



MEMORANDUM

DATE	November 25, 2013
TO	Office of Administrative Law
FROM	Karen M. Fischer, MPA, Executive Officer Dental Board of California
SUBJECT	Dental Board of California – Section 100 “Change Without Regulatory Effect” to California Code of Regulations, Title 16, Section 1065 Regarding Notice to Consumers

As a result of Senate Bill 540 (Chapter 385, Statutes of 2011), the Dental Board of California (Board) adopted regulations requiring licensed dentists engaged in the practice of dentistry to provide a notice to patients in a conspicuous location accessible to public view that contains information that the Board is the entity that regulates dentists and provides a telephone number and Internet address of the Board. The Board adopted this requirement via the formal rulemaking process in which the proposal was mailed to interested parties and posted on the Board’s Web site. Members of the public had the opportunity to comment on the proposal during the 45-day public comment period and during the regulatory hearing held in Sacramento, CA. The Board did not receive any comments in response to this regulatory proposal.

Specifically, California Code of Regulations, Title 16, Section 1065 requires licensed dentists to post the following notice:

NOTICE TO CONSUMERS
Dentists are licensed and regulated
by the Dental Board of California
(877) 729-7789
www.dbc.ca.gov

This notice is required to be prominently posted in a conspicuous location accessible to public view on the premises where the dentists provides licensed services, and is required to be in at least 48-point type font.

This regulation became effective on November 28, 2012. The Board mailed notification letters to all dentist licensees at the beginning of 2013.

In March 2013, Dr. Kenneth Jacobs, DDS, President of the Los Angeles Dental Society, mailed a letter to the Board on the behalf of its Board of Directors requesting that the Board consider changing the notice's requirement to state "Notice to Patients" rather than "Notice to Consumers". The Los Angeles Dental Society objected to referring to patients as "consumers" rather than "patients", as it believes the relationship between a doctor and his or her patient is very different from the relationship between a barber or a contractor and his or her consumer of services.

At its November 22, 2013 meeting, the Board directed staff to file a Section 100 change with the Office of Administrative Law to amend the requirements of the posted sign to state "Notice" rather than "Notice to Consumers". By changing the language to "Notice", rather than "Notice to Patients", all individuals who may make contact with a licensed dentist over the course of treatment would be notified that dentists are licensed by the Board and would have access to the Board's contact information. Parents and guardians of minor patients, or those who provide assistance to elderly patients, may not be in receipt of dental services; however, they would have access to the Board's information in the event the patient experienced concerns over the course of treatment and it became necessary to act on their behalf. This change would not materially alter the requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision; specifically, this change would not materially alter the requirement and responsibility for a licensed dentist to provide notification of licensure by the Board.