



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative & Regulatory Subcommittee

Agenda



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

LEGISLATIVE AND REGULATORY SUBCOMMITTEE MEETING

Friday, November 22, 2019
Hilton Los Angeles North/Glendale & Executive Meeting Center
100 West Glenoaks Blvd
Glendale, CA 91202

Legislative and Regulatory Subcommittee Members:

Noel Kelsch, RDHAP Member, Chair
Garry Shay, Public Member
Evangeline Ward, RDH Member
Michelle Hurlbutt, RDH Educator Member

Upon Conclusion of the Education Subcommittee meeting.

Agenda

LEG 1 – Roll Call & Establishment of Quorum

LEG 2 – Chairperson's Report

LEG 3 – Discussion and Possible Action, and Recommendation to the Full Board on Proposed Draft Statutory Language for the following:

- **1902.3 – RDH Licensed in Another State; Issuance of a Permit to Practice; Teaching Position; Requirements.**
- **1913 – Dental Hygienist, Authority to Perform Procedures or Provide Services.**
- **1917 – Dental Hygienist, Requirements for Licensure.**
- **1917.1 – Dental Hygienist, Licensure Without Examination; Out-of-State Dental Hygienists.**
- **1922 – Licensure as an RDHAP.**
- **1930 – RDHAP Relationship with a Dentist.**
- **1941 – Approval of Educational Programs; Need for New Educational Programs.**
- **1950.5 – Unprofessional Conduct Defined.**
- **1951 – Probation Options.**

LEG 4 – Discussion and Possible Action, and Recommendation to the Full Board on Proposed Draft Regulatory Language for 16 CCR 1104.3. Site Visits, Investigations, Cite and Fine, and Probationary Status for Dental Hygiene Educational Programs

LEG 5 – Discussion and Possible Action, and Recommendation to the Full Board to Move Current Dental Board Regulations Pertaining to Dental Hygiene to the Board's Regulatory Sections Through a Section 100 Request

LEG 6 – Discussion and Possible Action, and Recommendation to the Full Board to Approve the Board's Forms and Fee Resolution for Out-of-State Dental Hygiene Educational Programs and Individual Applicant's Review and Approval of Training in the Procedures of Soft Tissue Curettage, Local Anesthesia Administration, and Nitrous Oxide and Oxygen Analgesia

LEG 7 – Public Comment for Items Not on the Agenda

[The DHBC 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 8 – Future Agenda Items

LEG 9 – Adjournment of the Legislative and Regulatory Subcommittee Meeting

DHBC 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.dhbc.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 Elizabeth Elias, Assistant Executive Officer, at 916-263-2010, or email Elizabeth.elias@dca.ca.gov or send a written request to the DHBC at 2005 Evergreen Street, Suite 2050, Sacramento, CA 95815. Providing your request at least five (5) business days prior to the meeting will help to ensure availability of the requested accommodation.



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item LEG 2:

**Chairperson's Report
A Verbal Report Will Be Given**



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item LEG 3:

Discussion and Possible Action, and Recommendation to the Full Board on Proposed Draft Statutory Language for the following:

- 1902.3 – RDH Licensed in Another State; Issuance of a Permit to Practice; Teaching Position; Requirements.
- 1913 – Dental Hygienist, Authority to Perform Procedures or Provide Services.
- 1917 – Dental Hygienist, Requirements for Licensure.
- 1917.1 – Dental Hygienist, Licensure Without Examination; Out-of-State Dental Hygienists.
- 1922 – Licensure as an RDHAP.
- 1930 – RDHAP Relationship with a Dentist.
- 1941 – Approval of Educational Programs; Need for New Educational Programs.
- 1950.5 – Unprofessional Conduct Defined.
- 1951 – Probation Options.



MEMORANDUM

DATE	November 22, 2019
TO	Legislative and Regulatory Subcommittee
FROM	Anthony Lum, Executive Officer Dental Hygiene Board of California
SUBJECT	LEG 3 - Discussion and Possible Action, and Recommendation to the Full Board on Proposed Draft Statutory Language for the following: 1902.3, 1913, 1917, 1917.1, 1922, 1930, 1941, 1950.5, and 1951.

Background:

The Dental Hygiene Board of California (Board) licenses and regulates California dental hygienists pursuant to sections 1900 through 1967.4 of the Business and Professions Code (B & PC). Since inception of the statutes, the Board continually analyzes and reviews them for any possible revisions that would help clarify the language for staff, licensees and interested stakeholders; improve procedures; and enhance program efficiencies for the betterment of the Board. This ongoing task is to improve the Board's oversight requirements of Registered Dental Hygienists, Registered Dental Hygienists in Alternative Practice, Registered Dental Hygienists in Extended Functions, and dental hygiene educational programs to uphold the law.

Subcommittee Action Requested:

Staff recommends to the Legislative and Regulatory Subcommittee to review the language in the attached starting point document, determine whether additional information or language is required, and complete the draft of proposed statutory language to be recommended to the Full Board to be proposed in pursuit of legislation for 2020 or 2021. Board staff will submit proposed changes to statutory language in the annual Omnibus Bill sponsored by the Legislature and any substantive changes that are unaccepted for the Omnibus Bill proposal will be sought through sponsored legislation.

Pros: The proposed statutory language revisions include changes which will enhance clarity, improve procedures, and increase program efficiencies.

Cons: If the proposed statutory language revisions are not approved, existing statutory language may be misinterpreted as to the intent of the requirement by law and could affect Board program functions and efficiencies.



Proposed Statute Changes for the Business and Professions Code (B & PC)

1902.3. RDH Licensed in Another State; Issuance of a Permit to Practice; Teaching Position; Requirements.

A registered dental hygienist licensed in another state may teach in a dental hygiene college without being licensed in this state if he or she has a special permit. The dental hygiene board may issue a special permit to practice dental hygiene in a discipline at a dental hygiene college in this state to any person who submits an application and satisfies all of the following eligibility requirements:

- (a) Furnishing satisfactory evidence of having a pending contract with a California dental hygiene college approved by the dental hygiene board as a full-time or part-time professor, associate professor, assistant professor, faculty member, or instructor.
- (b) Furnishing satisfactory evidence of having graduated from a dental hygiene college approved by the dental hygiene board.
- (c) Furnishing satisfactory evidence of having been certified as a diplomate of a specialty committee or, in lieu thereof, establishing his or her qualifications to take a specialty committee examination or furnishing satisfactory evidence of having completed an advanced educational program in a discipline from a dental hygiene college approved by the dental hygiene board.
- (d) Furnishing satisfactory evidence of having successfully completed an examination in California law and ethics developed and administered by the hygiene board.
- (e) Paying an application fee, subject to a biennial renewal fee, as provided by Section 1944.
- (f) **Furnishing satisfactory evidence of having successfully completed a course in periodontal soft tissue curettage, local anesthesia, and nitrous oxide-oxygen analgesia approved by the Board is required to teach during clinical practice sessions.***

(Amended by Stats. 2018, Ch. 858, Sec. 9. (SB 1482) Effective January 1, 2019.)

**Justification: The additional requirement will allow a registered dental hygienist (RDH) licensed in another state to teach in a dental hygiene educational program clinic.*

1913. Dental Hygienist, Authority to Perform Procedures or Provide Services.

Unless otherwise specified in this chapter, a registered dental hygienist may perform any procedure or provide any service within the scope of his or her practice in any setting, so long as the procedure is performed or the service is provided under the appropriate level of supervision required by this article **and has completed the appropriate education and training required to perform the dental procedure***

(Added by Stats. 2008, Ch. 31, Sec. 47. Effective January 1, 2009. Operative July 1, 2009, by Sec. 55 of Ch. 31.)

**Justification: This revision ensures that the dental hygienist is properly educated and trained to provide the dental services rendered.*

1917. Dental Hygienist, Requirements for Licensure.

The dental hygiene board shall grant initial licensure as a registered dental hygienist to a person who satisfies all of the following requirements:

- (a) Completion of an educational program for registered dental hygienists, approved by the dental hygiene board, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.
- (b) Within the preceding **two five*** years, satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the dental hygiene board.
- (c) Satisfactory completion of the National Dental Hygiene Board Examination.
- (d) Satisfactory completion of the examination in California law and ethics as prescribed by the dental hygiene board.
- (e) Submission of a completed application form and all fees required by the dental hygiene board.
- (f) Satisfactory completion of dental hygiene board-approved instruction in gingival soft tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia.
- (g) Submission of proof of current certification in Basic Life Support as prescribed by the dental hygiene board.****

(Amended by Stats. 2018, Ch. 858, Sec. 19. (SB 1482) Effective January 1, 2019.)

**Justification: This revision to accept clinical exam results from two years to five years is requested by staff to eliminate the gap created by the two-year decision for those out-of-state licensees who only have between two and four years of work experience as a dental hygienist. These applicants must retake the clinical exam because they do not qualify through the Licensure by Credential (LBC) pathway and do not have exam results within the prior two years. For most out-of-state applicant situations, this revision resolves the issue for the applicant to retake a clinical examination.*

***Justification: Board staff has identified a gap in the current Basic Life Support (BLS) requirement and found that it is only for the renewal of an RDH, RDHAP, or RDHEF license and not a requirement for issuance of the license. To ensure public safety, all licensees should be properly trained in lifesaving techniques when providing dental services from the initial date that their license is issued going forward. The revision to this statute ensures that licensees are certified in BLS upon issuance of the license.*

1917.1. Dental Hygienist, Licensure Without Examination; Out-of-State Dental Hygienists.

- (a) The dental hygiene board may grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the hygiene board, if the applicant submits all of the following to the dental hygiene board:
 - (1) A completed application form and all fees required by the dental hygiene board.
 - (2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.
 - (3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years immediately preceding the date of his or her application under this section. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the dental hygiene board a copy of a pending contract to practice dental hygiene in any of the following facilities:
 - (A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.
 - (B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.
 - (C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(4) Satisfactory performance on a California law and ethics examination and any examination that may be required by the dental hygiene board.

(5) Proof that the applicant has not been subject to disciplinary action by any state in which he or she, is or has been previously, issued any professional or vocational license. If the applicant has been subject to disciplinary action, the dental hygiene board shall review that action to determine if it warrants refusal to issue a license to the applicant.

(6) Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation.

(7) Proof of satisfactory completion of the National Dental Hygiene Board Examination and of a state clinical examination, regional clinical licensure examination, or any other clinical dental hygiene examination approved by the dental hygiene board.

(8) Proof that the applicant has not failed the state clinical examination, the examination given by the Western Regional Examining Board, or any other clinical dental hygiene examination approved by the dental hygiene board for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of his or her application for a license under this section.

(9) Documentation of completion of a minimum of 25 units of continuing education earned in the two years preceding application, including completion of any continuing education requirements imposed by the dental hygiene board on registered dental hygienists licensed in this state at the time of application.

(10) Any other information as specified by the dental hygiene board to the extent that it is required of applicants for licensure by examination under this article.

(11) Furnishing satisfactory evidence of having successfully completed a course or education and training in local anesthesia, nitrous oxide-oxygen analgesia, and periodontal soft tissue curettage approved by the dental hygiene board.*

(b) The dental hygiene board may periodically request verification of compliance with the requirements of paragraph (3) of subdivision (a), and may revoke the license upon a finding that the employment requirement or any other requirement of paragraph (3) of subdivision (a) has not been met.

(c) The dental hygiene board shall provide in the application packet to each out-of-state dental hygienist pursuant to this section the following information:

(1) The location of dental manpower shortage areas in the state.

(2) Any not-for-profit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

(Amended by Stats. 2018, Ch. 858, Sec. 20. (SB 1482) Effective January 1, 2019.)

Justification: Requirement section 1917.1 (a)(11) was erroneously excluded from the "Licensure by Credential" list of requirements for issuance of the license. Therefore, to provide clarity that all licensees must possess education in SLN in order to be licensed in California as an RDH, staff is requesting to add section 1917.1 (a)(11).

1922. Licensure as an RDHAP.

The dental hygiene board shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and ethics required by the dental hygiene board and who completes an application form and pays all application fees required by the dental hygiene board and meets either of the following requirements:

(a) Holds a current California license as a registered dental hygienist and meets the following requirements:

(1) Has been engaged in the practice of dental hygiene, as defined in Section 1908, as a registered dental hygienist in any setting, including, but not limited to, educational settings and public health settings, for a minimum of 2,000 hours during the immediately preceding 36 months.

(2) Has successfully completed a bachelor's degree or its equivalent, **recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education,*** from a college or institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education, and a minimum of 150 hours of additional educational requirements, as prescribed by the dental hygiene board by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Manpower Pilot Project No. 155 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

(Amended by Stats. 2018, Ch. 858, Sec. 23. (SB 1482) Effective January 1, 2019.)

**Justification: As stating "equivalency" leaves the statute open for interpretation as to the number of credit hours are required for a "bachelor's degree equivalent", staff is requesting a defined number of credit hours that is widely accepted by higher educational institutions to satisfy the bachelor's degree equivalency to ensure consistency with interpretation.*

1930. RDHAP Relationship with a Dentist.

A registered dental hygienist in alternative practice shall provide to the dental hygiene board documentation of an existing relationship with at least one dentist for referral, consultation, and emergency services **and shall continue to report a current relationship with a licensed dentist at every license renewal including the dentist's name and license number. A registered dental hygienist in alternative practice shall report any termination of the existing dentist relationship and identify the new dentist with whom the new relationship has been established for referral, consultation, and emergency services within 10 business days.***

(Amended by Stats. 2018, Ch. 858, Sec. 28. (SB 1482) Effective January 1, 2019.)

**Justification: By requiring a registered dental hygienist in alternative practice (RDHAP) to report a current relationship with a licensed dentist every two years at their license renewal, this will promote safety of the public by ensuring the RDHAP has a current relationship with at least one dentist for emergency treatment and referrals for their patients in need.*

1941. Approval of Educational Programs; Need for New Educational Programs.

(a) The dental hygiene board shall grant or renew approval of only those educational programs for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions that continuously maintain a high quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

(b) A new educational program for registered dental hygienists shall submit a feasibility study demonstrating a need for a new educational program and shall apply for approval from the dental hygiene board prior to seeking approval for initial accreditation from the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board. The dental hygiene board may approve, provisionally approve, or deny approval of any such new educational program.

(c) For purposes of this section, a new educational program for registered dental hygienists means a program provided by a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education and that has as its primary purpose providing college level courses leading to an associate or higher degree, that is either affiliated with or conducted by a dental school approved by the dental board, or that is accredited to offer college level or college parallel programs by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

(d) A new educational program for registered dental hygienists in alternative practice shall submit a feasibility study demonstrating a need for a new educational program and shall apply for approval from the dental hygiene board prior to operation.

(1) The Board shall approve only those educational programs for registered dental hygienists in alternative practice (RDHAPs) which continuously maintain a high-quality standard of instruction.

(2) An educational program for RDHAPs is one which has as its primary purpose providing college level education including, but not limited to, dental hygiene technique and theory, which shall include gerontology, medical emergencies, business administration and practice management as they pertain to RDHAPs. The program shall be given by a college or institution of higher education that is accredited by a national agency recognized by the Council for Higher Education Accreditation.

(3) Any program for RDHAPs shall apply for and receive approval prior to operation. The dental hygiene board may approve, provisionally approve, or deny approval of any such program. Provisional approval shall not be granted for a period which exceeds the length of the program and in no event for more than 30 days. When the dental hygiene board provisionally approves a program, it shall state the reasons therefor. Provisional approval shall be limited to those programs which substantially comply with all existing standards for full approval. A program given provisional approval shall immediately notify each student of such status. The dental hygiene board's maximum processing time for an application for an RDHAP educational program shall not exceed thirty (30) business days to notify the applicant in writing that the application is complete and accepted for consideration by the Board or, that the application is deficient and what specific information is required. The dental hygiene board's maximum time to approve, provisionally approve, or deny approval of the RDHAP educational program shall not exceed ninety (90) business days upon the filing of a completed application.

(4) If the dental hygiene board denies approval of a program, the specific reasons therefor shall be provided by the Board in writing within ninety (90) business days after denial.*

(Amended by Stats. 2018, Ch. 858, Sec. 36. (SB 1482) Effective January 1, 2019.)

**Justification: The DHBC currently does not have a process for approving a new educational program for RDHAPs. Therefore, staff is requesting the addition of language for requirements for approval of new RDHAP educational programs to ensure clarity and a uniform process for approval.*

1950.5. Unprofessional Conduct Defined.

Unprofessional conduct by a person licensed under this article is defined as, but is not limited to, any one of the following:

(a) The obtaining of any fee by fraud or misrepresentation.

(b) The aiding or abetting of any unlicensed person to practice dentistry or dental hygiene.

(c) The aiding or abetting of a licensed person to practice dentistry or dental hygiene unlawfully.

- (d) The committing of any act or acts of sexual abuse, misconduct, or relations with a patient that are substantially related to the practice of dental hygiene.
- (e) The use of any false, assumed, or fictitious name, either as an individual, firm, corporation, or otherwise, or any name other than the name under which he or she is licensed to practice, in advertising or in any other manner indicating that he or she is practicing or will practice dentistry, except that name as is specified in a valid permit issued pursuant to Section 1962.
- (f) The practice of accepting or receiving any commission or the rebating in any form or manner of fees for professional services, radiographs, prescriptions, or other services or articles supplied to patients.
- (g) The making use by the licensee or any agent of the licensee of any advertising statements of a character tending to deceive or mislead the public.
- (h) The advertising of either professional superiority or the advertising of performance of professional services in a superior manner. This subdivision shall not prohibit advertising permitted by subdivision (h) of Section 651.
- (i) The employing or the making use of solicitors.
- (j) Advertising in violation of Section 651.
- (k) Advertising to guarantee any dental hygiene service, or to perform any dental hygiene procedure painlessly. This subdivision shall not prohibit advertising permitted by Section 651.
- (l) The violation of any of the provisions of this division.
- (m) The permitting of any person to operate dental radiographic equipment who has not met the requirements to do so, as determined by the hygiene board.
- (n) The clearly excessive administering of drugs or treatment, or the clearly excessive use of treatment procedures, or the clearly excessive use of treatment facilities, as determined by the customary practice and standards of the dental hygiene profession.

Any person who violates this subdivision is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) or more than six hundred dollars (\$600), or by imprisonment for a term of not less than 60 days or more than 180 days, or by both a fine and imprisonment.
- (o) The use of threats or harassment against any patient or licensee for providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of this chapter or to aid in the compliance.
- (p) Suspension or revocation of a license issued, or discipline imposed, by another state or territory on grounds that would be the basis of discipline in this state.
- (q) The alteration of a patient's record with intent to deceive.
- (r) Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental hygiene profession.
- (s) The abandonment of the patient by the licensee, without written notice to the patient that treatment is to be discontinued and before the patient has ample opportunity to secure the services of another registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions and provided the health of the patient is not jeopardized.
- (t) The willful misrepresentation of facts relating to a disciplinary action to the patients of a disciplined licensee.
- (u) Use of fraud in the procurement of any license issued pursuant to this article.
- (v) Any action or conduct that would have warranted the denial of the license.
- (w) The aiding or abetting of a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions to practice dental hygiene in a negligent or incompetent manner.
- (x) The failure to report to the hygiene board in writing within seven days any of the following: (1) the death of his or her patient during the performance of any dental hygiene procedure; (2) the discovery of the death

of a patient whose death is related to a dental hygiene procedure performed by him or her; or (3) except for a scheduled hospitalization, the removal to a hospital or emergency center for medical treatment **for a period exceeding 24 hours*** of any patient as a result of dental or dental hygiene treatment. Upon receipt of a report pursuant to this subdivision, the hygiene board may conduct an inspection of the dental hygiene practice office if the hygiene board finds that it is necessary.

(y) A registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions shall report to the hygiene board all deaths occurring in his or her practice with a copy sent to the dental board if the death occurred while working as an employee in a dental office. A dentist shall report to the dental board all deaths occurring in his or her practice with a copy sent to the hygiene board if the death was the result of treatment by a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions.

(z) Knowingly making any statement or signing any certificate or other document directly or indirectly related to the practice of dental hygiene which falsely represents the existence or nonexistence of a state of facts.**

(Amended by Stats. 2018, Ch. 858, Sec. 44. (SB 1482) Effective January 1, 2019.)

**Justification: The twenty-four-hour time limit is unnecessary as any treatment by an RDH that subsequently requires emergency medical treatment for a condition that resulted from their dental or dental hygiene treatment should require a report to the Board for investigation into the circumstances to rule out unprofessional conduct.*

*** Justification: Any act by an RDH with intent to deceive with regard to the practice of dental hygiene should constitute unprofessional conduct.*

1951. Probation Options.

The dental hygiene board may discipline a licensee by placing him or her on probation under various terms and conditions that may include, but are not limited to, the following:

(a) Requiring the licensee to obtain additional training **in a remedial education course approved by the dental hygiene board*** or pass an examination upon completion of training **in a remedial education course approved by the dental hygiene board,*** or both. The examination may be a written or oral examination, or both, and may be a practical or clinical examination, or both, at the option of the dental hygiene board.

(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians appointed by the dental hygiene board, if warranted by the physical or mental condition of the licensee. If the dental hygiene board requires the licensee to submit to an examination, the dental hygiene board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the licensee.

(d) Requiring restitution of fees to the licensee's patients or payers of services, unless restitution has already been made.

(e) Providing the option of alternative community service in lieu of all or part of a period of suspension in cases other than violations relating to quality of care.

(Amended by Stats. 2018, Ch. 858, Sec. 45. (SB 1482) Effective January 1, 2019.)

**Justification: Courses which provide remediation should undergo proper vetting and approval by the DHBC prior to implementation to ensure consistency of required subject coverage consistent with DHBC regulations.*



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative & Regulatory Subcommittee

Agenda Item LEG 4:

**Discussion and Possible Action, and Recommendation to the
Full Board on Proposed Draft Regulatory Language for 16
CCR 1104.3. Site Visits, Investigations, Cite and Fine, and
Probationary Status for Dental Hygiene Educational
Programs**



MEMORANDUM

DATE	November 23, 2019
TO	Dental Hygiene Board of California
FROM	Adina A. Pineschi-Petty DDS Education, Legislative, and Regulatory Specialist Dental Hygiene Board of California
SUBJECT	LEG 4 - Discussion and Possible Action, and Recommendation to the Full Board on Proposed Draft Regulatory Language for 16 CCR 1104.3. Site Visits, Investigations, Cite and Fine, and Probationary Status for Dental Hygiene Educational Programs

BACKGROUND

Business and Professions Code (B & PC) §1941.5 states: (a) The hygiene board shall renew approval of educational programs for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions that certify to the hygiene board on a form prescribed by the hygiene board that the program continues to meet the requirements prescribed by the hygiene board. (b) The hygiene board may conduct periodic surveys, evaluations, and announced and unannounced site visits to existing and new educational programs for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions to ensure continued compliance of educational program requirements and Commission on Dental Accreditation standards for continued approval. (c) An existing or new educational program for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions that is found to be noncompliant with the educational program requirements and Commission on Dental Accreditation standards may be placed on probation with terms, issued a citation and fine, or have its approval withdrawn if compliance is not met within reasonable specified timelines. (d) The hygiene board, or through an authorized representative, may issue a citation containing fines and orders of abatement for any approved educational program for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions for any violation of this section or the regulations adopted pursuant to this section.

Additionally, B & PC §1944 (a)(13) states: (13) The fee for the hygiene board to conduct a site visit to educational programs for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions to ensure compliance of educational program requirements shall not exceed the actual cost incurred by the hygiene board for cost recovery of site visit expenditures.

Board staff has developed the attached draft regulatory language to implement the provisions of B & PC §1941.5.

Staff Recommendation:

Staff recommends to the Board to review the draft of proposed regulatory language and make revisions, if necessary, to implement the provisions of BPC §1941.5, and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text of 16 §1104.3 as noticed.

Pros: In order to implement the provisions of BPC §1941.5 to allow 16 CCR §1104.3 to move forward in the regulatory process, regulatory language and fees must be approved by the Board. Additionally, the fine will provide a method for the DHBC to recoup some of the cost to visit the dental hygiene educational program (DHEP) site and review the extensive documentation to determine whether DHEP continues to meet California standards. The Board's small budget cannot absorb such costs and to charge a fine would reimburse the Board for a majority of the staff time and resources spent to review the DHEP and documentation.

Cons: If the proposed language and fines for review of DHEPs are not approved, the Board would not have a clear and consistent process for cites, fines, and probation of DHEPs. Additionally, without the fine approval, the Board would have to absorb the cost of staff time and resources to review the DHEP and supporting documentation. This would create an additional cost burden to the Board's small budget that cannot be absorbed within existing expenditures.



TITLE 16. DENTAL HYGIENE BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
PROPOSED LANGUAGE

Adopt Section 1104.3 of Title 16 of the California Code of Regulations (CCR) to read as follows:

§1104.3 Site Visits, Investigations, Cite and Fine, and Probationary Status for Dental Hygiene Educational Programs

(a) Site Visits and Investigations

- (1) To ensure compliance with all laws, regulations, and standards applicable to a dental hygiene educational program for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions (collectively DHEP), the Dental Hygiene Board of California (Board) and authorized representatives of the Board shall have access to, and shall review, all DHEPs under their jurisdiction.
- (2) The Board shall maintain a program of regular and targeted reviews and site visits of DHEPs to ensure compliance with all laws, regulations, and standards applicable to a DHEP including, but not limited to, the California Business and Professions Code (B & PC), California Code of Regulations (CCR), Commission on Dental Accreditation (CODA), Occupational Safety and Health Administration (OSHA), Health and Safety Code (HSC), Center for Disease Control (CDC), and Health Insurance Portability and Accountability Act (HIPAA).
- (3) The Board shall investigate all complaints filed with the Board against a DHEPs to ensure compliance with all laws, regulations, and standards applicable to a DHEP.

(b) Cite and Fine

- (1) If, upon review or investigation, the Board has cause to believe that a DHEP is deficient in any law, regulation, or standard applicable to a DHEP, the Board or their authorized representative may issue a citation to the DHEP in writing, describing with particularity the basis of the citation.
- (2) Each citation may contain an order to correct the deficiency or deficiencies identified and a reasonable time period or periods by which the deficiency or deficiencies must be corrected.
- (3) In addition to issuing a citation, the Board or their authorized representative shall have the authority to assess an administrative fine, not to exceed five thousand dollars (\$5,000), for a deficiency in any regulation or standard applicable to a DHEP. The Board or their authorized representative shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the deficiency, the good faith of the DHEP cited, the potential harm to consumers, and the history of previous deficiencies.

(c) Probationary Status of a DHEP

- (1) The Board may place a DHEP on probationary status if the DHEP has demonstrated deficiencies in the areas the Board deems likely to adversely impact consumer safety. Such deficiencies may include, but are not limited to, lack of compliance with infection control procedures, facility standards, faculty qualifications and numbers, resources, and instructional requirements.
- (2) The Board shall provide the DHEP with written notice of the deficiency or deficiencies and notifying the DHEP of their probationary status.
- (3) A DHEP placed on probationary status is required to disclose their probationary status in writing to the DHEP's students within fifteen (15) business days of being placed on probationary status, as well as to each applicant before entering into any enrollment contract with the applicant. The DHEP shall provide the Board written proof of compliance with this subdivision as a condition for removal from probationary status.
- (4) If a DHEP is placed on probationary status, the status and reason(s) will be public record. The Board shall post on it's website a notice of all DHEPs that are on probation as well as the reason(s) each DHEP was placed on probation. This information shall remain on the Board's website for a minimum of twenty-four (24) months for each DHEP placed on probationary status.
- (5) A DHEP on probationary status will be given a reasonable time period or periods by which the deficiency or deficiencies must be corrected and meet all the requirements for approval set forth in Article 3 of the CCR. The DHEP shall furnish the Board written proof of compliance with this subdivision and may be subject to a site visit by the Board's authorized representative to confirm compliance.
 - (A) If the DHEP on probationary status demonstrates to the Board satisfactory completion of corrective actions resulting in the DHEP meeting all the requirements for approval set forth in Article 3 of the CCR, the DHEP will be removed from probationary status.
 - (B) If the DHEP on probationary status fails to demonstrate to the Board by the end of the prescribed probationary period that the DHEP has corrected all noted deficiencies and has met all the requirements for approval set forth in Article 3 of the CCR, the Board will pursue revocation of the DHEP's approval.

Note: Authority cited: Sections 1905, 1906, and 1941.5 Business and Professions Code.

Reference cited: Sections 1906 and 1941.5 Business and Professions Code.



DENTAL HYGIENE BOARD OF CALIFORNIA RESOLUTION TO ADOPT PROPOSED FEES

Whereas, section 1944 of the Business and Professions Code (B & PC), where the Dental Hygiene Board of California (Board) shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist (RDH), registered dental hygienist in alternative practice (RDHAP), and a registered dental hygienist in extended functions (RDHEF).

Whereas the following fee to be adopted by resolution by the Board:

- The Board or their authorized representative shall have the authority to assess an administrative fine, not to exceed five thousand dollars (\$5,000), for a deficiency in any regulation or standard applicable to a Dental Hygiene Educational Program.

THEREFORE, BE IT RESOLVED that the Board hereby adopts by resolution the above fees.

Adopted this 23rd day of November, 2019 by:

Susan Good
DHBC President

cc: Anthony Lum, DHBC Executive Officer



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item LEG 5:

Discussion and Possible Action, and Recommendation to the Full Board to Move Current Dental Board Regulations Pertaining to Dental Hygiene to the Board's Regulatory Sections Through a Section 100 Request



MEMORANDUM

DATE	November 22, 2019
TO	Dental Hygiene Board of California
FROM	Anthony Lum, Executive Officer Dental Hygiene Board of California
SUBJECT	LEG 5 - Discussion and Possible Action, and Recommendation to the Full Board to Move Current Dental Board Regulations Pertaining to Dental Hygiene to the Board's Regulatory Sections Through a Section 100 Request

Background

Business and Professions Code (B & PC) section 1906 (d) authorizes regulations adopted by the Dental Board of California (DBC) to continue to apply to Registered Dental Hygienists, Registered Dental Hygienists in Alternative Practice, and Registered Dental Hygienists in Extended Functions (collectively dental hygienists) until other regulations are promulgated by the Dental Hygiene Board of California (DHBC, Board). In recent discussions with the DBC and the Office of Administrative Law (OAL), it was determined that relocating regulatory sections pertaining to dental hygienists to the regulatory sections contained within the DHBC's sections of the California Code of Regulations (CCR) could be done. OAL opined that if there are no substantive changes to the regulations and a simple renumbering of them from the DBC's sections of the CCR to the DHBC's sections, these changes could be accomplished through a Section 100 request submitted by the DBC as they are under their authority but would still need OAL's review and approval once presented.

Board staff will work closely with the DBC to identify the sections of the CCR that need to be moved or eliminated, as many of the regulations are now in the Board's statutes. The identified sections will not be revised in any way for the transfer of authority and movement to occur. If revisions to the sections are needed, they will be completed through the regulatory process. Sections that are duplicative will be identified and targeted for elimination since they are no longer necessary.

Staff Recommendation:

Staff recommends to the Board to discuss, take possible action, and make recommendations to the Full Board to work with the DBC to relocate sections of the CCR in the DBC's regulations pertaining to dental hygienists to be renumbered and relocated into the DHBC's CCR sections.

Pros: If the Board approves to work with the DBC on the movement of CCR regulations applicable to dental hygienists, all regulations applicable to them will be contained within the DHBC's regulations and provide ease of reference for dental hygienists to be informed of all DHBC regulations applicable to their licensure. It also provides the authority over these sections of law for any future revisions through the regulatory process that may be necessary.

Cons: If the Board does not approve to work with the DBC on the movement of CCR regulations applicable to dental hygienists, regulations applicable to them will be contained in several sections of the CCR and Dental Practice Act and continue to provide challenges for dental hygienists and the public to be informed of all DHBC regulations applicable to their licensure. This also inhibits the Board from obtaining the authority over these sections of law to revise and update them as necessary.



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative & Regulatory Subcommittee

Agenda Item LEG 6:

Discussion and Possible Action, and Recommendation to the Full Board to Approve the Board's Forms and Fee Resolution for Out-of-State Dental Hygiene Educational Programs and Individual Applicant's Review and Approval of Training in the Procedures of Soft Tissue Curettage, Local Anesthesia Administration, and Nitrous Oxide and Oxygen Analgesia



MEMORANDUM

DATE	November 23, 2019
TO	Dental Hygiene Board of California
FROM	Adina A. Pineschi-Petty DDS Education, Legislative, and Regulatory Specialist Dental Hygiene Board of California
SUBJECT	LEG 6 - Discussion and Possible Action, and Recommendation to the Full Board to Approve the Board's Forms and Fee Resolution for Out-of-State Dental Hygiene Educational Programs and Individual Applicant's Review and Approval of Training in the Procedures of Soft Tissue Curettage, Local Anesthesia Administration, and Nitrous Oxide and Oxygen Analgesia

At the January 29, 2019 Teleconference Meeting of the Dental Hygiene Board of California (Board), the Board reviewed, amended, and approved regulatory amendments to California Code of Regulations (CCR), Title 16, Division 11 §1105.2. Required Curriculum, in addition to approving proposed applications incorporated by reference within the regulatory package.

In 16 CCR §1105.2, there are references to 16 CCR §1107 which provides the requirements for Soft Tissue Curettage, Local Anesthesia Administration, and Nitrous Oxide and Oxygen Analgesia (SLN) courses. Currently, 16 CCR §1107 is undergoing a regulatory revision process in which there are proposed changes to SLN requirements. Therefore, the proposed applications incorporated by reference in 16 CCR §1105.2 that the Board approved at a previous meeting must be revisited by the Board to align with the proposed changes to the requirements of 16 CCR §1107.

Additionally, pursuant to Business & Professions Code (B & PC) section 1944, subdivision (a) the Board shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist (RDH), a registered dental hygienist in alternative practice (RDHAP), and a registered dental hygienist in extended functions (RDHEF). The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of RDHs, RDHAPs, and RDHEFs and shall remain in effect until modified by the Board. The fees are subject to the following limitations:

B & PC Section 1944, subdivision (a)(10) states: The fee for each review or approval of course requirements for licensure or procedures that require additional training shall not exceed seven hundred fifty dollars (\$750).

Staff is requesting the Board to establish by resolution the fees to review and approve the following:

1. DHBC SLN-04 "Application for an Out-of-State Dental Hygiene Educational Program (DHEP) Course in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN)." (This form is for use by out-of-state DHEPs who would like to apply for their SLN course to be approved by the Board so all graduates of their DHEP are California SLN certified.)

2. DHBC SLN-05 "Application for Certification of Out-of-State Dental Hygiene Education in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN)."
(This form is for use by individual out-of-state RDH applicants who would like to apply for review of their out-of-state SLN course to be approved for acceptance of their out-of-state SLN course completion as meeting California requirements for SLN education).
3. DHBC SLN-06 "Certification of Competency in Administration of Local Anesthesia, Nitrous Oxide-Oxygen Analgesia, and Performance of Periodontal Soft Tissue Curettage (SLN)."
[This form is for use by individual out-of-state RDH applicants for their DHEP Program Director to certify under penalty of perjury that the RDH applicant successfully completed and demonstrated clinical competency in SLN duties pursuant to 16 CCR §1107(b)(8-9)].

Staff Recommendation:

Staff recommends to the Board to review the related forms to complete the draft of proposed regulatory amendments to 16 CCR §1105.2, and direct staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package. If after the close of the 45-day public comment period and public regulatory hearing, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed amended text to 16 CCR, Division 11 §1105.2 as noticed.

Additionally, staff recommends to establish the fees to review and approve an out-of-state DHEP Course in SLN and for certification of out-of-state dental hygiene education in SLN at \$500 each to cover application processing, review, and issuance of approval.

Pros: In order to allow amendments to 16 CCR section 1105.2 to move forward in the regulatory process, application forms and fees for review and approval of out-of-state DHEP courses in SLN must be approved and established by resolution. The fees will provide a method for the DHBC to recoup some of the cost to review the extensive documentation and application to determine whether a SLN program meets California standards. The Board's small budget cannot absorb such costs and to charge a fee to SLN applicants would reimburse the Board for a majority of the staff time and resources spent to review the documentation.

Cons: If the application forms and fees for approval of out-of-state DHEP courses in SLN are not approved, the Board would not have a way for RDH applicants to apply to certify they are competent in SLN duties. Additionally, without the fee approval, the Board would have to absorb the cost and staff time and resources to review the application and supporting documentation required to review an SLN application. This would create an additional cost burden to the Board's small budget that cannot be absorbed within existing expenditures. Depending upon the number of SLN applications received from individual applicants and out-of-state dental hygiene programs, the cost could be substantial from this additional workload to review the applications.



Application for Approval of an Out-of-State Dental Hygiene Educational Program Course in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN)

Business & Professions Code (BPC) §1909, California Code of Regulations (CCR) Title 16, §§1105.2, 1107

Non-Refundable Fee: \$500
(Must accompany application)

PLEASE TYPE OR PRINT LEGIBLY.

<u>Date</u>		
<u>Dental Hygiene Educational Program (DHEP) Name</u>		<u>DHEP Phone Number</u>
<u>DHEP Director</u>		<u>DHEP Program Director Email</u>
<u>DHEP SLN Course Director</u>		<u>DHEP Course Director Email</u>
<u>DHEP Address</u>		
<u>City</u>	<u>State</u>	<u>Zip</u>
<u>DHEP Clinical Facility Address (if different from above)</u>		
<u>City</u>	<u>State</u>	<u>Zip</u>

DHBC USE ONLY

<u>Receipt</u>	<u>RC</u>
<u>Date Filed</u>	<u>\$</u>
<u>Approved</u>	<u>Denied</u>
<u>RP#</u>	

Requirements for Course Approval:

An Out-of-State Dental Hygiene Educational Program (DHEP) Course in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) must be approved prior to acceptance of SLN course requirements for out-of-state Registered Dental Hygienist (RDH) applicants. Each approved course must submit a biennial report. Course records shall be subject to inspection by the Dental Hygiene Board of California (Board) at any time. The Board may withdraw approval at any time if it determines that a course does not meet the requirements of the law. Course providers must inform the Board of any changes to course content, faculty and physical facilities within 10 days.

- Will the course provide instruction in administration of local anesthetic agents limited to the oral cavity, administration of nitrous oxide-oxygen used as an analgesic utilizing fail-safe type machines containing no other general anesthetic agents, and periodontal soft tissue curettage? Include a copy of your curriculum including syllabi, student evaluation mechanisms including clinical skills and competency assessment forms, remediation policy and procedures, and didactic, pre-clinical, and clinical schedules (Label as Exhibit A). Yes ☐ No ☐

2. Course Faculty Information**

<u>Faculty Name</u>	<u>License Type</u>	<u>License # and State Issued</u>	<u>License Expiration Date</u>	<u>Date of latest Educational Methodology</u>

****Course director and clinical and preclinical faculty must possess a valid, active dental hygiene/dental license in the state where instruction is being provided for at least two years prior to teaching the soft tissue curettage, local anesthesia, and nitrous oxide-oxygen analgesia (SLN) curriculum. A license certification is required. Attach copies of each license and proof of education in educational methodology for all faculty (**Label as Exhibit B**) along with a faculty calibration plan (**Label as Exhibit C**).**

3. Will there be a lecture classroom, patient clinic area and radiology area for use by students? Attach a facility site map indicating each of these areas (**Label as Exhibit D**). Yes ☐ No ☐
4. Will all students have access to equipment necessary to develop dental hygiene skills in the duties being taught? Attach a list (**Label as Exhibit E**). Yes ☐ No ☐
5. Will all students have access to the hazardous waste management plan for disposal of needles, cartridges, medical waste, storage of nitrous oxide and oxygen tanks and the course's clinic and radiation hazardous communication plan? Attach a copy of both the program's hazardous waste management plan (**Label as Exhibit F**) and hazardous communication plan (**Label as Exhibit G**). Yes ☐ No ☐
6. Will all students receive a copy of the bloodborne and infectious diseases exposure control plan including emergency needlestick procedures? Attach a copy as provided to students. (**Label as Exhibit H**). Yes ☐ No ☐
7. Will the course clearly state curriculum subject matter, specific instruction hours in the individual areas of didactic, pre-clinical and clinical instruction, and include written course and specific instructional learning outcomes that will be accomplished within the framework of the course, including theoretical aspects of each subject as well as practical application in accordance with Title 16, California Code of Regulations §1107 and a copy be provided to students? Yes ☐ No ☐
8. Will the course's duration allow a student to develop competence in administration of local anesthesia, administration of nitrous oxide-oxygen analgesia, and performance of periodontal soft tissue curettage? Yes ☐ No ☐
9. Will instruction in periodontal soft tissue curettage include at least six (6) hours of instruction, including at least three (3) hours of didactic and preclinical instruction and at least three (3) hours of clinical instruction which includes at least three (3) clinical experiences on patients, of which only one may be on another student and one of which will be used to determine clinical competency in the course and the competency evaluation for this procedure will be achieved at a minimum of 75%?
Yes ☐ No ☐
10. Will instruction in the administration of local anesthetic agents include at least thirty (30) hours of instruction, including at least fifteen (15) hours of didactic and preclinical instruction and at least fifteen (15) hours of clinical instruction? Will preclinical instruction include a minimum of two (2) experiences per injection, which may be on another student? Will clinical instruction include at least four (4) clinical experiences per injection-to include two (2) experiences on the right side of a patient and two (2) experiences on the left side of a patient, of which only one (1) may be on another student? Will curriculum include maxillary and mandibular anesthesia techniques for local infiltration, field blocks and nerve blocks to include anterior superior alveolar (ASA), middle superior (MSA), anterior middle superior alveolar (AMSA), posterior superior alveolar (PSA), greater palatine,

supraperiosteal, inferior alveolar (IA), lingual, and buccal injections? Will clinical instruction for the mental and incisive injections include at least two (2) clinical experiences per injection to include one (1) experience on the right side of a patient and one (1) experience on the left side of a patient, of which only one (1) may be on another student? Will clinical instruction for the nasopalatine injection include four (4) clinical experiences, of which only one (1) may be on another student?

Yes ☐ No ☐

11. Will instruction in the administration of nitrous oxide-oxygen include at least eight (8) hours of instruction, including at least four (4) hours of didactic and preclinical instruction and at least four (4) hours of clinical instruction to include at least two (2) preclinical experiences on patients, both of which may be on another student, and at least three (3) clinical experiences on patients, of which only one may be on another student and one of which will be used to determine clinical competency in the course? Will each clinical experience include the performance of a dental hygiene procedure while administering at least twenty (20) minutes of nitrous oxide-oxygen analgesia from the beginning of titration of nitrous oxide-oxygen to the discontinuation of nitrous oxide and beginning of final oxygenation? Yes ☐ No ☐

12. Specify the **total number of hours** for all three areas within the course that will be taught in the categories listed below:

Didactic: _____ Pre-Clinical: _____ Clinical: _____

13. Will you retain for at least 5 years copies of curriculum, syllabi, exams, sample test questions, clinic rubrics, copies of faculty credentials, faculty calibration plan and individual student records including evaluations and summations thereof pursuant to 16 CCR §1107(b)(6)? Yes ☐ No ☐
14. Will each student be issued a certificate of successful completion after achievement of a minimum of 75% in each clinical competency and has been deemed competent in each of the three (3) procedures? Yes ☐ No ☐

Acknowledgement:

15. Will the DHEP inform the Board of any changes to the course content, physical facilities, and faculty within ten (10) business days of such changes? Yes ☐ No ☐
16. Have you reviewed Business & Professions Code (B & PC) §1909 and Title 16, Division 11 of the CCR? Yes ☐ No ☐
17. Do you agree to abide by the statutory and regulatory requirements set forth in B & PC §1909, and Title 16, Division 11 of the CCR **AND** do you acknowledge that failure to do so may result in loss of course approval? Yes ☐ No ☐

The Board may approve or deny approval of any course. If the Board denies approval of a course, the reasons for denial will be provided in writing within 90 days.

Certification:

I certify under the penalty of perjury under the laws of the State of California that the statements made in the application are true and correct.

Signature of Program Director Date

Signature of Course Director Date

INFORMATION COLLECTION AND ACCESS

The information requested herein is mandatory and is maintained by the Dental Hygiene Board of California, 2005 Evergreen Street, Suite 2050, Sacramento, CA 95815, Executive Officer, 916-263-1978, in accordance with Business & Professions Code, §1900 et seq. The information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Each individual has the right to review his or her own personal information maintained by the agency as set forth in the Information Practices Act unless the records are exempt from disclosure. Applicants are advised that the names(s) and address(es) submitted may, under limited circumstances, be made public.



Application for Certification of Out-of-State Dental Hygiene Education in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN)

Business & Professions Code (BPC) §1909, California Code of Regulations (CCR) Title 16, §§1105.2, 1107

Non-Refundable Fee: \$500
(Must accompany application)

DHBC USE ONLY	
Receipt	RC
Date Filed	\$
Approved	Denied

PLEASE TYPE OR PRINT LEGIBLY.

<u>Date</u>		
<u>Registered Dental Hygienist (RDH) Applicant Name</u>		<u>RDH Applicant Phone Number</u>
<u>RDH Applicant Address</u>		<u>RDH Applicant Email</u>
<u>City</u>	<u>State</u>	<u>Zip</u>
<u>Dental Hygiene Educational Program (DHEP) Name</u>		<u>Phone Number</u>
<u>Dental Hygiene Educational Program Director</u>		<u>Program Director Email</u>
<u>Dental Hygiene Educational Program SLN Course Director</u>		<u>Course Director Email</u>
<u>Dental Hygiene Educational Program Address</u>		
<u>City</u>	<u>State</u>	<u>Zip</u>

Requirements for Course Approval:

An Out-of-State Dental Hygiene Educational Program (DHEP) Course in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) must be approved prior to acceptance of SLN course requirements for out-of-state Registered Dental Hygienist (RDH) applicants. Course records shall be subject to inspection by the Dental Hygiene Board of California (Board).

1. Did the course provide instruction in administration of local anesthetic agents limited to the oral cavity, administration of nitrous oxide-oxygen used as an analgesic utilizing fail-safe type machines containing no other general anesthetic agents, and periodontal soft tissue curettage? Include a copy of your curriculum including syllabi, student evaluation mechanisms including clinical skills and competency assessment forms, remediation policy and procedures, and didactic, pre-clinical, and clinical schedules (Label as Exhibit A). Yes ☐ No ☐

2. Did the course's duration allow the applicant to develop competence in administration of local anesthesia, administration of nitrous oxide-oxygen analgesia, and performance of periodontal soft tissue curettage? Include a copy of didactic, pre-clinical and clinical schedules. (Label as Exhibit B) Yes ☐ No ☐
3. Did instruction in periodontal soft tissue curettage include at least six (6) hours of instruction, including at least three (3) hours of didactic and preclinical instruction and at least three (3) hours of clinical instruction which included at least three (3) clinical experiences on patients, of which only one was on another student and one of which was used to determine clinical competency in the course and the competency evaluation for this procedure was achieved at a minimum of 75%? Yes ☐ No ☐
4. Did instruction in the administration of local anesthetic agents include at least thirty (30) hours of instruction, including at least fifteen (15) hours of didactic and preclinical instruction and at least fifteen (15) hours of clinical instruction? Did preclinical instruction include a minimum of two (2) experiences per injection, which may have been on another student? Did clinical instruction include at least four (4) clinical experiences per injection which included two (2) experiences on the right side of a patient and two (2) experiences on the left side of a patient, of which only one (1) may have been on another student? Did curriculum include maxillary and mandibular anesthesia techniques for local infiltration, field blocks and nerve blocks to include anterior superior alveolar (ASA), middle superior (MSA), anterior middle superior alveolar (AMSA), posterior superior alveolar (PSA), greater palatine, suprapariosteal, inferior alveolar (IA), lingual, and buccal injections? Did clinical instruction for the mental and incisive injections include at least two (2) clinical experiences per injection to include one (1) experience on the right side of a patient and one (1) experience on the left side of a patient, of which only one (1) may have been on another student? Did clinical instruction for the nasopalatine injection include four (4) clinical experiences, of which only one (1) may have been on another student? Yes ☐ No ☐
5. Did instruction in the administration of nitrous oxide-oxygen include at least eight (8) hours of instruction, including at least four (4) hours of didactic and preclinical instruction and at least four (4) hours of clinical instruction to include at least two (2) preclinical experiences on patients, both of which may have been on another student, and at least three (3) clinical experiences on patients, of which only one may have been on another student and one of which will be used to determine clinical competency in the course? Did each clinical experience include the performance of a dental hygiene procedure while administering at least twenty (20) minutes of nitrous oxide-oxygen analgesia from the beginning of titration of nitrous oxide-oxygen to the discontinuation of nitrous oxide and beginning of final oxygenation Yes ☐ No ☐
6. Specify the **total number of hours** for all three areas within the course that was taught in the categories listed below:
 Didactic: _____ Pre-Clinical: _____ Clinical: _____

Acknowledgement:

7. Did the applicant successfully complete the course after achievement of a minimum of 75% in each clinical competency and is deemed competent in each of the three (3) procedures? Yes ☐ No ☐
8. Have you reviewed California Business & Professions Code (B & PC) section 1909 and California Code of Regulations (CCR) title 16, sections 1105.2 and 1107? Yes ☐ No ☐
9. Do you certify that the course the applicant completed meets all requirements of B & PC section 1909 and 16 CCR sections 1105.2 and 1107? Yes ☐ No ☐

The Board may approve or deny acceptance of any course. If the Board denies acceptance of a course, the reasons for denial will be provided in writing within 90 days.

Certification:

I certify under the penalty of perjury under the laws of the State of California that the statements made in the application are true and correct.

Signature of SLN Certification Applicant

Date

INFORMATION COLLECTION AND ACCESS

The information requested herein is mandatory and is maintained by the Dental Hygiene Board of California, 2005 Evergreen Street, Suite 2050, Sacramento, CA 95815, Executive Officer, 916-263-1978, in accordance with Business & Professions Code, §1900 et seq. The information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Each individual has the right to review his or her own personal information maintained by the agency as set forth in the Information Practices Act unless the records are exempt from disclosure. Applicants are advised that the names(s) and address(es) submitted may, under limited circumstances, be made public.



**CERTIFICATION OF COMPETENCY IN ADMINISTRATION OF LOCAL ANESTHESIA,
NITROUS OXIDE-OXYGEN ANALGESIA, AND PERFORMANCE OF PERIODONTAL SOFT
TISSUE CURETTAGE (SLN)**

PLEASE TYPE OR PRINT

REGISTERED DENTAL HYGIENIST (RDH) APPLICANT NAME			
LAST	FIRST	MIDDLE	DATE OF BIRTH
ADDRESS			
CITY	STATE	ZIP	
HOME PHONE ()	MOBILE PHONE ()	EMAIL	
DENTAL HYGIENE EDUCATIONAL PROGRAM (DHEP)			
DATES OF ATTENDANCE			DATE OF GRADUATION
DHEP DIRECTOR			DHEP DIRECTOR EMAIL
ADDRESS			
CITY	STATE	ZIP	
DHEP PHONE NUMBER		DHEP DIRECTOR PHONE NUMBER	

**I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE CALIFORNIA RDH APPLICANT ABOVE
SUCCESSFULLY COMPLETED AND DEMONSTRATED CLINICAL COMPETENCY IN THE ABOVE LISTED
DUTIES PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 16, DIVISION 11 §1107(b)(8-9).**

PRINTED NAME OF PROGRAM DIRECTOR

[SEAL OF DENTAL
HYGIENE INSTITUTION]

SIGNATURE OF PROGRAM DIRECTOR

DATE



DENTAL HYGIENE BOARD OF CALIFORNIA RESOLUTION TO ADOPT PROPOSED FEES

Whereas, section 1944 of the Business and Professions Code (B & PC), where the Dental Hygiene Board of California (Board) shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist (RDH), registered dental hygienist in alternative practice (RDHAP), and a registered dental hygienist in extended functions (RDHEF).

Whereas the following fees to be adopted by resolution by the Board:

- The Application Fee for Review and Approval of an Out-of-State Dental Hygiene Educational Program Course in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) shall be five hundred dollars (\$500).
- The Application Fee for Review and Certification of Out-of-State Dental Hygiene Education in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) shall be five hundred dollars (\$500).

THEREFORE, BE IT RESOLVED that the Board hereby adopts by resolution the above fees.

Adopted this 23rd day of November, 2019 by:

Susan Good
DHBC President

cc: Anthony Lum, DHBC Executive Officer



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item LEG 7:

Public Comment for Items Not on the Agenda

[The DHBC 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).]



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item LEG 11:

Future Agenda Items



Friday, November 22, 2019

Dental Hygiene Board of California

Legislative and Regulatory Subcommittee Meeting

Agenda Item LEG 10:

**Adjournment of the Legislative and Regulatory
Subcommittee Meeting**