1	33%	1	0	0%	1	100%	2	2	100%	0	0%
J Productions (05E)	1	1	100%	0	0%	1	1	100%	0	0%	0	0	0%	0	0%
TOTALS	4	3	75%	1	25%	2	1	50%	1	50%	2	2	100%	0	0%

RDAEF PRACTICAL AND CLINICAL EXAMINATION SCHOOL STATISTICS

Program	19-Aug	19-Oct	19-Nov	20-Feb	20-Mar	Total	YTD First Time Testers	YTD Repeat Testers
Central California Dental Academy (011)								
Amalgam and Composite	N/A	33%	0%	50%	40%	24%	100%	33%
pass		1	0	1	2	4	1	2
fail		2	7	1	3	13	0	4
Cord Retraction & Final Impression	N/A	50%	17%	100%	0%	25%	0%	33%
pass		1	1	1	0	3	0	1
fail		1	5	0	3	9	1	2
Dental Career Institute (008)								
Amalgam and Composite	N/A	100%	N/A	70%	N/A	73%	67%	100%
pass		1		7		8	6	1
fail		0		3		3	3	0
Cord Retraction & Final Impression	N/A	0%	N/A	73%	N/A	67%	67%	100%
pass		0		8		8	6	2
fail		1		3		4	3	0
Dental Specialties Institute, Inc. (013)								
Amalgam and Composite	N/A	N/A	N/A	N/A	47%	47%	47%	0%
pass					15	15	15	0
fail					17	17	17	0
Cord Retraction & Final Impression	N/A	N/A	N/A	N/A	50%	50%	50%	0%
pass					13	13	13	0
fail					13	13	13	0
Expanded Functions Dental Assistants Association (004)								
Amalgam and Composite	0%	83%	N/A	0%	N/A	63%	0%	0%
pass	0	10		0		10	0	0
fail	1	2		3		6	1	2
Cord Retraction & Final Impression	N/A	56%	N/A	57%	N/A	56%	0%	57%
pass		5		4		9	0	4
fail		4		3		7	0	3
FADE (010)								
Amalgam and Composite	67%	0%	83%	N/A	50%	63%	54%	0%
pass	12	0	5		7	24	7	0
fail	6	0	1		7	14	6	1
Cord Retraction & Final Impression	63%	0%	43%	N/A	47%	53%	46%	50%
pass	10	0	3		8	21	6	2
fail	6	0	4		9	19	7	2
Howard Healthcare Academy (009)								
Amalgam and Composite	N/A	40%	N/A	63%	N/A	54%	100%	25%
pass		2		5		7	4	1

	fail		3		3		6
Cord Retraction & Final Impression		N/A	33%	N/A	50%	N/A	43%
	pass		2		4		6
	fail		4		4		8
J Productions (005)							
Amalgam and Composite		100%	N/A	N/A	N/A	N/A	100%
	pass		3				3
	fail		0				0
Cord Retraction & Final Impression		100%	N/A	100%	N/A	N/A	100%
	pass		2		2		4
	fail		0		0		0
Loma Linda University (007)							
Amalgam and Composite		N/A	33%	0%	50%	N/A	33%
	pass		1		2		3
	fail		2		2		6
Cord Retraction & Final Impression		N/A	67%	100%	50%	N/A	67%
	pass		4		1		6
	fail		2		0		3
Ordemy (014)							
Amalgam and Composite		N/A	N/A	N/A	N/A	0%	0%
	pass					0	0
	fail					3	3
Cord Retraction & Final Impression		N/A	N/A	N/A	N/A	0%	0%
	pass					0	0
	fail					3	3
University of California, Los Angeles (002)							
Amalgam and Composite		N/A	33%	N/A	100%	N/A	50%
	pass		1		1		2
	fail		2		0		2
Cord Retraction & Final Impression		N/A	33%	N/A	0%	N/A	25%
	pass		1		0		1
	fail		2		1		3
University of the Pacific (006)							
Amalgam and Composite		80%	N/A	0%	0%	0%	40%
	pass		4		0	0	4
	fail		1		2	1	6
Cord Retraction & Final Impression		100%	N/A	0%	100%	N/A	100%
	pass		3		0	1	4
	fail		0		0	0	0
AMALGAM AND COMPOSITE							
		70%	59%	29%	55%	43%	51%
	TOTAL PASS		19		16		80
	TOTAL FAIL		8		13		76
CORD RETRACTION & FINAL IMPRESSION							
		71%	48%	44%	61%	43%	52%

0	3
100%	0%
4	0
0	4
0%	0%
0	0
0	0
0%	0%
0	0
0	0
0%	50%
0	2
0	2
0%	50%
0	1
0	1
0%	0%
0	0
3	0
0%	0%
0	0
3	0
0%	100%
0	1
0	0
0%	0%
0	1
0%	0%
1	2
0%	100%
0	1
0	0
52%	33%
33	7
31	14
52%	46%

TOTAL PASS	15	13	7	19	21	75
TOTAL FAIL	6	14	9	12	28	69

29	11
27	13

*The totals for the First Time and Repeat Test Takers only includes those that tested in 2020

DSA WRITTEN EXAMINATION SCHOOL STATISTICS

Program	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total	
Dr. H. Mark Cox, DDS (008)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	
pass													0	
fail													0	
Dr. Bruce Whitcher (009)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
pass													0	
fail													0	
Dr. Ned Nix (004)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	
pass											2	2	4	
fail											0	0	0	
Michael P. Morrissette, DDS (016)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	
pass													0	
fail													0	
Robert E. Bell, DDS, Inc. (017)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	100%	
pass								1						1
fail								0						0
Steven Miyamoto, DDS (019)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	
pass													0	
fail													0	
Dental Specialties Institute (028)	N/A	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	
pass					1								1	
fail					0								0	
Robert Charles McIntosh (043)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0%	
pass													0	
fail													0	
PERCENT PASS	N/A	N/A	0%	N/A	100%	0%	0%	100%	0%	0%	100%	100%	100%	
TOTAL PASS	0	0	0	0	1	0	0	1	0	0	2	2	6	
TOTAL FAIL	0	0	0	0	0	0	0	0	0	0	0	0	0	

YTD First Time Testers	YTD Repeat Testers
0%	0%
0	0
0	0
0%	0%
0	0
0	0
100%	0%
4	0
0	0
0%	0%
0	0
0	0
100%	0%
1	0
0	0
100%	0%
0	0
0	0
0%	0%
0	0
0	0
100%	0%
0	0
0	0
100%	0%
5	0
0	0

**Dental Sedation Assistant Written Examination Statistics
May 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Dr. Ned Nix (004)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
TOTALS	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%

**Dental Sedation Assistant Written Examination Statistics
Jun 2020**

Program	Total Number of Exams Taken	Total Number of Candidates Passed	Total % Passed	Total Number of Candidates Failed	Total % Failed	Total Number of First Time Testers	Number of First Time Testers Passed	First Time Testers % Passed	Number of First Time Testers Failed	First Time Testers % Failed	Total Number of Repeat Testers	Number of Repeat Testers Passed	Repeat Testers % Passed	Number of Repeat Testers Failed	Repeat Testers % Failed
Dr. Ned Nix (004)	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%
TOTALS	2	2	100%	0	0%	2	2	100%	0	0%	0	0	0%	0	0%



MEMORANDUM

DATE	July 14, 2020
TO	Members of the Dental Board of California
FROM	Mirela Taran, Licensing Analyst Dental Board of California
SUBJECT	Agenda Item 8(d): Update on Dental Assisting Licensing Statistics

The following table provides current license status statistics by license type as of **June 28, 2020**.

License Type	Registered Dental Assistant (RDA)	Registered Dental Assistant in Extended Functions (RDAEF)
Current & Active	30,465	1,584
Current & Inactive	4,321	75
Delinquent	11,636	213
Total Population (Current & Delinquent)	46,422	1,872
Total Cancelled Since Implementation	47,759	350

The following table provides current permit status statistics by permit type as of **June 28, 2020**.

Permit Type	Orthodontic Assistant (OA)	Dental Sedation Assistant (DSA)	Total Permits
Current & Active	1,281	36	1,317
Current & Inactive	23	2	25
Delinquent	158	15	173
Total Population (Current & Delinquent)	1,462	53	1,515
Total Cancelled Since Implementation	4	2	6

Definitions

Current & Active	An individual who has an active status and has completed all renewal requirements receives this status.
Current & Inactive	An individual who has an inactive status; has paid the renewal fees but cannot perform the duties of the license unless the license is re-activated. Continuing education units are not required for inactive license renewal.
Delinquent	An individual who does not comply with renewal requirements receives this status until renewal requirements are met.
Cancelled	An individual who fails to comply with renewal requirements by a set deadline will receive this status.
Deficient	Application processed lacking one or more requirements

Delinquent License Aging Status as of July 05, 2020

License Type	Within 30 Days	30 - 60 Days	61 - 90 Days	90 Days - 1 Year	1 - 2 Years	2 - 3 Years	3 - 4 Years	4 - 5 Years
RDA	501	331	273	2,070	2,536	2,201	2,077	1,878
RDAEF	7	7	8	41	40	39	46	29
OA	0	0	0	0	0	0	0	0
DSA	1	0	0	1	7	2	3	2

Active Licensees by County as of June 28, 2020

County	RDA	Population	Population per RDA	DDS	RDA to DDS Ratio
Alameda	1,275	1,669,301	1,309	1,475	1:1
Alpine	1	1,162	N/A	1	1:1
Amador	59	38,294	649	23	3:1
Butte	263	226,466	861	130	2:1
Calaveras	59	45,117	764	17	3:1
Colusa	26	22,117	850	6	4:1
Contra Costa	1,284	1,155,879	900	1,117	1:1
Del Norte	29	27,401	944	13	2:1
El Dorado	227	191,848	845	160	1:1
Fresno	874	1,018,241	1,165	613	1:1
Glenn	45	29,132	647	10	5:1
Humboldt	168	135,333	805	70	2:1
Imperial	92	190,266	2,068	40	2:1
Inyo	13	18,593	1,430	11	1:1
Kern	628	916,464	1,459	360	2:1
Kings	139	153,710	1,105	67	2:1
Lake	84	65,071	774	46	2:1
Lassen	54	30,150	558	24	2:1
Los Angeles	4,776	10,253,716	2,146	8,426	1:2
Madera	133	159,536	1,199	45	3:1
Marin	186	262,879	1,413	310	1:2

Active Licensees by County - continued

County	RDA	Population	Population per RDA	DDS	Ratio of RDA to DDS
Mariposa	13	18,068	1,389	7	2:1
Mendocino	103	89,009	864	53	2:1
Merced	249	282,928	1,136	93	3:1
Modoc	5	9,602	1,920	4	1:1
Mono	6	13,616	2,269	3	2:1
Monterey	400	445,414	1,113	263	2:1
Napa	149	140,779	944	115	1:1
Nevada	94	98,904	1,052	79	1:1
Orange	1,847	3,222,498	1,744	3,901	1:2
Placer	509	396,691	779	468	1:1
Plumas	20	19,779	988	13	2:1
Riverside	2,089	2,440,124	1,168	1,102	2:1
Sacramento	1,679	1,546,174	920	1,109	2:1
San Benito	97	62,296	642	21	5:1
San Bernardino	1,620	2,192,203	1,353	1,352	1:1
San Diego	2,656	3,351,786	1,261	2,750	1:1
San Francisco	449	883,869	1,968	1,243	1:3
San Joaquin	771	770,385	999	370	2:1
San Luis Obispo	227	280,393	1,235	230	1:1
San Mateo	629	774,485	1,231	872	1:1
Santa Barbara	352	454,593	1,291	326	1:1
Santa Clara	1,707	1,954,286	1,144	2,270	1:1
Santa Cruz	232	274,871	1,184	175	1:1
Shasta	199	178,773	898	107	2:1
Sierra	5	3,213	642	1	5:1
Siskiyou	33	44,584	1,351	23	1:1
Solano	646	441,307	683	283	2:1
Sonoma	686	500,675	729	397	2:1
Stanislaus	596	558,972	937	275	2:1
Sutter	116	97,490	840	54	2:1
Tehama	86	64,387	748	27	3:1
Trinity	5	13,688	2,737	3	2:1
Tulare	457	479,112	1,048	218	2:1
Tuolumne	73	54,590	747	45	2:1
Ventura	544	856,598	1,574	670	1:1
Yolo	194	222,581	1,147	113	2:1
Yuba	90	77,916	865	8	11:1
TOTAL	30,141	39,927,315	65,431	30,532	

*Population data obtained from Department of Finance, Demographic Research Unit

**Ratios are rounded to the nearest whole number

The counties with the highest Population per RDA are:

1. Trinity County (1:2,737)
2. Mono County (1:2,269)
3. Los Angeles County (1:2,146)
4. Imperial County (1:2,068)
5. San Francisco County (1:1,968)

The counties with the lowest Population per RDA are:

1. Alpine County (No RDAs)
2. Lassen County (1:558)
3. San Benito County (1:642)
4. Sierra County (1:642)
5. Glenn County (1:647)

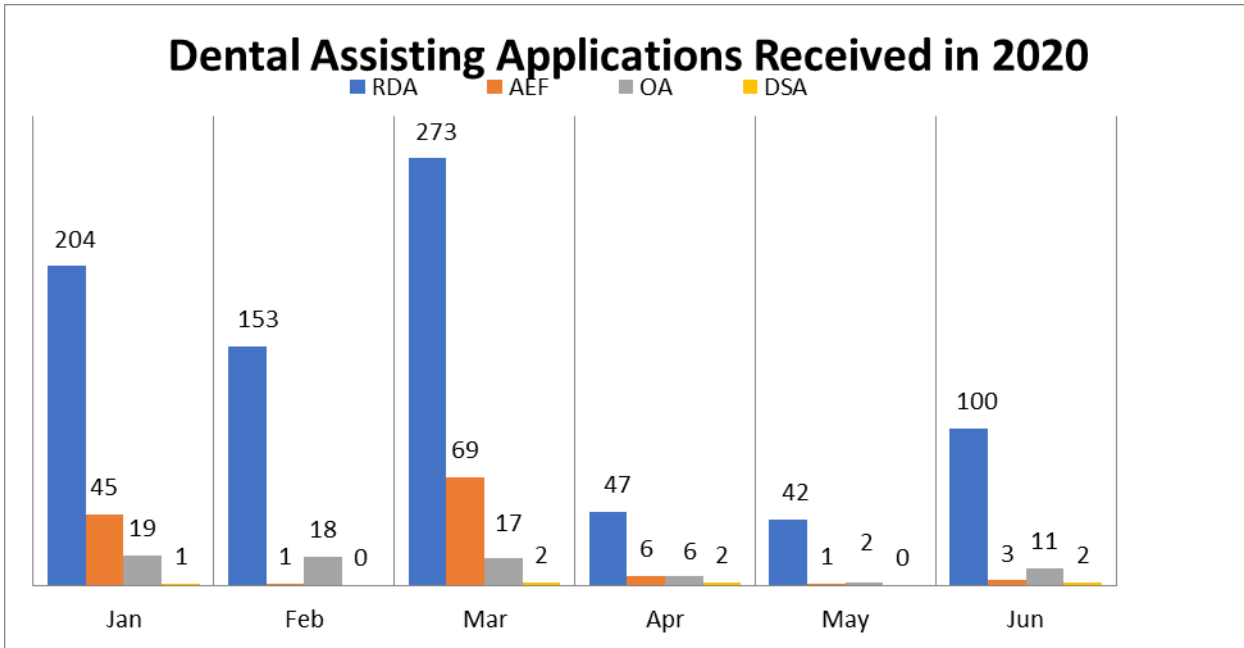
Following are monthly dental statistics by license type as of July 01, 2020.

Dental Assistant Applications Received by Month (2020)													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
RDA	204	153	273	47	42	100							819
RDAEF	45	1	69	6	1	3							125
OA	19	18	17	6	2	11							73
DSA	1	0	2	2	0	2							7
Total	269	172	361	61	45	116							1024
Dental Assistant Applications Approved by Month (2020)													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
RDA	126	239	80	209	106	105							865
RDAEF	17	31	1	6	0	0							55
OA	23	24	7	25	10	5							94
DSA	0	0	1	2	1	0							4
Total	166	294	89	242	117	110							1018
Dental Assistant Licenses Issued by Month (2020)													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
RDA	185	146	104	27	51	81							594
RDAEF	2	12	11	0	1	1							27
OA	19	12	16	5	8	10							70
DSA	0	1	0	0	1	3							5
Total	206	171	131	32	61	95							696
Cancelled Dental Assistant Applications by Month (2020)													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
RDA	1	3	2	2	0	1							9
RDAEF	0	0	0	0	0	0							0
OA	0	0	0	0	0	0							0
DSA	0	0	0	0	0	0							0

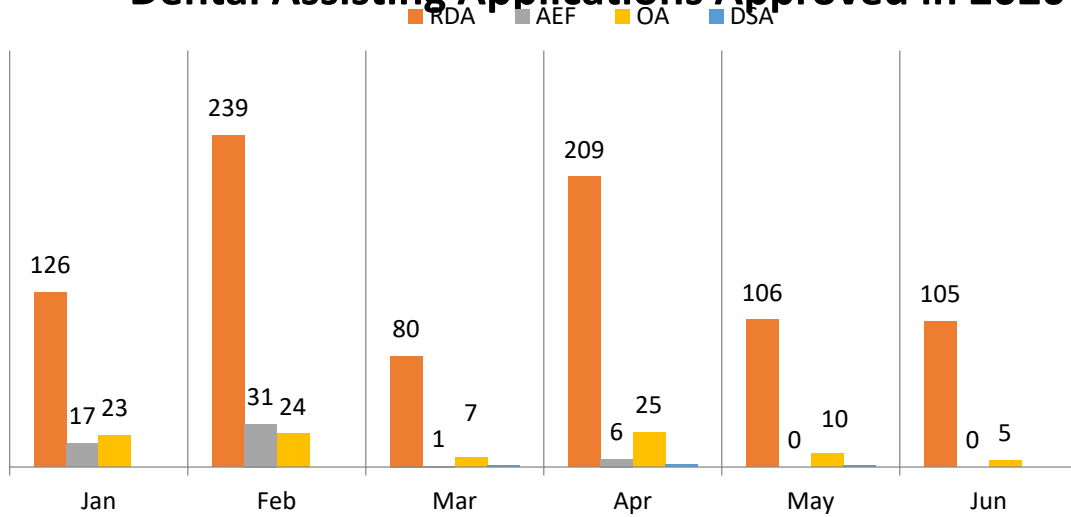
Total	1	3	2	2	0	1								9
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Withdrawn Dental Assistant Applications by Month (2020)													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
RDA	0	5	2	5	1	0							13
RDAEF	0	1	0	0	0	0							1
OA	0	0	1	0	1	0							2
DSA	0	0	0	0	0	0							0
Total	0	6	3	5	2	0							16

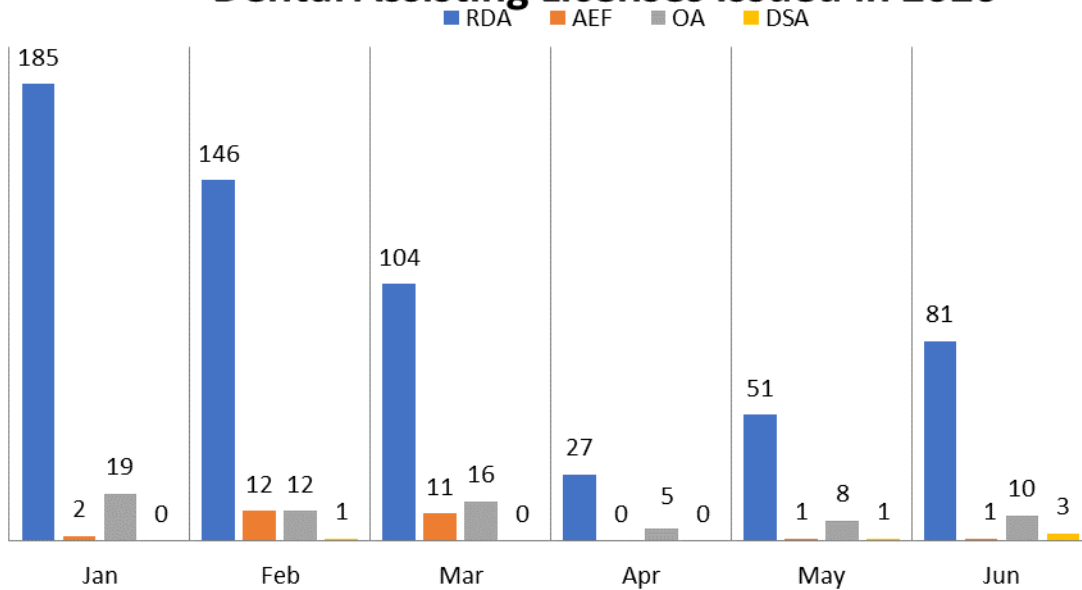
Denied Dental Assistant Applications by Month (2020)													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
RDA	0	0	0	0	0	0							0
RDAEF	0	0	0	0	0	0							0
OA	0	0	0	0	0	0							0
DSA	0	0	0	0	0	0							0
Total	0	0	0	0	0	0							0



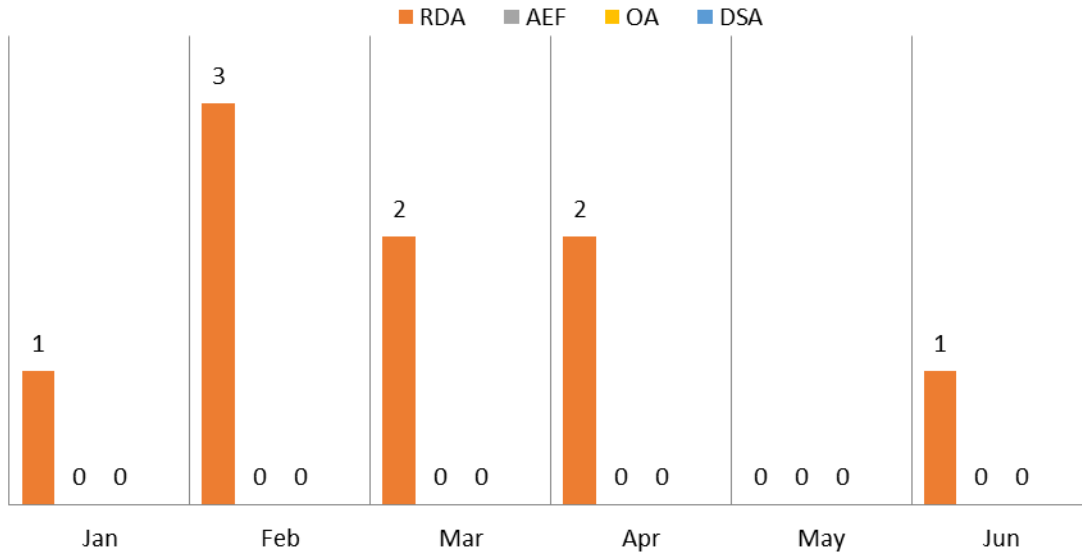
Dental Assisting Applications Approved in 2020



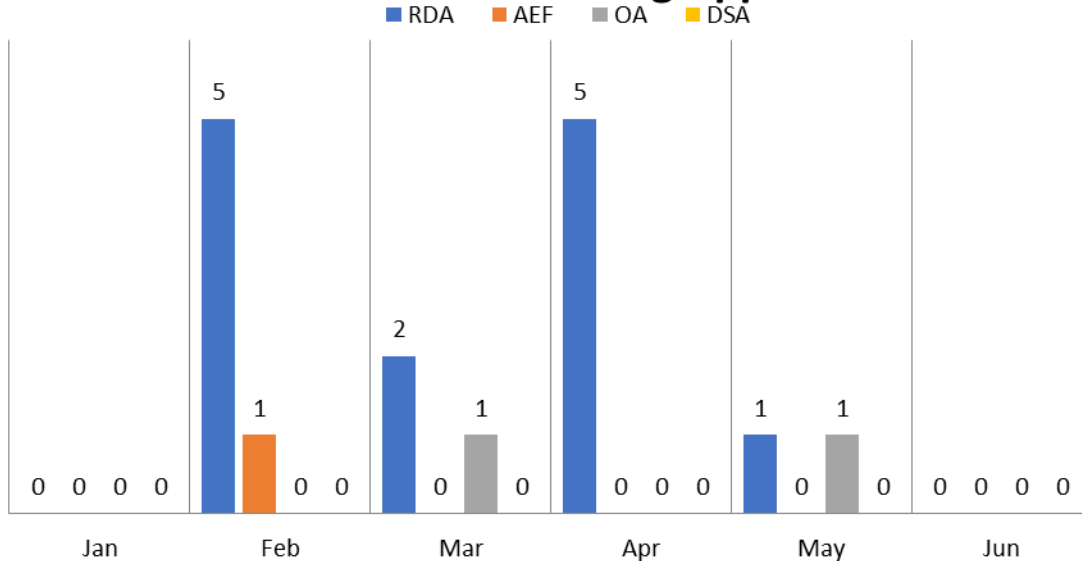
Dental Assisting Licenses Issued in 2020



Cancelled Dental Assisting Applications in 2020



Withdrawn Dental Assisting Applications in 2020



Denied Dental Assisting Applications in 2020

■ RDA ■ AEF ■ OA ■ DSA





MEMORANDUM

DATE	July 15, 2020
TO	Members of the Dental Board of California
FROM	Carlos Alvarez, Enforcement Chief
SUBJECT	Agenda Item 9(a): Review of Enforcement Statistics and Trends

The following are the Enforcement Division statistics:

Complaint & Compliance Unit:

Number of Complaints Received between January 1, 2020 and March 31, 2020:

Between January 1, 2020 and March 31, 2020, the Complaint and Compliance Unit received **957** complaints. The monthly average of complaints received was **319**.

Number of Complaints Received between April 1, 2020 and June 30, 2020:

Between April 1, 2020 and June 30, 2020, the Complaint and Compliance Unit received **639** complaints. The monthly average of complaints received was **213**.

Complaint Cases Open in Complaint and Compliance Unit as of June 30, 2020:

A total of **560** complaint cases are open in the Complaint and Compliance Unit as of July 15, 2020. A breakdown of case aging is as follows:

Complaint Age	Complaints & Compliance Cases Open	
	Number of Cases	Percent (%)
0 – 3 Months	351	63%
3 – 6 Months	178	32%
6 – 12 Months	31	5%
1+ Years	0	0%
Total	560	100%

Complaint Cases Closed in Complaint and Compliance Unit Between January 1, 2020 and March 31, 2020: 858

The monthly average of complaints closed was **286** during this time period.

Agenda Item 9(a): Review of Enforcement Statistics and Trends
 Dental Board of California Meeting
 July 24, 2020

Complaint Cases Closed in Complaint and Compliance Unit Between April 1, 2020 and June 30, 2020: 866

The monthly average of complaints closed was **289** during this time period.

Investigative Analysis Unit:

Number of Subsequent Arrest Report (SAR) Cases Open as of July 15, 2020:

A total of **384** SAR cases are open as of July 15, 2020. A breakdown of case aging is as follows:

Complaint Age	SARS Cases Open	
	# as of July 15, 2020	Percent (%)
0 – 3 Months	64	17%
3 – 6 Months	66	17%
6 – 12 Months	132	34%
1 – 2 Years	114	30%
2+ Years	8	2%
Total	384	100%

*The SARS assigned to the Investigative Analysis Unit are pending records from the courts and arresting agencies.

Investigative Cases:

Number of Investigative Cases Open in the Investigative Analysis Unit (Non-Sworn) as of July 15, 2020:

A total of **404** investigative cases are open in the Investigative Analysis Unit (Non-Sworn) as of July 15, 2020. A breakdown of case aging is as follows:

Investigation Age	Investigative Analysis Unit Cases Open	
	# As of July 15, 2020	Percent (%)
0 – 3 Months	5	1%
3 – 6 Months	19	4%
6 – 12 Months	114	28%
1 – 2 Years	197	49%
2 – 3 Years	68	17%
3+ Years	1	<1%
Total	404	100%

Number of Investigative Cases Open in the Sacramento Field Office (Sworn) as of July 15, 2020:

A total of **197** investigative cases are open in the Sacramento Field Office (Sworn) as of July 15, 2020. A breakdown of the case aging is as follows:

Investigation Age	Sworn Cases Open at Sacramento Field Office	
	# As of July 15, 2020	Percent (%)
0 – 3 Months	29	15%
3 – 6 Months	35	18%
6 – 12 Months	50	25%
1 – 2 Years	58	29%
2 – 3 Years	23	12%
3+ Years	2	1%
Total	197	100%

Number of Investigative Cases Open in the Orange Field Office (Non-Sworn) as of July 15, 2020:

A total of **52** investigative cases are open in the Orange Field Office (Non-Sworn) as of July 15, 2020. A breakdown of case aging is as follows:

Investigation Age	Non-Sworn Cases Open at Orange Field Office	
	# As of July 15, 2020	Percent (%)
0 – 3 Months	2	4%
3 – 6 Months	3	6%
6 – 12 Months	14	27%
1 – 2 Years	30	58%
2 – 3 Years	1	1%
3+ Years	2	4%
Total	52	100%

Number of Investigative Cases Open in the Orange Field Office (Sworn) as of July 15, 2020:

A total of **335** investigative cases are open in the Orange Field Office (Sworn) as of July 15, 2020. A breakdown of case aging is as follows:

Investigation Age	Sworn Cases Open at Orange Field Office	
	# As of July 15, 2020	Percent (%)
0 – 3 Months	15	4%
3 – 6 Months	44	13%
6 – 12 Months	88	26%
1 – 2 Years	136	41%
2 – 3 Years	43	13%
3+ Years	9	3%
Total	335	100%

Number of Investigation Cases Closed Between January 1, 2020 and June 30, 2020:

There were **416** total investigation cases closed in the Investigative Analysis Unit and the Sacramento and Orange Field Offices.

Inspection Cases Open in the Sacramento and Orange Field Offices as of June 30, 2020:

A total of **51** inspection cases are open in the Sacramento and Orange Field Offices. **13** inspections (Sacramento) and **38** inspections (Orange).

Administrative and Disciplinary Action:

A total of **82** citations were issued between January 1, 2020 and June 30, 2020.

A total of **32** accusations were filed with the Office of the Attorney General between January 1, 2020 and June 30, 2020.

A total of **43** cases were transmitted to the Office of the Attorney General between January 1, 2020 and June 30, 2020.

A total of **109** cases are pending at the Office of the Attorney General as of July 6, 2020.

There are a currently **225** probationers. **199** are active probationers and **26** are tolling probationers. A breakdown of probationers by unit are as follows:

- Sacramento Enforcement Office: **42** active probationers, **16** probationers tolling
- Orange Enforcement Office: **108** active probationers, **5** probationers tolling
- Investigative Analysis Unit: **49** active probationers, **5** probationers tolling



MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Bernal Vaba, Chief of Regulatory Compliance and Discipline Dental Board of California
SUBJECT	Agenda Item 10(a): Diversion Program Report and Statistics

The Diversion Evaluation Committee (DEC) program statistics for the quarters ending on March 31, 2020 and June 30, 2020, are provided below. These statistics reflect the participant activity in the Diversion (Recovery) Program and are presented for informational purposes only:

These statistics were derived from the MAXIMUS monthly reports.

Intake Referrals	January	February	March
Self-Referral	0	0	0
Enforcement Referral	0	0	0
Probation Referral	0	0	0
Closed Cases	1	0	0
Active Participants Served	10	9	9

Intake Referrals	April	May	June
Self-Referral	0	0	0
Enforcement Referral	0	0	0
Probation Referral	0	0	0
Closed Cases	0	0	0
Active Participants	9	9	9

Of the nine (9) current participants, there are five (5) enforcement referrals, three (3) probation referrals, and one (1) self-referral.

Action Requested:
 No action requested.



MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Carlos Alvarez, Chief of Enforcement Dental Board of California
SUBJECT	Agenda Item 10(b): Controlled Substance Utilization Review and Evaluation Systems (CURES) Report

Background:

The Controlled Substance Utilization Review and Evaluation System (CURES 2.0) is a database of Schedule II, III, and IV controlled substance and prescriptions dispensed in California. The goal of the CURES 2.0 system is the reduction of prescription drug abuse and diversion without affecting the legitimate medical practice or patient care. Prescribers were required to submit an application before July 1, 2016, or upon receipt of a federal Drug Enforcement Administration (DEA) registration, whichever occurs later. Registration requirements are not based on dispensing, prescribing, or administering activities but, rather, on possession of a Drug Enforcement Administration Controlled Substance Registration Certificate and valid California licensure as a Dentist, or other prescribing medical provider.

The Dental Board of California currently has 35,586, active licensed dentists.

The Drug Enforcement Administration has 24,633 California dentists licensed to prescribe.

Current Status:

The CURES registration statistics for the Dental Board of California are:

July 2017:	7882 Registered DDS /DMD
October 2017:	8064 Registered DDS/DMD
January 2018:	8370 Registered DDS/DMD
April 2018:	9662 Registered DDS/DMD
November 2018:	14,229 Registered DDS/DMD
February 2019:	14,856 Registered DDS/DMD
June 2019:	15,156 Registered DDS/DMD
August 2019:	15,320 Registered DDS/DMD
September 2019:	15,385 Registered DDS/DMD

October	2019:	15,471 Registered DDS/DMD
November	2019:	15,539 Registered DDS/DMD
December	2019:	15,575 Registered DDS/DMD
January	2020:	15,614 Registered DDS/DMD
February	2020:	15,660 Registered DDS/DMD
March	2020:	15,714 Registered DDS/DMD
April	2020:	15,767 Registered DDS/DMD
May	2020:	15,812 Registered DDS/ DMD

CURES usage as of May 2020:

Number of searches:

January: 6,052
 February: 5,905
 March: 4,289
 April: 2,204
 May: 4,135

Times system was accessed:

January: 6,254
 February: 4,148
 March: 3,486
 April: 2,645
 May: 3,128

Times Help desk was requested:

January: 147
 February: 111
 March: 98
 April: 89
 May: 98

Number of Prescriptions filled by Schedule:

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>
Schedule II	1,418,639	1,284,784	1,284,779	1,202,833	1,237,705
Schedule III	285,067	255,065	257,696	227,490	229,972
Schedule IV	1,373,306	1,229,750	1,322,557	1,259,710	1,248,704

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>
Schedule V	118,511	92,341	87,445	55,948	36,308
R	11,674	10,413	9,735	8,196	9,732
Over Counter product	32,524	29,760	38,041	58,647	55,955

R: Not classified under controlled substance act; includes all other prescriptions drugs.

Action Requested:

No action requested.



DCA Quarterly Statistics 2020

Registered Users				
		January	February	March
Total Registered Users		218,942	219,647	220,421
Clinical Roles				
	Prescribers	167,849	168,456	169,117
	Pharmacists	45,147	45,321	45,539
Sub-Total A		212,996	213,777	214,656
License Type				
	Doctor of Dental Surgery/Dental Medicine	15,614	15,660	15,714
	Doctor of Optometry	684	685	685
	Doctor of Podiatric Medicine	1,473	1,478	1,488
	Doctor of Veterinary Medicine	3,177	3,188	3,195
	Medical Doctor	111,092	111,354	111,646
	Naturopathic Doctor	380	381	385
	Osteopathic Doctor	7,434	7,472	7,515
	Physician Assistant	10,593	10,666	10,757
	Registered Nurse Practitioner/Nurse Midwife	16,803	16,966	17,119
	Other (Out of State) Prescribers	599	606	613
	Pharmacists	44,619	44,791	44,994
	Other (Out of State) Pharmacists	528	530	545
Sub-Total B		212,996	213,777	214,656
Other Roles				
	LEAs	1,478	1,488	1,504
	Delegates	4,193	4,103	3,975
	DOJ Administrators	18	18	22
	DOJ Analysts	77	78	77
	Regulatory Board	180	183	187
Sub-Total C		5,946	5,870	5,765

NOTE:

1. Subtotal A = Subtotal B
2. Subtotal A + Subtotal C = Total Registered Users
3. Stats are from the 1st of the month to the last day of the month

CURES 2.0

DCA Quarterly Statistics 2020

Number of Searches				
		January	February	March
Total Search Counts		3,157,673	2,863,723	2,923,876
Clinical Roles				
	Prescribers	2,234,991	2,015,667	2,018,794
	Pharmacists	920,916	846,404	903,265
Sub-Total A		3,155,907	2,862,071	2,922,059
License Type				
	Doctor of Dental Surgery/Dental Medicine	6,052	5,905	4,289
	Doctor of Optometry	1,586	1,463	1,121
	Doctor of Podiatric Medicine	10,205	8,317	7,402
	Doctor of Veterinary Medicine	44	31	60
	Medical Doctor	1,639,322	1,474,336	1,456,102
	Naturopathic Doctor	1,144	931	780
	Osteopathic Doctor	169,577	152,256	158,265
	Physician Assistant	182,586	166,354	172,099
	Registered Nurse Practitioner/Nurse Midwife	222,378	204,511	216,499
	Other (Out of State) Prescribers	2,097	1,563	2,177
	Pharmacists	917,464	843,366	899,376
	Other (Out of State) Pharmacists	3,452	3,038	3,889
Sub-Total B		3,155,907	2,862,071	2,922,059
Other Roles				
	LEAs	216	264	271
	DOJ Administrators	302	120	135
	DOJ Analysts	151	178	91
	Regulatory Board	1,097	1,090	1320
Sub-Total C		1,766	1,652	1,817
Delegate Initiated Searches				
	Delegates	31,483	28,159	27,689

NOTE:

1. Subtotal A = Subtotal B
2. Subtotal A + Subtotal C = Total PARs Ran
3. Stats are from the 1st of the month to the last day of the month



DCA Quarterly Statistics 2020

Times System was Accessed				
		January	February	March
Total Times System was Accessed		1,555,078	924,062	982,374
Clinical Roles				
	Prescribers	959,011	534,517	574,717
	Pharmacists	574,689	376,571	393,961
	Sub-Total A	1,533,700	911,088	968,678
License Type				
	Doctor of Dental Surgery/Dental Medicine	6,254	4,148	3,486
	Doctor of Optometry	77	38	45
	Doctor of Podiatric Medicine	2,529	1,393	1,401
	Doctor of Veterinary Medicine	313	170	249
	Medical Doctor	671,320	364,441	393,459
	Naturopathic Doctor	770	512	435
	Osteopathic Doctor	79,798	44,569	48,937
	Physician Assistant	87,570	51,482	53,135
	Registered Nurse Practitioner/Nurse Midwife	108,455	66,635	72,237
	Other (Out of State) Prescribers	1,925	1,129	1,333
	Pharmacists	571,955	374,664	391,706
	Other (Out of State) Pharmacists	2,734	1,907	2,255
	Sub-Total B	1,533,700	911,088	968,678
Other Roles				
	LEAs	560	379	399
	Delegates	18,464	11,324	11,904
	DOJ Administrators	321	124	208
	DOJ Analysts	1,174	764	832
	Regulatory Board	859	383	353
	Sub-Total C	21,378	12,974	13,696

NOTE:

1. Subtotal A = Subtotal B
2. Subtotal A + Subtotal C = Total Times System was Accessed
3. Stats are from the 1st of the month to the last day of the month



DCA Quarterly Statistics 2020

Number of CURES Help Desk Requests			
	January	February	March
Emails [Note: Email requests are not included in the breakdown below]	2,132	1,590	1,455
Total Phone Calls	3,515	2,792	2,731
Clinical Roles			
Prescribers	2,652	2,164	2,112
Pharmacists	764	489	526
Sub-Total A	3,416	2,653	2,638
License Type			
Doctor of Dental Surgery/Dental Medicine	147	111	98
Doctor of Optometry	2	1	5
Doctor of Podiatric Medicine	23	27	27
Doctor of Veterinary Medicine	33	39	23
Medical Doctor	1621	1338	1,337
Naturopathic Doctor	9	3	6
Osteopathic Doctor	140	133	122
Physician Assistant	249	183	187
Registered Nurse Practitioner/Nurse Midwife	428	329	307
Pharmacists	764	489	526
Other (Non-Specific License Type)	0	0	-
Sub-Total B	3,416	2,653	2,638
Other Roles			
LEAs	12	66	18
Delegates	66	56	53
DOJ Administrators	0	0	0
DOJ Analysts	0	0	0
Regulatory Board	21	17	22
Sub-Total C	99	139	93

NOTE:

1. Subtotal A = Subtotal B
2. Subtotal A + Subtotal C = Total Help Desk Phone Calls



DCA Quarterly Statistics 2020

Prescription Counts	January	February	March
Number of Distinct Prescriptions	3,238,778	2,901,251	2,999,049
Number of Prescriptions Filled by Schedule			
Schedule II	1,418,639	1,284,784	1,284,779
Schedule III	285,067	255,065	257,696
Schedule IV	1,373,306	1,229,750	1,322,557
Schedule V	118,511	92,341	87,445
R	11,674	10,413	9,735
Over-the-counter product	32,524	29,760	38,041
TOTAL	3,239,721	2,902,113	3,000,253

NOTE:

1. Each component of a compound is submitted as a separate prescription record. The number of distinct prescriptions rolls compound prescriptions into a single count
2. The number of distinct prescriptions and the number of prescriptions filled by schedule will not be equal because a compound can consist of multiple drugs with varying schedules
3. R = Not classified under the Controlled Substances Act; includes all other prescription drugs
4. Over-the-counter product



April 2020 Statistics

Registered Users		
		April
Clinical Roles		
	Prescribers	169,712
	Pharmacists	45,611
Clinical Roles		215,323
License Type		
	Doctor of Dental Surgery/Dental Medicine	15,767
	Doctor of Optometry	684
	Doctor of Podiatric Medicine	1,489
	Doctor of Veterinary Medicine	3,201
	Medical Doctor	111,904
	Naturopathic Doctor	389
	Osteopathic Doctor	7,555
	Physician Assistant	10,828
	Registered Nurse Practitioner/Nurse Midwife	17,278
	(Out of State) Prescribers	617
	Pharmacists	45,062
	(Out of State) Pharmacists	549
License Type		215,323
Other Roles		
	LEAs	1,509
	Delegates	3,843
	DOJ Administrators	21
	DOJ Analysts	78
	Regulatory Board	191
Other Roles		5,642
Total Registered Users		220,965

Note:
Clinical Roles = License Type
Total = Clinical Roles + License Type
Stats are from the 1st of the month to the last day of the month



April 2020 Statistics

Number of Search Counts				
			April	
		App PAR Searches	IEWS PAR Searches	Totals
Clinical Roles				
	Prescribers	989,031	712,201	1,701,232
	Pharmacists	822,402	627	823,029
	Clinical Roles	1,811,433	712,828	2,524,261
License Type				
	Doctor of Dental Surgery/Dental Medicine	2,204	92	2,296
	Doctor of Optometry	0	260	260
	Doctor of Podiatric Medicine	3,477	2,738	6,215
	Doctor of Veterinary Medicine	45	0	45
	Medical Doctor	635,197	567,897	1,203,094
	Naturopathic Doctor	572	1	573
	Osteopathic Doctor	89,968	50,494	140,462
	Physician Assistant	109,036	40,609	149,645
	Registered Nurse Practitioner/Nurse Midwife	146,491	49,997	196,488
	(Out of State) Prescribers	2,041	113	2,154
	Pharmacists	818,523	627	819,150
	(Out of State) Pharmacists	3,879	0	3,879
	License Type	1811433	712828	2,524,261
Other Roles				
	LEAs	169	0	169
	DOJ Administrators	83	0	83
	DOJ Analysts	166	0	166
	Regulatory Board	1,377	0	1,377
	Other Roles	1795	0	1,795
Total Search Counts			2,526,056	
	Delegate Initiated Searches	23,113	0	23,113
<i>Note:</i>				
<i>Clinical Roles = License Type</i>				
<i>Total = Clinical Roles + License Type</i>				
<i>Stats are from the 1st of the month to the last day of the month</i>				



April 2020 Statistics

Times System was Accessed		April
Clinical Roles		
Prescribers		513,853
Pharmacists		370,727
Clinical Roles		884,580
License Type		
Doctor of Dental Surgery/Dental Medicine		2,645
Doctor of Optometry		42
Doctor of Podiatric Medicine		965
Doctor of Veterinary Medicine		201
Medical Doctor		349,322
Naturopathic Doctor		351
Osteopathic Doctor		45,096
Physician Assistant		45,848
Registered Nurse Practitioner/Nurse Midwife		68,081
(Out of State) Prescribers		1,302
Pharmacists		368,589
(Out of State) Pharmacists		2,138
License Type		884,580
Other Roles		
LEAs		388
Delegates		10,246
DOJ Administrators		240
DOJ Analysts		775
Regulatory Board		375
Other Roles		12,024
Total Times System was Accessed		896,604
<i>Note:</i>		
<i>Clinical Roles = License Type</i>		
<i>Total = Clinical Roles + License Type</i>		
<i>Stats are from the 1st of the month to the last day of the month</i>		



April 2020 Statistics

Number of CURES Help Desk Requests		April
Total Emails [Note: Email requests are not included in the breakdown below]		2,075
Clinical Roles		
Prescribers		2,195
Pharmacists		651
Clinical Roles		2,846
License Type		
Doctor of Dental Surgery/Dental Medicine		89
Doctor of Optometry		2
Doctor of Podiatric Medicine		10
Doctor of Veterinary Medicine		15
Medical Doctor		1,452
Naturopathic Doctor		1
Osteopathic Doctor		109
Physician Assistant		180
Registered Nurse Practitioner/Nurse Midwife		337
Pharmacists		651
(Out of State) Pharmacists		0
License Type		2,846
Other Roles		
LEAs		10
Delegates		41
DOJ Administrators		0
DOJ Analysts		0
Regulatory Board		2
Other Roles		53
Total Phone Calls		2,899
<i>Note:</i>		
<i>Clinical Roles = License Type</i>		
<i>Total = Clinical Roles + License Type</i>		
<i>Stats are from the 1st of the month to the last day of the month</i>		



April 2020 Statistics

	April
Number of Distinct Prescriptions	2,811,587
Number of Prescriptions Filled by Schedule	
Schedule II	1,202,833
Schedule III	227,490
Schedule IV	1,259,710
Schedule V	55,948
R	8,196
Over-the-counter product	58,647
Total	2,812,824

Note:

1. Each component of a compound is submitted as a separate prescription record. The number of distinct prescriptions rolls compound prescriptions into a single count.
2. The number of distinct prescriptions and the number of prescriptions filled by schedule will not be equal because a compound can consist of multiple drugs with varying schedules.
3. R = Not classified under the Controlled Substances Act; includes all other prescription drugs



May 2020 Statistics

Registered Users		May
Clinical Roles		
Prescribers		170,252
Pharmacists		45,656
Clinical Roles		215,908
License Type		
Doctor of Dental Surgery/Dental Medicine		15,812
Doctor of Optometry		684
Doctor of Podiatric Medicine		1,491
Doctor of Veterinary Medicine		3,205
Medical Doctor		112,185
Naturopathic Doctor		393
Osteopathic Doctor		7,590
Physician Assistant		10,892
Registered Nurse Practitioner/Nurse Midwife		17,380
(Out of State) Prescribers		620
Pharmacists		45,099
(Out of State) Pharmacists		557
License Type		215,908
Other Roles		
LEAs		1,515
Delegates		3,706
DOJ Administrators		21
DOJ Analysts		80
Regulatory Board		192
Other Roles		5,514
Total Registered Users		221,422
<i>Note:</i>		
<i>Clinical Roles = License Type</i>		
<i>Total = Clinical Roles + License Type</i>		
<i>Stats are from the 1st of the month to the last day of the month</i>		



May 2020 Statistics

Number of Search Counts				
			May	
		App PAR Searches	IEWS PAR Searches	Totals
Clinical Roles				
Prescribers		954,875	916,181	1,871,056
Pharmacists		858,584	2,206	860,790
Clinical Roles		1813459	918387	2,731,846
License Type				
Doctor of Dental Surgery/Dental Medicine		3,996	139	4,135
Doctor of Optometry		0	635	635
Doctor of Podiatric Medicine		3,543	4,190	7,733
Doctor of Veterinary Medicine		33	0	33
Medical Doctor		604,338	740,672	1,345,010
Naturopathic Doctor		532	3	535
Osteopathic Doctor		85,861	73,055	158,916
Physician Assistant		107,055	43,104	150,159
Registered Nurse Practitioner/Nurse Midwife		147,703	54,134	201,837
(Out of State) Prescribers		1,814	249	2,063
Pharmacists		855,205	2,206	857,411
(Out of State) Pharmacists		3,379	0	3,379
License Type		1813459	918387	2,731,846
Other Roles				
LEAs		204	0	204
DOJ Administrators		73	0	73
DOJ Analysts		178	0	178
Regulatory Board		1,470	0	1,470
Other Roles		1,925	0	1,925
Total Search Counts			2,733,771	
Delegate Initiated Searches			23,255	
<i>Note:</i>				
<i>Clinical Roles = License Type</i>				
<i>Total = Clinical Roles + License Type</i>				
<i>Stats are from the 1st of the month to the last day of the month</i>				



May 2020 Statistics

Times System was Accessed		May
Clinical Roles		
Prescribers		481,561
Pharmacists		379,640
Clinical Roles		861,201
License Type		
Doctor of Dental Surgery/Dental Medicine		3,128
Doctor of Optometry		24
Doctor of Podiatric Medicine		1,148
Doctor of Veterinary Medicine		167
Medical Doctor		323,304
Naturopathic Doctor		346
Osteopathic Doctor		41,306
Physician Assistant		45,416
Registered Nurse Practitioner/Nurse Midwife		65,555
(Out of State) Prescribers		1,167
Pharmacists		377,786
(Out of State) Pharmacists		1,854
License Type		861,201
Other Roles		
LEAs		303
Delegates		9,954
DOJ Administrators		283
DOJ Analysts		844
Regulatory Board		388
Other Roles		11,772
Total Times System was Accessed		872,973

Note:
Clinical Roles = License Type
Total = Clinical Roles + License Type
Stats are from the 1st of the month to the last day of the month



May 2020 Statistics

Number of CURES Help Desk Requests		May
Total Emails [Note: Email requests are not included in the breakdown below]		1,541
Clinical Roles		
Prescribers		2,143
Pharmacists		584
Clinical Roles		2,727
License Type		
Doctor of Dental Surgery/Dental Medicine		98
Doctor of Optometry		4
Doctor of Podiatric Medicine		11
Doctor of Veterinary Medicine		17
Medical Doctor		1,487
Naturopathic Doctor		2
Osteopathic Doctor		85
Physician Assistant		124
Registered Nurse Practitioner/Nurse Midwife		315
Pharmacists		584
(Out of State) Pharmacists		0
License Type		2,727
Other Roles		
LEAs		6
Delegates		72
DOJ Administrators		0
DOJ Analysts		0
Regulatory Board		0
Other Roles		78
Total Phone Calls		2,805
<i>Note:</i>		
<i>Clinical Roles = License Type</i>		
<i>Total = Clinical Roles + License Type</i>		
<i>Stats are from the 1st of the month to the last day of the month</i>		



May 2020 Statistics

	May
Number of Distinct Prescriptions	2,817,187
Number of Prescriptions Filled by Schedule	
Schedule II	1,237,705
Schedule III	229,972
Schedule IV	1,248,704
Schedule V	36,308
R	9,732
Over-the-counter product	55,955
Total	2,818,376

Note:

1. Each component of a compound is submitted as a separate prescription record. The number of distinct prescriptions rolls compound prescriptions into a single count.
2. The number of distinct prescriptions and the number of prescriptions filled by schedule will not be equal because a compound can consist of multiple drugs with varying schedules.
3. R = Not classified under the Controlled Substances Act; includes all other prescription drugs



MEMORANDUM

DATE	July 8, 2020
TO	Members of the Dental Board of California
FROM	Paige Ragali, Program Coordinator Dental Board of California
SUBJECT	Agenda Item 11: Report on the July 8, 2020 Meeting of the Elective Facial Cosmetic Surgery Permit Credentialing Committee; Discussion and Possible Action to Accept Committee Recommendations for Issuance of Permits

Background:

The Elective Facial Cosmetic Surgery (EFCS) Permit Credentialing Committee (Committee) met on July 8, 2020 via teleconference.

In closed session, the Committee reviewed two (2) applications. According to statute, the Committee shall make a recommendation to the Dental Board on whether to issue or not issue a permit to the applicant. The permit may be unqualified, entitling the permit holder to perform any facial cosmetic surgical procedure authorized by the statute, or it may contain limitations if the Credentialing Committee is not satisfied that the applicant has the training or competence to perform certain classes of procedures, or if the applicant has not requested to be permitted for all procedures authorized in statute.

The Committee’s recommendation to the Board is as follows:

1. Applicant: Francesca Verratti Di Paolo, DDS, requested unlimited privileges for Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited to, rhinoplasty and otoplasty) and Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation).

The Committee recommends the Board issue a permit for unlimited Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited to, rhinoplasty and otoplasty) and unlimited Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation).

2. Applicant: Elise Ehland, DDS, requested unlimited privileges for Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited

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to, rhinoplasty and otoplasty) and Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation).

The Committee recommends the Board issue a permit for unlimited Category I (cosmetic contouring of the osteocartilaginous facial structure, which may include, but not limited to, rhinoplasty and otoplasty) and unlimited Category II (cosmetic soft tissue contouring or rejuvenation, which may include, but not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation).

Action Requested:

Staff requests a motion from the Board to:

1. Accept the EFCS Credentialing Committee Report.
2. Issue Francesca Verratti Di Paolo, DDS, an EFCS Permit for unlimited Category I and limited Category II privileges.
3. Issue Elise Ehland, DDS, an EFCS Permit for unlimited Category I and limited Category II privileges.



MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 12(a): Western Regional Examination Board (WREB) Report

Background:

Dr. Bruce Horn, WREB representative, will be available to provide a verbal update of the WREB examination.

Action Requested:

No action requested.



MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 12(b): American Board of Dental Examiners (ADEX) Report

Background:

Dr. William Pappas and Dr. Guy Champaine, ADEX representatives, will be available to provide a verbal update of the ADEX examination.

Action Requested:

No action requested.



MEMORANDUM

DATE	July 14, 2020
TO	Members of the Dental Board of California
FROM	Sarah Wallace, Assistant Executive Officer Dental Board of California
SUBJECT	Agenda Item 12(c): Update Regarding Office of Professional Examination Services (OPES) Review on the WREB Mannikin Based Examination and ADEX CompeDont Examination

Background:

At the May 2020 meeting of the Dental Board of California (Board), staff provided a report on the interruptions to the administration of licensure examinations for the 2020 dental school graduates as a result of the Coronavirus (COVID-19) pandemic. Prior to COVID-19, both the Western Regional Examining Board (WREB) and American Board of Dental Examiners (ADEX) examinations utilized patients for two of their respective examinations – operative/restorative and periodontics. In an effort to respond to the interruptions in the administration of licensure examinations, both WREB and ADEX developed examinations that do not require patients for the operative/restorative section of the examination: WREB Mannikin Based Examination and the ADEX CompeDont Examination.

As a result of the discussion, the Board directed staff to contact the Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES) to conduct a review the WREB Mannikin Based Examination and the ADEX CompeDont Examination.

After further discussion with the DCA, the OPES, and Board Legal Counsel, it was determined the Board will accept, without any further action necessary, the WREB and ADEX manikin-based examinations for dentist licensure in California, in accordance with Business and Professions Code Sections 1632(c)(2)(A) and 1632(c)(2)(B). Additionally, it was determined that the WREB Comprehensive Treatment Planning Examination and the ADEX Periodontal Scaling Examination which is administered on a manikin, will satisfy the required periodontal portion of the examination. It was also determined that the ADEX DSE OSCE will satisfy the required periodontal portion of the examination.

While the OPES was not required to complete its review of these examinations prior to their acceptance for dentist licensure in California, the OPES committed to complete its review of the WREB and ADEX manikin-based examinations by the end of June. The findings of the OPES review are included for the Board's review. There is no action requested.

Agenda Item 12(c): Update Regarding OPES Review on WREB and ADEX CompeDont Examination
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MEMORANDUM

DATE	July 2, 2020
TO	Karen M. Fischer, MPA, Executive Officer Dental Board of California
FROM	Heidi Lincer, Ph.D., Chief Office of Professional Examination Services
SUBJECT	Viability of Alternative, Non-Patient-Based Examination Formats for the WREB and ADEX Examinations

Summary

To become licensed to practice dentistry in California, candidates must demonstrate competency in restorative and periodontic dentistry. Currently, the Dental Board of California (Board) accepts two patient-based clinical examinations: the Western Regional Examining Board (WREB) Operative Dentistry and Periodontal Treatment examination sections and the American Board of Dental Examiners, Inc. (ADEX) Restorative Dentistry and Periodontal Scaling examination sections.

Due to ethical and practical considerations, dental licensure examinations are moving away from patient-based assessments, and this trend has been accelerated by the COVID-19 pandemic. WREB and ADEX are offering alternative, non-patient-based examination formats for the above sections; these formats replace patients with simulated teeth, typodonts, or mannikins. The Dental Board of California (Board) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) evaluate these examination formats to determine whether they are viable alternatives to patient-based assessment. Additionally, OPES evaluated whether the WREB written Comprehensive Treatment Planning (CTP) examination and the ADEX Diagnostic Skills Examination Objective Structured Clinical Examination (DSE OSCE) are viable alternatives to a clinical examination for assessing periodontal competency.

OPES evaluated whether the non-patient-based examination formats meet professional guidelines and technical standards, e.g., standards of validity. The evaluation included a workshop with subject matter experts (SMEs). Based on the results of the evaluation, OPES finds that the alternative non-patient-based examination formats offered by WREB and ADEX are viable alternatives to the historical patient-based examinations. As such, OPES recommends that the Board accept these formats for licensure, not only during the COVID-19 pandemic, but permanently. OPES also found that the WREB written CTP

examination section would be a viable format for assessing a candidate's ability to diagnose and treat scaling and root planing. Upon request of the Board, OPES conducted a subsequent evaluation and found that the ADEX DSE OSCE is also a viable alternative to assess periodontal competency.

Legal Mandate

California Business and Professions Code § 1630 requires that "the examination of applicants for a license to practice dentistry . . . shall include assessing competency in the areas of diagnosis, treatment planning, and restorative, endodontic, periodontic, and prosthetic dentistry." California Business and Professions Code § 1632 (c)(2) requires that candidates pass a written and clinical examination administered by either WREB or ADEX.

WREB Alternative Formats for Operative Dentistry and Periodontal Treatment Examination Sections

Operative Dentistry

The WREB Operative Dentistry examination is a patient-based clinical examination. The examination requires that candidates perform a diagnosis and treat up to two restorative procedures on a patient: a Class II restoration and a second Class II or Class III restoration.

WREB is offering an alternative non-patient-based format that requires candidates to complete the Operative Dentistry examination on a mannikin.

Periodontal Treatment

The WREB Periodontal Treatment section is a patient-based clinical examination. The examination requires candidates to perform a diagnosis and perform scaling and root planing on at least one quadrant of a patient's mouth with eight qualifying surfaces being assessed for errors.

WREB is offering the written Comprehensive Treatment Planning (CTP) section of the examination as an alternative, non-patient-based format to assess periodontal competency.

ADEX Alternative Formats for the Restorative Dentistry and Periodontal Scaling Examination Sections

Restorative Dentistry

The ADEX Restorative Dentistry examination "is a performance-based examination that measures dental candidates' clinical psychomotor skills on a sample of restorative procedures."¹ The examination requires candidates to perform two procedures: anterior restoration of a Class III proximal surface carious lesion on an anterior tooth, and posterior restoration of a Class II proximal surface carious lesion on a posterior tooth.

¹ ADEX Dental Exam Information for CA 181212.

ADEX is offering an alternative, non-patient-based format that requires candidates to complete the Restorative Dentistry examination on a CompeDont™, a simulated tooth.

Periodontal Scaling

The ADEX Periodontal Scaling examination is a “performance-based examination that measures dental candidates’ clinical psychomotor skills on a sample of periodontal procedures.”² The examination requires candidates to perform subgingival calculus detection, subgingival calculus removal, plaque and stain removal, and treatment management.

ADEX is offering an alternative, non-patient-based format that requires candidates to complete the Periodontal Scaling examination on a typodont.

Evaluation Process

OPES performed a comprehensive evaluation of the non-patient-based WREB and ADEX examination formats to determine:

1. Whether the procedures used to establish and support the validity and defensibility of these formats met professional guidelines and technical standards.
2. Whether these formats were viable alternatives to patient-based formats.

OPES reviewed validation documents in support of the alternative examination formats provided by WREB and ADEX. OPES followed up with WREB and ADEX to clarify the procedures used to develop and validate the examination formats. OPES then convened a workshop of licensed dentists to serve as SMEs to evaluate the alternative formats for the WREB Operative Dentistry and Periodontal Treatment examination sections and the ADEX Restorative Dentistry and Periodontal Scaling examination sections. Representatives from WREB and ADEX participated in the workshop by joining a separate scheduled question and answer session during the workshop.

The workshop was held via videoconference on May 29, 2020 and included seven SMEs. Before the workshop, SMEs had been asked to review documentation provided by WREB and ADEX related to the validity evidence of the alternative examination formats. During the workshop, SMEs first evaluated the criteria, content areas, and examination procedures used for the WREB and ADEX examinations. OPES then worked with the SMEs to perform an initial evaluation of the alternative examination formats offered by WREB and ADEX.

Next, OPES scheduled a question and answer session with representatives from WREB and ADEX. OPES worked with the SMEs to develop questions for the WREB and ADEX representatives related to the alternative examination formats. The representatives each

² ADEX Dental Exam Information for CA 181212.

began their session by sharing background information about how the alternative examination formats were developed and validated. They then answered the SMEs' prepared questions.

After the question and answer session, the SMEs discussed whether competency in operative and periodontic dentistry could be tested in a non-patient-based format. They also discussed whether the existing patient-based examination formats assessed competency critical for practice as a dentist.

After the workshop, OPES sent the SMEs a survey to gather additional feedback and data about their confidence in the alternative examination formats offered by WREB and ADEX.

Results of the Evaluation

Summary of WREB Evaluation

OPES found that the procedures used to establish and support the validity and defensibility of the alternative examination formats offered by WREB meet professional guidelines and technical standards.

SMEs found that the alternative WREB Operative Dentistry examination using a mannikin would be an effective and valid format to evaluate a candidate's ability to perform Class II and Class III restorations.

Additionally, SMEs found that the written WREB CTP examination section would be a viable alternative to the patient-based Periodontal Scaling examination because it would be an effective and valid format to evaluate a candidate's ability to diagnose and treat scaling and root planing.

Summary of ADEX Evaluation

OPES found that the procedures used to establish and support the validity and defensibility of the alternative examination formats offered by ADEX meet professional guidelines and technical standards.

The SMEs found that the alternative ADEX Restorative Dentistry examination using a CompeDont™ would be an effective and valid format to evaluate a candidate's ability to perform Class II and Class III restorations.

However, regarding the ADEX Periodontal Scaling examination, the SMEs found that use of a typodont would not be as effective or valid as use of a patient in evaluating a candidate's ability to perform subgingival calculus detection, subgingival calculus removal, plaque and stain removal, and treatment management. Although the SMEs did not fully support this format, the validity evidence provided by ADEX to OPES was strong enough to support use of a typodont for this examination.

Other Responses from SMEs

SMEs were also asked about other aspects of dentist licensure. SMEs were asked if they were confident that dental schools ensure that unqualified students do not become licensed. They agreed that the schools are somewhat or very effective in this area.

SMEs were also asked if they were confident that Commission on Dental Accreditation (CODA) requirements for dental students are sufficient in determining qualified dentists. They did not reach consensus on this issue.

Evaluation of the ADEX DSE OSCE

While completing the current evaluation, OPES was asked by the Board to also evaluate whether the ADEX DSE OSCE would meet the Board's periodontic requirement. This request was received after OPES had conducted the workshop to evaluate the other WREB and ADEX non-patient-based alternatives. This additional request was initiated by concerns raised by the California Dental Association (CDA) on behalf of dental candidates comparing the WREB and ADEX alternatives. OPES evaluated the relevant materials provided by ADEX to determine whether the DSE OSCE is sufficiently comprehensive to meet the Board's requirement.

Conclusions and Recommendations

Based on the results of the evaluation, OPES has determined that the non-patient-based examination formats offered by WREB and ADEX are viable alternatives to the patient-based examinations.

- As a replacement for the patient-based WREB Operative Dentistry examination section, OPES recommends that the Board accept the non-patient-based WREB Operative Dentistry examination section on a mannikin. As a replacement for the patient-based WREB Periodontal Treatment section, OPES recommends that the Board accept the written CTP examination section.
- As a replacement for the patient-based ADEX Restorative Dentistry examination section, OPES recommends that the Board accept the non-patient-based ADEX Restorative Dentistry examination on a CompeDont™. As a replacement for the patient-based ADEX Periodontal Scaling examination section, OPES recommends that the Board accept the ADEX non-patient-based Periodontal Scaling examination on a typodont or the ADEX DSE OSCE.

Further, OPES recommends that these non-patient-based examination formats be used permanently and not only during the COVID-19 pandemic. OPES will continue to assist the Board regarding non-patient-based alternatives for assessing applicants for dental licensure.

cc: Tracy A. Montez, Ph.D., Chief, Division of Programs and Policy Review



MEMORANDUM

DATE	July 07, 2020
TO	Members of the Dental Board of California
FROM	Mirela Taran, Licensing Analyst Dental Board of California
SUBJECT	Agenda Item 13(a): Review of Dental Licensure and Permit Statistics

The Dental Board of California (Board) oversees dental licensees in California. All dentists are initially licensed as active. When licensees renew their license, they may either keep their license in active or inactive status.

Licensees with an active status can actively practice dentistry in the state of California. To renew and keep one's license in an active status, the Board requires submission of renewal fee, furnishing a set of fingerprints to the Department of Justice (DOJ), certification of fifty (50) units of continuing education, and disclosing whether he/she has been convicted of any violation in the prior renewal cycle.

Licensees with an inactive status cannot engage in the practice of dentistry in the state of California. To renew and keep one's license in an inactive status, the Board requires submission of the renewal fee and a fully completed renewal form. The holder thereof need not comply with any continuing education requirement for a renewal of an inactive license.

Licensees with an inactive status who would like to re-activate their license must submit the Application to Activate License form and evidence of completing fifty (50) units of continuing education within the last two (2) years, as required by the Dental Practice Act.

A. Following are statistics of current license/permits by type as of June 28, 2020

Dental License (DDS) Status	Licensee Population
Active	34,586
Inactive	1,784
Retired	1,274
Disabled	106
Renewal in Process	386
Delinquent	5,445
Total Cancelled Since Licensing was required	17,602

* Active: Current and can practice without restrictions (BPC §1625)

Inactive: Current but cannot practice, continuing education not required (CCR §1017.2)

Retired: Current, has practiced over 20 years, eligible for Social Security and can practice with restrictions (BPC §1716.1a)

Disabled: Current with disability but cannot practice (BPC §1716.1b)

Renewal in Process: Renewal fee paid with deficiency (CCR §1017)

Delinquent: Renewal fee not paid within one month after expiration date (BPC §163.5)

Cancelled: Renewal fee not paid 5 years after its expiration and may not be renewed (BPC §1718.3a)

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Dental Licenses Issued via Pathway	Total Issued in 2020	Total Issued in 2019	Total Issued in 2018	Total Issued to Date	Date Pathway Implemented
WREB Exam	137	958	877	11,556	January 1, 2006
Licensure by Residency	27	140	147	2,286	January 1, 2007
Licensure by Credential	80	161	177	3,931	July 1, 2002
(LBC Clinic Contract)	3	8	11	78	July 1, 2002
(LBC Faculty Contract)	4	4	7	42	July 1, 2002
Portfolio	0	4	8	84	November 5, 2014
Total	244	1,263	1,209		

License/Permit /Certification/Registration Type	Current Active Permits	Delinquent	Total Cancelled Since Permit was Required
Additional Office Permit	2,717	890	6,926
Conscious Sedation	535	38	552
Continuing Education Registered Provider Permit	901	810	2,185
Elective Facial Cosmetic Surgery Permit	29	5	1
Extramural Facility Registration*	186	N/A	N/A
Fictitious Name Permit	7,099	1,706	6,802
General Anesthesia Permit	897	22	1,008
Mobile Dental Clinic Permit	45	43	52
Medical General Anesthesia	111	27	203
Oral Conscious Sedation Certification (Adult Only 1,176; Adult & Minors 1,226)	2,402	647	930
Oral & Maxillofacial Surgery Permit	96	4	22
Referral Service Registration*	157	N/A	N/A
Special Permits	37	9	184

*Current population for Extramural Facilities and Referral Services are approximated because they are not automated programs

Active Licensees by County as of June 28, 2020

County	DDS	Population	Population per DDS
Alameda	1,475	1,645,359	1,115
Alpine	1	1,151	1,151
Amador	23	38,382	1,668
Butte	130	226,404	1,741
Calaveras	17	45,168	2,656
Colusa	6	22,043	3,673
Contra Costa	1,117	1,139,513	1,020
Del Norte	13	27,124	2,086
El Dorado	160	185,062	1,156
Fresno	613	995,975	1,624
Glenn	10	28,731	2,873
Humboldt	70	136,953	1,956
Imperial	40	188,334	4,708
Inyo	11	18,619	1,692
Kern	360	895,112	2,486
Kings	67	149,537	2,231
Lake	46	64,945	1,411

Lassen	24	30,918	1,288
Los Angeles	8,426	10,241,278	1,215
Madera	45	156,492	3,477
Marin	310	263,604	850
Mariposa	7	18,148	2,592
Mendocino	53	89,134	1,681
Merced	93	274,665	2,953
Modoc	4	9,580	2,395
Mono	3	13,713	4,571
Monterey	263	442,365	1,681
Napa	115	142,408	1,238
Nevada	79	98,828	1,250
Orange	3,901	3,194,024	818
Placer	468	382,837	818
Plumas	13	19,819	1,524
Riverside	1,102	2,384,783	2,164
Sacramento	1,109	1,514,770	1,365
San Benito	21	56,854	2,707
San Bernardino	1,352	2,160,256	1,597
San Diego	2,750	3,316,192	1,205
San Francisco	1,243	874,228	703
San Joaquin	370	746,868	2,018
San Luis Obispo	230	280,101	1,217
San Mateo	872	770,203	883
Santa Barbara	326	450,663	1,382
Santa Clara	2,270	1,938,180	853
Santa Cruz	175	276,603	1,580
Shasta	107	178,605	1,669
Sierra	1	3,207	3,207
Siskiyou	23	44,688	1,942
Solano	283	436,023	1,540
Sonoma	397	505,120	1,272
Stanislaus	275	548,057	1,992
Sutter	54	96,956	1,795
Tehama	27	63,995	2,370
Trinity	3	13,628	4,542
Tulare	218	471,842	2,164
Tuolumne	45	54,707	1,215
Ventura	670	857,386	1,279
Yolo	113	218,896	1,937
Yuba	8	74,577	9,322
Out of State/Country	4,054		
TOTAL	34,586	39,523,613	

*Population data obtained from Department of Finance, Demographic Research Unit

*The counties with the highest Population per DDS are:

1. Yuba County (1:9,322)
2. Imperial County (1:4,708)
3. Mono County (1:4,571)
4. Trinity County (1:4,542)
5. Colusa County (1:3,673)

The counties with the lowest Population per DDS are:

1. San Francisco County (1:703)
2. Placer County (1:818)
3. Orange County (1:818)
4. Marin County (1:850)
5. Santa Clara County (1:853)

*The counties with the biggest increase in active licensed dentists as of June 28, 2020 were Contra Costa, with 12 additional dentists, Monterey, with 3 additional dentists, and Riverside, Kern, Fresno, Colusa, and Amador with 2 additional dentists. San Francisco had a decrease of 19 dentists and Orange had a decrease of 17 dentists.

B. Following are monthly dental statistics by pathway as of July 01, 2020

Dental Applications Received by Month (2020)											Total Apps: 608		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
WREB	30	11	18	35	103	185							382
Residency	11	6	8	11	13	33							82
Credential	16	18	22	21	20	28							125
Portfolio	0	0	0	0	0	0							0
ADEX	N/A	N/A	N/A	1	1	17							19
Total	57	35	48	68	137	263							608
Dental Applications Approved by Month (2020)											% of All Apps: 35%		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
WREB	32	8	11	5	8	46							110
Residency	4	5	4	1	1	9							24
Credential	13	10	14	14	12	13							76
Portfolio	0	0	0	0	0	0							0
ADEX	N/A	N/A	N/A	0	1	0							1
Total	49	23	29	20	22	68							211
Dental Licenses Issued by Month (2020)											% of All Apps: 40%		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
WREB	39	20	12	8	13	45							137
Residency	9	2	5	0	2	9							27
Credential	16	8	11	12	17	16							80
Portfolio	0	0	0	0	0	0							0
ADEX	N/A	N/A	N/A	0	1	0							1
Total	64	30	28	20	33	70							245
Cancelled Dental Applications by Month (2020)											% of All Apps: 16%		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
WREB	4	5	1	6	22	41							79
Residency	3	1	1	4	3	5							17
Credential	1	0	0	0	0	0							1
Portfolio	0	0	0	0	0	0							0
ADEX	N/A	N/A	N/A	0	1	2							3

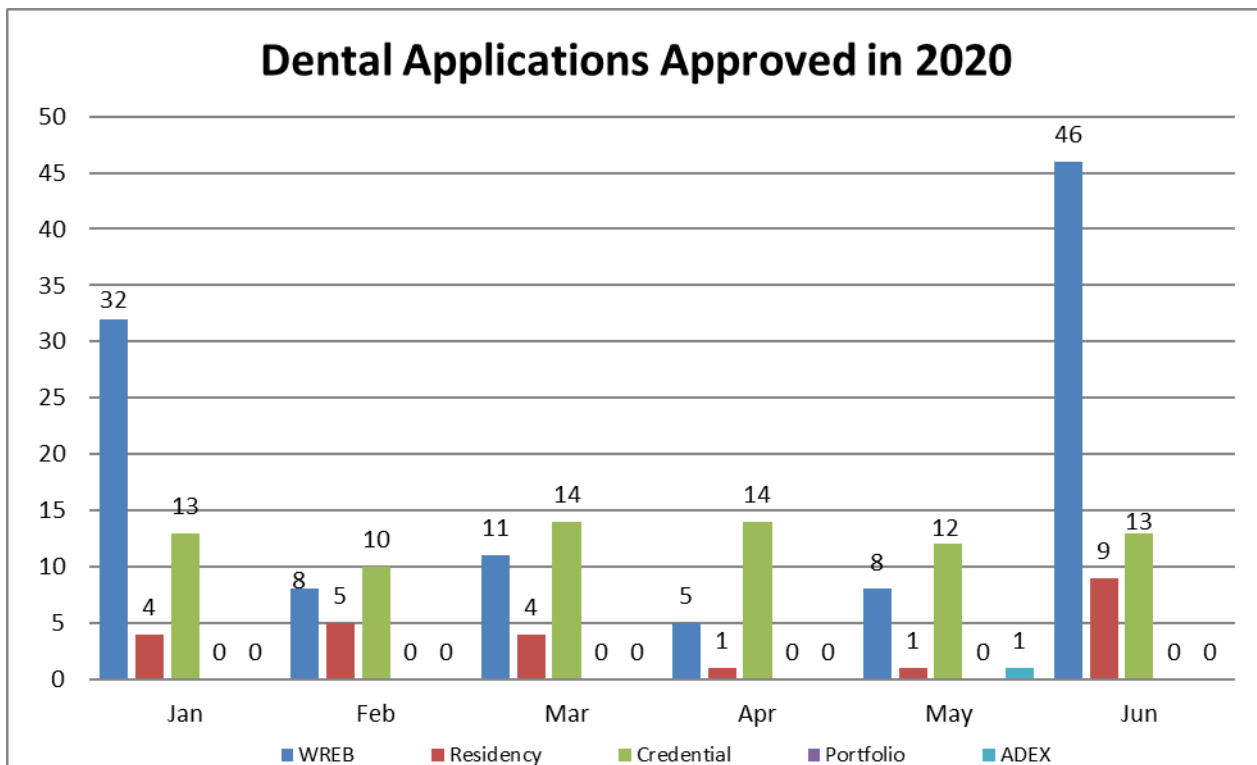
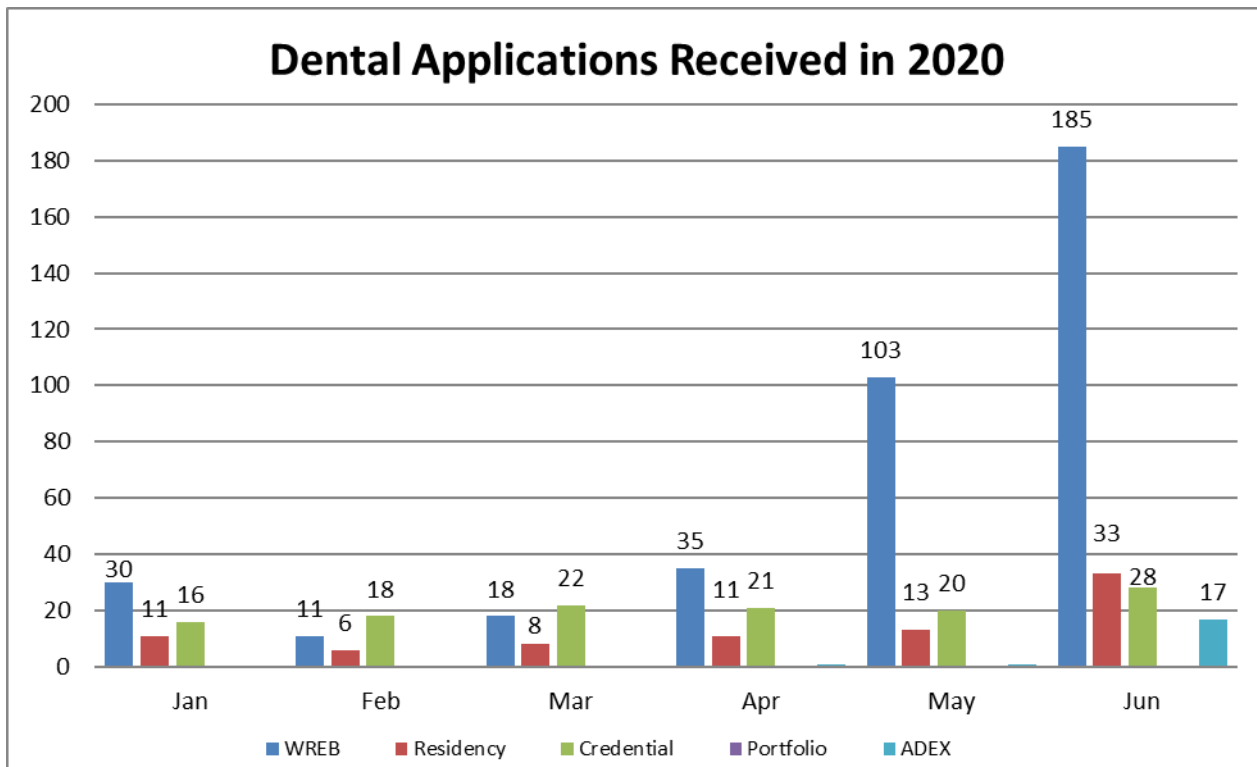
Total	8	6	2	10	26	48								100
Withdrawn Dental Applications by Month (2020)														% of All Apps: <1%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals	
WREB	0	2	0	0	1	2								5
Residency	0	0	1	0	1	0								2
Credential	0	0	0	0	0	0								0
Portfolio	0	0	0	0	0	0								0
ADEX	N/A	N/A	N/A	0	0	0								0
Total	0	2	1	0	2	2								7
Denied Dental Applications by Month (2020)														% of All Apps: 0%
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals	
WREB	0	0	0	0	0	0								0
Residency	0	0	0	0	0	0								0
Credential	0	0	0	0	0	0								0
Portfolio	0	0	0	0	0	0								0
ADEX	N/A	N/A	N/A	0	0	0								0
Total	0	0	0	0	0	0								0

*Deficient Applications by pathway: WREB – 335, ADEX – 19, Residency – 70, Credential – 104, Portfolio – 0, **Total**
- 528

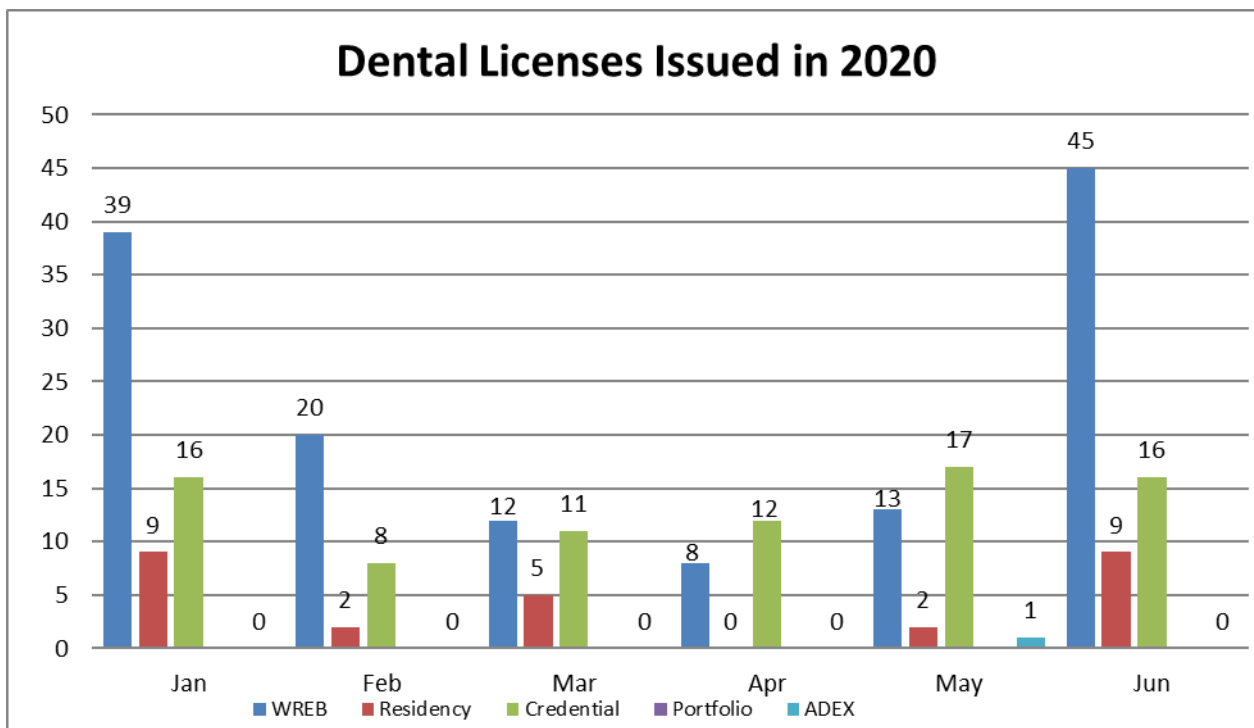
Application Definitions

Received	Application submitted in physical form or digitally through Breeze system.
Approved	Application for eligibility of licensure processed with all required documentation.
License Issued	Application processed with required documentation and paid prorated fee for initial license.
Cancelled	Board requests staff to remove application (i.e. duplicate).
Withdrawn	Applicant requests Board to remove application
Denied	Applicant fails to provide requirements for licensure (BPC 1635.5)
Deficient	Application processed lacking one or more requirements

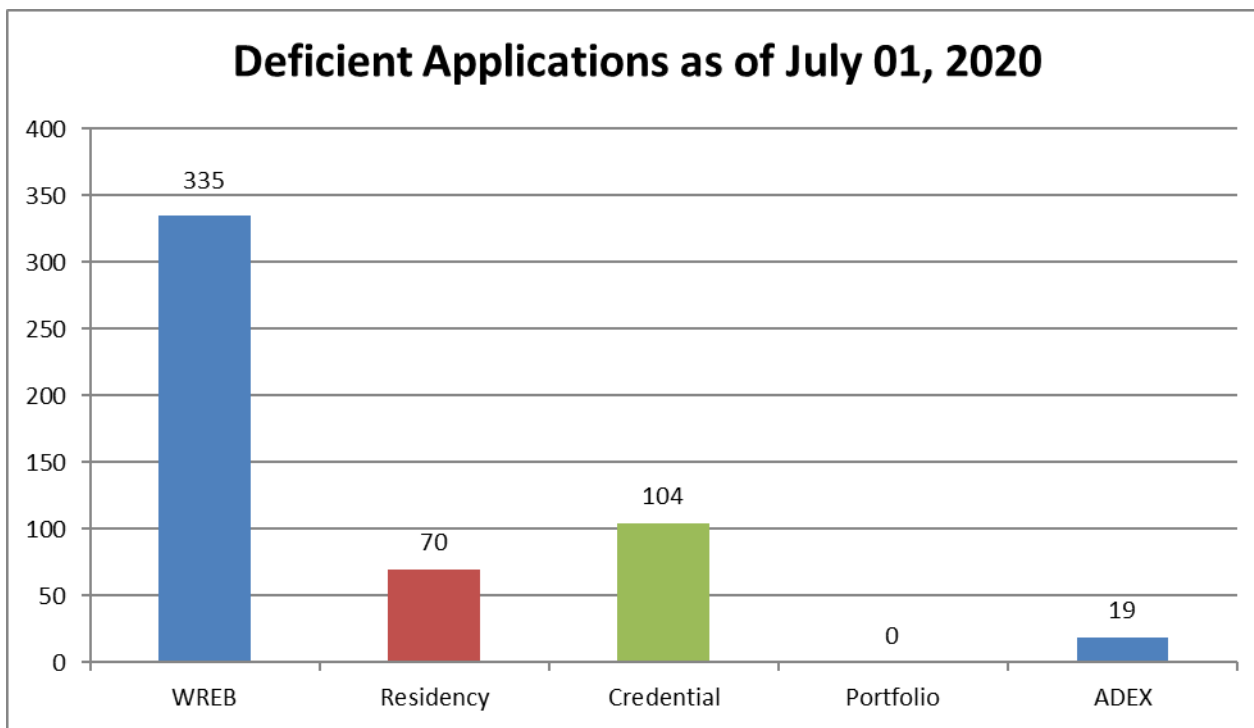
C. Following are graphs of monthly Dental statistics as of July 01, 2020



Dental Licenses Issued in 2020

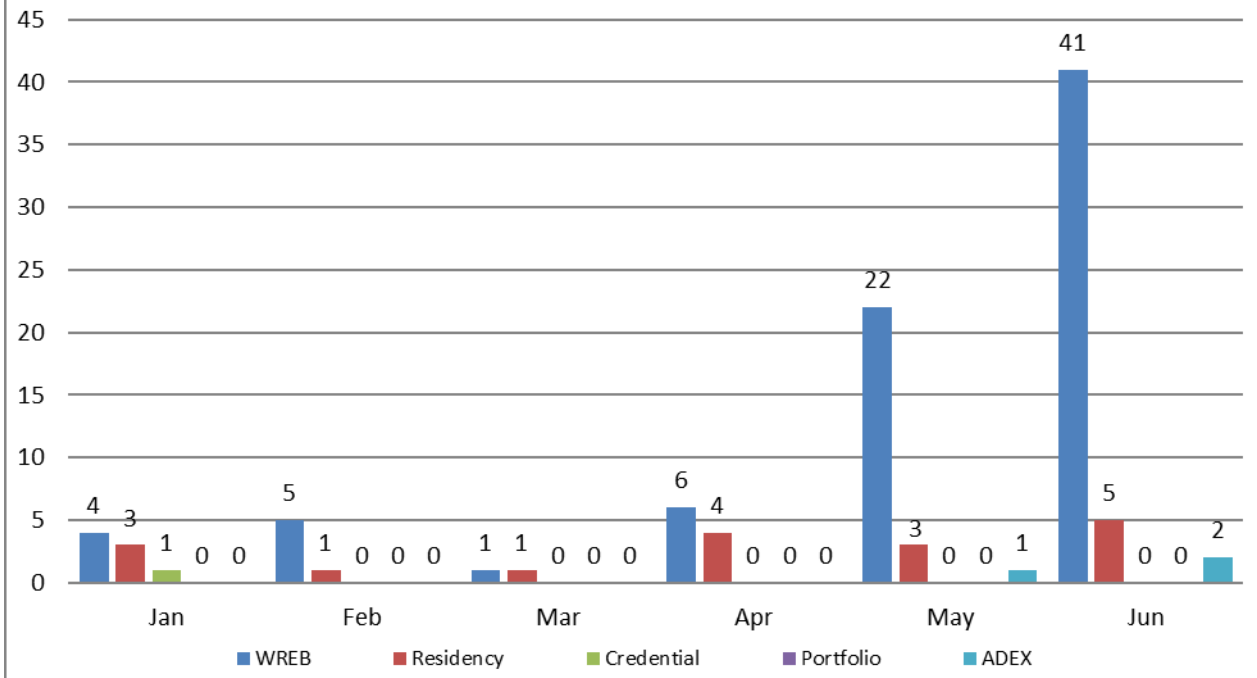


Deficient Applications as of July 01, 2020

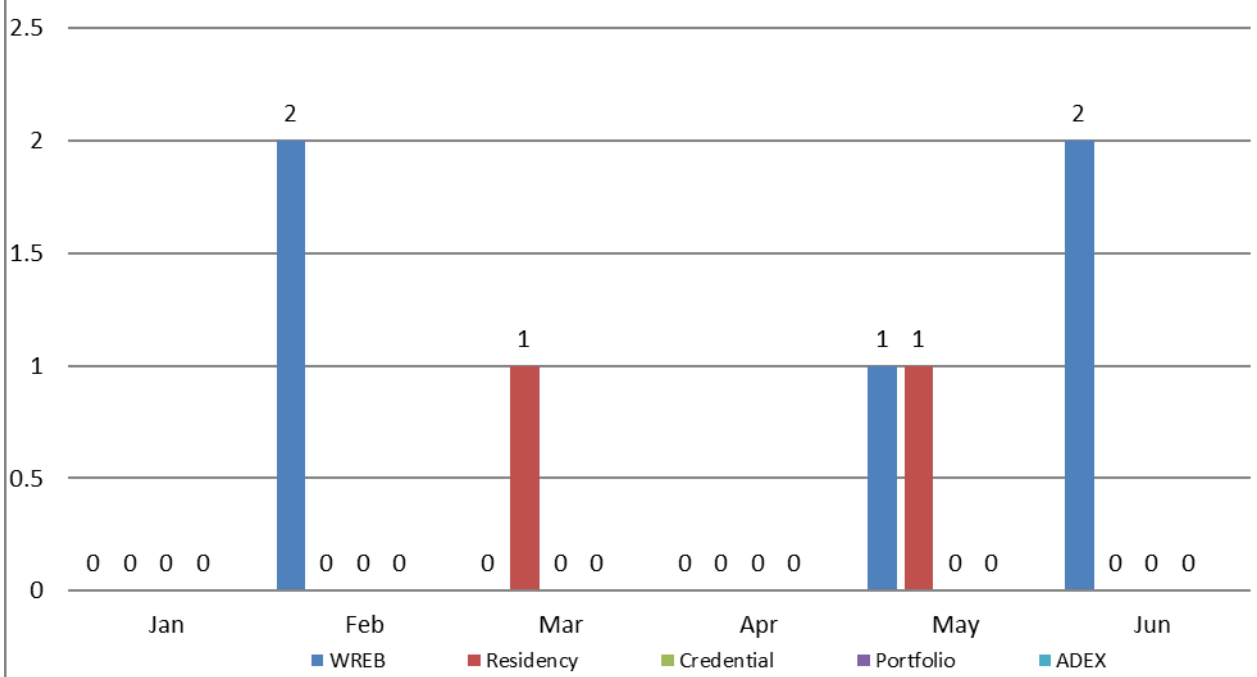


*Deficient: Pending with one or more requirements missing in application

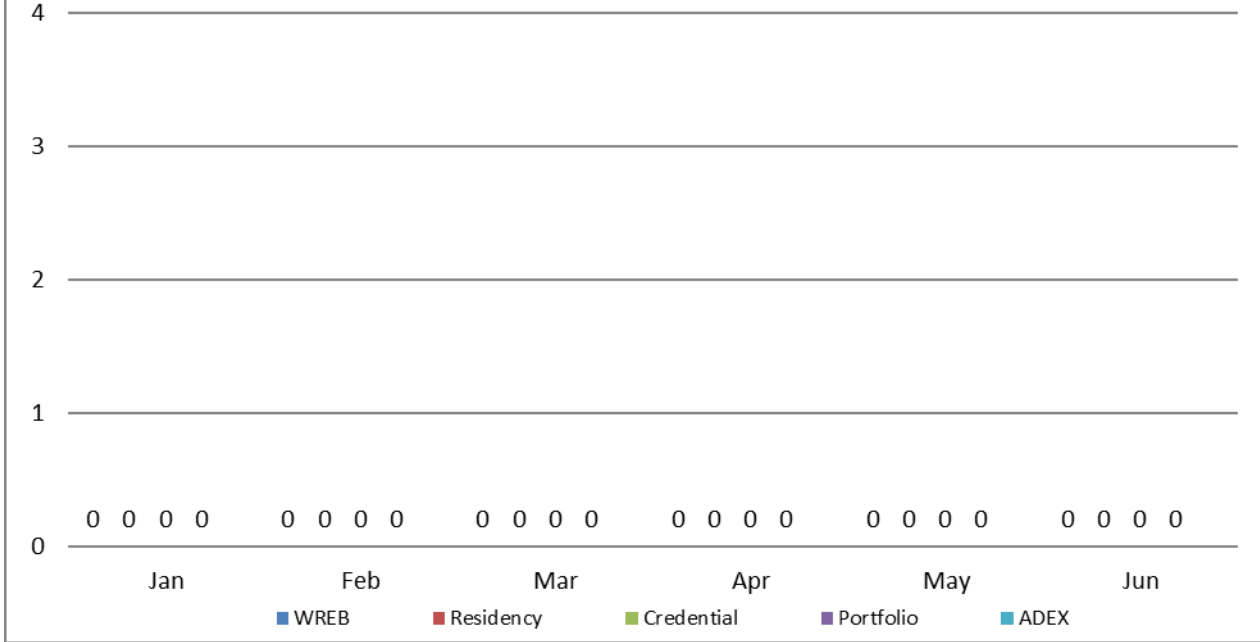
Cancelled Dental Applications in 2020



Withdrawn Dental Applications in 2020



Denied Dental Applications in 2020





MEMORANDUM

DATE	July 3, 2020
TO	Members of the Dental Board of California
FROM	Jessica Olney, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 13(b): General Anesthesia and Conscious Sedation Permit Evaluation Statistics

2019 - 2020 Statistical Overviews of the On-Site Inspections and Evaluations Administered by the Board

General Anesthesia Evaluations

	Pass Eval	Fail Eval	Permit Cancelled / Non-Compliance	Postpone no evaluators	Postpone by request	Permit Cancelled by Request
June 2019	11	0	1	1	3	3
July 2019	10	0	0	1	3	1
Aug 2019	11	0	3	0	0	4
Sept 2019	9	1	0	1	3	3
Oct 2019	17	0	2	1	3	2
Nov 2019	8	1	2	0	1	4
Dec 2019	9	1	2	0	0	2
Jan 2020	19	0	0	1	1	1
Feb 2020	15	0	0	2	2	2
Mar 2020	10	0	0	1	10	2
April 2020	0	0	0	3	20	0
May 2020	1	0	0	0	19	0
June 2020	5	0	0	6	7	0
July 2020*	10	0	0	2	3	2
Total	135	3	10	19	75	26

*Approximate schedule for July 2020.

Conscious Sedation Evaluations

Agenda Item 13(b): General Anesthesia and Conscious Sedation Permit Evaluation Statistics
 Dental Board of California Meeting
 July 24, 2020

	Pass Eval	Fail Eval	Permit Cancelled / Non-Compliance	Postpone no evaluators	Postpone by request	Permit Cancelled by Request
June 2019	3	2	1	0	2	3
July 2019	4	0	1	2	1	0
Aug 2019	10	0	1	0	1	3
Sept 2019	6	0	1	2	2	2
Oct 2019	7	0	2	0	2	2
Nov 2019	4	0	3	2	1	1
Dec 2019	7	0	2	0	1	4
Jan 2020	4	0	0	0	4	3
Feb 2020	12	0	1	0	2	0
Mar 2020*	4	0	3	1	5	1
April 2020	0	0	0	0	10	0
May 2020	0	0	0	0	11	3
June 2020	1	0	0	1	6	0
July 2020*	7	0	0	0	1	0
Total	69	2	15	8	49	22

*Approximate schedule for July 2020.

There is a great need for conscious sedation evaluators throughout California. Several evaluations have been postponed recently due to a lack of available evaluators. The Board is actively recruiting for the evaluation program.

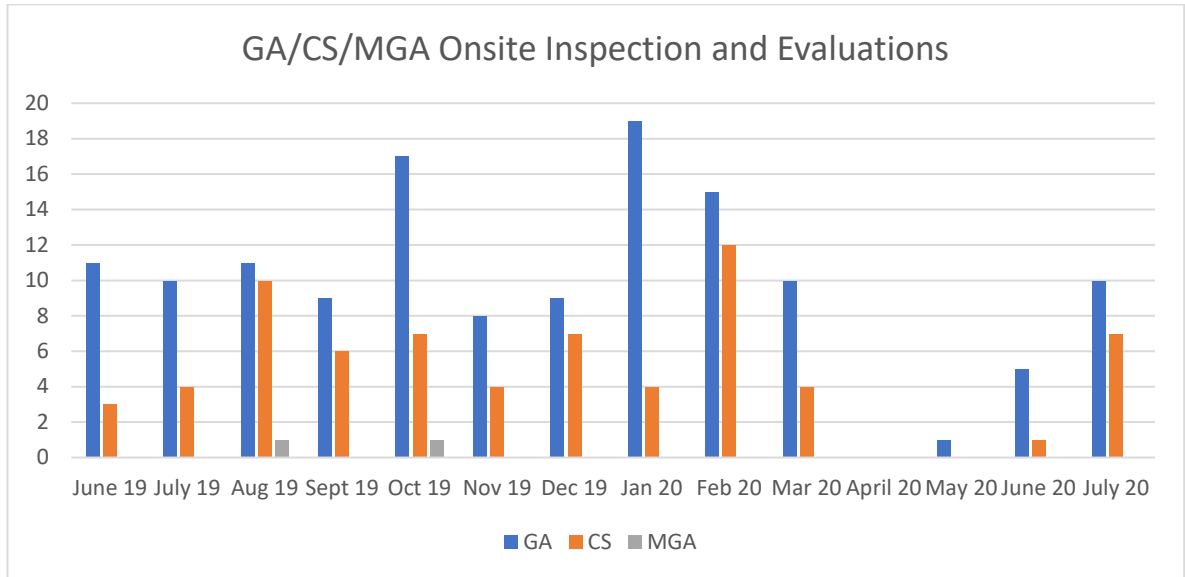
Medical General Anesthesia Evaluations

Agenda Item 13(b): General Anesthesia and Conscious Sedation Permit Evaluation Statistics
Dental Board of California Meeting
July 24, 2020

	Pass Eval	Fail Eval	Permit Cancelled / Non-Compliance	Postpone no evaluators	Postpone by request	Permit Cancelled by Request
June 2019	0	0	1	0	0	0
July 2019	0	0	0	1	0	0
Aug 2019	1	0	0	0	0	0
Sept 2019	0	0	2	0	0	0
Oct 2019	1	0	1	0	0	0
Nov 2019	0	0	0	0	0	1
Dec 2019	0	0	0	0	0	0
Jan 2020	0	0	3	0	0	0
Feb 2020	0	0	3	0	0	0
Mar 2020	0	0	1	1	0	0
April 2020	0	0	0	0	1	0
May 2020	0	0	1	0	2	0
June 2020	0	0	0	0	1	0
July 2020*	0	0	0	0	1	0
Total	2	0	12	2	5	1

*Approximate schedule for July 2020.

Completed evaluations per month



Current Evaluators per Region

Region	GA	CS	MGA
Northern California	131	70	7
Southern California	156	94	8

Action Requested:

No action requested.



MEMORANDUM

DATE	June 16, 2020
TO	Members of the Dental Board of California
FROM	Gabriel Nevin, Legislative and Regulatory Analyst Dental Board of California
SUBJECT	Agenda Item 14(a): 2020 Tentative Legislative Calendar – Information Only

The 2020 Tentative Legislative Calendar for both the Senate and Assembly is enclosed.

Action Requested:

No action necessary.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
Revised May 6, 2020

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
			<u>1</u>	2	3	4
5	<u>6</u>	7	8	9	<u>10</u>	11
12	13	14	15	16	<u>17</u>	18
19	<u>20</u>	21	22	23	<u>24</u>	25
26	27	28	29	30	<u>31</u>	

FEBRUARY						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	<u>17</u>	18	19	20	<u>21</u>	22
23	24	25	26	27	28	29

MARCH						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	<u>16</u>	17	18	19	20	21
22	23	24	25	26	<u>27</u>	28
29	30	31				

APRIL						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	<u>11</u>	12	13	14	15	16
17	18	19	20	21	22	23
24	<u>25</u>	26	27	28	<u>29</u>	30
31						

- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 6](#) Legislature Reconvenes (J.R. 51(a)(4)).
- [Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- [Jan. 17](#) Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- [Jan. 20](#) Martin Luther King, Jr. Day.
- [Jan. 24](#) Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)). Last day to **submit bill requests** to the Office of Legislative Counsel.
- [Jan. 31](#) Last day for each house to **pass bills introduced** in that house in the odd-numbered year (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).
- [Feb. 17](#) Presidents' Day.
- [Feb. 21](#) Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- [Mar. 16](#) Legislature in recess, ACR 189, Resolution Chapter 15, Statutes of 2020
- [Mar. 27](#) Cesar Chavez Day observed
- [May 11](#) Senate Reconvenes
- [May 25](#) Memorial Day
- [May 29](#) Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

*Holiday schedule subject to Senate Rules committee approval.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE

Revised May 6, 2020

JUNE						
S	M	T	W	TH	F	S
	1	2	3	4	<u>5</u>	6
7	8	9	10	11	12	13
14	<u>15</u>	16	17	18	<u>19</u>	20
21	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	27
28	29	30				

June 5 Last day for **policy committees** to hear and report to the floor non-fiscal bills introduced in their house (J.R. 61(b)(6)). Last day for policy committees to meet prior to June 8 (J.R. 61(b)(7)).

June 15 **Budget Bill** must be **passed** by **midnight** (Art. IV, Sec. 12(c)(3)).

June 19 Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal committees** to meet prior to June 29 (J.R. 61(b)(9)).

June 22-26 **Floor Session Only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(b)(10)).

June 25 Last day for a legislative measure to qualify for the November 3 General Election ballot (Election code Sec. 9040).

June 26 Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

JULY						
S	M	T	W	TH	F	S
			1	<u>2</u>	<u>3</u>	4
5	6	7	8	9	10	11
12	<u>13</u>	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	<u>31</u>	

July 2 **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

July 3 Independence Day observed.

July 13 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

July 31 Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

AUGUST						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	<u>7</u>	8
9	10	11	12	13	<u>14</u>	15
16	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	22
23	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	29
30	<u>31</u>					

August 7 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Aug. 14 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 17 – 31 **Floor Session only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(16)).

Aug. 21 Last day to **amend bills** on the Floor (J.R. 61(b)(17)).

Aug. 31 Last day for **each house to pass bills**, except bills that take effect Immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c)), (J.R. 61(b)(18)). **Final recess** begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

Sept. 30

Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 3

General Election

Nov. 30

Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

Dec. 7

12 m. convening of 2021-22 Regular Session (Art. IV, Sec. 3(a)).

2021

Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 4

Legislature reconvenes (JR 51(a)(1)).

2020 TENTATIVE ASSEMBLY LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 5-6-20

DEADLINES

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 6** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 17** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 20** Martin Luther King, Jr. Day.
- Jan. 24** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

JANUARY							
	S	M	T	W	TH	F	S
				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30	31	

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 4							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29

MARCH							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Wk. 1	29	30	31				

APRIL							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Spring Recess	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

MAY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30
Wk. 1	31						

- Feb. 17** Presidents' Day.
- Feb. 21** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Mar. 3** Primary Election.
- Mar. 20** Joint Recess begins upon adjournment (A.C.R. 189, Resolution Chapter 15, Statutes of 2020).
- Mar. 27** Cesar Chavez Day observed.
- May 4** Assembly reconvenes from Joint Recess (A.C.R. 189, Resolution Chapter 15, Statutes of 2020).
- May 22** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in the Assembly (J.R. 61(b)(5)).
- May 25** Memorial Day.
- May 29** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in the Assembly (J.R. 61(b)(6)).

*Holiday schedule subject to final approval by Rules Committee.

2020 TENTATIVE ASSEMBLY LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 5-6-20

JUNE							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
No Hrgs.	14	15	16	17	18	19	20
Summer Recess	21	22	23	24	25	26	27
Summer Recess	28	29	30				

June 5 Last day for **fiscal committees** to hear and report to the **floor** bills introduced in the Assembly (J.R. 61 (b)(8)).

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

June 15-19 Assembly Floor session only. No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).

June 19 Last day for the Assembly to pass bills introduced in that house (J.R. 61(b)(11)).

Summer Recess begins for the Assembly upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

June 25 Last day for a legislative measure to qualify for the Nov. 3 General Election ballot (Elections Code Sec. 9040).

JULY							
	S	M	T	W	TH	F	S
Summer Recess				1	2	3	4
Summer Recess	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
Wk. 4	19	20	21	22	23	24	25
Wk. 1	26	27	28	29	30	31	

July 3 Independence Day observed.

July 13 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

July 31 Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

AUGUST							
	S	M	T	W	TH	F	S
Wk. 1							1
Wk. 2	2	3	4	5	6	7	8
Wk. 3	9	10	11	12	13	14	15
No Hrgs.	16	17	18	19	20	21	22
No Hrgs.	23	24	25	26	27	28	29
No Hrgs	30	31					

Aug. 7 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Aug. 14 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 17 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 21 Last day to **amend** bills on the floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)). **Final Recess** begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 1 Bills enacted on or before this date take effect January 1, 2021. (Art. IV, Sec. 8(c)).

Nov. 3 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 7 2021-22 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2021

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.



MEMORANDUM

DATE	July 7, 2020
TO	Members of the Dental Board of California
FROM	Gabriel Nevin, Legislative and Regulatory Analyst Dental Board of California
SUBJECT	Agenda Item 14(b): Discussion and Possible Action on Legislation

Background:

The Dental Board of California (Board) has been tracking the following bills relating to professions and vocations that impact the Board, the Department of Consumer Affairs (DCA), healing arts boards and their respective licensees, and licensing boards.

- 1) [AB 613](#) (Low) Dentists: clinical laboratories: license examinations.
- 2) [AB 1998](#) (Low) Dental Practice Act: unprofessional conduct.
- 3) [AB 2028](#) (Aguiar-Curry; Coauthor Gonzalez) State agencies: meetings.
- 4) [AB 2113](#) (Low; Coauthors: Carillo, Chiu, Medina, Blanca Rubio, and Gonzalez) Refugees, asylees, and immigrants: professional licensing.
- 5) [AB 2520](#) (Chiu; Coauthor: Senator Leyva) Access to medical records.
- 6) [AB 2549](#) (Salas; Coauthor: Gonzalez) Department of Consumer Affairs: temporary licenses.
- 7) [AB 3045](#) (Gray and Patterson; Coauthors: Gallagher, Fong, Gipson, Grayson, and Obernolte) Department of Consumer Affairs: boards: veterans: military spouses: licenses.
- 8) [SB 878](#) (Jones) Department of Consumer Affairs: license: application: processing timeframes.
- 9) [SB 1168](#) (Morrell) State Agencies licensing services.
- 10) [SB 1474](#) (Senators Glazer (Chair), Archuleta, Chang, Dodd, Galgiani, Hill, Leyva, Pan, and Wilk; Principal coauthor: Assembly Member Low) Business and professions.

This memorandum includes information regarding the bill's status, location, date of introduction, date of last amendment, and a summary. Board staff will present the bills at the meeting.

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If you would like additional information on any of these bills, the following web sites are excellent resources for viewing proposed legislation and finding additional information:

<https://leginfo.legislature.ca.gov/>

<https://www.senate.ca.gov/>

<https://www.assembly.ca.gov/>

Action Requested:

The Board may take one of the following actions regarding each bill:

Support

Support if Amended

Oppose

Oppose Unless Amended

Watch

Neutral

No Action

LEGISLATIVE ANALYSES

[AB 613](#) (Low) Dentists: clinical laboratories: license examinations.

Introduced: February 14, 2020

Last Amended: June 29, 2020

Disposition: Pending

Location: Senate

Status: June 29, 2020: Re-referred to Committee on Business Professions and Economic Development with author's amendments.

Summary: This bill would expand the definition of "laboratory director" under Business and Professions code section 1209 to include licensed dentists.

The bill would amend existing law which authorizes the acceptance of an American Board of Dental Examiners, Inc. (ADEX) exam only after DCA makes the determination that the exam is compliant with specified requirements and standards. This bill would delete the provision specifying that the examination may only be accepted after the determination of compliance is made. The bill, until January 1, 2024, would specify that an applicant who received a passing score on the ADEX exam or the Western Regional Examining Board (WREB) exam between January 1, 2015, to December 31, 2019, shall be deemed to satisfy the examination requirement.

Board Impact: This bill supersedes existing provisions controlling the acceptance of the ADEX and WREB exams. Existing law required the DCA Office of Professional Examination Services (OPES) review and validate the ADEX exam before it could be accepted by the Board. This bill will override the history of the Board's review and acceptance of ADEX examination that began with the passage of Assembly Bill (AB) 2331 (Dababneh, Chapter 572, Statutes of 2016) which only became effective on January 1, 2017. AB 2331 required DCA OPES to review the ADEX examination to ensure compliance with Business and Professions Code (BPC) section 139 and to certify that the examination meets those standards.

The Board requested that DCA's OPES complete a comprehensive review of the ADEX examination series. The purpose of the OPES review was to evaluate the suitability of the ADEX dental examination series for use in California licensure.

Before this review could take place however, the Board had to conduct an occupational analysis (OA) of the dentistry profession. Conducting the OA required a Budget Change Proposal (BCP) during the 2017/2018 fiscal year to appropriate funding to perform the analysis, to be reimbursed by ADEX.

By the August 2017 Board meeting, the Board had a contract with OPES to conduct the OA; by December 2017 OPES had initiated the OA; and the OA was completed by June of 2018. At the August 2018 Board meeting the OA was presented to the Board, and OPES began conducting the review of the ADEX exam itself.

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The OPES review of the ADEX exam was completed in May 2019. At the August 2019 Board meeting OPES delivered its comprehensive evaluation of the ADEX examination and the Board voted to accept the OPES Report. At its November 2019 meeting, the Board voted to accept the ADEX exam for dental licensure

This bill calls for the acceptance of ADEX exam results as far back as 2015, which is two years before the OPES review began, and therefore cannot be validated by the OPES review. Board staff are concerned that this bill would require the Board to accept applicants whose results that precede the exam validation review, and therefore have not been validated by the Board.

In addition, this bill would allow candidates for licensure who took the WREB prior to January 1, 2020 but who opted not to take the prosthodontics section of the examination, to apply for full licensure. By contrast beginning January 1, 2020, all candidates for licensure in California through the WREB and ADEX pathways must show competency in prosthodontics. Competency in prosthodontics is important because much of the discipline of licensees in the state currently relates to crown and bridge placement and implants. Board staff are concerned that allowing some applicants to gain licensure without taking the prosthodontics section would likely increase the incidence practitioners receiving discipline and patients suffering complications related to prosthodontic procedures being performed by practitioners who did not demonstrate competency in prosthodontics application prior to receiving a DDS license which allows them to perform these procedures.

Furthermore, current law requires that a student using the WREB or ADEX to satisfy the examination requirements for licensure must have achieved a passing score on the exam within the prior five years. The five-year limitation is important because the skills necessary to be a competent practitioner are perishable, and it cannot be assumed that a person who has not been practicing or training to practice for over five years will retain competency. This bill would (until January 1, 2024) require the Board to accept a passing score on ADEX or WREB administered between January 1, 2015 and December 31, 2019. Therefore whereas normally an applicant would have five years to apply after passing ADEX or WREB; under this bill an applicant would be eligible for a license in 2023 by passing the exam in 2015 thereby retaining eligibility for eight years.

The Board's most important duty is protection of the public, and this bill would remove significant authority to protect the public by validating the examinations students use to demonstrate their competency to be licensed, and controlling the duration in which those exam results may be accepted. This could negatively impact the Board's ability to ensure that all practitioners are competent and safe. This bill would require a rulemaking and corresponding changes to Breeze and office processes. The fiscal impact is expected to be minor and absorbable.

Board Position: None Taken.

[AB 1998](#) (Low) Dental Practice Act: unprofessional conduct.

Introduced: January 27, 2020

Last Amended: June 3, 2020

Disposition: Pending

Location: Senate

Status: July 2, 2020: To Committee on Business, Professions and Economic Development.

Summary: Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California. The act specifies unprofessional conduct by a licensee to include, among other things, the failure by a treating dentist, prior to the initial diagnosis and correction of malpositions of human teeth or the initial use of orthodontic appliances, to perform an examination pursuant to that required of a patient of record, including the review of the patient's most recent diagnostic digital or conventional radiographs or other equivalent bone imaging suitable for orthodontia.

The act requires new radiographs or other equivalent bone imaging to be ordered if deemed appropriate by the treating dentist. The act defines a patient of record to mean a patient who has been examined, has had a medical and dental history completed and evaluated, and has had oral conditions diagnosed and a written plan developed by the licensed dentist. The act also specifies unprofessional conduct by a licensee to include the advertising of either professional superiority or the advertising of performance of professional services in a superior manner.

This bill would revise that unprofessional conduct provision described above to require new radiographs or other equivalent bone imaging to be ordered if no radiographs are available for diagnostic review. The bill would provide that, for purposes of that unprofessional conduct provision, the correction of malpositions includes any movement of the teeth, including the treatment of malocclusions. The bill would also specify unprofessional conduct by a licensee to include the destruction of patient records before 10 years have elapsed from the date a dental service was last provided if the patient is an adult or 7 years have elapsed from the date a dental service was last provided, or one year has elapsed from the patient's 18th birthday, whichever is longer, if the patient is a minor. The bill would additionally specify unprofessional conduct by a licensee to include the advertising of performance of professional services in a more expeditious manner.

Existing law requires an individual, partnership, corporation, or other entity providing dental services through telehealth, prior to the rendering of services and when requested by a patient, to make available the name, telephone number, practice address, and California state license number of any dentist who will be involved in the provision of services to a patient, and makes a violation of that provision unprofessional conduct.

This bill would require the information described above to be provided to the patient at the time that the patient receives the recommended treatment plan for services involving the diagnosis and correction of malpositions of human teeth or initial use of orthodontic appliances, as specified.

Existing law prohibits a provider of dental services from requiring a patient to sign an agreement limiting the patient's ability to file a complaint with the board.

This bill would prohibit a licensed dentist, dental assistant, registered dental assistant, registered dental assistant in extended functions, dental sedation assistant permitholder, orthodontic assistant permitholder, registered dental hygienist, registered dental hygienist in alternative practice, registered dental hygienist in extended functions, or other person from being required to sign an agreement that limits the signatory's ability to file a complaint or provide information to the board.

Existing law requires a licensee who fails or refuses to comply with a request for the dental records of a patient, that is accompanied by that patient's written authorization for release of record to the board, within 15 days of receiving the request and authorization, to pay to the board a civil penalty of \$250 per day for each day that the documents have not been produced after the 15th day, up to a maximum of \$5,000, unless the licensee is unable to provide the documents within this time period for good cause.

This bill would specify unprofessional conduct by a licensed dentist to include failure to comply with a written request of a patient to receive a copy of any patient-signed documents within 15 days of receiving the request.

Board Impact: This bill will add additional conduct to the definition of unprofessional conduct. The fiscal impact of this legislation is anticipated to be minor and absorbable within the existing workload.

Board Position: Watch (Position taken during February 2020 Board meeting).

[AB 2028](#) (Aguiar-Curry; Coauthor: Gonzalez) State agencies: meetings.

Introduced: January 30, 2020

Last Amended: July 8, 2020

Disposition: Pending

Location: Senate

Status: June 23, 2020: To Senate Committee on Governmental Organization.

Summary: Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body be open and public; and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in

writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require these writings and materials to be made available on the internet at least 48 hours in advance of the meeting, or on the first business day after the day that the materials are distributed to the Board members, whichever comes earlier, and require that the materials be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The Bill provides that the materials may be amended as they relate to active legislation and changing financial market conditions after the deadline. The bill would provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements, and must provide the materials immediately upon written request.

Board Impact: This bill would limit the Dental Board's ability to provide accurate and updated information at Board meetings regarding legislation, to discuss new materials sent from stakeholders and the public and limit the Board's ability to work with outside presenters.

In addition, once the Board's meeting is posted, stakeholders will review the topics to be discussed and request to send a statement or relevant information to be included in the discussion at the Board meeting. Under this proposal, it appears this practice would no longer be allowed.

At times the Board invites subject matter experts to present on their area of expertise. Often this includes a PowerPoint presentation or other written handouts. Under the proposal, it appears that this material would need to be submitted and posted at least 48 hours prior to the meeting, which could hinder the ability of the Board to find experts willing to present.

As a general practice the Dental Board already posts this information to the website 14 day in advance of meetings. However the materials for the February 2020 meeting were not ready in time which would have caused the meeting to be postponed. Furthermore, the issues being discussed at the Board meeting are not static. If the Board is limited to discussing materials which are 48 hours old, the Board may not be able to give timely feedback on important issues that affect the Board and its duty to protect the public. The impact of this bill is difficult to quantify but it will be a limitation on the Board's ability to provide accurate and update materials for discussion at meetings and limit the Board's

ability to receive input from outside experts and stakeholders. The fiscal impact is anticipated to be minor and absorbable.

Board Position: Oppose (Position taken during February 2020 Board meeting).

[AB 2113](#) (Low; Coauthors: Carillo, Chiu, Medina, Blanca Rubio, and Gonzalez)
Refugees, asylees, and immigrants: professional licensing.

Introduced: February 6, 2020

Last Amended: May 4, 2020

Disposition: Pending

Location: Senate

Status: July 1, 2020: To Senate Committee on Business, Professions and Economic Development.

Summary: This bill would require the Board to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the Board that they are a refugee, have been granted political asylum, or have a special immigrant visa. It does not otherwise change the requirements for licensure.

Board Impact: The Board already has a process for expediting certain licenses. Implementing this bill would require adding three classes of applicants (Refugee, Political Asylum and Special Immigrant Visa) to that process, and updating the application to include the request for expedited processing on the basis of one of the three classes. However this would not otherwise change the licensing requirements. Therefore this bill is expected to have minimal fiscal impact which is absorbable within the current budget.

Board Position: None taken.

[AB 2520](#) (Chiu; Coauthor: Senator Leyva) Access to medical records.

Introduced: February 19, 2020

Last Amended: June 26, 2020

Disposition: Pending

Location: Senate

Status: June 26, 2020: Re-referred to Senate Committee on Health with author's amendments.

Summary: Existing law requires a health care provider, including a Dentist, to provide a patient or the patient's representative with all or any part of the patient's medical records that the patient has a right to inspect, subject to the payment of clerical costs incurred in locating and making the records available, following a written request from the patient. Existing law requires the health care provider to provide one copy of the relevant portion of the patient's record at no charge if the patient or patient's representative presents proof to the provider that the records are needed to support an appeal regarding

eligibility for a public benefit program, as defined. Existing law makes a willful violation of these provisions by specified health care providers an infraction.

This bill would require a health care provider to provide an employee of a nonprofit legal services entity representing the patient a copy of the medical records at no charge under those conditions. The bill would expand the definition of a public benefit program to include the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants, and a government-funded housing subsidy or tenant-based housing assistance program. The bill additionally would require a health care provider to provide the records at no charge upon proof that the records are needed for a petition for U nonimmigrant status under the Victims of Trafficking and Violence Protection Act or a self-petition for lawful permanent residency under the Violence Against Women Act.

This bill also would prohibit a health care provider from charging a fee to a patient for filling out forms or providing information responsive to forms that support a claim or appeal regarding eligibility for a public benefit program. The bill would require the health care provider to provide information responsive to those portions of the form for which the health care provider has the information necessary to provide a medical opinion, as specified. The bill would also authorize a health care provider to honor a request to disclose a patient record or complete a public benefit form that contains the written or electronic signature of the patient or the patient's personal representative.

Board Impact: This legislation would increase the persons to whom a Dentist must produce medical records upon receipt of a valid request; and increases the instances in which the dentist will have to bear the cost of the record production, or filling out forms. However, existing law already requires Dentists to produce copies of patient records to patients and their representatives in similar circumstances. This bill would merely expand the explicit definition of patient representative to include employees of non-profit legal services entities, expand the definition of public benefit programs, and expand the times when these records must be produced at no cost to patients. Because this bill expands the application of an existing law, the impact on the Board is expected to be minor and absorbable, and limited to educating practitioners.

Board Position: None Taken.

[AB 2549](#) (Salas; Coauthor: Gonzalez) Department of Consumer Affairs: temporary licenses.

Introduced: February 19, 2020

Last Amended: May 18, 2020

Disposition: Pending

Location: Senate

Status: July 1, 2020: To Senate Committee on Business, Professions and Economic Development.

Summary: Existing law requires a board within the Department of Consumer Affairs to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license.

This bill would expand that requirement to issue temporary licenses to include all licenses issued by the Dental Board. The bill would require the Board to issue the temporary license within 30 days of receiving the required documentation. The bill would require that the Board submit draft regulations for approval by the Department of Consumer Affairs by January 1, 2022.

The Board already has a Licensure by Credential Pathway for Dentist licensees, which allows Dentists licensed in other states to apply for licensure in California. Dentistry has more consistent national licensing standards. This makes the process of validating an out of state license labor intensive, but the standards are close enough that it is possible to offer nearly all out of state licensees a path to California licensure. However some states offer specialty dentistry licenses whereas California does not. These specialty dentistry licensees could potentially acquire a California dentistry license which would allow them to perform procedures which were outside the scope of practice for their out of state license. In addition the bill imposes a 30-day limitation on processing the out of state temporary license applications which will increase the impact of this bill on the Board's workload.

This bill would substantially restrict the Board's oversight authority over the RDA and RDAEF licensee population. Furthermore it would likely not be effective in increasing licensure portability.

Some states (Florida and Wisconsin) do not license RDAs or RDAEFs at all. The statute would require the Board to issue the temporary license to anyone who, "hold[s] a current, active, and unrestricted license that confers upon the applicant the authority to practice ... the profession or vocation for which the applicant seeks a temporary license from the board." Therefore the Board could not issue a temporary license under this legislation for those states because there is no corresponding license.

Many states (AL, AK, AZ, CO, CT, DE, FL, GE, HI, ID, IL, IN, KS, KY (private certification), LA, ME, MS, MT, NV, OR (private certification), SC, UT, VA, WV, WI, WY) do not offer RDA licensure, therefore the Board could not offer a reciprocal license at all for this level of dental assisting practitioner from these states.

Most of these states offer a higher level/extended function/advanced practice license (some of these are licenses, but some are closer to certifications which may or may not be administered by the licensing authority as opposed to a private entity). However the allowed duties associated with those higher-level practitioners would have to be assessed on a state by state basis.

Some states' advanced practitioner distinctions may be akin to California's RDAEF in terms of allowable duties and required education and experience. Whereas some states' advanced practitioner distinctions may be closer to California's RDA in terms of allowable duties and required education and experience. Very few of the states come close to aligning all the allowable duties at the various practitioner levels.

The statute would require the Board to issue the temporary license to anyone who, "hold[s] a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board." Therefore in the case where an out-of-state licensee applies for a California license on the basis of the higher level practitioner license they hold in that state, the Board will have to analyze the out-of-state license the applicant holds and determine if they qualify for an RDA or RDAEF based on the authority to practice authorized by the out of state application. Implementing this will require significant analysis of each states' practice act.

For example:

Idaho allows functions such as pit and fissure sealants and coronal polishing to be performed only by "Dental Assistants board-qualified in expanded functions" however there is not a license associated with this title. Whereas California allows these duties (pit and fissure sealants and coronal polish) to be performed by RDAs.

In Michigan RDA licenses exist, but there is a class of supervision (under assignment) which does not exist in California. Furthermore Michigan RDAs can perform two duties which only RDAEFs may perform in California; and are not allowed to perform one duty which California RDAs can perform.

In Massachusetts the lowest level of Board registered dental auxiliary is an On the Job Trained Dental Assistant, but their allowed duties cover duties which only RDAEFs can perform in California.

In Minnesota, Licensed Dental Assistants are not authorized to perform duties which California RDAs are authorized to perform, and Licensed Dental Assistants with Collaborative Practice Authorization are not authorized to perform duties which California RDAEFs can perform.

In Nebraska Licensed Dental Assistants are not authorized to perform ten duties which California RDAs are authorized to perform.

In Pennsylvania unlicensed DAs may perform duties which RDAs perform in California; there is no RDA equivalent but there is an Expanded Functions Dental Assistant certification. However Expanded Functions Dental Assistants are not allowed to perform nine duties which California RDAs are allowed to perform whereas California RDAEFs are allowed to perform duties which no PA dental assistant at any level may perform.

In South Carolina there is no RDA licensure. There is an Expanded Duty Dental Assistant designation however it is unclear that this is a license and it is possible to attain this designation by working as an unlicensed dental assistant continuously for 2 years.

In Virginia Dental Assistant 1s are unlicensed (Dental Assistant 2s are licensed), and no dental assistant at any level can administer NO2, whereas in California an unlicensed Dental Assistant may assist in the administration of NO2.

As this demonstrates each state will require a careful analysis to determine whether or not the practitioner is qualified for licensure as an RDA or RDAEF in California, and even then it there will be instances where the Board will have to accept lower qualifications or deny a state, creating a patchwork response that does not meet the author's intent.

Board Impact: In addition to the uncertainty of implementing this bill across the Board, this bill would require creating a new licensure pathway. The new pathway will require implementing new office and online processes. It will require additions to the website and adding modifiers to Breeze as well as creating new applications. This will include at minimum creating 17 new license types, each with at least 11 transaction codes. It will also require staff to create Business Rules that would cancel the temporary license automatically if a new license is not issued within 12 months, or if the applicant does not qualify. It will also require creating an interface with DOJ/FBI in order to receive fingerprint clearance for the initial application transaction; and creating no longer interested (NLI) interface with DOJ/FBI for applicants who do not qualify or pursue an application for licensure. The fiscal impact of all these office processes, website, and Breeze modifications is estimated to cost between \$200,000 to \$500,000 of additional IT services to implement the new license types (17 different temporary licenses) for AB 2549, and could require an outside contractor. That projection applies if the Board assumes that temporary licenses will be required for all of our permits and licenses, which is in keeping with the plain language of the bill. The rulemaking and accompanying forms required to implement these changes must be submitted in draft form to the Department of Consumer Affairs by January 1, 2022. Any costs to promulgate regulations would be minor and absorbable.

In addition, this this bill could interact with AB 2631 (Cunningham Coauthors: Horvath, Fong, Lackey, Mayes and Sens Jones and Wilk), which would prohibit charging application fees to applicants situated similarly to the applicants affected by this legislation (military spouses with out of state credentials). AB 2631 would increase the

fiscal effect of this legislation because licensing fees normally offset the cost of processing applications.

Board Position: Oppose (Position taken during June 2020 Board meeting).

[AB 3045](#) (Gray and Patterson; Coauthors: Gallagher, Fong, Gipson, Grayson, and Obernolte) Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Introduced: February 21, 2020

Last Amended: n/a

Disposition: Pending

Location: Senate

Status: July 1, 2020: To Committee on Business, Professions and Economic Development.

Summary: AB 3045 would require the Board to issue temporary licenses to honorably discharged veterans and Military spouses who have a corresponding license in another state.

Bill Analysis: This bill raises all the same issues as AB 2549 plus it extends eligibility for the temporary license to another group of persons: honorably discharged veterans. Issuing California licenses to persons holding out of state licensure will require a state by state analysis to determine whether the practitioner is qualified for licensure in California. There will be instances where applicants will have to accept a lower level licensure than they had in their home state, and there will be cases where states have to be denied outright, creating a patchwork response that does not meet the author's intent. For instance Florida and Wisconsin do not offer any kind of license for dental assistants. Because applicants from these states will not have a license, they will not benefit from this legislation.

In addition to the uncertainty of implementing this bill across the board, this bill would require creating a new licensure pathway. The new pathway will require implementing new office and online processes. It will require additions to the website and to Breeze. This will include creating 17 new license types, each with at least 11 transaction codes. It will also require staff to create Business Rules that would cancel the temporary license automatically if a new license is not issued within 12 months, or if the applicant does not qualify. It will also require creating an interface with DOJ/FBI in order to receive fingerprint clearance for the initial application transaction; and creating no longer interested (NLI) interface with DOJ/FBI for applicants who do not qualify or pursue an application for licensure.

This bill will also require a rulemaking and accompanying forms be drafted. In addition this this bill could interact with AB 2631 (Cunningham Coauthor: Horvath, Fong, Lackey, Mayes and Sens Jones and Wilk) which would prohibit charging application fees to applicants situated similarly to the applicants affected by this legislation (military

spouses with out of state credentials). AB 2631 would increase the fiscal effect of this legislation because licensing fees normally offset the cost of processing applications. It is unknown how many licenses this would affect. The Board has data on licensees who report being honorably discharged veterans (41 in 6 years) to received expedited licenses. However these are California licensees who would not need to apply for a reciprocal license. The Board has no data on Licensees who have a license in another state.

The Board does not have a way to predict how many people with out of state licenses will apply as a result of this legislation. However based on the low volume of military expedite requests in the years since they have been available, Board staff does not predict a high volume of new applications resulting from this legislation and therefore expects the impact to be minor and absorbable, and not requiring additional positions or budget increases.

Board Position: Oppose (Position taken during June 2020 Board meeting).

[SB-878](#) (Jones) Department of Consumer Affairs: license: application: processing timeframes.

Introduced: January 22, 2020

Last Amended: June 18, 2020

Disposition: Pending

Location: Assembly

Status: June 29, 2020: In Assembly Committee on Business and Professions; Set for Hearing July 16, 2020 at 1 PM in the Assembly Chamber.

Summary: This bill would require beginning July 1, 2021, on at least a quarterly basis, that each board within the Department that issues licenses to prominently display the current average timeframe for processing initial and renewal license applications, or the combined average processing time for both on its internet website, as provided.

Board Impact: The Board already posts the average timeframe for processing initial and renewal license applications on the website. Therefore this bill should not result in a major impact to the Board. The Board will have to incur the cost of quarterly updates to the website which are expected to be minor and absorbable.

Board Position: Watch (Position taken during February 2020 Board meeting).

[SB 1168](#) (Morrell) State agencies licensing services.

Introduced: February 20, 2020

Last Amended: May 13, 2020

Disposition: Pending

Location: Senate

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Status: June 18, 2020: held in Senate Appropriations Committee.

Summary: Existing law authorizes a state agency that issues any business license to establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency, as defined, to submit an application for reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

This bill would require a state agency that issues any business license to establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application for deferral of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

This bill would also require a state agency that issues any license to establish a process to expedite licensing services, as defined, for a person or business that meets specified criteria, including that the person or business has been displaced by, or experiences economic hardship directly resulting from an emergency declared within 365 days of the request for licensing services.

Board Impact: The Board has a process for expediting applications, whereby expedited applications go to the front of the queue of the analyst to which they are assigned. In 2019 the Board processed an expedited non-deficient application in an average of five days, as opposed to an average processing time of 68 days for a non-expedited (non-deficient) application. However that system is premised on a distinction between expedited and non-expedited applications, wherein expedited applications go to the front of the line. It is not based on a different (faster) method for processing expedited applications. Considering the severity of the Covid-19 emergency it is likely that the Board's entire licensee and applicant population will suffer economic hardship and be eligible for an expedited license under this legislation. However if all applications are expedited, the system will no longer work, and it is unlikely that any applications will actually be processed more quickly. This possible outcome is not likely because this emergency will not increase the need for expedited licensing services, even if it could make all applicants and licensees eligible. Furthermore the legislation does not set a time period for expediting applications; it merely requires that a process be established. Therefore Board staff anticipate that any impact from this section will be minor and absorbable.

The section which defers fees for licensing services after a declared emergency resulting from a virus, would potentially be applicable to all licensees and applicants for licensure because the current Covid-19 emergency declaration is statewide, and is and will continue to have profound and wide-reaching economic consequences. The Board is a special funded agency. Fees for license renewal and issuance make up over 95% of the Board's revenues. Assuming all licensees and applicants defer their fees through the first quarter of fiscal year 2020-2021 due to the Covid-19 emergency the Dentistry fund's reserves would allow it to operate for 3.5 months and the Dental Assistant fund's

reserves would allow continued operations for 4.4 months. After that time the fund conditions would fall into a negative balance the Board would not be able to continue allowing licensees and applicants to defer fees.

This section would also require the Board to conduct a rulemaking to create and implement the required forms. It would also require updates to Breeze. The Board has 16 different license types with four transactions which would be affected by this bill. A new transaction code would be necessary for the applicant/licensee to submit the fee once the deferral period is over. The bill would also require the creation of an identifier on the application or license to include the amount due. Updates to the four existing transactions for each of those 16 license types would need to be made in order to add the deferral. The Board would also need a report to be created by working with the Reports Team to identify who was granted a deferral as well as possible enforcement updates to follow-up if licensees do not pay once the deferral period is over.

This section would have a negative impact on Board revenues from licensing services, which directly offset the cost of Board licensing operations. Although this would be recouped after the end of the declared emergency, and would not require the Board to fall into a negative fund condition this would have a negative fiscal impact on the Board.

Board Position: Watch (Position taken during June 2020 Board meeting).

[SB 1474](#) (Senators Glazer (Chair), Archuleta, Chang, Dodd, Galgiani, Hill, Leyva, Pan, and Wilk; Principal coauthor: Assembly Member Low) Business and professions.

Introduced: March 16, 2020

Last Amended: June 18, 2020

Disposition: Pending

Location: Assembly

Status: June 29, 2020: Referred to Assembly Committee on Business and Professions.

Summary: Under existing law the failure of a licensee to pay a fine within 30 days of the date of assessment or order, unless the citation is being appealed, may result in disciplinary action being taken by the Board.

This bill would expand that provision to allow the Board to pursue a disciplinary action against a licensee who fails to pay a fine or comply with an order of abatement, or both, within 30 days of the assessment or order unless the citation is being appealed.

Board Impact: This bill would logically expand the Board's existing authority to discipline licensees who fail to comply with the Dental Practice Act. The bill will require a rulemaking to implement and the addition of a corresponding enforcement code in Breeze. The impact of this bill is expected to be minor and absorbable.

Board Position: None Taken

AMENDED IN SENATE JUNE 29, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 613

Introduced by Assembly Member Low

February 14, 2019

~~An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor. An act to amend Sections 1209 and 1632.55 of, to amend, repeal, and add Section 1632 of, and to add and repeal Section 1632.56 of, the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as amended, Low. ~~Professions and vocations: regulatory fees. Dentists: clinical laboratories: license examinations.~~

(1) Existing law provides for the licensure, registration, and regulation of clinical laboratories and various clinical laboratory personnel by the State Department of Public Health. Existing law requires a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) to be performed under the overall operation and administration of a laboratory director, which is defined to include certain licensees.

This bill would expand the definition of "laboratory director" to include licensed dentists.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California in the Department of Consumer Affairs. Existing law requires an applicant for licensure to have taken and received a passing score on either a clinical and written examination administered by the Western

Regional Examining Board or a clinical and written examination developed by the American Board of Dental Examiners, Inc., subject to the Department of Consumer Affairs making a determination that the examination is compliant with specified requirements and standards. Existing law authorizes the acceptance of an American Board of Dental Examiners, Inc. examination only after the department makes that determination.

This bill would delete the provision specifying that the examination may only be accepted after that determination is made. The bill, until January 1, 2024, would specify that an applicant who received a passing score on either of the examinations specified above between January 1, 2015, to December 31, 2019, inclusive, shall be deemed to satisfy the examination requirement. The bill would make conforming changes.

~~Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.~~

~~This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.~~

Vote: majority. Appropriation: *yes-no*. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1209 of the Business and Professions
- 2 Code is amended to read:
- 3 1209. (a) As used in this chapter, “laboratory director” means
- 4 any person who is any of the following:
- 5 (1) A duly licensed physician and surgeon.

- 1 (2) Only for purposes of a clinical laboratory test or examination
2 classified as waived, is any of the following:
- 3 (A) A duly licensed clinical laboratory scientist.
 - 4 (B) A duly licensed limited clinical laboratory scientist.
 - 5 (C) A duly licensed naturopathic doctor.
 - 6 (D) A duly licensed optometrist serving as the director of a
7 laboratory that only performs clinical laboratory tests authorized
8 in paragraph (10) of subdivision (d) of Section 3041.
 - 9 (E) *A duly licensed dentist.*
- 10 (3) Licensed to direct a clinical laboratory under this chapter.
- 11 (b) (1) A person defined in paragraph (1) or (3) of subdivision
12 (a) who is identified as the CLIA laboratory director of a laboratory
13 that performs clinical laboratory tests classified as moderate or
14 high complexity shall also meet the laboratory director
15 qualifications under CLIA for the type and complexity of tests
16 being offered by the laboratory.
- 17 (2) As used in this subdivision, “CLIA laboratory director”
18 means the person identified as the laboratory director on the CLIA
19 certificate issued to the laboratory by the federal Centers for
20 Medicare and Medicaid Services (CMS).
- 21 (c) The laboratory director, if qualified under CLIA, may
22 perform the duties of the technical consultant, technical supervisor,
23 clinical consultant, general supervisor, and testing personnel, or
24 delegate these responsibilities to persons qualified under CLIA.
25 If the laboratory director reapportions performance of those
26 responsibilities or duties, ~~he or she~~ *they* shall remain responsible
27 for ensuring that all those duties and responsibilities are properly
28 performed.
- 29 (d) (1) The laboratory director is responsible for the overall
30 operation and administration of the clinical laboratory, including
31 administering the technical and scientific operation of a clinical
32 laboratory, the selection and supervision of procedures, the
33 reporting of results, and active participation in its operations to
34 the extent necessary to ensure compliance with this act and CLIA.
35 ~~He or she~~ *They* shall be responsible for the proper performance of
36 all laboratory work of all subordinates and shall employ a sufficient
37 number of laboratory personnel with the appropriate education
38 and either experience or training to provide appropriate
39 consultation, properly supervise and accurately perform tests, and

1 report test results in accordance with the personnel qualifications,
2 duties, and responsibilities described in CLIA and this chapter.

3 (2) Where a point-of-care laboratory testing device is utilized
4 and provides results for more than one analyte, the testing
5 personnel may perform and report the results of all tests ordered
6 for each analyte for which ~~he or she has~~ *they have* been found by
7 the laboratory director to be competent to perform and report.

8 (e) As part of the overall operation and administration, the
9 laboratory director of a registered laboratory shall document the
10 adequacy of the qualifications (educational background, training,
11 and experience) of the personnel directing and supervising the
12 laboratory and performing the laboratory test procedures and
13 examinations. In determining the adequacy of qualifications, the
14 laboratory director shall comply with any regulations adopted by
15 the department that specify the minimum qualifications for
16 personnel, in addition to any CLIA requirements relative to the
17 education or training of personnel.

18 (f) As part of the overall operation and administration, the
19 laboratory director of a licensed laboratory shall do all of the
20 following:

21 (1) Ensure that all personnel, prior to testing biological
22 specimens, have the appropriate education and experience, receive
23 the appropriate training for the type and complexity of the services
24 offered, and have demonstrated that they can perform all testing
25 operations reliably to provide and report accurate results. In
26 determining the adequacy of qualifications, the laboratory director
27 shall comply with any regulations adopted by the department that
28 specify the minimum qualifications for, and the type of procedures
29 that may be performed by, personnel in addition to any CLIA
30 requirements relative to the education or training of personnel.
31 Any regulations adopted pursuant to this section that specify the
32 type of procedure that may be performed by testing personnel shall
33 be based on the skills, knowledge, and tasks required to perform
34 the type of procedure in question.

35 (2) Ensure that policies and procedures are established for
36 monitoring individuals who conduct preanalytical, analytical, and
37 postanalytical phases of testing to ensure that they are competent
38 and maintain their competency to process biological specimens,
39 perform test procedures, and report test results promptly and

1 proficiently, and, whenever necessary, identify needs for remedial
2 training or continuing education to improve skills.

3 (3) Specify in writing the responsibilities and duties of each
4 individual engaged in the performance of the preanalytic, analytic,
5 and postanalytic phases of clinical laboratory tests or examinations,
6 including which clinical laboratory tests or examinations the
7 individual is authorized to perform, whether supervision is required
8 for the individual to perform specimen processing, test
9 performance, or results reporting, and whether consultant,
10 supervisor, or director review is required prior to the individual
11 reporting patient test results.

12 (g) The competency and performance of staff of a licensed
13 laboratory shall be evaluated and documented by the laboratory
14 director, or by a person who qualifies as a technical consultant or
15 a technical supervisor under CLIA depending on the type and
16 complexity of tests being offered by the laboratory.

17 (1) The procedures for evaluating the competency of the staff
18 shall include, but are not limited to, all of the following:

19 (A) Direct observations of routine patient test performance,
20 including patient preparation, if applicable, and specimen handling,
21 processing, and testing.

22 (B) Monitoring the recording and reporting of test results.

23 (C) Review of intermediate test results or worksheets, quality
24 control records, proficiency testing results, and preventive
25 maintenance records.

26 (D) Direct observation of performance of instrument
27 maintenance and function checks.

28 (E) Assessment of test performance through testing previously
29 analyzed specimens, internal blind testing samples, or external
30 proficiency testing samples.

31 (F) Assessment of problem solving skills.

32 (2) Evaluation and documentation of staff competency and
33 performance shall occur at least semiannually during the first year
34 an individual tests biological specimens. Thereafter, evaluations
35 shall be performed at least annually unless test methodology or
36 instrumentation changes, in which case, prior to reporting patient
37 test results, the individual's performance shall be reevaluated to
38 include the use of the new test methodology or instrumentation.

1 (h) The laboratory director of each clinical laboratory of an
2 acute care hospital shall be a physician and surgeon who is a
3 qualified pathologist, except as follows:

4 (1) If a qualified pathologist is not available, a physician and
5 surgeon or a clinical laboratory bioanalyst qualified as a laboratory
6 director under subdivision (a) may direct the laboratory. However,
7 a qualified pathologist shall be available for consultation at suitable
8 intervals to ensure high-quality service.

9 (2) If there are two or more clinical laboratories of an acute care
10 hospital, those additional clinical laboratories that are limited to
11 the performance of blood gas analysis, blood electrolyte analysis,
12 or both, may be directed by a physician and surgeon qualified as
13 a laboratory director under subdivision (a), irrespective of whether
14 a pathologist is available.

15 As used in this subdivision, a qualified pathologist is a physician
16 and surgeon certified or eligible for certification in clinical or
17 anatomical pathology by the American Board of Pathology or the
18 American Osteopathic Board of Pathology.

19 (i) Subdivision (h) does not apply to any director of a clinical
20 laboratory of an acute care hospital acting in that capacity on or
21 before January 1, 1988.

22 (j) A laboratory director may serve as the director of up to the
23 maximum number of laboratories stipulated by CLIA, as defined
24 under Section 1202.5.

25 *SEC. 2. Section 1632 of the Business and Professions Code is*
26 *amended to read:*

27 1632. (a) The board shall require each applicant to successfully
28 complete the written examination of the National Board Dental
29 Examination of the Joint Commission on National Dental
30 Examinations.

31 (b) The board shall require each applicant to successfully
32 complete an examination in California law and ethics developed
33 and administered by the board. The board shall provide a separate
34 application for this examination. The board shall ensure that the
35 law and ethics examination reflects current law and regulations,
36 and ensure that the examinations are randomized. Applicants shall
37 submit this application and required fee to the board in order to
38 take this examination. In addition to the aforementioned
39 application, the only other requirement for taking this examination
40 shall be certification from the dean of the qualifying dental school

1 or the dean's delegate attended by the applicant that the applicant
2 has graduated, or will graduate, or is expected to graduate.
3 Applicants who submit completed applications and certification
4 from the dean at least 15 days prior to a scheduled examination
5 shall be scheduled to take the examination. Successful results of
6 the examination shall, as established by board regulation, remain
7 valid for two years from the date that the applicant is notified of
8 having passed the examination.

9 (c) Except as otherwise provided in Section ~~1632.5~~, *1632.5 or*
10 *1632.56*, the board shall require each applicant to have taken and
11 received a passing score on one of the following:

12 (1) (A) A portfolio examination of the applicant's competence
13 to enter the practice of dentistry. This examination shall be
14 conducted while the applicant is enrolled in a dental school
15 program at a board-approved school located in California. This
16 examination shall utilize uniform standards of clinical experiences
17 and competencies, as approved by the board pursuant to Section
18 1632.1. The applicant shall pass a final assessment of the submitted
19 portfolio at the end of the applicant's dental school program. Before
20 any portfolio assessment may be submitted to the board, the
21 applicant shall remit the required fee to the board to be deposited
22 into the State Dentistry Fund, and a letter of good standing signed
23 by the dean of the applicant's dental school or the dean's delegate
24 stating that the applicant has graduated or will graduate with no
25 pending ethical issues.

26 (B) The board shall provide a report on how many other states
27 have recognized licensure by portfolio examination at the time of
28 its sunset review pursuant to subdivision (d) of Section 1601.1.
29 The report shall be submitted in compliance with Section 9795 of
30 the Government Code.

31 (2) Either one of the following examinations:

32 (A) A clinical and written examination administered by the
33 Western Regional Examining Board within five years prior to the
34 date of their application for a license under this section.

35 (B) The clinical and written examination developed by the
36 American Board of Dental Examiners, Inc., within five years prior
37 to the date of their application for a license under this section.

38 (d) Notwithstanding subdivision (b) of Section 1628, the board
39 is authorized to do either of the following:

1 (1) Approve an application for examination from, and to
2 examine an applicant who is enrolled in, but has not yet graduated
3 from, a reputable dental school approved by the board.

4 (2) Accept the results of an examination described in paragraph
5 (2) of subdivision (c) submitted by an applicant who was enrolled
6 in, but had not graduated from, a reputable dental school approved
7 by the board at the time the examination was administered.

8 In either case, the board shall require the dean of that school or
9 the dean’s delegate to furnish satisfactory proof that the applicant
10 will graduate within one year of the date the examination was
11 administered or as provided in paragraph (1) of subdivision (c).

12 (e) The board may determine the testing format, as related to
13 patients, for the examination provided pursuant to subparagraph
14 (B) of paragraph (2) of subdivision (c).

15 (f) *This section shall remain in effect only until January 1, 2024,*
16 *and as of that date is repealed.*

17 *SEC. 3. Section 1632 is added to the Business and Professions*
18 *Code, to read:*

19 *1632. (a) The board shall require each applicant to*
20 *successfully complete the written examination of the National*
21 *Board Dental Examination of the Joint Commission on National*
22 *Dental Examinations.*

23 *(b) The board shall require each applicant to successfully*
24 *complete an examination in California law and ethics developed*
25 *and administered by the board. The board shall provide a separate*
26 *application for this examination. The board shall ensure that the*
27 *law and ethics examination reflects current law and regulations,*
28 *and ensure that the examinations are randomized. Applicants shall*
29 *submit this application and required fee to the board in order to*
30 *take this examination. In addition to the aforementioned*
31 *application, the only other requirement for taking this examination*
32 *shall be certification from the dean of the qualifying dental school*
33 *or the dean’s delegate attended by the applicant that the applicant*
34 *has graduated, or will graduate, or is expected to graduate.*
35 *Applicants who submit completed applications and certification*
36 *from the dean at least 15 days prior to a scheduled examination*
37 *shall be scheduled to take the examination. Successful results of*
38 *the examination shall, as established by board regulation, remain*
39 *valid for two years from the date that the applicant is notified of*
40 *having passed the examination.*

1 (c) Except as otherwise provided in Section 1632.5, the board
2 shall require each applicant to have taken and received a passing
3 score on one of the following:

4 (1) (A) A portfolio examination of the applicant's competence
5 to enter the practice of dentistry. This examination shall be
6 conducted while the applicant is enrolled in a dental school
7 program at a board-approved school located in California. This
8 examination shall utilize uniform standards of clinical experiences
9 and competencies, as approved by the board pursuant to Section
10 1632.1. The applicant shall pass a final assessment of the submitted
11 portfolio at the end of the applicant's dental school program.
12 Before any portfolio assessment may be submitted to the board,
13 the applicant shall remit the required fee to the board to be
14 deposited into the State Dentistry Fund, and a letter of good
15 standing signed by the dean of the applicant's dental school or
16 the dean's delegate stating that the applicant has graduated or
17 will graduate with no pending ethical issues.

18 (B) The board shall provide a report on how many other states
19 have recognized licensure by portfolio examination at the time of
20 its sunset review pursuant to subdivision (d) of Section 1601.1.
21 The report shall be submitted in compliance with Section 9795 of
22 the Government Code.

23 (2) Either one of the following examinations:

24 (A) A clinical and written examination administered by the
25 Western Regional Examining Board within five years prior to the
26 date of their application for a license under this section.

27 (B) The clinical and written examination developed by the
28 American Board of Dental Examiners, Inc., within five years prior
29 to the date of their application for a license under this section.

30 (d) Notwithstanding subdivision (b) of Section 1628, the board
31 is authorized to do either of the following:

32 (1) Approve an application for examination from, and to
33 examine an applicant who is enrolled in, but has not yet graduated
34 from, a reputable dental school approved by the board.

35 (2) Accept the results of an examination described in paragraph
36 (2) of subdivision (c) submitted by an applicant who was enrolled
37 in, but had not graduated from, a reputable dental school approved
38 by the board at the time the examination was administered.

39 In either case, the board shall require the dean of that school
40 or the dean's delegate to furnish satisfactory proof that the

1 applicant will graduate within one year of the date the examination
 2 was administered or as provided in paragraph (1) of subdivision
 3 (c).

4 (e) The board may determine the testing format, as related to
 5 patients, for the examination provided pursuant to subparagraph
 6 (B) of paragraph (2) of subdivision (c).

7 (f) This section shall become operative on January 1, 2024.

8 SEC. 4. Section 1632.55 of the Business and Professions Code
 9 is amended to read:

10 1632.55. (a) Prior to implementation of subparagraph (B) of
 11 paragraph (2) of subdivision (c) of Section 1632, the department's
 12 Office of Professional Examination Services shall review the
 13 American Board of Dental Examiners, Inc. examination to ensure
 14 compliance with the requirements of Section 139 and to certify
 15 that the examination process meets those standards, and deliver
 16 this review to the Dental Board of California. If the department
 17 determines that the examination process fails to meet those
 18 standards, does not deliver the review to the Dental Board of
 19 California, or if the American Board of Dental Examiners, Inc.
 20 fails to pay the costs and expenses the board incurs, as described
 21 in subdivision (d), subparagraph (B) of paragraph (2) of subdivision
 22 (c) of Section 1632 shall not be implemented.

23 (b) The American Board of Dental Examiners, Inc. examination
 24 process shall be regularly reviewed by the department pursuant to
 25 Section 139.

26 (c) The American Board of Dental Examiners, Inc. examination
 27 shall meet the mandates of subdivision (a) of Section 12944 of the
 28 Government Code.

29 (d) The American Board of Dental Examiners, Inc. shall pay
 30 all reasonable costs and expenses the board incurs for the purposes
 31 of implementing this section.

32 ~~(e) The American Board of Dental Examiners, Inc. examination~~
 33 ~~may only be accepted for licensure by a candidate after it is~~
 34 ~~determined that the examination has met the requirements of this~~
 35 ~~section. Examinations taken prior to that date may not be used for~~
 36 ~~licensure.~~

37 SEC. 5. Section 1632.56 is added to the Business and
 38 Professions Code, immediately following Section 1632.55, to read:

39 1632.56. (a) Notwithstanding Section 1630, an applicant
 40 receiving a passing score on an American Board of Dental

1 *Examiners, Inc. examination or an examination administered by*
 2 *the Western Regional Examining Board from January 1, 2015, to*
 3 *December 31, 2019, inclusive, shall satisfy the requirement of a*
 4 *passing score pursuant to subdivision (c) of Section 1632 for a*
 5 *license to practice dentistry in this state.*

6 *(b) This section shall remain in effect only until January 1,*
 7 *2024, and as of that date is repealed.*

8 ~~SECTION 1. Section 101.1 is added to the Business and~~
 9 ~~Professions Code, to read:~~

10 ~~101.1. (a) Notwithstanding any other law, no more than once~~
 11 ~~every four years, any board listed in Section 101 may increase any~~
 12 ~~fee authorized to be imposed by that board by an amount not to~~
 13 ~~exceed the increase in the California Consumer Price Index, as~~
 14 ~~determined pursuant to Section 2212 of the Revenue and Taxation~~
 15 ~~Code, for the preceding four years in accordance with the~~
 16 ~~following:~~

17 ~~(1) The board shall provide its calculations and proposed fee,~~
 18 ~~rounded to the nearest whole dollar, to the director and the director~~
 19 ~~shall approve the fee increase unless any of the following apply:~~

20 ~~(A) The board has unencumbered funds in an amount that is~~
 21 ~~equal to more than the board’s operating budget for the next two~~
 22 ~~fiscal years.~~

23 ~~(B) The fee would exceed the reasonable regulatory costs to the~~
 24 ~~board in administering the provisions for which the fee is~~
 25 ~~authorized.~~

26 ~~(C) The director determines that the fee increase would be~~
 27 ~~injurious to the public health, safety, or welfare.~~

28 ~~(2) The adjustment of fees and publication of the adjusted fee~~
 29 ~~list is not subject to the Administrative Procedure Act (Chapter~~
 30 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~
 31 ~~Title 2) of the Government Code.~~

32 ~~(b) For purposes of this section, “fee” includes any fees~~
 33 ~~authorized to be imposed by a board for regulatory costs. “Fee”~~
 34 ~~does not include administrative fines, civil penalties, or criminal~~
 35 ~~penalties.~~

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AMENDED IN ASSEMBLY JUNE 3, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1998

Introduced by Assembly Member Low

January 27, 2020

An act to amend ~~Section 1680~~ of Sections 1680, 1683.1, and 1683.2 of, and to add Section 1684.1.1 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1998, as amended, Low. Dental Practice Act: unprofessional ~~conduct: patient of record:~~ *conduct.*

Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California. The act specifies unprofessional conduct by a licensee to include, among other things, the failure by a treating dentist, prior to the initial diagnosis and correction of malpositions of human teeth or the initial use of orthodontic appliances, to perform an examination pursuant to that required of a patient of ~~record:~~ *record, including the review of the patient's most recent diagnostic digital or conventional radiographs or other equivalent bone imaging suitable for orthodontia. The act requires new radiographs or other equivalent bone imaging to be ordered if deemed appropriate by the treating dentist.* The act defines a patient of record to mean a patient who has been examined, has had a medical and dental history completed and evaluated, and has had oral conditions diagnosed and a written plan developed by the licensed dentist. *The act also specifies unprofessional conduct by a licensee to include the advertising of either professional superiority or the*

advertising of performance of professional services in a superior manner.

This bill would revise that unprofessional conduct provision described above to ~~provide that the failure of a treating dentist to perform an in-person examination pursuant to that required of a patient of record is unprofessional conduct under the act.~~ require new radiographs or other equivalent bone imaging to be ordered if no radiographs are available for diagnostic review. The bill would provide that, for purposes of that unprofessional conduct provision, the correction of malpositions includes any movement of the teeth, including the treatment of malocclusions. The bill would also specify unprofessional conduct by a licensee to include the destruction of patient records before 10 years have elapsed from the date a dental service was last provided if the patient is an adult or 7 years have elapsed from the date a dental service was last provided, or one year has elapsed from the patient's 18th birthday, whichever is longer, if the patient is a minor. The bill would additionally specify unprofessional conduct by a licensee to include the advertising of performance of professional services in a more expeditious manner.

Existing law requires an individual, partnership, corporation, or other entity providing dental services through telehealth, prior to the rendering of services and when requested by a patient, to make available the name, telephone number, practice address, and California state license number of any dentist who will be involved in the provision of services to a patient, and makes a violation of that provision unprofessional conduct.

This bill would require the information described above to be provided to the patient at the time that the patient receives the recommended treatment plan for services involving the diagnosis and correction of malpositions of human teeth or initial use of orthodontic appliances, as specified.

Existing law prohibits a provider of dental services from requiring a patient to sign an agreement limiting the patient's ability to file a complaint with the board.

This bill would prohibit a licensed dentist, dental assistant, registered dental assistant, registered dental assistant in extended functions, dental sedation assistant permitholder, orthodontic assistant permitholder, registered dental hygienist, registered dental hygienist in alternative practice, registered dental hygienist in extended functions, or other person from being required to sign an agreement that limits the

signatory's ability to file a complaint or provide information to the board.

Existing law requires a licensee who fails or refuses to comply with a request for the dental records of a patient, that is accompanied by that patient's written authorization for release of record to the board, within 15 days of receiving the request and authorization, to pay to the board a civil penalty of \$250 per day for each day that the documents have not been produced after the 15th day, up to a maximum of \$5,000, unless the licensee is unable to provide the documents within this time period for good cause.

This bill would specify unprofessional conduct by a licensed dentist to include failure to comply with a written request of a patient to receive a copy of any patient-signed documents within 15 days of receiving the request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1680 of the Business and Professions
- 2 Code is amended to read:
- 3 1680. Unprofessional conduct by a person licensed under this
- 4 chapter is defined as, but is not limited to, any one of the following:
- 5 (a) The obtaining of any fee by fraud or misrepresentation.
- 6 (b) The employment directly or indirectly of any student or
- 7 suspended or unlicensed dentist to practice dentistry as defined in
- 8 this chapter.
- 9 (c) The aiding or abetting of any unlicensed person to practice
- 10 dentistry.
- 11 (d) The aiding or abetting of a licensed person to practice
- 12 dentistry unlawfully.
- 13 (e) The committing of any act or acts of sexual abuse,
- 14 misconduct, or relations with a patient that are substantially related
- 15 to the practice of dentistry.
- 16 (f) The use of any false, assumed, or fictitious name, either as
- 17 an individual, firm, corporation, or otherwise, or any name other
- 18 than the name under which the person is licensed to practice, in
- 19 advertising or in any other manner indicating that the person is
- 20 practicing or will practice dentistry, except that name as is specified
- 21 in a valid permit issued pursuant to Section 1701.5.

1 (g) The practice of accepting or receiving any commission or
2 the rebating in any form or manner of fees for professional services,
3 radiograms, prescriptions, or other services or articles supplied to
4 patients.

5 (h) The making use by the licensee or any agent of the licensee
6 of any advertising statements of a character tending to deceive or
7 mislead the public.

8 (i) The advertising of either professional superiority or the
9 advertising of performance of professional services in a superior
10 *or more expeditious* manner. This subdivision shall not prohibit
11 advertising permitted by subdivision (h) of Section 651.

12 (j) The employing or the making use of solicitors.

13 (k) The advertising in violation of Section 651.

14 (l) The advertising to guarantee any dental service, or to perform
15 any dental operation painlessly. This subdivision shall not prohibit
16 advertising permitted by Section 651.

17 (m) The violation of any of the provisions of law regulating the
18 procurement, dispensing, or administration of dangerous drugs,
19 as defined in Chapter 9 (commencing with Section 4000) or
20 controlled substances, as defined in Division 10 (commencing
21 with Section 11000) of the Health and Safety Code.

22 (n) The violation of any of the provisions of this division.

23 (o) The permitting of any person to operate dental radiographic
24 equipment who has not met the requirements of Section 1656.

25 (p) The clearly excessive prescribing or administering of drugs
26 or treatment, or the clearly excessive use of diagnostic procedures,
27 or the clearly excessive use of diagnostic or treatment facilities,
28 as determined by the customary practice and standards of the dental
29 profession.

30 Any person who violates this subdivision is guilty of a
31 misdemeanor and shall be punished by a fine of not less than one
32 hundred dollars (\$100) or more than six hundred dollars (\$600),
33 or by imprisonment for a term of not less than 60 days or more
34 than 180 days, or by both a fine and imprisonment.

35 (q) The use of threats or harassment against any patient or
36 licensee for providing evidence in any possible or actual
37 disciplinary action, or other legal action; or the discharge of an
38 employee primarily based on the employee's attempt to comply
39 with the provisions of this chapter or to aid in the compliance.

1 (r) Suspension or revocation of a license issued, or discipline
2 imposed, by another state or territory on grounds that would be
3 the basis of discipline in this state.

4 (s) The alteration of a patient's record with intent to deceive.

5 (t) Unsanitary or unsafe office conditions, as determined by the
6 customary practice and standards of the dental profession.

7 (u) The abandonment of the patient by the licensee, without
8 written notice to the patient that treatment is to be discontinued
9 and before the patient has ample opportunity to secure the services
10 of another dentist, registered dental hygienist, registered dental
11 hygienist in alternative practice, or registered dental hygienist in
12 extended functions and provided the health of the patient is not
13 jeopardized.

14 (v) The willful misrepresentation of facts relating to a
15 disciplinary action to the patients of a disciplined licensee.

16 (w) Use of fraud in the procurement of any license issued
17 pursuant to this chapter.

18 (x) Any action or conduct that would have warranted the denial
19 of the license.

20 (y) The aiding or abetting of a licensed dentist, dental assistant,
21 registered dental assistant, registered dental assistant in extended
22 functions, dental sedation assistant permitholder, orthodontic
23 assistant permitholder, registered dental hygienist, registered dental
24 hygienist in alternative practice, or registered dental hygienist in
25 extended functions to practice dentistry in a negligent or
26 incompetent manner.

27 (z) (1) The failure to report to the board in writing within seven
28 days any of the following: (A) the death of the licensee's patient
29 during the performance of any dental or dental hygiene procedure;
30 (B) the discovery of the death of a patient whose death is related
31 to a dental or dental hygiene procedure performed by the licensee;
32 or (C) except for a scheduled hospitalization, the removal to a
33 hospital or emergency center for medical treatment of any patient
34 to whom oral conscious sedation, conscious sedation, or general
35 anesthesia was administered, or any patient as a result of dental
36 or dental hygiene treatment. With the exception of patients to
37 whom oral conscious sedation, conscious sedation, or general
38 anesthesia was administered, removal to a hospital or emergency
39 center that is the normal or expected treatment for the underlying
40 dental condition is not required to be reported. Upon receipt of a

1 report pursuant to this subdivision the board may conduct an
2 inspection of the dental office if the board finds that it is necessary.
3 A dentist shall report to the board all deaths occurring in the
4 licensee's practice with a copy sent to the Dental Hygiene Board
5 of California if the death was the result of treatment by a registered
6 dental hygienist, registered dental hygienist in alternative practice,
7 or registered dental hygienist in extended functions. A registered
8 dental hygienist, registered dental hygienist in alternative practice,
9 or registered dental hygienist in extended functions shall report to
10 the Dental Hygiene Board of California all deaths occurring as the
11 result of dental hygiene treatment, and a copy of the notification
12 shall be sent to the board.

13 (2) The report required by this subdivision shall be on a form
14 or forms approved by the board. The form or forms approved by
15 the board shall require the licensee to include, but not be limited
16 to, the following information for cases in which patients received
17 anesthesia: the date of the procedure; the patient's age in years
18 and months, weight, and sex; the patient's American Society of
19 Anesthesiologists (ASA) physical status; the patient's primary
20 diagnosis; the patient's coexisting diagnoses; the procedures
21 performed; the sedation setting; the medications used; the
22 monitoring equipment used; the category of the provider
23 responsible for sedation oversight; the category of the provider
24 delivering sedation; the category of the provider monitoring the
25 patient during sedation; whether the person supervising the sedation
26 performed one or more of the procedures; the planned airway
27 management; the planned depth of sedation; the complications
28 that occurred; a description of what was unexpected about the
29 airway management; whether there was transportation of the patient
30 during sedation; the category of the provider conducting
31 resuscitation measures; and the resuscitation equipment utilized.
32 Disclosure of individually identifiable patient information shall
33 be consistent with applicable law. A report required by this
34 subdivision shall not be admissible in any action brought by a
35 patient of the licensee providing the report.

36 (3) For the purposes of paragraph (2), categories of provider
37 are: General Dentist, Pediatric Dentist, Oral Surgeon, Dentist
38 Anesthesiologist, Physician Anesthesiologist, Dental Assistant,
39 Registered Dental Assistant, Dental Sedation Assistant, Registered
40 Nurse, Certified Registered Nurse Anesthetist, or Other.

1 (4) The form shall state that this information shall not be
2 considered an admission of guilt, but is for educational, data, or
3 investigative purposes.

4 (5) The board may assess a penalty on any licensee who fails
5 to report an instance of an adverse event as required by this
6 subdivision. The licensee may dispute the failure to file within 10
7 days of receiving notice that the board had assessed a penalty
8 against the licensee.

9 (aa) Participating in or operating any group advertising and
10 referral services that are in violation of Section 650.2.

11 (ab) The failure to use a fail-safe machine with an appropriate
12 exhaust system in the administration of nitrous oxide. The board
13 shall, by regulation, define what constitutes a fail-safe machine.

14 (ac) Engaging in the practice of dentistry with an expired license.

15 (ad) Except for good cause, the knowing failure to protect
16 patients by failing to follow infection control guidelines of the
17 board, thereby risking transmission of bloodborne infectious
18 diseases from dentist, dental assistant, registered dental assistant,
19 registered dental assistant in extended functions, dental sedation
20 assistant permitholder, orthodontic assistant permitholder,
21 registered dental hygienist, registered dental hygienist in alternative
22 practice, or registered dental hygienist in extended functions to
23 patient, from patient to patient, and from patient to dentist, dental
24 assistant, registered dental assistant, registered dental assistant in
25 extended functions, dental sedation assistant permitholder,
26 orthodontic assistant permitholder, registered dental hygienist,
27 registered dental hygienist in alternative practice, or registered
28 dental hygienist in extended functions. In administering this
29 subdivision, the board shall consider referencing the standards,
30 regulations, and guidelines of the State Department of Public
31 Health developed pursuant to Section 1250.11 of the Health and
32 Safety Code and the standards, guidelines, and regulations pursuant
33 to the California Occupational Safety and Health Act of 1973 (Part
34 1 (commencing with Section 6300) of Division 5 of the Labor
35 Code) for preventing the transmission of HIV, hepatitis B, and
36 other bloodborne pathogens in health care settings. The board shall
37 review infection control guidelines, if necessary, on an annual
38 basis and proposed changes shall be reviewed by the Dental
39 Hygiene Board of California to establish a consensus. The hygiene
40 board shall submit any recommended changes to the infection

1 control guidelines for review to establish a consensus. As
2 necessary, the board shall consult with the Medical Board of
3 California, the Podiatric Medical Board of California, the Board
4 of Registered Nursing, and the Board of Vocational Nursing and
5 Psychiatric Technicians, to encourage appropriate consistency in
6 the implementation of this subdivision.

7 The board shall seek to ensure that all appropriate dental
8 personnel are informed of the responsibility to follow infection
9 control guidelines, and of the most recent scientifically recognized
10 safeguards for minimizing the risk of transmission of bloodborne
11 infectious diseases.

12 (ae) The utilization by a licensed dentist of any person to
13 perform the functions of any registered dental assistant, registered
14 dental assistant in extended functions, dental sedation assistant
15 permitholder, orthodontic assistant permitholder, registered dental
16 hygienist, registered dental hygienist in alternative practice, or
17 registered dental hygienist in extended functions who, at the time
18 of initial employment, does not possess a current, valid license or
19 permit to perform those functions.

20 (af) The prescribing, dispensing, or furnishing of dangerous
21 drugs or devices, as defined in Section 4022, in violation of Section
22 2242.1.

23 (ag) Using water, or other methods used for irrigation, that are
24 not sterile or that do not contain recognized disinfecting or
25 antibacterial properties when performing dental procedures on
26 exposed dental pulp.

27 (ah) (1) The failure by the treating dentist, prior to the initial
28 diagnosis and correction of malpositions of human teeth or initial
29 use of orthodontic appliances, to perform an ~~in-person~~ examination
30 pursuant to subdivision (b) of Section 1684.5, including the review
31 of the patient's most recent diagnostic digital or conventional
32 radiographs or other equivalent bone imaging suitable for
33 orthodontia. New radiographs or other equivalent bone imaging
34 shall be ordered if ~~deemed appropriate by the treating dentist. no~~
35 *radiographs are available for diagnostic review.*

36 (2) *For purposes of paragraph (1), the correction of*
37 *malpositions includes any movement of the teeth, including the*
38 *treatment of malocclusions. This paragraph is intended to clarify*
39 *existing law.*

1 (ai) *The destruction of patient records before either of the*
2 *following has occurred:*

3 (1) *Ten years have elapsed from the date a dental service was*
4 *last provided if the patient is an adult.*

5 (2) *Seven years have elapsed from the date a dental service was*
6 *last provided if the patient is a minor, or one year has elapsed*
7 *from the patient's 18th birthday, whichever is longer.*

8 SEC. 2. *Section 1683.1 of the Business and Professions Code*
9 *is amended to read:*

10 1683.1. (a) Any individual, partnership, corporation, or other
11 entity that provides dental services through telehealth shall make
12 available the name, telephone number, practice address, and
13 California state license number of any dentist who will be involved
14 in the provision of services to a patient prior to the rendering of
15 services and when requested by a patient.

16 (b) *For services involving the diagnosis and correction of*
17 *malpositions of human teeth or initial use of orthodontic*
18 *appliances, as described in subdivision (ah) of Section 1680, the*
19 *information required by subdivision (a) of this section shall be*
20 *provided to the patient at the time that the patient receives the*
21 *recommended treatment plan.*

22 ~~(b)~~

23 (c) A violation of this section shall constitute unprofessional
24 conduct.

25 SEC. 3. *Section 1683.2 of the Business and Professions Code*
26 *is amended to read:*

27 1683.2. (a) A provider of dental services shall not require a
28 patient to sign an agreement that limits the patient's ability to file
29 a complaint with the board.

30 (b) *A licensed dentist, dental assistant, registered dental*
31 *assistant, registered dental assistant in extended functions, dental*
32 *sedation assistant permitholder, orthodontic assistant permitholder,*
33 *registered dental hygienist, registered dental hygienist in*
34 *alternative practice, registered dental hygienist in extended*
35 *functions, or other person shall not be required to sign an*
36 *agreement that limits the signatory's ability to file a complaint or*
37 *provide information to the board.*

38 SEC. 4. *Section 1684.1.1 is added to the Business and*
39 *Professions Code, to read:*

1 1684.1.1. *In addition to other acts constituting unprofessional*
2 *conduct under this chapter, it is unprofessional conduct for a*
3 *licensed dentist to fail to comply with a written request of a patient*
4 *to receive a copy of any patient-signed documents within 15 days*
5 *of receiving the request. Copies of requested documents may be*
6 *provided to the patient electronically.*

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AMENDED IN SENATE JULY 8, 2020

AMENDED IN ASSEMBLY JUNE 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2028

**Introduced by Assembly Member Aguiar-Curry
(Coauthor: Assembly Member Gonzalez)**

January 30, 2020

An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. *The bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed.* The bill would generally require that these writings and materials to be made available

on the *body's* internet website, and to people who so request in writing, on the same day as website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier. *earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer at a competitive disadvantage in financial transactions from its requirements and requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, after the prescribed deadlines. The bill would specify that its provisions do not authorize a state body to remove writings and materials from an internet website. as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.*

Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) The Bagley-Keene Open Meeting Act (Article 9
3 (commencing with Section 11120) of Chapter 1 of Part 1 of
4 Division 3 of Title 2 of the Government Code) (hereafter
5 “Bagley-Keene”) was intended to implement Section 3 of Article
6 I of the California Constitution, which states in part, “The people
7 have the right of access to information concerning the conduct of
8 the people’s business, and, therefore, the meetings of public bodies
9 and the writings of public officials and agencies shall be open to
10 public scrutiny.”

11 (b) Bagley-Keene was written to protect public meetings and
12 public notice and to ensure the transparency of actions taken by
13 state agencies, boards, and commissions.

14 (c) Californians have the right to participate in state body
15 deliberations. This includes the public’s ability to comment on all
16 agenda items discussed at a meeting of the state body, regardless
17 of whether an item has been discussed previously in a committee
18 of the state body.

19 (d) The purpose of public notice is so that state bodies give the
20 public adequate time for review of the substance of a state body
21 meeting and for comment.

22 (e) Public notice must also include any writings or materials
23 provided by a state body’s staff or by a member of the state body
24 to other members of the state body for a noticed meeting of the
25 ~~body held at least 10 days prior to the meeting.~~ *body.*

26 (f) Bagley-Keene affirms these rights by stating in Section 11120
27 of the Government Code, “The people of this state do not yield
28 their sovereignty to the agencies which serve them. The people,
29 in delegating authority, do not give their public servants the right
30 to decide what is good for the people to know and what is not good
31 for them to know. The people insist on remaining informed so that
32 they may retain control over the instruments they have created.”

33 SEC. 2. Section 11125 of the Government Code is amended
34 to read:

35 11125. (a) The state body shall provide notice of its meeting
36 to any person who requests that notice in writing. Notice shall be
37 given and also made available on the internet website at least 10
38 days in advance of the meeting, and shall include the name,

1 address, and telephone number of any person who can provide
 2 further information prior to the meeting, but need not include a
 3 list of witnesses expected to appear at the meeting. The written
 4 notice shall additionally include the address of the internet website
 5 where notices required by this article are made available.

6 (b) The notice of a meeting of a body that is a state body shall
 7 include a specific agenda for the meeting, containing a brief
 8 description of the items of business to be transacted or discussed
 9 in either open or closed session. A brief general description of an
 10 item generally need not exceed 20 words. A description of an item
 11 to be transacted or discussed in closed session shall include a
 12 citation of the specific statutory authority under which a closed
 13 session is being held. No item shall be added to the agenda
 14 subsequent to the provision of this notice, unless otherwise
 15 permitted by this article.

16 (c) (1) ~~Except as otherwise provided in paragraph (4), any~~ Any
 17 notice provided pursuant to subdivision (a) shall include all
 18 writings or materials provided for the noticed meeting to a member
 19 of the state body by the staff of ~~a~~ that state agency, board, or
 20 commission, or another member of the state body, that are in
 21 connection with a matter subject to discussion or consideration at
 22 the meeting. *A state body may distribute or discuss writings or*
 23 *materials only to the extent that it has complied with the applicable*
 24 *requirements of this subdivision.*

25 (2) (A) ~~The writings or materials described in paragraph (1) to~~
 26 *be considered at a noticed meeting and provided to members of*
 27 *the state body in advance of the meeting shall be made available*
 28 *on the body's internet website, and to any person who requests the*
 29 ~~writings or materials in writing, on the same day as the~~
 30 ~~dissemination of the writings and materials to members of the state~~
 31 ~~body,~~ *website no later than the first business day following the*
 32 *dissemination of the writings and materials to members of the state*
 33 *body or at least 48 hours in advance of the meeting, whichever is*
 34 *earlier. Upon receipt of a written request for writings or materials*
 35 *provided to members of the state body in advance of the meeting,*
 36 *a state body shall provide them immediately.*

37 (B) *Any writings or materials provided to the members of the*
 38 *state body by another state body after the time periods described*
 39 *in subparagraph (A) have passed shall be posted on the body's*
 40 *internet website no later than the first business day, but prior to*

1 *the meeting of the state body, following the dissemination of the*
2 *writings and materials to the members of the state body. Upon*
3 *receipt of a written request, these writings or materials shall be*
4 *provided immediately. A state body that satisfies the requirements*
5 *of this subparagraph may discuss these writings and materials at*
6 *an otherwise properly noticed meeting.*

7 ~~(3) A state body may distribute or discuss writings or materials~~
8 ~~described in paragraph (1) at a meeting of the state body only if it~~
9 ~~has complied with this subdivision.~~

10 (4)

11 (3) (A) This subdivision does not apply to writings or materials
12 prepared for a matter to be discussed in a closed session of the
13 state body. ~~body or state financial materials that put the Treasurer~~
14 ~~at a competitive disadvantage in financial transactions.~~

15 (B) For purposes of this paragraph, “financial materials” mean
16 documents related to bonds, loans, and grants.

17 (5)

18 (4) If the writings or materials described in paragraph (1) on an
19 agenda for discussion at a meeting of the state body are related to
20 legislation that is before the Legislature in a current legislative
21 session, ~~session or are related to changing financial market~~
22 ~~conditions, a state body is entitled to post online, and shall provide~~
23 ~~upon request, additional shall satisfy the requirements of this~~
24 ~~subdivision by posting on its internet website the writings and~~
25 ~~materials related to that active the legislation with additional~~
26 ~~time-sensitive information as it becomes or the changing market~~
27 ~~conditions as they become available after the deadlines in this~~
28 ~~subdivision. time periods described in paragraph (2). Upon receipt~~
29 ~~of a written request, these writings or materials shall be provided~~
30 ~~immediately. The state body shall make clear what date the new~~
31 ~~or changed writings or materials are posted and, when applicable,~~
32 ~~what changes have been made in materials already posted. the~~
33 ~~writings or materials.~~

34 (6) ~~This subdivision does not authorize state bodies to remove~~
35 ~~any of the writings or materials described in paragraph (1) from~~
36 ~~the internet website.~~

37 (d) Notice of a meeting of a state body that complies with this
38 section shall also constitute notice of a meeting of an advisory
39 body of that state body, provided that the business to be discussed
40 by the advisory body is covered by the notice of the meeting of

1 the state body, provided that the specific time and place of the
2 advisory body’s meeting is announced during the open and public
3 state body’s meeting, and provided that the advisory body’s
4 meeting is conducted within a reasonable time of, and nearby, the
5 meeting of the state body.

6 (e) A person may request, and shall be provided, notice pursuant
7 to subdivision (a) for all meetings of a state body or for a specific
8 meeting or meetings. In addition, at the state body’s discretion, a
9 person may request, and may be provided, notice of only those
10 meetings of a state body at which a particular subject or subjects
11 specified in the request will be discussed.

12 (f) A request for notice of more than one meeting of a state body
13 shall be subject to the provisions of Section 14911.

14 (g) The notice shall be made available in appropriate alternative
15 formats, as required by Section 202 of the Americans with
16 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
17 rules and regulations adopted in implementation thereof, upon
18 request by any person with a disability. The notice shall include
19 information regarding how, to whom, and by when a request for
20 any disability-related modification or accommodation, including
21 auxiliary aids or services may be made by a person with a disability
22 who requires these aids or services in order to participate in the
23 public meeting.

24 SEC. 3. Section 11125.7 of the Government Code is amended
25 to read:

26 11125.7. (a) Except as otherwise provided in this section, the
27 state body shall provide an opportunity for members of the public
28 to directly address the state body on each agenda item before or
29 during the state body’s discussion or consideration of the item.
30 Every notice for a special meeting at which action is proposed to
31 be taken on an item shall provide an opportunity for members of
32 the public to directly address the state body concerning that item
33 prior to action on the item. In addition, the notice requirement of
34 Section 11125 shall not preclude the acceptance of testimony at
35 meetings, other than emergency meetings, from members of the
36 public if no action is taken by the state body at the same meeting
37 on matters brought before the body by members of the public.

38 (b) The state body may adopt reasonable regulations to ensure
39 that the intent of subdivision (a) is carried out, including, but not
40 limited to, regulations limiting the total amount of time allocated

1 for public comment on particular issues and for each individual
2 speaker.

3 (c) (1) Notwithstanding subdivision (b), when a state body
4 limits time for public comment the state body shall provide at least
5 twice the allotted time to a member of the public who utilizes a
6 translator to ensure that non-English speakers receive the same
7 opportunity to directly address the state body.

8 (2) Paragraph (1) shall not apply if the state body utilizes
9 simultaneous translation equipment in a manner that allows the
10 state body to hear the translated public testimony simultaneously.

11 (d) The state body shall not prohibit public criticism of the
12 policies, programs, or services of the state body, or of the acts or
13 omissions of the state body. Nothing in this subdivision shall confer
14 any privilege or protection for expression beyond that otherwise
15 provided by law.

16 (e) This section is not applicable to any of the following:

17 (1) Closed sessions held pursuant to Section 11126.

18 (2) Decisions regarding proceedings held pursuant to Chapter
19 5 (commencing with Section 11500), relating to administrative
20 adjudication, or to the conduct of those proceedings.

21 (3) Hearings conducted by the California Victim Compensation
22 Board pursuant to Sections 13963 and 13963.1.

23 (4) Agenda items that involve decisions of the Public Utilities
24 Commission regarding adjudicatory hearings held pursuant to
25 Chapter 9 (commencing with Section 1701) of Part 1 of Division
26 1 of the Public Utilities Code. For all other agenda items, the
27 commission shall provide members of the public, other than those
28 who have already participated in the proceedings underlying the
29 agenda item, an opportunity to directly address the commission
30 before or during the commission's consideration of the item.

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AMENDED IN ASSEMBLY MAY 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2113

**Introduced by Assembly Member Low
(Coauthors: Assembly Members Carrillo, *Chiu*, Medina, and
~~Blanca Rubio~~) *Blanca Rubio, and Gonzalez*)**

February 6, 2020

An act to add Section 135.4 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, as amended, Low. Refugees, asylees, and immigrants: professional licensing.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law prohibits an entity within the department from denying licensure to an applicant based upon their citizenship or immigration status.

This bill, notwithstanding any other law, would require a board within the department to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted political asylum, or have a special immigrant visa, as specified. The bill would authorize a board to adopt regulations necessary to administer these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 135.4 is added to the Business and
2 Professions Code, to read:

3 135.4. (a) Notwithstanding any other law, a board within the
4 department shall expedite, and may assist, the initial licensure
5 process for an applicant who supplies satisfactory evidence to the
6 board that they have been admitted to the United States as a refugee
7 under Section 1157 of Title 8 of the United States Code, have been
8 granted political asylum by the Secretary of Homeland Security
9 or the Attorney General of the United States pursuant to Section
10 1158 of Title 8 of the United States Code, or they have a special
11 immigrant visa (SIV) that has been granted a status under Section
12 1244 of Public Law 110-181, under Public Law 109-163, or under
13 Section 602(b) of Title VI of Division F of Public Law 111-8.

14 (b) *Nothing in this section shall be construed as changing*
15 *existing licensure requirements. A person applying for expedited*
16 *licensure under subdivision (a) shall meet all applicable statutory*
17 *and regulatory licensure requirements.*

18 ~~(b)~~

19 (c) A board may adopt regulations necessary to administer this
20 section.

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23 **REVISIONS:**

24 **Heading—Lines 2 and 3.**

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AMENDED IN SENATE JUNE 26, 2020

AMENDED IN ASSEMBLY MAY 20, 2020

AMENDED IN ASSEMBLY MAY 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2520

Introduced by Assembly Member Chiu
(Coauthor: Senator Leyva)

February 19, 2020

An act to amend Sections 123105 and 123110 of, and to add Section 123114 to, the Health and Safety Code, relating to medical records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2520, as amended, Chiu. Access to medical records.

Existing law governs a patient's access to their health records. Existing law requires a health care provider, as defined, to provide a patient or the patient's representative with all or any part of the patient's medical records that the patient has a right to inspect, subject to the payment of clerical costs incurred in locating and making the records available, following a written request from the patient. Existing law requires the health care provider to provide one copy of the relevant portion of the patient's record at no charge if the patient or patient's representative presents proof to the provider that the records are needed to support an appeal regarding eligibility for a public benefit program, as defined. Existing law makes a willful violation of these provisions by specified health care providers an infraction.

This bill would require a health care provider to provide an employee of a nonprofit legal services entity representing the patient a copy of the medical records at no charge under those conditions, and would

include speech-language pathologists, audiologists, physician assistants, and nurse practitioners within the definition of a health care provider. The bill would expand the definition of a public benefit program for these purposes to include the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants, and a government-funded housing subsidy or tenant-based housing assistance program. The bill additionally would require a health care provider to provide the records at no charge upon proof that the records are needed for a petition for U nonimmigrant status under the Victims of Trafficking and Violence Protection Act or a self-petition for lawful permanent residency under the Violence Against Women Act. By expanding the requirements on health care providers and thereby expanding a crime, this bill would create a state-mandated local program.

This bill also would prohibit a health care provider from charging a fee to a patient for filling out forms or providing information responsive to forms that support a claim or appeal regarding eligibility for a public benefit program. The bill would require the health care provider to provide information responsive to those portions of the form for which the health care provider has the information necessary to provide a medical opinion, as specified. ~~The bill would authorize a health care provider to substitute a similar form or record that contains the information responsive to the form if the public benefit program allows for other methods of providing the requested information.~~ The bill would ~~also~~ authorize a health care provider to honor a request to disclose a patient record or complete a public benefit form that contains the written or electronic signature of the patient or the patient’s personal representative.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 123105 of the Health and Safety Code
- 2 is amended to read:
- 3 123105. As used in this chapter:

- 1 (a) “Health care provider” means any of the following:
- 2 (1) A health facility licensed pursuant to Chapter 2 (commencing
- 3 with Section 1250) of Division 2.
- 4 (2) A clinic licensed pursuant to Chapter 1 (commencing with
- 5 Section 1200) of Division 2.
- 6 (3) A home health agency licensed pursuant to Chapter 8
- 7 (commencing with Section 1725) of Division 2.
- 8 (4) A physician and surgeon licensed pursuant to Chapter 5
- 9 (commencing with Section 2000) of Division 2 of the Business
- 10 and Professions Code or pursuant to the Osteopathic Act.
- 11 (5) A podiatrist licensed pursuant to Article 22 (commencing
- 12 with Section 2460) of Chapter 5 of Division 2 of the Business and
- 13 Professions Code.
- 14 (6) A dentist licensed pursuant to Chapter 4 (commencing with
- 15 Section 1600) of Division 2 of the Business and Professions Code.
- 16 (7) A psychologist licensed pursuant to Chapter 6.6
- 17 (commencing with Section 2900) of Division 2 of the Business
- 18 and Professions Code.
- 19 (8) An optometrist licensed pursuant to Chapter 7 (commencing
- 20 with Section 3000) of Division 2 of the Business and Professions
- 21 Code.
- 22 (9) A chiropractor licensed pursuant to the Chiropractic Initiative
- 23 Act.
- 24 (10) A marriage and family therapist licensed pursuant to
- 25 Chapter 13 (commencing with Section 4980) of Division 2 of the
- 26 Business and Professions Code.
- 27 (11) A clinical social worker licensed pursuant to Chapter 14
- 28 (commencing with Section 4990) of Division 2 of the Business
- 29 and Professions Code.
- 30 (12) A physical therapist licensed pursuant to Chapter 5.7
- 31 (commencing with Section 2600) of Division 2 of the Business
- 32 and Professions Code.
- 33 (13) An occupational therapist licensed pursuant to Chapter 5.6
- 34 (commencing with Section 2570).
- 35 (14) A professional clinical counselor licensed pursuant to
- 36 Chapter 16 (commencing with Section 4999.10) of Division 2 of
- 37 the Business and Professions Code.
- 38 (15) A speech-language pathologist or audiologist licensed
- 39 pursuant to Chapter 5.3 (commencing with Section 2530) of
- 40 Division 2 of the Business and Professions Code.

1 (16) A physician assistant licensed pursuant to Chapter 7.7
 2 (commencing with Section 3500) of Division 2 of the Business
 3 and Professions Code.

4 (17) A nurse practitioner licensed pursuant to Article 8
 5 (commencing with Section 2834) of Chapter 6 of Division 2 of
 6 the Business and Professions Code.

7 (b) “Mental health records” means patient records, or discrete
 8 portions thereof, specifically relating to evaluation or treatment of
 9 a mental disorder. “Mental health records” includes, but is not
 10 limited to, all alcohol and drug abuse records.

11 (c) “Patient” means a patient or former patient of a health care
 12 provider.

13 (d) “Patient records” means records in any form or medium
 14 maintained by, or in the custody or control of, a health care
 15 provider relating to the health history, diagnosis, or condition of
 16 a patient, or relating to treatment provided or proposed to be
 17 provided to the patient. “Patient records” includes only records
 18 pertaining to the patient requesting the records or whose
 19 representative requests the records. “Patient records” does not
 20 include information given in confidence to a health care provider
 21 by a person other than another health care provider or the patient,
 22 and that material may be removed from any records prior to
 23 inspection or copying under Section 123110 or 123115. “Patient
 24 records” does not include information contained in aggregate form,
 25 such as indices, registers, or logs.

26 (e) “Patient’s representative,” “patient’s personal
 27 representative,” or “representative” means any of the following:

- 28 (1) A parent or guardian of a minor who is a patient.
- 29 (2) The guardian or conservator of the person of an adult patient.
- 30 (3) An agent as defined in Section 4607 of the Probate Code,
 31 to the extent necessary for the agent to fulfill the duties set forth
 32 in Division 4.7 (commencing with Section 4600) of the Probate
 33 Code.
- 34 (4) The beneficiary as defined in Section 24 of the Probate Code
 35 or personal representative as defined in Section 58 of the Probate
 36 Code, of a deceased patient.

37 (f) “Alcohol and drug abuse records” means patient records, or
 38 discrete portions thereof, specifically relating to evaluation and
 39 treatment of alcoholism or drug abuse.

1 SEC. 2. Section 123110 of the Health and Safety Code is
2 amended to read:

3 123110. (a) Notwithstanding Section 5328 of the Welfare and
4 Institutions Code, and except as provided in Sections 123115 and
5 123120, any adult patient of a health care provider, any minor
6 patient authorized by law to consent to medical treatment, and any
7 patient's personal representative shall be entitled to inspect patient
8 records upon presenting to the health care provider a request for
9 those records and upon payment of reasonable costs, as specified
10 in subdivision (k). However, a patient who is a minor shall be
11 entitled to inspect patient records pertaining only to health care of
12 a type for which the minor is lawfully authorized to consent. A
13 health care provider shall permit this inspection during business
14 hours within five working days after receipt of the request. The
15 inspection shall be conducted by the patient or patient's personal
16 representative requesting the inspection, who may be accompanied
17 by one other person of their choosing.

18 (b) (1) Additionally, any patient or patient's personal
19 representative shall be entitled to a paper or electronic copy of all
20 or any portion of the patient records that they have a right to
21 inspect, upon presenting a request to the health care provider
22 specifying the records to be copied, together with a fee to defray
23 the costs of producing the copy or summary, as specified in
24 subdivision (k). The health care provider shall ensure that the
25 copies are transmitted within 15 days after receiving the request.

26 (2) The health care provider shall provide the patient or patient's
27 personal representative with a copy of the record in the form and
28 format requested if it is readily producible in the requested form
29 and format, or, if not, in a readable paper copy form or other form
30 and format as agreed to by the health care provider and the patient
31 or patient's personal representative. If the requested patient records
32 are maintained electronically and if the patient or patient's personal
33 representative requests an electronic copy of those records, the
34 health care provider shall provide them in the electronic form and
35 format requested if they are readily producible in that form and
36 format, or, if not, in a readable electronic form and format as agreed
37 to by the health care provider and the patient or patient's personal
38 representative.

39 (c) Copies of X-rays or tracings derived from
40 electrocardiography, electroencephalography, or electromyography

1 need not be provided to the patient or patient’s personal
 2 representative under this section, if the original X-rays or tracings
 3 are transmitted to another health care provider upon written request
 4 of the patient or patient’s personal representative and within 15
 5 days after receipt of the request. The request shall specify the name
 6 and address of the health care provider to whom the records are
 7 to be delivered. All reasonable costs, not exceeding actual costs,
 8 incurred by a health care provider in providing copies pursuant to
 9 this subdivision may be charged to the patient or representative
 10 requesting the copies.

11 (d) (1) Notwithstanding any provision of this section, and except
 12 as provided in Sections 123115 and 123120, a patient, employee
 13 of a nonprofit legal services entity representing the patient, or the
 14 personal representative of a patient, is entitled to a copy, at no
 15 charge, of the relevant portion of the patient’s records, upon
 16 presenting to the provider a written request, and proof that the
 17 records or supporting forms are needed to support a claim or appeal
 18 regarding eligibility for a public benefit program, a petition for U
 19 nonimmigrant status under the Victims of Trafficking and Violence
 20 Protection Act, or a self-petition for lawful permanent residency
 21 under the Violence Against Women Act. A public benefit program
 22 includes the Medi-Cal program, the In-Home Supportive Services
 23 Program, the California Work Opportunity and Responsibility to
 24 Kids (CalWORKs) program, Social Security Disability Insurance
 25 benefits, Supplemental Security Income/State Supplementary
 26 Program for the Aged, Blind and Disabled (SSI/SSP) benefits,
 27 federal veterans service-connected compensation and nonservice
 28 connected pension disability benefits, CalFresh, the Cash
 29 Assistance Program for Aged, Blind, and Disabled Legal
 30 Immigrants, and a government-funded housing subsidy or
 31 tenant-based housing assistance program.

32 (2) Although a patient shall not be limited to a single request,
 33 the patient, employee of a nonprofit legal services entity
 34 representing the patient, or patient’s personal representative shall
 35 be entitled to no more than one copy of any relevant portion of
 36 their record free of charge.

37 (3) This subdivision shall not apply to any patient who is
 38 represented by a private attorney who is paying for the costs related
 39 to the patient’s claim or appeal, pending the outcome of that claim
 40 or appeal. For purposes of this subdivision, “private attorney”

1 means any attorney not employed by a nonprofit legal services
2 entity.

3 (e) If a patient, employee of a nonprofit legal services
4 representing the patient, or the patient's personal representative
5 requests a record pursuant to subdivision (d), the health care
6 provider shall ensure that the copies are transmitted within 30 days
7 after receiving the written request.

8 (f) This section shall not be construed to preclude a health care
9 provider from requiring reasonable verification of identity prior
10 to permitting inspection or copying of patient records, provided
11 this requirement is not used oppressively or discriminatorily to
12 frustrate or delay compliance with this section. This section does
13 not supersede any rights that a patient or personal representative
14 might otherwise have or exercise under Section 1158 of the
15 Evidence Code or any other provision of law. This chapter does
16 not require a health care provider to retain records longer than
17 required by applicable statutes or administrative regulations.

18 (g) (1) This chapter shall not be construed to render a health
19 care provider liable for the quality of their records or the copies
20 provided in excess of existing law and regulations with respect to
21 the quality of medical records. A health care provider shall not be
22 liable to the patient or any other person for any consequences that
23 result from disclosure of patient records as required by this chapter.
24 A health care provider shall not discriminate against classes or
25 categories of providers in the transmittal of X-rays or other patient
26 records, or copies of these X-rays or records, to other providers as
27 authorized by this section.

28 (2) Every health care provider shall adopt policies and establish
29 procedures for the uniform transmittal of X-rays and other patient
30 records that effectively prevent the discrimination described in
31 this subdivision. A health care provider may establish reasonable
32 conditions, including a reasonable deposit fee, to ensure the return
33 of original X-rays transmitted to another health care provider,
34 provided the conditions do not discriminate on the basis of, or in
35 a manner related to, the license of the provider to which the X-rays
36 are transmitted.

37 (h) Any health care provider described in paragraphs (4) to (10),
38 inclusive, of subdivision (a) of Section 123105 who willfully
39 violates this chapter is guilty of unprofessional conduct. Any health
40 care provider described in paragraphs (1) to (3), inclusive, of

1 subdivision (a) of Section 123105 that willfully violates this chapter
 2 is guilty of an infraction punishable by a fine of not more than one
 3 hundred dollars (\$100). The state agency, board, or commission
 4 that issued the health care provider’s professional or institutional
 5 license shall consider a violation as grounds for disciplinary action
 6 with respect to the licensure, including suspension or revocation
 7 of the license or certificate.

8 (i) This section prohibits a health care provider from withholding
 9 patient records or summaries of patient records because of an
 10 unpaid bill for health care services. Any health care provider who
 11 willfully withholds patient records or summaries of patient records
 12 because of an unpaid bill for health care services is subject to the
 13 sanctions specified in subdivision (h).

14 (j) (1) Except as provided in subdivision (d), a health care
 15 provider may impose a reasonable, cost-based fee for providing a
 16 paper or electronic copy or summary of patient records, provided
 17 the fee includes only the cost of the following:

18 (A) Labor for copying the patient records requested by the
 19 patient or patient’s personal representative, whether in paper or
 20 electronic form.

21 (B) Supplies for creating the paper copy or electronic media if
 22 the patient or patient’s personal representative requests that the
 23 electronic copy be provided on portable media.

24 (C) Postage, if the patient or patient’s personal representative
 25 has requested the copy, or the summary or explanation, be mailed.

26 (D) Preparing an explanation or summary of the patient record,
 27 if agreed to by the patient or patient’s personal representative.

28 (2) The fee from a health care provider shall not exceed
 29 twenty-five cents (\$0.25) per page for paper copies or fifty cents
 30 (\$0.50) per page for records that are copied from microfilm.

31 SEC. 3. Section 123114 is added to the Health and Safety Code,
 32 to read:

33 123114. (a) A health care provider shall not charge a fee to a
 34 patient for filling out forms or providing information responsive
 35 to forms that support a claim or appeal regarding eligibility for a
 36 public benefit program.

37 (b) A health care provider shall provide information responsive
 38 to those portions of the form for which the health care provider
 39 has the information necessary to provide a medical opinion. If the
 40 health care provider does not have the information necessary to

1 provide a medical opinion, the health care provider may inform
2 the patient if an examination is necessary to obtain the information.

3 (c) If a health care provider conducts an examination pursuant
4 to subdivision (b), the health care provider shall provide
5 information responsive to those portions of the form for which the
6 health care provider has a medical opinion.

7 ~~(d) A health care provider may substitute a similar form or
8 record that contains the information responsive to the form if the
9 public benefit program allows for other methods of providing the
10 information requested.~~

11 ~~(e)~~

12 (d) For the purposes of this section, a public benefit program
13 includes the Medi-Cal program, the In-Home Supportive Services
14 Program, the California Work Opportunity and Responsibility to
15 Kids (CalWORKs) program, Social Security Disability Insurance
16 benefits, Supplemental Security Income/State Supplementary
17 Program for the Aged, Blind and Disabled (SSI/SSP) benefits,
18 federal veterans service-connected compensation and nonservice
19 connected pension disability benefits, discharge of a federal student
20 loan based on total and permanent disability, CalFresh, the Cash
21 Assistance Program for Aged, Blind, and Disabled Legal
22 Immigrants, and a government-funded housing subsidy or
23 tenant-based housing assistance program.

24 ~~(f)~~

25 (e) Notwithstanding any other law, a health care provider may
26 honor a request to disclose a patient record or complete a public
27 benefit form that contains the written or electronic signature of the
28 patient or the patient's personal representative.

29 SEC. 4. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

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AMENDED IN ASSEMBLY MAY 18, 2020
AMENDED IN ASSEMBLY MARCH 12, 2020
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2549

Introduced by Assembly Member Salas
(Coauthor: Assembly Member Gonzalez)

February 19, 2020

An act to amend Sections 115.6 and 5132 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Salas. Department of Consumer Affairs: temporary licenses.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is comprised of various boards, as defined, that license and regulate various professions and vocations. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the

board. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand that requirement to issue temporary licenses to include licenses issued by the Veterinary Medical Board, the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, the State Board of Barbering and Cosmetology, the Board of Psychology, the California Board of Occupational Therapy, the Physical Therapy Board of California, and the California Board of Accountancy. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. By establishing a new source of revenue for a continuously appropriated fund, the bill would make an appropriation. ~~The bill would require a temporary license to be converted to a standard license if, within 12 months of issuance, the applicant demonstrates having met all of the requirements for a standard license or submits documents demonstrating that the requirements to obtain the out-of-state license were substantially equivalent to the requirements for a standard license as determined by the board in order to protect the public.~~ The bill would require a board to ~~adopt~~ *submit to the department for approval draft regulations necessary to administer these provisions and to publish regulations on its internet website and in application materials* by January 1, 2022. *The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) ~~Except as provided in subdivision (h),~~ a board
- 4 within the department shall, after appropriate investigation, issue

1 the following eligible temporary licenses to an applicant within
2 30 days of receiving the required documentation pursuant to
3 meeting the requirements set forth in subdivision (c):

4 (1) Registered nurse license by the Board of Registered Nursing.

5 (2) Vocational nurse license issued by the Board of Vocational
6 Nursing and Psychiatric Technicians of the State of California.

7 (3) Psychiatric technician license issued by the Board of
8 Vocational Nursing and Psychiatric Technicians of the State of
9 California.

10 (4) Speech-language pathologist license issued by the
11 Speech-Language Pathology and Audiology and Hearing Aid
12 Dispensers Board.

13 (5) Audiologist license issued by the Speech-Language
14 Pathology and Audiology and Hearing Aid Dispensers Board.

15 (6) All licenses issued by the Veterinary Medical Board.

16 (7) All licenses issued by the Board for Professional Engineers,
17 Land Surveyors, and Geologists.

18 (8) All licenses issued by the Medical Board of California.

19 (9) All licenses issued by the Podiatric Medical Board of
20 California.

21 (10) All licenses issued by the Dental Board of California.

22 (11) All licenses issued by the Dental Hygiene Board of
23 California.

24 (12) All licenses issued by the California State Board of
25 Pharmacy.

26 (13) All licenses issued by the State Board of Barbering and
27 Cosmetology.

28 (14) All licenses issued by the Board of Psychology.

29 (15) All licenses issued by the California Board of Occupational
30 Therapy.

31 (16) All licenses issued by the Physical Therapy Board of
32 California.

33 (17) All licenses issued by the California Board of Accountancy.
34 Revenues from fees for temporary licenses issued under this
35 paragraph shall be credited to the Accountancy Fund in accordance
36 with Section 5132.

37 (b) The board may conduct an investigation of an applicant for
38 purposes of denying or revoking a temporary license issued
39 pursuant to this section. This investigation may include a criminal
40 background check.

1 (c) An applicant seeking a temporary license pursuant to this
2 section shall meet the following requirements:

3 (1) The applicant shall supply evidence satisfactory to the board
4 that the applicant is married to, or in a domestic partnership or
5 other legal union with, an active duty member of the Armed Forces
6 of the United States who is assigned to a duty station in this state
7 under official active duty military orders.

8 (2) The applicant shall hold a current, active, and unrestricted
9 license that confers upon the applicant the authority to practice,
10 in another state, district, or territory of the United States, the
11 profession or vocation for which the applicant seeks a temporary
12 license from the board.

13 (3) The applicant shall submit an application to the board that
14 shall include a signed affidavit attesting to the fact that the
15 applicant meets all of the requirements for the temporary license
16 and that the information submitted in the application is accurate,
17 to the best of the applicant’s knowledge. The application shall also
18 include written verification from the applicant’s original licensing
19 jurisdiction stating that the applicant’s license is in good standing
20 in that jurisdiction.

21 (4) The applicant shall not have committed an act in any
22 jurisdiction that would have constituted grounds for denial,
23 suspension, or revocation of the license under this code at the time
24 the act was committed. A violation of this paragraph may be
25 grounds for the denial or revocation of a temporary license issued
26 by the board.

27 (5) The applicant shall not have been disciplined by a licensing
28 entity in another jurisdiction and shall not be the subject of an
29 unresolved complaint, review procedure, or disciplinary proceeding
30 conducted by a licensing entity in another jurisdiction.

31 (6) The applicant shall, upon request by a board, furnish a full
32 set of fingerprints for purposes of conducting a criminal
33 background check.

34 (d) A temporary license issued pursuant to this section may be
35 immediately terminated upon a finding that the temporary
36 licenseholder failed to meet any of the requirements described in
37 subdivision (c) or provided substantively inaccurate information
38 that would affect the person’s eligibility for temporary licensure.
39 Upon termination of the temporary license, the board shall issue
40 a notice of termination that shall require the temporary

1 licenseholder to immediately cease the practice of the licensed
2 profession upon receipt.

3 (e) An applicant seeking a temporary license as a civil engineer,
4 geotechnical engineer, structural engineer, land surveyor,
5 professional geologist, professional geophysicist, certified
6 engineering geologist, or certified hydrogeologist pursuant to this
7 section shall successfully pass the appropriate California-specific
8 examination or examinations required for licensure in those
9 respective professions by the Board for Professional Engineers,
10 Land Surveyors, and Geologists.

11 (f) A temporary license issued pursuant to this section shall
12 expire 12 months after issuance, upon issuance of an expedited
13 license pursuant to Section 115.5, a license by endorsement, or
14 upon denial of the application for expedited licensure by the board,
15 whichever occurs first.

16 ~~(g) A temporary license issued pursuant to this section shall be
17 converted to a standard license if, within 12 months of issuance,
18 the applicant demonstrates having met all of the requirements for
19 a standard license or submits documents demonstrating that the
20 requirements to obtain the out-of-state license were substantially
21 equivalent to the requirements for a standard license as determined
22 by the board in order to protect the public.~~

23 (h)
24 (g) A board shall ~~adopt~~ *submit to the department for approval*
25 *draft* regulations necessary to administer this section ~~and shall~~
26 ~~publish these regulations on its internet website and in application~~
27 ~~materials~~ by January 1, 2022. *These regulations shall be adopted*
28 *pursuant to the Administrative Procedure Act (Chapter 3.5*
29 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
30 *2 of the Government Code).*

31 (h) *This section shall not apply to a board that has a process*
32 *in place by which an out-of-state licensed applicant in good*
33 *standing who is married to, or in a domestic partnership or other*
34 *legal union with, an active duty member of the Armed Forces of*
35 *the United States is able to receive expedited, temporary*
36 *authorization to practice while meeting state-specific requirements*
37 *for a period of at least one year.*

38 SEC. 2. Section 5132 of the Business and Professions Code is
39 amended to read:

1 5132. (a) All moneys received by the board under this chapter
 2 from any source and for any purpose and from a temporary license
 3 issued under Section 115.6 shall be accounted for and reported
 4 monthly by the board to the Controller and at the same time the
 5 moneys shall be remitted to the State Treasury to the credit of the
 6 Accountancy Fund.

7 (b) The secretary-treasurer of the board shall, from time to time,
 8 but not less than once each fiscal year, prepare or have prepared
 9 on their behalf, a financial report of the Accountancy Fund that
 10 contains information that the board determines is necessary for
 11 the purposes for which the board was established.

12 (c) The report of the Accountancy Fund, which shall be
 13 published pursuant to Section 5008, shall include the revenues and
 14 the related costs from examination, initial licensing, license
 15 renewal, citation and fine authority, and cost recovery from
 16 enforcement actions and case settlements.

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REVISIONS:
Heading—Line 2.

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ASSEMBLY BILL

No. 3045

**Introduced by Assembly Member ~~Gray~~ Members *Gray and Patterson*
(Principal coauthor: *Assembly Member Gallagher*)
(Coauthors: *Assembly Members Fong, Gipson, Grayson, and Obernolte*)**

February 21, 2020

An act to add Section 115.7 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3045, as introduced, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession

or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would require boards not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115.7 is added to the Business and
- 2 Professions Code, to read:
- 3 115.7. (a) A board not specified in subdivision (a) of Section
- 4 115.6 shall, after appropriate investigation, issue a license to an
- 5 applicant if the applicant meets all of the following requirements:
- 6 (1) The applicant shall supply evidence satisfactory to the board
- 7 that the applicant is an honorably discharged veteran of the Armed
- 8 Forces of the United States or is married to, or in a domestic
- 9 partnership or other legal union with, an active duty member of

1 the Armed Forces of the United States who is assigned to a duty
2 station in this state under official active duty military orders.

3 (2) The applicant shall hold a current, active, and unrestricted
4 license that confers upon the applicant the authority to practice,
5 in another state, district, or territory of the United States, the
6 profession or vocation for which the applicant seeks a license from
7 the board.

8 (3) The applicant shall submit an application to the board that
9 shall include a signed affidavit attesting to the fact that the
10 applicant meets all of the requirements for the license and that the
11 information submitted in the application is accurate, to the best of
12 the applicant's knowledge. The application shall also include
13 written verification from the applicant's original licensing
14 jurisdiction stating that the applicant's license is in good standing
15 in that jurisdiction.

16 (4) The applicant shall not have committed an act in any
17 jurisdiction that would have constituted grounds for denial,
18 suspension, or revocation of the license under this code at the time
19 the act was committed. A violation of this paragraph may be
20 grounds for the denial or revocation of a license issued by the
21 board.

22 (5) The applicant shall not have been disciplined by a licensing
23 entity in another jurisdiction and shall not be the subject of an
24 unresolved complaint, review procedure, or disciplinary proceeding
25 conducted by a licensing entity in another jurisdiction.

26 (6) The applicant shall, upon request by a board, furnish a full
27 set of fingerprints for purposes of conducting a criminal
28 background check.

29 (b) A board may adopt regulations necessary to administer this
30 section.

31 SEC. 2. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within
38 the meaning of Section 6 of Article XIII B of the California
39 Constitution.

- 1 _____
- 2 **REVISIONS:**
- 3 **Heading—Lines 1 and 2.**
- 4 _____

O

AMENDED IN SENATE JUNE 18, 2020

SENATE BILL

No. 878

Introduced by Senator Jones

January 22, 2020

An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as amended, Jones. Department of Consumer ~~Affairs~~ Licensing: applications: wait times. *Affairs: license: application: processing timeframes.*

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

~~This bill~~ *bill, beginning July 1, 2021, would require each board within the department that issues licenses licenses, on at least a quarterly basis, to prominently display on its internet website either the current timeframe average timeframes for processing initial and renewal license applications on its internet website, as provided. or the combined current average timeframe for processing both initial and renewal license applications. The bill would also require each board to prominently display on its internet website either the current average timeframes for processing each license type that the board administers or the combined current average timeframe for processing all license types that the board administers.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 139.5 is added to the Business and
2 Professions Code, to read:

3 139.5. ~~Each~~ *Beginning July 1, 2021, each* board, as defined in
4 ~~section~~ *Section 22*, within the department that issues a license shall
5 do both of the ~~following~~: *following on at least a quarterly basis:*

6 (a) Prominently display ~~the~~ *on its internet website one of the*
7 *following:*

8 (1) ~~The current timeframe~~ *average timeframes* for processing
9 initial and renewal license ~~applications on its internet website.~~
10 *applications.*

11 (2) *The combined current average timeframe for processing*
12 *both initial and renewal license applications.*

13 (b) ~~With respect to the information displayed on the website,~~
14 ~~specify the~~ *Prominently display on its internet website one of the*
15 *following:*

16 (1) ~~The current average timeframe~~ *timeframes* for processing
17 each license ~~category.~~ *type that the board administers.*

18 (2) *The combined current average timeframe for processing all*
19 *license types that the board administers.*

O

AMENDED IN SENATE MAY 13, 2020
AMENDED IN SENATE APRIL 17, 2020
AMENDED IN SENATE MARCH 25, 2020

SENATE BILL

No. 1168

Introduced by Senator Morrell

February 20, 2020

An act to amend Section 11009.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Morrell. State agencies: licensing services.

Existing law authorizes a state agency that issues any business license to establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency, as defined, to submit an application for reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

This bill would require a state agency that issues any business license to establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application for deferral of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display. ~~The bill would require the deferral period to end 60 days following the end of the emergency.~~

This bill would also require a state agency that issues any business license to establish a process to expedite licensing services, as defined, for a person or business that meets specified criteria, including that the

person or business has been displaced by an emergency proclaimed or declared within 365 days of the request for licensing services.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11009.5 of the Government Code is
2 amended to read:

3 11009.5. (a) For purposes of this section:

4 (1) "Displaced" means a condition in which the person or
5 business is unable to return to the address of record or other address
6 associated with the license before experiencing economic hardship.

7 (2) "Economic hardship" means the inability to pay living or
8 business expenses, unless otherwise defined by a state agency
9 pursuant to subdivision (c).

10 (3) "Emergency" means an emergency as defined in Section
11 8558 or a declared federal emergency.

12 (4) "License" includes, but is not limited to, a certificate,
13 registration, or other document required to engage in business.

14 (5) "Licensing services" includes, but is not limited to, replacing
15 a physical copy of a license that is required to be displayed or
16 carried, applying for or renewing a license, and applying for a
17 waiver or reduction of licensing fees.

18 (b) (1) Notwithstanding any other law, a state agency that issues
19 any business license may, in addition to the requirements of
20 paragraph (2), establish a process for a person or business that has
21 been displaced or is experiencing economic hardship as a result
22 of an emergency to submit an application, that the agency may
23 grant, for a reduction or waiver of any fees required by the agency
24 to obtain a license, renew or activate a license, or replace a physical
25 license for display.

26 (2) ~~(A)~~—A state agency that issues any business license shall
27 establish a process for a person or business that is experiencing
28 economic hardship as a result of an emergency caused by a virus
29 to submit an application, that the agency ~~shall~~ *may* grant, for a
30 deferral of any fees required by the agency to obtain a license,
31 renew or activate a license, or replace a physical license for display.

32 ~~(B)~~—The deferral period granted pursuant to this paragraph shall
33 end 60 days following the end of the emergency.

1 (c) A fee deferral, reduction, or waiver process established
2 pursuant to subdivision (b) shall specify, at a minimum, all of the
3 following:

4 (1) The methodology used by the agency for determining
5 whether a person, as a result of an emergency, has been displaced
6 or is experiencing economic hardship.

7 (2) The procedure for applying for a fee deferral, reduction, or
8 waiver.

9 (3) That the application shall be made within one year of the
10 date on which the emergency was proclaimed or declared.

11 (d) Notwithstanding any other law, a state agency that issues
12 any business license shall establish a process to expedite licensing
13 services for a person or business that meets either of the following
14 criteria:

15 (1) The person or business has been displaced by an emergency
16 proclaimed or declared within 365 days of the request for licensing
17 services.

18 (2) The person or business is experiencing economic hardship
19 directly resulting from an emergency proclaimed or declared within
20 365 days of the request for licensing services.

O

AMENDED IN SENATE JUNE 18, 2020

AMENDED IN SENATE MAY 14, 2020

SENATE BILL

No. 1474

**Introduced by Committee on Business, Professions and Economic
Development (Senators Glazer (Chair), Archuleta, Chang, Dodd,
Galgiani, Hill, Leyva, Pan, and Wilk)**
(Principal coauthor: Assembly Member Low)

March 16, 2020

An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 4001, 4003, 4501, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7145.5, 7159, 7170, 7303, 8516, 10050, 11301, 16100, and 19164 of, and to add Sections 5650.5 and 7099.9 to, the Business and Professions Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as amended, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires fees and penalties received pursuant to the law to be deposited in the Contractors' License Fund, a continuously appropriated fund,

except that certain service fees for the deposit of money in lieu of paying a bond are required to be deposited in the Contractors' Deposit Fund.

This bill would rename the Contractors' State license Law as the Contractors State License Law, would rename the Contractors' State License Board as the Contractors State License Board, and would rename the Contractors' License Fund as the Contractors License Fund. The bill would delete the provision establishing the Contractors' Deposit Fund, and would therefore require those service fees to be deposited in the Contractors License Fund. By authorizing a new source of revenue to be deposited into a continuously appropriated fund, the bill would make an appropriation.

Existing law authorizes a licensee who is subject to a bonding provision under the law, in lieu of giving a bond, to deposit money or a cashier's check with the registrar of contractors.

This bill would prohibit the deposit from being released if the board is notified of a civil action against the deposit and, if the amount of the deposit is insufficient to pay all claims, would require the deposit to be distributed to claimants in proportion to the amount of the claims.

(2) Existing law authorizes the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California and any board within the Department of Consumer Affairs to issue a citation that may contain an order of abatement or an order to pay an administrative fine, and provides that a failure to pay a fine within 30 days of the date of assessment may result in disciplinary action.

This bill would also make a failure to comply with the order of abatement within 30 days of the date of the order subject to disciplinary action.

(3) Existing law provides for the licensure and regulation of registered dental hygienists by the Dental Hygiene Board of California. Existing law authorizes a registered dental hygienist to perform a procedure or provide a service within the scope of their practice under the appropriate level of supervision, as specified.

This bill would also require a registered dental hygienist to have completed the appropriate education and training required to perform the procedure or provide the service.

Existing law requires a person to have satisfactorily completed a specified examination within the preceding 2 years as a condition of licensure as a registered dental hygienist.

This bill would instead require completion of the dental hygiene examination within the preceding 3 years.

Existing law requires a person, as a condition for licensure as a registered dental hygienist in alternative practice, to successfully complete a bachelor's degree or its equivalent from an accredited college or institution of higher education, among other requirements.

This bill would specify that the equivalent of a bachelor's degree is recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education.

(4) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and requires an applicant for a physician's and surgeon's license who has completed 36 months of approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training program in California to obtain their physician's and surgeon's license within 90 days after beginning the postgraduate training program.

This bill would delete the requirement that the person be accepted into an approved postgraduate training in another state or Canada.

Existing law authorizes the Medical Board of California, in its discretion, to waive certain examination and certification requirements for licensure for a graduate of a foreign medical school who holds a certificate of registration issued by the board to practice medicine as a full-time faculty member at a medical school.

This bill would also authorize the board to accept clinical practice in an appointment as qualifying time to meet specified postgraduate training requirements for licensure for those registrants.

Existing law authorizes the Medical Board of California, upon and review and recommendation, to determine that an applicant for a physician and surgeon's certificate has satisfied the medical education and examination requirements for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state and has held the license continuously for a minimum of 4 years, subject to satisfaction of specified requirements.

This bill would also require the applicant to meet specified postgraduate training requirements.

(5) Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires the board to issue a retired license to an architect who meets specified requirements, and also provides for the restoration of a retired license to active status upon satisfaction of specified

requirements applicable to licenses that are not renewed within 5 years of its expiration.

This bill would also authorize the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are renewed within 5 years of its expiration.

(6) Existing law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board.

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(7) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

This bill would extend the operation of those provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

(8) Existing law, the Massage Therapy Act, until January 1, 2021, provides for the certification and regulation of massage therapists by the California Massage Therapy Council.

This bill would extend the operation of the Massage Therapy Act to January 1, ~~2022~~, 2022, and make conforming changes relating to massage therapist certification requirements.

(9) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers by the Real Estate Commissioner, the chief officer of the Department of Real Estate within the Business, Consumer Services, and Housing Agency. The Real Estate Law subjects the powers and duties of the department, under specified provisions of

law, to review by the appropriate policy committees of the Legislature, performed as if those provisions were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(10) Existing law, the Real Estate Appraisers’ Licensing and Certification Law, creates a Bureau of Real Estate Appraisers within the Department of Consumer Affairs to administer and enforce that law. The Real Estate Appraisers’ Licensing and Certification Law subjects the powers and duties of the bureau to review by the appropriate policy committees of the Legislature, performed as if that law were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(11) Existing law, the California Private Postsecondary Education Act of 2009, until January 1, 2021, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state, enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

This bill would extend the operation of the California Private Postsecondary Education Act of 2009 to January 1, 2022.

(12) This bill would make other conforming, technical, and nonsubstantive changes.

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27 of the Business and Professions Code
- 2 is amended to read:
- 3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
- 4 shall provide on the internet information regarding the status of
- 5 every license issued by that entity in accordance with the California
- 6 Public Records Act (Chapter 3.5 (commencing with Section 6250)
- 7 of Division 7 of Title 1 of the Government Code) and the
- 8 Information Practices Act of 1977 (Chapter 1 (commencing with
- 9 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

1 The public information to be provided on the internet shall include
 2 information on suspensions and revocations of licenses issued by
 3 the entity and other related enforcement action, including
 4 accusations filed pursuant to the Administrative Procedure Act
 5 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
 6 Division 3 of Title 2 of the Government Code) taken by the entity
 7 relative to persons, businesses, or facilities subject to licensure or
 8 regulation by the entity. The information may not include personal
 9 information, including home telephone number, date of birth, or
 10 social security number. Each entity shall disclose a licensee’s
 11 address of record. However, each entity shall allow a licensee to
 12 provide a post office box number or other alternate address, instead
 13 of the licensee’s home address, as the address of record. This
 14 section shall not preclude an entity from also requiring a licensee,
 15 who has provided a post office box number or other alternative
 16 mailing address as the licensee’s address of record, to provide a
 17 physical business address or residence address only for the entity’s
 18 internal administrative use and not for disclosure as the licensee’s
 19 address of record or disclosure on the internet.

20 (b) In providing information on the internet, each entity specified
 21 in subdivisions (c) and (d) shall comply with the Department of
 22 Consumer Affairs’ guidelines for access to public records.

23 (c) Each of the following entities within the Department of
 24 Consumer Affairs shall comply with the requirements of this
 25 section:

26 (1) The Board for Professional Engineers, Land Surveyors, and
 27 Geologists shall disclose information on its registrants and
 28 licensees.

29 (2) The Bureau of Automotive Repair shall disclose information
 30 on its licensees, including auto repair dealers, smog stations, lamp
 31 and brake stations, smog check technicians, and smog inspection
 32 certification stations.

33 (3) The Bureau of Household Goods and Services shall disclose
 34 information on its licensees and registrants, including major
 35 appliance repair dealers, combination dealers (electronic and
 36 appliance), electronic repair dealers, service contract sellers, service
 37 contract administrators, and household movers.

38 (4) The Cemetery and Funeral Bureau shall disclose information
 39 on its licensees, including cemetery brokers, cemetery salespersons,
 40 cemetery managers, crematory managers, cemetery authorities,

1 crematories, cremated remains disposers, embalmers, funeral
2 establishments, and funeral directors.

3 (5) The Professional Fiduciaries Bureau shall disclose
4 information on its licensees.

5 (6) The Contractors State License Board shall disclose
6 information on its licensees and registrants in accordance with
7 Chapter 9 (commencing with Section 7000) of Division 3. In
8 addition to information related to licenses as specified in
9 subdivision (a), the board shall also disclose information provided
10 to the board by the Labor Commissioner pursuant to Section 98.9
11 of the Labor Code.

12 (7) The Bureau for Private Postsecondary Education shall
13 disclose information on private postsecondary institutions under
14 its jurisdiction, including disclosure of notices to comply issued
15 pursuant to Section 94935 of the Education Code.

16 (8) The California Board of Accountancy shall disclose
17 information on its licensees and registrants.

18 (9) The California Architects Board shall disclose information
19 on its licensees, including architects and landscape architects.

20 (10) The State Athletic Commission shall disclose information
21 on its licensees and registrants.

22 (11) The State Board of Barbering and Cosmetology shall
23 disclose information on its licensees.

24 (12) The Acupuncture Board shall disclose information on its
25 licensees.

26 (13) The Board of Behavioral Sciences shall disclose
27 information on its licensees and registrants.

28 (14) The Dental Board of California shall disclose information
29 on its licensees.

30 (15) The State Board of Optometry shall disclose information
31 on its licensees and registrants.

32 (16) The Board of Psychology shall disclose information on its
33 licensees, including psychologists, psychological assistants, and
34 registered psychologists.

35 (17) The Veterinary Medical Board shall disclose information
36 on its licensees, registrants, and permitholders.

37 (d) The State Board of Chiropractic Examiners shall disclose
38 information on its licensees.

39 (e) The Structural Pest Control Board shall disclose information
40 on its licensees, including applicators, field representatives, and

1 operators in the areas of fumigation, general pest and wood
2 destroying pests and organisms, and wood roof cleaning and
3 treatment.

4 (f) The Bureau of Cannabis Control shall disclose information
5 on its licensees.

6 (g) “Internet” for the purposes of this section has the meaning
7 set forth in paragraph (6) of subdivision (f) of Section 17538.

8 SEC. 2. Section 101 of the Business and Professions Code is
9 amended to read:

10 101. The department is comprised of the following:

- 11 (a) The Dental Board of California.
- 12 (b) The Medical Board of California.
- 13 (c) The State Board of Optometry.
- 14 (d) The California State Board of Pharmacy.
- 15 (e) The Veterinary Medical Board.
- 16 (f) The California Board of Accountancy.
- 17 (g) The California Architects Board.
- 18 (h) The State Board of Barbering and Cosmetology.
- 19 (i) The Board for Professional Engineers, Land Surveyors, and
20 Geologists.
- 21 (j) The Contractors State License Board.
- 22 (k) The Bureau for Private Postsecondary Education.
- 23 (l) The Bureau of Household Goods and Services.
- 24 (m) The Board of Registered Nursing.
- 25 (n) The Board of Behavioral Sciences.
- 26 (o) The State Athletic Commission.
- 27 (p) The Cemetery and Funeral Bureau.
- 28 (q) The Bureau of Security and Investigative Services.
- 29 (r) The Court Reporters Board of California.
- 30 (s) The Board of Vocational Nursing and Psychiatric
31 Technicians.
- 32 (t) The Landscape Architects Technical Committee.
- 33 (u) The Division of Investigation.
- 34 (v) The Bureau of Automotive Repair.
- 35 (w) The Respiratory Care Board of California.
- 36 (x) The Acupuncture Board.
- 37 (y) The Board of Psychology.
- 38 (z) The Podiatric Medical Board of California.
- 39 (aa) The Physical Therapy Board of California.
- 40 (ab) The Arbitration Review Program.

- 1 (ac) The Physician Assistant Board.
 - 2 (ad) The Speech-Language Pathology and Audiology and
 - 3 Hearing Aid Dispensers Board.
 - 4 (ae) The California Board of Occupational Therapy.
 - 5 (af) The Osteopathic Medical Board of California.
 - 6 (ag) The Naturopathic Medicine Committee.
 - 7 (ah) The Dental Hygiene Board of California.
 - 8 (ai) The Professional Fiduciaries Bureau.
 - 9 (aj) The State Board of Chiropractic Examiners.
 - 10 (ak) The Bureau of Real Estate Appraisers.
 - 11 (al) The Structural Pest Control Board.
 - 12 (am) The Bureau of Cannabis Control.
 - 13 (an) Any other boards, offices, or officers subject to its
 - 14 jurisdiction by law.
 - 15 (ao) This section shall become operative on July 1, 2018.
- 16 SEC. 3. Section 125.9 of the Business and Professions Code
- 17 is amended to read:
- 18 125.9. (a) Except with respect to persons regulated under
- 19 Chapter 11 (commencing with Section 7500), any board, bureau,
- 20 or commission within the department, the State Board of
- 21 Chiropractic Examiners, and the Osteopathic Medical Board of
- 22 California, may establish, by regulation, a system for the issuance
- 23 to a licensee of a citation which may contain an order of abatement
- 24 or an order to pay an administrative fine assessed by the board,
- 25 bureau, or commission where the licensee is in violation of the
- 26 applicable licensing act or any regulation adopted pursuant thereto.
- 27 (b) The system shall contain the following provisions:
- 28 (1) Citations shall be in writing and shall describe with
- 29 particularity the nature of the violation, including specific reference
- 30 to the provision of law determined to have been violated.
- 31 (2) Whenever appropriate, the citation shall contain an order of
- 32 abatement fixing a reasonable time for abatement of the violation.
- 33 (3) In no event shall the administrative fine assessed by the
- 34 board, bureau, or commission exceed five thousand dollars (\$5,000)
- 35 for each inspection or each investigation made with respect to the
- 36 violation, or five thousand dollars (\$5,000) for each violation or
- 37 count if the violation involves fraudulent billing submitted to an
- 38 insurance company, the Medi-Cal program, or Medicare. In
- 39 assessing a fine, the board, bureau, or commission shall give due
- 40 consideration to the appropriateness of the amount of the fine with

1 respect to factors such as the gravity of the violation, the good
2 faith of the licensee, and the history of previous violations.

3 (4) A citation or fine assessment issued pursuant to a citation
4 shall inform the licensee that if the licensee desires a hearing to
5 contest the finding of a violation, that hearing shall be requested
6 by written notice to the board, bureau, or commission within 30
7 days of the date of issuance of the citation or assessment. If a
8 hearing is not requested pursuant to this section, payment of any
9 fine shall not constitute an admission of the violation charged.
10 Hearings shall be held pursuant to Chapter 5 (commencing with
11 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
12 Code.

13 (5) Failure of a licensee to pay a fine or comply with an order
14 of abatement, or both, within 30 days of the date of assessment or
15 order, unless the citation is being appealed, may result in
16 disciplinary action being taken by the board, bureau, or
17 commission. Where a citation is not contested and a fine is not
18 paid, the full amount of the assessed fine shall be added to the fee
19 for renewal of the license. A license shall not be renewed without
20 payment of the renewal fee and fine.

21 (c) The system may contain the following provisions:

22 (1) A citation may be issued without the assessment of an
23 administrative fine.

24 (2) Assessment of administrative fines may be limited to only
25 particular violations of the applicable licensing act.

26 (d) Notwithstanding any other provision of law, if a fine is paid
27 to satisfy an assessment based on the finding of a violation,
28 payment of the fine and compliance with the order of abatement,
29 if applicable, shall be represented as satisfactory resolution of the
30 matter for purposes of public disclosure.

31 (e) Administrative fines collected pursuant to this section shall
32 be deposited in the special fund of the particular board, bureau, or
33 commission.

34 SEC. 4. Section 130 of the Business and Professions Code is
35 amended to read:

36 130. (a) Notwithstanding any other law, the term of office of
37 any member of an agency designated in subdivision (b) shall be
38 for a term of four years expiring on June 1.

39 (b) Subdivision (a) applies to the following boards or
40 committees:

- 1 (1) The Medical Board of California.
- 2 (2) The Podiatric Medical Board of California.
- 3 (3) The Physical Therapy Board of California.
- 4 (4) The Board of Registered Nursing, except as provided in
- 5 subdivision (c) of Section 2703.
- 6 (5) The Board of Vocational Nursing and Psychiatric
- 7 Technicians.
- 8 (6) The State Board of Optometry.
- 9 (7) The California State Board of Pharmacy.
- 10 (8) The Veterinary Medical Board.
- 11 (9) The California Architects Board.
- 12 (10) The Landscape Architect Technical Committee.
- 13 (11) The Board for Professional Engineers and Land Surveyors.
- 14 (12) The Contractors State License Board.
- 15 (13) The Board of Behavioral Sciences.
- 16 (14) The Court Reporters Board of California.
- 17 (15) The State Athletic Commission.
- 18 (16) The Osteopathic Medical Board of California.
- 19 (17) The Respiratory Care Board of California.
- 20 (18) The Acupuncture Board.
- 21 (19) The Board of Psychology.
- 22 (20) The Structural Pest Control Board.

23 SEC. 5. Section 144 of the Business and Professions Code is
24 amended to read:

25 144. (a) Notwithstanding any other law, an agency designated
26 in subdivision (b) shall require an applicant to furnish to the agency
27 a full set of fingerprints for purposes of conducting criminal history
28 record checks. Any agency designated in subdivision (b) may
29 obtain and receive, at its discretion, criminal history information
30 from the Department of Justice and the United States Federal
31 Bureau of Investigation.

32 (b) Subdivision (a) applies to the following:

- 33 (1) California Board of Accountancy.
- 34 (2) State Athletic Commission.
- 35 (3) Board of Behavioral Sciences.
- 36 (4) Court Reporters Board of California.
- 37 (5) Dental Board of California.
- 38 (6) California State Board of Pharmacy.
- 39 (7) Board of Registered Nursing.
- 40 (8) Veterinary Medical Board.

- 1 (9) Board of Vocational Nursing and Psychiatric Technicians.
- 2 (10) Respiratory Care Board of California.
- 3 (11) Physical Therapy Board of California.
- 4 (12) Physician Assistant Committee.
- 5 (13) Speech-Language Pathology and Audiology and Hearing
- 6 Aid Dispensers Board.
- 7 (14) Medical Board of California.
- 8 (15) State Board of Optometry.
- 9 (16) Acupuncture Board.
- 10 (17) Cemetery and Funeral Bureau.
- 11 (18) Bureau of Security and Investigative Services.
- 12 (19) Division of Investigation.
- 13 (20) Board of Psychology.
- 14 (21) California Board of Occupational Therapy.
- 15 (22) Structural Pest Control Board.
- 16 (23) Contractors State License Board.
- 17 (24) Naturopathic Medicine Committee.
- 18 (25) Professional Fiduciaries Bureau.
- 19 (26) Board for Professional Engineers, Land Surveyors, and
- 20 Geologists.
- 21 (27) Bureau of Cannabis Control.
- 22 (28) Podiatric Medical Board of California.
- 23 (29) Osteopathic Medical Board of California.
- 24 (30) California Architects Board, beginning January 1, 2021.
- 25 (31) Landscape Architects Technical Committee, beginning
- 26 January 1, 2021.

27 (c) For purposes of paragraph (26) of subdivision (b), the term
 28 “applicant” shall be limited to an initial applicant who has never
 29 been registered or licensed by the board or to an applicant for a
 30 new licensure or registration category.

31 SEC. 6. Section 200.1 of the Business and Professions Code
 32 is amended to read:

33 200.1. (a) Any accruals that occur on or after September 11,
 34 1993, to any funds or accounts within the Professions and
 35 Vocations Fund that realize increased revenues to that fund or
 36 account as a result of legislation enacted on or after September 11,
 37 1993, and that have not been transferred pursuant to Sections 13.50,
 38 13.60, and 13.70 of the Budget Act of 1993 on the effective date
 39 of the act that enacted this section, shall be exempt from the
 40 transfers contained in Sections 13.50, 13.60, and 13.70 of the

1 Budget Act of 1993. These funds shall include, but not be limited
2 to, all of the following:

- 3 (1) Athletic Commission Fund.
- 4 (2) Bureau of Home Furnishings and Thermal Insulation Fund.
- 5 (3) Contractors License Fund.
- 6 (4) Private Investigator Fund.
- 7 (5) Respiratory Care Fund.
- 8 (6) Vocational Nursing and Psychiatric Technicians Fund.

9 (b) Subdivision (a) shall not apply to the Contingent Fund of
10 the Medical Board of California.

11 SEC. 7. Section 205 of the Business and Professions Code, as
12 amended by Section 2 of Chapter 865 of the Statutes of 2019, is
13 amended to read:

14 205. (a) There is in the State Treasury the Professions and
15 Vocations Fund. The fund shall consist of the following special
16 funds:

- 17 (1) Accountancy Fund.
- 18 (2) California Architects Board Fund.
- 19 (3) Athletic Commission Fund.
- 20 (4) Barbering and Cosmetology Contingent Fund.
- 21 (5) Cemetery and Funeral Fund.
- 22 (6) Contractors License Fund.
- 23 (7) State Dentistry Fund.
- 24 (8) Home Furnishings and Thermal Insulation Fund.
- 25 (9) California Architects Board-Landscape Architects Fund.
- 26 (10) Contingent Fund of the Medical Board of California.
- 27 (11) Optometry Fund.
- 28 (12) Pharmacy Board Contingent Fund.
- 29 (13) Physical Therapy Fund.
- 30 (14) Private Investigator Fund.
- 31 (15) Private Security Services Fund.
- 32 (16) Professional Engineer's, Land Surveyor's, and Geologist's
33 Fund.
- 34 (17) Consumer Affairs Fund.
- 35 (18) Behavioral Sciences Fund.
- 36 (19) Licensed Midwifery Fund.
- 37 (20) Court Reporters' Fund.
- 38 (21) Veterinary Medical Board Contingent Fund.
- 39 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 40 (23) Electronic and Appliance Repair Fund.

- 1 (24) Dispensing Opticians Fund.
- 2 (25) Acupuncture Fund.
- 3 (26) Physician Assistant Fund.
- 4 (27) Board of Podiatric Medicine Fund.
- 5 (28) Psychology Fund.
- 6 (29) Respiratory Care Fund.
- 7 (30) Speech-Language Pathology and Audiology and Hearing
- 8 Aid Dispensers Fund.
- 9 (31) Board of Registered Nursing Fund.
- 10 (32) Animal Health Technician Examining Committee Fund.
- 11 (33) State Dental Hygiene Fund.
- 12 (34) State Dental Assistant Fund.
- 13 (35) Structural Pest Control Fund.
- 14 (36) Structural Pest Control Eradication and Enforcement Fund.
- 15 (37) Structural Pest Control Research Fund.
- 16 (38) Household Movers Fund.
- 17 (b) For accounting and recordkeeping purposes, the Professions
- 18 and Vocations Fund shall be deemed to be a single special fund,
- 19 and each of the several special funds therein shall constitute and
- 20 be deemed to be a separate account in the Professions and
- 21 Vocations Fund. Each account or fund shall be available for
- 22 expenditure only for the purposes as are now or may hereafter be
- 23 provided by law.
- 24 (c) This section shall be repealed on July 1, 2022.
- 25 SEC. 8. Section 205 of the Business and Professions Code, as
- 26 added by Section 3 of Chapter 865 of the Statutes of 2019, is
- 27 amended to read:
- 28 205. (a) There is in the State Treasury the Professions and
- 29 Vocations Fund. The fund shall consist of the following special
- 30 funds:
- 31 (1) Accountancy Fund.
- 32 (2) California Architects Board Fund.
- 33 (3) Athletic Commission Fund.
- 34 (4) Barbering and Cosmetology Contingent Fund.
- 35 (5) Cemetery and Funeral Fund.
- 36 (6) Contractors License Fund.
- 37 (7) State Dentistry Fund.
- 38 (8) Home Furnishings and Thermal Insulation Fund.
- 39 (9) California Architects Board-Landscape Architects Fund.
- 40 (10) Contingent Fund of the Medical Board of California.

- 1 (11) Optometry Fund.
- 2 (12) Pharmacy Board Contingent Fund.
- 3 (13) Physical Therapy Fund.
- 4 (14) Private Investigator Fund.
- 5 (15) Private Security Services Fund.
- 6 (16) Professional Engineer’s, Land Surveyor’s, and Geologist’s
- 7 Fund.
- 8 (17) Consumer Affairs Fund.
- 9 (18) Behavioral Sciences Fund.
- 10 (19) Licensed Midwifery Fund.
- 11 (20) Court Reporters’ Fund.
- 12 (21) Veterinary Medical Board Contingent Fund.
- 13 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 14 (23) Electronic and Appliance Repair Fund.
- 15 (24) Dispensing Opticians Fund.
- 16 (25) Acupuncture Fund.
- 17 (26) Physician Assistant Fund.
- 18 (27) Board of Podiatric Medicine Fund.
- 19 (28) Psychology Fund.
- 20 (29) Respiratory Care Fund.
- 21 (30) Speech-Language Pathology and Audiology and Hearing
- 22 Aid Dispensers Fund.
- 23 (31) Board of Registered Nursing Fund.
- 24 (32) Animal Health Technician Examining Committee Fund.
- 25 (33) State Dental Hygiene Fund.
- 26 (34) Structural Pest Control Fund.
- 27 (35) Structural Pest Control Eradication and Enforcement Fund.
- 28 (36) Structural Pest Control Research Fund.
- 29 (37) Household Movers Fund.
- 30 (b) For accounting and recordkeeping purposes, the Professions
- 31 and Vocations Fund shall be deemed to be a single special fund,
- 32 and each of the several special funds therein shall constitute and
- 33 be deemed to be a separate account in the Professions and
- 34 Vocations Fund. Each account or fund shall be available for
- 35 expenditure only for the purposes as are now or may hereafter be
- 36 provided by law.
- 37 (c) This section shall become operative on July 1, 2022.
- 38 SEC. 9. Section 494.5 of the Business and Professions Code
- 39 is amended to read:

1 494.5. (a) (1) Except as provided in paragraphs (2), (3), and
2 (4), a state governmental licensing entity shall refuse to issue,
3 reactivate, reinstate, or renew a license and shall suspend a license
4 if a licensee's name is included on a certified list.

5 (2) The Department of Motor Vehicles shall suspend a license
6 if a licensee's name is included on a certified list. Any reference
7 in this section to the issuance, reactivation, reinstatement, renewal,
8 or denial of a license shall not apply to the Department of Motor
9 Vehicles.

10 (3) The State Bar of California may recommend to refuse to
11 issue, reactivate, reinstate, or renew a license and may recommend
12 to suspend a license if a licensee's name is included on a certified
13 list. The word "may" shall be substituted for the word "shall"
14 relating to the issuance of a temporary license, refusal to issue,
15 reactivate, reinstate, renew, or suspend a license in this section for
16 licenses under the jurisdiction of the California Supreme Court.

17 (4) The Department of Alcoholic Beverage Control may refuse
18 to issue, reactivate, reinstate, or renew a license, and may suspend
19 a license, if a licensee's name is included on a certified list.

20 (b) For purposes of this section:

21 (1) "Certified list" means either the list provided by the State
22 Board of Equalization or the list provided by the Franchise Tax
23 Board of persons whose names appear on the lists of the 500 largest
24 tax delinquencies pursuant to Section 7063 or 19195 of the
25 Revenue and Taxation Code, as applicable.

26 (2) "License" includes a certificate, registration, or any other
27 authorization to engage in a profession or occupation issued by a
28 state governmental licensing entity. "License" includes a driver's
29 license issued pursuant to Chapter 1 (commencing with Section
30 12500) of Division 6 of the Vehicle Code. "License" excludes a
31 vehicle registration issued pursuant to Division 3 (commencing
32 with Section 4000) of the Vehicle Code.

33 (3) "Licensee" means an individual authorized by a license to
34 drive a motor vehicle or authorized by a license, certificate,
35 registration, or other authorization to engage in a profession or
36 occupation issued by a state governmental licensing entity.

37 (4) "State governmental licensing entity" means any entity listed
38 in Section 101, 1000, or 19420, the office of the Attorney General,
39 the Department of Insurance, the Department of Motor Vehicles,
40 the State Bar of California, the Department of Real Estate, and

1 any other state agency, board, or commission that issues a license,
2 certificate, or registration authorizing an individual to engage in
3 a profession or occupation, including any certificate, business or
4 occupational license, or permit or license issued by the Department
5 of Motor Vehicles or the Department of the California Highway
6 Patrol. “State governmental licensing entity” shall not include the
7 Contractors State License Board.

8 (c) The State Board of Equalization and the Franchise Tax Board
9 shall each submit its respective certified list to every state
10 governmental licensing entity. The certified lists shall include the
11 name, social security number or taxpayer identification number,
12 and the last known address of the persons identified on the certified
13 lists.

14 (d) Notwithstanding any other law, each state governmental
15 licensing entity shall collect the social security number or the
16 federal taxpayer identification number from all applicants for the
17 purposes of matching the names of the certified lists provided by
18 the State Board of Equalization and the Franchise Tax Board to
19 applicants and licensees.

20 (e) (1) Each state governmental licensing entity shall determine
21 whether an applicant or licensee is on the most recent certified list
22 provided by the State Board of Equalization and the Franchise Tax
23 Board.

24 (2) If an applicant or licensee is on either of the certified lists,
25 the state governmental licensing entity shall immediately provide
26 a preliminary notice to the applicant or licensee of the entity’s
27 intent to suspend or withhold issuance or renewal of the license.
28 The preliminary notice shall be delivered personally or by mail to
29 the applicant’s or licensee’s last known mailing address on file
30 with the state governmental licensing entity within 30 days of
31 receipt of the certified list. Service by mail shall be completed in
32 accordance with Section 1013 of the Code of Civil Procedure.

33 (A) The state governmental licensing entity shall issue a
34 temporary license valid for a period of 90 days to any applicant
35 whose name is on a certified list if the applicant is otherwise
36 eligible for a license.

37 (B) The 90-day time period for a temporary license shall not be
38 extended. Only one temporary license shall be issued during a
39 regular license term and the term of the temporary license shall
40 coincide with the first 90 days of the regular license term. A license

1 for the full term or the remainder of the license term may be issued
2 or renewed only upon compliance with this section.

3 (C) In the event that a license is suspended or an application for
4 a license or the renewal of a license is denied pursuant to this
5 section, any funds paid by the applicant or licensee shall not be
6 refunded by the state governmental licensing entity.

7 (f) (1) A state governmental licensing entity shall refuse to
8 issue or shall suspend a license pursuant to this section no sooner
9 than 90 days and no later than 120 days of the mailing of the
10 preliminary notice described in paragraph (2) of subdivision (e),
11 unless the state governmental licensing entity has received a release
12 pursuant to subdivision (h). The procedures in the administrative
13 adjudication provisions of the Administrative Procedure Act
14 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
15 (commencing with Section 11500) of Part 1 of Division 3 of Title
16 2 of the Government Code) shall not apply to the denial or
17 suspension of, or refusal to renew, a license or the issuance of a
18 temporary license pursuant to this section.

19 (2) Notwithstanding any other law, if a board, bureau, or
20 commission listed in Section 101, other than the Contractors State
21 License Board, fails to take action in accordance with this section,
22 the Department of Consumer Affairs shall issue a temporary license
23 or suspend or refuse to issue, reactivate, reinstate, or renew a
24 license, as appropriate.

25 (g) Notices shall be developed by each state governmental
26 licensing entity. For an applicant or licensee on the State Board
27 of Equalization’s certified list, the notice shall include the address
28 and telephone number of the State Board of Equalization, and shall
29 emphasize the necessity of obtaining a release from the State Board
30 of Equalization as a condition for the issuance, renewal, or
31 continued valid status of a license or licenses. For an applicant or
32 licensee on the Franchise Tax Board’s certified list, the notice shall
33 include the address and telephone number of the Franchise Tax
34 Board, and shall emphasize the necessity of obtaining a release
35 from the Franchise Tax Board as a condition for the issuance,
36 renewal, or continued valid status of a license or licenses.

37 (1) The notice shall inform the applicant that the state
38 governmental licensing entity shall issue a temporary license, as
39 provided in subparagraph (A) of paragraph (2) of subdivision (e),
40 for 90 calendar days if the applicant is otherwise eligible and that

1 upon expiration of that time period, the license will be denied
2 unless the state governmental licensing entity has received a release
3 from the State Board of Equalization or the Franchise Tax Board,
4 whichever is applicable.

5 (2) The notice shall inform the licensee that any license
6 suspended under this section will remain suspended until the state
7 governmental licensing entity receives a release along with
8 applications and fees, if applicable, to reinstate the license.

9 (3) The notice shall also inform the applicant or licensee that if
10 an application is denied or a license is suspended pursuant to this
11 section, any moneys paid by the applicant or licensee shall not be
12 refunded by the state governmental licensing entity. The state
13 governmental licensing entity shall also develop a form that the
14 applicant or licensee shall use to request a release by the State
15 Board of Equalization or the Franchise Tax Board. A copy of this
16 form shall be included with every notice sent pursuant to this
17 subdivision.

18 (h) If the applicant or licensee wishes to challenge the
19 submission of their name on a certified list, the applicant or licensee
20 shall make a timely written request for release to the State Board
21 of Equalization or the Franchise Tax Board, whichever is
22 applicable. The State Board of Equalization or the Franchise Tax
23 Board shall immediately send a release to the appropriate state
24 governmental licensing entity and the applicant or licensee, if any
25 of the following conditions are met:

26 (1) The applicant or licensee has complied with the tax
27 obligation, either by payment of the unpaid taxes or entry into an
28 installment payment agreement, as described in Section 6832 or
29 19008 of the Revenue and Taxation Code, to satisfy the unpaid
30 taxes.

31 (2) The applicant or licensee has submitted a request for release
32 not later than 45 days after the applicant's or licensee's receipt of
33 a preliminary notice described in paragraph (2) of subdivision (e),
34 but the State Board of Equalization or the Franchise Tax Board,
35 whichever is applicable, will be unable to complete the release
36 review and send notice of its findings to the applicant or licensee
37 and state governmental licensing entity within 45 days after the
38 State Board of Equalization's or the Franchise Tax Board's receipt
39 of the applicant's or licensee's request for release. Whenever a
40 release is granted under this paragraph, and, notwithstanding that

1 release, the applicable license or licenses have been suspended
2 erroneously, the state governmental licensing entity shall reinstate
3 the applicable licenses with retroactive effect back to the date of
4 the erroneous suspension and that suspension shall not be reflected
5 on any license record.

6 (3) The applicant or licensee is unable to pay the outstanding
7 tax obligation due to a current financial hardship. “Financial
8 hardship” means financial hardship as determined by the State
9 Board of Equalization or the Franchise Tax Board, whichever is
10 applicable, where the applicant or licensee is unable to pay any
11 part of the outstanding liability and the applicant or licensee is
12 unable to qualify for an installment payment arrangement as
13 provided for by Section 6832 or Section 19008 of the Revenue
14 and Taxation Code. In order to establish the existence of a financial
15 hardship, the applicant or licensee shall submit any information,
16 including information related to reasonable business and personal
17 expenses, requested by the State Board of Equalization or the
18 Franchise Tax Board, whichever is applicable, for purposes of
19 making that determination.

20 (i) An applicant or licensee is required to act with diligence in
21 responding to notices from the state governmental licensing entity
22 and the State Board of Equalization or the Franchise Tax Board
23 with the recognition that the temporary license will lapse or the
24 license suspension will go into effect after 90 days and that the
25 State Board of Equalization or the Franchise Tax Board must have
26 time to act within that period. An applicant’s or licensee’s delay
27 in acting, without good cause, which directly results in the inability
28 of the State Board of Equalization or the Franchise Tax Board,
29 whichever is applicable, to complete a review of the applicant’s
30 or licensee’s request for release shall not constitute the diligence
31 required under this section which would justify the issuance of a
32 release. An applicant or licensee shall have the burden of
33 establishing that they diligently responded to notices from the state
34 governmental licensing entity or the State Board of Equalization
35 or the Franchise Tax Board and that any delay was not without
36 good cause.

37 (j) The State Board of Equalization or the Franchise Tax Board
38 shall create release forms for use pursuant to this section. When
39 the applicant or licensee has complied with the tax obligation by
40 payment of the unpaid taxes, or entry into an installment payment

1 agreement, or establishing the existence of a current financial
2 hardship as defined in paragraph (3) of subdivision (h), the State
3 Board of Equalization or the Franchise Tax Board, whichever is
4 applicable, shall mail a release form to the applicant or licensee
5 and provide a release to the appropriate state governmental
6 licensing entity. Any state governmental licensing entity that has
7 received a release from the State Board of Equalization and the
8 Franchise Tax Board pursuant to this subdivision shall process the
9 release within five business days of its receipt. If the State Board
10 of Equalization or the Franchise Tax Board determines subsequent
11 to the issuance of a release that the licensee has not complied with
12 their installment payment agreement, the State Board of
13 Equalization or the Franchise Tax Board, whichever is applicable,
14 shall notify the state governmental licensing entity and the licensee
15 in a format prescribed by the State Board of Equalization or the
16 Franchise Tax Board, whichever is applicable, that the licensee is
17 not in compliance and the release shall be rescinded. The State
18 Board of Equalization and the Franchise Tax Board may, when it
19 is economically feasible for the state governmental licensing entity
20 to develop an automated process for complying with this
21 subdivision, notify the state governmental licensing entity in a
22 manner prescribed by the State Board of Equalization or the
23 Franchise Tax Board, whichever is applicable, that the licensee
24 has not complied with the installment payment agreement. Upon
25 receipt of this notice, the state governmental licensing entity shall
26 immediately notify the licensee on a form prescribed by the state
27 governmental licensing entity that the licensee's license will be
28 suspended on a specific date, and this date shall be no longer than
29 30 days from the date the form is mailed. The licensee shall be
30 further notified that the license will remain suspended until a new
31 release is issued in accordance with this subdivision.

32 (k) The State Board of Equalization and the Franchise Tax Board
33 may enter into interagency agreements with the state governmental
34 licensing entities necessary to implement this section.

35 (l) Notwithstanding any other law, a state governmental
36 licensing entity, with the approval of the appropriate department
37 director or governing body, may impose a fee on a licensee whose
38 license has been suspended pursuant to this section. The fee shall
39 not exceed the amount necessary for the state governmental
40 licensing entity to cover its costs in carrying out the provisions of

1 this section. Fees imposed pursuant to this section shall be
2 deposited in the fund in which other fees imposed by the state
3 governmental licensing entity are deposited and shall be available
4 to that entity upon appropriation in the annual Budget Act.

5 (m) The process described in subdivision (h) shall constitute
6 the sole administrative remedy for contesting the issuance of a
7 temporary license or the denial or suspension of a license under
8 this section.

9 (n) Any state governmental licensing entity receiving an inquiry
10 as to the licensed status of an applicant or licensee who has had a
11 license denied or suspended under this section or who has been
12 granted a temporary license under this section shall respond that
13 the license was denied or suspended or the temporary license was
14 issued only because the licensee appeared on a list of the 500
15 largest tax delinquencies pursuant to Section 7063 or 19195 of the
16 Revenue and Taxation Code. Information collected pursuant to
17 this section by any state agency, board, or department shall be
18 subject to the Information Practices Act of 1977 (Chapter 1
19 (commencing with Section 1798) of Title 1.8 of Part 4 of Division
20 3 of the Civil Code). Any state governmental licensing entity that
21 discloses on its internet website or other publication that the
22 licensee has had a license denied or suspended under this section
23 or has been granted a temporary license under this section shall
24 prominently disclose, in bold and adjacent to the information
25 regarding the status of the license, that the only reason the license
26 was denied, suspended, or temporarily issued is because the
27 licensee failed to pay taxes.

28 (o) Any rules and regulations issued pursuant to this section by
29 any state agency, board, or department may be adopted as
30 emergency regulations in accordance with the rulemaking
31 provisions of the Administrative Procedure Act (Chapter 3.5
32 (commencing with Section 11340) of Part 1 of Division 3 of Title
33 2 of the Government Code). The adoption of these regulations
34 shall be deemed an emergency and necessary for the immediate
35 preservation of the public peace, health, and safety, or general
36 welfare. The regulations shall become effective immediately upon
37 filing with the Secretary of State.

38 (p) The State Board of Equalization, the Franchise Tax Board,
39 and state governmental licensing entities, as appropriate, shall
40 adopt regulations as necessary to implement this section.

1 (q) (1) Neither the state governmental licensing entity, nor any
2 officer, employee, or agent, or former officer, employee, or agent
3 of a state governmental licensing entity, may disclose or use any
4 information obtained from the State Board of Equalization or the
5 Franchise Tax Board, pursuant to this section, except to inform
6 the public of the denial, refusal to renew, or suspension of a license
7 or the issuance of a temporary license pursuant to this section. The
8 release or other use of information received by a state governmental
9 licensing entity pursuant to this section, except as authorized by
10 this section, is punishable as a misdemeanor. This subdivision may
11 not be interpreted to prevent the State Bar of California from filing
12 a request with the Supreme Court of California to suspend a
13 member of the bar pursuant to this section.

14 (2) A suspension of, or refusal to renew, a license or issuance
15 of a temporary license pursuant to this section does not constitute
16 denial or discipline of a licensee for purposes of any reporting
17 requirements to the National Practitioner Data Bank and shall not
18 be reported to the National Practitioner Data Bank or the Healthcare
19 Integrity and Protection Data Bank.

20 (3) Upon release from the certified list, the suspension or
21 revocation of the applicant's or licensee's license shall be purged
22 from the state governmental licensing entity's internet website or
23 other publication within three business days. This paragraph shall
24 not apply to the State Bar of California.

25 (r) If any provision of this section or the application thereof to
26 any person or circumstance is held invalid, that invalidity shall not
27 affect other provisions or applications of this section that can be
28 given effect without the invalid provision or application, and to
29 this end the provisions of this section are severable.

30 (s) All rights to review afforded by this section to an applicant
31 shall also be afforded to a licensee.

32 (t) Unless otherwise provided in this section, the policies,
33 practices, and procedures of a state governmental licensing entity
34 with respect to license suspensions under this section shall be the
35 same as those applicable with respect to suspensions pursuant to
36 Section 17520 of the Family Code.

37 (u) No provision of this section shall be interpreted to allow a
38 court to review and prevent the collection of taxes prior to the
39 payment of those taxes in violation of the California Constitution.

1 (v) This section shall apply to any licensee whose name appears
2 on a list of the 500 largest tax delinquencies pursuant to Section
3 7063 or 19195 of the Revenue and Taxation Code on or after July
4 1, 2012.

5 SEC. 10. Section 1913 of the Business and Professions Code
6 is amended to read:

7 1913. Unless otherwise specified in this chapter, a registered
8 dental hygienist may perform any procedure or provide any service
9 within the scope of their practice in any setting under the
10 appropriate level of supervision required by this article, if the
11 registered dental hygienist has completed the appropriate education
12 and training required to perform the procedure or provide the
13 service.

14 SEC. 11. Section 1917 of the Business and Professions Code
15 is amended to read:

16 1917. The dental hygiene board shall grant initial licensure as
17 a registered dental hygienist to a person who satisfies all of the
18 following requirements:

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

23 (b) Within the preceding three years, satisfactory completion
24 of the dental hygiene examination given by the Western Regional
25 Examining Board or any other clinical or dental hygiene
26 examination approved by the dental hygiene board.

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

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

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

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

36 SEC. 12. Section 1917.1 of the Business and Professions Code
37 is amended to read:

38 1917.1. (a) The dental hygiene board may grant a license as
39 a registered dental hygienist to an applicant who has not taken a

1 clinical examination before the dental hygiene board, if the
2 applicant submits all of the following to the dental hygiene board:

3 (1) A completed application form and all fees required by the
4 dental hygiene board.

5 (2) Proof of a current license as a registered dental hygienist
6 issued by another state that is not revoked, suspended, or otherwise
7 restricted.

8 (3) Proof that the applicant has been in clinical practice as a
9 registered dental hygienist or has been a full-time faculty member
10 in an accredited dental hygiene education program for a minimum
11 of 750 hours per year for at least five years immediately preceding
12 the date of application under this section. The clinical practice
13 requirement shall be deemed met if the applicant provides proof
14 of at least three years of clinical practice and commits to
15 completing the remaining two years of clinical practice by filing
16 with the dental hygiene board a copy of a pending contract to
17 practice dental hygiene in any of the following facilities:

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

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

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

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

27 (4) Satisfactory performance on a California law and ethics
28 examination and any examination that may be required by the
29 dental hygiene board.

30 (5) Proof that the applicant has not been subject to disciplinary
31 action by any state in which the applicant is or has been previously
32 issued any professional or vocational license. If the applicant has
33 been subject to disciplinary action, the dental hygiene board shall
34 review that action to determine if it warrants refusal to issue a
35 license to the applicant.

36 (6) Proof of graduation from a school of dental hygiene
37 accredited by the Commission on Dental Accreditation.

38 (7) Proof of satisfactory completion of the National Board
39 Dental Hygiene Examination and of a state clinical examination,

1 regional clinical licensure examination, or any other clinical dental
2 hygiene examination approved by the dental hygiene board.

3 (8) Proof that the applicant has not failed the state clinical
4 examination, the examination given by the Western Regional
5 Examining Board, or any other clinical dental hygiene examination
6 approved by the dental hygiene board for licensure to practice
7 dental hygiene under this chapter more than once or once within
8 five years prior to the date of application for a license under this
9 section.

10 (9) Documentation of completion of a minimum of 25 units of
11 continuing education earned in the two years preceding application,
12 including completion of any continuing education requirements
13 imposed by the dental hygiene board on registered dental hygienists
14 licensed in this state at the time of application.

15 (10) Any other information as specified by the dental hygiene
16 board to the extent that it is required of applicants for licensure by
17 examination under this article.

18 (b) The dental hygiene board may periodically request
19 verification of compliance with the requirements of paragraph (3)
20 of subdivision (a) and may revoke the license upon a finding that
21 the employment requirement or any other requirement of paragraph
22 (3) of subdivision (a) has not been met.

23 (c) The dental hygiene board shall provide in the application
24 packet to each out-of-state dental hygienist pursuant to this section
25 the following information:

26 (1) The location of dental manpower shortage areas in the state.

27 (2) Any nonprofit clinics, public hospitals, and accredited dental
28 hygiene education programs seeking to contract with licensees for
29 dental hygiene service delivery or training purposes.

30 SEC. 13. Section 1922 of the Business and Professions Code
31 is amended to read:

32 1922. The dental hygiene board shall license as a registered
33 dental hygienist in alternative practice a person who demonstrates
34 satisfactory performance on an examination in California law and
35 ethics required by the dental hygiene board and who completes an
36 application form and pays all application fees required by the dental
37 hygiene board and meets either of the following requirements:

38 (a) Holds a current California license as a registered dental
39 hygienist and meets the following requirements:

1 (1) Has been engaged in the practice of dental hygiene, as
2 defined in Section 1908, as a registered dental hygienist in any
3 setting, including, but not limited to, educational settings and public
4 health settings, for a minimum of 2,000 hours during the
5 immediately preceding 36 months.

6 (2) Has successfully completed a bachelor's degree or its
7 equivalent, recognized as a minimum of 120 semester credit hours
8 or 180 quarter credit hours in postsecondary education, from a
9 college or institution of higher education that is accredited by a
10 national or regional accrediting agency recognized by the United
11 States Department of Education, and a minimum of 150 hours of
12 additional educational requirements, as prescribed by the dental
13 hygiene board by regulation, that are consistent with good dental
14 and dental hygiene practice, including, but not necessarily limited
15 to, dental hygiene technique and theory including gerontology and
16 medical emergencies, and business administration and practice
17 management.

18 (b) Has received a letter of acceptance into the employment
19 utilization phase of the Health Workforce Pilot Project No. 155
20 established by the Office of Statewide Health Planning and
21 Development pursuant to Article 1 (commencing with Section
22 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
23 Safety Code.

24 SEC. 14. Section 2065 of the Business and Professions Code
25 is amended to read:

26 2065. (a) Unless otherwise provided by law, no postgraduate
27 trainee, intern, resident, postdoctoral fellow, or instructor may
28 engage in the practice of medicine, or receive compensation
29 therefor, or offer to engage in the practice of medicine unless they
30 hold a valid, unrevoked, and unsuspended physician's and
31 surgeon's certificate issued by the board. However, a graduate of
32 an approved medical school may engage in the practice of medicine
33 whenever and wherever required as a part of a postgraduate training
34 program under the following conditions:

35 (1) The medical school graduate has taken and passed the
36 board-approved medical licensing examinations required to qualify
37 the applicant to participate in an approved postgraduate training
38 program.

39 (2) If the medical school graduate graduated from a foreign
40 medical school approved by the board pursuant to Section 2084,

1 the Educational Commission for Foreign Medical Graduates
2 (ECFMG) has submitted an official ECFMG Certification Status
3 Report directly to the board confirming the graduate is ECFMG
4 certified.

5 (3) The medical school graduate is enrolled in a postgraduate
6 training program approved by the board.

7 (4) The board-approved postgraduate training program has
8 submitted the required board-approved form to the board
9 documenting the medical school graduate is enrolled in an
10 approved postgraduate training program.

11 (5) The medical school graduate obtains a physician's and
12 surgeon's postgraduate training license in accordance with Section
13 2064.5.

14 (b) A medical school graduate enrolled in an approved first-year
15 postgraduate training program in accordance with this section may
16 engage in the practice of medicine whenever and wherever required
17 as a part of the training program, and may receive compensation
18 for that practice.

19 (c) A graduate who has completed the first year of postgraduate
20 training may, in an approved residency or fellowship, engage in
21 the practice of medicine whenever and wherever required as part
22 of that residency or fellowship, and may receive compensation for
23 that practice. The resident or fellow shall qualify for, take, and
24 pass the next succeeding written examination for licensure. If the
25 resident or fellow fails to receive a license to practice medicine
26 under this chapter within 27 months from the commencement of
27 the residency or fellowship, except as otherwise allowed under
28 subdivision (g) or (h), or if the board denies their application for
29 licensure, all privileges and exemptions under this section shall
30 automatically cease.

31 (d) All approved postgraduate training the medical school
32 graduate has successfully completed in the United States or Canada
33 shall count toward the 39-month license exemption, except as
34 otherwise allowed under subdivision (h).

35 (e) A medical school graduate from a medical school approved
36 by the board shall have successfully completed a minimum of 36
37 months of approved postgraduate training, which includes
38 successful progression through 24 months in the same program,
39 to be eligible for a California physician's and surgeon's certificate.

1 (f) The program director for an approved postgraduate training
2 program in California shall report to the board, on a form approved
3 by the board, and provide any supporting documents as required
4 by the board, the following actions within 30 days of the action:

5 (1) A postgraduate trainee is notified that they have received
6 partial or no credit for a period of postgraduate training, and their
7 postgraduate training period is extended.

8 (2) A postgraduate trainee takes a leave of absence or any break
9 from their postgraduate training, and they are notified that their
10 postgraduate training period is extended.

11 (3) A postgraduate trainee is terminated from the postgraduate
12 training program.

13 (4) A postgraduate trainee resigns, dies, or otherwise leaves the
14 postgraduate training program.

15 (5) A postgraduate trainee has completed a one-year contract
16 approved by the postgraduate training program.

17 (g) Upon review of supporting documentation, the board, in its
18 discretion, may grant an extension beyond 39 months to a
19 postgraduate training licensee to successfully complete the 36
20 months of required approved postgraduate training.

21 (h) An applicant for a physician's and surgeon's license who
22 has successfully completed 36 months of approved postgraduate
23 training in another state or in Canada and who is accepted into an
24 approved postgraduate training program in California shall obtain
25 their physician's and surgeon's license within 90 days after
26 beginning that postgraduate training program or all privileges and
27 exemptions under this section shall automatically cease.

28 (i) This section shall become operative on January 1, 2020.

29 SEC. 15. Section 2113 of the Business and Professions Code
30 is amended to read:

31 2113. (a) Any person who does not immediately qualify for
32 a physician's and surgeon's certificate under this chapter and who
33 is offered by the dean of an approved medical school in this state
34 a full-time faculty position may, after application to and approval
35 by the board, be granted a certificate of registration to engage in
36 the practice of medicine only to the extent that the practice is
37 incident to and a necessary part of their duties as approved by the
38 board in connection with the faculty position. A certificate of
39 registration does not authorize a registrant to admit patients to a
40 nursing or a skilled or assisted living facility unless that facility is

1 formally affiliated with the sponsoring medical school. A clinical
2 fellowship shall not be submitted as a faculty service appointment.

3 (b) Application for a certificate of registration shall be made on
4 a form prescribed by the board and shall be accompanied by a
5 registration fee fixed by the board in an amount necessary to
6 recover the actual application processing costs of the program. To
7 qualify for the certificate, an applicant shall submit all of the
8 following:

9 (1) If the applicant is a graduate of a medical school other than
10 in the United States or Canada, documentary evidence satisfactory
11 to the board that they have been licensed to practice medicine and
12 surgery for not less than four years in another state or country
13 whose requirements for licensure are satisfactory to the board, or
14 has been engaged in the practice of medicine in the United States
15 for at least four years in approved facilities, or has completed a
16 combination of that licensure and training.

17 (2) If the applicant is a graduate of a medical school in the
18 United States or Canada, documentary evidence that the medical
19 school is approved by the board.

20 (3) Written certification by the head of the department in which
21 the applicant is to be appointed of all of the following:

22 (A) The applicant will be under their direction.

23 (B) The applicant will not be permitted to practice medicine
24 unless incident to and a necessary part of their duties as approved
25 by the board in subdivision (a).

26 (C) The applicant will be accountable to the medical school's
27 department chair or division chief for the specialty in which the
28 applicant will practice.

29 (D) The applicant will be proctored in the same manner as other
30 new faculty members, including, as appropriate, review by the
31 medical staff of the school's medical center.

32 (E) The applicant will not be appointed to a supervisory position
33 at the level of a medical school department chair or division chief.

34 (4) Demonstration by the dean of the medical school that the
35 applicant has the requisite qualifications to assume the position to
36 which they are to be appointed and that shall include a written
37 statement of the recruitment procedures followed by the medical
38 school before offering the faculty position to the applicant.

39 (c) A certificate of registration shall be issued only for a faculty
40 position at one approved medical school, and no person shall be

1 issued more than one certificate of registration for the same period
2 of time.

3 (d) (1) A certificate of registration is valid for one year from
4 its date of issuance and may be renewed twice.

5 A request for renewal shall be submitted on a form prescribed
6 by the board and shall be accompanied by a renewal fee fixed by
7 the board in an amount necessary to recover the actual application
8 processing costs of the program.

9 (2) The dean of the medical school may request renewal of the
10 registration by submitting a plan at the beginning of the third year
11 of the registrant's appointment demonstrating the registrant's
12 continued progress toward licensure and, if the registrant is a
13 graduate of a medical school other than in the United States or
14 Canada, that the registrant has been issued a certificate by the
15 Educational Commission for Foreign Medical Graduates. The
16 board may, in its discretion, extend the registration for a two-year
17 period to facilitate the registrant's completion of the licensure
18 process.

19 (e) If the registrant is a graduate of a medical school other than
20 in the United States or Canada, they shall meet the requirements
21 of Section 2065 or 2135, as appropriate, in order to obtain a
22 physician's and surgeon's certificate. Notwithstanding any other
23 provision of law, the board may accept clinical practice in an
24 appointment pursuant to this section as qualifying time to meet
25 the postgraduate training requirements in Section 2065, and, in its
26 discretion, waive the examination and the Educational Commission
27 for Foreign Medical Graduates certification requirements specified
28 in paragraph (3) of subdivision (a) of Section 2065 in the event
29 the registrant applies for a physician's and surgeon's certificate.
30 As a condition to waiving any examination or the Educational
31 Commission for Foreign Medical Graduates certification
32 requirement, the board in its discretion, may require an applicant
33 to pass a clinical competency examination approved by the board.
34 The board shall not waive any examination for an applicant who
35 has not completed at least one year in the faculty position.

36 (f) Except to the extent authorized by this section, the registrant
37 shall not engage in the practice of medicine, bill individually for
38 medical services provided by the registrant, or receive
39 compensation therefor, unless they are issued a physician's and
40 surgeon's certificate.

1 (g) When providing clinical services, the registrant shall wear
2 a visible name tag containing the title “visiting professor” or
3 “visiting faculty member,” as appropriate, and the institution at
4 which the services are provided shall obtain a signed statement
5 from each patient to whom the registrant provides services
6 acknowledging that the patient understands that the services are
7 provided by a person who does not hold a physician’s and
8 surgeon’s certificate but who is qualified to participate in a special
9 program as a visiting professor or faculty member.

10 (h) The board shall notify both the registrant and the dean of
11 the medical school of a complaint made about the registrant. The
12 board may terminate a registration for any act that would be
13 grounds for discipline if done by a licensee. The board shall provide
14 both the registrant and the dean of the medical school with written
15 notice of the termination and the basis for that termination. The
16 registrant may, within 30 days after the date of the notice of
17 termination, file a written appeal to the board. The appeal shall
18 include any documentation the registrant wishes to present to the
19 board.

20 (i) This section shall become operative on January 1, 2020.

21 SEC. 16. Section 2135.5 of the Business and Professions Code
22 is amended to read:

23 2135.5. Upon review and recommendation, the board may
24 determine that an applicant for a physician’s and surgeon’s
25 certificate has satisfied the medical education requirements of
26 Sections 2084 and 2135 and the examination requirements of
27 Section 2170 if the applicant meets all of the following criteria:

28 (a) They hold an unlimited and unrestricted license as a
29 physician and surgeon in another state and has held that license
30 continuously for a minimum of four years prior to the date of
31 application.

32 (b) They meet the postgraduate training requirements in Section
33 2096 and are certified by a specialty board that is a member board
34 of the American Board of Medical Specialties.

35 (c) They are not subject to denial of licensure under Division
36 1.5 (commencing with Section 475) or Article 12 (commencing
37 with Section 2220).

38 (d) They have not been the subject of a disciplinary action by
39 a medical licensing authority or of an adverse judgment or
40 settlement resulting from the practice of medicine that, as

1 determined by the board, constitutes a pattern of negligence or
2 incompetence.

3 (e) This section shall become operative on January 1, 2020.

4 SEC. 17. Section 2460 of the Business and Professions Code
5 is amended to read:

6 2460. (a) There is created in the Department of Consumer
7 Affairs the California Board of Podiatric Medicine. Commencing
8 July 1, 2019, the California Board of Podiatric Medicine is renamed
9 the Podiatric Medical Board of California. Any reference in any
10 provision of law to the California Board of Podiatric Medicine
11 shall, commencing July 1, 2019, be deemed to refer to the Podiatric
12 Medical Board of California.

13 (b) This section shall remain in effect only until January 1, 2022,
14 and as of that date is repealed. Notwithstanding any other law, the
15 repeal of this section renders the California Board of Podiatric
16 Medicine subject to review by the appropriate policy committees
17 of the Legislature.

18 (c) The amendments made by Chapter 775 of the Statutes of
19 2017 relating to podiatrists shall not be construed to change any
20 rights or privileges held by podiatrists prior to the enactment of
21 that act.

22 SEC. 18. Section 2841 of the Business and Professions Code
23 is amended to read:

24 2841. (a) There is in the Department of Consumer Affairs a
25 Board of Vocational Nursing and Psychiatric Technicians of the
26 State of California, which consists of 11 members.

27 (b) Within the meaning of this chapter, “board,” or “the board,”
28 refers to the Board of Vocational Nursing and Psychiatric
29 Technicians of the State of California.

30 (c) This section shall remain in effect only until January 1, 2022,
31 and as of that date is repealed.

32 SEC. 19. Section 2847.1 of the Business and Professions Code
33 is amended to read:

34 2847.1. (a) The board shall select an executive officer who
35 shall perform duties as are delegated by the board and who shall
36 be responsible to it for the accomplishment of those duties. The
37 executive officer shall not be a member of the board.

38 (b) With the approval of the Director of Finance, the board shall
39 fix the salary of the executive officer.

1 (c) The executive officer shall be entitled to traveling and other
2 necessary expenses in the performance of their duties. The
3 executive officer shall make a statement, certified before a duly
4 authorized person, that the expenses have been actually incurred.

5 (d) Commencing January 1, 2018, the executive officer
6 appointed by the board pursuant to subdivision (a) is abolished.
7 Thereafter, until January 1, ~~2021~~, 2022, the executive officer shall
8 be appointed as set forth in Section 2847.3. Commencing January
9 1, ~~2021~~, 2022, the executive officer shall, again, be appointed by
10 the board as set forth in subdivision (a).

11 (e) This section shall remain in effect only until January 1, ~~2022~~,
12 2023, and as of that date is repealed.

13 *SEC. 20. Section 2847.3 of the Business and Professions Code*
14 *is amended to read:*

15 2847.3. (a) Commencing January 1, 2018, the executive officer
16 position established pursuant to subdivision (a) of Section 2847.1
17 is temporarily abolished. Commencing January 1, 2018, the
18 Governor shall appoint an executive officer who shall perform
19 duties as are delegated by the board and who shall be responsible
20 for the accomplishment of those duties. The executive officer shall
21 exercise all powers, discharge all responsibilities, and administer
22 and enforce all laws pursuant to this chapter and Chapter 10
23 (commencing with Section 4500) of Division 2 that are necessary
24 to perform the duties delegated by the board.

25 (b) The executive officer shall serve at the pleasure of the
26 Governor and the Governor shall fix the salary of the executive
27 officer. The executive officer shall not be a member of the board.

28 (c) The executive officer shall be entitled to traveling and other
29 necessary expenses in the performance of their duties.

30 (d) This section shall become operative on January 1, 2018, and
31 shall remain in effect only until January 1, ~~2021~~, 2022, and as of
32 that date is repealed.

33 ~~SEC. 19.~~

34 *SEC. 21. Section 2920 of the Business and Professions Code*
35 *is amended to read:*

36 2920. (a) The Board of Psychology shall enforce and
37 administer this chapter. The board shall consist of nine members,
38 four of whom shall be public members.

39 (b) This section shall remain in effect only until January 1, 2022,
40 and as of that date is repealed.

1 (c) Notwithstanding any other law, the repeal of this section
2 renders the board subject to review by the appropriate policy
3 committees of the Legislature.

4 ~~SEC. 20.~~

5 *SEC. 22.* Section 2933 of the Business and Professions Code
6 is amended to read:

7 2933. (a) Except as provided by Section 159.5, the board shall
8 employ and shall make available to the board within the limits of
9 the funds received by the board all personnel necessary to carry
10 out this chapter. The board may employ, exempt from the State
11 Civil Service Act, an executive officer to the Board of Psychology.
12 The board shall make all expenditures to carry out this chapter.
13 The board may accept contributions to effectuate the purposes of
14 this chapter.

15 (b) This section shall remain in effect only until January 1, 2022,
16 and as of that date is repealed.

17 ~~SEC. 21.~~

18 *SEC. 23.* Section 3504 of the Business and Professions Code
19 is amended to read:

20 3504. There is established a Physician Assistant Board within
21 the jurisdiction of the Medical Board of California. The board
22 consists of nine members. This section shall remain in effect only
23 until January 1, 2022, and as of that date is repealed.
24 Notwithstanding any other law, the repeal of this section renders
25 the board subject to review by the appropriate policy committees
26 of the Legislature.

27 ~~SEC. 22.~~

28 *SEC. 24.* Section 3512 of the Business and Professions Code
29 is amended to read:

30 3512. (a) Except as provided in Sections 159.5 and 2020, the
31 board shall employ within the limits of the Physician Assistant
32 Fund all personnel necessary to carry out this chapter including
33 an executive officer who shall be exempt from civil service. The
34 Medical Board of California and board shall make all necessary
35 expenditures to carry out this chapter from the funds established
36 by Section 3520. The board may accept contributions to effect the
37 purposes of this chapter.

38 (b) This section shall remain in effect only until January 1, 2022,
39 and as of that date is repealed.

1 ~~SEC. 23.~~

2 SEC. 25. Section 4001 of the Business and Professions Code
3 is amended to read:

4 4001. (a) There is in the Department of Consumer Affairs a
5 California State Board of Pharmacy in which the administration
6 and enforcement of this chapter is vested. The board consists of
7 13 members.

8 (b) The Governor shall appoint seven competent pharmacists
9 who reside in different parts of the state to serve as members of
10 the board. The Governor shall appoint four public members, and
11 the Senate Committee on Rules and the Speaker of the Assembly
12 shall each appoint a public member who shall not be a licensee of
13 the board, any other board under this division, or any board referred
14 to in Section 1000 or 3600.

15 (c) At least five of the seven pharmacist appointees to the board
16 shall be pharmacists who are actively engaged in the practice of
17 pharmacy. Additionally, the membership of the board shall include
18 at least one pharmacist representative from each of the following
19 practice settings: an acute care hospital, an independent community
20 pharmacy, a chain community pharmacy, and a long-term health
21 care or skilled nursing facility. The pharmacist appointees shall
22 also include a pharmacist who is a member of a labor union that
23 represents pharmacists. For the purposes of this subdivision, a
24 “chain community pharmacy” means a chain of 75 or more stores
25 in California under the same ownership, and an “independent
26 community pharmacy” means a pharmacy owned by a person or
27 entity who owns no more than four pharmacies in California.

28 (d) Members of the board shall be appointed for a term of four
29 years. No person shall serve as a member of the board for more
30 than two consecutive terms. Each member shall hold office until
31 the appointment and qualification of their successor or until one
32 year shall have elapsed since the expiration of the term for which
33 the member was appointed, whichever first occurs. Vacancies
34 occurring shall be filled by appointment for the unexpired term.

35 (e) Each member of the board shall receive a per diem and
36 expenses as provided in Section 103.

37 (f) This section shall remain in effect only until January 1, 2022,
38 and as of that date is repealed. Notwithstanding any other law, the
39 repeal of this section renders the board subject to review by the
40 appropriate policy committees of the Legislature.

1 ~~SEC. 24.~~

2 *SEC. 26.* Section 4003 of the Business and Professions Code
3 is amended to read:

4 4003. (a) The board, with the approval of the director, may
5 appoint a person exempt from civil service who shall be designated
6 as an executive officer and who shall exercise the powers and
7 perform the duties delegated by the board and vested in them by
8 this chapter. The executive officer may or may not be a member
9 of the board as the board may determine.

10 (b) The executive officer shall receive the compensation as
11 established by the board with the approval of the Director of
12 Finance. The executive officer shall also be entitled to travel and
13 other expenses necessary in the performance of their duties.

14 (c) The executive officer shall maintain and update in a timely
15 fashion records containing the names, titles, qualifications, and
16 places of business of all persons subject to this chapter.

17 (d) The executive officer shall give receipts for all money
18 received by them and pay it to the department, taking its receipt
19 therefor. Besides the duties required by this chapter, the executive
20 officer shall perform other duties pertaining to the office as may
21 be required of them by the board.

22 (e) This section shall remain in effect only until January 1, 2022,
23 and as of that date is repealed.

24 ~~SEC. 25.~~

25 *SEC. 27.* Section 4501 of the Business and Professions Code
26 is amended to read:

27 4501. (a) “Board,” as used in this chapter, means the Board
28 of Vocational Nursing and Psychiatric Technicians of the State of
29 California.

30 (b) This section shall remain in effect only until January 1, 2022,
31 and as of that date is repealed.

32 ~~SEC. 26.~~

33 *SEC. 28.* Section 4503 of the Business and Professions Code
34 is amended to read:

35 4503. (a) The board shall administer and enforce this chapter.

36 (b) This section shall remain in effect only until January 1, 2022,
37 and as of that date is repealed.

38 *SEC. 29.* *Section 4604 of the Business and Professions Code*
39 *is amended to read:*

1 4604. (a) In order to obtain certification as a massage therapist,
2 an applicant shall submit a written application and provide the
3 council with satisfactory evidence that ~~he or she~~ *the applicant*
4 meets all of the following requirements:

5 (1) The applicant is 18 years of age or older.

6 (2) The applicant has successfully completed the curricula in
7 massage and related subjects totaling a minimum of 500 hours, or
8 the credit unit equivalent, that incorporates appropriate school
9 assessment of student knowledge and skills.

10 (A) Of the 500 hours, a minimum of 100 hours of instruction
11 shall address anatomy and physiology, contraindications, health
12 and hygiene, and business and ethics.

13 (B) All of the 500 hours shall be from approved schools. The
14 council shall accept the 500 hours if, at the time all of the hours
15 were completed, the school or schools were approved. The 500
16 hours may be completed at more than one approved school.
17 Notwithstanding any other law, pursuant to its policies and
18 procedures for approval of schools, the council shall accept hours
19 earned by an applicant for certification as a massage therapist if
20 those hours were completed before July 1, 2016, and were earned
21 from a school providing education in this state that was unapproved
22 by the council after July 1, 2016, based solely on the fact that the
23 National Certification Board for Therapeutic Massage and
24 Bodywork took denial or disciplinary action against the school.
25 For purposes of this section, “unapproved” means that the council
26 determined that it will not accept hours from a school toward
27 certification.

28 (3) The applicant has passed a massage and bodywork
29 competency assessment examination that meets generally
30 recognized psychometric principles and standards and that is
31 approved by the council. The successful completion of this
32 examination may have been accomplished before the date the
33 council is authorized by this chapter to begin issuing certificates.
34 This paragraph shall be inoperative commencing on January 1,
35 2019, and shall become operative on January 1, ~~2021~~ 2022.

36 (4) The applicant has successfully passed a background
37 investigation pursuant to Section 4606, and has not violated any
38 of the provisions of this chapter.

39 (5) All fees required by the council have been paid.

1 (6) The council may issue a certificate to an applicant who meets
2 the qualifications of this chapter if ~~he or she~~ *the applicant* holds a
3 current and valid registration, certification, or license from any
4 other state whose licensure requirements meet or exceed those
5 defined within this chapter. If an applicant has received education
6 at a school that is not approved by the council, the council shall
7 have the discretion to give credit for comparable academic work
8 completed by an applicant in a program outside of California.

9 (b) A certificate issued pursuant to this chapter and any
10 identification card issued by the council shall be surrendered to
11 the council by any certificate holder whose certificate is suspended
12 or revoked.

13 ~~SEC. 27.~~

14 *SEC. 30.* Section 4621 of the Business and Professions Code
15 is amended to read:

16 4621. (a) This chapter shall remain in effect only until January
17 1, 2022, and as of that date is repealed.

18 (b) Notwithstanding any other law, the powers and duties of the
19 council shall be subject to review by the appropriate policy
20 committees of the Legislature.

21 ~~SEC. 28.~~

22 *SEC. 31.* Section 4800 of the Business and Professions Code
23 is amended to read:

24 4800. (a) There is in the Department of Consumer Affairs a
25 Veterinary Medical Board in which the administration of this
26 chapter is vested. The board consists of the following members:

- 27 (1) Four licensed veterinarians.
- 28 (2) One registered veterinary technician.
- 29 (3) Three public members.

30 (b) This section shall remain in effect only until January 1, 2022,
31 and as of that date is repealed.

32 (c) Notwithstanding any other law, the repeal of this section
33 renders the board subject to review by the appropriate policy
34 committees of the Legislature. However, the review of the board
35 shall be limited to those issues identified by the appropriate policy
36 committees of the Legislature and shall not involve the preparation
37 or submission of a sunset review document or evaluative
38 questionnaire.

1 ~~SEC. 29.~~

2 *SEC. 32.* Section 4804.5 of the Business and Professions Code
3 is amended to read:

4 4804.5. The board may appoint a person exempt from civil
5 service who shall be designated as an executive officer and who
6 shall exercise the powers and perform the duties delegated by the
7 board and vested in them by this chapter.

8 This section shall remain in effect only until January 1, 2022,
9 and as of that date is repealed.

10 ~~SEC. 30.~~

11 *SEC. 33.* Section 4990 of the Business and Professions Code
12 is amended to read:

13 4990. (a) There is in the Department of Consumer Affairs, a
14 Board of Behavioral Sciences that consists of the following
15 members:

- 16 (1) Two state licensed clinical social workers.
- 17 (2) One state licensed educational psychologist.
- 18 (3) Two state licensed marriage and family therapists.
- 19 (4) One state licensed professional clinical counselor.
- 20 (5) Seven public members.

21 (b) Each member, except the seven public members, shall have
22 at least two years of experience in their profession.

23 (c) Each member shall reside in the State of California.

24 (d) The Governor shall appoint five of the public members and
25 the six licensed members with the advice and consent of the Senate.
26 The Senate Committee on Rules and the Speaker of the Assembly
27 shall each appoint a public member.

28 (e) Each member of the board shall be appointed for a term of
29 four years. A member appointed by the Senate Committee on Rules
30 or the Speaker of the Assembly shall hold office until the
31 appointment and qualification of their successor or until one year
32 from the expiration date of the term for which they were appointed,
33 whichever first occurs. Pursuant to Section 1774 of the Government
34 Code, a member appointed by the Governor shall hold office until
35 the appointment and qualification of their successor or until 60
36 days from the expiration date of the term for which they were
37 appointed, whichever first occurs.

38 (f) A vacancy on the board shall be filled by appointment for
39 the unexpired term by the authority who appointed the member
40 whose membership was vacated.

1 (g) Not later than the first of June of each calendar year, the
2 board shall elect a chairperson and a vice chairperson from its
3 membership.

4 (h) Each member of the board shall receive a per diem and
5 reimbursement of expenses as provided in Section 103.

6 (i) This section shall remain in effect only until January 1, 2022,
7 and as of that date is repealed.

8 (j) Notwithstanding any other provision of law, the repeal of
9 this section renders the board subject to review by the appropriate
10 policy committees of the Legislature.

11 ~~SEC. 31.~~

12 *SEC. 34.* Section 4990.04 of the Business and Professions Code
13 is amended to read:

14 4990.04. (a) The board shall appoint an executive officer. This
15 position is designated as a confidential position and is exempt from
16 civil service under subdivision (e) of Section 4 of Article VII of
17 the California Constitution.

18 (b) The executive officer serves at the pleasure of the board.

19 (c) The executive officer shall exercise the powers and perform
20 the duties delegated by the board and vested in them by this
21 chapter.

22 (d) With the approval of the director, the board shall fix the
23 salary of the executive officer.

24 (e) The chairperson and executive officer may call meetings of
25 the board and any duly appointed committee at a specified time
26 and place. For purposes of this section, “call meetings” means
27 setting the agenda, time, date, or place for any meeting of the board
28 or any committee.

29 (f) This section shall remain in effect only until January 1, 2022,
30 and as of that date is repealed.

31 ~~SEC. 32.~~

32 *SEC. 35.* Section 5600.4 of the Business and Professions Code
33 is amended to read:

34 5600.4. (a) The board shall issue, upon application and
35 payment of the fee fixed by this chapter, a retired license to an
36 architect who holds a license that is current and active or capable
37 of being renewed pursuant to Section 5600.2 and whose license
38 is not suspended, revoked, or otherwise punitively restricted by
39 the board or subject to disciplinary action under this chapter.

1 (b) The holder of a retired license issued pursuant to this section
2 shall not engage in any activity for which an active architect’s
3 license is required. An architect holding a retired license shall be
4 permitted to use the title “architect retired” or “retired architect.”

5 (c) The holder of a retired license shall not be required to renew
6 that license.

7 (d) In order for the holder of a retired license issued pursuant
8 to this section to restore their license to active status, the holder
9 of a retired license shall comply with Section 5600.2 or 5600.3,
10 as applicable.

11 ~~SEC. 33.~~

12 *SEC. 36.* Section 5650.5 is added to the Business and
13 Professions Code, to read:

14 5650.5. (a) Pursuant to Section 144, the board has the authority
15 to obtain and review criminal offender record information. The
16 information obtained as a result of the fingerprinting shall be used
17 in accordance with Section 11105 of the Penal Code to determine
18 whether the applicant is subject to denial of license pursuant to
19 Division 1.5 (commencing with Section 475) or Section 5660,
20 5675, or 5676.

21 (b) As a condition of application for a license, each applicant
22 shall furnish to the Department of Justice a full set of fingerprints
23 for the purpose of conducting a criminal history record check and
24 to undergo a state- and federal- level criminal offender record
25 information search conducted through the Department of Justice.

26 (c) The board shall request from the Department of Justice
27 subsequent arrest notification service, pursuant to subdivision (p)
28 of Section 11105 of the Penal Code.

29 (d) The applicant shall pay the reasonable regulatory costs for
30 furnishing the fingerprints and conducting the searches.

31 (e) The applicant shall certify, under penalty of perjury, when
32 applying for a license whether the applicant’s fingerprints have
33 been furnished to the Department of Justice in compliance with
34 this section.

35 (f) Failure to comply with the requirements of this section
36 renders the application for a license incomplete, and the application
37 shall not be considered until the applicant demonstrates compliance
38 with all requirements of this section.

39 (g) Notwithstanding any other law, the results of any criminal
40 offender record information request by either state or federal law

1 enforcement authorities shall not be released by the board except
2 in accordance with state and federal requirements.

3 (h) As used in this section, the term “applicant” shall be limited
4 to an initial applicant who has never been registered or licensed
5 by the board or to an applicant for a new licensure or registration
6 category.

7 (i) As a condition of petitioning the board for reinstatement of
8 a revoked or surrendered license, an applicant shall comply with
9 subdivision (a).

10 ~~SEC. 34.~~

11 *SEC. 37.* Section 7000 of the Business and Professions Code
12 is amended to read:

13 7000. This chapter constitutes, and may be cited as, the
14 Contractors State License Law.

15 ~~SEC. 35.~~

16 *SEC. 38.* Section 7000.5 of the Business and Professions Code
17 is amended to read:

18 7000.5. (a) There is in the Department of Consumer Affairs
19 a Contractors State License Board, which consists of 15 members.

20 (b) Notwithstanding any other provision of law, the repeal of
21 this section renders the board subject to review by the appropriate
22 policy committees of the Legislature.

23 (c) This section shall remain in effect only until January 1, 2024,
24 and as of that date is repealed.

25 ~~SEC. 36.~~

26 *SEC. 39.* Section 7000.6 of the Business and Professions Code
27 is amended to read:

28 7000.6. Protection of the public shall be the highest priority
29 for the Contractors State License Board in exercising its licensing,
30 regulatory, and disciplinary functions. Whenever the protection
31 of the public is inconsistent with other interests sought to be
32 promoted, the protection of the public shall be paramount.

33 ~~SEC. 37.~~

34 *SEC. 40.* Section 7011.4 of the Business and Professions Code
35 is amended to read:

36 7011.4. (a) Notwithstanding Section 7011, there is in the
37 Contractors State License Board, a separate enforcement division
38 that shall rigorously enforce this chapter prohibiting all forms of
39 unlicensed activity and shall enforce the obligation to secure the

1 payment of valid and current workers' compensation insurance in
2 accordance with Section 3700.5 of the Labor Code.

3 (b) Persons employed as enforcement representatives of the
4 Contractors State License Board and designated by the Director
5 of Consumer Affairs shall have the authority to issue a written
6 notice to appear in court pursuant to Chapter 5C (commencing
7 with Section 853.5) of Title 3 of Part 2 of the Penal Code. An
8 employee so designated is not a peace officer and is not entitled
9 to safety member retirement benefits as a result of that designation.
10 They do not have the power of arrest.

11 (c) When participating in the activities of the Joint Enforcement
12 Strike Force on the Underground Economy pursuant to Section
13 329 of the Unemployment Insurance Code, the enforcement
14 division shall have free access to all places of labor.

15 ~~SEC. 38.~~

16 *SEC. 41.* Section 7011.5 of the Business and Professions Code
17 is amended to read:

18 7011.5. Persons employed as investigators of the Special
19 Investigations Unit of the Contractors State License Board and
20 designated by the Director of Consumer Affairs have the authority
21 of peace officers while engaged in exercising the powers granted
22 or performing the duties imposed upon them in investigating the
23 laws administered by the Contractors State License Board or
24 commencing directly or indirectly any criminal prosecution arising
25 from any investigation conducted under these laws. All persons
26 herein referred to shall be deemed to be acting within the scope
27 of employment with respect to all acts and matters in this section
28 set forth.

29 ~~SEC. 39.~~

30 *SEC. 42.* Section 7011.8 of the Business and Professions Code
31 is amended to read:

32 7011.8. (a) Any person subject to licensure under this chapter
33 who reports to, or causes a complaint to be filed with, the
34 Contractors State License Board that a person licensed by that
35 entity has engaged in professional misconduct, knowing the report
36 or complaint to be false, may be issued a citation by the registrar.

37 (b) The board may notify the appropriate district attorney or
38 city attorney that a person subject to licensure under this chapter
39 has made or filed what the entity believes to be a false report or
40 complaint against a licensee.

1 ~~SEC. 40.~~

2 *SEC. 43.* Section 7015 of the Business and Professions Code
3 is amended to read:

4 7015. The board shall adopt a seal for its own use. The seal
5 shall have the words “Contractors State License Board, State of
6 California, Department of Consumer Affairs,” and the care and
7 custody thereof shall be in the hands of the registrar.

8 ~~SEC. 41.~~

9 *SEC. 44.* Section 7017.3 of the Business and Professions Code
10 is amended to read:

11 7017.3. The Contractors State License Board shall report
12 annually to the Legislature, not later than October 1 of each year,
13 the following statistical information for the prior fiscal year. The
14 following data shall be reported on complaints filed with the board
15 against licensed contractors, registered home improvement
16 salespersons, and unlicensed persons acting as licensees or
17 registrants:

18 (a) The number of complaints received by the board categorized
19 by source, such as public, trade, profession, government agency,
20 or board-initiated, and by type of complaint, such as licensee or
21 nonlicensee.

22 (b) The number of complaints closed prior to referral for field
23 investigation, categorized by the reason for the closure, such as
24 settled, referred for mandatory arbitration, or referred for voluntary
25 arbitration.

26 (c) The number of complaints referred for field investigation
27 categorized by the type of complaint, such as licensee or
28 nonlicensee.

29 (d) The number of complaints closed after referral for field
30 investigation categorized by the reason for the closure, such as
31 settled, referred for mandatory arbitration, or referred for voluntary
32 arbitration.

33 (e) For the board’s Intake/Mediation Center and the board’s
34 Investigation Center closures, respectively, the total number of
35 complaints closed prior to a field investigation per consumer
36 services representative, and the total number of complaints closed
37 after referral for a field investigation per enforcement
38 representative. Additionally, the board shall report the total number
39 of complaints closed by other board staff during the year.

- 1 (f) The number of complaints pending at the end of the fiscal
2 year grouped in 90-day increments, and the percentage of total
3 complaints pending, represented by the number of complaints in
4 each grouping.
- 5 (g) The number of citations issued to licensees categorized by
6 the type of citation such as order of correction only or order of
7 correction and fine, and the number of citations issued to licensees
8 that were vacated or withdrawn.
- 9 (h) The number of citations issued to nonlicensees and the
10 number of these citations that were vacated or withdrawn.
- 11 (i) The number of complaints referred to a local prosecutor for
12 criminal investigation or prosecution, the number of complaints
13 referred to the Attorney General for the filing of an accusation,
14 and the number of complaints referred to both a local prosecutor
15 and the Attorney General, categorized by type of complaint, such
16 as licensee and nonlicensee.
- 17 (j) Actions taken by the board, including, but not limited to, the
18 following:
- 19 (1) The number of disciplinary actions categorized by type, such
20 as revocations or suspensions, categorized by whether the
21 disciplinary action resulted from an accusation, failure to comply
22 with a citation, or failure to comply with an arbitration award.
- 23 (2) The number of accusations dismissed or withdrawn.
- 24 (k) For subdivisions (g) and (j), the number of cases containing
25 violations of Sections 7121 and 7121.5, and paragraph (5) of
26 subdivision (a) of Section 7159.5, categorized by section.
- 27 (l) The number of interim suspension orders sought, the number
28 of interim suspension orders granted, the number of temporary
29 restraining orders sought, and the number of temporary restraining
30 orders granted.
- 31 (m) The amount of cost recovery ordered and the amount
32 collected.
- 33 (n) Case aging data, including data for each major stage of the
34 enforcement process, including the following:
- 35 (1) The average number of days from the filing of a complaint
36 to its closure by the board's Intake/Mediation Center prior to the
37 referral for an investigation categorized by the type of complaint,
38 such as licensee or nonlicensee.
- 39 (2) The average number of days from the referral of a complaint
40 for an investigation to its closure by the Investigation Center

1 categorized by the type of complaint, such as licensee or
2 nonlicensee.

3 (3) The average number of days from the filing of a complaint
4 to the referral of the completed investigation to the Attorney
5 General.

6 (4) The average number of days from the referral of a completed
7 investigation to the Attorney General to the filing of an accusation
8 by the Attorney General.

9 (5) The average number of days from the filing of an accusation
10 to the first hearing date or date of a stipulated settlement.

11 (6) The average number of days from the receipt of the
12 Administrative Law Judge's proposed decision to the registrar's
13 final decision.

14 ~~SEC. 42.~~

15 *SEC. 45.* Section 7028.7 of the Business and Professions Code
16 is amended to read:

17 7028.7. (a) If upon inspection or investigation, either upon
18 complaint or otherwise, the registrar has probable cause to believe
19 that a person is acting in the capacity of or engaging in the business
20 of a contractor or salesperson within this state without having a
21 license or registration in good standing to so act or engage, and
22 the person is not otherwise exempted from this chapter, the registrar
23 shall issue a citation to that person.

24 (b) Within 72 hours of receiving notice that a public entity is
25 intending to award, or has awarded, a contract to an unlicensed
26 contractor, the registrar shall give written notice to the public entity
27 that a citation may be issued if a contract is awarded to an
28 unlicensed contractor. If after receiving the written notice from
29 the registrar that the public entity has awarded or awards the
30 contract to an unlicensed contractor, the registrar may issue a
31 citation to the responsible officer or employee of the public entity
32 as specified in Section 7028.15.

33 (c) Each citation shall be in writing and shall describe with
34 particularity the basis of the citation. Notwithstanding Sections
35 125.9 and 148, each citation shall contain an order of abatement
36 and an assessment of a civil penalty in an amount not less than
37 two hundred dollars (\$200) nor more than fifteen thousand dollars
38 (\$15,000).

39 (d) With the approval of the Contractors State License Board,
40 the registrar shall prescribe procedures for the issuance of a citation

1 under this section. The board shall adopt regulations covering the
2 assessment of a civil penalty that shall give due consideration to
3 the gravity of the violation, and any history of previous violations.

4 (e) The sanctions authorized under this section shall be separate
5 from, and in addition to, all other remedies either civil or criminal.

6 ~~SEC. 43.~~

7 *SEC. 46.* Section 7030 of the Business and Professions Code
8 is amended to read:

9 7030. (a) Except for contractors writing home improvement
10 contracts pursuant to Section 7151.2 and contractors writing service
11 and repair contracts pursuant to Section 7159.10, every person
12 licensed pursuant to this chapter shall include the following
13 statement in at least 10-point type on all written contracts with
14 respect to which the person is a prime contractor:

15
16 “Contractors are required by law to be licensed and regulated
17 by the Contractors State License Board which has jurisdiction to
18 investigate complaints against contractors if a complaint regarding
19 a patent act or omission is filed within four years of the date of the
20 alleged violation. A complaint regarding a latent act or omission
21 pertaining to structural defects must be filed within 10 years of
22 the date of the alleged violation. Any questions concerning a
23 contractor may be referred to the Registrar, Contractors State
24 License Board, P.O. Box 26000, Sacramento, CA 95826.”

25
26 (b) Every person licensed pursuant to this chapter shall include
27 the following statement in at least 12-point type in all home
28 improvement contracts written pursuant to Section 7151.2 and
29 service and repair contracts written pursuant to Section 7159.10:

30
31 “Information about the Contractors State License Board (CSLB):
32 CSLB is the state consumer protection agency that licenses and
33 regulates construction contractors.

34 Contact CSLB for information about the licensed contractor you
35 are considering, including information about disclosable
36 complaints, disciplinary actions and civil judgments that are
37 reported to CSLB.

38 Use only licensed contractors. If you file a complaint against a
39 licensed contractor within the legal deadline (usually four years),
40 CSLB has authority to investigate the complaint. If you use an

1 unlicensed contractor, CSLB may not be able to help you resolve
2 your complaint. Your only remedy may be in civil court, and you
3 may be liable for damages arising out of any injuries to the
4 unlicensed contractor or the unlicensed contractor’s employees.

5 For more information:

6 Visit CSLB’s internet website at www.cslb.ca.gov

7 Call CSLB at 800-321-CSLB (2752)

8 Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

9

10 (c) Failure to comply with the notice requirements set forth in
11 subdivision (a) or (b) of this section is cause for disciplinary action.

12 ~~SEC. 44.~~

13 *SEC. 47.* Section 7031 of the Business and Professions Code
14 is amended to read:

15 7031. (a) Except as provided in subdivision (e), no person
16 engaged in the business or acting in the capacity of a contractor,
17 may bring or maintain any action, or recover in law or equity in
18 any action, in any court of this state for the collection of
19 compensation for the performance of any act or contract where a
20 license is required by this chapter without alleging that they were
21 a duly licensed contractor at all times during the performance of
22 that act or contract regardless of the merits of the cause of action
23 brought by the person, except that this prohibition shall not apply
24 to contractors who are each individually licensed under this chapter
25 but who fail to comply with Section 7029.

26 (b) Except as provided in subdivision (e), a person who utilizes
27 the services of an unlicensed contractor may bring an action in
28 any court of competent jurisdiction in this state to recover all
29 compensation paid to the unlicensed contractor for performance
30 of any act or contract.

31 (c) A security interest taken to secure any payment for the
32 performance of any act or contract for which a license is required
33 by this chapter is unenforceable if the person performing the act
34 or contract was not a duly licensed contractor at all times during
35 the performance of the act or contract.

36 (d) If licensure or proper licensure is controverted, then proof
37 of licensure pursuant to this section shall be made by production
38 of a verified certificate of licensure from the Contractors State
39 License Board which establishes that the individual or entity
40 bringing the action was duly licensed in the proper classification

1 of contractors at all times during the performance of any act or
2 contract covered by the action. Nothing in this subdivision shall
3 require any person or entity controverting licensure or proper
4 licensure to produce a verified certificate. When licensure or proper
5 licensure is controverted, the burden of proof to establish licensure
6 or proper licensure shall be on the licensee.

7 (e) The judicial doctrine of substantial compliance shall not
8 apply under this section where the person who engaged in the
9 business or acted in the capacity of a contractor has never been a
10 duly licensed contractor in this state. However, notwithstanding
11 subdivision (b) of Section 143, the court may determine that there
12 has been substantial compliance with licensure requirements under
13 this section if it is shown at an evidentiary hearing that the person
14 who engaged in the business or acted in the capacity of a contractor
15 (1) had been duly licensed as a contractor in this state prior to the
16 performance of the act or contract, (2) acted reasonably and in
17 good faith to maintain proper licensure, and (3) acted promptly
18 and in good faith to remedy the failure to comply with the licensure
19 requirements upon learning of the failure.

20 (f) The exceptions to the prohibition against the application of
21 the judicial doctrine of substantial compliance found in subdivision
22 (e) shall apply to all contracts entered into on or after January 1,
23 1992, and to all actions or arbitrations arising therefrom, except
24 that the amendments to subdivisions (e) and (f) enacted during the
25 1994 portion of the 1993–94 Regular Session of the Legislature
26 shall not apply to either of the following:

27 (1) Any legal action or arbitration commenced prior to January
28 1, 1995, regardless of the date on which the parties entered into
29 the contract.

30 (2) Any legal action or arbitration commenced on or after
31 January 1, 1995, if the legal action or arbitration was commenced
32 prior to January 1, 1995, and was subsequently dismissed.

33 ~~SEC. 45.~~

34 *SEC. 48.* Section 7058.7 of the Business and Professions Code
35 is amended to read:

36 7058.7. (a) No contractor may engage in a removal or remedial
37 action, as defined in subdivision (d), unless the qualifier for the
38 license has passed an approved hazardous substance certification
39 examination.

1 (b) (1) The Contractors State License Board, the Division of
2 Occupational Safety and Health of the Department of Industrial
3 Relations, and the Department of Toxic Substances Control shall
4 jointly select an advisory committee, which shall be composed of
5 two representatives of hazardous substance removal workers in
6 California, two general engineering contractors in California, and
7 two representatives of insurance companies in California who shall
8 be selected by the Insurance Commissioner.

9 (2) The Contractors State License Board shall develop a written
10 test for the certification of contractors engaged in hazardous
11 substance removal or remedial action, in consultation with the
12 Division of Occupational Safety and Health, the State Water
13 Resources Control Board, the Department of Toxic Substances
14 Control, and the advisory committee.

15 (c) The Contractors State License Board may require additional
16 updated approved hazardous substance certification examinations
17 of licensees currently certified based on new public or occupational
18 health and safety information. The Contractors State License Board,
19 in consultation with the Department of Toxic Substances Control
20 and the State Water Resources Control Board, shall approve other
21 initial and updated hazardous substance certification examinations
22 and determine whether to require an updated certification
23 examination of all current certificate holders.

24 (d) For purposes of this section “removal or remedial action”
25 has the same meaning as found in Chapter 6.8 (commencing with
26 Section 25300) of Division 20 of the Health and Safety Code, if
27 the action requires the contractor to dig into the surface of the earth
28 and remove the dug material and the action is at a site listed
29 pursuant to Section 25356 of the Health and Safety Code or any
30 other site listed as a hazardous substance release site by the
31 Department of Toxic Substances Control or a site listed on the
32 National Priorities List compiled pursuant to the Comprehensive
33 Environmental Response, Compensation, and Liability Act of 1980
34 (42 U.S.C. Sec. 9601 et seq.). “Removal or remedial action” does
35 not include asbestos-related work, as defined in Section 6501.8 of
36 the Labor Code, or work related to a hazardous substance spill on
37 a highway.

38 (e) (1) A contractor may not install or remove an underground
39 storage tank, unless the contractor has passed the hazardous

1 substance certification examination developed pursuant to this
2 section.

3 (2) A contractor who is not certified may bid on or contract for
4 the installation or removal of an underground tank, if the work is
5 performed by a contractor who is certified pursuant to this section.

6 (3) For purposes of this subdivision, “underground storage tank”
7 has the same meaning as defined in subdivision (y) of Section
8 25281 of the Health and Safety Code.

9 ~~SEC. 46.~~

10 *SEC. 49.* Section 7071.4 of the Business and Professions Code
11 is amended to read:

12 7071.4. (a) Each person licensed under the provisions of this
13 chapter and subject to any of the bonding provisions of this article
14 shall maintain the requisite bond as executed by an admitted surety
15 insurer or as deposited with the registrar pursuant to paragraph (1)
16 of subdivision (a) of Section 995.710 of the Code of Civil
17 Procedure in the appropriate amount. Notwithstanding Article 7
18 (commencing with Section 995.710) of Chapter 2 of Title 14 of
19 Part 2 of the Code of Civil Procedure, no other method of deposit,
20 including, but not limited to, a certificate of deposit, shall satisfy
21 a bond requirement under this article.

22 (b) All existing alternatives in lieu of a bond currently filed with
23 the registrar shall be replaced for a surety bond or the deposit
24 prescribed by paragraph (1) of subdivision (a) of Section 995.710
25 of the Code of Civil Procedure by January 1, 2020.

26 (c) (1) If the board is notified, in writing, of a civil action
27 against the deposit authorized under this section, the deposit or
28 any portion thereof shall not be released for any purpose, except
29 as determined by the court.

30 (2) If any deposit authorized under this section is insufficient
31 to pay, in full, all claims that have been adjudicated under any
32 action filed in accordance with this section, the amount of the
33 deposit shall be distributed to all claimants in proportion to the
34 amount of their respective claims.

35 (d) Notwithstanding subdivision (a), this section shall not apply
36 to the bond equivalents described in Section 7159.5 of this chapter.

37 (e) (1) This section shall be operative on and after January 1,
38 2019, upon which date the registrar shall thereafter no longer accept
39 alternatives in lieu of a bond, other than as provided in this section.

1 (2) Notwithstanding any other law, in order to comply with the
2 bonding provisions of this article, a person shall only be required
3 to provide information consistent with the requirements for an
4 applicant under Section 30.

5 (f) All alternatives in lieu of a bond filed with the registrar before
6 January 1, 2019, and any lawful money or cashier's check
7 deposited pursuant to paragraph (1) of subdivision (a) of Section
8 995.710 of the Code of Civil Procedure after January 1, 2019, shall
9 be subject to the following limitations periods:

10 (1) Any action, other than an action to recover wages or fringe
11 benefits, against a deposit given in lieu of a contractor's bond or
12 bond of a qualifying individual filed by an active licensee shall be
13 brought within three years after the expiration of the license period
14 during which the act or omission occurred, or within three years
15 of the date the license of the active licensee was inactivated,
16 canceled, or revoked by the board, whichever occurs first.

17 (2) Any action, other than an action to recover wages or fringe
18 benefits, against a deposit given in lieu of a disciplinary bond filed
19 by an active licensee pursuant to Section 7071.8 shall be brought
20 within three years after the expiration of the license period during
21 which the act or omission occurred, or within three years of the
22 date the license of the active licensee was inactivated, canceled,
23 or revoked by the board, or within three years after the last date
24 for which a deposit given in lieu of a disciplinary bond filed
25 pursuant to Section 7071.8 was required, whichever date is first.

26 (3) A claim to recover wages or fringe benefits shall be brought
27 within six months from the date that the wage or fringe benefit
28 delinquencies were discovered, but in no event shall a civil action
29 thereon be brought later than two years from the date the wage or
30 fringe benefit contributions were due.

31 (g) In any case in which a claim is filed against an alternative
32 given in lieu of a bond filed with the registrar before January 1,
33 2019, or deposited with the registrar pursuant to subdivision (a),
34 by any employee or by an employee organization on behalf of an
35 employee, concerning wages or fringe benefits based upon the
36 employee's employment, claims for the nonpayment shall be filed
37 with the Labor Commissioner. The Labor Commissioner shall,
38 pursuant to the authority vested by Section 96.5 of the Labor Code,
39 conduct hearings to determine whether or not the wages or fringe
40 benefits should be paid to the complainant. Upon a finding by the

1 commissioner that the wages or fringe benefits should be paid to
 2 the complainant, the commissioner shall notify the registrar of the
 3 findings. The registrar shall not make payment from the deposit
 4 on the basis of findings by the commissioner for a period of 10
 5 days following determination of the findings. If, within the period,
 6 the complainant or the contractor files written notice with the
 7 registrar and the commissioner of an intention to seek judicial
 8 review of the findings pursuant to Section 11523 of the
 9 Government Code, the registrar shall not make payment if an action
 10 is actually filed, except as determined by the court. If, thereafter,
 11 no action is filed within 60 days following determination of
 12 findings by the commissioner, the registrar shall make payment
 13 from the deposit to the complainant.

14 (h) Legal fees may not be charged by the board against any
 15 alternative given in lieu of a bond filed with the registrar before
 16 January 1, 2019, or deposited with the registrar pursuant to
 17 subdivision (a).

18 ~~SEC. 47.~~

19 *SEC. 50.* Section 7080.5 of the Business and Professions Code
 20 is amended to read:

21 7080.5. When an application has been accepted by the registrar,
 22 the name and address of the applicant, every classification for
 23 which the applicant has applied, and the names and titles of all
 24 personnel who have signed the application shall be publicly posted
 25 by the registrar, on the day following acceptance, in the office of
 26 the Contractors State License Board in Sacramento.

27 ~~SEC. 48.~~

28 *SEC. 51.* Section 7085.5 of the Business and Professions Code
 29 is amended to read:

30 7085.5. Arbitrations of disputes arising out of cases filed with
 31 or by the board shall be conducted in accordance with the following
 32 rules:

33 (a) All “agreements to arbitrate” shall include the names,
 34 addresses, and telephone numbers of the parties to the dispute, the
 35 issue in dispute, and the amount in dollars or any other remedy
 36 sought. The appropriate fee shall be paid by the board from the
 37 Contractors License Fund.

38 (b) (1) The board or appointed arbitration association shall
 39 appoint an arbitrator in the following manner: immediately after
 40 the filing of the agreement to arbitrate, the board or appointed

1 arbitration association shall submit simultaneously to each party
2 to the dispute, an identical list of names of persons chosen from
3 the panel. Each party to the dispute shall have seven days from
4 the mailing date in which to cross off any names to which it objects,
5 number the remaining names to indicate the order of preference,
6 and return the list to the board or appointed arbitration association.
7 If a party does not return the list within the time specified, all
8 persons named in the list are acceptable. From among the persons
9 who have been approved on both lists, and in accordance with the
10 designated order of mutual preference, the board or appointed
11 arbitration association shall appoint an arbitrator to serve. If the
12 parties fail to agree on any of the parties named, if acceptable
13 arbitrators are unable to act, or if, for any other reason, the
14 appointment cannot be made from the submitted lists, the board
15 or appointed arbitration association shall have the power to make
16 the appointment from among other members of the panel without
17 the submission of any additional lists. Each dispute shall be heard
18 and determined by one arbitrator unless the board or appointed
19 arbitration association, in its discretion, directs that a greater
20 number of arbitrators be appointed.

21 (2) In all cases in which a complaint has been referred to
22 arbitration pursuant to subdivision (b) of Section 7085, the board
23 or the appointed arbitration association shall have the power to
24 appoint an arbitrator to hear the matter.

25 (3) The board shall adopt regulations setting minimum
26 qualification standards for listed arbitrators based upon relevant
27 training, experience, and performance.

28 (c) No person shall serve as an arbitrator in any arbitration in
29 which that person has any financial or personal interest in the result
30 of the arbitration. Prior to accepting an appointment, the
31 prospective arbitrator shall disclose any circumstances likely to
32 prevent a prompt hearing or to create a presumption of bias. Upon
33 receipt of that information, the board or appointed arbitration
34 association shall immediately replace the arbitrator or communicate
35 the information to the parties for their comments. Thereafter, the
36 board or appointed arbitration association shall determine whether
37 the arbitrator should be disqualified and shall inform the parties
38 of its decision, which shall be conclusive.

1 (d) The board or appointed arbitration association may appoint
2 another arbitrator if a vacancy occurs, or if an appointed arbitrator
3 is unable to serve in a timely manner.

4 (e) (1) The board or appointed arbitration association shall
5 provide the parties with a list of the times and dates, and locations
6 of the hearing to be held. The parties shall notify the arbitrator,
7 within seven calendar days of the mailing of the list, of the times
8 and dates convenient to each party. If the parties fail to respond
9 to the arbitrator within the seven-day period, the arbitrator shall
10 fix the time, place, and location of the hearing. An arbitrator may,
11 at the arbitrator's sole discretion, make an inspection of the
12 construction site which is the subject of the arbitration. The
13 arbitrator shall notify the parties of the time and date set for the
14 inspection. Any party who so desires may be present at the
15 inspection.

16 (2) The board or appointed arbitration association shall fix the
17 time, place, and location of the hearing for all cases referred to
18 arbitration pursuant to subdivision (b) of Section 7085. An
19 arbitrator may, at the arbitrator's sole discretion, make an
20 inspection of the construction site which is the subject of the
21 arbitration. The arbitrator shall notify the parties of the time and
22 date set for the inspection. Any party who desires may be present
23 at the inspection.

24 (f) Any person having a direct interest in the arbitration is
25 entitled to attend the hearing. The arbitrator shall otherwise have
26 the power to require the exclusion of any witness, other than a
27 party or other essential person, during the testimony of any other
28 witness. It shall be discretionary with the arbitrator to determine
29 the propriety of the attendance of any other person.

30 (g) Hearings shall be adjourned by the arbitrator only for good
31 cause.

32 (h) A record is not required to be taken of the proceedings.
33 However, any party to the proceeding may have a record made at
34 its own expense. The parties may make appropriate notes of the
35 proceedings.

36 (i) The hearing shall be conducted by the arbitrator in any
37 manner which will permit full and expeditious presentation of the
38 case by both parties. Consistent with the expedited nature of
39 arbitration, the arbitrator shall establish the extent of, and schedule
40 for, the production of relevant documents and other information,

1 the identification of any witnesses to be called, and a schedule for
2 any hearings to elicit facts solely within the knowledge of one
3 party. The complaining party shall present its claims, proofs, and
4 witnesses, who shall submit to questions or other examination.
5 The defending party shall then present its defenses, proofs, and
6 witnesses, who shall submit to questions or other examination.
7 The arbitrator has discretion to vary this procedure but shall afford
8 full and equal opportunity to the parties for the presentation of any
9 material or relevant proofs.

10 (j) The arbitration may proceed in the absence of any party who,
11 after due notice, fails to be present. The arbitrator shall require the
12 attending party to submit supporting evidence in order to make an
13 award. An award for the attending party shall not be based solely
14 on the fact that the other party has failed to appear at the arbitration
15 hearing.

16 (k) The arbitrator shall be the sole judge of the relevancy and
17 materiality of the evidence offered and conformity to legal rules
18 of evidence shall not be required.

19 (l) The arbitrator may receive and consider documentary
20 evidence. Documents to be considered by the arbitrator may be
21 submitted prior to the hearing. However, a copy shall be
22 simultaneously transmitted to all other parties and to the board or
23 appointed arbitration association for transmittal to the arbitrator
24 or board appointed arbitrator.

25 (m) The arbitrator shall specifically inquire of the parties
26 whether they have any further proofs to offer or witnesses to be
27 heard. Upon receiving negative replies, the arbitrator shall declare
28 the hearing closed and minutes thereof shall be recorded. If briefs
29 are to be filed, the hearing shall be declared closed as of the final
30 date set by the arbitrator for the receipt of briefs. If documents are
31 to be filed as requested by the arbitrator and the date set for their
32 receipt is later than that set for the receipt of briefs, the later date
33 shall be the date of closing the hearings. The time limit within
34 which the arbitrator is required to make the award shall commence
35 to run, in the absence of other agreements by the parties, upon the
36 closing of the hearings.

37 (n) The hearing may be reopened on the arbitrator's own motion.

38 (o) Any party who proceeds with the arbitration after knowledge
39 that any provision or requirement of these rules has not been
40 complied with, and who fails to state their objections to the

1 arbitrator in writing, within 10 calendar days of close of hearing,
2 shall be deemed to have waived their right to object.

3 (p) (1) Except as provided in paragraph (2), any papers or
4 process necessary or proper for the initiation or continuation of an
5 arbitration under these rules and for any court action in connection
6 therewith, or for the entry of judgment on an award made
7 thereunder, may be served upon any party (A) by regular mail
8 addressed to that party or their attorney at the party’s last known
9 address, or (B) by personal service.

10 (2) Notwithstanding paragraph (1), in all cases referred to
11 arbitration pursuant to subdivision (b) of Section 7085 in which
12 the contractor fails or refuses to return an executed copy of the
13 notice to arbitrate within the time specified, any papers or process
14 specified in paragraph (1) to be sent to the contractor, including
15 the notice of hearing, shall be mailed by certified mail to the
16 contractor’s address of record.

17 (q) The award shall be made promptly by the arbitrator, and
18 unless otherwise agreed by the parties, no later than 30 calendar
19 days from the date of closing the hearing, closing a reopened
20 hearing, or if oral hearing has been waived, from the date of
21 transmitting the final statements and proofs to the arbitrator.

22 The arbitrator may for good cause extend any period of time
23 established by these rules, except the time for making the award.
24 The arbitrator shall notify the parties of any extension and the
25 reason therefor.

26 (r) (1) The arbitrator may grant any remedy or relief that the
27 arbitrator deems just and equitable and within the scope of the
28 board’s referral and the requirements of the board. The arbitrator,
29 in their sole discretion, may award costs or expenses.

30 (2) The amendments made in paragraph (1) during the 2003–04
31 Regular Session shall not be interpreted to prevent an arbitrator
32 from awarding a complainant all direct costs and expenses for the
33 completion or repair of the project.

34 (s) The award shall become final 30 calendar days from the date
35 the arbitration award is issued. The arbitrator, upon written
36 application of a party to the arbitration, may correct the award
37 upon the following grounds:

38 (1) There was an evident miscalculation of figures or an evident
39 mistake in the description of any person, things, or property
40 referred to in the award.

1 (2) There is any other clerical error in the award, not affecting
2 the merits of the controversy.

3 An application for correction of the award shall be made within
4 10 calendar days of the date of service of the award by serving a
5 copy of the application on the arbitrator, and all other parties to
6 the arbitration. Any party to the arbitration may make a written
7 objection to the application for correction by serving a copy of the
8 written objection on the arbitrator, the board, and all other parties
9 to the arbitration, within 10 calendar days of the date of service of
10 the application for correction.

11 The arbitrator shall either deny the application or correct the
12 award within 30 calendar days of the date of service of the original
13 award by mailing a copy of the denial or correction to all parties
14 to the arbitration. Any appeal from the denial or correction shall
15 be filed with a court of competent jurisdiction and a true copy
16 thereof shall be filed with the arbitrator or appointed arbitration
17 association within 30 calendar days after the award has become
18 final. The award shall be in writing, and shall be signed by the
19 arbitrator or a majority of them. If no appeal is filed within the
20 30-calendar day period, it shall become a final order of the registrar.

21 (t) Service of the award by certified mail shall be effective if a
22 certified letter containing the award, or a true copy thereof, is
23 mailed by the arbitrator or arbitration association to each party or
24 to a party's attorney of record at their last known address, address
25 of record, or by personally serving any party. Service may be
26 proved in the manner authorized in civil actions.

27 (u) The board shall pay the expenses of one expert witness
28 appointed by the board when the services of an expert witness are
29 requested by either party involved in arbitration pursuant to this
30 article and the case involves workmanship issues that are itemized
31 in the complaint and have not been repaired or replaced. Parties
32 who choose to present the findings of another expert witness as
33 evidence shall pay for those services. Payment for expert witnesses
34 appointed by the board shall be limited to the expert witness costs
35 for inspection of the problem at the construction site, preparation
36 of the expert witness' report, and expert witness fees for appearing
37 or testifying at a hearing. All requests for payment to an expert
38 witness shall be submitted on a form that has been approved by
39 the registrar. All requests for payment to an expert witness shall
40 be reviewed and approved by the board prior to payment. The

1 registrar shall advise the parties that names of industry experts
2 may be obtained by requesting this information from the registrar.

3 (v) The arbitrator shall interpret and apply these rules insofar
4 as they relate to their powers and duties.

5 (w) The following shall apply as to court procedure and
6 exclusion of liability:

7 (1) The board, the appointed arbitration association, or any
8 arbitrator in a proceeding under these rules is not a necessary party
9 in judicial proceedings relating to the arbitration.

10 (2) Parties to these rules shall be deemed to have consented that
11 judgment upon the arbitration award may be entered in any federal
12 or state court having jurisdiction thereof.

13 (3) The board, the appointed arbitration association, or any
14 arbitrator is not liable to any party for any act or omission in
15 connection with any arbitration conducted under these rules.

16 ~~SEC. 49.~~

17 *SEC. 52.* Section 7099.2 of the Business and Professions Code
18 is amended to read:

19 7099.2. (a) The board shall promulgate regulations covering
20 the assessment of civil penalties under this article that give due
21 consideration to the appropriateness of the penalty with respect to
22 the following factors:

23 (1) The gravity of the violation.

24 (2) The good faith of the licensee or applicant for licensure
25 being charged.

26 (3) The history of previous violations.

27 (b) Except as otherwise provided by this chapter, no civil penalty
28 shall be assessed in an amount greater than five thousand dollars
29 (\$5,000). Notwithstanding Section 125.9, a civil penalty not to
30 exceed fifteen thousand dollars (\$15,000) may be assessed for a
31 violation of Section 7114 or 7118.

32 ~~SEC. 50.~~

33 *SEC. 53.* Section 7099.9 is added to the Business and
34 Professions Code, to read:

35 7099.9. (a) If, upon investigation, the registrar has probable
36 cause to believe that a licensee, registrant, or applicant has
37 committed acts or omissions that are grounds for denial,
38 suspension, or revocation of a license or registration, the registrar,
39 or their designee, may issue a letter of admonishment to an
40 applicant, licensee, or registrant in lieu of issuing a citation.

1 Nothing in this article shall in any way limit the registrar's
2 discretionary authority or ability to issue a letter of admonishment
3 as prescribed by this subdivision.

4 (b) The letter of admonishment shall be in writing and shall
5 describe in detail the nature and facts of the violation, including a
6 reference to the statutes or regulations violated. The letter of
7 admonishment shall inform the licensee, registrant, or applicant
8 that within 30 days of service of the letter of admonishment the
9 licensee, registrant, or applicant may do either of the following:

10 (1) Submit a written request for an office conference to the
11 registrar to contest the letter of admonishment. Upon a timely
12 request, the registrar, or their designee, shall hold an office
13 conference with the licensee, registrant, or applicant and, if
14 applicable, their legal counsel or authorized representative.

15 (A) No individual other than the legal counsel or authorized
16 representative of the licensee, registrant, or applicant may
17 accompany the licensee, registrant, or applicant to the office
18 conference.

19 (B) Prior to or at the office conference, the licensee, registrant,
20 or applicant may submit to the registrar declarations and documents
21 pertinent to the subject matter of the letter of admonishment.

22 (C) The office conference is intended to be informal and shall
23 not be subject to the Administrative Procedure Act (Chapter 4.5
24 commencing with Section 11400) or Chapter 5 (commencing with
25 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
26 Code).

27 (D) After the office conference, the registrar, or their designee,
28 may affirm, modify, or withdraw the letter of admonishment.
29 Within 14 calendar days from the date of the office conference,
30 the registrar, or their designee, shall personally serve or send the
31 written decision by certified mail to the licensee's, registrant's, or
32 applicant's address of record. This decision shall be deemed the
33 final administrative decision concerning the letter of
34 admonishment.

35 (E) Judicial review of the decision may be had by filing a
36 petition for a writ of mandate in accordance with the provisions
37 of Section 1094.5 of the Code of Civil Procedure within 30 days
38 after the date the decision was personally served or sent by certified
39 mail. The judicial review shall extend to the question of whether
40 or not there was a prejudicial abuse of discretion in the issuance

1 of the letter of admonishment or in the decision after the office
2 conference.

3 (2) Comply with the letter of admonishment and, if required,
4 submit a written corrective action plan to the registrar documenting
5 compliance. If an office conference is not requested pursuant to
6 this section, compliance with the letter of admonishment shall not
7 constitute an admission of the violation noted in the letter of
8 admonishment.

9 (c) The letter of admonishment shall be served upon the licensee,
10 registrant, or applicant personally or by certified mail at their
11 address of record with the board. If the licensee, registrant, or
12 applicant is served by certified mail, service shall be effective upon
13 deposit in the United States mail.

14 (d) The licensee, registrant, or applicant shall maintain and have
15 readily available a copy of the letter of admonishment and
16 corrective action plan, if any, for at least one year from the date
17 of issuance of the letter of admonishment.

18 (e) Nothing in this subdivision shall in any way limit the board's
19 authority or ability to do either of the following:

20 (1) Issue a citation pursuant to Section 125.9, 148, or 7099.

21 (2) Institute disciplinary proceedings pursuant to this article.

22 (f) The issuance of a letter of admonishment shall not be
23 construed as a disciplinary action or discipline for purposes of
24 licensure or the reporting of discipline for licensure.

25 (g) The board shall not issue a letter of admonishment when
26 any one of the following factors is present:

27 (1) The licensee, registrant, or applicant was unlicensed at the
28 time of the violation.

29 (2) Multiple violations have been established.

30 (3) The licensee, registrant, or applicant has a history of the
31 same or similar violations.

32 (4) The violation resulted in financial harm to another.

33 (5) The victim is an elder or dependent adult as defined in
34 Section 368 of the Penal Code.

35 (6) The violation is related to the repair of damage caused by a
36 natural disaster.

37 (h) The board may adopt regulations to further define the
38 circumstances under which a letter of admonishment may be issued.

1 ~~SEC. 51.~~

2 *SEC. 54.* Section 7123.5 of the Business and Professions Code
3 is amended to read:

4 7123.5. If a contractor is convicted of violating Section 396 of
5 the Penal Code or any substantially similar local ordinance in
6 connection with the sale, or offer for sale, of repair or
7 reconstruction services, as defined in Section 396 of the Penal
8 Code, the Contractors State License Board shall take disciplinary
9 action against the contractor, which shall include a suspension of
10 at least six months or the permanent revocation of the contractor's
11 license.

12 ~~SEC. 52.~~

13 *SEC. 55.* Section 7135 of the Business and Professions Code
14 is amended to read:

15 7135. (a) The fees and civil penalties received under this
16 chapter shall be deposited in the Contractors License Fund. All
17 moneys in the fund are hereby appropriated for the purposes of
18 this chapter.

19 (b) It is the intent of the Legislature that the board shall use
20 moneys appropriated from the fund to improve its administrative
21 and investigative oversight activities and capacity.

22 ~~SEC. 53.~~

23 *SEC. 56.* Section 7136 of the Business and Professions Code
24 is amended to read:

25 7136. The director shall designate a sum not to exceed 10
26 percent of the total income of the Contractors State License Board
27 for each fiscal year to be transferred to the Consumer Affairs Fund
28 as the board's share of the cost of administration of the department.

29 ~~SEC. 54.~~

30 *SEC. 57.* Section 7137 of the Business and Professions Code
31 is amended to read:

32 7137. The board may set fees by regulation. These fees shall
33 be set according to the following schedule:

34 (a) (1) The application fee for an original license in a single
35 classification shall be three hundred thirty dollars (\$330) and may
36 be increased to not more than three hundred seventy-five dollars
37 (\$375).

38 (2) The application fee for each additional classification applied
39 for in connection with an original license shall not be more than
40 eighty-five dollars (\$85).

- 1 (3) The application fee for each additional classification pursuant
- 2 to Section 7059 shall be one hundred fifty dollars (\$150) and may
- 3 be increased to not more than one hundred seventy-five dollars
- 4 (\$175).
- 5 (4) The application fee to replace a responsible managing officer,
- 6 responsible managing manager, responsible managing member,
- 7 or responsible managing employee pursuant to Section 7068.2
- 8 shall be one hundred fifty dollars (\$150) and may be increased to
- 9 not more than one hundred seventy-five dollars (\$175).
- 10 (5) The application fee to add personnel, other than a qualifying
- 11 individual, to an existing license shall be one hundred dollars
- 12 (\$100) and may be increased to not more than one hundred fifteen
- 13 dollars (\$115).
- 14 (b) The fee for rescheduling an examination for an applicant
- 15 who has applied for an original license, additional classification,
- 16 a change of responsible managing officer, responsible managing
- 17 manager, responsible managing member, or responsible managing
- 18 employee, or for an asbestos certification or hazardous substance
- 19 removal certification, shall not be more than seventy dollars (\$70).
- 20 (c) The fee for scheduling or rescheduling an examination for
- 21 a licensee who is required to take the examination as a condition
- 22 of probation shall not be more than seventy dollars (\$70).
- 23 (d) The initial license fee for an active or inactive license shall
- 24 be two hundred dollars (\$200) and may be increased to not more
- 25 than two hundred twenty-five dollars (\$225).
- 26 (e) (1) The renewal fee for an active license shall be four
- 27 hundred dollars (\$400) and may be increased to not more than four
- 28 hundred fifty dollars (\$450).
- 29 (2) The renewal fee for an inactive license shall be two hundred
- 30 dollars (\$200) and may be increased to not more than two hundred
- 31 twenty-five dollars (\$225).
- 32 (f) The delinquency fee is an amount equal to 50 percent of the
- 33 renewal fee, if the license is renewed after its expiration.
- 34 (g) The registration fee for a home improvement salesperson
- 35 shall be eighty-three dollars (\$83) and may be increased to not
- 36 more than ninety-five dollars (\$95).
- 37 (h) The renewal fee for a home improvement salesperson
- 38 registration shall be eighty-three dollars (\$83) and may be increased
- 39 to not more than ninety-five dollars (\$95).

1 (i) The application fee for an asbestos certification examination
2 shall be eighty-three dollars (\$83) and may be increased to not
3 more than ninety-five dollars (\$95).

4 (j) The application fee for a hazardous substance removal or
5 remedial action certification examination shall be eighty-three
6 dollars (\$83) and may be increased to not more than ninety-five
7 dollars (\$95).

8 (k) In addition to any other fees charged to C-10 contractors,
9 the board shall charge a fee of twenty dollars (\$20), to be assessed
10 with the renewal fee for an active license, which shall be used by
11 the board to enforce provisions of the Labor Code related to
12 electrician certification.

13 (l) The service fee to deposit with the registrar lawful money
14 or cashier's check pursuant to paragraph (1) of subdivision (a) of
15 Section 995.710 of the Code of Civil Procedure for purposes of
16 compliance with any provision of Article 5 (commencing with
17 Section 7065) shall be one hundred dollars (\$100), which shall be
18 used by the board only to process each deposit filed with the
19 registrar, to cover the reasonable costs to the registrar for holding
20 money or cashier's checks in trust in interest bearing deposit or
21 share accounts, and to offset the costs of processing payment of
22 lawful claims against a deposit in a civil action.

23 (m) The board shall, by regulation, establish criteria for the
24 approval of expedited processing of applications. Approved
25 expedited processing of applications for licensure or registration,
26 as required by other provisions of law, shall not be subject to this
27 subdivision.

28 ~~SEC. 55.~~

29 *SEC. 58.* Section 7137.5 of the Business and Professions Code
30 is amended to read:

31 7137.5. The sum of ten thousand dollars (\$10,000) shall be
32 transferred from the Contractors License Fund to the Controller
33 for the exclusive use of the California Uniform Construction Cost
34 Accounting Commission.

35 The commission shall prepare a recommendation to the
36 Legislature for a local public agency source to fund the commission
37 beginning July 1, 1991, which will provide revenue supported by
38 the contract activities represented by the commission's authority.

1 Upon adoption of this funding program, the commission shall
2 reimburse the Contractors License Fund in the amount of ten
3 thousand dollars (\$10,000).

4 ~~SEC. 56.~~

5 *SEC. 59.* Section 7138 of the Business and Professions Code
6 is amended to read:

7 7138. Notwithstanding any other provision of law, a fee paid
8 in connection with a service or application covered by Section
9 7137 shall accrue to the Contractors License Fund as an earned
10 fee and shall not be refunded.

11 ~~SEC. 57.~~

12 *SEC. 60.* Section 7139.1 of the Business and Professions Code
13 is amended to read:

14 7139.1. The Legislature hereby finds and declares all of the
15 following:

16 (a) There is a demand and increasing need for construction
17 management education programs and resources within the
18 postsecondary education system that prepare graduates for the
19 management of construction operations and companies regulated
20 by the Contractors State License Law and enforced by the
21 Contractors State License Board.

22 (b) Although construction management programs do exist within
23 the state university system, these programs are woefully
24 underfunded and insufficiently funded to provide training on
25 state-of-the-art management information systems for either
26 graduates or extension programs for continuing education of
27 licensed contractors. Construction industry associations have
28 provided some assistance through direct grants and scholarships,
29 but the industrywide service of these programs and the need for
30 additional assistance mandates broad based industrywide support.

31 (c) It is the intent of the Legislature that by enabling contractors
32 to designate a portion of their licensure fee and providing a format
33 for contractors to contribute funds to construction management
34 education, this article will receive broad based industry support.
35 In addition, this article allows the contractor to demonstrate the
36 importance of construction management education. This assistance
37 will enable greater development of construction management
38 curricula and will improve the overall quality of construction by
39 providing construction management training to California licensed
40 contractors and their current and future management personnel.

1 ~~SEC. 58.~~

2 *SEC. 61.* Section 7139.2 of the Business and Professions Code
3 is amended to read:

4 7139.2. (a) There is hereby created the Construction
5 Management Education Account (CMEA) as a separate account
6 in the Contractors License Fund for the purposes of construction
7 management education. Funds in the account shall be available
8 for the purposes of this article upon appropriation by the
9 Legislature.

10 (b) The Contractors State License Board shall allow a contractor
11 to make a contribution to the Construction Management Education
12 Account at the time of the contractor license fee payment. The
13 license fee form shall clearly display this alternative on its face
14 and shall clearly inform the licensee that this provision is a
15 contribution to the Construction Management Education Account
16 and is in addition to the fees.

17 (c) The board may accept grants from federal, state, or local
18 public agencies, or from private foundations or individuals, in
19 order to assist it in carrying out its duties, functions, and powers
20 under this article. Grant moneys shall be deposited into the
21 Construction Management Education Account.

22 ~~SEC. 59.~~

23 *SEC. 62.* Section 7145.5 of the Business and Professions Code
24 is amended to read:

25 7145.5. (a) The registrar may refuse to issue, reinstate,
26 reactivate, or renew a license or may suspend a license for the
27 failure of a licensee to resolve all outstanding final liabilities, which
28 include taxes, additions to tax, penalties, interest, and any fees that
29 may be assessed by the board, the Department of Industrial
30 Relations, the Employment Development Department, the
31 Franchise Tax Board, or the State Board of Equalization.

32 (1) Until the debts covered by this section are satisfied, the
33 qualifying person and any other personnel of record named on a
34 license that has been suspended under this section shall be
35 prohibited from serving in any capacity that is subject to licensure
36 under this chapter, but shall be permitted to act in the capacity of
37 a nonsupervising bona fide employee.

38 (2) The license of any other renewable licensed entity with any
39 of the same personnel of record that have been assessed an
40 outstanding liability covered by this section shall be suspended

1 until the debt has been satisfied or until the same personnel of
2 record disassociate themselves from the renewable licensed entity.

3 (b) The refusal to issue a license or the suspension of a license
4 as provided by this section shall be applicable only if the registrar
5 has mailed a notice preliminary to the refusal or suspension that
6 indicates that the license will be refused or suspended by a date
7 certain. This preliminary notice shall be mailed to the licensee at
8 least 60 days before the date certain.

9 (c) In the case of outstanding final liabilities assessed by the
10 Franchise Tax Board, this section shall be operative within 60 days
11 after the Contractors State License Board has provided the
12 Franchise Tax Board with the information required under Section
13 30, relating to licensing information that includes the federal
14 employer identification number, individual taxpayer identification
15 number, or social security number.

16 (d) All versions of the application for a contractor’s license shall
17 include, as part of the application, an authorization by the applicant,
18 in the form and manner mutually agreeable to the Franchise Tax
19 Board and the board, for the Franchise Tax Board to disclose the
20 tax information that is required for the registrar to administer this
21 section. The Franchise Tax Board may from time to time audit
22 these authorizations.

23 (e) In the case of outstanding final liabilities assessed by the
24 State Board of Equalization, this section shall not apply to any
25 outstanding final liability if the licensee has entered into an
26 installment payment agreement for that liability with the State
27 Board of Equalization and is in compliance with the terms of that
28 agreement.

29 ~~SEC. 60.~~

30 *SEC. 63.* Section 7159 of the Business and Professions Code
31 is amended to read:

32 7159. (a) (1) This section identifies the projects for which a
33 home improvement contract is required, outlines the contract
34 requirements, and lists the items that shall be included in the
35 contract, or may be provided as an attachment.

36 (2) This section does not apply to service and repair contracts
37 that are subject to Section 7159.10, if the contract for the applicable
38 services complies with Sections 7159.10 to 7159.14, inclusive.

39 (3) This section does not apply to the sale, installation, and
40 servicing of a fire alarm sold in conjunction with an alarm system,

1 as defined in Section 7590.1, if all costs attributable to making the
2 fire alarm system operable, including sale and installation costs,
3 do not exceed five hundred dollars (\$500), and the licensee
4 complies with the requirements set forth in Section 7159.9.

5 (4) This section does not apply to any costs associated with
6 monitoring a burglar or fire alarm system.

7 (5) Failure by the licensee, their agent or salesperson, or by a
8 person subject to be licensed under this chapter, to provide the
9 specified information, notices, and disclosures in the contract, or
10 to otherwise fail to comply with any provision of this section, is
11 cause for discipline.

12 (b) For purposes of this section, “home improvement contract”
13 means an agreement, whether oral or written, or contained in one
14 or more documents, between a contractor and an owner or between
15 a contractor and a tenant, regardless of the number of residence
16 or dwelling units contained in the building in which the tenant
17 resides, if the work is to be performed in, to, or upon the residence
18 or dwelling unit of the tenant, for the performance of a home
19 improvement, as defined in Section 7151, and includes all labor,
20 services, and materials to be furnished and performed thereunder,
21 if the aggregate contract price specified in one or more
22 improvement contracts, including all labor, services, and materials
23 to be furnished by the contractor, exceeds five hundred dollars
24 (\$500). “Home improvement contract” also means an agreement,
25 whether oral or written, or contained in one or more documents,
26 between a salesperson, whether or not they are a home
27 improvement salesperson, and an owner or a tenant, regardless of
28 the number of residence or dwelling units contained in the building
29 in which the tenant resides, which provides for the sale, installation,
30 or furnishing of home improvement goods or services.

31 (c) In addition to the specific requirements listed under this
32 section, every home improvement contract and any person subject
33 to licensure under this chapter or their agent or salesperson shall
34 comply with all of the following:

35 (1) The writing shall be legible.

36 (2) Any printed form shall be readable. Unless a larger typeface
37 is specified in this article, text in any printed form shall be in at
38 least 10-point typeface and the headings shall be in at least 10-point
39 boldface type.

1 (3) (A) Before any work is started, the contractor shall give the
2 buyer a copy of the contract signed and dated by both the contractor
3 and the buyer. The buyer's receipt of the copy of the contract
4 initiates the buyer's rights to cancel the contract pursuant to
5 Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

6 (B) The contract shall contain on the first page, in a typeface
7 no smaller than that generally used in the body of the document,
8 both of the following:

9 (i) The date the buyer signed the contract.

10 (ii) The name and address of the contractor to which the
11 applicable "Notice of Cancellation" is to be mailed, immediately
12 preceded by a statement advising the buyer that the "Notice of
13 Cancellation" may be sent to the contractor at the address noted
14 on the contract.

15 (4) The contract shall include a statement that, upon satisfactory
16 payment being made for any portion of the work performed, the
17 contractor, prior to any further payment being made, shall furnish
18 to the person contracting for the home improvement or swimming
19 pool work a full and unconditional release from any potential lien
20 claimant claim or mechanics lien authorized pursuant to Sections
21 8400 and 8404 of the Civil Code for that portion of the work for
22 which payment has been made.

23 (5) A change-order form for changes or extra work shall be
24 incorporated into the contract and shall become part of the contract
25 only if it is in writing and signed by the parties prior to the
26 commencement of any work covered by a change order.

27 (6) The contract shall contain, in close proximity to the
28 signatures of the owner and contractor, a notice stating that the
29 owner or tenant has the right to require the contractor to have a
30 performance and payment bond.

31 (7) If the contract provides for a contractor to furnish joint
32 control, the contractor shall not have any financial or other interest
33 in the joint control.

34 (8) The provisions of this section are not exclusive and do not
35 relieve the contractor from compliance with any other applicable
36 provision of law.

37 (d) A home improvement contract and any changes to the
38 contract shall be in writing and signed by the parties to the contract
39 prior to the commencement of work covered by the contract or an
40 applicable change order and, except as provided in paragraph (8)

1 of subdivision (a) of Section 7159.5, shall include or comply with
2 all of the following:

3 (1) The name, business address, and license number of the
4 contractor.

5 (2) If applicable, the name and registration number of the home
6 improvement salesperson that solicited or negotiated the contract.

7 (3) The following heading on the contract form that identifies
8 the type of contract in at least 10-point boldface type: “Home
9 Improvement.”

10 (4) The following statement in at least 12-point boldface type:
11 “You are entitled to a completely filled in copy of this agreement,
12 signed by both you and the contractor, before any work may be
13 started.”

14 (5) The heading: “Contract Price,” followed by the amount of
15 the contract in dollars and cents.

16 (6) If a finance charge will be charged, the heading: “Finance
17 Charge,” followed by the amount in dollars and cents. The finance
18 charge is to be set out separately from the contract amount.

19 (7) The heading: “Description of the Project and Description
20 of the Significant Materials to be Used and Equipment to be
21 Installed,” followed by a description of the project and a description
22 of the significant materials to be used and equipment to be installed.
23 For swimming pools, the project description required under this
24 paragraph also shall include a plan and scale drawing showing the
25 shape, size, dimensions, and the construction and equipment
26 specifications.

27 (8) If a downpayment will be charged, the details of the
28 downpayment shall be expressed in substantially the following
29 form, and shall include the text of the notice as specified in
30 subparagraph (C):

31 (A) The heading: “Downpayment.”

32 (B) A space where the actual downpayment appears.

33 (C) The following statement in at least 12-point boldface type:

34
35 “THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10
36 PERCENT OF THE CONTRACT PRICE, WHICHEVER IS
37 LESS.”

38
39 (9) If payments, other than the downpayment, are to be made
40 before the project is completed, the details of these payments,

1 known as progress payments, shall be expressed in substantially
2 the following form, and shall include the text of the statement as
3 specified in subparagraph (C):

4 (A) A schedule of progress payments shall be preceded by the
5 heading: "Schedule of Progress Payments."

6 (B) Each progress payment shall be stated in dollars and cents
7 and specifically reference the amount of work or services to be
8 performed and materials and equipment to be supplied.

9 (C) The section of the contract reserved for the progress
10 payments shall include the following statement in at least 12-point
11 boldface type:

12
13 "The schedule of progress payments must specifically describe
14 each phase of work, including the type and amount of work or
15 services scheduled to be supplied in each phase, along with the
16 amount of each proposed progress payment. IT IS AGAINST THE
17 LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR
18 WORK NOT YET COMPLETED, OR FOR MATERIALS NOT
19 YET DELIVERED. HOWEVER, A CONTRACTOR MAY
20 REQUIRE A DOWNPAYMENT."

21
22 (10) The contract shall address the commencement of work to
23 be performed in substantially the following form:

24 (A) A statement that describes what constitutes substantial
25 commencement of work under the contract.

26 (B) The heading: "Approximate Start Date."

27 (C) The approximate date on which work will be commenced.

28 (11) The estimated completion date of the work shall be
29 referenced in the contract in substantially the following form:

30 (A) The heading: "Approximate Completion Date."

31 (B) The approximate date of completion.

32 (12) If applicable, the heading: "List of Documents to be
33 Incorporated into the Contract," followed by the list of documents
34 incorporated into the contract.

35 (13) The heading: "Note About Extra Work and Change Orders,"
36 followed by the following statement:

37
38 "Extra Work and Change Orders become part of the contract
39 once the order is prepared in writing and signed by the parties prior
40 to the commencement of work covered by the new change order.

1 The order must describe the scope of the extra work or change,
2 the cost to be added or subtracted from the contract, and the effect
3 the order will have on the schedule of progress payments.”
4

5 (e) Except as provided in paragraph (8) of subdivision (a) of
6 Section 7159.5, all of the following notices shall be provided to
7 the owner as part of the contract form as specified or, if otherwise
8 authorized under this subdivision, may be provided as an
9 attachment to the contract:

10 (1) A notice concerning commercial general liability insurance.
11 This notice may be provided as an attachment to the contract if
12 the contract includes the following statement: “A notice concerning
13 commercial general liability insurance is attached to this contract.”
14 The notice shall include the heading “Commercial General Liability
15 Insurance (CGL),” followed by whichever of the following
16 statements is both relevant and correct:

17 (A) “(The name on the license or ‘This contractor’) does not
18 carry commercial general liability insurance.”

19 (B) “(The name on the license or ‘This contractor’) carries
20 commercial general liability insurance written by (the insurance
21 company). You may call (the insurance company) at _____
22 to check the contractor’s insurance coverage.”

23 (C) “(The name on the license or ‘This contractor’) is
24 self-insured.”

25 (D) “(The name on the license or ‘This contractor’) is a limited
26 liability company that carries liability insurance or maintains other
27 security as required by law. You may call (the insurance company
28 or trust company or bank) at ____ to check on the contractor’s
29 insurance coverage or security.”

30 (2) A notice concerning workers’ compensation insurance. This
31 notice may be provided as an attachment to the contract if the
32 contract includes the statement: “A notice concerning workers’
33 compensation insurance is attached to this contract.” The notice
34 shall include the heading “Workers’ Compensation Insurance”
35 followed by whichever of the following statements is correct:

36 (A) “(The name on the license or ‘This contractor’) has no
37 employees and is exempt from workers’ compensation
38 requirements.”

39 (B) “(The name on the license or ‘This contractor’) carries
40 workers’ compensation insurance for all employees.”

1 (3) A notice that provides the buyer with the following
2 information about the performance of extra or change-order work:

3 (A) A statement that the buyer may not require a contractor to
4 perform extra or change-order work without providing written
5 authorization prior to the commencement of work covered by the
6 new change order.

7 (B) A statement informing the buyer that extra work or a change
8 order is not enforceable against a buyer unless the change order
9 also identifies all of the following in writing prior to the
10 commencement of work covered by the new change order:

- 11 (i) The scope of work encompassed by the order.
- 12 (ii) The amount to be added or subtracted from the contract.
- 13 (iii) The effect the order will make in the progress payments or
14 the completion date.

15 (C) A statement informing the buyer that the contractor’s failure
16 to comply with the requirements of this paragraph does not
17 preclude the recovery of compensation for work performed based
18 upon legal or equitable remedies designed to prevent unjust
19 enrichment.

20 (4) A notice with the heading “Mechanics Lien Warning” written
21 as follows:

22
23 “MECHANICS LIEN WARNING:
24

25 Anyone who helps improve your property, but who is not paid,
26 may record what is called a mechanics lien on your property. A
27 mechanics lien is a claim, like a mortgage or home equity loan,
28 made against your property and recorded with the county recorder.

29 Even if you pay your contractor in full, unpaid subcontractors,
30 suppliers, and laborers who helped to improve your property may
31 record mechanics liens and sue you in court to foreclose the lien.
32 If a court finds the lien is valid, you could be forced to pay twice
33 or have a court officer sell your home to pay the lien. Liens can
34 also affect your credit.

35 To preserve their right to record a lien, each subcontractor and
36 material supplier must provide you with a document called a
37 ‘Preliminary Notice.’ This notice is not a lien. The purpose of the
38 notice is to let you know that the person who sends you the notice
39 has the right to record a lien on your property if they are not paid.

1 BE CAREFUL. The Preliminary Notice can be sent up to 20
2 days after the subcontractor starts work or the supplier provides
3 material. This can be a big problem if you pay your contractor
4 before you have received the Preliminary Notices.

5 You will not get Preliminary Notices from your prime contractor
6 or from laborers who work on your project. The law assumes that
7 you already know they are improving your property.

8 PROTECT YOURSELF FROM LIENS. You can protect
9 yourself from liens by getting a list from your contractor of all the
10 subcontractors and material suppliers that work on your project.
11 Find out from your contractor when these subcontractors started
12 work and when these suppliers delivered goods or materials. Then
13 wait 20 days, paying attention to the Preliminary Notices you
14 receive.

15 PAY WITH JOINT CHECKS. One way to protect yourself is
16 to pay with a joint check. When your contractor tells you it is time
17 to pay for the work of a subcontractor or supplier who has provided
18 you with a Preliminary Notice, write a joint check payable to both
19 the contractor and the subcontractor or material supplier.

20 For other ways to prevent liens, visit CSLB's internet website
21 at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

22 REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING
23 A LIEN PLACED ON YOUR HOME. This can mean that you
24 may have to pay twice, or face the forced sale of your home to pay
25 what you owe.”

26
27 (5) The following notice shall be provided in at least 12-point
28 typeface:

29
30 “Information about the Contractors State License Board (CSLB):
31 CSLB is the state consumer protection agency that licenses and
32 regulates construction contractors.

33 Contact CSLB for information about the licensed contractor you
34 are considering, including information about disclosable
35 complaints, disciplinary actions, and civil judgments that are
36 reported to CSLB.

37 Use only licensed contractors. If you file a complaint against a
38 licensed contractor within the legal deadline (usually four years),
39 CSLB has authority to investigate the complaint. If you use an
40 unlicensed contractor, CSLB may not be able to help you resolve

1 your complaint. Your only remedy may be in civil court, and you
2 may be liable for damages arising out of any injuries to the
3 unlicensed contractor or the unlicensed contractor’s employees.

4 For more information:

5 Visit CSLB’s internet website at www.cslb.ca.gov

6 Call CSLB at 800-321-CSLB (2752)

7 Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

8

9 (6) (A) The notice set forth in subparagraph (B) and entitled
10 “Three-Day Right to Cancel,” shall be provided to the buyer unless
11 the contract is:

12 (i) Negotiated at the contractor’s place of business.

13 (ii) Subject to the “Seven-Day Right to Cancel,” as set forth in
14 paragraph (7).

15 (iii) Subject to licensure under the Alarm Company Act (Chapter
16 11.6 (commencing with Section 7590)), provided the alarm
17 company licensee complies with Sections 1689.5, 1689.6, and
18 1689.7 of the Civil Code, as applicable.

19

20 (B) “Three-Day Right to Cancel

21 You, the buyer, have the right to cancel this contract within three
22 business days. You may cancel by emailing, mailing, faxing, or
23 delivering a written notice to the contractor at the contractor’s
24 place of business by midnight of the third business day after you
25 received a signed and dated copy of the contract that includes this
26 notice. Include your name, your address, and the date you received
27 the signed copy of the contract and this notice.

28 If you cancel, the contractor must return to you anything you
29 paid within 10 days of receiving the notice of cancellation. For
30 your part, you must make available to the contractor at your
31 residence, in substantially as good condition as you received them,
32 goods delivered to you under this contract or sale. Or, you may,
33 if you wish, comply with the contractor’s instructions on how to
34 return the goods at the contractor’s expense and risk. If you do
35 make the goods available to the contractor and the contractor does
36 not pick them up within 20 days of the date of your notice of
37 cancellation, you may keep them without any further obligation.
38 If you fail to make the goods available to the contractor, or if you
39 agree to return the goods to the contractor and fail to do so, then

1 you remain liable for performance of all obligations under the
2 contract.”

3
4 (C) The “Three-Day Right to Cancel” notice required by this
5 paragraph shall comply with all of the following:

6 (i) The text of the notice is at least 12-point boldface type.

7 (ii) The notice is in immediate proximity to a space reserved
8 for the owner’s signature.

9 (iii) The owner acknowledges receipt of the notice by signing
10 and dating the notice form in the signature space.

11 (iv) The notice is written in the same language, e.g., Spanish,
12 as that principally used in any oral sales presentation.

13 (v) The notice may be attached to the contract if the contract
14 includes, in at least 12-point boldface type, a checkbox with the
15 following statement: “The law requires that the contractor give
16 you a notice explaining your right to cancel. Initial the checkbox
17 if the contractor has given you a ‘Notice of the Three-Day Right
18 to Cancel.’”

19 (vi) The notice shall be accompanied by a completed form in
20 duplicate, captioned “Notice of Cancellation,” which also shall be
21 attached to the agreement or offer to purchase and be easily
22 detachable, and which shall contain the following statement written
23 in the same language, e.g., Spanish, as used in the contract:
24

25 “Notice of Cancellation”

26 /enter date of transaction/
27 _____

28 (Date)
29

30 “You may cancel this transaction, without any penalty or
31 obligation, within three business days from the above date.

32 If you cancel, any property traded in, any payments made by
33 you under the contract or sale, and any negotiable instrument
34 executed by you will be returned within 10 days following receipt
35 by the seller of your cancellation notice, and any security interest
36 arising out of the transaction will be canceled.

37 If you cancel, you must make available to the seller at your
38 residence, in substantially as good condition as when received,
39 any goods delivered to you under this contract or sale, or you may,

1 if you wish, comply with the instructions of the seller regarding
 2 the return shipment of the goods at the seller’s expense and risk.
 3 If you do make the goods available to the seller and the seller
 4 does not pick them up within 20 days of the date of your notice of
 5 cancellation, you may retain or dispose of the goods without any
 6 further obligation. If you fail to make the goods available to the
 7 seller, or if you agree to return the goods to the seller and fail to
 8 do so, then you remain liable for performance of all obligations
 9 under the contract.”

10
 11 To cancel this transaction, mail or deliver a signed and dated copy of this
 12 cancellation notice, or any other written notice, or send a telegram
 13 to _____,
 14 /name of seller/
 15 at _____
 16 /address of seller’s place of business/
 17 not later than midnight of _____.
 18 (Date)

19 I hereby cancel this transaction. _____
 20 (Date)
 21 _____
 22 (Buyer’s signature)

23
 24 (7) (A) The following notice entitled “Seven-Day Right to
 25 Cancel” shall be provided to the buyer for any contract that is
 26 written for the repair or restoration of residential premises damaged
 27 by any sudden or catastrophic event for which a state of emergency
 28 has been declared by the President of the United States or the
 29 Governor, or for which a local emergency has been declared by
 30 the executive officer or governing body of any city, county, or city
 31 and county:

32
 33 “Seven-Day Right to Cancel
 34 You, the buyer, have the right to cancel this contract within seven
 35 business days. You may cancel by emailing, mailing, faxing, or
 36 delivering a written notice to the contractor at the contractor’s
 37 place of business by midnight of the seventh business day after
 38 you received a signed and dated copy of the contract that includes
 39 this notice. Include your name, your address, and the date you
 40 received the signed copy of the contract and this notice.

1 If you cancel, the contractor must return to you anything you
 2 paid within 10 days of receiving the notice of cancellation. For
 3 your part, you must make available to the contractor at your
 4 residence, in substantially as good condition as you received them,
 5 goods delivered to you under this contract or sale. Or, you may,
 6 if you wish, comply with the contractor’s instructions on how to
 7 return the goods at the contractor’s expense and risk. If you do
 8 make the goods available to the contractor and the contractor does
 9 not pick them up within 20 days of the date of your notice of
 10 cancellation, you may keep them without any further obligation.
 11 If you fail to make the goods available to the contractor, or if you
 12 agree to return the goods to the contractor and fail to do so, then
 13 you remain liable for performance of all obligations under the
 14 contract.”

15
 16 (B) The “Seven-Day Right to Cancel” notice required by this
 17 subdivision shall comply with all of the following:

- 18 (i) The text of the notice is at least 12-point boldface type.
- 19 (ii) The notice is in immediate proximity to a space reserved
 20 for the owner’s signature.
- 21 (iii) The owner acknowledges receipt of the notice by signing
 22 and dating the notice form in the signature space.
- 23 (iv) The notice is written in the same language, e.g., Spanish,
 24 as that principally used in any oral sales presentation.
- 25 (v) The notice may be attached to the contract if the contract
 26 includes, in at least 12-point boldface type, a checkbox with the
 27 following statement: “The law requires that the contractor give
 28 you a notice explaining your right to cancel. Initial the checkbox
 29 if the contractor has given you a ‘Notice of the Seven-Day Right
 30 to Cancel.’”
- 31 (vi) The notice shall be accompanied by a completed form in
 32 duplicate, captioned “Notice of Cancellation,” which shall also be
 33 attached to the agreement or offer to purchase and be easily
 34 detachable, and which shall contain the following statement written
 35 in the same language, e.g., Spanish, as used in the contract:

36
 37 “Notice of Cancellation”

38 /enter date of transaction/
 39

40 _____
 (Date)

1 “You may cancel this transaction, without any penalty or
2 obligation, within seven business days from the above date.

3 If you cancel, any property traded in, any payments made by
4 you under the contract or sale, and any negotiable instrument
5 executed by you will be returned within 10 days following receipt
6 by the seller of your cancellation notice, and any security interest
7 arising out of the transaction will be canceled.

8 If you cancel, you must make available to the seller at your
9 residence, in substantially as good condition as when received,
10 any goods delivered to you under this contract or sale, or you may,
11 if you wish, comply with the instructions of the seller regarding
12 the return shipment of the goods at the seller’s expense and risk.

13 If you do make the goods available to the seller and the seller
14 does not pick them up within 20 days of the date of your notice of
15 cancellation, you may retain or dispose of the goods without any
16 further obligation. If you fail to make the goods available to the
17 seller, or if you agree to return the goods to the seller and fail to
18 do so, then you remain liable for performance of all obligations
19 under the contract.”

20

21 To cancel this transaction, mail or deliver a signed and dated copy of this
22 cancellation notice, or any other written notice, or send a telegram

23 to _____,
24 /name of seller/

25 at _____
26 /address of seller’s place of business/

27 not later than midnight of _____.
28 (Date)

29 I hereby cancel this transaction. _____
30 (Date)

31 _____
32 (Buyer’s signature)

33

34 ~~SEC. 61.~~

35 *SEC. 64.* Section 7170 of the Business and Professions Code
36 is amended to read:

37 7170. (a) The Contractors State License Board shall receive
38 and review complaints and consumer questions regarding solar
39 energy systems companies and solar contractors. The board shall

1 also receive complaints received from state agencies regarding
2 solar energy systems companies and solar contractors.

3 (b) Beginning on July 1, 2019, the board annually shall compile
4 a report documenting consumer complaints relating to solar
5 contractors. The report shall be made available publicly on the
6 board's and the Public Utilities Commission's internet websites.

7 The report shall contain all of the following:

8 (1) The number and types of complaints.

9 (2) The ZIP Code where the consumer complaint originated.

10 (3) The disposition of all complaints received against a solar
11 contractor.

12 (c) For purposes of this section, "solar energy system" means
13 a solar energy device to be installed on a residential building that
14 has the primary purpose of providing for the collection and
15 distribution of solar energy for the generation of electricity, that
16 produces at least one kW, and not more than five MW, alternating
17 current rated peak electricity, and that meets or exceeds the
18 eligibility criteria established pursuant to Section 25782 of the
19 Public Resources Code.

20 ~~SEC. 62.~~

21 *SEC. 65.* Section 7303 of the Business and Professions Code
22 is amended to read:

23 7303. (a) Notwithstanding Article 8 (commencing with Section
24 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
25 Government Code, there is in the Department of Consumer Affairs
26 the State Board of Barbering and Cosmetology in which the
27 administration of this chapter is vested.

28 (b) The board shall consist of nine members. Five members
29 shall be public members, and four members shall represent the
30 professions. The Governor shall appoint three of the public
31 members and the four professional members. The Senate
32 Committee on Rules and the Speaker of the Assembly shall each
33 appoint one public member. Members of the board shall be
34 appointed for a term of four years, except that of the members
35 appointed by the Governor, two of the public members and two
36 of the professions members shall be appointed for an initial term
37 of two years. No board member may serve longer than two
38 consecutive terms.

39 (c) The board may appoint an executive officer who is exempt
40 from civil service. The executive officer shall exercise the powers

1 and perform the duties delegated by the board and vested in the
2 executive officer by this chapter. The appointment of the executive
3 officer is subject to the approval of the director. In the event that
4 a newly authorized board replaces an existing or previous bureau,
5 the director may appoint an interim executive officer for the board
6 who shall serve temporarily until the new board appoints a
7 permanent executive officer.

8 (d) The executive officer shall provide examiners, inspectors,
9 and other personnel necessary to carry out the provisions of this
10 chapter.

11 (e) This section shall remain in effect only until January 1, 2022,
12 and as of that date is repealed. Notwithstanding any other law, the
13 repeal of this section renders the board subject to review by the
14 appropriate policy committees of the Legislature.

15 ~~SEC. 63.~~

16 *SEC. 66.* Section 8516 of the Business and Professions Code
17 is amended to read:

18 8516. (a) This section, and Section 8519, apply only to wood
19 destroying pests or organisms.

20 (b) A registered company or licensee shall not commence work
21 on a contract, or sign, issue, or deliver any documents expressing
22 an opinion or statement relating to the absence or presence of wood
23 destroying pests or organisms until an inspection has been made
24 by a licensed Branch 3 field representative or operator employed
25 by a registered company, except as provided in Section 8519.5.
26 The address of each property inspected or upon which work is
27 completed shall be reported on a form prescribed by the board and
28 shall be filed with the board no later than 10 business days after
29 the commencement of an inspection or upon completed work.

30 Every property inspected pursuant to this subdivision or Section
31 8518 shall be assessed a filing fee pursuant to Section 8674.

32 Failure of a registered company to report and file with the board
33 the address of any property inspected or work completed pursuant
34 to Section 8518 or this section is grounds for disciplinary action
35 and shall subject the registered company to a fine of not more than
36 two thousand five hundred dollars (\$2,500). The address of an
37 inspection report prepared for use by an attorney for litigation
38 purposes shall not be required to be reported to the board and shall
39 not be assessed a filing fee.

1 A written inspection report conforming to this section and a form
2 approved by the board shall be prepared and delivered to the person
3 requesting the inspection and the property owner, or to the property
4 owner's designated agent, within 10 business days from the start
5 of the inspection, except that an inspection report prepared for use
6 by an attorney for litigation purposes is not required to be reported
7 to the board or the property owner. An inspection report may be
8 a complete, limited, supplemental, or reinspection report, as defined
9 by Section 1993 of Title 16 of the California Code of Regulations.
10 The report shall be delivered before work is commenced on any
11 property. The registered company shall retain for three years all
12 inspection reports, field notes, and activity forms.

13 Reports shall be made available for inspection and reproduction
14 to the executive officer of the board or their duly authorized
15 representative during business hours. All inspection reports or
16 copies thereof shall be submitted to the board upon demand within
17 two business days. The following shall be set forth in the report:

18 (1) The start date of the inspection and the name of the licensed
19 field representative or operator making the inspection.

20 (2) The name and address of the person or firm ordering the
21 report.

22 (3) The name and address of the property owner and any person
23 who is a party in interest.

24 (4) The address or location of the property.

25 (5) A general description of the building or premises inspected.

26 (6) A foundation diagram or sketch of the structure or structures
27 or portions of the structure or structures inspected, including the
28 approximate location of any infested or infected areas evident, and
29 the parts of the structure where conditions that would ordinarily
30 subject those parts to attack by wood destroying pests or organisms
31 exist. Reporting of the infested or infected wood members, or parts
32 of the structure identified, shall be listed in the inspection report
33 to clearly identify them, as is typical in standard construction
34 components, including, but not limited to, siding, studs, rafters,
35 floor joists, fascia, subfloor, sheathing, and trim boards.

36 (7) Information regarding the substructure, foundation walls
37 and footings, porches, patios and steps, air vents, abutments, attic
38 spaces, roof framing that includes the eaves, rafters, fascias,
39 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
40 or other parts subject to attack by wood destroying pests or

1 organisms. Conditions usually deemed likely to lead to infestation
2 or infection, such as earth-wood contacts, excessive cellulose
3 debris, faulty grade levels, excessive moisture conditions, evidence
4 of roof leaks, and insufficient ventilation are to be reported.

5 (8) One of the following statements, as appropriate, printed in
6 bold type:

7 (A) The exterior surface of the roof was not inspected. If you
8 want the water tightness of the roof determined, you should contact
9 a roofing contractor who is licensed by the Contractors State
10 License Board.

11 (B) The exterior surface of the roof was inspected to determine
12 whether or not wood destroying pests or organisms are present.

13 (9) Indication or description of any areas that are inaccessible
14 or not inspected with recommendation for further inspection if
15 practicable. If, after the report has been made in compliance with
16 this section, authority is given later to open inaccessible areas, a
17 supplemental report on conditions in these areas shall be made.

18 (10) Recommendations for corrective measures.

19 (11) Information regarding the pesticide or pesticides to be used
20 for their control or prevention as set forth in subdivision (a) of
21 Section 8538.

22 (12) The inspection report shall clearly disclose that if requested
23 by the person ordering the original report, a reinspection of the
24 structure will be performed if an estimate or bid for making repairs
25 was given with the original inspection report, or thereafter.

26 An estimate or bid shall be given separately allocating the costs
27 to perform each and every recommendation for corrective measures
28 as specified in subdivision (c) with the original inspection report
29 if the person who ordered the original inspection report so requests,
30 and if the registered company is regularly in the business of
31 performing each corrective measure.

32 If no estimate or bid was given with the original inspection
33 report, or thereafter, then the registered company shall not be
34 required to perform a reinspection.

35 A reinspection shall be an inspection of those items previously
36 listed on an original report to determine if the recommendations
37 have been completed. Each reinspection shall be reported on an
38 original inspection report form and shall be labeled "Reinspection."
39 Each reinspection shall also identify the original report by date.

1 After four months from an original inspection, all inspections
2 shall be original inspections and not reinspections.

3 Any reinspection shall be performed for not more than the price
4 of the registered company's original inspection price and shall be
5 completed within 10 business days after a reinspection has been
6 ordered.

7 (13) The inspection report shall contain the following statement,
8 printed in boldface type:

9

10 "NOTICE: Reports on this structure prepared by various
11 registered companies should list the same findings (i.e. termite
12 infestations, termite damage, fungus damage, etc.). However,
13 recommendations to correct these findings may vary from company
14 to company. You have a right to seek a second opinion from
15 another company."

16

17 (c) At the time a report is ordered, the registered company or
18 licensee shall inform the person or entity ordering the report, that
19 a separate report is available pursuant to this subdivision. If a
20 separate report is requested at the time the inspection report is
21 ordered, the registered company or licensee shall separately identify
22 on the report each recommendation for corrective measures as
23 follows:

24 (1) The infestation or infection that is evident.

25 (2) The conditions that are present that are deemed likely to
26 lead to infestation or infection.

27 If a registered company or licensee fails to inform as required
28 by this subdivision and a dispute arises, or if any other dispute
29 arises as to whether this subdivision has been complied with, a
30 separate report shall be provided within 24 hours of the request
31 but, in no event, later than the next business day, and at no
32 additional cost.

33 (d) When a corrective condition is identified, either as paragraph
34 (1) or (2) of subdivision (c), and the property owner or the property
35 owner's designated agent chooses not to correct those conditions,
36 the registered company or licensee shall not be liable for damages
37 resulting from a failure to correct those conditions or subject to
38 any disciplinary action by the board. Nothing in this subdivision,
39 however, shall relieve a registered company or a licensee of any
40 liability resulting from negligence, fraud, dishonest dealing, other

1 violations pursuant to this chapter, or contractual obligations
2 between the registered company or licensee and the responsible
3 parties.

4 (e) The inspection report form prescribed by the board shall
5 separately identify the infestation or infection that is evident and
6 the conditions that are present that are deemed likely to lead to
7 infestation or infection. If a separate form is requested, the form
8 shall explain the infestation or infection that is evident and the
9 conditions that are present that are deemed likely to lead to
10 infestation or infection and the difference between those conditions.
11 In no event, however, shall conditions deemed likely to lead to
12 infestation or infection be characterized as actual “defects” or as
13 actual “active” infestations or infections or in need of correction
14 as a precondition to issuing a certification pursuant to Section
15 8519.

16 (f) The report and any contract entered into shall also state
17 specifically when any guarantee for the work is made, and if so,
18 the specific terms of the guarantee and the period of time for which
19 the guarantee shall be in effect. If a guarantee extends beyond three
20 years, the registered company shall maintain all original inspection
21 reports, field notes, activity forms, and notices of completion for
22 the duration of the guarantee period and for one year after the
23 guarantee expires.

24 (g) For purposes of this section, “control service agreement”
25 means an agreement, including extended warranties, to have a
26 licensee conduct over a period of time regular inspections and
27 other activities related to the control or eradication of wood
28 destroying pests and organisms. Under a control service agreement
29 a registered company shall refer to the original report and contract
30 in a manner as to identify them clearly, and the report shall be
31 assumed to be a true report of conditions as originally issued,
32 except it may be modified after a control service inspection. A
33 registered company is not required to issue a report as outlined in
34 paragraphs (1) to (11), inclusive, of subdivision (b) after each
35 control service inspection. If after control service inspection, no
36 modification of the original report is made in writing, then it will
37 be assumed that conditions are as originally reported. A control
38 service contract shall state specifically the particular wood
39 destroying pests or organisms and the portions of the buildings or
40 structures covered by the contract.

1 (h) A registered company or licensee may enter into and
2 maintain a control service agreement provided the following
3 requirements are met:

4 (1) The control service agreement shall be in writing, signed by
5 both parties, and shall specifically include the following:

6 (A) The wood destroying pests and organisms covered by the
7 control service agreement.

8 (B) Any wood destroying pest or organism that is not covered
9 must be specifically listed.

10 (C) The type and manner of treatment to be used to correct the
11 infestations or infections.

12 (D) The structures or buildings, or portions thereof, covered by
13 the agreement, including a statement specifying whether the
14 coverage for purposes of periodic inspections is limited or full.
15 Any exclusions from those described in the original report must
16 be specifically listed.

17 (E) A reference to the original inspection report.

18 (F) The frequency of the inspections to be provided, the fee to
19 be charged for each renewal, and the duration of the agreement.

20 (G) Whether the fee includes structural repairs.

21 (H) If the services provided are guaranteed, and, if so, the terms
22 of the guarantee.

23 (I) A statement that all corrections of infestations or infections
24 covered by the control service agreement shall be completed within
25 six months of discovery, unless otherwise agreed to in writing by
26 both parties.

27 (2) The original inspection report, the control service agreement,
28 and completion report shall be maintained for three years after the
29 cancellation of the control service agreement.

30 (3) Inspections made pursuant to a control service agreement
31 shall be conducted by a Branch 3 licensee. Section 8506.1 does
32 not modify this provision.

33 (4) A full inspection of the property covered by the control
34 service agreement shall be conducted and a report filed pursuant
35 to subdivision (b) at least once every three years from the date that
36 the agreement was entered into, unless the consumer cancels the
37 contract within three years from the date the agreement was entered
38 into.

1 (5) Under a control service agreement, a written report shall be
2 required for the correction of any infestation or infection unless
3 all of the following conditions are met:

4 (A) The infestation or infection has been previously reported.

5 (B) The infestation or infection is covered by the control service
6 agreement.

7 (C) There is no additional charge for correcting the infestation
8 or infection.

9 (D) Correction of the infestation or infection takes place within
10 45 days of its discovery.

11 (E) Correction of the infestation or infection does not include
12 fumigation.

13 (6) All notice requirements pursuant to Section 8538 shall apply
14 to all pesticide treatments conducted under control service
15 agreements.

16 (i) All work recommended by a registered company, where an
17 estimate or bid for making repairs was given with the original
18 inspection report, or thereafter, shall be recorded on this report or
19 a separate work agreement and shall specify a price for each
20 recommendation. This information shall be provided to the person
21 requesting the inspection, and shall be retained by the registered
22 company with the inspection report copy for three years.

23 ~~SEC. 64.~~

24 *SEC. 67.* Section 10050 of the Business and Professions Code
25 is amended to read:

26 10050. (a) (1) There is in the Business, Consumer Services,
27 and Housing Agency a Department of Real Estate, the chief officer
28 of which department is named the Real Estate Commissioner.

29 (2) Notwithstanding any other law, the powers and duties of the
30 department, as set forth in this part and Chapter 1 (commencing
31 with Section 11000) of Part 2, shall be subject to review by the
32 appropriate policy committees of the Legislature. The review shall
33 be performed as if this part and that chapter were scheduled to be
34 repealed as of January 1, 2022.

35 (b) It shall be the principal responsibility of the commissioner
36 to enforce all laws in this part and Chapter 1 (commencing with
37 Section 11000) of Part 2 in a manner that achieves the maximum
38 protection for the buyers of real property and those persons dealing
39 with real estate licensees.

1 (c) Wherever the term “commissioner” is used in this division,
2 it means the Real Estate Commissioner.

3 (d) This section shall become operative on July 1, 2018.

4 ~~SEC. 65.~~

5 *SEC. 68.* Section 11301 of the Business and Professions Code
6 is amended to read:

7 11301. (a) (1) There is hereby created within the Department
8 of Consumer Affairs a Bureau of Real Estate Appraisers to
9 administer and enforce this part.

10 (2) Notwithstanding any other law, the powers and duties of the
11 bureau, as set forth in this part, shall be subject to review by the
12 appropriate policy committees of the Legislature. The review shall
13 be performed as if this part were scheduled to be repealed as of
14 January 1, 2022.

15 (b) Whenever the term “Office of Real Estate Appraisers”
16 appears in any other law, it means the “Bureau of Real Estate
17 Appraisers.”

18 ~~SEC. 66.~~

19 *SEC. 69.* Section 16100 of the Business and Professions Code
20 is amended to read:

21 16100. (a) The board of supervisors may in the exercise of its
22 police powers, and for the purpose of regulation, as herein
23 provided, and not otherwise, license any kind of business not
24 prohibited by law, transacted and carried on within the limits of
25 its jurisdiction, including all shows, exhibitions, and lawful games,
26 and may fix the rate of the license fee and provide for its collection
27 by suit or otherwise.

28 (b) No license fee levied pursuant to subdivision (a) that is
29 measured by the licensee’s income or gross receipts, whether levied
30 by a charter or general law county, shall apply to any nonprofit
31 organization that is exempted from taxes by Chapter 4
32 (commencing with Section 23701) of Part 11 of Division 2 of the
33 Revenue and Taxation Code or Subchapter F (commencing with
34 Section 501) of Chapter 1 of Subtitle A of the Internal Revenue
35 Code of 1986, or the successor of either, or to any minister,
36 clergyman, Christian Science practitioner, rabbi, or priest of any
37 religious organization that has been granted an exemption from
38 federal income tax by the United States Commissioner of Internal
39 Revenue as an organization described in Section 501(c)(3) of the
40 Internal Revenue Code or a successor to that section.

1 (c) Before a county issues a business license to a person to
2 conduct business as a contractor, as defined by Section 7026, the
3 county shall verify that the person is licensed by the Contractors
4 State License Board.

5 ~~SEC. 67.~~

6 *SEC. 70.* Section 19164 of the Business and Professions Code
7 is amended to read:

8 19164. The bureau may, by regulation, establish insulation
9 material standards governing the quality of all insulation material
10 sold or installed within this state, including those properties that
11 affect the safety and thermal performance of insulation material
12 during application and in the use intended. The standards shall
13 specify the initial performance of the insulation material and the
14 performance expected during the design life of the insulation
15 material. Until the bureau has adopted these regulations, the
16 regulations of the State Energy Resources Conservation and
17 Development Commission in effect on the effective date of this
18 section relating to those standards shall remain in full force and
19 effect. However, wherever those regulations specify that the
20 commission shall perform an act, the bureau instead shall perform
21 the act.

22 Prior to establishing the standards and procedures required by
23 this chapter, the bureau shall conduct at least two public hearings,
24 and shall invite the State Energy Resources Conservation and
25 Development Commission, the State Fire Marshal, manufacturers,
26 distributors, and licensed installers of insulation materials, and
27 appropriate members of the public to participate in the hearings.
28 Immediately upon adoption of the standards and procedures, the
29 bureau shall provide a copy of the standards to the State Energy
30 Resources Conservation and Development Commission, and the
31 Contractors State License Board. Within 30 days after receipt of
32 the bureau's standards, the Contractors State License Board shall
33 notify all state licensed contractors who install insulation of the
34 standards.

35 Insulation standards adopted by the bureau, pursuant to this
36 section, and by the State Energy Resources Conservation and
37 Development Commission, pursuant to Section 25402 of the Public
38 Resources Code, which are building standards, as defined in
39 Section 25488.5 of the Public Resources Code, shall be submitted
40 to the California Building Standards Commission for approval

1 pursuant to, and are governed by, the California Building Standards
2 Law (Part 2.5 (commencing with Section 18901) of Division 13
3 of the Health and Safety Code). The building standards adopted
4 by the bureau and published in the California Building Standards
5 Code shall comply with, and be enforced as provided in, this
6 section.

7 ~~SEC. 68.~~

8 *SEC. 71.* Section 94950 of the Education Code is amended to
9 read:

10 94950. This chapter shall remain in effect only until January
11 1, 2022, and as of that date is repealed.

12 ~~SEC. 69.~~

13 *SEC. 72.* No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

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MEMORANDUM

DATE	July 10, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 14(c): Discussion of Prospective Legislative Proposals

Background:

Stakeholders are encouraged to submit proposals in writing to the Board before or during the meeting for possible consideration by the Board at a future meeting.

Action Requested:

No action necessary.



MEMORANDUM

DATE	July 7, 2020
TO	Members of the Dental Board of California
FROM	Gabriel Nevin, Legislative and Regulatory Analyst Dental Board of California
SUBJECT	Agenda Item 15(a): Update on Pending Regulatory Packages

i. Basic Life Support Equivalency Standards (Cal. Code of Regs., Title 16, Sections 1016 and 1016.2):

At the November 2017 Board meeting, proposed language for sections 1016 and 1017 was unanimously approved to allow the American Safety and Health Institute (ASHI) to also offer a Basic Life Support course that would meet the continuing education requirements. This is in addition to the American Heart Association, the American Red Cross, the Continuing Education Recognition Program (CERP) and the Program Approval for Continuing Education (PACE). Additionally, this proposed language will specify that all BLS courses must provide specific instruction in: 2-rescuer scenarios; instruction in foreign-body airway obstruction; instruction in relief of choking for adults, child and infant; instruction in the use of automated external defibrillation with CPR; and include a live, in-person skills practice session, a skills test, and a written examination, in order to receive certification.

Board staff have drafted the initial rulemaking documents. Board Legal Counsel has reviewed those documents and approved them. Staff sent updated fiscal materials to the Board's budget analyst on June 17, 2020. When Budgets approves, the initial rulemaking documents will be submitted to the Department of Consumer Affairs (the Department) for formal review as required prior to submitting the documents to the Office of Administrative Law for noticing.

ii. Citation and Fine (Cal. Code of Regs., Title 16, Sections 1023.2 and 1023.7):

During the August 2017 meeting, the Board approved proposed regulatory language updating to the citation and fine requirements found in the Cal. Code of Regs., Title 16, Section 1023.2 and 1023.7 to remain consistent with Business and Professions Code Section 125.9.

The Department approved the initial package on October 16, 2019, and submitted the rulemaking to the Business, Consumer Services and Housing Agency (Agency). Agency approved the Package on February 11, 2020. The rulemaking was published by the Office of Administrative Law on February 28, 2020, and a hearing was scheduled for April 13, 2020 at 10:00 am. However due to the declared emergency resulting from the Covid-19 pandemic, the planned hearing was cancelled. Notice was given of the cancellation on April

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8, 2020, and the written comment period and period to request a public hearing were extended until April 29, 2020. The Board did not receive public comments or requests to hold a public hearing. Board Staff completed the final phase rulemaking materials and sent them to Legal Affairs on June 16, 2020. The final phase materials were approved by Legal and submitted to DCA Director Kirchmeyer on June 25, 2020. Upon approval by the Director they will be filed with OAL for final approval and implementation.

iii. Continuing Education Requirements: Opioids (Cal. Code of Regs., Title 16, Sections 1016 and 1017):

The Dental Practice Act (Act) authorizes the board, as a condition of license renewal, to require licensees to successfully complete a portion of required continuing education (CE) hours in specific areas, including patient care, health and safety, and law and ethics. SB 1109 (Bates, Chapter 693, Statutes of 2018) added a provision allowing the Board to mandate the risks of addiction associated with the use of Schedule II drugs into the CE requirements for any dental professional seeking initial or renewal licensure.

During the February 2019 meeting, the Board approved proposed regulatory language for the updated the continuing education requirements at Cal. Code of Regs., Title 16, Section 1016 and 1017.

During the development of this rulemaking, Regulatory Counsel found a clarity issue with this rulemaking which will necessitate bringing it back before the Board. Specifically the proposed language would allow licensees to receive up to three CE credit hours for volunteer work, however the formula for calculating volunteer hours worked to CE credits received is not clear. This will require an amendment to the proposed language which will be presented to the Board in August.

iv. Dental Assisting Comprehensive Rulemaking (Cal. Code of Regs., Title 16, Division Chapter 3):

The Dental Assisting Council (Council) has held several stakeholder workshops to develop its comprehensive rulemaking proposal for dental assisting. As a result of each of these workshops, Board staff developed draft proposed regulatory language which will be presented to the Board at a future meeting once the draft language is ready for Board approval. This rulemaking includes educational program and course requirements, examination requirements, and licensure requirements for dental assisting.

The final stakeholder workshop took place on March 2, 2018. Based on the workshop input staff created a draft of the proposed language. Board staff presented the proposed language to a special meeting of the Dental Assisting Council on July 26, 2019. The Council received extensive comments and feedback on the proposed language from stakeholders. The Councilmembers themselves also provided extensive comments and feedback. Council and stakeholder comments required extensive staff research, drafting and editing. Staff presented the updated rulemaking at the November 2019 Council meeting. The DAC voted to accept the changes proposed by staff and moved for staff to present the rulemaking to the full Board. The Board approved final proposed language at the February 2020 Board Meeting. Staff are now working with Regulatory Counsel to update the 27 forms that must be amended to as a result of the changes called for by proposed language.

v. Determination of Radiographs and Placement of Interim Therapeutic Restorations (Cal. Code of Regs., Title 16, Section 1071.1):

AB 1174 (Bocanegra, Chapter 662, Statutes of 2014) added specified allowed duties to Registered Dental Assistants in Extended Functions licensees. The bill requires the Board to adopt regulations to establish requirements for courses of instruction for procedures authorized to be performed by a registered dental assistant in extended functions. Additionally, the bill requires the Board to propose regulatory language for the Interim Therapeutic Restoration (ITR) for registered dental hygienists and registered dental hygienists in alternative practice. The proposed ITR regulatory language must mirror the curriculum requirements for the registered dental assistant in extended functions.

During the December 2016 Board meeting, staff presented the proposed regulatory language to the Board for comments to further develop the language. At its August 2017 meeting, the Board approved proposed regulatory language and directed staff to initiate the rulemaking.

Board staff drafted the initial rulemaking documents and are working with Board Legal Counsel to review. Once Board Legal Counsel approves, Board staff will submit the initial rulemaking documents to the Department of Consumer Affairs to review as required prior to submitting the documents to the Office of Administrative Law for noticing.

vi. Diversion Committee Membership (Cal. Code of Regs., Title 16, Sections 1020.4):

Pursuant to the Board's regulations, membership for the DEC's is limited to specific license types and two four-year terms. It is becoming increasingly difficult to recruit qualified individuals to serve on the Board's DEC's. Therefore, Board staff proposes amendments to increase the potential to recruit and retain qualified DEC members.

During the February 2019 meeting, the Board approved proposed regulatory language updating the diversion evaluation committee membership found in Cal. Code of Regs., Title 16, Section 1020.4.

Board staff drafted the initial rulemaking documents and Board Legal Counsel has approved. Board staff submitted the initial rulemaking documents to the Department of Consumer Affairs on October 16, 2019 to review. Staff are working with the Department to update the rulemaking documents prior to submitting the documents to the Office of Administrative Law for noticing.

vii. Elective Facial Cosmetic Surgery Permit Application Requirements and Renewal Requirements (Cal. Code of Regs., Title 16, Sections 1044.6, 1044.7, and 1044.8):

Under Business Professions Code (Code) Section 1638.1, the Dental Board of California (Board) is authorized to issue Elective Facial Cosmetic Surgery (EFCS) permits to qualified licensed dentists and to establish the EFCS Credentialing Committee (Committee) to review the qualifications of each applicant for a permit. At its December 2016 meeting, the Board approved proposed regulatory language for the elective facial cosmetic surgery permit application requirements and renewal and directed staff to initiate the rulemaking.

Board staff drafted the initial rulemaking documents and application forms. Board Legal Counsel has reviewed those documents and approved them. Staff are now working with the Board's budget analyst on the rulemaking's fiscal impact. When Budgets approves the fiscal documents, the initial rulemaking documents will be submitted to the Department of Consumer Affairs to review as required prior to submitting the documents to the Office of Administrative Law for noticing.

viii. Law and Ethics Exam Score (Cal. Code of Regs., Title 16, Sections 1031):

Pursuant to Business & Professions Code Section 1632, applicants for dental licensure in California are required to successfully complete an examination in California law and ethics developed and administered by the Dental Board of California (Board). Pursuant to the Board's regulations (California Code of Regulations, Title 16, Section 1031) the current passing score for the Board's Dentistry California Law and Ethics Examination is set at 75%. Board staff recommends deleting the passing score requirement in regulations to allow for OPES to use a criterion-referenced passing score to make the Board's California Dentistry Law and Ethics examination legally defensible.

During the February 2019 meeting, the Board approved proposed regulatory updating the passing score for the Dentistry Law and Ethics Examination found in Cal. Code of Regs., Title 16, Section 1031.

On October 17, 2019 Board staff submitted the initial rulemaking documents to the Department to review. Regulatory Counsel discovered some issues with the proposed language. As a result staff are working with Regulatory Counsel and OPES to develop language which will be accepted by OAL.

ix. Mobile Dental Clinic and Portable Dental Unit Registration Requirements (Cal. Code of Regs., Title 16, Section 1049):

Senate Bill 562 (Galgiani Chapter 562, Statute of 2013) eliminated the one mobile dental clinic or unit limit and required a mobile dental unit or a dental practice that routinely uses portable dental units, a defined, to be registered and operated in accordance with the regulations of the Board. At its November 2014 meeting, the Board directed staff to add Mobile and Portable Dental Units to its list of regulatory priorities in order to interpret and specify the provisions relating to the registration requirements for the issuance of a mobile and portable dental unit. In December 2015, staff met and worked with the California Dental Association (CDA) to further develop regulatory language that was presented to the Board for consideration during the March 2016 meeting.

At its March 2016 meeting, the Board approved proposed regulatory language for the Mobile Dental Clinic and Portable Dental Unit Registration Requirements, however while drafting the initial rulemaking documents it was determined that the proposed language needed to be further developed. Staff presented revised language at the August 2017 meeting for the Board's consideration which was approved unanimously. However, after receiving feedback from the California Dental Hygienists' Association (CDHA) and the Dental Hygiene Committee of California (DHCC), Board staff revised the proposed language and presented it to the Board for consideration. The language was approved at the February 2018 Board Meeting which allowed Board staff to continue the rulemaking.

Board staff has drafted the initial rulemaking documents and is working with Board Legal Counsel to review. Once Board Legal Counsel approves, Board staff will submit the initial rulemaking documents to the Department of Consumer Affairs to review as required prior to submitting the documents to the Office of Administrative Law for noticing.

x. Minimum Standards for Infection Control (Cal. Code of Regs., Title 16, Section 1005):

During the May 2018 meeting, the Board approved regulatory language updating the Minimum Standards for Infection Control found in Cal. Code of Regs., Title 16, Section 1005 and directed staff to initiate rulemaking.

Board staff have drafted the initial rulemaking documents and are working with Board Legal Counsel to review. Once Board Legal Counsel approves, Board staff will submit the initial rulemaking documents to the Department of Consumer Affairs to review as required prior to submitting the documents to the Office of Administrative Law for noticing.

xi. Substantial Relationship Criteria (Cal. Code of Regs., Title 16, Sections 1019 and 1020):

Pursuant to Business and Professions Code sections 141 and 480, under existing law, boards may deny or discipline a license based upon discipline imposed by another state, an agency of the federal government, or another country for any act substantially related to the licensed profession. Effective July 1, 2020, Assembly Bill 2138 (Chapter 995, Statutes of 2018) will require boards to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria.

During the February 2019 meeting, the Board approved proposed regulatory language related to the substantial relationship criteria and criteria for evaluating rehabilitation found in Cal. Code of Regs., Title 16, Section 1019 and 1020.

On September 13, 2019 Board staff submitted the initial rulemaking documents to the Department of Consumer Affairs. The Department approved the rulemaking on January 8, 2020 and it was approved by to Agency on February 27, 2020.

Board staff noticed the proposed rulemaking on March 13, 2020, with a 45 day comment period ending on April 28, 2020. Staff received public comment on April 28, 2020.

The Board reviewed the public comments during the May 14, 2020 meeting. All comments were rejected by the Board and the proposed rulemaking was advanced.

However based on comments received from the Office of Administrative Law, Board staff also submitted a modified proposed text to the Board during the May 14, 2020 meeting. The Board accepted the modified text, and Staff noticed a 15 day comment period on May 18 ending on June 2, 2020. The public comment period was extended from June 2, 2020 to June 17, 2020. No comments were received during the public comment period. The final Phase materials for this rulemaking were delivered to Legal on June 18, 2020.

The Final Phase materials were approved by Legal and sent to Director Kirchmeyer on June 26, 2020. Director Kirchmeyer approved the package and sent it to Agency on July 9,

2020. Upon approval, the final phase rulemaking documents will be filed with OAL for final approval and implementation.

xii. Criminal Conviction Inquiry – Section 100 (Cal. Code of Regs., Title 16, Section 1028):

Effective July 1, 2020, Assembly Bill 2138 (Chapter 995, Statutes of 2018) requires boards to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria, and removes statutory authority to require applicants for professional licenses to disclose all criminal convictions. As result of this change existing 16 CCR 1028(b)(16) which required disclosure of all criminal conviction information lacked statutory authority, and was removed as a nonsubstantive Section 100 change.

This rulemaking was completed on June 19, 2020 and was effective June 10, 2020.

Action Requested:

No action is being requested at this time.



MEMORANDUM

DATE	July 14, 2020
TO	Members of the Dental Board of California
FROM	Pahoua Thao, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 16: Discussion and Possible Action Regarding Meeting Dates for 2021

Background:

Should it become possible to have quarterly in-person meetings again in 2021, the Board will need to set the meeting schedule to provide adequate time to negotiate contracts for meeting space locations. A 2021 calendar is attached for your reference. The calendar includes dates for holidays and association meetings.

Pursuant to Business and Professions Code, Section 1607, the Board shall meet regularly once each year in San Francisco and once each year in Los Angeles and at such other times and places as the Board may designate, for the purpose of transacting its business. Historically, the Board meets quarterly.

2021	
February 18-19, 2021 February 25-26, 2021	May 12-13, 2021 (Anaheim for CDA Presents)
August 19-20, 2021 August 26-27, 2021	November 18-19, 2021 December 2-3, 2021

Action Requested:

Select specific Board meeting dates for 2021.

January 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 New Year's Day	2
3	4	5	6	7	8	9
10	11	12	13	14	15 CalAOMS Anesthesia Meeting Palace Hotel, San Francisco	16 CalAOMS Anesthesia Meeting Palace Hotel, San Francisco
17 CalAOMS Anesthesia Meeting Palace Hotel, San Francisco	18 M.L. King Day	19	20	21	22	23
24	25	26	27	28	29	30
31	CSA Winter Meeting Lahaina, Maui	CSA Winter Meeting Lahaina, Maui	CSA Winter Meeting Lahaina, Maui	CSA Winter Meeting Lahaina, Maui	CSA Winter Meeting Lahaina, Maui	

February 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12 Chinese New Year	13
14 Valentine's Day	15 President's Day	16	17	18	19	20
21	22	23	24	25	26	27 AADB Mid-Year Meeting Chicago, IL
28 AADB Mid-Year Meeting Chicago, IL						

March 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 Spring Begins	2	3	4	5	6 CalAOMS OMSA Meeting Marriott, Long Beach
7 CalAOMS OMSA Meeting Marriott, Long Beach	8	9	10	11	12	13 ADEA Annual Meeting Location: Virtual
14 ADEA Annual Meeting Location: Virtual	15 ADEA Annual Meeting Location: Virtual	16 ADEA Annual Meeting Location: Virtual	17 St. Patrick's Day	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4 Easter Sunday	5	6	7	8	9	10
11	12	13	14	15 CSA Annual Meeting San Diego, CA Lahaina, Maui	16 CSA Annual Meeting San Diego, CA	17 CSA Annual Meeting San Diego, CA
18 CSA Annual Meeting San Diego, CA	19	20	21	22	23	24
25	26	27	28	29	30 CalAOMS Annual Meeting Fashion Island Hotel, Newport Beach CDAA Annual Meeting Location: Virtual	

May 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1 May Day CalAOMS Annual Meeting Fashion Island Hotel, Newport Beach CDA Annual Meeting Location: Virtual
2 CalAOMS Annual Meeting Fashion Island Hotel, Newport Beach	3	4	5	6	7	8
9 Mother's Day	10	11	12	13 CDA Presents Anaheim	14 CDA Presents Anaheim	15 Armed Forces Day CDA Presents Anaheim
16	17	18	19	20	21	22
23	24 Victoria Day	25	26	27	28	29
30	31 Memorial Day					

June 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5 ADEA Program Director's Meeting Portland, OR
6 ADEA Program Director's Meeting Portland, OR	7 ADEA Program Director's Meeting Portland, OR	8 ADEA Program Director's Meeting Portland, OR	9	10	11	12
13	14 Flag Day	15	16	17	18	19
20 Summer Begins Father's Day	21	22	23	24	25	26
27	28	29	30			

July 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 Canada Day	2	3
4 Independence Day	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19 CSA Summer Conference Kapolei, Oahu	20 CSA Summer Conference Kapolei, Oahu	21 CSA Summer Conference Kapolei, Oahu	22 CSA Summer Conference Kapolei, Oahu	23 CSA Summer Conference Kapolei, Oahu	24 CSA Summer Conference Kapolei, Oahu
25	26	27	28	29	30	31

August 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11 ADEA Leadership Program Meeting Washington, D.C.	12 ADEA Leadership Program Meeting Washington, D.C.	13 ADEA Leadership Program Meeting Washington, D.C.	14 ADEA Leadership Program Meeting Washington, D.C.
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 Rosh Hashana Labor Day	7	8	9	10	11
12	13	14	15 Yom Kippur	16	17	18
19	20	21	22 Fall Begins	23	24	25
26	27	28	29	30		

October 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11 Columbus Day	12	13 ADA Annual Meeting Las Vegas, NV	14 ADA Annual Meeting Las Vegas, NV	15 ADA Annual Meeting Las Vegas, NV	16 ADA Annual Meeting Las Vegas, NV
17 ADA Annual Meeting Las Vegas, NV	18	19	20	21	22	23
24	25	26	27	28	29	30
31 CSA Anesthesia Seminar Kauai, Hawaii Halloween						

November 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 CSA Anesthesia Seminar Kauai, Hawaii	2 CSA Anesthesia Seminar Kauai, Hawaii	3 CSA Anesthesia Seminar Kauai, Hawaii	4 CSA Anesthesia Seminar Kauai, Hawaii	5	6
7	8	9	10	11 Veteran's Day	12	13
14	15	16	17	18	19	20
21	22	23	24	25 Thanksgiving Day	26 Day after Thanksgiving	27
28 Hanukkah	29	30				

December 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21 Winter Begins	22	23	24	25 Christmas
26	27	28	29	30	31	