

**TITLE 16. DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

AB 107: Temporary Licenses for Military Spouses or Partners

MODIFIED TEXT

Legend:

Underlined Indicates originally proposed regulatory language.

~~Underlined Strikeout~~ Indicates proposed deletions to the originally proposed regulatory language.

Double Underlined Indicates proposed additions to the originally proposed regulatory language.

Adopt Section 1006 of Article 1 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations to read as follows:

Section 1006. Temporary Licenses for Military Spouses or Partners.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) "License" shall include any license, ~~or permit, or other comparable authority~~ issued by the Board ~~or an original licensing jurisdiction~~ to practice dentistry, practice under an affiliated permit, or provide dental supportive procedures as a dental auxiliary.

(2) "Disciplined" means that the applicant's license has been placed on probation, revoked, suspended, reprovved, censured, reprimanded, restricted, limited, or conditioned.

(3) "Jurisdiction" shall mean a state, district, or territory of the United States or another country.

(4) "Disciplinary proceeding" shall mean any proceeding or investigation under the authority of the licensing jurisdiction pursuant to which licensee discipline may be imposed on the applicant.

(5) "Provide dental supportive procedures as a dental auxiliary" shall mean providing the services within the scope of practice of a registered dental assistant, registered dental assistant in extended functions, orthodontic assistant, or dental sedation assistant as defined in Sections 1752.4, 1753.5, 1753.55, 1753.6, 1750.3, and

1750.5 of the Code, as applicable, and sections 1086 and 1087 of this Division, as applicable.

(6) "Good standing" shall mean that the applicant has not been disciplined, is not the subject of an unresolved complaint or review procedure, and is not the subject of any unresolved disciplinary proceeding.

(7) "Original licensing jurisdiction" shall mean the jurisdiction agency or board that issued a license to the applicant authorizing the applicant to practice within the same scope of practice for which the applicant seeks a temporary license from the Board.

(8) "Affiliated permit" shall mean any permit or endorsement associated with either a dentist license or physician and surgeon license, as applicable, and issued by the Board to practice as an elective facial cosmetic surgeon, oral and maxillofacial surgeon, or to administer general anesthesia or moderate sedation to an adult and/or pediatric patient, oral conscious sedation for adult patients, or pediatric minimal sedation as specified in Sections 1638, 1638.1, 1646, 1646.1, 1646.2, 1646.9, 1647.1, 1647.2, 1647.3, 1647.18, 1647.19, 1647.30 and 1647.31 of the Code.

(9) "Successfully complete" shall mean that an applicant has achieved a criterion-referenced passing score as defined in Section 1031.

(b) Application and Eligibility Requirements. An applicant seeking a temporary license to practice dentistry, practice under an affiliated permit, or provide dental supportive procedures as a dental auxiliary pursuant to section 115.6 of the Code shall submit a completed application to the Board and meet all of the requirements of this section and section 115.6 of the Code to be eligible for a temporary license. A completed application shall include the following information:

(1) The applicant's identifying, application type and contact information, including:

(A) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)),

(B) Other name(s) applicant has used or has been known by,

(C) Applicant's physical address,

(D) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address,

(E) Applicant's email address, if any,

(F) Applicant's telephone number,

(G) Applicant's Social Security Number or Individual Taxpayer Identification Number, and,

(H) Applicant's birthdate (month, day, and year), and,

(I) Temporary License Application Type (Dentist, Affiliated Permit, or Dental Supportive Procedures as a Dental Auxiliary).

(2) The applicant shall disclose whether 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 California under official active duty military orders. If the applicant answers in the affirmative, the applicant shall provide the following documentation with the application:

(A) copy of certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces, and;

(B) copy of the military orders establishing their spouse or partner's duty station in California.

(3) The applicant shall disclose whether the applicant holds a current, active and unrestricted license, or comparable authority ("license"), to practice dentistry, practice within the scope of practice of an affiliated permit or provide dental supportive procedures as a dental auxiliary in another state, district, or territory of the United States, and whether such license is the same type of license that the applicant is applying for with the Board. If the applicant answers in the affirmative, the applicant shall provide written verification from the applicant's original licensing jurisdiction that the applicant's license or other comparable authority ("license") is in good standing in that jurisdiction.

The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license type and number issued to the applicant by the original licensing jurisdiction, and the relevant law(s) and regulation(s) under which the license was issued; and

(C) the name and location of the licensing agency or entity,

(D) the issuance and expiration date of the license, and,

(E) information showing that the applicant's license is currently in good standing.

(4) The applicant shall disclose whether the applicant has committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license pursuant to Sections 141, 480, or 490 of the Code, or Articles 4 (commencing with Section 1670 of the Code) or 5 (commencing with Section 1700 of the Code) of the Act holds or has ever held any other license to practice dentistry or provide dental supportive procedures as a dental auxiliary in another state, district, or territory of the United States. If the applicant answers in the affirmative, the applicant shall provide written verification from the applicant's original licensing jurisdiction that the applicant's license is in good standing in that jurisdiction. The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license type and number issued to the applicant by the original licensing jurisdiction, and

(C) the name and location of the licensing agency or entity,

(D) the issuance and expiration date of the license, and,

(E) information showing the applicant's license status.

(5) The applicant shall disclose whether the applicant has been disciplined by a licensing entity in another jurisdiction or is the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(65) The applicant shall furnish fingerprints to the Board in compliance with subsection (d) to permit the Board to conduct a criminal history record check through the California Department of Justice.

(76) For applicants seeking a temporary license to practice as a dentist, the applicant shall furnish proof of successful completion of the California law and ethics examination specified in subsection (c). "Proof of successful completion" shall mean a copy of the applicant's report or notice issued by the examination administrator PSI Services LLC (PSI) that lists the applicant's name and indicates that the applicant passed the examination.

(87) A The following statement and notice, signed and dated by the applicant: attesting to the fact that the applicant meets all the requirements for the temporary license, and that the information submitted in the application is accurate, to the best of the applicant's knowledge.

I hereby attest that I meet all of the requirements for temporary licensure as set forth in Business and Professions Code Section 115.6 (c)(1) through (5).

including that I have not committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under the Business and Professions Code at the time the act was committed and I am aware that a violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the Board. I also attest to the fact that I have not been disciplined by a licensing entity in another jurisdiction and am not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction. I also understand that I will be required to furnish a full set of fingerprints for purposes of conducting a criminal background check. I further attest that the information submitted in this application is accurate, to the best of my knowledge.

Notice: Falsification or misrepresentation of any item or response on this application or any attachment hereto is grounds for denying the application. In addition, any temporary license issued after the application is processed will be immediately terminated upon a finding that the license holder provided substantively inaccurate information that would affect the person's eligibility for temporary licensure (Bus. & Prof. Code, § 115.6).

(c) Law and Ethics Examination Requirements. Each applicant for a temporary license as a dentist shall successfully complete the California law and ethics examination administered by PSI specified in Section 1031.

(1) To take the examination, each applicant shall submit a completed application for approval to test to the Board that contains all of the following:

(A) full legal name (first, last and middle),

(B) social security number or individual taxpayer identification number,

(C) birth date,

(D) mailing address,

(E) telephone number,

(F) email address,

(G) a disclosure regarding whether the applicant is requesting a reasonable accommodation pursuant to subdivision (b) of Government Code Section 12944. The applicant shall provide medical documentation consisting of a written document with the name, license number, telephone number, date and signature of a physician confirming the existence of the applicant's disability or medical condition (as defined in Government Code section 12926) and the need for the reasonable accommodation.

(H) the information required by paragraphs (2) and (3) of subsection (b); and,
(I) a certification, under penalty of perjury, by the applicant that the
information on the application is true and correct.

(2) After receipt of a completed application for approval to test, and upon the
Board's determination that the applicant has met the requirements of paragraphs (1)
and (2) of subdivision (c) of Section 115.6 of the Code, the Board shall mail a written
and dated notice of approval to test to the applicant and PSI. The notice shall also
contain the web site address, email address, telephone number and mailing address for
the applicant to contact PSI to schedule the examination.

(3) Upon receipt of written notice of approval to test from the Board, an applicant
is responsible for contacting PSI to schedule a test date and examination site location,
and paying PSI's nonrefundable fees to take the examination.

(d) Fingerprinting Requirements. All applicants shall have met the fingerprinting
requirements of this subsection prior to issuance of a temporary license.

(1) Subject to paragraph (3), all applicants must submit fingerprints through the
California Department of Justice's electronic fingerprint submission Live Scan Service
("Live Scan") by completing the California Department of Justice Form "Request for Live
Scan Service," and submitting fingerprinting, through Live Scan as described in this
subsection.

(2) Each applicant shall take the completed Request for Live Scan Service form
to a Live Scan location to have their fingerprints taken by the operator. The applicant
will be required to pay all fingerprint processing fees payable to the Live Scan operator,
including the Live Scan operator's "rolling fee," if any, and fees charged by the California
Department of Justice and the Federal Bureau of Investigation. For current information
about fingerprint background checks, and Live Scan locations, please visit the Attorney
General's website at: <https://oag.ca.gov/fingerprints>.

(3) Applicants residing outside of California who cannot be fingerprinted
electronically through Live Scan in California must have their fingerprints taken at a law
enforcement agency in their state of residence, using fingerprint cards. Applicants shall
complete and mail two fingerprint cards, together with the California Department of
Justice and the Federal Bureau of Investigation fingerprinting fees (either personal
check drawn on a U.S. bank, money order or certified check), payable to the "Dental
Board of California," to:

Dental Board of California
Attention: Licensing and Examination Unit

2005 Evergreen St., Suite 1550
Sacramento, CA 95815

(e) Upon meeting the requirements in subsection (b) and if no grounds for denial exist pursuant to Sections 115.6 or 480 of the Code, the Board shall issue to the applicant the applicable temporary license, subject to the conditions set forth in subdivision (h) of Section 115.6 of the Code.

(f) If the applicant is seeking a temporary license from the Board to practice under an affiliated permit, the applicant also shall either:

(1) Prior to or at the same time as the applicant submits an application for the temporary license to practice under an affiliated permit, apply for a temporary dentist license using the application specified in subsection (b) for permits issued pursuant to Sections 1638.1, 1646.1, 1647.2, 1647.19, or 1647.31 of the Code; or

(2) Have a current, active, and unrestricted license as a physician and surgeon from the Medical Board of California for permits issued pursuant to Sections 1638 and 1646.9 of the Code.

(g) No temporary license for an affiliated permit shall issue until the applicant has been issued a temporary dentist license or has obtained a license as a physician and surgeon from the Medical Board of California, as applicable.

(h) This section shall become operative on [OAL: insert July 1, 2023 or the next quarterly effective date if adopted after July 1, 2023].

Note: Authority cited: Sections 115.6 and 1614, Business and Professions Code.
Reference: Sections 480, 115.6, 1611, 1632, 1638, 1638.1, 1646, 1646.1, 1646.2, 1646.9, 1647.1, 1647.2, 1647.3, 1647.18, 1647.19, 1647.30, 1647.31, 1749.1, 1750.2, 1750.4, 1752.1 and 1753, Business and Professions Code.