

Fwd: October Legislative Update

From: **California Dental Hygienists** | memberservices@cdha.org  To: **H7 8 <G7 5 `A Ya VYfg** Wednesday, Oct 17, 1:40 PM



California Dental Hygienists' Association
The Voice of Dental Hygiene

The Dental Hygiene Committee of California becomes the
Dental Hygiene Board of California on January 1, 2019

Sunset Review Update

Success!! Effective January 1, 2019,
the Dental Hygiene Committee of
California (DHCC) becomes the
Dental Hygiene Board of California
(DHBC) with the signing of SB 1482.

This is a huge victory for hygienists in California.



The name change is significant, removing any doubts of the autonomy and independence of the DHCC. As the Dental Board of California (DBC) is to the DDS and RDA, so is the Dental Hygiene Board (DHBC) to the RDH, RDHAP,

RDHEF. With SB 1482, it is clear that California hygienists have achieved all the hallmarks that define a true profession including self regulation as well as control and approval of the profession's educational programs.

Looking back at this achievement, one must understand the undertaking by CDHA to get to this victory for our profession. The formation of the DHCC was the culmination of more than a decade of work by CDHA, spearheaded by former CDHA President and GRC Chair JoAnn Galliano. She worked closely with Senator Don Perata and legislative advocates Terry McHale and Aaron Read to achieve this success.

Former CDHA and ADHA President Katie Dawson shares that for a period of six years, CDHA sponsored three bills to start the DHCC. The first two bills were vetoed by Governor Schwarzenegger. Persistence, determination and passion paid off! The final bill was a victory and was signed into law on Friday, June 13, 2008.

The DHCC reported directly to the Department of Consumer Affairs. According to Dawson, "Although there are a number of dental hygiene committees throughout the nation, California's committee was the first that is not a subcommittee of a dental board. In other words, like nurses and other professions, we won't be regulated by our employers."

The DHCC had a more equitable representation of dental hygienists, consisting of four dental hygiene members, 4 public members and only 1 dentist. Rhona Lee and Michelle Hurlbutt, both CDHA members, were the DHCC's first President and Vice President respectively. California dental hygienists possessed more control of their profession and therefore were better able to both advocate for their profession and serve the consumers.

Since creation, the DHCC has had full and sole authority to license and regulate three categories of primary care dental professionals: RDH, RDHAP, and RDHEF. However, confusion persisted due to the "Committee" name and "jurisdiction" language. Now, with their 2nd sunset review completed, the DHCC will become the Dental Hygiene Board of California. It is still the only self-regulating dental hygiene board in the nation...so far!

CDHA has worked closely with the CA legislature and Aaron Read and Associates to bring yet another unique change to the oversight of the RDH profession in CA.

Legislative Day - March 2019

CDHA Legislative Day

SAVE the DATE!

Tuesday, March 26, 2019

Be a part of the 2019 CDHA Legislative Day and continue to help advocate on behalf of your profession and yourself!



Where:

California State Capitol
1315 10th Street
Sacramento, CA 95814

Who Should Attend?

This important event will provide hygienists with the knowledge and skills necessary to effectively advocate for legislative issues impacting dental hygienists. Any member interested in learning more about the legislative process, or who would like to lobby directly with their Legislator, this is the event for you!

Goals:

- *Learn about the legislative process
- *Advocate effectively for dental hygienists
- *Communicate the priority legislative issues facing dental hygienists
- *Collaborate with colleagues to create legislative solutions

Meet Your local Legislator!

We will be making our voices heard together, as one CDHA. You will be meeting your legislators -- alongside fellow California RDHs and RDHAPs.

CDHA takes care of all logistics for Legislative Day

The program will begin at 9:00 am with an orientation. No need to worry about what to say! You will be provided with a unified message, talking points and an agenda. A mentoring session with speakers will take place in the morning and your appointments with legislators scheduled for you in the

afternoon. The program will conclude with a reception at Aaron Read & Associates (CDHA Legislative Advocates) across the street from the Capitol.

RDHAP Legislative Update - Good News!

Liberty Dental Accepts RDHAP Providers

Great News!

Liberty Dental Plan will now accept RDHAPs as providers in its network, due to the significant efforts of CDHA Alternative Practice Council Member, Karine Strickland, working with our lobby team at Aaron Read and Associates! This is the start to greater inclusion of RDHAPs as plan providers.



Fill out the attached contract, site application and Medicare addendum. Email the completed documents to prnational@libertydentalplan.com.

Contact one of Liberty Dental's Network Managers directly with any questions (888) 352-7924, 5:00 a.m. - 5:00 p.m. PST, Monday through Friday.

[Liberty CA Contracting and Credentialing Packet](#)

[Liberty Site Application](#)

[Liberty Medicare Advantage Addendum](#)

LAO Report Supports Expanding AP Scope

California's Legislative Analysts's Office (LAO) released a report "Improving Access to Dental Services for Individuals with Developmental Disabilities. This report analyzes the challenges and considers options and recommendations including expanding the scope for RDHAPs.

[Click Here for the full LAO Report](#)

DHCS Update - Not So Good News...

DHCS SPA Approved

The Centers for Medicare and Medicaid Services (CMS) has approved the Dept. of Health Care Service (DHCS) State Plan Amendment (SPA) officially authorizing their 2015 policies which have jeopardized the health of fragile patients and access to the services of Registered Dental Hygienists in Alternative Practice (RDHAPs). The approved SPA includes limitations which put RDHAPs under the general supervision of dentists. Hopefully this is nothing more than a gross typographical error! CDHA has alerted the Dental Hygiene Committee of California (DHCC) with a copy of the SPA, highlighting the conflict with the Dental Practice Act. CDHA is arranging a meeting with CMS to discuss our concerns with SPA as well as CDHA's ideas for improving access to preventive care with greater utilization of RDHAPs.

[Click Here to access the CMS SPA Approval Letter](#)

Other GRC News and Updates...

Prop 56 Supplements and Denti-Cal Code for AP Use

DHCS has received additional Prop 56 Tobacco Tax funds to expand their supplemental payment program through June 30, 2019. The supplements are either a specific dollar amount or a % of the Schedule of Maximum Allowance (SMA), retroactive to July 1, 2018. Better yet, specific services now eligible include radiographs, application of fluoride varnish, adult prophylaxis, full mouth debridement, periodontal scaling and root planing, and periodontal maintenance.



Also in recognition of the extended time needed to provide services to special

needs patients, Denti-Cal Procedure Code D9920 (Behavior Management) may be used by RDHAPs, reimbursed 4 times a year with documentation at \$100.

CDHA recognizes that these supplemental payments do not negate the disastrous impact of DHCS policies on access to care by fragile populations, and continues to advocate for better policy on behalf of RDHAPs and those they serve.

[*Click here for the DHCS September Bulletin*](#)

Soda Tax Initiative



Stay tuned! A ballot measure, the California Sugar-Sweetened Beverages Tax Act of 2020, was filed in July by the California Dental Association (CDA) and the California Medical Association (CMA). The nonpartisan Legislative Analyst's Office has concluded this initiative would generate an estimated \$2-3 billion annually from a statewide sales tax of 2 cents (\$0.02) per ounce on sugar-sweetened beverages. Between \$1.6 billion and \$2.5 billion of that revenue would be dedicated exclusively to health care.

CDA and CMA filed this initiative in response to AB 1838, signed by the Governor in June as part of the 2018 budget package, effective immediately. A compromise with the soda industry which had threatened their own ballot measure, AB 1838 bans local taxes on certain groceries (including soda) until 2031. Taxes imposed by cities prior January 1, 2018 are exempt.

[*Click here for the CDA article on the Soda Initiative*](#)

Milk or Water

In related news, SB 1192 (Monning) also passed the Legislature and was signed by the Governor in September. Effective January 1, 2019, milk or water will be the only two options California restaurants can offer as part of standard kid's meals. Parents can still opt for other beverages, but they must ask! This is an important step towards addressing childhood obesity, educating parents and prioritizing healthful beverages in the marketplace aimed at children.

Click here for the SB 1192

Updated DH Classification

The US Office of Management and Budget has updated the Standard Occupational Classification (SOC). Dental hygienists have been reclassified as "Healthcare Diagnosing or Treating Practitioners." Previously we were classified as healthcare technologists or technicians. This recognizes the growth of the dental hygiene profession, expansion of our scope of practice nationwide, and our role as primary preventive care providers.

RDAEFs Want to Administer Anesthesia

Dental assistants are classified as "Healthcare Support" under the SOC. Yet, Registered Dental Assistants in Expanded Function 2 (RDAEF2s) have asked the Dental Board of California (DBC) to consider expanding their scope to include the administration of local anesthesia and nitrous oxide sedation. Strong opposition was voiced at the DBC's August meeting by CDHA, the California Dental Hygiene Educator's Association (CDHEA), and DH programs. Dr. Stanley Malamad DDS, a well respected dentist anesthesiologist and USC professor, also expressed his firm opposition in a letter. The DBC tabled the discussion and it will be on the agenda for the November 29-30 Board Meeting.

[Click Here to read the CDHA Letter to the Dental Board of California](#)

On the National Front...

CDHA Alternative Practice Council Chair
Kathy Kane's WIC (Women, Infants, and
Children) program in Sonoma is one of

the 25 programs highlighted by the Robert Wood Johnson Foundation as existing innovative programs that may hold the key to improving the nation's oral health and access to preventive care.

[Click Here to Read More](#)



Oral Health in Medicare

CDHA and ADHA joined a host of other health care entities showing strong support for the inclusion of oral health care in Medicare. Advances are being made "one small step at a time." Recently, a bipartisan coalition of 43 Representatives and 28 Senators signed and sent a letter asking Center for Medicare and Medicaid Services (CMS) to cover certain "medically necessary" dental care in Medicare. CMS can add this coverage with its administrative authority without the need for legislation, especially since it fits within CMS priorities and would both improve health outcomes while reducing overall health care costs.

[Click Here to Read More](#)

Dental Hygiene Bill Watch

Dental Hygiene Bill Watch Summary - 2018



The legislature introduced approximately 3000 bills in 2018. Many bills died in committee or on the Floor of either house. Governor Brown received and acted on a total of 1,217 bills. The Governor signed 1,016 bills and vetoed 201. Zero bills became law without his

signature, which is standard under this Governor.

The veto rate was 16.5 %

Here's the final disposition of 2018 priority bills Aaron Read & Associates (ARA) tracked for CDHA...

- AB 2138 (Chiu), CDHA watch: limits licensing boards' authority to deny licenses convicted felons (Signed, Chaptered 995)
- AB 3087 (Kalra), CDHA Opposed: limits on payments to providers (Died in Assembly)
- SB 707 (Cannella), CDHA Support: would have created DentiCal Advisory group that includes hygienists (vetoed)
- SB 1125 (Atkins), CDHA Support: FQHCs/RHCs reimbursement for 2 "visits" on the same day (vetoed)
- SB 1148 (Pan), CDHA Support: Silver Diamine Fluoride code for DentiCal (vetoed).
- SB 1464 (Weiner), CDHA Support: Dental Special Needs codes for DentiCal (Died in Assembly Appropriations)
- SB 1482 (Hill), CDHA Support: DHCC Sunset extension and name change to Dental Hygiene Board of California (SIGNED, Chaptered 858)
- SB 1406 (Hill), Support: extend Community College bachelors' pilot program (Signed Ch612)
- For bills such as SB 1125, and SB 1148, with had bipartisan support, the Governor cited concern for establishing "significant ongoing financial outlay" , and said those items should be addressed as part of the annual budget process. CDHA plans to do so! Although SB 1464 was also vetoed, the DHCS has authorized the use of D9920 code to achieve a similar purpose, using Prop 56 Tobacco Tax funding as noted above.

CalHyPAC:

Keeping Our Political Voice Strong

CalHyPAC is the California Dental Hygienists' Association's Political Action Committee, a separate entity from the CDHA. The PAC establishes relationships with California legislators who believe that dental hygienists are an important and essential part of the health care system. We support candidates for the California Legislature who believe in our interests, concerns and goals.

CalHyPAC is an essential part of CDHA's government affairs program and is the only political action committee that represents California dental hygienists.

[Click here to learn more about CalHyPAC and donate today!](#)



Labor Law

A recent California Supreme Court decision makes independent contractor criteria more strict.

CDA says dentists should assume their workers are employees.

[Click here for details on the ruling.](#)

Are you paid for all time worked?

Is your salary reduced if there are openings in the patient schedule?

Learn more about Labor Laws and your employee rights!

[Click Here to download the CDHA Labor Law manual](#)

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