

1 CALIFORNIA DENTAL PRACTICE ACT 2018

2 WHY ARE WE HERE?

- It's required for re-licensure
- The DPA regulates & defines dental practice limits, dedicated to protecting public
- Updates

What we will cover:

- Licensure / renewal
- The Dental Board, how to communicate
- DPA
- Committees
- Violations

3 DENTAL BOARD OF CALIFORNIA

- Previously: Board of Dental Examiners
- Operates as Bureau under Dept of Consumer Affairs
- Regulatory Board for licensed: DDS, RDA, RDAEF
- Highest priority of the Board = protection of the public

4 DENTAL PRACTICE ACT INCLUDES:

- Definition of dentistry, specialties
- Foreign dental schools, dentists
- Education, qualifications, exams
- Special permits
- Restorative materials (give fact sheet)
–http://www.dbc.ca.gov/formspubs/pub_dmfs_english_webview.pdf
- Radiation safety (New fees!)
- Diversion (addiction recovery without losing license)

5 DENTAL PRACTICE ACT INCLUDES:

- Health & safety codes, infection control
-
- Illegal acts, unprofessional conduct, gross negligence
- Prescriptions / drugs
- Criminal act reporting

6 DEADLINES

Dental practices must comply with new [laws and regulations](#) on the following dates:

- June 14, 2027: Replace amalgam separators (facilities with separators)
- July 14, 2020: Install amalgam separators (existing facilities)
- July 14, 2017: Install amalgam separators (newly built facilities)
- ** Amalgam separators must meet ANSI, ADA& ISO specs & achieve 95% removal efficiency
- Jan. 1, 2019: Enroll or opt-out of Medicare

7 DEADLINES

- Aug. 30, 2018: Replace three Prop. 65 signs with single sign
- Sept. 18, 2017: Employers must use revised I-9 form (hiring form)
- Jan. 31 2018: License renewal and delinquent fees increased
- Jan. 1 2018: Display new mandatory poster on transgender rights "Transgender Rights in the Workplace" SB 396
- March 1 2017: Single-stall restrooms – universally accessible and "all gender" sign.

8 REMINDER: PAST DEADLINES

- Nov. 1 2017: Post Cal/OSHA poster "Safety and Health Protection on the Job" dated Oct. 2017
- July 1, 2017: if ≥ 25 employees, provide notice of protected leave for domestic violence, sexual assault, stalking to new employees (& other employees by request) AB 2337
- July 1, 2017: (L.A. City) if ≥ 25 employees, meet city & state paid sick leave regs.

9 REMINDER: PAST DEADLINES

- May 2, 2017: Update Wage Order 4-2001 to 2017-2018 minimum wage (not updated on current required poster set) Cal Dept of Industrial Relations: www.dir.ca.gov
 - CDA provides minimum wage chart by location
- Jan 1, 2017: Update consent forms
- Sept. 1, 2017: X-ray renewal fee increase
 - Lindsey.Reuter@cdph.ca.gov (916) 440-7937
 -

10 DUTIES OF THE BOARD

- General duties:
 - Enforce DPA with "Seal"
 - Examine license applicants
 - Apply & collect fees (permits, licenses, fines, exams)
- Compensation: per diem & expenses
- Employs assistants, attorneys, investigators
- Collect information

11 DUTIES OF THE BOARD

- Regulatory authority
 - Inspect books, records, premises after complaint (failure to allow inspection = grounds for fines, license suspension, revocation) unless "good cause"
 - Keeps records of licenses, actions
 - Makes & enforces rules of DPA
 - Mandatory inspections of general & medical anesthesia & conscious sedation permit holders
 - Random audits of CE records

12 **CDB EXECUTIVE OFFICER**

- Board's Exec. Officer is authorized to adopt, amend, or repeal rules & regs necessary to enforce DPA.
- Exec. Officer can approve settlements for revocation, surrender, or interim suspension of licenses without Board vote.
- Title 16, Sec. 1001

13 **SUPREME COURT RULING**

- Fed. Trade Commission vs. N. Carolina Dental Board
- Dental Board issued cease & desist orders against non-dentist teeth whitening providers & product manufacturers
- Businesses stopped
- Board was sued by FTC:
 - "Board = price-fixing cartel"

14 **UNRESOLVED.....**

- FTC claims Board's actions = anticompetitive
- With a majority # of dentists on Board = "conflict of interest"
 - Protecting public vs. protecting dentists businesses?
- Should oversight of Board, or # of dentists be changed?

15 **PROP. 65: SAFE DRINKING WATER & TOXIC ENFORCEMENT ACT**

Must post (update annually):

- Use of chemicals that cause CA or reproductive toxicity
- Bisphenol A (BPA) in composites, sealants (reproductive toxicity)
- Restorative materials
- Nitrous Oxide

List available: oehha.ca.gov/proposition-65

16 **SUBMIT EMAIL ADDRESS TO BOARD**

- If licensed by DBC or DHCC
- Subject: "Electronic Mail Address Requirement"
- Name, license type, License #, email
- Send to: dentalboard@dca.ca.gov
- Privacy protected

17 **DO I NEED AN AMALGAM SEPARATOR?**

- Yes.
- New offices: NOW
- Install in existing offices by July 14, 2020
- Replace existing separators by June 14, 2027
-
- EPA Clean Water Act
-
-

18 **FCS CREDENTIALING COMMITTEE**

Elective Facial Cosmetic Surgery

- 2 oral & maxillofacial surgeons with FCS permit
- 1 oral and maxillofacial surgeon who is licensed by the Dental Board of California and the Medical Board of California, and is Board certified by the American Board of Oral and Maxillofacial Surgeons

19 **FCS CREDENTIALING COMMITTEE**

Elective Facial Cosmetic Surgery

- 1 physician and surgeon licensed by the Medical Board of California with a specialty in plastic and reconstructive surgery.
- 1 physician and surgeon licensed by the Medical Board of California with a specialty in otolaryngology

20 **DENTAL ASSISTING COUNCIL OF THE DENTAL BOARD OF CALIFORNIA § 1742**

- Considers all Dental assistant issues, advises Board on:
 - Requirements for licensure, exams, permits, renewal
 - Duties, settings, supervision
 - Standards of conduct, enforcement
 - Infection control requirements
- Appointed by Board:
 - Dental Assistant/board member, other Board member, 5 assistants

21 **DENTAL HYGIENE COMMITTEE OF CALIFORNIA (DHCC) § 1900-1966.6**

- Represents RDH's, RDH EF's (Extended Functions), RDH AP's (Alternative Practice)
- 1st of its kind in U.S.
- 9 members, appointed by Governor
 - 4 public
 - 1 practicing DDS
 - 4 RDH's: 1 educator, 1 RDHAP

22 **DENTAL HYGIENE COMMITTEE OF CALIFORNIA (DHCC) § 1900-1966.6**

- Issue, review, revoke licenses
- Develop & administer exams
- Adopts regulations
- Determines DH fees & CE regs
- Only DH Committee with complete control over school accreditation
- New DH Schools must show need & feasibility to DHCC B4 CODA

23 **DH LICENSING**

- Cal accepts Western Regional Examination Board (WREB) exam for RDH license

24 **DH LAWS**

- License denied / suspended if fail to pay taxes
- RDH must be employed by DDS

- RDHAP may be:
 - self-employed as sole proprietor of alternative hygiene practice in areas certified as having dental healthcare shortage
 - employed by another RDHAP as independent contractor

25 **CURRENT RDHAP ISSUES**

- Now: if location no longer meets dental care shortage criteria, RDHAP must close business - abandons pts.
- RDHAP's seek to improve collection for services
 - equal pay, insurance processes
 -
 -
- DHCC needs more employees

26 **WHAT IS ITR?**

INTERIM THERAPEUTIC RESTORATIONS

- Removal of caries with hand instruments
- Local anes. shall not be needed
- Direct provisional adhesive restoration (self-setting or resin-modified glass ionomer cement)
- Follow-up care (OH, fluoride....)
- Must be part of comprehensive dental plan in a dental home

27 **INTERIM THERAPEUTIC RESTORATIONS (ITRS) BECOMES OPERATIVE 1/1/2018 AB 1174**

- RDHs, RDHAPs, RDHEFs, RDAEFs may place ITRs (gen supervision)
- With dx & tx plan of licensed DDS
 - Private & public settings
 - Virtual dental home (telehealth)
- Requires formal training by DHCC / CDB approved course
- DH schools MUST qualify students (CODA Standard 2.18)

28 **ITR SELECTION CRITERIA**

- To prevent further decalcification of carious lesions
- Young, uncooperative pts
- Pts. with special needs
- When traditional tx must be postponed or is not feasible
- As part of step-wise carious excavation prior to definitive tx.
 - Lowers oral bacteria
- AAPD, Oral Health Policies ref. manual V32/NO6 10/11
-
-

29 **DH BOARD ISSUES**

- DHCC considering "measure of continued competency" for license renewal
- Should level of supervision change for:

- local anesthesia?
- Nitrous oxide-oxygen analgesia?
- Soft tissue curettage?
- Submit your inquiries: dhccinfo@dca.ca.gov

30 **ALL CLINICIANS: I.D. YOURSELF!**

- Must display (on name tag or in office):
 - Educ. Degree
 - Graduate / postgraduate educ. In specialty
 - License type & status
 - Board certification
 - For supervising physicians & surgeons; hours in facility

31 **SHOW YOUR QUALIFICATIONS**

...IF YOU DO THESE:

- Top 5 minimally invasive cosmetic procedures being done:
 - Botox
 - Hyaluronic acid fillers
 - Chemical peel
 - Laser hair removal
 - Microdermabrasion
- Must post degree/ qualifications
- Must be licensed (check insurance!)

32 **NOTICE TO PATIENTS OF LICENSURE BY DENTAL BOARD**

Every DDS MUST provide notice to each patient:

"Dentists are licensed and regulated by the Dental Board of California
(877) 729- 7789

<http://www.dbc.ca.gov>"

16 CCR 1065

33 **NOTICE TO CONSUMERS OF LICENSURE BY DENTAL BOARD**

Every DH MUST provide notice to each patient:

"Dental Hygienists are licensed and regulated by the Dental Hygiene Committee of California

Business and Professions Code

Division 2, Ch. 4, Article 9

Sections 1900 - 1966.6"

34 **CONTENT OF DPA**

- The practice of Dentistry defined:
 - § 1625. Dentistry is the diagnosis or treatment, by surgery or other method, of diseases and lesions and the correction of malpositions of the human teeth, alveolar process, gums, jaws, or associated structures; and such diagnosis or treatment may include all necessary related procedures as well as the use of

drugs, anesthetic agents, and physical evaluation.

35 **THE RULES APPLY TO DENTISTS WHO:**

- Identify themselves in writing as a DDS
- Perform (or offer to) tx or diagnose any oral structures
- Indicate they will alter, construct, repair, or sell any appliance or restoration
- Examine (or offer to) oral structures with intent to treat
- Manage, lease, run any dental facility

36 **EXEMPTIONS**

- Legal executor of deceased DDS estate may operate practice 1 yr if all legal notification and practice limits are observed
- Students in approved programs
- Emergency services rendered in good faith at scene away from office
- Treatment of an emergency arising from prior tx by another DDS: (not liable for any civil damages)
- DDS not liable for failure to inform if:
 - Pt unconscious
 - DDS thinks immediate tx necessary: no time
 - Pt incapable of giving consent, no time to seek from authorized person §1627
 - Unicode: U+00A7, UTF-8: C2 A7

37 **VIRTUAL DENTAL HOME**

- AB 648 (Teledentistry)
- Expands VDH to service locations of greatest need

38 **NEW LICENSURE BY PORTFOLIO**

- Dental students graduate with “portfolio” model exam process over the final year of dental school
- Not a requirement, but allowed
- First licensure-by-portfolio-examination: UOP

39 **RDA LICENSING EXAM**

- Clinical exam no longer required
- Assembly Bill 1707 (Chapter 174, Statutes of 2017)
-

40 **WHO CAN TURN US IN?
....AND HOW?**

- Patients: not anonymous, public record created, other DDS's brought in
- Staff: can be anonymous

41 **CAN A PATIENT TURN YOU IN FOR REQUIRING X-RAYS?
YES, BUT YOU WILL WIN!**

- X-ray info = standard of practice for assessment & tx

42 **OSHA COMPLIANCE = BOARD COMPLIANCE**

- Written program
- Employee safety conditions
 - IC, physical & chemical safety
- Training / communication
 - Includes unlicensed DA IC training
- Facility, equipment, supplies
- Compliance by EVERYONE!
- OSHA & Board & police share info

43 **LICENSE RENEWAL**

- Ea. 2 years, end of birthday month
- No grace period; “practicing without a license”
- Fee assessed 30 days after lapsed
- Receive notice 60 days ahead, still your responsibility if no notice
- By mail: 6-8 weeks to update, 6-8 more weeks to get pocket lic.
- On line: 48 hrs, 2 -3 weeks (pocket lic)

44 **LICENSE RENEWAL**

- Disciplinary cases:
 - “practicing with expired licenses”
 - Some for up to 20 years!
- Employer: responsible for (must check) licensure status of staff
- Increased DDS renewal fees: \$650.00 (\$12.00 CURES fee)

45 **THE CHALLENGES**

- Chasing unlicensed “dentists”
- Keeping them from re-surfacing
- Protecting public

46 **CE REQUIREMENTS**

- Dentists – 50 units
- ADHP’s – 25 units (RDHAP – 35)
- Must include Infection Control (2 hrs), CDPA (2 hrs) & CPR (mandated content)
- Special permit holders (GA, CS): subject- specific CE required for permit renewal
- DA’s must pass (once):
 - IC (8 hours) & radiation safety
 - coronal polishing
 - Comprehensive infection control (Jan, 2010)

47 **MANDATORY CE**

- 80% must be scientifically oriented courses directly related to dental practice, benefiting patients

- 20% may primarily benefit DHCW, but must also benefit pt.
- 50/50 (live vs. remote) rule still applies
 - Clearly defined “live” course work
 - Clearly defined “home study” (\leq 25 hrs)
 - On-line / computer courses = home-study
- Increased provider responsibility for data on CE verification slips

48 **NON-ELIGIBLE CE SUBJECTS**

- Personal money management, “marketing”
- Basic subjects not related to dental practice
- General physical fitness, licensee’s personal health;
- Basic skills - memory training & speed reading
- Courses where dentist is the primary beneficiary.
-

49 **Q:**

- Do we have to wear a name tag?

50 **A:**

- Yes, 18 pt. Type or larger
- Unless license is in public view

51 **PATIENT TREATMENT RECORDS:
CAN YOU INITIAL YOUR ENTRY?**

52 **YES BUT....**

- Must sign or:
- May initial plus ID #
- Must date entry

53 **CAN YOU CHARGE FOR PROVIDING PATIENT RECORD COPIES?**

- Yes.
- “Reasonable cost-based fees”
- For supplies, time
- Both paper & electronic files

54 **HIPAA
HEALTH INFORMATION PORTABILITY & ACCOUNTABILITY
ACT**

55 **2 HIPAA STANDARDS**

- Privacy
 - Control of PHI disclosures
- Security
 - Safeguard PHI specifically in electronic form (ePHI)

56 **OMNIBUS RULE - 2013**

- Non-compliance = civil offense

- Civil penalties: \$100 - \$50,000 / offense
- Under DOJ (Dept. of Justice): Unauthorized disclosure or misuse of protected health info. = criminal. Fines - \$250,000 & 10 years prison
- Applies to all covered entities: Medical, insurance, financial, government bodies

57 **BE CAREFUL ABOUT PAPER**

58 **ELECTRONIC TRANSACTIONS**

- Should be standardized (forms, terms, rules)
- More efficient, less costly
- Results in fewer mistakes such as:
 - Wrong referrals
 - Missing authorizations
 - “Leaked information”
 - Costly delays
- Learn medical & dental codes
- Use unique identifiers (name vs. SS#)

59 **HIPAA**

- Must have written agreements with ANY entity that sees pt. Info.
 - File copy services
 - When electronic files / images used
 - Testimonials, social media, marketing
- Encrypt data & physically protect

60 **MANDATED REPORTING**

- 65% of physical child abuse = visible in head / neck region
- 75% of physical injuries from domestic violence are to head, face, mouth & neck
- Dentists, Hygienists, assistants = responsible to report suspected child, elder, domestic & disabled: abuse & neglect.
- \$1000 fine & jail for NOT Reporting (liable for civil or criminal prosecution)

61 **WHAT IS ABUSE?**

- Spectrum of repetitive behavior
- Non-accidental physical injury by another person
 - Physical abuse & neglect
 - Sexual abuse
 - Emotional abuse
- Fatal abuse is often preceded by minor maltreatment
- - (Pen. Code 11165.6)

62 **REPORTABLE ABUSE**

- 1 CHILD, ELDER & DEPENDENT ADULT, DOMESTIC VIOLENCE

- 2 • Child = through 18 yrs,
- Elder = 65 yrs + older
- Special disabilities – any age
-
- (Pen. Code 11165.6)
-
-

63

- Provider/patient privilege does NOT apply
- Must report if patient / caregiver confides, you suspect abuse / neglect

64 **REPORT CHILD / ELDER ABUSE:
CALL, THEN WRITTEN REPORT**

- Must report suspected abuse to a county child protective agency or police
- Must report elder or dependent adult abuse to county
- Domestic (physical) violence: to local police
- What do you look for???

65 **CLINICAL SIGNS OF ABUSE**

- Bruises, burns, lacerations, abrasions, head injuries, skeletal injuries (head, neck, limbs, etc)
- Fractured, abscessed teeth
- Healing or healed bones (X-rays)
- Bite marks
- Hair loss
- Strangulation marks

66 **STRANGULATION**

- 10% of violent deaths in US each year = strangulation
- Victims = 6 X more females than males

67 **STRANGULATION**

- Defined as: asphyxia due to closure of blood vessels &/or airway
- Only 11 lbs of pressure on both carotids for 10 sec. → unconsciousness
- 33 lbs of pressure closes trachea

68 **STRANGULATION: LOOK FOR:**

- Visible neck scratches, abrasions, bruises, scrapes
 - Defensive & attack wounds
- Voice changes: hoarseness, complete loss of voice
- Swallowing / breathing difficulty, pain: may progress to death up to 36 hours after injury

69 **DENTAL NEGLECT**

- Failure of fully informed parent / caregiver to seek or follow through with dental tx essential for adequate function & freedom from pain & infection

70

Condyloma acuminatum - generally transmitted by sexual contact

Most commonly found in the anogenital region;

Intraorally - frequently on labial mucosa.

Benign, papillary lesion (human papillomavirus)

Oral lesions are generally a result of oral-genital contact.

The identification of condyloma acumenatum in a child would require reporting of possible child abuse.

71

ELDER ABUSE

WHAT SHOULD YOU LOOK FOR?

- Bruises, physical injuries
- Fear, anger,
- Inappropriate behavior
- Depression
- Notice interaction between caregivers & elder or child

72

DOCUMENTATION / REPORTING

- Objective observations, descriptions

- Quote pt comments

"My husband whacked me hard this time!"

**Patient / Provider privilege does NOT apply: MUST REPORT

- Observe demeanor, behavior

"pt ducked when husband raised arm to make a point"

73

DOCUMENTATION / REPORTING

- Child abuse: call, then send written report within 36 hours
- Elder & dependent adults: call, send written report within 2 working days of phone call
- Domestic (physical) violence: call, send written report within 2 days

74

CALL, THEN WRITE A REPORT

- If immediate danger: 911!!!
- Child Protective Services
- Childhelp USA National Child Abuse Hotline: 800-422-4453
- County Adult Protective Services
- Elder & Dependent Adult Abuse / Neglect Hotline: 888-436-3600
- National Domestic Violence Hotline: 800-799-7233

75

EMPLOYEE ACKNOWLEDGEMENT REQUIRED

- Employees must be trained and sign a statement of understanding, training and willingness to comply with law (C.P.C. 11166.5[a])
- Sign, date & witness forms
- Place in personnel file & give copies to employee
- *The Reporter Responsibility and Sample Employee Form* – supplied by Cal. Dept. of Social

Services Office of Child Abuse Prevention

76 **SHOULD YOU TREAT AN INTOXICATED PATIENT?**

- Patient “self medicates” for dental anxiety
- Rule out medical conditions (diabetic shock)
- Liabilities:
 - Adverse event during tx
 - After tx: DUI risk - Record proof of efforts made to secure safe travel
- Report to police if they refuse! Mandated reporter of anyone who is at risk to harm self or others TDIC – Risk Management Advice Line

77 **AUXILIARY SCOPE OF PRACTICE**

DPA LEGALLY DEFINES:

- Education, qualifications
- Allowable duties
- Level of supervision
- Allowable settings
- Illegal practices result in:
 - Criminal offenses
 - License discipline for person & anyone aiding & abetting

78 **RDA DUTIES, SETTINGS**

- Allowed duties specifically listed
- All other duties = NOT allowed & are illegal
 - Such duties represent dentistry; require knowledge, skill, training of licensed dentist)
- All auxiliary duties & settings (supervision), must be posted in office, visible to all employees

79 **SPECIAL PERMITS**

- 2 Dental Assistant categories
 - Orthodontic Assistant (OA)
 - Dental Sedation Assistant (DSA)
 - RDA’s & DA’s may earn permits

80 **SUPERVISION**

- Direct supervision:
 - Procedures based on instructions given by licensed dentist
 - Dentist must be physically present in tx facility during performance of those procedures
- General supervision:
 - Procedures based on instructions given by licensed dentist
 - Dentist’s physical presence not required during procedure

81 **SUPERVISION**

- N: Not permitted

- C: Allowed in specified setting, under supervision of DDS, RDH, RDHAP
- DD: Dentist decides (G or D)
- G: General
- D: Direct
- WS: Without supervision

82 **WHAT IS ALLOWED?**

- DA: unlicensed, May perform:
 - specified dental supportive procedures under supervision of licensed dentist:
 - technically elementary, completely reversible, will not cause possible harm
- RDA: licensed,
 - may perform: DA duties + other specified procedures, under varying supervision
- RDAEF: licensed + completed post-licensure clinical & didactic approved training & testing, may perform: RDA duties + others

83 **SELECTED RDA ALLOWED DUTIES § 1752.4**

SECTION SIGN

UNICODE: U+00A7, UTF-8: C2 A7

- Mouth mirror inspection, charting
- Apply, activate bleaching agents: nonlaser light-curing device
- Automated caries detection devices
 - for dentist to diagnose

84 **RDA ALLOWED DUTIES § 1752.4**

SECTION SIGN

UNICODE: U+00A7, UTF-8: C2 A7

- Imaging for CAD milled restorations
- Pulp testing, recording
- Place bases, liners, bonding agents
- Chemically prep teeth for bonding

85 **RDA ALLOWED DUTIES § 1752.4**

- Place, adjust, finish direct temps
- Fabricate, adjust, cement, remove indirect temps, including stainless steel crowns IF PROVISIONAL
-

86 **WHO IS RESPONSIBLE IF PATIENT DOESN'T RETURN FOR FINAL RESTORATIONS?**

87 **YOU**

- Follow up
- Keep records
- Document!

88 **RDA MUST HAVE**

APPROVED TRAINING FOR: § 1752.4

- Removing excess supra-gingival ortho cement using ultrasonic scaler
- Applying pit & fissure sealants
- Orthodontic permitted duties
- Dental sedation assistant permitted duties
- DD except if working with RDHAP § 1777

89 **RDAEF DUTIES, SETTINGS**
§ 1753.6

- RDAEF: Licensed before Jan. 1, 2010, completed post licensure approved training & exam;
- All RDA duties plus: (supervision – D or DD):
 - Cord retraction for impressions
 - Final impressions for permanent indirect restorations
 - Formulate indirect patterns for endo post & core castings
 - Fit trial endo filling points
 - Pit & fissure sealants
 - Remove excess subgingival cement with hand instrument
- Must demonstrate additional approved training to do more

90 **RDAEF DUTIES, SETTINGS (2)**
§ 1753.5

- All RDA duties plus: (supervision – D or DD):
 - Preliminary eval: oral health (not limited to: charting, intraoral & extraoral soft tissue, occlusion classification, myofunctional eval.
 - Assess oral health in community health settings supervised by DDS, RDH, RDHAP
 - Place retraction cord for impressions
 - Take final impressions for permanent restorations & tooth-borne removable prosthesis

91 **RDAEF DUTIES, SETTINGS**
§ 1753.5

- Polish & contour existing amalgams
- Size, fit & cement endo master & accessory points
- Place, contour, adjust all direct restorations
- Adjust & cement permanent indirect restorations
- Remove excess subgingival cement – hand instrument
- Settings: under jurisdiction & control of dentist in approved facility
- DDS May use no more than 3 RDAEF's or RDHEF's § 1753.7

92 **RDH WHAT IS ALLOWED?**

- RDH: licensed,
 - May perform all specified DH duties & DA & RDA duties under specified

supervision

–RDH licensed after 1/1/2006 must also have RDA license to perform RDA duties!

- RDHEF: same as RDAEF - operative duties under supervision, with training, same settings
- RDHAP: Same RDH scope, practice independently;
 - without supervision
 - but with prescription from dentist or physician & surgeon

93 **RDH DUTIES REQUIRING DIRECT SUPERVISION**

- Placement of non-removable medicaments
- All direct supervised RDA duties unless otherwise indicated
- Perio soft tissue curettage (pre-certification required)
- Local anesthesia limited to oral cavity (pre-certification required)
- Nitrous oxide & oxygen using fail-safe machines, no general anes. (pre-cert req)

94 **IS THIS OK?**

- RDH takes laser training but does not have an official certificate.
- She uses the laser for sulcular “sterilization” after scaling.
- Dr. did not specifically prescribe use of the laser, and has left.

95 **YES § 19120-1914**

- A DH may use any material or device approved for use in the performance of a service or procedure within his/her scope of practice under appropriate supervision if he/she has the appropriate education and training required.
- Duties not requiring D supervision are GS

96 **RDH SCOPE § 1911**

- Includes assessment, development, planning & implementation of DH care plan.
- Oral health educ, training, screenings
- Pts with abnormalities will be referred to dentist

97 **RDH SCOPE DOES NOT INCLUDE:**

- Diagnosis, comprehensive tx plan
- Placing, condensing, carving, or removal of permanent restorations
- Surgery or cutting of hard and soft tissue including (not limited to) removal of teeth & cutting & suturing of soft tissues

98 **RDH SCOPE DOES NOT INCLUDE:**

- Prescribing medication
- Admin gen anes, oral / parenteral conscious sedation

99 **DIRECT OR GENERAL SUPERVISION?**

- Dr is coming back from lunch, RDH needs to administer anesthesia.
- Dr. calls when she is in the parking lot.
- Can RDH anesthetize before Dr. arrives?

100 **NO**

101 **IS THIS OK?**

- A dental hygiene patient needs subgingival irrigation with liquid antibiotic.
- The Dr. Left for a meeting.
- The DH irrigates, records it and dismisses the patient.

102 **YES**

- RDH & RDHEF: General
–BUT... Must be prescribed by DDS
- RDHAP: WS

103 **IS THIS OK?**

- The hygienist notices an atypical lesion on the lateral border of the tongue.
- The DDS is not in the office and has not seen the lesion.
- The hygienist takes a sample using an oral exfoliative cytology kit and dismisses the patient.

104 **NO**

- This is general supervision:
- DDS must prescribe
- EXCEPT for RDHAP (WS)

105 **RDHAP (ALTERNATIVE PRACTICE) DUTIES, SETTINGS**

- Licensed, completed approved AP post-licensure training
- May treat a pt for up to 18 mos. without proof of DDS visit.
- Then, must have prescription from DDS or MD & surgeon: required to include:
 - Date services prescribed
 - Expiration date (up to 2 years)
 - DH services, special instructions

106 **RDHAP LAWS**

-
- RDHAP's can apply for mobile DH clinic permit
- RDHAP's must apply for additional office permit before opening more offices
- Prop AB 502: eliminate requirement for DDS's prescription to continue tx of pt after 18 months

107 **RDHAP**

- RDHAP must document relationship with dentist for referrals, emergencies
–1 or more dentist, with active licenses, not under discipline by board

108 **IS THIS OK?**

- RDHAP runs a mobile clinic.
- She hires an RDH and an assistant to perform within their licensure.

109 **NO**

- RDHAP's can not hire and supervise RDH's
- RDHAP's can hire other RDHAP's
- They can hire & supervise dental assistants for intraoral retraction and suction

110 **CAN A DDS HIRE 4 RDAEF'S & 4 RDHEF'S?**

111 **NO**

- DDS can simultaneously utilize no more than 3:
- RDAEF's OR RDHEF's

112 **Q:**

- Can RDA's bleach teeth?

113 **A:**

- Since 2000, RDA's may apply agent, activate with non-laser light (DD)
- (DA's, OA's, DSA's may not)

114 **Q:**

- Who may place fluoride varnishes?

115 **A:**

- Considered non-toxic
- All auxiliaries may place

116 **Q:**

- Can RDA's use ultrasonic scalers?

117 **A:**

- Only if completed approved training
- Only supragingivally
- Only to remove ortho cement

118 **CAN A DDS USE BOTOX?**

- Therapeutic use: yes, if within scope of practice & if trained
- Cosmetic use: yes, if have Elective Facial Cosmetic Surgery permit (from DBC) & within scope of practice (only 26 DDSs have permits)
- Category 1 permit: facial bone & cartilage structures
- Category 11 permit: soft-tissue contouring, rejuvenation
-
-

119 **CAN DENTISTS OFFER ORAL PIERCING?**

120 **ORAL PIERCING IS NOT PRACTICING DENTISTRY**

121 **CAN YOU REMOVE TATTOOS?**

122 **LASER TATTOO REMOVAL IS NOT PRACTICING DENTISTRY**

123 **OKLAHOMA VIOLATIONS**

- No written or practiced IC policy
- Dental assistants performing IV sedation illegally, unsupervised
 - Insert IV's
 - Determine drugs & doses (before Dr. checks)
 - No drug logs
 - Drugs unlocked, unorganized, scattered
 - Outdated meds

124 **CASE: DDS - IMPROPER PRESCRIBING OF DRUGS
LICENSE REVOKED**

- Prescribed several drugs to his step sons who were not his pts.
- Prescribed for non-dental related problems.
 - Ear infections
 - Sinus infections
 - Refilled asthma meds.
- Prescribed antibiotic Azithromycin several times over 2 year period
- Convicted of insurance fraud & unlawful practice of medicine

125 **PRESCRIBING ABUSES**

- Over prescribing to both patients and non-patients
 - Must show doctor-patient relationship
 - Must show relationship between drugs & dental treatment
 - Dr. must see pt first,
 - ONLY Dr. may prescribe
- Lack of documentation
- Records: must be kept in 3 places: pt. Chart, separate in log & out log

126 **CAN YOU SELF-PRESCRIBE?
(CONTROLLED DRUGS)**

127 **NO**

128 **TAMPER-RESISTANT PRESCRIPTION FORMS: MUST BE PRE-PRINTED**

- For controlled substance prescriptions
- Effective July 1, 2012
- Printers of forms must be approved by Dept. of Justice
- MUST REPORT theft / loss of forms within 3 days
- Ordering & receiving forms = strictly mandated
 - § 11164

129 **PRESCRIPTION DISPENSING**

- Labeling requirements (dispensing in coin envelope or container):
 - Patients name
 - Doctor's office name
 - Date dispensed
 - Name of drug

- Dosage
- Quantity
- Exp. Date
- Directions for use

130 **PRESCRIPTION DRUG MONITORING PROGRAM**

- = State database of patients with controlled-substance abuse history
- Dr.'s may access only for pt. care
- HIPAA & state health info. privacy laws apply.
- Dr.'s with DEA #'s apply online for access to the program at: oag.ca.gov/cures-pdmp
- Need updated browser

131 **CURES 2.0**

"Controlled Substance Utilization Review & Evaluation /System"

- DOJ (Dept. Of Justice) training videos
 - Employee & prescriber rules of use
 - How to access & use info
- DOJ Cal. Info. Practices Act
- (Civ: 1798-1798.1)

132 **CAN YOU "CALL IN" PRESCRIPTIONS?
(FOR CONTROLLED DRUGS)**

133 **YES**

- In emergencies
- Pharmacist creates paper script, signs it
- DDS confirms in writing - 72 hours if high abuse potential drugs
- Pharmacist notifies DoJ within 7 days
- Include all required info and license #'s in accessible records
-
- Exceptions?

134 **DEA RECLASSIFICATION OF HYDORCODONE-CONTAINING MEDS**

- Examples: norco, Percocet, morphine, demerol, Vicodin
- Now = Schedule II drug
- Requires Sched. II authority to prescribe
- Visit DEA website - confirm your registration is up-to-date (pharmacists will check)

135 **HYDROCODONE DRUGS**

- Emergency prescriptions may be denied if called in
- No renewals allowed

136 **WHAT DO YOU DO WITH OUT-OF-DATE, DAMAGES, UNWANTED
CONTROLLED SUBSTANCES?**

- Transfer to "reverse distributors"

- Local DEA office has authorized list
- Use official forms, keep records 2 years

137 **UNPROFESSIONAL CONDUCT**

- Concerns both patients & employees:
 - Lack of informed consent
 - Negligence
 - Sexual misconduct
- B & P Code 1680 “the committing of any act / acts of gross immorality substantially related to the practice of dentistry is considered unprofessional conduct.”

138 **UNPROFESSIONAL CONDUCT**

- Past felony convictions may affect licensure
- New convictions if substantially related to RDA, RDH, or DDS qualifications, functions or duties must be reported to the DBC, may be grounds for license revocation

139 **UNPROFESSIONAL CONDUCT**

FAILURE TO:

- Tx plan
- Show consistency in tx planning – below standard of care
- Do or record periodontal charting
- Inform of conditions, financial obligations, gather consent for tx, review history prior to tx

140 **CONSENT**

- 2 types: simple (when risks = commonly understood & remote)
 - Cleanings, simple fillings
- Informed: required for surgery, extensive tx, or large number of simple procedures
- Must explain: Nature of tx, risks, complications, likelihood of success, expected benefits & alternatives (including NO tx & those risks)
- NOT getting consent & tx beyond consent = Battery

141 **JAN. 2017 CONSENT FORM UPDATE:**

- “The administration and monitoring of general anesthesia may vary depending on the type of procedure, the type of practitioner, the age and health of the patient, and the setting in which anesthesia is provided. Risks may vary with each specific situation. You are encouraged to explore all the options available for your child’s anesthesia for his or her dental treatment, and consult with your dentist or pediatrician as needed.”

142 **CONSENT TO TREAT MINORS**

- Under age of 18 = minor
- Minors cannot legally consent to tx or financially commit
- Dr.’s must not treat without clearly documented parental consent (potential liability)
- ONLY EXCEPTION: ortho maintenance, all consents documented fully prior

143

144 **CAN BIO PARENTS**

GIVE CONSENT?

- Married: yes, unless disagree
- Unmarried moms: yes, always
- Unmarried dads: yes, if no question of paternity & mom agrees
- Divorced:
 - Yes either parent can consent if both have joint custody & they agree!
 - No, if court orders 1 parent has medical/dental decision rights

145 **MINOR CONSENT**

- Adoptive parents: yes, same as bio parents
- Step parents: NO, never unless adopted child
- Older sibling?
- Teen mother?
- Aunt, other family, not legal guardian?

146 **UNPROFESSIONAL CONDUCT**

- Failure to refer to a specialist
- Not practicing within the standard of care provisions

147 **CASE: DDS - UNPROFESSIONAL CONDUCT, ABANDONMENT**

- License Revoked
- Closed office - no notice to pts
- 5 pts left in active tx
- Failed to attend to pt emergencies & transfer records
- Failed to inform pts in writing that tx = discontinued
- Did not provide ample opportunity for pts to secure other dental services
 - Rancho Cordova, CA

148 **APPLY DENTAL LAWS & DPA REGULATIONS DAILY**

- Protect yourself & staff
- Protect your patients
- Improve public image
- How?
 - Good will, “patients first”
 - Listen! Communicate!
 - Follow up (post-op calls....)

149 **COMMUNICATING WITH THE BOARD**

- <http://www.dbc.ca.gov/>
- 877-729-7789 (Toll Free)
- 916-263-2300 (Direct)
- 714-247-2100 (Tustin Field Office)
- Cal DPA with Related Statutes & Regs, 2008
 - 800-223-1940, www.lexisnexis.com
- DHCC: dhccinfo@dca.ca.gov

- TDIC Risk Management Advice Line 800.733.0633
- CDA practice support