



Monday, December 12, 2011

Dental Hygiene Committee of California

Legislative and Regulatory Agenda

Agenda



Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
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Notice is hereby given that a public meeting of the Legislative and Regulatory Subcommittee of the Dental Hygiene Committee of California will be held as follows:

LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING

Upon conclusion of Enforcement Subcommittee

**Monday, December 12, 2011
Evergreen Hearing Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815**

**Legislative and Regulatory
Subcommittee**

Chair – Alex Calero, Public Member
Miriam DeLaRoi, RDHAP
Michelle Hurlbutt, RDH
William Langstaff, DDS

Agenda

- LEG 1** – Roll Call
- LEG 2** – Public Comment for items not listed on the agenda
- LEG 3** – Approval of April 29, 2011 minutes
- LEG 4** – Chairperson's Report
- LEG 5** – Tentative Legislative Calendar – First Year of 11-12 Biennial Session
- LEG 6** – California Regulatory Notice Register Schedule
- LEG 7** – Report on 2011 End of Year Legislative Session Summary
- LEG 8** – Update on plan to proceed with rulemaking for Articles 1-12
- LEG 9** – Adjournment

A quorum of the Committee may be present at the subcommittee meeting. However, Committee members who are not on the subcommittee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The subcommittee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers, for convenience, and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at **www.dhcc.ca.gov**.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 576-5004 or e-mail anthony.lum@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 1050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Monday, December 12, 2011

Dental Hygiene Committee of California

Legislative and Regulatory Agenda Item 3

Approval of April 29, 2011 Minutes



Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
Phone 916.263.1978 Fax 916.263.2688 | www.dhcc.ca.gov

***Dental Hygiene Committee of California
Legislation and Regulatory Subcommittee Meeting***

*Doubletree Hotel LAX
1985 East Grand Avenue
El Segundo, CA 90245*

Friday, April 29, 2011

DRAFT MINUTES

Members Present

Alex Calero, Public Member, Chair
Michelle Hurlbutt, RDH, Member
Rhona Lee, RDH, RDHEF, Acting Member

Staff Present

Lori Hubble, Executive Officer
Traci Napper, Associate Government Program
Analyst (AGPA)
Tom Jurach, Administrative Analyst

Members Not Present

Miriam DeLaRoi, RDHAP

Legal Counsel

Norine Marks

1. Roll Call/Establishment of Quorum

The subcommittee was called to order at 8:08 a.m. Roll was called and a quorum established.

2. Public Comment

There was no public comment.

3. Approval of September 27, 2010 Minutes

The following were suggested non-substantive amendments submitted by Ms. Lee:

- Page 10. Top of page, 1st sentence. Correct verb tense and add period.
Ms. Hurlbutt ~~makes~~ made a comment that she prefers that the language be in regulations. ~~she~~ She believes the committee has more control in the regulatory process.
- Page 10. Top of page, 2nd sentence.
It was ~~moved~~ (Hurlbutt) to strike....
- Page 10. Top of page, 3^d sentence. Correct verb tense.
Legal counsel asked where ~~did~~ the language ~~come~~ came from?
- Page 10. Top of page 4th sentence. Delete comma. Lower case "S" for statute.
Lori Hubble, responded that the language came from the Dental Practice Act and that it should remain in ~~S~~statute.
- Page 10, Top of page 5th sentence. Delete comma.
Ms. Hurlbutt, withdrew her motion.
- Page 10. 7th sentence from top. Insert "to". Correct verb tense on following sentence.
Legal Counsel suggested a friendly amendment ~~to~~ delete "and" and replace it with "nor".
The motion passes ~~ed~~ unanimously.

7. Page 12. Reference to **Page 4**. Correct verb tenses. Correct run on sentence. Add period at end of second sentence.
~~It is motion~~ **was motioned** (Hurlbutt) to strike Periodontal and insert gingival in front of soft tissue and change the definitions. **add soft tissue** .
 Legal counsel suggested asking for consensus and ~~make~~ **making a** motion at the end of the meeting.
8. Page 14. Reference to **Pages 15 & 16** are identical. Check on accuracy.
9. Page 15. Reference to **Page 17**. Correct verb tense and directive for consistency.
~~Have staff make the following changes-~~
Staff was directed to make the following changes.
10. Page 15. Reference to **Page 19**. Correct directive for consistency.
~~Directed staff to make the changes~~
Staff was directed to make the following changes.
11. Page 17. Reference to **Page 41**. Correct grammar.
 The Cite and Fine regulatory language will be presented at the full committee for review and adoption.
 Staff is waiting for Legal Counsel's suggested new language.

It was m/s/c (Hurlbutt/Lee) to approve the December 5, 2010, Legislation and Regulatory Subcommittee minutes with the non-substantive changes submitted by Ms. Lee to staff. There was no public comment regarding the minutes.

4. Chairperson's Report

Mr. Calero reported that he had no chairperson's report to present.

5. Discussion and Possible Action on the Following Legislation:

Mr. Calero lead the discussion on the legislation provided. He requested the Subcommittee review and take a consensus vote for each bill discussed.

AB 28 .. (Huber) – State Agencies: repeal

Ms. Lee recommended a neutral position due to the bill's status as a "spot" bill and she suggested that the Subcommittee take a neutral on all other non-urgent bills that did not directly or indirectly affect DHCC and its licentiates in light of DHCC's staffing shortage and limited resources. When Ms. Hurlbutt asked if the cost was the same whether DHCC took a neutral or a watch position. Ms. Hubble's response was they were the same. Ms. Hurlbutt disagreed with the neutral position on AB 28 and the consensus was to take a watch position.

AB 127 . (Logue) - Regulations: effective date

It was moved m/s/c (Hurlbutt/Calero) to oppose the bill due to the potential of endangering the public, by extending the time before a regulation would become effective. (2 ayes, 1 nay)

AB 536.. (Ma) – Physicians and Surgeons

The consensus was to take a neutral position.

AB 675.. (Hagman) – Continuing Education

The consensus was to take a neutral position.

AB 958.. (Berryhill) – Regulatory Boards: limitations periods

Ms. Kirchmeyer and Ms. Marks elaborated by stating that the bill would place all boards in jeopardy and deregulate the professions. The fiscal impact would affect each board differently and it is unknown at this point how DHCC would be impacted. The

consensus was to take an opposed position.

AB 1207 (Furutani) – Small Business

Mr. Calero asked if the bill would affect RDHAPs and Ms. Hurlbutt asked how the bill might affect the loan provision made to small businesses. As no definitive conclusions were offered, the consensus was to take a watch position.

AB 1328 .. (Pan) – Professions and Vocations

The consensus was to take no action.

SB 100 . (Price) – Healing Arts

The consensus was to take a neutral position

SB 103 . (Liu) - State Government: meetings: teleconferencing

Ms. Kirchmeyer informed the Subcommittee that the bill had been amended on April 26th. The consensus was to take a watch position.

SB 227.. (Wayland) – Business and professions: licensure

The consensus was to take a neutral position.

SB 231.. (Emmerson) – Regulatory Boards: healing arts

The consensus was to take a watch position.

SB 399.. (Huff) – Healing Arts: advertising

The consensus was to take a watch position.

SB 540.. (Price) – Dentistry

In reference to the draft version of SB 540 provided in the agenda packet, Ms. Lee suggested that the Subcommittee offer support to the continuance of the Dental Board as opposed to its sunset.

Bill Lewis representing the California Dental Association (CDA) stated that CDA was concerned about the following issues in a recently updated draft of SB 540:

- the lack of RDA/RDAEF oversight and council membership on the Dental Board
- the Dental Board President's delegated authority to make committee appointments
- the balance and composition of the Dental Board membership, as CDA does not advocate the deletion of any of the allied dental health auxiliary representation, including the DA, RDA, RDAEF and the RDHs.

JoAnn Galliano, educator at Chabot College, noted that just several days prior on April 25th SB 540 was amended with significant changes affecting the Dental Board's oversight and representation for the RDAs and RDAEFs and she recommended DHCC oppose the amended bill to lend support to the RDA and RDAEFs.

Ellen Standley, CDHA President, concurred with both Mr. Lewis and Ms. Galliano's remarks.

Discussion ensued with Ms. Lee recommending that the Subcommittee take a watch position because the bill's language would likely change again. Counter to that recommendation was that DHCC was not scheduled to meet again until August, 2011 and that it was important to support the RDAs/RDAEFs. The Subcommittee consensus was to take an opposed position with the stipulation that the DHCC President, Ms. Lee, and the Legislative/Regulatory Subcommittee Chair, Mr. Calero be given the authority to change the opposed position if the bill were amended to support RDAs/RDAEFs representation on the Dental Board.

SB 544.. (Price) – Healing Arts

Because SB 544 reflected SB 1111, a previously supported but unsuccessful DCA bill And because SB 544 contained the proposed DHCC B & P Section 1947.1, which delegated to its executive officer increased authority to streamline the enforcement process in regards to default decisions and proposed settlement agreements, the consensus of the Subcommittee was to take a support position.

SB 943.. (Price, Corbett, Correa, Emerson, Hernandez, Negrete McLeod, Walters, and Wyland) – Healing Arts

The consensus of the Subcommittee was to take a support position due to provisions delineated in section 1916 requiring electronic fingerprinting of all licentiates and in section 1966.1 establishing processing criteria for diversion program participants. Passage of this omnibus bill would support and align DHCC's administration of enforcement activities with its strategic plan.

Other bills of interest to the Committee included the following:

SB 541....(Price) Contractors' State License Regulatory boards: expert consultants

The consensus of the subcommittee was to take a support position because passage would stream line the process regarding personal service contracts in state employment. This would directly affect the expert consultants utilized in DHCC's examination and licensing activities.

To expedite future meetings the Subcommittee, delegated to its Chair, Alex Calero to review and preselect all bills prior to being placed on the agenda.

6. *Update on Retroactive Fingerprinting (California Code of Regulations, Title 16 §1131&1132)*

Traci Napper, DHCC Leg/Reg Analyst, reported that currently the Retroactive Fingerprinting Regulations were at the Office of Administrative Law (OAL) for the final review. Ms Napper mentioned that OAL had requested information for clarification on several items and that she provided the information to OAL's satisfaction. In closing Ms. Napper informed the Subcommittee that OAL had until May 13, 2011 to make the final decision.

7. Update on Clean-up Legislation

Ms. Napper reported that after the Committee accepted the amendments to the Business and Professions Code Sections 1900-1966.6 at its December 5, 2010 meeting, staff forwarded the language for review to both the Department of Consumer Affairs Legislative Policy and Review Division and to the Senate Business and Professions Committee (SBPC) for inclusion in Department's omnibus bill, SB 943.

Ms. Napper then reported those sections of law that were accepted into the omnibus bill (highlighted on a separate page in the agenda packet) and she informed the Committee of the need to find an author to support the excluded sections deemed to be substantive fixes inappropriate for inclusion in the omnibus bill.

There was no further discussion or public comment.

8. Proposed regulatory language to implement Business and Professions Code 901 regarding authorization for Out of State licensed practitioners to provide healthcare services at sponsored free health care clinics.

Lori Hubble, DHCC Executive Officer, reported that AB 2699 will exempt from licensure a health care practitioner, licensed or certified in good standing in another state(s), who offers or provides volunteer health care services for which they are licensed or certified through a sponsor to provide to uninsured or underinsured persons on a short term volunteer basis.

Ms. Hubble provided draft regulations and forms for the Committee's approval. The forms, which included the request for registration of the sponsoring entity under B & P code Section 901 and the authorization to practice without a license at a registered free health care event, were submitted as part of the regulatory package.

Ms. Lee questioned how the coordination of supervisorial oversight would be ensured should the out of state provider administer local anesthesia or other extended functions requiring a dentist's presence. Ms. Marks recommended that provision be placed directly into the sponsoring entity's registration form if the intent included provisions for the use of extended functions and, if so, that providers be certified in those functions.

It was m/s/c (Hurlbutt/Lee) to accept the proposed regulatory language with the amendments suggested by Ms. Lee/Marks and direct staff to take all necessary steps to initiate the formal rulemaking process, authorize the Executive Officer to make any non substantive changes to the rulemaking package and set the proposed regulations for a public hearing.

The Committee voted unanimously to accept the draft language and forms with amendments.

9. Future Agenda Items

There were no suggestions for future agenda items and the meeting adjourned at 11:30 a.m.



Monday, December 12, 2011

Dental Hygiene Committee of California

Legislative and Regulatory Agenda Item 4

Chairperson's Report



Monday, December 12, 2011

Dental Hygiene Committee of California

Legislative and Regulatory Agenda Item 5

Tentative Legislative Calendar
– First Year of 11-12 Biennial Session

2012 TENTATIVE LEGISLATIVE CALENDAR

Jan. 1 Statutes take effect (Art. IV, Sec 8 (c)).
Jan. 4 Legislature reconvenes (J.R. 51(a)(4)).
Jan. 10 Budget must be submitted by Governor on or before this date (Art. IV, Sec. 12(a)).
Jan. 13 Last day for policy committees to hear and report bills introduced in 2011 for referral to fiscal committees (J.R. 61(b)(1)).
Jan. 16 Martin Luther King, Jr. Day
Jan. 20 Last day for any committee to hear and report to the Floor bills introduced in their house in 2011 (J.R. 61(b)(2)).
Jan. 27 Last day to submit bill requests to the Office of Legislative Counsel.
Jan. 31 Last day for each house to pass bills introduced in 2011 (Art. IV, Sec. 10(c)) (J.R. 61(b)(3)).
Feb. 20 President's Day.
Feb. 24 Last day for bills to be introduced (J.R. 61(b)(4)) (J.R. 54(a)).
Mar. 29 Spring Recess begins upon adjournment (J.R. 51(b)(1)).
Mar. 30 Cesar Chavez Day observed.
Apr. 9 Legislature reconvenes from Spring Recess. (J.R. 51(b)(1)).
Apr. 27 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house (J.R. 61(b)(5)).
May 11 Last day for policy committees to hear an report to the floor nonfiscal bills introduced in their house (J.R. 61(b)(6)).
May 18 Last Day for policy committees to meet prior to June 4 (J.R. 61(b)(7)).
May 25 Last Day for fiscal committees to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for fiscal committees to meet prior to June 4 (J.R. 61(b)(9)).
May 28 Memorial Day.

May 29-June 1 Floor session only. No committee may meet for any purpose (J.R.61(b)(10)).
June 1 Last day to pass bills out of house of origin (J.R. 61(b)(11)).
June 4 Committee meetings may resume (J.R.61(b)(12)).
June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).
June 28 Last day for a legislative measure to qualify for the Nov. 6 General Election ballot (Elec. Code Sec. 9040).
July 4 Independence Day observed
July 6 Last day for policy committees to hear and report bills (J.R. 61(b)(13)). Summer Recess begins on adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).
Aug 6. Legislature reconvenes from Summer Recess (J.R. 51(b)(2)).
Aug. 17 Last day for fiscal committees to meet and report bills to the Floor (J.R. 61(b)(14))
Aug 20-31 Floor session only. No committee may meet for any purpose (J.R. 61(b)(15)).
Aug. 24 Last day to amend on the floor (J.R. 61(b)(16)).
Aug. 29 Last day for each house to pass bills (Art. IV, Sec. 10©, J.R. 61(b)(17). Final Recess begins on adjournment (J.R. 51(b)(3)).
IMPORTANT DATES OCCURRING DURING FINAL RECESS
Sept. 30 Last day for Governor to sign or veto bills passed by the legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art IV, Sec 10(b)(2)).
Oct. 2 Non-urgency bills enacted on or before this date take effect January 1, 2013. (Art. IV, Sec 8(c)).
Nov. General Election.
Nov. 30 Adjournment sine die at midnight (Art. IV, Sec 3(a)).
Dec. 3, 2013-14 Regular Session convenes for Organizational Sessions at 12 noon (Art.IV, Sec 3(a)).



Monday, December 12, 2011

Dental Hygiene Committee of California

Legislative and Regulatory Agenda Item 6

California Regulatory Notice Register Schedule

**CALIFORNIA REGULATORY NOTICE REGISTER
PUBLICATION SCHEDULE
2011**

<i>Date to OAL</i>	<i>Publication Date</i>	<i>Minimum 45-day comment period/public hearing date</i>
December 21, 2010	December 31, 2010	February 14, 2011
December 28, 2010	January 7, 2011	February 21, 2011
January 4, 2011	January 14, 2011	February 28, 2011
January 11, 2011	January 21, 2011	March 7, 2011
January 18, 2011	January 28, 2011	March 14, 2011
January 25, 2011	February 4, 2011	March 21, 2011
February 1, 2011	February 11, 2011	March 28, 2011
February 8, 2011	February 18, 2011	April 4, 2011
February 15, 2011	February 25, 2011	April 11, 2011
February 22, 2011	March 4, 2011	April 18, 2011
March 1, 2011	March 11, 2011	April 25, 2011
March 8, 2011	March 18, 2011	May 2, 2011
March 15, 2011	March 25, 2011	May 9, 2011
March 22, 2011	April 1, 2011	May 16, 2011
March 29, 2011	April 8, 2011	May 23, 2011
April 5, 2011	April 15, 2011	May 30, 2011
April 12, 2011	April 22, 2011	June 6, 2011
April 19, 2011	April 29, 2011	June 13, 2011
April 26, 2011	May 6, 2011	June 20, 2011
May 3, 2011	May 13, 2011	June 27, 2011
May 10, 2011	May 20, 2011	July 4, 2011
May 17, 2011	May 27, 2011	July 11, 2011
May 24, 2011	June 3, 2011	July 18, 2011
May 31, 2011	June 10, 2011	July 25, 2011
June 7, 2011	June 17, 2011	August 1, 2011
June 14, 2011	June 24, 2011	August 8, 2011
June 21, 2011	July 1, 2011	August 15, 2011
June 28, 2011	July 8, 2011	August 22, 2011
July 5, 2011	July 15, 2011	August 29, 2011
July 12, 2011	July 22, 2011	September 5, 2011
July 19, 2011	July 29, 2011	September 12, 2011
July 26, 2011	August 5, 2011	September 19, 2011
August 2, 2011	August 12, 2011	September 26, 2011
August 9, 2011	August 19, 2011	October 3, 2011
August 16, 2011	August 26, 2011	October 10, 2011
August 23, 2011	September 2, 2011	October 17, 2011
August 30, 2011	September 9, 2011	October 24, 2011

<i>Date to OAL</i>	<i>Publication Date</i>	<i>Minimum 45-day comment period/public hearing date</i>
September 6, 2011	September 16, 2011	October 31, 2011
September 13, 2011	September 23, 2011	November 7, 2011
September 20, 2011	September 30, 2011	November 14, 2011
September 27, 2011	October 7, 2011	November 21, 2011
October 4, 2011	October 14, 2011	November 28, 2011
October 11, 2011	October 21, 2011	December 5, 2011
October 18, 2011	October 28, 2011	December 12, 2011
October 25, 2011	November 4, 2011	December 19, 2011
November 1, 2011	November 11, 2011	December 26, 2011
November 8, 2011	November 18, 2011	January 2, 2012
November 15, 2011	November 25, 2011	January 9, 2012
November 22, 2011	December 2, 2011	January 16, 2012
November 29, 2011	December 9, 2011	January 23, 2012
December 6, 2011	December 16, 2011	January 30, 2012
December 13, 2011	December 23, 2011	February 6, 2012
December 20, 2011	December 30, 2011	February 13, 2012
December 27, 2011	January 6, 2012	February 20, 2012
January 3, 2012	January 13, 2012	February 27, 2012
January 10, 2012	January 20, 2012	March 5, 2012
January 17, 2012	January 27, 2012	March 12, 2012
January 24, 2012	February 3, 2012	March 19, 2012
January 31, 2012	February 10, 2012	March 26, 2012
February 7, 2012	February 17, 2012	April 2, 2012
February 14, 2012	February 24, 2012	April 9, 2012
February 21, 2012	March 2, 2012	April 16, 2012
February 28, 2012	March 9, 2012	April 23, 2012
March 6, 2012	March 16, 2012	April 30, 2012
March 13, 2012	March 23, 2012	May 7, 2012
March 20, 2012	March 30, 2012	May 14, 2012
March 27, 2012	April 6, 2012	May 21, 2012



Monday, December 12, 2011

Dental Hygiene Committee of California

Legislative and Regulatory Agenda Item 7

Report on 2011 End of Year Legislative Session Summary



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Legislative and Regulatory Subcommittee Members
FROM	Traci Napper, Legislative and Regulatory Coordinator
SUBJECT	LEG 7.02 2011 End-of-Year Legislative Summary Informational only

Background

DHCC's Legislative and Regulatory Committee throughout the year (2011) have tracked several bills impacting the Dental Hygiene Committee and Department of Consumer Affairs Healing Arts Boards. Committee Members and staff have participated and attended hearings, communicating with Legislators and staff. The bills that the Committee followed include:

- AB 28 (Huber) State Agencies: repeals
- AB 127 (Logue) Regulations: effective date
- AB 536 (Ma) Physicians and Surgeons
- AB 675 (Hagman) Continue Education
- AB 958 (Berryhill) Regulatory Boards: limitations periods
- AB 1207 (Furutani) Small Business
- AB 1328 (Pan) Professions and Vocations
- SB 100 (Price) Healing Arts
- SB 103 (Liu) State government: meetings
- SB 227 (Logue) Regulations: effective date
- SB 231 (Emmerson) Regulatory Boards: healing arts
- SB 399 (Huff) Healing Arts: advertising
- SB 540 (Price) Dentistry
- SB 544 (Price) Healing
- SB 943 (Price, Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Walters and Wyland) Healing Arts

Bills DHCC followed after the April 29, 2011 meeting

- AB 1088 (Eng) State agencies: collection of demographic data
- AB 1424 (Perea) Franchise Tax Board: delinquent tax debt

The following bills have been designated as 2-year bills and will be taken up again by the Legislature in 2012:

- AB 28 (Huber) State Agencies: repeals
- AB127 (Logue) Regulations: effective date
- AB 675 (Hagman) Continue Education
- AB 958 (Berryhill) Regulatory Boards: limitations periods
- AB 1207 (Furutani) Small Business
- AB 1328 (Pan) Professions and Vocations
- SB 103 (Liu) State government: meetings
- SB 227 (Logue) Regulations: effective date
- SB 231 (Emmerson) Regulatory Boards: healing arts
- SB 399 (Huff) Healing Arts: advertising
- SB 544 (Price) Healing Arts

Staff will continue to monitor these two-year bills and will provide an updated report at the next DHCC meeting.

The summary of bills listed below were followed by DHCC and have been signed by Governor Brown.

- AB 28 Huber (Chapter Number 315 Statutes of 2011)**
STATE AGENCIES: REPEALS
This law established the Office for Citizen Initiative and Voluntary Action within the office of the Governor, and grants it certain powers and duties for the purpose of advocating and encouraging citizen initiative and volunteer action. This bill would repeal the statutes establishing the Office for Citizen Initiative and Voluntary Action within the office of the Governor, and make various conforming changes. This bill contains other related provisions and other existing laws
- AB 536 Ma – (Chapter Number 379, Statutes of 2011)**
PHYSICIANS AND SURGEONS
Requires the Medical Board of California (MBC) to post on its Internet Web site notification of an expungement order and the date of the order within six months of receiving a certified copy of the expungement order from a licensee.
- SB 100 Price (Chapter Number 645 Statutes of 2011)**
HEALING ARTS
This law requires the board to adopt regulations by January 1, 2013, regarding the appropriate level of physician availability needed within clinics or other setting using certain laser or intense pulse light devices for elective cosmetic procedures. This law contains other related provisions.
- SB 540 Price (Chapter 385, Statutes of 2011)**
DENTISTRY
SB 540 extends the operation the Dental Hygiene Committee of California to 2015 and Dental Board of California until January 1, 2016, and specifies that the board would be subject to review by the appropriate policy committees of the Legislature. The bill extends the Dental Hygiene Committee of California's Committee members terms to 2014 commencing on January 1, 2012. The bill defines the recommendations on scope of practice issues between Dental Hygiene and The Dental Board. The bill changes the membership of the board to include one additional public member, to be appointed by the Governor. The bill creates a Dental Assisting Council of the board, to be appointed by the board, to consider matters relating to dental assistants and make recommendations to the board and standing committees of the board, as specified. This bill contains other related provisions and other existing laws.
- SB 943 Senate Business, Professions and Economic Development Committee (Chapter 350, Statutes of 2011)**
HEALING ARTS
SB 943 makes several non-controversial, minor, non-substantive or technical changes to various miscellaneous provisions pertaining to the Dental Hygiene Committee of California and other healing arts boards of the Department of Consumer Affairs and professions regulated under the Business and Professions Code.
- AB 1088 Eng (Chapter 689, Statutes of 2011)**
STATE AGENCIES: COLLECTION OF DEMOGRAPHIC DATA
AB 1088 requires every state agency, board, or commission that directly or by contract, collects demographic data as to the ancestry or ethnic origin of Californians shall use additional separate collection categories and tabulations for each major Asian groups, including, but not limited to, Bangladeshi, Fijian, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, and Tongan Asian Indian, Bangladeshi, Cambodian, Chinese, Filipino, Hmong, Indonesian, Japanese, Korean, Laotian, Malaysian, Pakistani, Sri Lankan,

Taiwanese, Thai, Vietnamese, Fijian, Native Hawaiian, Guamanian (also known as Chamorro), Samoan, and Tongan. This information shall be included in every demographic report on ancestry or ethnic origins of Californians that it publishes or releases on or after July 1, 2012, and be available to the public in accordance with state and federal law. A state agency shall, within 18 months after the United States Census is released to the public; update their data collection to reflect the additional Asian groups and additional Native Hawaiian and Pacific Islander groups as they are reported by the United States Census Bureau.

This bill further requires the State Department of Health Care Services, the State Department of Public Health, the Department of Industrial Relations, and the Department of Fair Employment and Housing to make this information publicly available, except for personal identifying information, which shall be deemed confidential, by posting the data on the Internet Website of the agency on or before July 1, 2012, and annually thereafter. This would not prevent any other state agency from posting the information on their Internet Web site.

AB 1424

Perea (Chapter 455, Statutes of 2011)

FRANCHISE TAX BOARD: DELINQUENT TAX DEBT

AB 1424 requires the State Board of Equalization, quarterly, and the Franchise Tax Board, at least twice each calendar year, to make available a list of the 500 largest tax delinquencies in excess of \$100,000. This bill requires the Franchise Tax Board to include additional information on the list with respect to each delinquency, including the type, status, and license number of any occupational or professional license held by the person or persons liable for payment of the tax and the names and titles of the principal officers of the person liable for payment of the tax if that person is a limited liability company or corporation. This bill requires a person whose delinquency appeared on either list and whose name has been removed, as provided, to comply with the terms of the arranged resolution, and would authorize the State Board of Equalization and the Franchise Tax Board, if the person fails to comply with the terms of the arranged resolution, to add the person's name to the list without providing prior written notice, as provided.

This bill requires a state governmental licensing entity, other than the Department of Motor Vehicles, State Bar of California, and Alcoholic Beverage Control Board, as provided, that issues professional or occupational licenses, certificates, registrations, or permits, to suspend, revoke, and refuse to issue a license if the licensee's name is included on either list of the 500 largest tax delinquencies described above. This bill would not include the Contractors' State License Board in the definition of "state governmental licensing entity." This bill also requires those licensing entities to collect the social security number or federal taxpayer identification number of each individual applicant of that entity for the purpose of matching those applicants to the names on the lists of the 500 largest tax delinquencies, and would require each application for a new license or renewal of a license to indicate on the application that the law allows the State Board of Equalization and the Franchise Tax Board to share taxpayer information with a board and requires the licensee to pay his or her state tax obligation and that his or her license may be suspended if the state tax obligation is not paid. This bill authorizes the State Board of Equalization and the Franchise Tax Board to disclose to state governmental licensing entities identifying information, as defined, of persons on the list of the 500 largest tax delinquencies, as specified. This bill authorizes a motor carrier permit of a licensee whose name is on the certified list of tax delinquencies to be suspended, as provided. The bill requires the State Board of Equalization and the Franchise Tax Board to meet certain requirements and would make related changes.

No action necessary



Monday, December 12, 2011

Dental Hygiene Committee of California

Legislative and Regulatory Agenda Item 8

Update on plan to proceed with rulemaking for
Articles 1-12



MEMORANDUM

DATE	December 13, 2011
TO	DHCC Committee Members
FROM	Traci Napper Legislative and Regulatory Coordinator
SUBJECT	LEG 8.02 Update on Plan to Proceed with Rulemaking For Articles 1-12

Background

At the December 10, 2010 meeting, the Committee directed staff to take all necessary steps to complete the rulemaking process, including the final rulemaking package to the Office of Administrative Law and authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process.

Due to staffing limitations, staff has been unable to complete this huge regulation package. It has been recommended that we should approach the completion of the rulemaking process by breaking them out into three phases.

The Phases are as follows:

- Phase 1 - existing regulations from the Dental Practice Act with none or minor revisions (non substantive changes)
- Phase 2 - regulations that have been revised with substantive changes.
- Phase 3 - new regulations - DHCC does not have statutory authority to implement.

Staff has provided a snapshot of the regulations that will be processed in phases in the attached chart.

ACTION REQUESTED

- Recommend to the committee that the regulations be separated out into 3 phases.

LEG 8 Regulatory Process in Phases Yellow Phase 1 Green Phase 2 Pink Phase 3 and Red Place holders.

Phase 1 Regulatory Article 1 Definitions	1100 Definitions
Article 2 Administration	1101 Delegation to Committee's Executive Officer
Article 3 Educational Programs	1103 Definitions 1104 Approval of RDH Educational Programs 1105 Requirements for RDH Educational Programs 1106 Radiation Safety 1109 Approval of RDHAP Educational Programs 1110 Requirements of RDHAP Educational Programs 1111 Approval of RDHEF Educational Programs 1114 List of Approved Schools 1115 Posting of Notice Experimental Dental Health Program
Article 5. Licensure	1117 General Application Requirements 1119 RDHAP Applications 1120 RDHEF Applications
Article 6. Examinations	1121 Dental Hygiene Written Examinations 1122 General Procedures for the Dental Hygiene Committee of California Written Examination 1124 General Procedures for the Dental Hygiene Committee of California Clinical Examinations 1126 Conduct of DHCC Clinical 1127 DHCC Clinical Examination Review Procedures; Appeals Examination
Article 9 Continuing Education	1134 Purposes 1135 Continuing Education Providers and Courses 1136 Units Required for Renewal License 1137 Inactive Licenses
Phase 2 Regulatory Article 4 Duties Article 6. Examinations	1116 RDH Procedures 1123 Dental Hygiene Clinical Examinations 1125 DHCC Clinical Examination 1128 Western Regional Examination Board Clinical Dental Hygiene Examination
Phase 3 Regulatory Article 5 Licensure Article 6 Examinations Article 12. Dental Hygiene Corporation	1118 RDH Applications 1129 Remedial Education 1145 Professional Relationships, Responsibilities and Conduct Not Affected 1146 Additional Offices 1147 Security for Claims Against a Dental Corporation 1148 Shares: Ownership and Transfer
Place Holders	1107,1108,1112,1113,1130