

DENTAL BOARD OF CALIFORNIA

Executive Officer: Tracy Montez ♦ (916) 263-2300 ♦ Toll-Free (877) 729-7789 ♦ www.dbc.ca.gov

Protection of the public shall be the highest priority for the Dental Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

— Business and Professions Code § 1601.2

The Dental Board of California (DBC), a consumer protection agency within the state Department of Consumer Affairs (DCA), is charged with enforcing the Dental Practice Act, Business and Professions Code section 1600 et seq. The Board's regulations remain codified in Division 10, Title 16 of the California Code of Regulations (CCR). DBC licenses and regulates dentists (DDS/DMD) and issues specialty permits for a variety of functions to licensed dentists who qualify for them, including permits to administer general anesthesia, conscious sedation, and oral conscious sedation for adult and minor patients. Under Business and Professions Code section 1638, DBC issues oral and maxillofacial surgery (OMS) permits to qualified dentists and physicians. OMS dentists may seek an additional permit, acquiring authorization to perform elective facial cosmetic surgery under section 1638.1. DBC issues permits to unlicensed individuals who qualify as orthodontic assistants and dental sedation assistants. DBC also licenses (1) registered dental assistants (RDA); and (2) registered dental assistants in extended functions (RDAEF). To assist the Dental Board in regulating RDAs and RDAEFs, the legislature created the Dental Assisting Council (DAC) in Business and Professions Code section 1742. The DAC consists of seven members: the RDA member of the Dental Board plus one other Dental Board member and five RDAs. The Dental Board appoints the members of the DAC to represent a broad range of dental assisting experience and education (including at least one RDAEF). The DAC retains the authorization to consider all matters relating to dental assistants on its own initiative, or upon the request of the Dental Board, and make

appropriate recommendations in the following areas: requirements for dental assistant examination, licensure, permitting, and renewal; standards and criteria for approval of dental assisting educational programs, courses, and continuing education; allowable dental assistant duties, settings, and supervision levels; appropriate standards of conduct and enforcement for dental assistants; and requirements regarding infection control.

DBC sets standards for the approval of dental schools and dental assistant training programs, also determining the subject matter for license examinations. It licenses applicants who pass the exam and meet Board requirements for licensure, sets standards for dental practice, and disciplines licensees who do not meet those standards. DBC also remains responsible for registering dental practices (including mobile dental clinics) and corporations; establishing guidelines for continuing education requirements for dentists and dental assistants; approving radiation safety courses; and administering the Diversion Program for substance-abusing dentists and dental assistants.

DBC consists of fifteen members: eight practicing dentists, one Registered Dental Hygienist (RDH), one RDA, and five public members. Business and Professions Code section 1602 requires the professional members of the Board to have been actively practicing for at least five years prior to their appointment. The Governor appoints thirteen of the Board's fifteen members (including all the dental practitioners); the Senate Rules Committee and the Assembly Speaker each appoint one public member.

There are currently four vacancies on the Board.

HIGHLIGHTS

Dental Board Votes to Clarify Registered Dental Hygienist Application Requirements

During its November 18, 2022, [meeting \[Agenda Item 24\]](#), the Dental Board of California (DBC) voted to include a recommendation to amend Business and Professions Code sections 1752.1, 1752.4, and 1907 and repeal section 1752.6, relating to Registered Dental Hygienist Application Requirements, in the next Sunset Review Report.

Under current statute, a Registered Dental Hygienist (RDH) can perform the duties of a Registered Dental Assistant (RDA), and would be able to qualify for, and receive an RDA license before the performance of those duties.

DBC aims to enhance clarity and eliminate redundant or confusing language within the current statute. To achieve this, they are proposing a legislative change to simplify the language and make it easier for interested RDHs to apply for licensure as RDAs. The number of RDHs applying for RDA licensure has significantly increased, but there remains some confusion surrounding the licensure requirements. The Board's proposals intend to clarify the language of these specific application requirements. The three primary goals are to eliminate redundant licensure requirements, to clarify the requirements for RDA additional duties, and to specify the requirements for licensure of RDHs as RDAs.

DBC proposal involves adding a new paragraph to Business and Professions Code section 1752.1, specifically under a new subdivision 4(a). The new addition clarifies that licensed RDHs can qualify for RDA licensure by submitting an application to the Board and successfully passing the RDH combined written and law and ethics examination. This change aims to eliminate redundancy in RDH licensure, sparing licensed RDAs from retaking certain courses already completed during RDH

licensure. DBC also proposed amending Business and Professions Code section 1752.4, under subdivision (b), to remove certain gender identifying language and to restructure the sentence for improved clarity. DBC’s additional proposal includes the removal of the requirement, stated in subdivision B, for RDAs to submit evidence of completion of courses in additional duties. Furthermore, in subdivision (c), the proposal clarified that the supervising dentist holds the responsibility of ensuring the RDH has completed the necessary courses to perform those additional duties.

Moreover, DBC proposed the repeal of Business and Professions Code section 1752.6, deeming it “outdated” and “no longer needed.” DBC stated these amendments would make the statute consistent with the broader movement within California toward gender-neutral language, improve efficiencies in DBC’s board licensing process, and reduce costs in issuing licenses for Registered Dental Assistants.

DBC also proposed amending Business and Professions Code section 1907 to clarify that an RDH licensee shall apply for and receive a license as an RDA in accordance with the proposed new section 1752.1 subdivision (a)(4), and to complete any additional education required by the state by the proposed new section 1752.4 subdivision (b), prior to performance of the Registered Dental Assistant duties.

Assembly Committee Hears Bill that Would Allow Dental Students with Clinical Training to Provide Volunteer Dentistry Under Supervision

On April 13, 2023, Chair of the Assembly Business and Professions Committee amended [AB 936 \(Wood\)](#) and re-referred it to the committee for a second time.

AB 936 aims to amend Business and Professions Code section 1626.6, expanding the exemption that currently allows final-year dental students to provide volunteer dental services without

a license. The proposed change would extend this exemption to include any dental student who has initiated clinical training, enabling them to offer volunteer dental services.

Under existing law, no one may practice dentistry without a dental license or special permit issued by DBC. One exception applies to dental students in their final year of dental school. This exception allows students in their last year of a DBC-approved school to volunteer and provide dental treatment to patients under faculty supervision at sponsored free health care and dental clinics.

This bill would expand this exception to include any dental student as long as the student has begun clinical training. Additionally, the Committee amendment introduced a new requirement that “for any clinical procedures, the designated supervising faculty shall be responsible for assessing the patient treated by a student and determining if the assigned student has the skill level necessary to provide that patient care.”

The Committee’s analysis reveals that this bill is sponsored by the Western University of Health Sciences. The author states,

Providing care at free health care and dental clinics is an opportunity for dental students to provide much-needed care to underserved people and to learn the importance of giving back to their community. The skills of dental students are well known by their faculty and can be provided appropriately under the faculty’s supervision. Volunteering to work in free health care and dental clinics can inspire dental students to continue to volunteer once they have become licensed practitioners, bolster the volunteer workforce and increase access to care.

As of April 15, 2023, the Bill has been read to the committee a second time and DBC has not commented.

RULEMAKING

The following is a status update on recent rulemaking proceedings that DBC has initiated:

- *Certificate of Compliance – Dentists Initiating and Administering Vaccines, California Code of Regulations*: On January 24, 2023, the Department of Consumer Affairs [adopted](#)

the Board’s amendment of section 1066 of Division 10 of Title 16 of the CCR, regarding dentists initiating and administering vaccines, as set forth in the [proposed language](#). This amendment was initially [noticed](#) on October 25, 2022. According to the [initial statement of reasons](#), allowing dentists to administer vaccines would increase vaccine accessibility. This regulation introduces specific requirements for dentists when initiating and administering influenza and COVID-19 vaccines to patients. These regulations address the length and frequency of mandatory training, record-keeping guidelines for dentists concerning their training and the vaccines they administer, as well as the information they must provide to patients.

LEGISLATION

- [AB 936 \(Wood\)](#), as amended April 13, 2023, would amend Business and Professions Code section 1626.6 to broaden an existing exemption permitting final-year dental students to provide volunteer dental services without a license. The proposed change would expand this exemption to include any dental student who has started clinical training (See HIGHLIGHTS).

LITIGATION

Sulitzer, et al. v. Tippins, et al., Case No. 2:19-cv-08902-GW-MAA (C.D. Cal.). On April 5, 2023, Judge George H. Wu, granted the parties stipulation to continue the trial date and modify the case schedule. The trial was rescheduled for February 27, 2024. In addition, Judge Wu stated in his order that no other continuances would be granted.

This [complaint](#) was initially filed on October 16, 2019, against an investigator, the Executive Officer, and all individual Board members of the Dental Board of California, alleging violations of the Federal Sherman Antitrust Act; several Constitutional violations, including the Dormant Commerce Clause, the Equal Protection Clause, and Substantive Due Process; as well as California’s Unfair

Competition Law. [[25:2 CRLR 3–5](#)] The case was initially [dismissed](#) on July 16, 2020. [[26:1 CRLR 5–6, 9](#)] The Ninth Circuit [affirmed in part and reversed in part](#) SmileDirect’s appeal, and the remainder of the case was remanded back to the district court. [[26:2 CRLR 13](#)] On May 13, 2022, Defendants’ [answered](#) the operative complaint.

As of this writing, the parties continue the discovery process in preparation for trial.