

California Dental Practice Act 2023

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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 12th 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, LLC and founder member of The Compliance Divas™ Podcast.

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Topics we will cover:

- Scope of Practice
- Violations
- Citations, fines and license actions
- Required Posting
- Prescription regulations
- Professional Ethics/Unprofessional Conduct
- Mandatory Reporter Obligations
- Continuing Education Requirements
- Duties and Settings for Dental Auxiliaries

What's New?

- **For Dentists Only** -NEW CE requirement for dental license renewal on responsibilities and requirements of prescribing Schedule II opioid drugs. 2 hours every 2 years (as of 1-1-2023)
- e-Prescribing and CURES
- Irrigants used on "exposed dental pulp"
- Sexual Harassment Training required- CE eligible-if Approved Dental Board Provider
- Dental license renewals are online only-email address required to renew dental license
- New Duties for RDAEFs and Hygienists

Dental Assistants: Permits and Licenses

All Unlicensed Dental Assistants hired after 1-1-2010 must take these courses:

1. An 8 Hour Infection Control Course
2. California Dental Practice Act
3. CPR (American Heart Association or Red Cross, ASHI, (AGD and PACE also approved)

The employer is responsible for ensuring that unlicensed Dental Assistant who is in his or her continuous employ for 120 days or more completes these courses within a year of employment.

The above courses are PRE-REQUISITE for RDA Application and Radiation Safety course!

Dental Assistant Permits Unlicensed Dental Assistants (DA), RDAs and RDAEFs may obtain these permits. Here is what is required:

Orthodontic Assistant Permit

- Must have 12 months' work experience as DA, RDA, or RDAEF
- Complete 8 Hour Infection Control Course
- Complete California Dental Practice Act Course
- Have current CPR certificate
- Fingerprint clearances from both the Department of Justice & Federal Bureau of Investigation
- Take an 84-hour board approved orthodontic assistant course
- Pass a state administered written exam
- Complete 25 hours of Continuing Education every 2 years to keep permit active

Dental Sedation Assistant Permit

- Must have 12 months' work experience as DA, RDA, or RDAEF
- Complete 8 Hour Infection Control Course
- Complete California Dental Practice Act Course
- Have current CPR certificate
- Fingerprint clearances from both the Department of Justice & Federal Bureau of Investigation
- Take 110-hour board approved dental sedation assistant course
- Pass a state administered written exam
- Complete 25 hours of Continuing Education every 2 years to keep permit active

Applicants for RDA and RDAEF Licensure

RDA Applicants There is no longer a **Clinical and/or Practical Exam** for Registered Dental Assistant Licensure. Applicants must either graduate from a Board-approved RDA educational program or complete a California Dept of Education-approved 4-month educational program and 11 months of work experience. **OR "On the Job Pathway"** applicants must complete at least 15 months of work experience as a dental assistant.

Pre-requisites:

- Coronal Polishing Certificate
- Radiation Safety Certificate
- Have current CPR certificate
- Fingerprint clearances from both the Department of Justice & Federal Bureau of Investigation
- Complete a Board-approved course in the Dental Practice Act (within 5 years)
- Complete an 8 hour Infection control course (within 5 years)
- Pass the Written RDA exam

A Registered Dental assistant licensed on and after January 1, 2010, shall provide evidence of successful completion of a **board-approved course in the application of pit and fissure sealants prior to the first expiration date of his or her license that requires the completion of continuing education as a condition of renewal.**

RDAEF Applicants There is no longer a **Clinical and/or Practical Exam** For Registered Dental Assistants in Extended Functions. Pre-requisites for RDAEF application:

1. Current licensure as a Registered Dental Assistant (RDA) or completion of the requirements for licensure as a RDA;
2. Successful completion of a Board-approved course in the application of Pit & Fissure Sealants;
3. Successful completion of a Board-approved RDAEF program;
4. Successful passage of a written examination administered by the Board; and
5. Submission of fingerprint clearances from both the Department of Justice and the Federal Bureau of Investigation

Principles of Professional Ethics in Dentistry

Autonomy: _____

Beneficence: _____

Compassion: _____

Competence: _____

Integrity: _____

Justice: _____

Professionalism: _____

Tolerance: _____

Veracity: _____

Resources:

 www.danb.org/exams/forms-and-policies

 [www.adha.org/resources-docs/ADHA Code of Ethics.pdf](http://www.adha.org/resources-docs/ADHA_Code_of_Ethics.pdf)

 American Dental Association® www.ada.org/about/principles/code-of-ethics

Unprofessional Conduct

- Practicing with an expired license
- Failure to follow the Infection Control standards
- Insurance fraud
- Fee by fraud or misrepresentation
- Aiding/abetting an unlicensed person to practice dentistry
- Aiding/abetting licensed person to practice dentistry unlawfully
- NEW Laws re: Irrigating Solutions used on exposed Dental Pulp

Fictitious Name Permit and Name Changes

If you use a Fictitious Name for your Dental Practice You must have a Fictitious Name Permit issued by the Dental Board, (Fictitious Business License or DBA does not meet this requirement).

All licensees must notify the Dental Board or Dental Hygiene Board within 10 days of a personal name change. Also must notify of email/address change. DDS must register place of practice and change of place of practice within 30 days to Dental Board

Name Tag/Posting Requirements

All licensees must wear a name badge (18 point type) with **First and Last Name Plus License type UNLESS** their license (or certificate) is displayed at the facility. **Plus Post the name and license type of every person employed in the practice of dentistry must be posted in a conspicuous place in the facility.**

Other Required Posters/Signage:

For Patients:

Notice to Consumer Posters (Dentist and Hygienist)
Prop 65
HIPAA Notice of Privacy Practices

For Dental Team:

Radiation Safety
Minimum Standards for Infection Control
Dental Auxiliary Duty Table
OSHA and Employment Posters

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 or both.

Dental Licenses and Permits

Dental licenses expire every 2 years- If your birth year is an even number your license will always expires in an even year- in your birthday month. If birth year is an odd number you're your license will expire in odd year. The Board will no longer mail renewal notices and will instead mail a reminder postcard to all license and permit holders. **Renewal is online only.**

Dental License Renewal Continuing Education Requirements every renewal

Dentists 50 hours

RDAs and Hygienists 25 hours

RDHAPs 35 hours

DSAP and OAP Permit Holders 25 hours

Must include:

2 hours of California Dental Practice Act

2 hours of Infection Control

Current CPR-Basic Life Support LIVE (AHA, ASHI, or Red Cross. (AGD and PACE also approved).

For Dentists Only 2 hrs Responsibilities and requirements of prescribing Schedule II Opioid drugs

Live Continuing Education (CE) vs. Home Study

50% of Continuing Education can be Home Study

50% of Continuing Education must be live courses, which include classroom, live telephone conferencing, live video conferencing, webinars and live workshop demonstration.

80% of CE hours for license renewal must be courses in Clinical subject matter.

Examples: Infection Control, Dental Practice Act, OSHA, HIPAA, CPR, Sexual Harrassment, clinical topics.

Up to 20% may be used in courses such as office operations that benefit patient care

Examples: Recall Systems, Human Resources, Risk Management , Communications, Computer systems, Practice Mgmt., etc.

Resources:

Dental Board of California www.dbc.ca.gov

Dental Hygiene Board of California www.dhbc.ca.gov

DENTAL ASSISTING TABLE OF PERMITTED DUTIES

The following is a table of duties which Dental Assistants (DA), Orthodontic Assistants (OA), Dental Sedation Assistants (DSA), Registered Dental Assistants (RDA) and Registered Dental Assistants in Extended Functions (RDAEF) are allowed to perform in California.

This table is 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, assistants are NOT allowed to perform the duty.** Under each category of assistant is one of the following notations: “D”, “C”, “G” or “DD”.

“D” = the assistant 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. Such procedures must be checked and approved by the supervising dentist prior to dismissal of the patient from the office of said dentist.

Note: Dental Sedation Assistant permit holders may also perform the listed duty under a licensed health care professional authorized to administer conscious sedation or general anesthesia in the dental office.

“C” = the assistant 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” = the assistant 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.

“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 of Division 2 of the California Business and Professions Code (BPC). 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>.

ALLOWABLE DUTIES	SECTION OF LAW (Statute or Regulation)	D	C	G	DD
DENTAL ASSISTANT (DA) BPC, SECTION 1750.1					
Extra-oral duties or procedures specified by the supervising licensed dentist, provided that these duties or procedures meet the definition of a basic supportive procedure specified in Section 1750	1750.1			X	
Operate dental radiography equipment for the purpose of oral radiography if the dental assistant has complied with the requirements of Section 1656	1750.1			X	
Perform intraoral and extraoral photography	1750.1			X	
Apply nonaerosol and noncaustic topical agents	1750.1	X			
Apply topical fluoride	1750.1	X			
Take intraoral impressions for all nonprosthodontic appliances	1750.1	X			
Take facebow transfers and bite registrations	1750.1	X			
Place and remove rubber dams or other isolation devices	1750.1	X			
Place, wedge, and remove matrices for restorative procedures	1750.1	X			
Remove postextraction dressings after inspection of the surgical site by the supervising licensed dentist	1750.1	X			
Perform measurements for the purposes of orthodontic treatment	1750.1	X			
Cure restorative or orthodontic materials in operative site with a light-curing device	1750.1	X			
Examine orthodontic appliances	1750.1	X			
Place and remove orthodontic separators	1750.1	X			
Remove ligature ties and archwires	1750.1	X			
After adjustment by the dentist, examine and seat removable orthodontic appliances and deliver care instructions to the patient	1750.1	X			
Remove periodontal dressings	1750.1	X			
Remove sutures after inspection of the site by the dentist	1750.1	X			
Place patient monitoring sensors	1750.1	X			
Monitor patient sedation, limited to reading and transmitting information from the monitor display during the intraoperative phase of surgery for electrocardiogram waveform, carbon dioxide and end tidal carbon dioxide concentrations, respiratory cycle data, continuous noninvasive blood pressure data, or pulse arterial oxygen saturation measurements, for the purpose of interpretation and evaluation by a supervising licensed dentist who shall be at the patient's chairside during this procedure	1750.1	X			
Assist in the administration of nitrous oxide when used for analgesia or sedation. A dental assistant shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the supervising licensed dentist who shall be present at the patient's chairside during the implementation of these instructions. This paragraph shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency	1750.1	X			
Apply topical fluoride under the general direction of a licensed dentist or physician, when operating in a school-based setting or a public health program created or administered by a federal, state, county, or local governmental entity pursuant to Sections 104762 and 104830 of the Health and Safety Code	1750.1			X	
Intraoral retraction and suctioning under the supervision of a registered dental hygienist in alternative practice	1750.1		X		