



April 13, 2010

The Honorable Gloria Negrete McLeod
Chair, Senate Business & Professions Committee
State Capitol, Room 2059
Sacramento, California 95814

Subject: **SB 1111 (Negrete McLeod) – Oppose Unless Amended**

Dear Chairperson Negrete McLeod:

The California Dental Association (CDA) has adopted an “oppose unless amended” position on your bill, **SB 1111**, which is scheduled to be heard in the Senate Business and Professions Committee on April 19, 2010.

We have appreciated the willingness of you and your staff to address our concerns with the original version of the bill; many of our primary concerns have been addressed in the April 12 version of SB 1111.

CDA continues to have a number of concerns which we hope can be resolved as the bill moves forward. These include:

- **Internet Information – Section 27, 720.28**
CDA is opposed to disclosure of pending accusations in which there has not even been a hearing. Posting such accusations on the Internet is unfair and harmful to the practitioner and may be a violation of their due process rights. There is tremendous potential for members of the public to misinterpret or misunderstand information obtained from the Internet.
- **Appeals of Citation and Fines – Section 125.9**
CDA requests clarifying language to ensure that this new formal procedure does not eliminate the informal appeal procedure to resolve citation and fine issues.
- **Authority for Executive Officers to Adopt Default Decisions and Stipulated Settlements – Section 720.2**
CDA requests clarifying language to ensure that practitioners are still afforded rights under Government Code §11520(c), following issuance of the default decision by the executive officer. Additionally, we suggest that the executive officers be given the authority to accept *all* stipulated settlements on behalf of the Board, not just license surrenders.

- **Enforcement Time Frames for the AG's Office - Section 720.30**

CDA is concerned that the proposed shortened time frames may hinder the licensee's ability to prepare a defense. We would like to ensure that the shortened time frames do not eliminate the practitioner's right under Government Code §11520(c) to serve a written motion requesting that the decision be vacated within seven days after service upon the respondent of the default decision by adding that the time for filing a Notice of Defense may be extended by stipulation between the AG's office and the respondent or his counsel, if the AG's office is contacted within five days following the time period allowed for the filing of a Notice of Defense.

CDA strongly objects to the proposed requirement that the AG's office set a hearing date within three days after receiving the Notice of Defense. We do not believe that is a reasonable period of time. The proposed language also calls into question whether the AG's office has the capacity to meet such a strict time-line, in addition to the fact that the AG's office does not unilaterally set hearing dates. Providing hearing dates before the AG's office provides discovery to the practitioner places the practitioner at a huge disadvantage, unless there is a provision that requires discovery to be served upon respondent or his counsel within one week of the request to set.

- **Collection Agencies – Section 125.4**

CDA supports allowing healing arts boards to contract with collection agencies; however, collection agencies should expressly be allowed to negotiate payment plans with practitioners. Further, the practitioner should be allowed to appeal to the Board, or at least to have an informal resolution of a matter that the collection agency has taken to judgment.

- **Require Boards to Check NPDB - Section 720.35**

CDA is concerned about the amount of and basis for the fee proposed in this section.

- **Sunset Dates for Diversion Programs - Section 1699.2**

CDA is gravely concerned about the potential elimination of the Diversion Program within the Dental Board of California. This change would treat providers with substance abuse problems in a manner that is so contrary to what we know, which is that rehabilitation is possible and any individual who has suffered with this illness should not be led to believe otherwise.

CDA would like to thank you for the progress made on **SB 1111** thus far, and we look forward to working to achieve resolution of our remaining issues.



Thank you,

A handwritten signature in black ink, appearing to read "Michelle Rivas", is written over a light blue horizontal line.

Michelle Rivas
Legislative Advocate

c: **Rosielyn Pulmano, Consultant, Senate Business & Professions Committee**
Amber Alexander, Consultant, Senate Republican Caucus