Regulatory Compliance Checklist

This checklist provides an overview of what dental practices need to do to comply with Dental Board, occupational safety, employment, environmental, patient privacy, and general business requirements. This list offers general information and does not take the place of legal advice. This list is not exhaustive and each item may not be applicable to every situation.

Dental Board

The mission of the Dental Board is to protect and promote the health and safety of consumers of the State of California. It does this primarily through enforcement of the Dental Practice Act (DPA). Individuals can view the DPA online, or order a printed copy, at dbc.ca.gov. “Guide to Dental Practice Act Compliance,” available on cdacompass.com, summarizes portions of the DPA and organizes information in alphabetical order by subject.

- **Practice Address.** Notify Dental Board of practice address or if there is no practice address. An itinerant dentist, for example, would notify the Dental Board that there is no practice address. Notify Dental Board within 30 days of a change of practice address. If not reported within the specified time, a penalty will be assessed. Information is available on the Dental Board Web site, dbc.ca.gov.

- **Name Change.** Notify Dental Board of a legal name change within 10 days. Information is available on the Dental Board Web site, dbc.ca.gov.

- **Dental Corporation.** The name of a dental corporation must contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders and shall include the words “dental corporation” or other wording or abbreviations denoting corporate existence. A dental corporation must maintain minutes of annual shareholder meetings and file annually a statement of interest with the California Secretary of State. Read “Incorporate or Not – What is Right for You?” on cdacompass.com.

- **Fictitious Name.** A fictitious name is a name other than the name under which a license is issued or a dental corporation name. Apply for fictitious name permit, if applicable, and then file fictitious business name statement with the county clerk. Read information on “Fictitious Business Names” on cdacompass.com. Application for fictitious name permit is on the Dental Board Web site, dbc.ca.gov.

- **Additional Office.** Apply for additional office permit if the dentist has a proprietary interest of any nature, or any right to participate in the management or control of more than one place of practice. Permit application is on the Dental Board Web site, dbc.ca.gov.

- **Mobile Dental Clinic.** A permit is required if a dentist operates a mobile dental clinic. Permit application is on the Dental Board Web site, dbc.ca.gov.

- **Sedation/Anesthesia Permits.** Review “Sedation and Anesthesia Permits” on cdacompass.com to determine if a dentist needs an oral conscious sedation permit, conscious sedation permit, or general anesthesia permit. Information and permit applications are available on the Dental Board Web site, dbc.ca.gov.
☐ **Oral and Maxillofacial Surgery Permit.** A California-licensed physician who is board-certified in oral surgery and wants to practice oral and maxillofacial surgery must have this permit. Information is available on the Dental Board Web site, dbc.ca.gov.

☐ **Elective Facial Cosmetic Surgery Permit.** Only a licensed dentist with this permit may perform elective facial cosmetic surgery. Information is available on the Dental Board Web site, dbc.ca.gov.

☐ **Notice to Consumers.** Licensed dentists are required to ensure a notice to consumers is posted in a facility where dental services are provided. The notice, in 48 pt type, must state:

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NOTICE TO CONSUMERS
Dentists are licensed and regulated by the Dental Board of California
(877) 729-7789
www.dbc.ca.gov
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Information is available on the Dental Board Web site, dbc.ca.gov.

☐ **Posting of Auxiliary Duties.** Included in the CDA and component-provided poster set is the “Combined Table of Permitted Duties 2011.” It also can be downloaded from cdacompass.com.

☐ **Advertising and Marketing.** Be aware of federal, state, and local rules governing dental practice advertising and marketing. Read “Dental Practice Marketing and Advertising 101” on cdacompass.com.

☐ **Commercial Credit and Financing.** If you offer patients commercial credit and financing, you must provide them a written notice of their rights. Read “California Requirements for Dental Practices Offering Commercial Credit to Patients” on cdacompass.com.

☐ **Continuing Education and License Renewal.** A license renewal period is two years. Fifty units are required to renew a dental license. Twenty-five units are required to renew all allied dental health personnel licenses and permits, except for RDHAPs. RDHAPs require 35 units for license renewal. There are three mandatory courses for each renewal period. Courses must meet Dental Board requirements. Read “Continuing Education Requirements” on cdacompass.com. Information also is available on the Dental Board Web site, dbc.ca.gov.

☐ **Dental Materials Fact Sheet.** Must be provided to a patient at least once prior to performing a restorative procedure. The fact sheet is available on the Dental Board Web site, dbc.ca.gov.

☐ **Denture Identification.** Every complete upper or lower denture fabricated by a licensed dentist, or fabricated pursuant to the dentist’s work order, shall be marked with the patient’s name, unless the patient objects. Information is available in “Guide to Dental Practice Act Compliance,” available on cdacompass.com.

☐ **Infection Control.** All licensees must comply with specified infection control practices. Weekly biological testing (spore test) of sterilizers is required. Written protocols for instrument processing, operatory cleanliness, and management of injuries must be developed and periodically updated. A copy of the infection control regulations and sample written protocols are available on cdacompass.com.

☐ **Patient Records.** The DPA, HIPAA, and state privacy laws regulate the use of patient records and information. Read “Patient Records: Requirements and Best Practices” on cdacompass.com.
- **Controlled Substances and DEA Registration.** Obtain DEA registration number only if prescribing, dispensing or administering controlled substances. Secured prescription forms, available only from state-approved printers, must be used for written controlled substances prescriptions and for prescriptions paid by a government benefit program. Read “Controlled Substances Prescribing and Dispensing,” on cdacompass.com. Register online with the US Drug Enforcement Administration, Diversion Control Program, [http://www.deadiversion.usdoj.gov/](http://www.deadiversion.usdoj.gov/). A list of state-approved vendors can be found on the Department of Justice Web site, [http://oag.ca.gov/security-printers](http://oag.ca.gov/security-printers).

- **Medication Prescribing and Dispensing.** Follow rules to administer, prescribe, and dispense non-controlled substances. Read “Medication Prescribing and Dispensing Q&A,” on cdacompass.com.

**General Business**

- **Local Permits, Licenses, and Taxes.** Check for required local city and county permits, licenses, taxes, and fees. Check the Web sites of both the city and county where your practice is located for information on local permits, licenses, taxes and fees. You can also check CalGold, [http://www.calgold.ca.gov/](http://www.calgold.ca.gov/), a state Web site with permit information for all types of businesses. If you are building new or remodeling space, ensure your contractors obtain the necessary permits.

- **Required Employment Notices and Posters.** Dental employers must post several notices and provide specific information for the benefit of their employees. Refer to “Required Postings in a Dental Office” on cdacompass.com for a list of the required notices and posters, and online links. One free set of required posters is available to each CDA member from the local dental society. CDA sells posters sets to members who need an additional set.

- **Record Retention.** There are recommendations and requirements for retaining business, employee, patient, and regulatory compliance records. Refer to “Business Record Retention” on cdacompass.com.

- **Seller’s Permit.** If you sell items to patients, obtain sellers permit from the state Board of Equalization. Refer to article “Sales and Use Tax” on cdacompass.com.

- **Use Tax Registration.** Once your practice generates $100,000 in a year, you must register with the state Board of Equalization for reporting use tax. Refer to article “Sales and Use Tax” on cdacompass.com.

- **Americans With Disabilities Act.** Dental practices are considered places of public accommodation and have an obligation to ensure their services are available to the disabled. Refer to the article “Americans with Disabilities Act and Disabilities Rights Law” on cdacompass.com.

**Employment**

- **Employer Identification Number.** Obtain from the IRS, [http://www.irs.gov/businesses/small/article/0,,id=98350,00.html](http://www.irs.gov/businesses/small/article/0,,id=98350,00.html).

- **Payroll Taxes.** Register as an employer with the state Employee Development Department and review California Employers Guide (DE44) for information on employee taxes and withholdings. Complete Registration Form for Commercial Employers (DE 1) no later than 15 days after the first $100 in wages is paid. California Employers Guide can be found online at [http://www.edd.ca.gov/pdf_pub_ctr/de44.pdf](http://www.edd.ca.gov/pdf_pub_ctr/de44.pdf). You can also go to the EDD Web site, [http://www.edd.ca.gov/Payroll_Taxes/](http://www.edd.ca.gov/Payroll_Taxes/), to learn how to submit payroll taxes.
Workers’ compensation insurance. Obtain mandatory coverage.

Employment Posters. Obtain required employment posters. One free poster set is available from a local component dental society; extra poster sets are available for purchase from CDA. See “Required Postings In a Dental Office” on cdacompass.com for online links to the required posters.

Employee Brochures. Have available required brochures on sexual harassment, disability insurance, paid family leave, and workers’ compensation to give to newly hired employees. See “Required Postings In a Dental Office” on cdacompass.com for online links to the required brochures.

New Employee. Refer to the “New Employee Checklist” on cdacompass.com for a list of required items when hiring a new employee.

Employee Records. Set up employee records with separate files for medical and training records.

Earned Income Tax Credit Notification. California employers are required to annually notify all their employees of the federal Earned Income Tax Credit. Refer to article on Federal Earned Income Tax Credit on cdacompass.com.

Alternative Workweek. A nonexempt employee is eligible for overtime if he or she works more than eight hours a day or 40 hours a week. Consider establishing an alternative workweek if you want staff to work more than eight hours a day but no more than 40 hours a week. Information on holding an alternative workweek election can be found in Industrial Welfare Commission Order #4, one of the required posters. CDA Compass has a checklist to guide you through the process and a sample letter to send to the state Cal/OSHA.

Cal/OSHA

Cal/OSHA enforcement of its regulations relies on documentation of effective written plans outlining the employer’s safety program, communication of hazards to employees, and on employee training. These written plans should be in place before hiring an employee.

Injury and Illness Prevention Plan. Develop this written plan that serves as an umbrella plan to the other Cal/OSHA-required plans. The plan may include elements to exempt a dental practice from the Aerosol Transmissible Disease regulation. See CDA Regulatory Compliance Manual on cdacompass.com for a sample plan. Review the plan’s checklist.

Exposure Control Plan. Develop this written plan that explains the employer’s policies for preventing cross-contamination and employee exposure to blood and saliva. Implement policies on personal protective equipment, sharps evaluation and more. See CDA Regulatory Compliance Manual on cdacompass.com for a sample plan. Review the plan’s checklist.

Hazard Communication Plan. Develop this written plan to describe how the employer communicates to employees about workplace hazards. Develop inventory list of hazardous substances, ensure containers are appropriately labeled, and collect and organize safety data sheets (SDS). See CDA Regulatory Compliance Manual on cdacompass.com for a sample plan. Review the plan’s checklist.

Ergonomics/Repetitive Motion Injury Prevention Program. An employer must have an ergonomics program to minimize RMIs when a repetitive motion injury (RMI) has occurred to more than one employee under certain conditions. See CDA Regulatory Compliance Manual on cdacompass.com for sample plan.
• **Fire/Emergency Plan.** This plan describes what employees should do in case of a fire or emergency. See CDA Regulatory Compliance Manual on cdacompass.com for sample plan.

• **General Office Safety Plan.** This plan describes procedures for employees to follow to prevent accidents, for example, from improperly stored items, damaged equipment, or in working around electric-powered devices. See CDA Regulatory Compliance Manual on cdacompass.com for sample plan.

• **Aerosol Transmissible Disease.** Healthcare providers, first-responders, and other employers are required to comply with this regulation. Most dental practices and many specialty medical practices can be exempt from the regulation as long as the practices comply with specific conditions. Read “Cal/OSHA Regulation on Aerosol Transmissible Diseases” on cdacompass.com.

• **Air Compressor/Tank.** A permit is required for any air tank that is 1-1/2 cubic feet in volume or larger, or when the safety valve is set greater than 150 psi. Read “Air Compressor/Tank Permits” on cdacompass.com.

• **Formaldehyde.** If the substance in any form is used in the workplace, the employer must provide employee training, except where the employer can show, using objective data, that employees are not exposed to formaldehyde at or above 0.1 ppm. Use of the substance must be reported to Cal/OSHA. Read “Cal/OSHA Regulations on Formaldehyde” on cdacompass.com.

• **Permissible Exposure Levels.** Cal/OSHA has set permissible exposure levels for hundreds of substances, including nitrous oxide, formaldehyde, glutaraldehyde, and mercury. If an employee complains or has questions on exposure to these chemicals, the employer must provide data that employee exposure is less than the PEL or else monitor to demonstrate that exposure is less than the PEL. See “Glutaraldehyde, Formaldehyde, and Nitrous Oxide Monitors” in the Directory section of cdacompass.com.

• **HBV Vaccination.** Offer vaccination to employees who are potentially exposed to bloodborne pathogens. Document action as required.

• **Laundry.** If an employee or employees launder personal protective equipment or other items as a work assignment, the employer must provide appropriate personal protective equipment and training on potential hazards of the task and safe practices.

• **Medical & Exposure Records.** Inform employees of the existence, location, and availability of their medical and exposure records, and of their rights to see them and to have a copy of the regulation. See the regulation that is included as Appendix 2 the CDA Regulatory Compliance Manual.

• **Train employees on all safety plans.** Use “Cal/OSHA Training Requirements for Dental Practices” checklist on cdacompass.com.

• **Smoking Prohibited at the Workplace.** Smoking is prohibited in enclosed areas at the workplace. Employers must notify workplace visitors of the prohibition by posting clear and prominent signs stating, “No smoking,” at the building entrances. Signs stating, “Smoking is prohibited except in designated areas,” also may be posted at building entrances if smoking is permitted in designated areas. Employers may purchase already made signs or create their own signs.
Patient Records and Information Privacy

All California dental practices must comply with state privacy laws that sometimes overlap with the federal Health Insurance Portability and Accountability Act (HIPAA) which is applicable to “covered entities.” “Covered entities” are healthcare providers, health plans, and health information clearinghouses that perform certain transactions electronically. A detailed compliance guide is available from the American Dental Association. We strongly recommend you use The ADA Practical Guide to HIPAA Compliance: Privacy and Security (2010) to help you develop, or update, your office policies and procedures. It has sample forms and policies, and provides thorough discussions and considerations on how HIPAA compliance affects a dental practice. You can refer to the ADA guide for almost every item listed below. An expanded checklist for compliance with privacy laws, an overview of state and federal privacy rules, forms that comply with both federal and state privacy laws, and other resources are available on cdacompass.com.

☐ National Provider Identification Number. Obtain an NPI number to be used for claims. Pharmacies also require prescribers to provide an individual NPI number. A provider may have an individual NPI number in addition to an NPI number for a group practice in which he or she is a partner, or an NPI number for the incorporated dental practice he or she owns. Refer to information posted at U.S. Department of Health & Human Services at https://nppes.cms.hhs.gov/NPPES/StaticForward.do?forward=static.npistart

☐ Privacy and Security Officers. Designate one person to be both the privacy and security officer for the practice, or assign two individuals the different responsibilities. The privacy officer is responsible for implementing privacy policies and procedures and for training staff on them. The privacy officer also may receive and process patient and third-party requests for patient information and for amending information. The privacy officer receives complaints regarding privacy and information requests on the practice’s Notice of Privacy Practices. The privacy officer ensures required documentation is completed and retained for specified periods. The security officer shares some responsibilities with the privacy officer with regard to administrative policies and procedures. The security officer is responsible chiefly for the security of patient information that is stored, used, and transmitted electronically, and may work with outside vendors on the administrative, technical, and physical security safeguards.

☐ Risk Assessment. Assess how patient information is used, managed, stored, and transmitted in the practice, and then consider ways that information may be accessed by unauthorized individuals or unintentionally released.

☐ Privacy Policies. Develop written policies to address how the dental practice will prevent the unauthorized and unintentional release of protected health information in all forms of communication – oral, written, and electronic. Also, include policies on patient access to records, disclosure of information to third parties, and steps to take after a data breach.

☐ Notice of Privacy Practices. Develop this patient notice of your practice’s privacy policies and procedures. Obtain patient acknowledgement of receipt of notice.

☐ Business Associate Agreements. Enter into agreement with any entity that the dental practice allows to have access to patient information for nonclinical purposes. Agreement is to ensure privacy and security of the information.

☐ Security Rule. Take steps to protect against interception of electronic transmission of patient information. Use passwords or other means to ensure only authorized individuals access electronically stored patient information. Take steps to ensure patient information is accessible if main computer network is disabled. Must implement or address specific security safeguards.
Employee Training and Discipline. Train employees on the dental practice’s privacy policies and procedures. Make employees aware that they will be disciplined for failing to comply with the practice’s privacy policies and procedures, and that discipline can include termination of employment.

Environmental & Public Health

- Register as medical waste generator. Check the California Department of Public Health web site, http://www.cdph.ca.gov/certlic/medicalwaste/Pages/LEAs.aspx, to identify your local enforcement agency. The local enforcement agency can be the state DPH, the county environmental health department, or another local agency.
- Arrange for medical waste disposal, pick-up or mail-back service. Read “Waste Management Guide” available on cdacompass.com for definition of medical waste and disposal options. Options for the disposal of sharps waste, a type of medical waste, are listed in the Directory section of cdacompass.com.
- Obtain California EPA identification number, if applicable. See EPA Identification Number Fact Sheet available at the Department of Toxic Substances Control Web site, dtsc.ca.gov. More information and an application form are available at http://www.dtsc.ca.gov/IDManifest/index.cfm#Identification_(ID)_Numbers.
- Obtain dental wastewater discharge permit, if applicable, from local sanitation district. Read “Regulated Wastes and Wastewater Frequently Asked Questions” on cdacompass.com.
- Arrange for hazardous/universal waste pickup or mail-back service. Look into the possibility of using your local household hazardous waste program. Read “Waste Management Guide” available on cdacompass.com to learn what is considered hazardous or universal waste.
- Post Prop 65 signs, if applicable. Read “Proposition 65 FAQ” on cdacompass.com.
- Obtain and post a copy of radiation regulations (also referred to as “Title 17 regulations”) Obtaining and making available to staff a copy of CDA’s “Radiation Safety In Dental Practice” satisfies this requirement. Download this publication from cdacompass.com. On the “Notice to Employees” radiation safety poster, record the location where employees can find the radiation regulations in your office.
- Determine if you need to obtain dosimeters for staff. Read the article “Personnel Radiation Monitors” on cdacompass.com.
- Provide employees with radiation safety instructions. Download instructions from cdacompass.com.

Compliance with Industry Standards

California dental practices may be required to comply with certain industry-imposed standards. Although these programs are not regulatory, they are included on this list because they affect most dental practices.

- Payment Card Industry (PCI DSS). Credit card companies impose data security standards on businesses that accept and process credit card payments. Check with your credit card processor for details. For general information on the program, read “Credit Card Security Standards” on cdacompass.com.
- Dental Benefit Plan Audits. The state requires dental benefit plans to conduct quality assurance audits on their providers. Read articles on quality assurance audits on cdacompass.com.