

Legislative Update – July 2007

Senate Bill (SB) 534 (Perata) -- STATUS: PASSED OUT OF STATE SENATE ON WEDNESDAY, JUNE 7, 2007, AND IS NOW IN THE ASSEMBLY! SB 534 creates a dental hygiene committee. This bill reintroduces last year's similar self-regulation legislation, SB 1472. Senate Bill 1472 (Figueroa), considered landmark legislation, was the result of more than three years of negotiations with the Joint Legislative Sunset Review Committee and the California Dental Association. As a reminder, SB 1472 was vetoed by the governor during the final hours of the prior legislative session. CDHA has met with representatives from the California Dental Association and Senator Perata to work through concerns to gain consensus.

One of the amendments in SB 534 is the name of this new self-regulating body. Last year's legislation listed this as a bureau, this year's legislation identifies it as a committee (The Dental Hygiene Committee of California). The function and duties of this committee remain the same as described in last year's legislation. With the formation of the Dental Hygiene Committee of California, the Committee on Dental Auxiliaries (COMDA) would be abolished and the authority for regulation of dental assistants transferred to the Dental Board of California.

CDHA's policy to achieve self-regulation for our profession is longstanding. As we have stated for decades, the profession of dental hygiene deserves to be recognized for its ability to determine and regulate its professional standards, educational standards, and scope of practice. The profession of dental hygiene has the same educational standards as similar professions such as nursing, physical therapy, and other mid-level health care providers who regulate themselves.

Assembly Bill (AB) 1334 (Salinas) -- STATUS: BECAME EFFECTIVE JANUARY 2007. RDHAPs may now provide general supervision dental hygiene services up to 18 months without a prescription or prior authorization. After the first 18 months of service, a prescription will be required from a licensed dentist or physician. Each prescription may be renewed for a period of up to 24 months.

SB 238 (Aanestad) STATUS: PASSED OUT OF STATE SENATE ON WEDNESDAY, JUNE 7, 2007, AND IS NOW IN THE ASSEMBLY. CDHA, California Primary Care Association and California Dental Association are co-sponsoring SB 238. The intent of this legislation is to allow federally qualified health centers (FQHCs) and regional health centers (RHCs) to bill Medi-Cal for preventative dental services provided by dental hygienists. California law outlines a list of healthcare providers for which FQHCs and RHCs may bill for services, and the dental hygienist is not on this list. SB 2022, chaptered in 2002, contained language authorizing dental hygienists to bill for direct reimbursement for services rendered in these FQHCs, however, because the dental hygienist is not listed as one of the authorized providers, this omission has become problematic. SB 238 will allow these clinics to bill the Medi-Cal program for services that dental hygienists already perform in many dental offices.

While hygienists may provide their services unsupervised in a number of settings, FQHCs and RHCs cannot bill Medi-Cal for a dental hygiene visit unless a dentist is directly involved in the visit. This requirement forces clinics to rely on dentists, more than hygienists, for preventive dental services. This requirement reduces the amount of time dentists can spend providing restorative and other services.

DENTAL BOARD OF CALIFORNIA (DBC) -- John Bettinger, DDS, is the newest appointment to the 14-member board. The current active membership of the DBC consists of eight dentists, one public member, and one dental hygienist; there are four vacancies (three public positions and the dental assistant position).

A sub-committee of the DBC has been appointed to address CDHA's concerns about the validity of the clinical periodontal examination of dental candidates. This sub-committee will review and compare the clinical periodontal examination for dental candidates with the dental hygiene clinical examination and report its findings to the board. The sub-committee requested the input and assistance of Shanda Wallace, RDH, chair of the COMDA.

The Registered Dental Hygienists in Alternative Practice (RDHAP) have requested the GRC's assistance in addressing issues that hinder their ability to provide dental hygiene services in some skilled nursing facilities. Their inability to provide services has been due, in large part, to dentists who obstruct the delivery of RDHAP services by developing exclusive agreements with these facilities. In some cases, the facilities' contracts stipulate dentists will be the only provider of oral health care services, thereby preventing client access to RDHAPs. GRC is gathering data on reports of those dentists who obtain exclusionary agreements with skilled nursing facilities, as well as other issues that hinder the practices of the RDHAPs.

CDHA Government Relations Council (GRC): Katie L. Dawson, RDH, BS, Chair; JoAnn Galliano, M Ed., RDH, Michelle Hurlbutt, RDH, BS, and Lori Gagliardi, RDA, RDH, Ed.D