



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

Agenda



Notice is hereby given that a public meeting of the Legislative and Regulatory Subcommittee of the Dental Hygiene Committee of California will be held as follows:

LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING

**Saturday, December 3, 2016
Evergreen Hearing Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815
916.263.1978**

Legislative and Regulatory Subcommittee Members:

Susan Good, Public Member, Chair
Michelle Hurlbutt, RDH Educator
Nikki Moultrie, RDH
Garry Shay, Public Member

Agenda

LEG 1 – Roll Call

LEG 2 – Public Comment for Items Not on the Agenda

[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7(a))]

LEG 3 – Approval of the May 6, 2016 Legislative and Regulatory Subcommittee Meeting Minutes

LEG 4 – Policy Regarding New Procedure for the State Rulemaking Process

LEG 5 – Status Report on the Following Legislation:

AB 12 (Cooley), Obsolete Regulations
AB 648 (Low), Virtual Dental Home Grant
AB 1863 (Wood), Federally Qualified Health Centers
AB 2859 (Low), Retired License
SB 1033 (Hill), Notify Probationary Status
SB 1039 (Hill), Fee Ceiling Increase
SB 1098 (Canella), Increase Denti-Cal Utilization
SB 1155 (Morrell), Initial Licensure Fee Waiver, Veterans
SB 1217 (Stone), Raise Threshold Judgement Reporting Requirement

LEG 6 – Discussion and Possible Action to Promulgate Regulations for a Retired License Status; Recommendation to the Full Committee

LEG 7 – Future Agenda Items

LEG 8 – Adjournment

DHCC members who are not members of this subcommittee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum. All times are approximate and subject to change. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-1978 or access the Committee's Web Site at **www.dhcc.ca.gov**.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 576-5004 or e-mail anthony.lum@dca.ca.gov or send a written request to DHCC at 2005 Evergreen Street, Ste. 2050, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

LEG 1

Roll Call and Establishment of a Quorum



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

LEG 2

Public Comment for Items Not on the Agenda

[The DHCC may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code §§ 11125 & 11125.7 (a))]



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

LEG 3

**Approval of the May 6, 2016, Legislative and
Regulatory Subcommittee Meeting Minutes**



**DENTAL HYGIENE LEGISLATIVE AND REGULATORY
SUBCOMMITTEE MEETING MINUTES**

**Friday, May 6, 2016
Marriott Hotel – Los Angeles International Airport
Atlanta/Boston Room
5855 West Century Blvd.
Los Angeles, CA 90004**

LEG 1 – Roll Call

Noel Kelsch, President of the Dental Hygiene Committee of California (DHCC), called the Dental Hygiene Legislative and Regulatory Subcommittee meeting to order at 11:15 a.m. Due to absences, she appointed Michelle Hurlbutt as Chair and she appointed herself as a subcommittee member. A quorum was established with four subcommittee members present. Chair Hurlbutt conducted roll call.

DHCC Legislative and Regulatory Subcommittee Members Present:

Michelle Hurlbutt, Acting Chair, Registered Dental Hygienist (RDH)
Educator

Noel Kelsch, DHCC President, Registered Dental Hygienist in Alternative
Practice (RDHAP)

Sandra Klein, Public Member

Garry Shay, Public Member

DHCC Legislative and Regulatory Subcommittee Members Absent:

Susan Good, Public Member

Nicolette Moultrie, RDH

DHCC Staff Present:

Lori Hubble, Executive Officer (EO)

Anthony Lum, Assistant EO

Estelle Champlain, Legislative and Regulatory Analyst

Nancy Gaytan, Enforcement Analyst

Kelsey Pruden, Department of Consumer Affairs (DCA) Legal Counsel

Public Present:

Jonathan Burke, Board and Bureau Relations Manager, Department of
Consumer Affairs (DCA)

Karen Fischer, EO, Dental Board of California (DBC)

JoAnn Galliano, Education Consultant, California Dental Hygienists'
Association (CDHA)

Lygia Jolley, President, CDHA

Vickie Kimbrough, Southwestern College
Shawn Leetch, Concorde College, San Bernardino Campus
Gayle Mathe, California Dental Association (CDA)
Steven Morrow, Doctor of Dental Surgery (DDS), President, DBC

LEG 2 – Public Comment for Items Not on the Agenda

There were no public comments for items not on the agenda.

LEG 3 – Approval of the May 2, 2015 Legislative and Regulatory Subcommittee Meeting Minutes

- **Motion: President Kelsch moved to accept the May 2, 2015 Legislative and Regulatory Subcommittee meeting minutes.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

LEG 4 – 2016 Tentative Legislative Calendar- Informational Only

Chair Hurlbutt remarked that inclusion of the tentative legislative calendar is helpful.

There were no other comments from the subcommittee nor from the public.

LEG 5 – Discussion and Possible Action to Initiate to Amend California Code of Regulations (CCR), Title 16, Article 13, Section 1151, Out-of-State Practitioner Authorization to Participate in Sponsored Free Healthcare Events, Including Recommendation to the Full Committee.

Lori Hubble reminded the subcommittee that a member of the public had requested DHCC revise this regulation on the grounds that it was prohibitive to out-of-state licensees wishing to participate in free sponsored health care events in California. She presented a revised text for the subcommittee's consideration. Proposed changes include language to require out-of-state practitioners to give written notification to patients regarding specific areas in which the practitioner is not licensed. Also, out-

of-state practitioners would be required to wear a name badge listing the procedures that practitioner is authorized to perform.

Garry Shay injected that the word “shall” is preferred in place of “must.” After discussion between Chair Hurlbutt and Kelsey Pruden, it was determined that “shall” would be adopted throughout the document for instances when mandate under the purview of DHCC is intended and directed at dental health professionals, while “must” would be applied to actors outside of DHCC’s purview, such as students.

Ms. Hubble presented proposed modifications to regulatory language in the application titled, “Request for Authorization to Practice Without a License.” This change would allow out-of-state practitioners wishing to participate in free sponsored health care events in California to submit fingerprints via California ink fingerprint card since the electronic Livescan service normally required for California practitioners does not offer state-to-state transferability. To accommodate these changes, the application processing time allotted the DHCC would be adjusted from 20 days to 30-60 days.

Ms. Hubble provided proposed text modifications to allow out-of-state practitioners not trained through a California-approved SLN course to be permitted to participate in free sponsored health care events in California provided that they do not perform SLN procedures at the event.

Public Comment: Gayle Mathe suggested changing the title of the application to reflect that the practitioner would specifically work as a volunteer. After discussion which included Mr. Shay, President Kelsch, and Ms. Hubble, it was determined that “Request for Authorization to Volunteer to Practice Without a California License at a Sponsored Free Health Care Event” would be the preferred verbiage for the regulation.

There were no further comments.

- **Motion: Chair Hurlbutt moved to adopt as amended, present to full committee, direct staff to take all necessary steps to initiate the formal rulemaking process, set the regulation to a 45-day public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X

Nicolette Moultrie			X
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LEG 6 – Discussion and Possible Action to Initiate Rulemaking to Amend CCR Title 16, Section 1107, RDH course in Local Anesthesia, Nitrous Oxide-Oxygen Analgesia, and Soft-Tissue Curettage, Including Recommendation to the Full Committee.

Ms. Hubble suggested omitting various nonessential or difficult to understand terms. Her recommendation included replacing “analgesia” with the more common term “sedation;” including the phrase, “all students shall have access to a copy of the course’s bloodborne and infectious diseases exposure control plan...” ; in the interest of preventing limitations to free trade, striking the phrase, “a facility shall not include a dental office unless such office is an extramural facility of an educational program approved by the Committee;” and for curriculum, increasing the required hours of instruction and instances of experiences performing nitrous oxide-oxygen sedation.

There were no further comments.

- **Motion: Garry Shay moved to approve as amended, present to the full committee, direct staff to take all necessary steps to initiate the formal rulemaking process, set the regulation to a 45-day public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package.**

Second: President Kelsch.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

LEG 7 – Discussion and Possible Action Including Recommendations to the Full Committee on the Following Legislation:

Estelle Champlain reported the status of bills of interest to the DHCC. The subcommittee adopted the positions as follow:

- Assembly Bill (AB) 12, Wood. Administrative Regulations.

There were no comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on AB 12.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- b. AB 648, Low. Establishment of Virtual Dental Home and Appropriation of \$4 Million Funding.

There were no comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on AB 648.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- c. AB 1868, Wagner. Proposed Regulations with Cost Impact to be Forwarded to Legislature.

Public Comment: Ms. Mathe inquired as to how this bill would change anything. Mr. Shay responded that it was likely a measure to increase transparency.

There were no further comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on AB 1868.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

d. AB 2701, Jones. Training for Newly Appointed Board Members.

Ms. Hubble informed the subcommittee that this bill died so no further action is required.

There were no further comments from the subcommittee nor from the public.

e. AB 2859, Low. Creation of Retired Category Licenses.

Mr. Lum and Ms. Hubble added that due to pre-arranged settings in BreEZe, implementation of a new licensure category would be costly but that the cost should not necessarily be a reason to withhold support since the passage of this bill could lay the groundwork for implementation of the preferred retiree license category at a later, more feasible date.

Public Comment: Ms. Mathe inquired whether the retiree licensee applicant would be charged a fee. Ms. Hubble answered that the bill would authorize the DHCC to develop regulations which may include a fee.

There were no comments from the subcommittee nor from the public.

- **Motion: Garry Shay moved to recommend to the full committee to take a support position on AB 2859.**

Second: President Kelsch.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- f. Senate Bill (SB) 1033, Hill. Medical Board Requiring Physicians on Probationary Status to Notify Patients.

Mr. Lum advised that this bill may have downstream effects on DHCC in that DHCC may be required to do the same as the Medical Board of California (MBC) in the future.

There were no further comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on SB 1033.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- g. SB 1155, Morrell. Waiver for Application Fee and Initial Licensure for Honorably Discharged Veterans.

President Kelsch asked what percentage of DHCC applicants are veterans. Ms. Hubble responded that to date no veterans have applied but there have been several military spouses. Chair Hurlbutt commented that as a dental college dean, she has noticed an increase in veteran enrollment, indicating probable future cost impact.

There were no further comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to maintain a watch position on SB 1155.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

- h. SB 1217, Stone. Increase Threshold of Dollar Amount Settlements for Reporting Purposes.

There were no comments from the subcommittee nor from the public.

- **Motion: President Kelsch moved to recommend to the full committee to take a support position on SB 1217.**

Second: Garry Shay.

Vote: The motion passed 3-0 (Susan Good and Nicolette Moultrie were absent).

NAME	Minutes VOTE:		OTHER
	Aye	Nay	
Noel Kelsch	X		
Garry Shay	X		
Michelle Hurlbutt	X		
Susan Good			X
Nicolette Moultrie			X

LEG 8 – Future Agenda Items

Chair Hurlbutt opened the floor for future agenda item proposals. JoAnn Galliano requested that the subcommittee consider SB 1098 from Senator Cannella regarding the establishment of a Denti-Cal advisory group to provide fiscal oversight. There were no further comments.

LEG 9 – Adjournment

The Dental Hygiene Legislative and Regulatory Subcommittee meeting adjourned at 11:08 a.m.



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

LEG 4

**Policy Regarding New Procedure for the State
Rulemaking Process - Informational**

DENTAL HYGIENE COMMITTEE OF CALIFORNIA

2005 Evergreen Street, Suite 2050 Sacramento, CA 95815

P (916) 263-1978 | F (916) 263-2688 | www.dhcc.ca.gov



MEMORANDUM

DATE	December 3, 2016
TO	Legislative and Regulatory Subcommittee
FROM	Lori Hubble, Executive Officer
SUBJECT	LEG 4.1 – Policy Regarding New Procedure for the State Rulemaking Process - Informational

Background

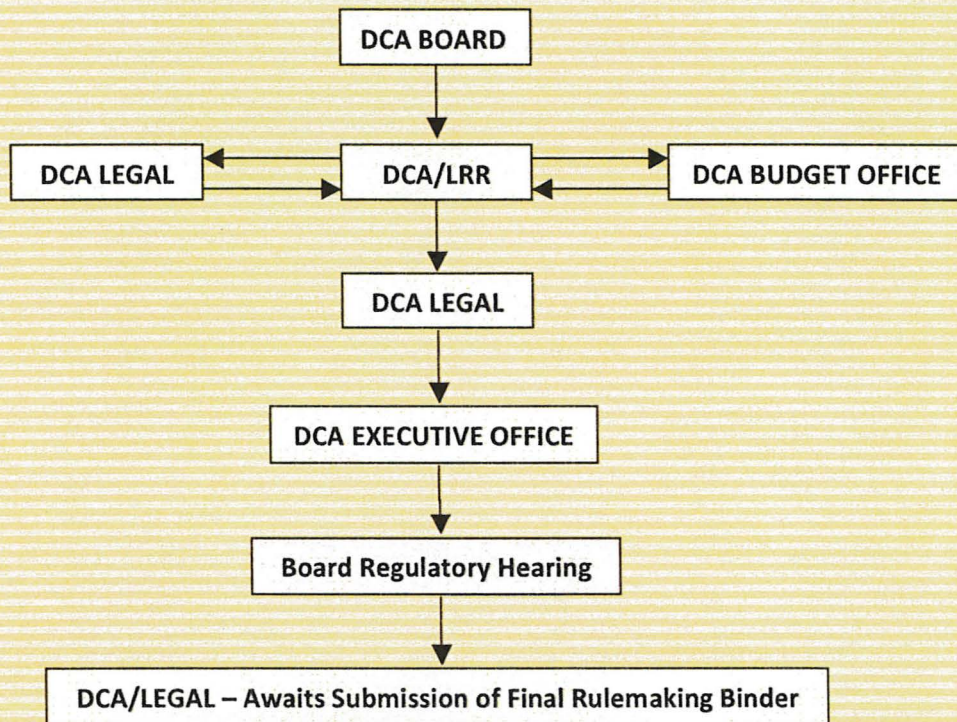
Business, Consumer Services, and Housing Agency's regulatory process was revised effective September 7, 2016. Now, rulemaking packages must be approved through the Department of Consumer Affairs' various departments and through Business, Consumer Services, and Housing Agency prior to being publicly noticed with the Office of Administrative Law (OAL). Before this change, Boards and Committees would publicly notice rulemaking packages with OAL near the beginning of the process. The new process was emplaced as an effort to identify and correct potential issues before a rulemaking package reaches OAL; thereby potentially reducing the amount of OAL disapprovals.

Attached are flowcharts depicting the process as it was prior to the change, and flowcharts depicting the process as it is since September 7, 2016.

BASIC RULEMAKING REVIEW PROCESS FOR BOARDS

INITIAL PHASE

Board to OAL for Hearing **NOTICE** and Rulemaking **PUBLICATION**



Legend

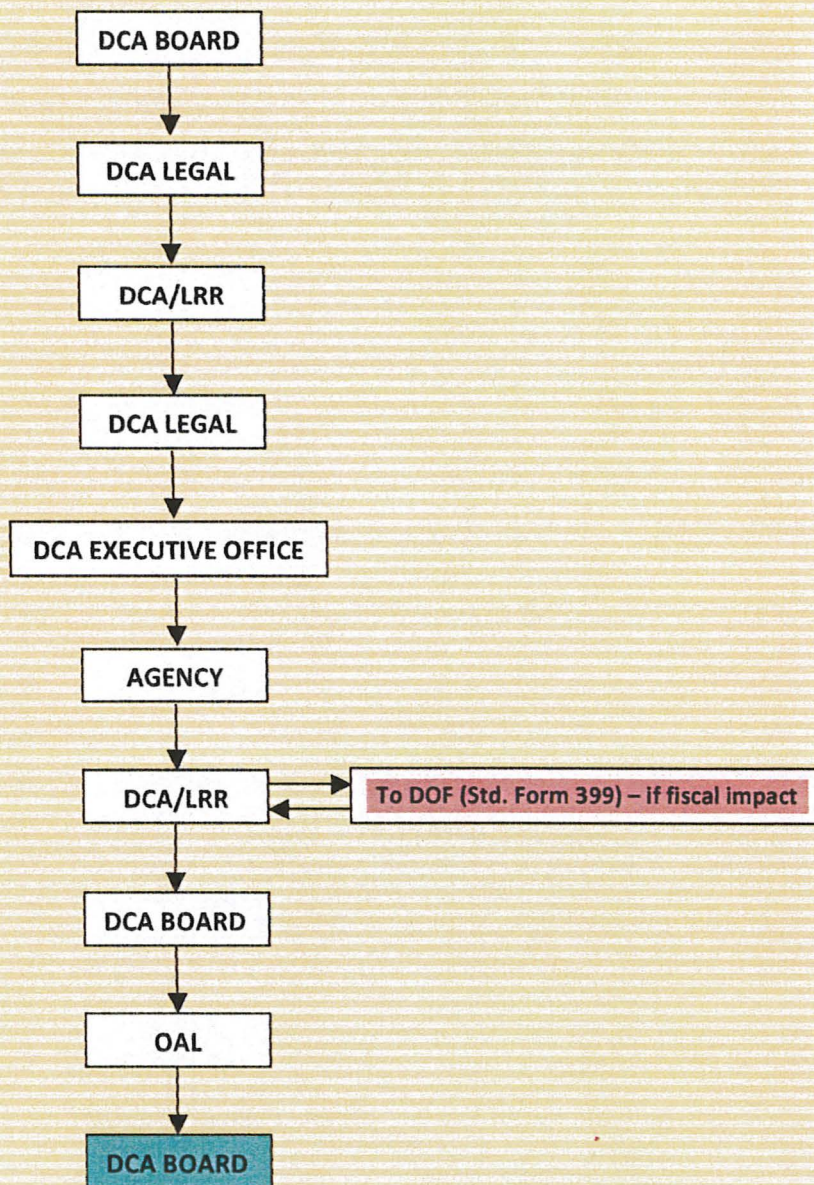
DCA – Department of Consumer Affairs
LRR – Division of Legislative and Regulatory Review
OAL – Office of Administrative Law

Putting The Pieces Together

BASIC RULEMAKING REVIEW PROCESS FOR BOARDS

FINAL PHASE

Board Completes Final Rulemaking Binder



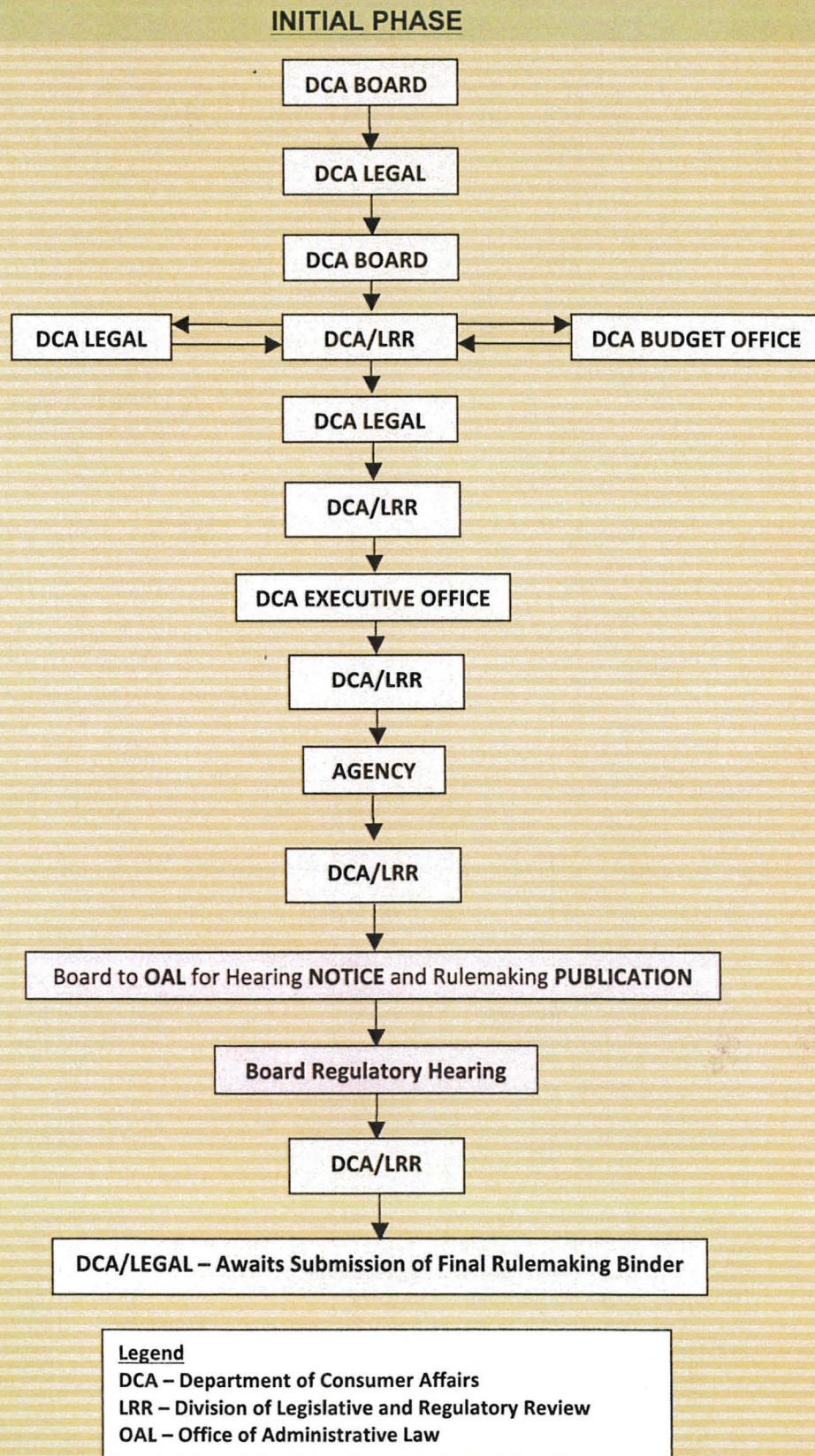
Legend

DCA – Department of Consumer Affairs
LRR – Division of Legislative and Regulatory Review
DOF – Department of Finance
Std. Form 399 – Economic & Fiscal Impact Statement
OAL – Office of Administrative Law

Before Fall 2016

Putting The Pieces Together

BASIC RULEMAKING REVIEW PROCESS FOR BOARDS

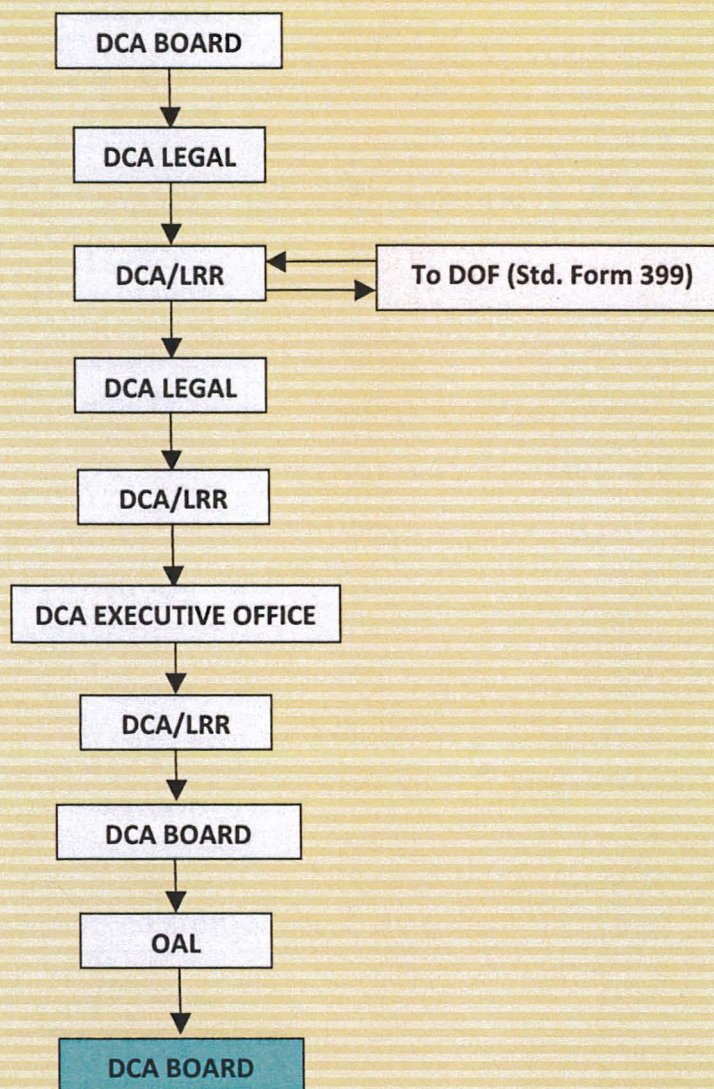


Putting The Pieces Together

BASIC RULEMAKING REVIEW PROCESS FOR BOARDS

FINAL PHASE

Board Completes Final Rulemaking Binder



Legend

DCA – Department of Consumer Affairs

DOF – Department of Finance

LRR – Division of Legislative and Regulatory Review

OAL – Office of Administrative Law

Std. Form 399 – Economic & Fiscal Impact Statement



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

LEG 5

Status Report on Legislation

LEG 5 - STATUS REPORT ON LEGISLATION

Bill Number, Author	Topic	DHCC Position Adopted Summer 2016	Current Status
AB 1863, Wood	Fed Qual Health Centers	Watch	Chapter 610
AB 2859, Low	Retired License	Support	Chapter 473
SB 1039, Hill	Fee Ceiling Increase	Support	Chapter 799
SB 1098, Canella	Increase Denti-Cal Utilization	Watch	Chapter 630
AB 12, Cooley	Obsolete Regulations	Watch	Died
AB 648, Low	Virtual Dental Home Grant	Watch	Died
SB 1033, Hill	Notify Probationary Status	Watch	Died
SB 1155, Morrell	Initial Licensing Fee Waiver, Veterans	Watch	Died
SB 1217, Stone	Raise Threshold Judgement Reporting Requirement	Support	Died

AB 1863, WOOD. CHAPTER 610. This bill allows Federally Qualified Health Centers (FQHC) and Rural Health Centers (RHC) to apply to the State Department of Health Care Services for an adjustment to the rate for a visit with a hygienist. If approved, those visits would be billed as a separate visit, apart from the billing for other services provided to a patient that day at the FQHC or RHC. This bill also describes methods by which a new FQHC or RHC, or one that has changed locations, can establish a reimbursement rate. The Governor approved this bill on September 25, 2016.

AB 2859, LOW. CHAPTER 473. This bill enables the DHCC to issue retired status licenses by regulation. A complete report on various avenues for retired status licensure is forthcoming. The Governor approved this bill on September 22, 2016.

SB 1039, HILL. CHAPTER 799. This bill increases the DHCC's license renewal fee ceiling from \$160 to \$500 for biennial renewals. The Governor approved this bill on September 29, 2016.

SB 1098, CANELLA. CHAPTER 630. At the time the DHCC elected to watch this bill, the bill was written to create an advisory committee to promote and facilitate increased utilization for children eligible for Denti-Cal services. Then, on August 15, 2016, the bill was amended in the Assembly to remove all language pertaining to an advisory group and new language was inserted to require that the Department of Health Care Services report to the Legislature by October 2017 on progress toward raising the Denti-Cal's utilization rate. The Governor approved this bill on September 25, 2016.



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

LEG 6

Retired License



MEMORANDUM

DATE	December 3, 2016
TO	Legislative and Regulatory Subcommittee
FROM	Lori Hubble, Executive Officer
SUBJECT	LEG 6 – Discussion and Possible Action to Adopt Regulatory Language for Retired Licensure Category

Background

The Legislature passed AB 2859, Chapter 473, authorizing the DHCC to implement a retired category of licensure. The bill specifically requires that for each retired license issued, the applicant must first hold a license that is either active or inactive (not placed on inactive status for disciplinary reasons). Additionally, the bill prohibits holders of retired licenses from engaging in any activity for which an active license is required. Finally, the bill states that a holder of a retired license will not be required to renew that license.

The bill leaves to the Committee to determine the appropriate retired licensure fee as well as procedures and limitations for returning a retired license to active status.

Staff Recommendations:

Staff drafted proposed regulatory language and corresponding forms as well as a compilation of methods by which other entities regulate retired licensure. These items are included as a springboard for discussion and consideration on how the DHCC will implement the statute for retired licensure. Staff requests that the Subcommittee consider the information contained in these documents and advise on the next steps in effectuating the statute.

Subcommittee Actions:

- ☐ Review and Accept.
- ☐ Review, Amend, and Accept.
- ☐ Review, make suggestions, then direct staff to work with legal counsel to create new proposed language and forms.

Proposed Regulation for Retired Licensure

- (a) The committee may grant a retired license to an applicant who submits all of the following to the committee:
- (1) A completed application form (herein incorporated by reference) and all fees required by the committee;
 - (2) Proof that the applicant has been in clinical practice as a registered dental hygienist, registered dental hygienist in alternative practice or registered dental hygienist in extended functions for a minimum of five years;
 - (3) Proof that the applicant holds an unexpired license, whether active or inactive, that is not suspended, revoked, or otherwise disciplined, or is subject to pending discipline; and,
 - (4) Proof that the applicant has reached the age of retirement under the Social Security Act.
- (5) A retired licensee will:
- (A) Not engage in the practice of dental hygiene in any manner;
 - (B) Use his or her professional title with the unabbreviated word “retired” preceding or after the professional designation;
 - (C) Be exempt from continuing education requirements; and
 - (D) Not be required to renew the retired license.
- (b) The committee may reactivate a retired license once, within five years of placing the license in inactive status, to an applicant who submits all of the following to the committee:
- (1) A completed application form (herein incorporated by reference) and all fees required by the committee;
 - (2) Proof of completion of continuing education requirements equivalent to what would have been required had the license been active; and
 - (3) Proof that applicant’s electronic fingerprints are on file with the Committee; if fingerprints are not on file, the applicant will submit electronic fingerprints in accordance with Committee policies.

DENTAL HYGIENE COMMITTEE OF CALIFORNIA

2005 Evergreen Street, Suite 2050 Sacramento, CA 95815

P (916) 263-1978 | F (916) 263-2688 | www.dhcc.ca.gov



RETIRED LICENSE APPLICATION

\$80 FEE MUST ACCOMPANY THIS APPLICATION

Make checks payable to the Dental Hygiene Committee of California

The DHCC must receive this application and payment

before the expiration date of your current license.

Name: _____ License Number: _____

*Address of Record: _____

City: _____ State: _____ Zip Code: _____

Contact Number: _____

*The address you enter on this application is public information and will be available on the Internet pursuant to Business and Professions Code section 27. If you do not want your home address to be made public you may instead provide a post office box.

IMPORTANT – PLEASE READ CAREFULLY

- A holder of a retired license may not engage in any activity for which an active license issued by the DHCC is required.
- In order to be eligible for a retired license, you must have reached the age of retirement under the Social Security Act, have been licensed to practice dental hygiene for at least five years, and your license must be either: (1) current and active or on current inactive status, or (2) cancelled before January 1, 2018. You will not qualify for a retired license if your license is (or was at the time of cancellation) suspended, revoked, or otherwise punitively restricted by the DHCC.
- If your license is delinquent, you must clear all outstanding requirements for renewal before your application for a retired license will be processed.
- Reactivation of a retired license is only possible once and during a limited time from the date the retired license was issued. See the reverse for more information.
- The holder of a retired license does not have to renew that license.
- The holder of a retired license is exempt from continuing education requirements.
- The holder of a retired license shall only be permitted to use his or her professional title when the unabbreviated word "Retired" is either preceding or after the professional title, e.g. "Susan Smith, RDH, Retired" or "Susan Smith, Retired RDH."
- Changing to a retired status does not prevent the DHCC from investigating potential violations, or taking action against your license for confirmed violations, of laws governing the practice of dental hygiene.

I have read and understand the information provided on this application, and I hereby request that my license be placed in retired status.

Signature of Applicant: _____

Date: _____

Hygienists Who Retired From Practice Prior to Creation of the Retired Hygiene Licensure Category

If your license was placed in cancelled status prior to January 1, 2018, and it was not placed in cancelled status due to suspension, revocation, or other punitive actions, then you are eligible to apply for a retired license. You must have served at least five years as a licensed hygienist in California. You will not have to complete the continuing education requirements to bring your license to active status before you can obtain a retired license. Instead, you may apply for a retired license to change from cancelled status directly to retired status. The purpose of this exception is to allow those hygienists who have served in the hygiene community but are no longer working as hygienists to be included in the newly available retired category.

Reactivation Process

A RETIRED LICENSE MAY BE REACTIVATED ONLY ONE TIME.

A retired license may only be reactivated within five years of the date it was placed in retired status.

In order to reactivate your retired license, you must:

- Fulfill the continuing education requirements set forth in section 1017 of title 16 of the California Code of Regulations (CCR); and
- Comply with fingerprinting and disclosure of criminal convictions as set forth in section 1132 of title 16 of the CCR; and
- Complete the Request for Reactivation of License in Retired Status, DHCC RLC-02 (12/2016); and
- Pay the renewal fee.



REQUEST FOR REACTIVATION OF LICENSE IN RETIRED STATUS

\$__ FEE MUST ACCOMPANY THIS APPLICATION

Make checks payable to the Dental Hygiene Committee of California.

Name:	License Number:	
*Address of Record:		
City:	State:	Zip Code:
Contact Number:		
**Date License was Retired:		

*The address you enter on this application is public information and will be available on the Internet pursuant to Business and Professions Code section 27. If you do not want your home address to be made public you may instead provide a post office box or your business address.

** A retired license may only be reactivated within five years from the date it was placed in retired status.

IMPORTANT – PLEASE READ CAREFULLY

- In order to reactivate a retired license, you must attach copies of certificates of completion for the continuing education units equivalent to what would have been required had your license been active during the time it was retired.**
- Enclose your original retired pocket license.**
- Please answer the following questions:**

- ☐ Yes | Have you, since your prior renewal cycle, been convicted of, or are you under investigation for, any violation of the law in this or any other state, the United States, or other country,
- ☐ No | except for traffic infractions with penalty under \$1,000 and not involving alcohol, dangerous drugs, or controlled substances?

If yes, please explain here:

☐ Yes Are you, or have you been since your last renewal cycle, subject to any completed or pending disciplinary actions against any other healthcare license you hold?

☐ No

If yes, please explain here:

I have read and understand the information provided on this application. I certify under penalty of perjury under the laws of the State of California that the information I have provided on this application is true and correct to the best of my knowledge and I hereby request that my retired license be returned to active status.

Signature of Applicant:

Date:

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS LICENSING ENTITIES

	CRITERIA FOR RETIRED STATUS	FEE FOR RETIRED LICENSE	MEASURE OF COMPETENCY FOR RETURN TO ACTIVE	FEE TO RETURN TO ACTIVE	TIME LIMITS FOR RETURNING TO ACTIVE	OTHER POLICIES
CALIFORNIA BOARD OF PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS	Licensed in California for a minimum of five years; licensed in the U.S. or territories for a minimum of 20 years; hold a California license that is not suspended, revoked, or otherwise disciplined, or subject to pending discipline.	\$62.50	The only way to return a retired license to active status is by re-taking and passing the licensing examination(s).	Same as for first time applicant.	None stated.	N/A
MEDICAL BOARD OF CALIFORNIA	Any physician can apply for retired status.	If the license is current, no fee is required.	Furnish documented completion of 50 hours of continuing medical education (CME) within the past two years.	Full renewal fee.	None stated.	<p>A physician not authorized to engage in the practice of medicine may not own a business that is engaged in the practice of medicine.</p> <p>Physician partnerships are permitted, under Business & Professions Code section 2416, for the purpose of allowing physicians to "conduct their professional practice."</p> <p>The holder of a retired license is prohibited from conducting a professional practice, which would preclude him or her from being a partner in a professional practice.</p>

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS LICENSING ENTITIES

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CALIFORNIA BOARD OF OPTOMETRY	Current and active license.	\$25	<p>The holder of a retired license issued for less than three years may reactivate the license to active status if he or she meets the requirements of Section 3147*.</p> <p>The holder of a retired license issued for more than three years may reactivate the license to active status if he or she satisfies the requirements in Section 3147.6**</p>	<p>Less than three years retired: must pay accrued renewal fees as if had not retired.</p> <p>Three or more years: must pay fees same as new applicant.</p>	None, however, the criteria for returning to the profession is more stringent and the fees are higher after three years.	N/A
CALIFORNIA BOARD OF ACCOUNTANCY	<p>Have held a license as a CPA or public accountant in the United States or its territories for a minimum of 20 total years.</p> <p>Of the 20 total years, have held a license in an active status CPA or public accountant for a minimum of five years with the CBA.</p>	\$75	Within the 24-month period prior to restoring the an active status, complete 80 hours of CE. If more than six years have lapsed, then must also take a board-approved regulatory review course.	\$50	An applicant may be granted a license in a retired status on no more than two separate occasions.	While your license is in a retired status, you may receive a share of the net profits from a public accounting firm or other compensation from a public accounting firm, but you must not otherwise engage in the practice of public accountancy. Doing so while your license is in a retired status is grounds for revocation or discipline of your retired license.

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS LICENSING ENTITIES

	CRITERIA FOR RETIRED STATUS	FEE FOR RETIRED LICENSE	MEASURE OF COMPETENCY FOR RETURN TO ACTIVE	FEE TO RETURN TO ACTIVE	TIME LIMITS FOR RETURNING TO ACTIVE	OTHER POLICIES
CALIFORNIA BOARD OF BEHAVIORAL SCIENCES	Current and active or inactive license. License must not be suspended, revoked, or otherwise punitively restricted by the Board, or subject to disciplinary action.	\$40	For licenses retired less than three years, the CE requirements that would have applied during that period are required. For a license retired three or more years, the applicant must proceed as a new applicant, including retaking licensing examinations.	Varies based on which type of Behavioral Scientist; range: \$80-\$175. <i>Notably, the reactivation for retired license is 60% higher than reactivation for inactive license.</i>	None stated.	N/A
DENTAL BOARD OF CALIFORNIA	Have practiced dentistry in California for 20 years of more and have reached the age of retirement under the federal Social Security Act.	\$274.50	Same amount of CE as for a regular inactive status being brought back to active.	Equivalent to fee for regular inactive to come back to active. No distinction made for retired inactive in this instance.	None stated.	If applicant selects retired <i>active</i> license status, he or she may still offer dental services. However, the applicant must complete 50 hours of continuing education (including applicable mandatory courses) every two years, and pay the reduced renewal fee. If applicant selects retired <i>inactive</i> status, he or she is no longer permitted to offer dental services, including prescribing medication, yet must still pay reduced renewal fees.

HYGIENE LICENSING ENTITIES OUTSIDE CALIFORNIA

	CRITERIA FOR RETIRED STATUS	FEE FOR RETIRED LICENSE	MEASURE OF COMPETENCY FOR RETURN TO ACTIVE	FEE TO RETURN TO ACTIVE	TIME LIMITS FOR RETURNING TO ACTIVE	OTHER POLICIES
FLORIDA BOARD OF DENTISTRY	A licensee may place an active or inactive license in retired status at any time.	\$50	Documentary proof must show completion of continuing education requirements equivalent to what would have been due had the license not been retired. If five years have passed since license was placed in retired status, and the licensee has not practiced in another jurisdiction, then must appear before the Credentials Committee of the Board and establish ability to practice with care and skill sufficient to protect the health, safety, and welfare of the public.	Licensure and renewal fees are the same, \$80 for two years. Before the retired license can be reactivated, the licensee must pay any renewal fees imposed on an active license during the time the license was retired.	None stated.	No license shall be reactivated if the license holder is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of the Florida chapter pertaining to dental hygiene, until 15 days after the Florida Department of Health receives the final results of the investigation or prosecution.
KANSAS DENTAL BOARD	A person who has held a Kansas dental hygiene license and has retired from such practice... certify to the board that no longer engaged in delivery of any dental hygiene service as defined by the statutes of the state of Kansas.	Fee is waived.	Hygienists who have not practiced for three years or more are required to take a regional clinical examination or complete a board-approved refresher course. CE requirement incrementally increased to max 5yrs/ 50 hours.	Determined by where the licensee would be in a normal renewal cycle.	None stated.	The Kansas board requires that licensees who wish to reactivate a retired license first apply and gain approval, and then the board will determine the reactivation fee based on where the licensee would have been in renewal cycle had the licensee not retired.

HYGIENE LICENSING ENTITIES OUTSIDE CALIFORNIA

	CRITERIA FOR RETIRED STATUS	FEE FOR RETIRED LICENSE	MEASURE OF COMPETENCY FOR RETURN TO ACTIVE	FEE TO RETURN TO ACTIVE	TIME LIMITS FOR RETURNING TO ACTIVE	OTHER POLICIES
OREGON BOARD OF DENTISTRY	An Oregon licensed dental hygienist who no longer practices in any jurisdiction may retire his or her license.	Waive fee if applicant furnishes satisfactory evidence that licensee has discontinued practice of dental hygiene because of retirement.	<p>Pass Board's jurisprudence exam and any other qualifying examination deemed necessary by the Board after assessing credentials and professional background.</p> <p>If licensee wishes to return to active status after four years then must apply for licensure under current statutes and rules of the Board.</p>	\$500	Four Years	***Regulatory language posted below.
NEVADA STATE BOARD OF DENTAL EXAMINERS	Licensee must request the license be placed in retired status before the expiration date of that license.	None stated.	<p>If less than two years since license was retired, applicant must provide proof of completion of CE which will be prorated to account for a partial year as necessary.</p> <p>If two or more years have passed then the applicant must also pass "such as additional examinations for licensure as the Board may prescribe."</p>	\$500	None stated.	Must pay biennial renewal fee of \$100 during time license is retired. (NRS 631.345)

***(CA Board of Optometry) 3147.**

Except as otherwise provided by Section 114, an expired license may be renewed at any time within three years after its expiration, and a retired license issued for less than three years may be reactivated to active status, by filing an application for renewal or reactivation on a form prescribed by the board, paying all accrued and unpaid renewal fees or reactivation fees determined by the board, paying any delinquency fees prescribed by the board, and submitting proof of completion of the required number of hours of continuing education for the last two years, as prescribed by the board pursuant to Section 3059. Renewal or reactivation to active status under this section shall be effective on the date on which all of those requirements are satisfied. If so renewed or reactivated to active status, the license shall continue as provided in Sections 3146 and 3147.5.

**** (CA Board of Optometry) 3147.6.**

Except as otherwise provided by Section 114, a license that is not renewed within three years after its expiration may be restored, and a retired license issued for more than three years may be reactivated to active status, if no fact, circumstance, or condition exists that, if the license were restored, would justify its revocation or suspension, provided all of the following conditions are met:

- (a) The holder of the expired license or retired license is not subject to denial of a license under Section 480.
- (b) The holder of the expired license or retired license applies in writing for its restoration or reactivation on a form prescribed by the board.
- (c) The holder of the expired license or retired license pays the fee or fees as would be required of him or her if he or she were then applying for a license for the first time.
- (d) The holder of the expired license or retired license satisfactorily passes both of the following examinations:
 - (1) The National Board of Examiners in Optometry's Clinical Skills examination or other clinical examination approved by the board.
 - (2) The board's jurisprudence examination.
- (e) After taking and satisfactorily passing the examinations identified in subdivision (d), the holder of the expired license or retired license pays a restoration fee equal to the sum of the license renewal fee in effect on the last regular renewal date for licenses or a reactivation fee determined by the board, and any delinquency fees prescribed by the board.

***** (Oregon Board of Dentistry) 818-021-0090.**

- (1) A dentist or dental hygienist who no longer practices in any jurisdiction may retire her or his license by submitting a request to retire such license on a form provided by the Board.
- (2) A license that has been retired may be reinstated if the applicant:
 - (a) Pays a reinstatement fee of \$500;
 - (b) Passes the Board's Jurisprudence Examination;
 - (c) Passes any other qualifying examination as may be determined necessary by the Board after assessing the applicant's professional background and credentials;
 - (d) Submits evidence of good standing from all states in which the applicant is currently licensed; and

(e) Submits a completed application for reinstatement provided by the Board including certification of having completed continuing education credits as required by the Board during the period the license was expired. The Board may request evidence of satisfactory completion of continuing education courses.

(3) If the dentist or dental hygienist fails to reinstate her or his license within four years from retiring the license, the dentist or dental hygienist must apply for licensure under the current statute and rules of the Board.

SOURCES

CALIFORNIA BOARD OF PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
<http://www.bpelsg.ca.gov/licensees/retired.shtml>

MEDICAL BOARD OF CALIFORNIA
http://www.mbc.ca.gov/Licensees/Retired_Status.aspx

CALIFORNIA BOARD OF OPTOMETRY
<http://www.optometry.ca.gov/licensee/>

CALIFORNIA BOARD OF ACCOUNTANCY
<http://www.dca.ca.gov/cba/licensees/handbook.pdf>

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
http://www.bbs.ca.gov/licensees/renewal_retired.shtml

DENTAL BOARD OF CALIFORNIA
<http://www.dbc.ca.gov/licensees/dds/general.shtml>

FLORIDA BOARD OF DENTISTRY & FLORIDA ADMINISTRATIVE CODE
<http://floridasdentistry.gov/licensing/>
<https://www.flrules.org/gateway/organization.asp?divid=328>

KANSAS DENTAL BOARD & RELATED KANSAS STATUTES
<https://www.dental.ks.gov/renewals/dental-hygienist>
http://www.kslegislature.org/li_2012/b2011_12/statute/065_000_0000_chapter/065_014_0000_article/065_014_0031_section/065_014_0031_k/

OREGON BOARD OF DENTISTRY & RELATED OREGON REGULATION
https://www.oregonlegislature.gov/bills_laws/ors/ors680.html
<http://library.state.or.us/repository/2008/200801091150163/index.pdf>

NEVADA STATE BOARD OF DENTAL EXAMINERS & RELATED NEVADA REGULATIONS
http://dental.nv.gov/Licensure/New_Applicants/
<http://www.leg.state.nv.us/NRS/NRS-631.html>



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

LEG 7

Future Agenda Items



Saturday, December 3, 2016

Dental Hygiene Committee of California

Legislative and Regulatory Subcommittee Meeting

LEG 8

Adjournment