

California Dental Practice Act

*You can Think Your Practice is in Compliance
or You Can KNOW IT!*

*Infection Control
OSHA
Dental Practice Act
HIPAA*

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Presented by Leslie Canham, CDA, RDA, CSP
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In the dental field since 1972, Leslie helps simplify complex regulations. She provides in office training, compliance audits, consulting, workshops, and mock inspections. For the 6th year in a row, she has been listed as a "Leader In Consulting" by Dentistry Today. She is authorized by the Department of Labor, The Academy of General Dentistry, and the California Dental Board to provide continuing education. Leslie is the founder of Leslie Canham and Associates.

California Dental Practice Act 2017

- Scope of Practice
- Violations
- Citations, fines and license actions
- Rx regulations
- Mandatory Reporter Obligations
- Continuing Education Requirements
- Duties and Settings for Dental Auxiliaries
- Required Posting

What's New?

- 2 Required Posters Consumer notification
- DDS license renewal fees increase and CURES registration required for prescribers
- Outstanding tax obligation & license renewal
- Licensure by Portfolio for Dentists
- Fingerprinting by Live Scan
- Tele-health connected programs
- Email address required by Dental Board

2 Permits for Dental Assistants

- Orthodontic Assistant Permit (OAP)
- Dental Sedation Assistant Permit (DSAP)

Dental Assistant Permits

DAs, RDAs and RDAEFs may obtain

Orthodontic Assistant Permit

- Must have 12 months work experience as DA, RDA, or RDAEF
- Take 84 hour board approved orthodontic assistant course
- Pass a state administered written exam
- Complete 25 CE every 2 yrs.

Dental Sedation Assistant Permit

- Must have 12 months work experience as DA, RDA, or RDAEF
- Take 110 hour board approved dental sedation assistant course
- Pass a state administered written exam
- Complete 25 CE every 2 yrs

Unlicensed Dental Assistants hired after 1-1-2010 must take

1. An 8 Hour Infection Control Course
2. California Dental Practice Act
3. CPR (AHA or Red Cross AGD-PACE/ADA-CERP)

The employer is responsible for ensuring that unlicensed DA who is in his or her continuous employ for 120 days or more completes within a year of the date of employment

Unprofessional Conduct

Practicing with an expired license

Failure to follow the Infection Control standards

Insurance fraud

Fee by fraud or misrepresentation

Aiding/abetting unlicensed person to practice dentistry

Aiding/abetting licensed person to practice dentistry unlawfully

Commercial patient financing products as of 1-1-10

1. DDS must provide a treatment plan to the pt
2. DDS or staff must obtain the pt's signature on a specified written disclosure
3. DDS may only apply charges to credit card or credit line that was established before the treatment was rendered if the patient is 1st provided with a list of services being pd for.
4. No arrangements for credit products while pt under the influence of gen anes, consc sedation or N2O.
5. DDS must refund lender w/in 15 days of pt's request any payment rec'd for treatment not rendered.

Fictitious Name Permit and Name change regulations

Must have a Fictitious name permit issued by the Dental Board-Fictitious business license does not meet this requirement.

All licensees must notify the Dental Board or Dental Hygiene Committee within 10 days of a personal name change. (Hyg must notify of email/address chg)

DDS must register place of practice and change of place of place within 30 days to Dental Board

Name Tag/Posting Requirements

All licensees must wear a name tag (18 pt type)
Name and license type UNLESS the license is displayed at the facility.

The name of every person employed in the practice of dentistry must be posted in a conspicuous place in the facility

Notice to Consumer Posters (DDS & HYG)

Mandatory Reporter Obligations

- Domestic Violence-Physical Assault
- Suspected Child Abuse/neglect
- Suspected Elder Abuse/neglect

Report within 36 hours-failure to report is a misdemeanor. Possible fines \$1000 or 6 months jail time.

Dental Licenses and Permits

- Licenses expire every 2 years- If your birth year is an even number your license ALWAYS expires in an even year- in your birthday month. If birth year is odd number year/license will expire in odd year.

DDS Fee increase \$6/yr for funding CURES (statewide data base admin by DOJ)

Dental License Renewal

Continuing Education

Dentists	50 hours
RDAs and Hygienists	25 hours
RDHAPs	35 hours
DSAP and OAP	
Permit Holders	25 hours

2 hrs of California Dental Practice Act
2 hrs of Infection Control
CPR-Basic Life Support LIVE (AHA or Red Cross)

Called are now called Criteria 1, 2, & 3

(1=Clinical, 2=Non Clinical, 3=not recognized for credit

80% of hours must be courses in the actual delivery of dental services

Examples: Criteria 1
Infection Control, DPA,
OSHA, HIPAA and CPR
clinical procedures

Up to 20% may be used in courses such as office management

Examples Criteria 2: Recall
systems, HR,
Communications,
Computer systems,
Practice Mgmt, etc.

Live CE vs. Home Study

50% of Continuing Education can be Home Study

50% must be live courses (classroom, live telephone conferencing, live video conferencing, webinars and live workshop demonstration).

NEW: AGD PACE and ADA CERP courses accepted as long as they meet Dental Board criteria.
Including CPR

RDAs licensed after 1-1-10

Must obtain a Pit and Fissure Sealant Certificate in order to renew their license.

RDAs licensed before 2010 don't need the certificate to renew, only if they wish to perform the duty.

Outstanding Tax Obligations

Effective July 1, 2012, the Dental Board of CA is required to deny an application for licensure or suspend a license/certificate/registration if a licensee or applicant has outstanding tax obligations due to the Franchise Tax Board (FTB) or the State Board of Equalization

Table Of Permitted Duties

- "N"= Means that the auxiliary is NOT permitted to perform the duty
- "D"= Means direct supervision
- "DD"=Means DDS decides the level of supervision
Direct or General
- "C"= Means under supervision of DDS/RDH in certain settings
- "G"= Means general supervision

TABLE OF PERMITTED DUTIES – DENTAL HYGIENE

"05" means RDH or RDHEF may perform RDA duties if initial license was issued on or before December 31, 2005. If licensed after January 1, 2006, the Hygienist must obtain RDA license to perform RDA duties.

"WS" means the RDH may perform this function without supervision of a dentist. "Without supervision" differs from "general supervision" in that the dentist has not examined the patient prior to the provision of the service

TABLES OF PERMITTED DUTIES (CDA 2/2011) *Reprinted with permission of the California Dental Association-(Partial Table)*

Following are two separate partial tables of duties. The first table outlines the functions which Dental Assistants (DA), Registered Dental Assistants (RDA), Registered Dental Assistants in Extended Functions (RDAEF), Orthodontic Assistants (OA), and Dental Sedation Assistants (DSA) are allowed to perform in California. The second table lists the duties Registered Dental Hygienists (RDH), Registered Dental Hygienists in Extended Functions (RDHEF), and Registered Dental Hygienists in Alternative Practice (RHDAP) are allowed to perform. These tables are intended to provide summary information to interested parties. It is not intended to cover all aspects of applicable laws or provide a substitute for reviewing the laws that are cross-referenced below. It is highly recommended that applicants and licensees review the actual text of the laws cited at the link provided below. If a duty is not listed in the sections of law cited below, the dental auxiliaries are NOT allowed to perform the duty. Under each category of dental auxiliary is one of the following notations:

“N” means that the dental auxiliary is NOT permitted to perform the duty.

“D” means that the dental auxiliary may perform the duty under the Direct supervision of a dentist, which means supervision of dental procedures based on instructions given by a licensed dentist who must be physically present in the treatment facility during the performance of those procedures. The duty must be performed pursuant to the order, control and full professional responsibility of the supervising dentist. Procedures performed by Registered Dental Assistants in Extended Functions must be checked and approved by the supervising dentist prior to dismissal of the patient from the office of said dentist.

“C” means that the dental auxiliary may perform the duty in the specified setting under the supervision of a dentist, Registered Dental Hygienist, or Registered Dental Hygienist in Alternative Practice.

“G” means that the dental auxiliary can perform the duty under the General supervision of a dentist, which means based on instructions given by a licensed dentist, but not requiring the physical presence of the supervising dentist during the performance of those procedures. This is not the same as the “Without Supervision” designation in the dental hygiene table.

“DD” The supervising licensed dentist shall be responsible for determining whether each authorized procedure performed by a registered dental assistant should be performed under general or direct supervision, except as provided in Section 1777.

The sections of law noted below are contained in the Dental Practice Act located in Chapter 4, Division 2 of the California Business and Professions Code (BPC) and in Title 16, Sections 1085-1089 of the California Code of Regulations (CCR). For the actual text of the laws, the following link will take you to the page on the Dental Board’s web site <http://www.dbc.ca.gov/lawsregs/laws.shtml>.

PROCEDURES DENTAL AUXILIARIES ARE NOT ALLOWED TO PERFORM

DUTY	Section of Applicable Law
Diagnosis and comprehensive treatment planning	BPC 1750.1 and 1908 16CCR 1090
Prescribing medication	BPC 1750.1 and 1908 16CCR 1090
Restorations, permanent – placing, condensing, carving, or removal (except for RDAEFs licensed on or after 1/1/2010)	BPC 1750.1 and 1908 16CCR 1090 RDAEFs: 1753.5 and 1753.6
Surgery – or cutting on hard and soft tissue including, but not limited to, the removal of teeth and the cutting and suturing of soft tissue	BPC 1750.1 and 1908 16CCR 1090

TABLE OF PERMITTED DUTIES – DENTAL ASSISTING

DUTY	Section of Applicable Law	D A	R D A	R D A E F	O A	D S A
Anesthesia, general -- monitor patients undergoing conscious sedation or general anesthesia utilizing data from noninvasive instrumentation such as pulse oximeters, electrocardiograms, capnography, blood pressure, pulse, and respiration rate monitoring devices. Evaluation of the condition of a sedated patient shall remain the responsibility of the dentist or other licensed health care professional authorized to administer conscious sedation or general anesthesia, who shall be at the patient's chairside while conscious sedation or general anesthesia is being administered. <i>Also see Sedation.</i>	BPC 1750.5	N	N	N	N	D
Archwires – place ligature ties and archwires	BPC 1750.3 1752.4 1753.5 1753.6	N	D D	D D	D	N
Archwires – remove ligature ties and archwires	BPC 1750.1 1750.5 1750.3 1752.4 1753.5 1753.6	D	D D	D D	D	D
Bases -- place bases, liners, and bonding agents	BPC 1752.4 1753.5 1753.6	N	D D	D D	N	N

TABLE OF PERMITTED DUTIES – DENTAL HYGIENE

“05” means that a Registered Dental Hygienist or Registered Dental Hygienist in Extended Functions may perform the registered dental assisting duty under the same level of supervision if initial license was issued on or before December 31, 2005 or, if initial license was on or after January 1, 2006, the hygienist has completed the required education, or training, examination, and has obtained a license as a Registered Dental Assistant.

“WS” means the Registered Dental Hygienist may perform this function without supervision of a dentist. “Without supervision” differs from “general supervision” in that the dentist has not examined the patient prior to the provision of the service.

DUTY	Section of Applicable Law	R D H	R D H E F	R D H A P
Anesthesia, local – administer (after completing a Dental Hygiene Committee of California-approved course)	BPC 1909 1921	D	D	D
Archwires – place and remove ligature ties and archwires (<i>see Ligature ties</i>)	BPC 1907 1921	G	G	G
Bases -- place bases, liners, and bonding agents	BPC 1907 1921	05	05	05
Bite registrations – take facebow transfers and bite registrations	BPC 1907 1921	G	G	G
Bleaching agents -- apply and activate bleaching agents using a nonlaser light-curing device	BPC 1910 1921	G	G	G
Bonding -- chemically prepare teeth for bonding <i>RDHEF – prepare enamel by etching for bonding; apply etchant for bonding restorative materials</i>	BPC 1907 1921	05	05	05
Bonding – prepare enamel by etching for bonding; apply etchant for bonding restorative materials	16CCR 1089	N	D	N
Bonding agents -- place bases, liners, and bonding agents	BPC 1907	05	05	05
Caries detection devices and materials, automated -- use of automated caries detection devices to gather information for diagnosis by the dentist	BPC 1914 1921	G	G	G
Cement, excess on surfaces of teeth -- remove with a hand instrument	BPC 1907 1921	G	G	G
Cement, excess -- remove from surfaces of teeth undergoing orthodontic treatment, with an ultrasonic scaler.	BPC 1907 1921	G	G	G
Computer-aided design (CAD), milled restorations -- obtain intraoral images for computer-aided design, milled restorations	BPC 1907 1921	05	05	05
Cord retraction of gingiva for impression procedures	16CCR 1089	N	D	N

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Required Posters, Signs and Notices

Notice to Consumers: Dental Board, Dental Hygiene Committee, Consumer Affairs

Prop 65 (Amalgam, Nitrous Oxide and BPA) If you have 10 or more employees

Dental Material Fact Sheet

Employment Posters -Dentists must post sick leave law poster by Jan. 1, 2015

2016 New Posters: Whistleblower and Notice to Employees-Injuries Caused by Work

Dental Board Posters

Radiation Safety, Stickers, Posters, PLUS WRITTEN PLAN "RADIATION SAFETY IN A DENTAL PRACTICE"

Laser Signs

OSHA Signs

OSHA

OSHA has designed a new, standardized format for Safety Data Sheets (SDS) formerly called Material Safety Data Sheets (MSDS). The SDS will have 16 specific sections designed to ensure consistency across industries and nations. Employers must train their workers in the new label and data sheet requirements by December 1, 2013. This course will provide you with the tools needed to conduct this training.

Review of what OSHA Training/Recordkeeping forms are required.

Discussion of Aerosol Transmissible Diseases" (ATDs), employee training requirements and what written plans addressing ATDs must be part of the office OSHA manual.

Conduct Your Own Mock Inspection. Is your practice fully compliant?

Minimum Standards for Infection Control What written protocols/posters are required

New CDC Document - <http://www.cdc.gov/oralhealth/infectioncontrol/pdf/safe-care.pdf>

Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care

Continuing Education requirements for permit holders and licensees- The Dental Board conducts random audits-be sure to have at least 6 years of proof of continuing education courses taken.

Cures Program - Prescribers of Controlled Substances required to enroll. Go to <https://oag.ca.gov/cures/faqs>