



## MEMORANDUM

<b>DATE</b>	September 25, 2017
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	Allison Viramontes, Legislative and Regulatory Analyst Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item 5B: 2017 End of Year Legislative Summary Report</b>

### **Background:**

Throughout 2017, the Legislative and Regulatory Committee and the Dental Board of California (Board) tracked several bills that would impact the Board, the Administrative Procedure Act, the Bagley Keene Open Meeting Act, military licensing, and healing arts boards (in general). Board members and staff have actively partaken in this year's Legislative Session by communicating with Legislators and their staff, and taking positions on proposed bills. The bills that the Board has followed during the 2017 legislative year include:

- AB 12 (Cooley) State Government Administrative Regulations: Review
- AB 40 (Santiago) CURES Database: Health Information Technology System
- AB 224 (Thurmond) Dentistry: Anesthesia and Sedation
- AB 703 (Flora) Professions and Vocations: Licenses: Fee Waivers
- AB 710 (Wood) Department of Consumer Affairs: Boards: Meetings
- AB 1277 (Daly) Dentistry: Dental Board of California: Regulations
- AB 1707 (Low) Registered Dental Assistants: Practical Examination
- SB 27 (Morrell) Professions and Vocations: Licenses: Military Service
- SB 392 (Bates) Dentistry: Report: Access to Care: Pediatric Dental Patients
- SB 501 (Glazer) Dentistry: Anesthesia and Sedation Report
- SB 641 (Lara) Controlled Substance Utilization Review and Evaluation System: privacy
- SB 762 (Hernandez) Healing arts licensee: license activation fee: waiver

The following bills were either withdrawn or held in committees and did not meet the required legislative deadlines to process forward:

- SB 27 (Morrell) Professions and Vocations: Licenses: Military Service
- SB 762 (Hernandez) Healing arts licensee: license activation fee: waiver

The following bills have been designated as 2-year bills and will be taken up again by the Legislature in 2018:

- AB 12 (Cooley) State Government Administrative Regulations: Review
- AB 224 (Thurmond) Dentistry: Anesthesia and Sedation
- AB 703 (Flora) Professions and Vocations: Licenses: Fee Waivers
- AB 710 (Wood) Department of Consumer Affairs: Boards: Meetings
- SB 392 (Bates) Dentistry: Report: Access to Care: Pediatric Dental Patients
- SB 501 (Glazer) Dentistry: Anesthesia and Sedation Report
- SB 641 (Lara) Controlled Substance Utilization Review and Evaluation System: privacy

The following includes summaries of the bills that have been signed by Governor Brown and will become effective on January 1, 2018 unless noted as an urgency bill which would take effect immediately:

AB 40 Santiago (Chapter 607, Statutes of 2017)  
**CURES DATABASE: HEALTH INFORMATION TECHNOLOGY SYSTEM**  
Existing law requires the Department of Justice (DOJ) to maintain the Controlled Substances Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, III, and IV controlled substances by a health care practitioner authorized to prescribe, order, dispense, or furnish these substances.

This bill would require the DOJ to make the CURES (a DOJ managed database) more readily available to prescribing health care practitioners, through a Web site or software system. Additionally, this bill would authorize entities that operate a Health Information Technology System (Health IT System) to submit queries to CURES if they can certify their system complies with patient privacy and information security requirements of law (state and federal) and pay a reasonable system maintenance fee. The DOJ would be prohibited from accessing patient-identifiable information in an entity's Health IT System. However, if the entity or their system does not comply with the provisions of this bill, the DOJ has the authority to prohibit integration or terminate the Health IT System's ability to retrieve information the CURES database.

AB 1277 Daly (Chapter 413, Statutes of 2017) (Urgency Legislation)  
**DENTISTRY: DENTAL BOARD OF CALIFORNIA: REGULATIONS**  
AB 1277 (Daly, Chapter 413, Statute of 2017) required the Board to amend regulation on the minimum standards for infection control to require water or other methods use for irrigation to be sterile or contain recognized disinfecting or antibacterial properties when performing dental procedures that expose dental pulp. This bill requires the Board to adopt emergency regulations and prepare an emergency rulemaking for the OAL to meet the December 31, 2018 deadline for the final regulations. This legislation, AB 1277, authored by Assembly Member Daly was signed by Governor Brown and became effective October 2, 2017.

Board staff is presenting proposed language at the November 2017 meeting for the Board's consideration to initiate the rulemaking.

AB 1707 Low (Chapter 174, Statutes of 2017) (Urgency Legislation)  
**REGISTERED DENTAL ASSISTANTS: PRACTICAL EXAMINATION**  
The Dental Practice Act (Act) provides for the licensure and regulation of Registered Dental Assistants (RDA) by the Board.

On April 6, 2017, the Board held a special meeting to discuss the findings of the review of the RDA practical examination conducted by the Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (DCA). After reviewing the findings of the report, the Board voted to suspend the administration of the RDA practical examination effective immediately and until July 1, 2017. Pursuant to the Business and Professions Code Section 1752.1 at that time, the suspension of the practical examination could only remain in effect until July 1, 2017. After this date, the exam would have been reinstated as a requirement for RDA licensure.

Between April 6 and July 1, 2017, the Board licensed RDA candidates who had completed all other licensing requirements except passage of the practical examination. Also during this time, the Board sought an author to carry urgency legislation that would continue the suspension of the examination from July 1, 2017 until January 1, 2020, at which time a practical examination or an alternative means of measuring competency would be implemented. This legislation, AB 1707, authored by Assembly Member Low was signed by Governor Brown and became effective August 8, 2017.

**Action Requested:**  
No action requested.