

## Government Relations

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March 2022

**Directives:** None at this time.

**Activities** (driven by the MOP):

**As per the MOP:**

- Maintained information about current bills on the website
- Served as spokesperson to represent the legislative interests of CDAA
- Served as contact person with other individuals and organizations
- Presented a report after each meeting for which there is funding or representation
- Reviewed legislation affecting dental assisting and report to the Board
- Provided a report for the Newsletters
- Provided legislative representation at the following meetings:
  - February
  - November 18, 2021 DAC Meeting, Virtual
  - November 18, 2021 DBC Meeting, Virtual
  - August 19-20, 2021 DAC Meeting, Virtual
  - August 19-20, 2021 DBC Meeting, Virtual
  - May 13-14, 2021 DBC Meeting, Virtual
  - April 30, 2021 DAC Meeting, Virtual

### Other Activities – Dental Board / DAC Report:

#### AB 2276

This bill was sponsored by the CDA and would move Coronal Polishing and Pit & Fissure Sealants from the RDA category to the DA category. Their stated rationale is that:

- *“The licensure of registered dental assistants has posed an issue with RDA shortages.”*
- They believe that these duties *“fall under basic supportive dental procedures”* as defined for the dental assistant in [Cal B&P Code 1750](#).
- They intend to amend the bill to *“minimize the financial impact to the dental board by similarly only requiring the dental assistant to provide proof to their employer and to the dental board upon request (same as radiography).”*

We disagree and are opposing this bill. It is problematic for the following reasons:

- **We see no evidence to support that the shortage is related to the licensing process but believe it to be other factors.** While there is a shortage of RDA's, there is also a shortage of all dental personnel, including dental assistants. Licensing statistics from the Dental Board for the past 6 years show no significant change in the number of RDAs.
- **Coronal Polishing and Pit & Fissure Sealants are neither supportive, basic or reversible in nature and can cause harm to the patient.** They involve the use of a handpiece and acid etch. Taking a 12-hour course without foundational experience and knowledge within weeks of employment with little oversight does not provide the skills necessary to perform these safely.
- **Moving these duties to the unlicensed dental assistant category provides no accountability with the Dental Board of California and to the consumers of California for tracking these assistants and the related permits.** The DBC has no legal

- authority over this category of assistant since they are unlicensed. This unlicensed **Moving these duties to the unlicensed dental assistant category provides no accountability with the Dental Board of California and to the consumers** of California for tracking these assistants and the related permits. The DBC has no legal authority over this category of assistant since they are unlicensed. This unlicensed dental assistant can literally have been a waitress, hotel worker, or just graduated from high school and be performing these technically advanced procedures within weeks of employment with little oversight.

We have requested that CDA pull this bill and engage in dialogue, but that has not yet happened. We are working collaboratively with the dental assisting community on this, including CADAT, RDAEFA and DAEGRs as well as CDHA.

Amendments to BPC1750, Infection Control Course Requirements Approved by the DBC  
BPC1750 currently allows up to 12 months for an on-the-job-trained dental assistant to complete the eight-hour dental board approved course. A request was made at the July 2020 Dental Board meeting by CDAA, CADAT and the DAEGRs for the Board to re-evaluate the minimum qualifications relative to infection control for dental assistants as found in BPC 1750. We requested that this be changed to require the completion of this course **prior to the potential exposure to blood, saliva or OPIM**.

The DAC approved our proposal for amendments to BPC1750, Infection Control Requirements that would amend the infection control course requirements for the unlicensed dental assistant.

This action by the DAC was reported to the Dental Board, who took action on it at the August 20, 2021 meeting. After no discussion by board members and stakeholder opposition from the CDA, the proposal was passed unanimously (with one abstention – from the RDA representative on the Board). The Board will now seek an omnibus bill; if that is not successful, it will be placed into Sunset Review.

### Program Re-evaluations

The Dental Board has begun doing program re-evaluations again (following the hold due to COVID in 2020) and are also now re-evaluating EF Programs.

Over the past year, the Board has received complaints alleging that some Board-approved programs and courses are operating out of compliance and/or operating at locations that do not have Board-approval. In each of these cases, Board staff have worked with legal counsel to determine the appropriate resolution following an investigation into each specific compliance issue or complaint. In instances where the Board was notified that a Board-approved program or course was potentially operating out of compliance, the Board has issued notices of re-evaluation. In instances where a program or course location was operating and claiming to have Board-approval but does not, Cease and Desist Notices have been issued.

### Administration of Written Examinations in Different Languages

At the request of the DAC, the OPES presented information on the process, pros and cons of providing a written examination in language/s other than English. It is anticipated that this will be a future agenda item for discussion and possible action.

### RDAEF Proposal for Administration of Local Anesthesia and Nitrous Oxide

At its November 2018 meeting, the Dental Assisting Council approved a proposal from the EF Association (presented by Joan Greenfield) to expand the scope of practice for the RDAEF to include local anesthesia and nitrous oxide. The request was that the Dental Board conduct surveys and workgroups that would produce data and information to take to the DBC for discussion and action. At the August 2021 meeting, the DBC voted down the proposal (in a vote of 9N – 5Y).

This proposal was then brought back to the DAC at the November 2021 meeting for discussion and action. The Dental Assisting Council approved the appointment of Jeri Fowler and Tracy Reed-Espinoza to a work group to address this topic. They will discuss the specific issues to be studied, create relevant survey questions, and return to the Council with a list of the specific issues to be studied and survey questions.

At its January 2022 meeting, the working group brought back preliminary questions for a survey to be done. It will be brought back at a future meeting.

### RDAEF Practical/Clinical Exams and Occupational Analysis

The practical and clinical exams were suspended in 2020 due to COVID. However, DBC was able to schedule exams with UOP for July and August exams. Half of the approximately 200 candidates opted to test. Following the passage of SB 607 (sponsored by the Dental Board,) the practical and clinical exam will no longer be administered as a licensure requirement for the RDAEF category. This took effect January 1, 2022.

The RDAEF occupational analysis was completed and included finalizing a new examination outline, which incorporates additional content that measures competencies related to cord retraction and final impression (items that were measured by the clinical/practical exam). The DBC anticipated that the new examination would be ready for implementation January 1, 2022, however it was delayed. Candidates who have already taken and passed a written exam will not be required to take the new exam.

The new written exam content has been adjusted to reflect the removal of a practical/clinical exam and it will be increased from 50 scoreable questions with 10 pretest questions to 100 scoreable questions with 25 pretest questions. Examinees will be given 150 minutes to complete the exam. If a candidate previously passed the written exam, a license will be issued on January 3, 2022. If a candidate previously paid for the practical exam, a refund will be issued within 8-10 weeks. Beginning January 3, 2022, the DBC began issuing licenses to those who met the requirement. The new exam outline can be found on the DBC website.

### Orthodontic Assistant (OA) Written Exam

At the recommendation of the Office of Professional Examination Services (OPES), the OA exam is being modified to account for the increase in candidates taking the exam. The exam will increase from 65 scoreable and no pretest questions to 75 scoreable and 25 pretest questions. Candidates will now have 120 minutes to complete the exam. The new exam will be ready by September 1, 2022. The Examination Candidate Manual was updated and is now available.

Dental Assisting Comprehensive Rulemaking Package (16CCR 1067-1081.3)

The package that it is anticipated that this is still at least 18 months before ready for implementation.

Dental Assisting Licensing Statistics

License Type	License Status	FY18/19	FY 19/20	FY 20/21	FY 21/22
Registered Dental Assistant	Active	30,116	30,465	30,317	30,421
	Inactive	4,401	4,321	4,155	4,201
	Delinquent	11,471	11,636	11,802	11,682
	Cancelled	46,276	47,759	49,700	50,033
License Type	License Status	FY18/19	FY 19/20	FY 20/21	FY 21/22
Registered Dental Assistant Expanded Functions	Active	1,542	1,584	1,522	1,561
	Inactive	72	75	74	77
	Delinquent	212	213	251	249
	Cancelled	323	350	379	385
License Type	License Status	FY18/19	FY 19/20	FY 20/21	FY 21/22
Orthodontic Assistant	Active	1,137	1,281	1,340	1,361
	Inactive	19	23	34	40
	Delinquent	109	158	211	206
	Cancelled	2	4	13	18
License Type	License Status	FY18/19	FY 19/20	FY 20/21	FY 21/22
Dental Sedation Assistant	Active	1,167	36	38	38
	Inactive	21	2	3	3
	Delinquent	125	15	13	13
	Cancelled	2	2	4	4

Dental Assisting Examination Statistics

There is continuing conversation and concern about the low pass rates for the RDA Combined Exam over the past year or so. There is more data in the [DAC Meeting Materials](#), but it has been compiled into a more condensed form here.

License Type	RDA	OA	DSA	RDAEF		
	Written	Written	Written	Clinical	Practical	Written
<b>21/22</b>						
<b>Total Candidates Pass %</b>	<b>53%</b>	<b>23%</b>	<b>N/A</b>	<b>68%</b>	<b>75%</b>	<b>75%</b>
<b>20/21</b>						
<b>Total Candidates Pass %</b>	<b>66%</b>	<b>39%</b>	<b>60%</b>	<b>N/A</b>	<b>N/A</b>	<b>84%</b>
<b>19/20</b>						
<b>Total Candidates Pass %</b>	<b>57%</b>	<b>52%</b>	<b>100%</b>	<b>50%</b>	<b>49%</b>	<b>68%</b>

## RDA Program Statistics

Total Approved Dental Assisting Programs and Courses January 2022									
RDA Program	RDAEF Program	RDAEF- IT	Radiation Sa	Coronal Poli	Pit & Fissure Sealant	Ultrasonic Sc	Infection Co	DSA Permit	OA Permit
134	12	4	175	121	161	38	160	50	172

Total Approved DA Program and Courses 2021									
RDA Program	RDAEF Program	RDAEF- ITR	Radiation Safety	Coronal Polishing	Pit & Fissure Sealant	Ultrasonic Scaling	Infection Control	DSA Permit	OA Permit
89	11	4	153	70	83	19	78	25	112

### Potential Fee increase

The Dental Board budget report included the discussion about the potential need to have a fee increase. It was recommended that they decide which fees to increase and then come back to the board and make the decision.

### Dental Board / DAC

Executive Officer Karen Fischer has retired. Sarah Wallace is service as Interim Executive Officer until the position is filled.

Jeri Fowler, CDA, RDAEF2, OA was elected as Chair of the DAC and Traci-Reed Espinoza, RDAEF2 was elected as Vice-Chair.

Dr. Alan Felsenfeld was elected as President of the Dental Board and Dr Yu was elected Vice-President.

### **Communication** (eg. invitations, requests specific to this position . . .):

- Regular conference calls with 'workgroup' of CADAT, DAEGRs and CDAA
- Conference calls with Cal/OSHA
- Multiple phone calls re AB 2276
- Letters written in opposition to AB 2276
- Development of Letter Writing Campaign re AB 2276
- Conference call with CDHA re AB 2276

### **Calendar of Future Events:**

The tentative schedule for Dental Board / DAC (which may be held in person) are:

- May 12/13, 2022, Anaheim
- August 25/26, 2022
- October 7, 2022: special meeting to review the draft sunset review background report
- November 17/18, 2022

### **Suggestions / Recommendations to CDAA BOT:**

Consider setting aside funds to legislative aid (lobbyist . . . )