



California Dental Hygienists' Association
The Voice of Dental Hygiene

Government Affairs Update – May 2017

Dentistry continues to move towards an inter-professional healthcare model to better serve an ever growing population. The cottage industry, private dental practices that many of us work in today, will most likely not be the norm in the future. Our goal is to advance all California dental hygienists (RDH/RDHAP/RDHEF) for optimal value within the healthcare team model of the future, with greater access to our services, and expanded scope and settings.

Thank you for being members of CDHA, and for joining us in advancing our profession in California. For questions or more information, contact Government Relations Council (GRC) Co-Chairs: Lisa Okamoto RDH and Maureen Titus RDHAP through info@cdha.org.

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- A. **2016 – 2017 GRC STRATEGIC PLAN** – Our 2016-17 focus has been to establish collaborative partnerships with legislators and other stakeholders, as well as to promote dental hygienists as preventive health care specialists.

1. **2017 CDHA Legislative Day, Tuesday March 21**

- a. 28 CDHA members from throughout the state met with at least 33 legislators and/or their staff at the Sacramento Capitol.
- b. Core Message
 - (1) Dental hygienists can help; utilize us! – We are a well educated and qualified health care workforce that could be better utilized to help California meet the healthcare needs of its citizens, in more health care settings and with less restrictive supervision.
 - (2) Improve the public's health and save money too! – Dental hygienists specialize in preventive oral health care services, in particular periodontal (gum) disease treatment and prevention which statistics show improve overall health and reduce total health care costs for both patients and the state.
 - (3) Revise Denti-Cal policies! – The Dept of Health Care Services (DHCS) changed Denti-Cal policies in 2016 for the approval of periodontal disease treatment and maintenance, as well as slashing reimbursement rates, resulting in denied oral health care for patients and fewer Denti-Cal RDHAP providers.
- c. Aaron Read & Associates (ARA) coordinated all events for the day, arranging for guest speakers and setting up appointments between participants and their legislators
 - (1) Along with Aaron Read, Terry McHale and Jennifer Tannehill, guest speakers Assemblyman Jim Wood, DDS (Assembly Health Committee Chair) and Donna Campbell (Legislative Advisor on Health to Governor Brown) shared insights on the legislative process

- (2) ARA provided a Legislative Orientation Packet to each participant with tips on how to connect and build legislator relationships, and more.
 - (a) Additional talking points with supporting statistics for our Legislative Day messages were developed by GRC and ARA and distributed to participants.
 - (b) Both the orientation packet and talking points are available for all components to use for future meetings with their legislators, in the member's section of the CDHA website (note the orientation packet includes some data specific to March 21, 2017)
- d. Legislator of the Year Award
 - (1) President Coan presented Senator Anthony Canella with the CDHA Legislator of the Year Award for his commitment to a healthier California, improving access to dental hygiene care, and his work to hold Denti-Cal accountable.
 - (2) Senator Canella's office issued a press release thanking CDHA and reaffirmed his commitment to working with us.
- e. Reception and Wrap Up
 - (1) A reception hosted by the GRC Co-Chairs, CDHA Executive Administrator Kimbrough and the Sacramento component was held in the ARA conference room, overlooking the Capitol. Participants shared their highs and lows of the day.
- 2. **Periodontal (Gum) Disease Awareness Month**
 - a. 2017 Senate Concurrence Resolution (SCR) 19 (Nguyen) establishes March as Periodontal Disease Awareness Month in California
 - b. Co-Sponsored by CDHA and the California Society of Periodontists
 - c. Cites overall health benefits as well as state cost savings through periodontal disease treatment and prevention, services provided by dental hygienists
 - d. Passed with no opposition in both the Senate and the Assembly in March, and was chaptered into law in April.
 - e. To read the language of the Resolution:
 - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SCR19
- 3. **2016-2017 CDHA Journal articles**
 - a. Fall 2016: Employment issues segment as part of a continuing series
 - b. Winter 2017: Contributed to "The RDHAP in California – Past, Present and Future"
 - c. Winter 2017: Designating March "Periodontal Disease Awareness Month" in CA
 - d. Summer 2017 (planned): Follow up to Legislative Day

B. **LEGISLATION** (leginfo.legislature.ca.gov)

- 1. **2017 Legislative Year**
 - a. Aaron Read & Associates (ARA) was tracking 20 bills for CDHA, as of April 21. CDHA has taken support/oppose positions on the following, and watching the others. We will monitor amendments and adjust our positions accordingly.
 - b. Legislation supported by CDHA
 - (1) SCR 19 (Nguyen) Periodontal Disease Awareness Month (see A.3 above)
 - (2) Assembly Bill (AB) 15 (Maienschein) Denti-Cal Program
 - (a) Would require doubling the Denti-Cal reimbursement rates for the 15 most common prevention, treatment and oral evaluation services, based on the average rates established in fiscal 2015-16, effective January 1, 2018. Funding will come from the Prevention Tobacco Tax Act of 2016.

- (b) Upon CDHA request, the author added SRP and Periodontal Maintenance to the list of services under consideration.
 - (3) AB 753 (Caballero) Denti-Cal: improved access
 - (a) Would require Dept of Health Care Services to implement specified initiatives designed to significantly improve access to Denti-Cal services for both adults and children consistent with the CA Healthcare, Research and Prevention Tobacco Tax Act of 2016.
 - (4) Senate Bill (SB) 300 (Monning) Sugar-sweetened beverage health warnings
 - (a) Would establish the Sugar-Sweetened Beverages Health Warning Act
 - (b) Requires health warning labels on sugar-sweetened beverages, as prescribed, of the relationship between the consumption of sugar-sweetened beverages and oral as well as systemic diseases.
 - (5) SB 379 (Atkins) Pupil health: oral health assessment
 - (a) Seeks to facilitate and improve kindergarten oral health data collection, as specified under current law, requiring the State Dept of Education to consult with the State Dental Director and to include specified information on notification and reporting forms.
 - (6) SB 707 (Canella) Medi-Cal: Denti-Cal Advisory Group
 - (a) Would establish the Denti-Cal Advisory Group, within the Department of Health Care Services, to study the policies and priorities of Denti-Cal with the goal of raising the Denti-Cal utilization rate among eligible child beneficiaries to 60% or greater, and providing assistance and advice to the department, the Legislature, and the Governor
 - c. Legislation opposed by CDHA
 - (1) AB 387 (Thurmond) Minimum Wage – mandates minimum wage for allied health care “interns” and defines “employer” in a manner that would negatively impact many allied health programs including dental hygiene.
- 2. 2016 Legislation signed into law**
- a. AB 2207 (Wood) Medi-Cal Dental Program – This bill implemented some of the administrative recommendations of the 2016 Little Hoover Commission Report on Denti-Cal to improve oversight and managed care accountability.
 - (1) It requires the DHCS to undertake specified activities for the purpose of improving the Medi-Cal Dental Program, including expediting provider enrollment, adding performance measures to monitor dental service access and utilization, and reporting requirements.
 - (2) The bill did not act on the LHC recommended shift to preventive care.
 - b. AB 2331 (Dababneh) Dentistry
 - (1) Opens the door for accepting the clinical/written exam of the American Board of Dental Examiners, Inc. (ADEX) for initial dental licensure in California
 - c. SB 815 (Hernandez) Medi-Cal 2020 Demonstration Project Act and AB1568 (Bonta/Atkins) Whole Person Care pilot program and Dental Transformation Initiative (DTI) waiver program for children
 - (1) As companion bills, SB 815 and AB 1568 are contingent upon each other.
 - (2) Among other things, SB 815 mandates a DHCS Access Advisory Committee
 - (3) AB 1568 creates an opportunity to establish a new model for integrated care delivery for the state’s most high-risk Medi-cal beneficiaries, as well as improve access to dental care, continuity of care and increased utilization of preventive services aimed at reducing preventable dental conditions.
 - d. Senate Bill (SB) 1039 (Hill) Professions
 - (1) Among other things, this bill amends the dental hygiene licensure renewal fee cap to allow for future increases of licensure renewal fees by the DHCC,

over the next 5-10 years as needed, so the DHCC can continue as California's independent regulatory body for dental hygiene.

- e. SB 1098 (Canella) Denti-Cal
 - (1) Set a utilization rate among eligible Denti-Cal child beneficiaries to 60% or greater, with a report back to the Legislature by Oct 2017
 - (2) The original language of SB 1098 would have created an advisory committee to the DHCS, the Governor and the Legislature, but the Legislature amended the language in favor of establishing a concrete utilization standard.
- f. Multiple tobacco related bills were signed by the Governor
- g. CDHA supported a number of local ballot issues, guided by CDHA policy or precedence promoting oral/overall health by decreasing tobacco use, obesity and diabetes.

C. LABOR LAWS/EMPLOYEE RIGHTS

- 1. Dental hygienists continue to experience employment and labor law issues
 - A. CDHA again met with representatives from the Dept. of Industrial Relations, Dept of Labor (DIR), also known as the Labor Commissioner.
 - B. GRC has arranged for a Labor Commissioner lawyer to present at the HOD.
- 2. The *Journal* will continue to include periodic articles on various aspects of labor law.
- 3. A February 2017 update of the CDHA document on employee rights and labor law is posted on our website www.cdha.org
 - A. Independent Contractor Status: Other than RDHAP, dental hygienists consistently fail to meet the independent contractor requirements of governing agencies, including the DIR and the IRS. RDH are employees.
 - B. RDH are generally considered non-exempt employees. We do not meet all the requirements for "professional" exemption.
 - C. The law requires employers to provide you with written terms of employment, also known as a "wage statement".
- 4. To file a claim or for more information on labor laws, workers' compensation or Cal/OSHA, contact the Department of Industrial Relations, Division of Labor.
 - A. Email inquiries can be sent to dlse2@dir.ca.gov.
 - B. The location of local offices throughout California can be found at www.dir.ca.gov/dlse/districtoffices.htm.

D. DEPARTMENT OF HEALTH CARE SERVICES (DHCS)

- 1. CDHA continues to advocate for the inclusion of CDHA and dental hygienist advisors to DHCS
 - a. In 2016, DHCS took the position that caries risk assessment (CAMBRA) was outside dental hygiene scope of practice, and therefore did not recognize dental hygienists as providers of that service.
 - (1) CDHA notified the Dental Hygiene Committee of CA which immediately acted and met with the DHCS to ensure that the DHCC is consulted on DH scope of practice.
 - b. Access Advisory Committee – 2016 SB 815 (Hernandez) and AB 1568 (Bonta)
 - (1) Part of the Medi-Cal 2020 Demonstration Project Act
 - (2) Purpose is to provide input on the structure of a federally mandated Access assessment (including network adequacy requirements and metrics) as well as the initial draft report. The final report is due Oct 2017.
 - (3) While no dental representative was appointed to the Committee, stakeholders can attend the public meetings to provide input.

www.cdha.org

- (4) For progress on the draft report:
http://www.dhcs.ca.gov/formsandpubs/laws/Pages/Access_Pub_Notice.aspx
 - C. DH Consultant for DHCS Medi-Cal Dental Division
 - (1) Recruitment for this new paid position was posted on the DHCS website on March 22, 2017
<http://www.dhcs.ca.gov/services/admin/jobs/Documents/7HA16.pdf>.
 - (2) CDHA posted on CDHA BOT google groups and Facebook
 - 2. Aaron Read & Associates (ARA) continues to work closely with APC and GRC in opposition to DHCS policies which do not recognize the health and cost benefits of dental hygiene services.
 - a. Meetings and discussion with Denti-Cal staff, the DHCS and key legislators have been ongoing since April of 2015 regarding policy issues.
 - (1) Although direct discussions with DHCS have been limited since the initiation of a lawsuit by RDHAPs in late 2016, we have the support of key legislators.
 - b. DHCS Denti-Cal policies implemented in 2016 have adversely affected elderly and special needs patients and the loss of RDHAP Denti-Cal providers.
 - (1) Pre-authorization requirements, previously exempt for this population due to their special circumstances, have led to denial or delay of periodontal disease treatment.
 - (2) A drastic 60% reduction in the reimbursement rate for periodontal maintenance care is leading to a loss of Denti-Cal providers, as it now costs the RDHAP more to provide this service than they are reimbursed.
 - c. CDHA has issued press releases and RDHAP calls to action, posted a position paper on the CDHA website, and included the issue in our Legislative Day messages.
 - D. ARA submitted a public records request to DHCS
 - (1) DHCS response was received in late February regarding the approval/denial of treatment authorization requests (TARs) for scaling and root planning by RDHAPs.
 - (2) ARA has invited RDHAPs to a couple of meetings at their Sacramento offices to review and analyze these TARs.
 - e. March 23, 2017 Budget Sub-Committee 3 hearing on Health and Human Services
 - (1) Tannehill (ARA) testified that DHCS policies are harming vulnerable populations as well as RDHAP Denti-Cal providers
 - (2) Senator Pan, Senate Health Committee Chair, spoke in support of Tannehill concerns and said that DHCS was moving in the wrong direction.
 - f. Tannehill (ARA) will be meeting with Donna Campbell, the Governor's Legislative Advisor, to request their aid in facilitating a solution.
- E. DENTAL HYGIENE COMMITTEE OF CA (DHCC) (DHCC.ca.gov)**
- 1. Interim Therapeutic Restorations (2014 AB 1174)
 - a. Initial regulatory language is being drafted in collaboration with the DBC
 - 2. Mobile and Portable Dental Unit Registration (2013 SB 562)
 - a. Both the DBC and DHCC have developed draft regulatory language
 - b. Draft language includes the requirement for display of licentiate names and that they are licensed and regulated by the DHCC/DBC.
 - 3. DBC Pre-approval of Mandatory CE courses
 - a. DHCC/DBC became aware that the requirement for mandatory Infection Control and CA Law courses to be pre-approved by the DBC (effective January 2006), in addition to CE provider approval, was misunderstood and not being met.

- b. Licensees have been notified, via a “Licensee Alert” posted to the DHCC website in early April, that any mandatory courses taken after July 1, 2017 must meet the DBC pre-approval requirement, and that it is the licensee’s responsibility to ensure the classes they take meet all necessary CE qualifications.
- c. CDHA has posted the alert to our website. For more information, go to the DHCC website DHCC.ca.gov
- 4. Laser use by dental hygienists
 - a. Per DHCC, it is the licentiate’s responsibility to ensure that they have met the “education and training” requirements for any material/equipment to be used within their scope of practice, following the “industry standard” to ensure patient safety.
 - b. In collaboration with Professional Development Council, a Proposed Resolution has been submitted to the 2017 CDHA House of Delegates to set CDHA policy regarding the minimum education required for safe laser usage by dental hygienists.

F. DENTAL BOARD OF CALIFORNIA (DBC.ca.gov)

- 1. CDHA continues to monitor the Portfolio Pathway for Initial Dental Licensure
 - a. As of their Dec meeting, 34 portfolio applicants were issued dental licenses; Colorado has adopted California’s portfolio guidelines
- 2. Recognition of American Board of Dental Examiners, Inc (ADEX) for initial dental licensure in California (2016 AB 2331)
 - a. Occupational analysis and examination validation is to be completed by the Office of Professional Examination Services, prior to acceptance by DBC and promulgation of regulations. The DHCC has also been contacted by ADEX.
- 3. CDHA continues to be concerned regarding the public’s difficulty in accessing information about providers operating through dental corporations (which are not regulated by the DBC) or under multiple fictitious names.
 - A. A letter of concern was submitted to the DBC
- 4. ITR and Mobile and Portable Unit Registration (see DHCC E.2 above)
- 5. Suspension of RDA Practical examination
 - a. Per DBC vote at a special April 6 Webcast meeting, based on review by the Office of Professional Examination Services (Dept of Consumer Affairs).
 - b. Effective April 6 until July 1, 2017
 - c. Urgency legislation is being brought before the Legislature to extend the DBC authority to suspend the practical exam beyond July 1.

WHAT YOU CAN DO TO HELP

All hygienists can help educate and promote our message as to who dental hygienists are and how much more we can contribute to the healthcare system if allowed to practice to the full extent of our education and training:

- Share your knowledge and educate your patients as well as other healthcare groups so they can be our partners in advocacy;
- Develop and grow your relationship with your legislators;
- Support our political action committee, CalHyPAC
- Become engaged and be a volunteer leader in your local component and/or CDHA