

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

## **DHBC Public Teleconference Meeting Agenda**

**Saturday, March 19, 2022  
9:00 a.m. - Adjournment**

Pursuant to the provisions of Government Code section 11133, neither a public nor teleconference location is provided. Members of the public may observe or participate using the link below. Due to potential technical difficulties, please consider submitting written comments via email at least five business days prior to the meeting to [elizabeth.elias@dca.ca.gov](mailto:elizabeth.elias@dca.ca.gov) for consideration.

### **Instructions for Meeting Participation**

The DHBC will conduct the meeting via WebEx computer program. The preferred audio connection is via telephone conference and not the microphone and speakers on your computer. The phone number and access code will be provided as part of your connection to the meeting. Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

For all those who wish to participate or observe the meeting, please log on to the website below. If the hyperlink does not work when clicked on, you may need to place the cursor on the hyperlink, then right click. When the popup window opens, click on Open Hyperlink to activate it and join the meeting.

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m0b9838e49c0c2def6548c1b3f9377897>

**Event Number ID: 2492 001 1562      Password: DHBC03192022**

**Audio conference: US Toll Number: +1-415-655-0001**

**Access code: 249 200 11562**

**Passcode: 34220319**

### **Members of the Board**

President – Dr. Carmen Dones, RDH Educator Member

Vice President – Noel Kelsch, RDHAP Member

Secretary – Denise Davis, Public Member

RDH Member – Nicolette Moultrie

RDH Member – Evangeline Ward

Public Health Dentist Member - Dr. Timothy Martinez

Public Member – Susan Good

Public Member – Garry Shay

Public Member – Erin Yee

**The DHBC welcomes and encourages public participation in its meetings.  
Please see public comment specifics at the end of this agenda.**

**The DHBC may act on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice.**

## **Agenda**

1. Roll Call & Establishment of Quorum.
2. Public Comment for Items Not on the Agenda.  
[The DHBC may not discuss or act 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 sections 11125 & 11125.7).]
3. President's Welcome and Report.
4. Update from the Department of Consumer Affairs (DCA) Executive Staff.
5. Discussion and Possible Action to Approve the January 22, 2022 Full Board WebEx Teleconference Meeting Minutes.
6. Executive Officer's Report on the Following:
  - a) COVID-19
  - b) Personnel
  - c) Budget
  - d) Administration
  - e) Revision of License Renewal Survey
  - f) Update on Exempt Position Request (EPR)
7. Update to the Full Board from the Alternative Pathways to Licensure Taskforce.
8. Update from the Central Regional Dental Testing Services (CRDTS) Regarding Member State and Steering Committee Issues.
9. Update from the ADEX/Western Regional Examination Board (WREB).
10. Discussion and Possible Action to Extend the Temporary Acceptance of the Manikin-Based Dental Hygiene Clinical Examinations Administered by ADEX/WREB and CRDTS.

11. Update on the Annual Report from the Attorney General's Office.
12. Regulatory Update: Status of Dental Hygiene Board of California Regulatory Packages.
13. Discussion and Possible Action to Amend Title 16 (16), California Code of Regulations (CCR) Section 1104.1, Process for Approval of a New RDH Educational Program.
14. Discussion and Possible Action to Amend Title 16, Section 1115, Retired Licensure.
15. Discussion and Possible Action to Amend Title 16, Section 1138.1, Unprofessional Conduct.
16. Update on the Following Current Legislation:
  - a) Assembly Bill (AB) 646 Low: Department of Consumer Affairs: boards: expunged convictions.
  - b) AB 858 Jones-Sawyer: Employment: health information technology: clinical practice guidelines: worker rights.
  - c) AB 1604 Holden: Employment: health information technology: clinical practice guidelines: worker rights.
  - d) AB 1662 Gipson: Licensing boards: disqualification from licensure: criminal conviction.
  - e) AB 1733 Quirk: State bodies: Open meetings.
  - f) AB 1982 Santiago: Telehealth: dental care.
  - g) AB 2104 Flora: Professions and vocations.
  - h) AB 2145 Davies: Dental services: skilled nursing facilities and intermediate care facilities/developmentally disabled.
  - i) AB 2600 Megan Dahle: State agencies: letters and notices: requirements.
  - j) Senate Bill (SB) 652 Bates: Dentistry: use of sedation: training.
  - k) SB 889 Ochoa Bogh: Nurse anesthetists.
  - l) SB 1031: Healing arts boards: inactive license fees.
  - m) SB 1237 Newman: Licenses: military service.
  - n) SB 1365 Jones: Licensing boards: procedures.
  - o) SB 1443 Roth: The Department of Consumer Affairs.
  - p) SB 1471 Archuleta: Dentistry: foreign dental schools.
  - q) 2022 Tentative Legislative Calendar.
17. Education Update:
  - a) Dental Hygiene Educational Program Site Visit Update
    - i. Concorde Career College – San Diego
    - ii. Chabot College
    - iii. Southwestern College
    - iv. Oxnard College
    - v. Concorde Career College – Garden Grove
  - b) Dental Hygiene Educational Program Site Visit Schedule.

18. Enforcement Update: Statistical Report.
19. Licensing, Continuing Education Audits and Examination Update: Statistical Reports.
20. Future Agenda Items.

**<<Recess to Reconvene the Full Board for Closed Session>>**

**21. Closed Session – Full Board**

*The Board may meet in Closed Session to deliberate on disciplinary matters pursuant to Government Code section 11126, subdivision (c)(3). If there is no closed session at this meeting, it will be announced.*

**<<Return to Open Session>>**

**22. Adjournment.**

**Due to technological limitations, adjournment will not be broadcast via WebEx. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.**

Public comments will be taken on the agenda items at the time the specified item is raised. Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

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](mailto:elizabeth.elias@dca.ca.gov) or send a written request to the DHBC at 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five business days prior to the meeting will help to ensure availability of the requested accommodation.



# HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>

The screenshot shows a web browser window with the address bar displaying the WebEx event link. The page header includes the DCA logo and the text 'California Department of Consumer Affairs'. The main content area is divided into two columns. The left column, titled 'Event Information: 3/26', contains the following details: Event status: Started (indicated by a green dot); Date and time: Thursday, March 26, 2020 10:30 am Pacific Daylight Time (San Francisco, GMT-07:00) with a link to 'Change time zone'; Duration: 1 hour; and Description: (empty). Below this information is a link: 'By joining this event, you are accepting the Cisco Webex Terms of Service and Privacy Statement.' The right column, titled 'Join Event Now', contains a form with the following fields: 'First name:', 'Last name:', 'Email address:', and 'Event password:'. Below the form is a 'Join Now' button, a link 'Join by browser NEW!', and a note 'If you are the host, start your event.'

2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.  
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

# HOW TO – Join – DCA WebEx Event

California Department of Technology x +

dca-ca.webex.com/mw3300/mywebex/default.do?nomenu=true&siteurl=dca-ca&service=6&rnd=0.562003235914354&main\_url=https%3A%2F%2Fdca-ca.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3F

Apps PreProd SimpliGov Prod SimpliGov Christian Brothers... Web Content Acces... Ferris Bueller's Day... PDF Techniques | Te... DCA Password Rese...

**California Department of Consumer Affairs**

Event Information: 3/26

**Event status:** Started  
**Date and time:** Thursday, March 26, 2020 10:30 am  
Pacific Daylight Time (San Francisco, GMT-07:00)  
[Change time zone](#)  
**Duration:** 1 hour  
**Description:**

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

**Join Event Now**

To join this event, provide the following information.

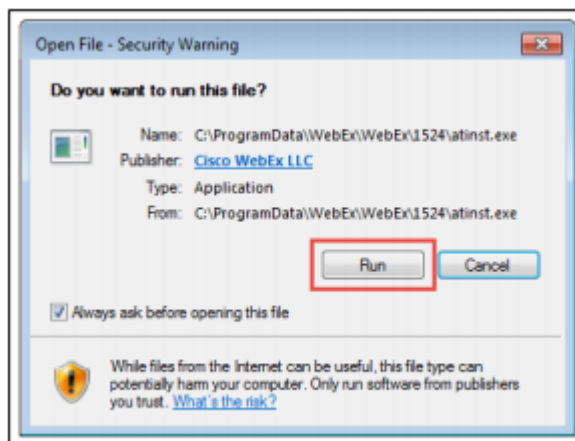
**First name:** Jason  
**Last name:** Piccione  
**Email address:** jason.piccione@dca.ca.gov  
**Event password:** \*\*\*\*\*

**Join Now**  
Join by browser **NEW!**  
If you are the host, [start your event](#)

3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

## Starting Webex...



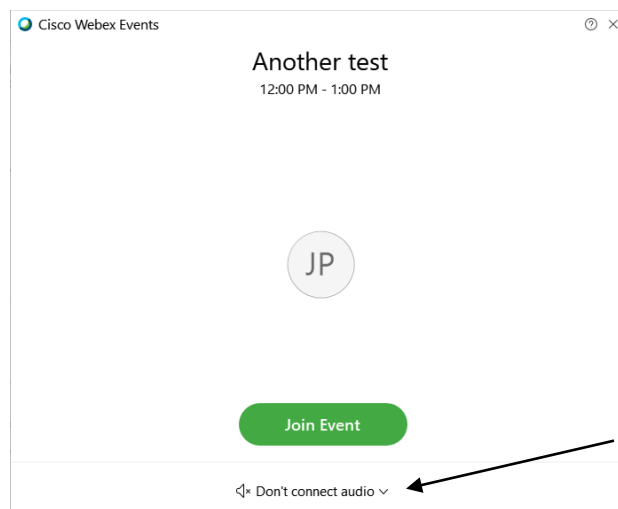
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



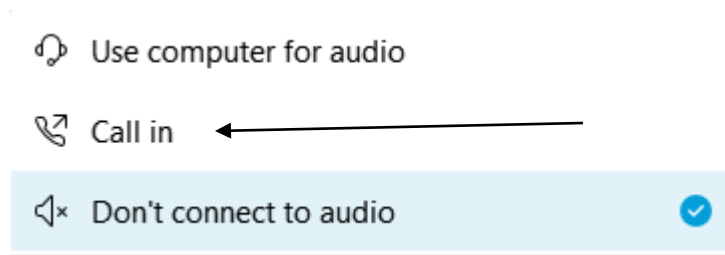
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

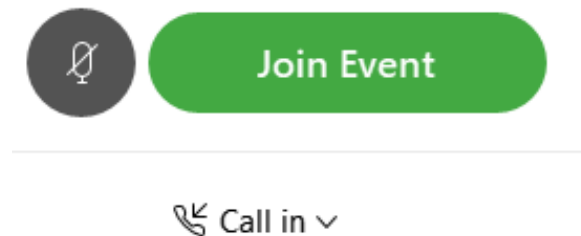


# HOW TO – Join – DCA WebEx Event

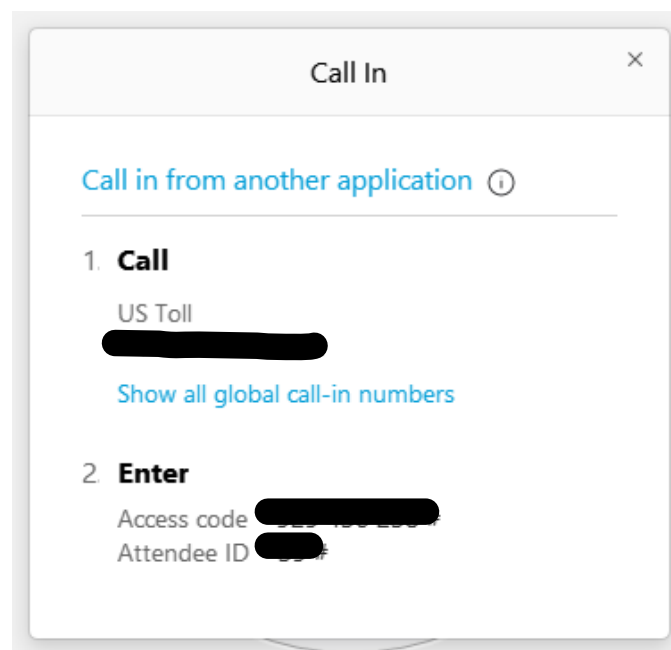
8. When the audio menu appears click 'Call in'.



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

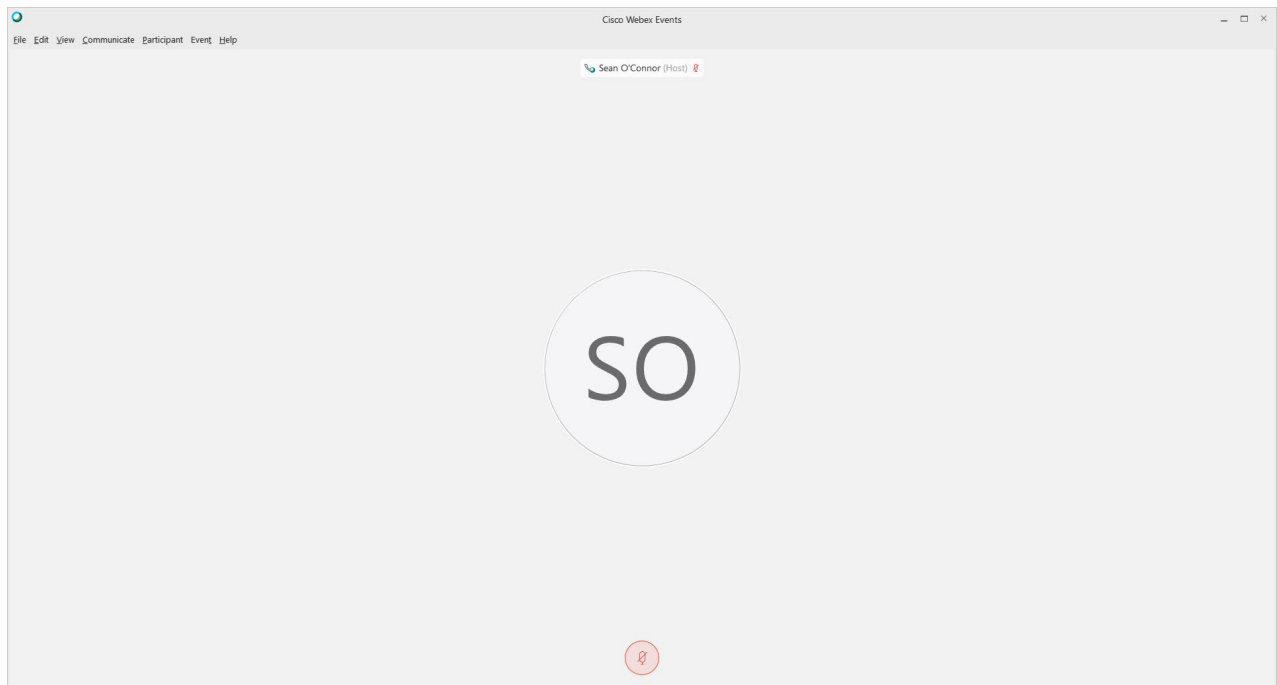


# HOW TO – Join – DCA WebEx Event

NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

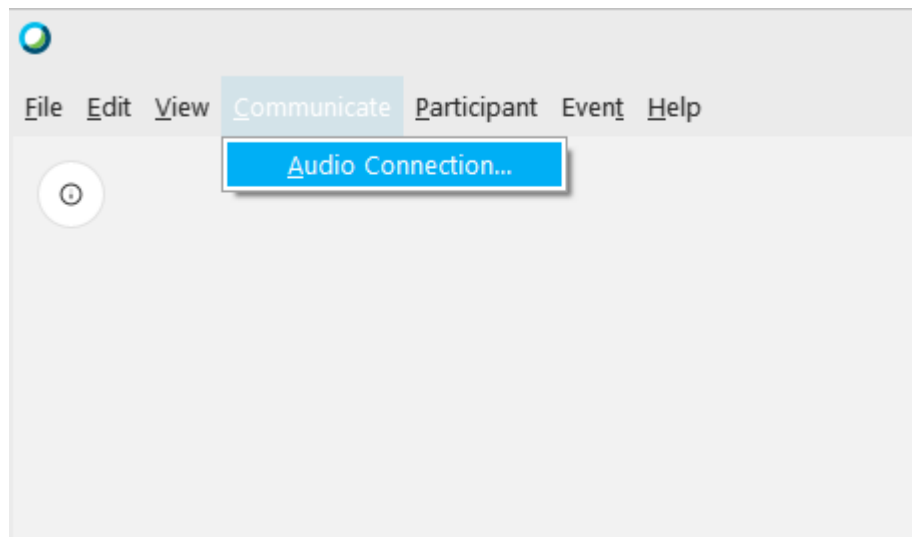


NOTE: Your audio line is muted and can only be unmuted by the event host.

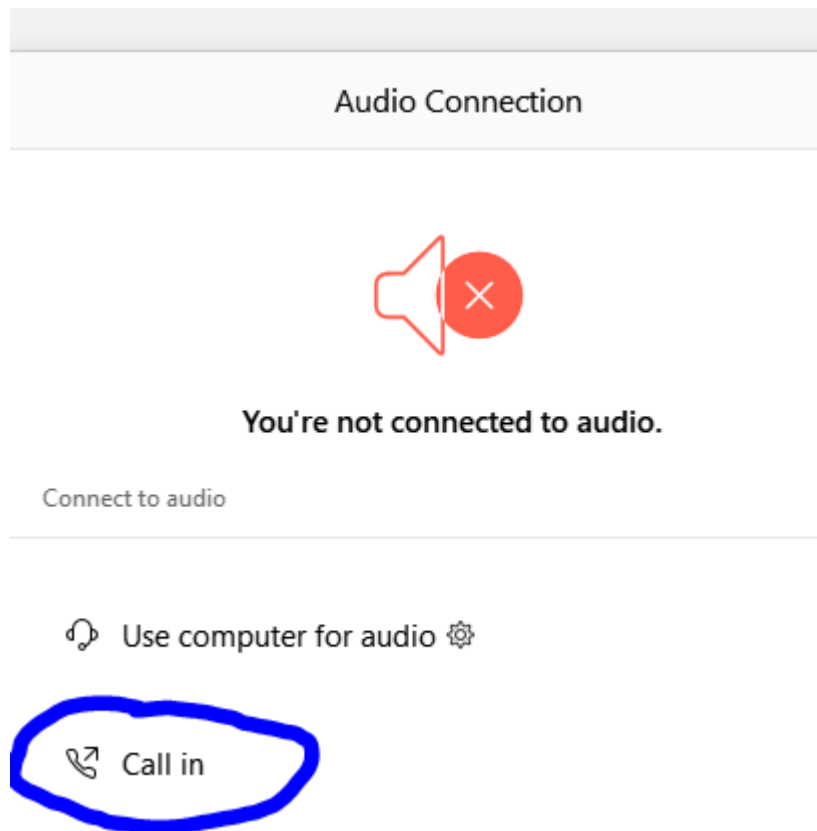
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

# HOW TO – Join – DCA WebEx Event



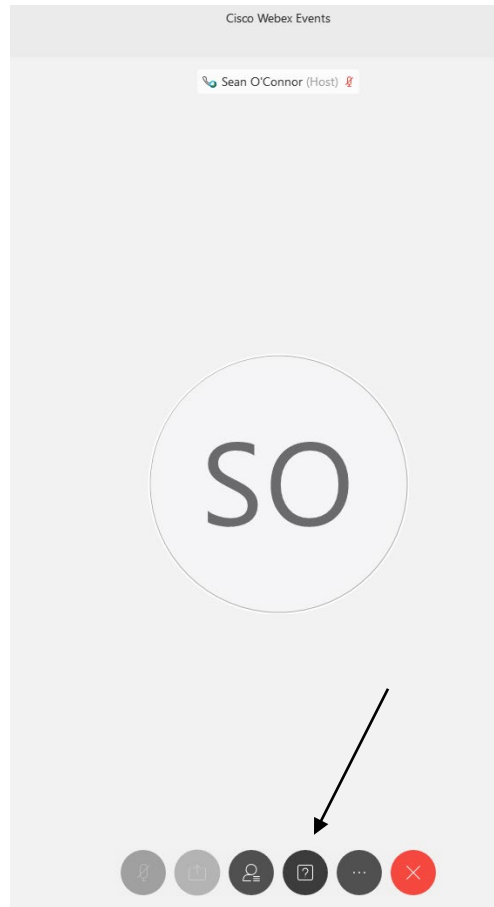
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

## Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.

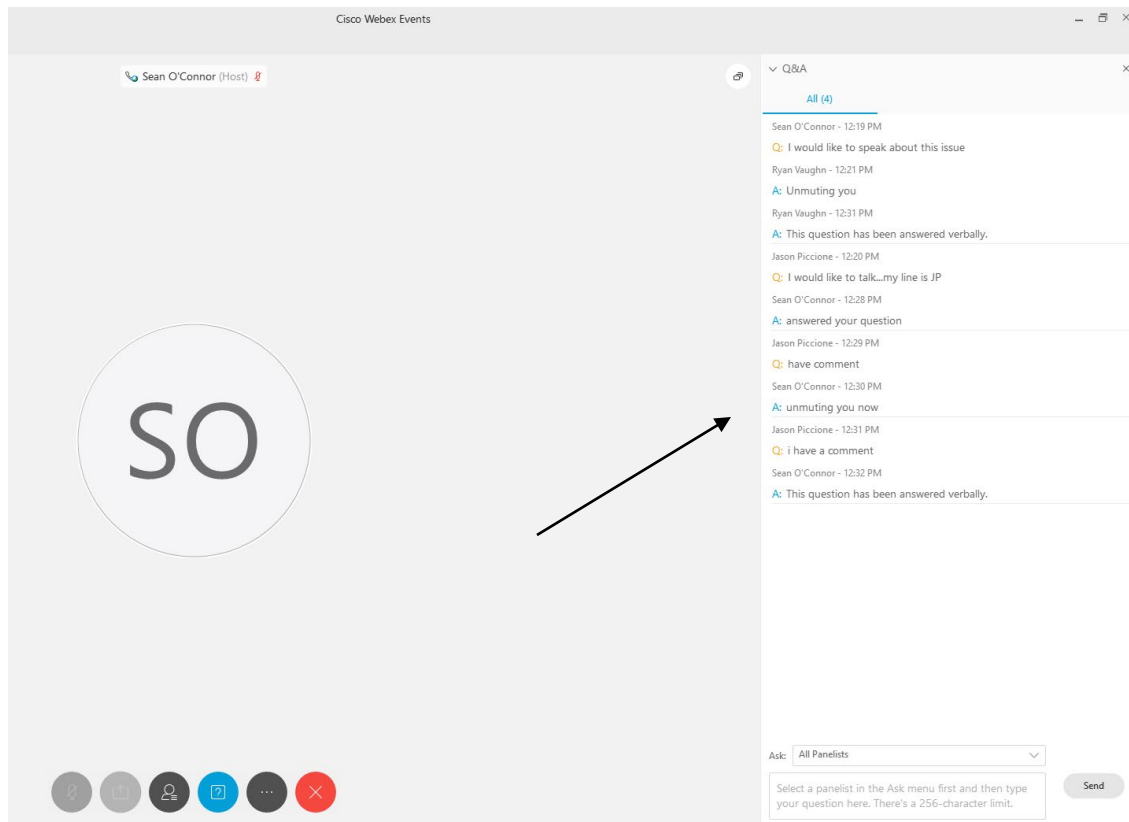


This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.



# HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



Member	Present	Absent
Denise Davis		
Carmen Dones		
Susan Good		
Noel Kelsch		
Timothy Martinez		
Nicolette Moultrie		
Garry Shay		
Evangeline Ward		
Erin Yee		

**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 1**

**Roll Call & Establishment of Quorum**

**Board Secretary to call the Roll.**



**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 2**

**Public Comment for Items Not on the Agenda.**

**[The Board may not discuss or act 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 Sections 11125 & 11125.7(a))]**



**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 3**

**President's Welcome and Report.**

**A verbal report will be provided.**



**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 4**

**Update from the Department of Consumer Affairs (DCA)  
Executive Staff.**

**A verbal report will be provided.**

## Dental Hygiene Board of California Teleconference Meeting Minutes

**DRAFT**

**Saturday, January 22, 2022**

Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, neither a public nor teleconference location was provided. Members of the public observed and participated by using the link that was provided in the agenda.

### **DHBC Members Present:**

President – Dr. Carmen Dones, Registered Dental Hygienist (RDH) Educator Member  
Vice President – Noel Kelsch, Registered Dental Hygienist in Alternative Practice (RDHAP) Member  
Secretary – Denise Davis, Public Member  
RDH Member – Nicolette Moultrie  
RDH Member – Evangeline Ward  
Public Health Dentist Member – Dr. Timothy Martinez  
Public Member – Susan Good  
Public Member – Garry Shay  
Public Member – Erin Yee

### **DHBC Staff Present:**

Anthony Lum, Executive Officer  
Elizabeth Elias, Assistant Executive Officer  
Adina Pineschi-Petty, Doctor of Dental Surgery (DDS), Educational, Legislative, and Regulatory Specialist  
Albert Law, Special Investigator  
Michael Kanotz, Department of Consumer Affairs (DCA) Legal Counsel for the DHBC  
Danielle Rogers, DCA Regulatory Unit Legal Counsel for the DHBC

### **1. Roll Call and Establishment of a Quorum**

Dr. Carmen Dones, President of the Dental Hygiene Board of California (DHBC, Board), reviewed teleconference meeting guidelines and called the meeting to order at **10:00 a.m.** Secretary Denise Davis completed the roll call and a quorum was established with eight members present. Member Susan Good joined the meeting during the presentation of Agenda Item 7.

### **2. Public Comment for Items Not on the Agenda.**

Lisa Kamibayashi, West Los Angeles College (WLAC) Dental Hygiene Educational Program (DHEP) Director requested for the Alternative Pathways to Licensure Taskforce agenda item be included in future Board meetings.

Susan McLearn requested the Board place two additional questions on the license renewal survey to collect important data on the practice status of RDHAPs. For example: 1) “Do you currently practice under your RDHAP license?”; and 2) “Will you be working under your RDHAP license within the two-year renewal cycle?”. Further, she requested RDHAP demographic and geographic information be linked in order to provide agencies, public programs, and individuals with a clear picture of the availability of the RDHAP workforce.

Board Member Noel Kelsch requested the Board ensure that the Alternative Pathways to Licensure Taskforce agenda item be included in all future Board meetings. Additionally, Ms. Kelsch agreed with Susan McLearn that her requested items should be placed on the surveys.

### **3. President’s Report (Informational Only).**

President Dr. Carmen Dones welcomed all and expressed her hope that everyone had a safe and festive holiday season at the end of 2021 and welcomed in 2022 with the expectation that it will be a better year.

She thanked the Board for voting her into the Presidency, and although she hasn’t been a board member for as long as other members, it shows their confidence in her abilities to run the Board effectively and efficiently with the help of the Executive Officer (EO) and staff. Dr. Dones stated that staff have continued to complete the Board’s work and that today’s additional teleconference meeting is needed to ensure projects are moving forward to meet definitive or upcoming deadlines prior to the March meeting. She stated the proposed regulations that will be discussed later in the meeting are the most important items to be addressed today so they can continue to move through the regulatory process.

Additionally, she stated the Board received word from the Department of Consumer Affairs (DCA) that the Governor extended the order to conduct public meetings through teleconferences without having to notice each member’s location through March 2022. She announced the Board will conduct its March meeting via Webex teleconference with the intent of moving to in-person meetings later in the year, depending upon the environment pertaining to public gatherings.

Furthermore, Dr. Dones stated that with the state’s current rise in COVID infections, the Board wants everyone to be safe and to follow standard protocols wherever they go. This consists of wearing a mask when in public if you can’t socially distance or aren’t vaccinated, avoid touching your facial area as much as possible, and to wash your hands frequently or use hand sanitizers when available. She expressed her concern for everyone to be safe, as the current variant is highly transmissible,

**Board member comment:** None.

**Public comment:** None.



#### 4. Discussion and Possible Action to Approve the November 20, 2021 Full Board WebEx Teleconference Meeting Minutes.

**Motion:** Garry Shay moved to approve the November 20, 2021 Full Board WebEx Teleconference Meeting Minutes.

**Second:** Noel Kelsch.

**Member discussion:** None.

**Public comment:** None.

**Vote: Motion to approve the November 20, 2021 Full Board WebEx Teleconference Meeting Minutes. Passed 6:0:3.**

Name	Aye	Nay	Abstain/Absent
Denise Davis			X Abstain
Carmen Dones	X		
Susan Good			X Absent
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie			X Abstain
Garry Shay	X		
Evangeline Ward	X		
Erin Yee	X		

#### 5. Consideration of and Possible Action on 2022 Omnibus Bill Proposals.

EO Anthony Lum reported that each year the Senate Committee on Business, Professions, and Economic Development (Senate BP&ED) sponsors an Omnibus Bill to address any non-substantive changes in existing statute to help clarify, define, or correct the information within the current language. He stated that Senate BP&ED staff contacted the Board to submit Omnibus Bill recommendations by the mid-January deadline for inclusion in the bill. EO Lum continued that staff identified two non-substantive statutory changes for inclusion in the Senate BP&ED's Omnibus Bill and reviewed the proposed changes with the Board for their consideration.

**Motion:** Nicolette Moultrie moved for the Board to accept the non-substantive statutory changes identified by staff for inclusion in the Senate BP&ED's Omnibus Bill and delegate authority to the Executive Officer to forward these non-substantive changes in existing statute to the Senate BP&ED for review.

**Second:** Evangeline Ward.

**Member discussion:** Discussion took place regarding the non-substantive statutory changes recommended by staff for inclusion in the Senate BP&ED Omnibus Bill.

**Public comment:** None.

**Vote: Motion for the Board to accept the non-substantive statutory changes identified by staff for inclusion in the Senate BP&ED's Omnibus Bill and delegate authority to the Executive Officer to forward these non-substantive changes in existing statute to the Senate BP&ED for review. Passed 8:0:1.**

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good			X Absent
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		
Erin Yee	X		

**6. Consideration of and Possible Action on Comments Received regarding Proposed Regulations to Amend Title 16, California Code of Regulations (CCR) Section 1105.2: Required Curriculum.**

Dr. Adina Petty reported that at the Board's May 29, 2020 Full Board WebEx Teleconference meeting, the Board approved the proposed language for the implementation of California Code of Regulations (CCR), Title 16 (16), Division 11, section 1105.2 (section 1105.2) regarding Required Curriculum, and directed 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 if necessary, and authorized the Executive Officer to make any non-substantive changes to the rulemaking package.

Dr. Petty stated that during the 45-day comment period, the Board received public comments on proposed section 1105.2 and that staff prepared a summary of the comments and proposed responses thereto for the Board's approval.

**Motion:** Nicolette Moultrie moved for the Board to approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation amending required curriculum, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to 16 CCR section 1105.2 as noticed.

**Second:** Evangeline Ward.

**Member discussion:** Discussion took place regarding the language, comments proposed responses thereto for proposed section 1105.2 Required Curriculum.

**Public comment:** Lisa Kamibayashi, WLAC DHEP Director, made a comment that was directed towards radiation safety requirements. She stated that Dental Board of California safety courses are often taken by dental hygiene students during their dental assisting program prior to entering a DHEP. She indicated that these students are technically already certified in California and may take radiographs on consumers. She requested a possible exemption statement to possibly exempt those students from certain laboratory requirements, or require a laboratory competency for those students.

Tonette Steeb, Diablo Valley College (DVC) DHEP Director, stated that she agreed with Dr. Dones comment that the DHBC may need to reassess how the DHBC assesses programs. She stated that if the Board relies on the Commission on Dental Accreditation (CODA) to assess out-of-state programs, it seems that the DHBC is being redundant for California programs by not allowing CODA to assess those as well. She stated: "It would be a savings to taxpayer money to go that route".

JoAnn Galliano stated two things need to be clarified. First, the DHBC is not currently conducting site visits to California Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) providers, so that other than the approval process, the Board does not provide oversight other than requiring the biennial report, which is also required for the out-of-state courses. She stated the oversight is being done initially by CODA for the out-of-state programs. Second, she indicated the Board needs to realize the Board is already allowed to accept out-of-state SLN coursework. She stated the amendments are just setting up parameters to make sure the Board does it in a way to protect the public. Ms. Galliano stated it has been a big issue for RDHs educated out-of-state to try to get California licensure due to the limited availability of DHBC-approved SLN courses. She said this delays licensure and that these SLN courses are also at a considerable expense to the out-of-state applicant. She stated this also essentially denies access to care for the California public. Ms. Galliano stated the proposed amendments would provide a reasonable mechanism for out-of-state RDHs to come into California and

be safe, because the out-of-state applicant would have gone through a program the DHBC has deemed safe.

**Vote: Motion for the Board to approve the response drafted to address public comments received during the 45-day comment period on the Board's proposed regulation amending required curriculum, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to 16 CCR section 1105.2 as noticed. Passed 6:1:2.**

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones		X	
Susan Good			X Absent
Noel Kelsch			X Recused
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		
Erin Yee	X		

**7. Consideration of and Possible Action on Comments Received regarding Proposed Regulations to Adopt Title 16, CCR Section 1115: Retired Licensure.**

Dr. Adina Petty reported that at the November 21, 2020 Full Board WebEx Teleconference, the Board approved proposed language for the implementation of 16 CCR section 1115 regarding Retired Licensure (section 1115), and directed 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 if necessary, and authorized the Executive Officer to make any non-substantive changes to the rulemaking package. She stated that during the 45-day comment period, the Board received public comments on proposed section 1115.

Dr. Petty stated that at the November 20, 2021 teleconference, the Board reviewed the summary of the comments and proposed responses, along with proposed modified text in response to public comment. She stated that after the review, the Board directed staff to further amend the proposed language and responses and bring them back to the Board at a future meeting. Dr. Petty stated staff prepared a summary of the comments and proposed responses thereto in the meeting materials for the Board's approval.

**Motion:** Nicolette Moultrie moved to approve the proposed amended regulatory text for section 1115, approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation implementing retired licensure, and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulation as described in the modified text notice for section 1115.

**Second:** Garry Shay

**Member discussion:** Discussion took place regarding the modified text and responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation implementing retired licensure.

**Public comment:** None.

**Vote:** Motion for the Board to approve the proposed amended regulatory text for section 1115, approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation implementing retired licensure, and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulation as described in the modified text notice for section 1115. Passed 8:0:1.

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones	X		
Susan Good			X Abstain
Noel Kelsch	X		
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		
Erin Yee	X		

**8. Consideration of and Possible Action on Comments Received regarding Proposed Regulations to Adopt Title 16, CCR Section 1117: Reporting Dental Relationships Between Registered Dental Hygienists in Alternative Practice and Licensed Dentists.**

Dr. Adina Petty stated that at the August 29, 2020 Full Board WebEx Teleconference, the Board approved proposed language for the implementation of 16 CCR section 1117 regarding Reporting Dental Relationships Between Registered Dental Hygienists in Alternative Practice and Licensed Dentists (section 1117), and directed 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 if necessary, and authorized the Executive Officer to make any non-substantive changes to the rulemaking package.

Dr. Petty stated that during the 45-day comment period, the Board received public comments regarding proposed section 1117 and that staff prepared the following summary of the comments and proposed responses thereto in the meeting materials for the Board's approval.

**Motion:** Nicolette Moultrie moved for the Board to approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed regulation implementing reporting dental relationships between registered dental hygienists in alternative practice and licensed dentists, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to 16 CCR section 1117 as noticed.

**Second:** Dr. Timothy Martinez.

**Member discussion:** None.

**Public comment:** Susan McLearn stated she agreed with Board Member Kelsch and believes it is overstepping one's authority, but had a solution, and asked if the Board would consider requiring an RDHAP to submit a form with a signature when there is a change in their dentist relationship.

Mary Renee Newton stated she is a working RDHAP and stated she works four days a week, seeing about fifteen patients at facilities, by which each have to have their own dentist. She stated she is actually conversing and has relationships with several dentists, and is also in contact with many physicians and nurses as well. She stated that she thinks most RDHAPs that work the same types of facilities that she does and have the same types of relationships with the dentists as well. Ms. Newton stated that clients often have their own dentists, so you would have to have a relationship with all of those dentists. She stated she didn't understand how having a signature of a dentist in your office is going to make anybody safer. She stated that the dentist is not liable for anything, and does not understand the reasoning behind that "piece of paper" that they have to sign. She stated if you speak with most working RDHAPs, they will tell you that they speak with many

physicians, registered nurses, and dentists, and not just one. She indicated the RDHAP are mobile, and therefore “all over the place”. She stated she would like to know how this paper would keep clients safe, and said she would like the documentation to be like DHBC continuing education requirements. She indicated that if she is audited, she would then provide the paper.

**Vote: Motion for the Board to approve the responses drafted to address public comments received during the 45-day comment period on the Board’s proposed regulation implementing reporting dental relationships between registered dental hygienists in alternative practice and licensed dentists, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed text to 16 CCR section 1117 as noticed. Passed 7:2:0.**

Name	Aye	Nay	Abstain/Absent
Denise Davis	X		
Carmen Dones		X	
Susan Good	X		
Noel Kelsch		X	
Timothy Martinez	X		
Nicolette Moultrie	X		
Garry Shay	X		
Evangeline Ward	X		
Erin Yee	X		

## **9. Future Agenda Items.**

1. Alternative Pathways to Licensure Taskforce agenda item be included as a standard item in all future Board meetings (Noel Kelsch).
2. Dr. Dones reminded the attendees that the Wet Lab Waiver has been extended until March 31, 2022.

## **10. Adjournment**

Meeting was adjourned at **11:25 a.m.**





**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 6**

**Executive Officer's Report on the Following:**

- a) COVID-19**
- b) Personnel**
- c) Budget**
- d) Administration**
- e) Revision of License Renewal Survey**
- f) Update on Exempt Position Request (EPR)**

**A verbal report will be provided.**

Department of Consumer Affairs

Expenditure Projection Report

Dental Hygiene Board of California

Reporting Structure(s): 11111100 Support

Fiscal Month: 6

Fiscal Year: 2021 - 2022

Run Date: 02/01/2022

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5100 PERMANENT POSITIONS</b>		<b>\$755,000</b>	<b>\$328,701</b>	<b>\$0</b>	<b>\$328,701</b>	<b>\$666,286</b>	<b>\$872,000</b>	<b>\$64,949</b>	<b>\$407,253</b>	<b>\$0</b>	<b>\$407,253</b>	<b>\$821,237</b>	<b>\$50,763</b>
5100000000	Earnings - Perm Civil Svc Empl	\$673,000	\$281,942	\$0	\$281,942	\$572,247	\$790,000	\$55,962	\$353,591	\$0	\$353,591	\$720,560	\$69,440
5105000000	Earnings-Exempt/Statutory Empl	\$82,000	\$46,759	\$0	\$46,759	\$94,039	\$82,000	\$8,987	\$53,662	\$0	\$53,662	\$100,677	-\$18,677

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5100 TEMPORARY POSITIONS</b>		<b>\$59,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$59,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$59,000</b>
5100150004	Temp Help (907)	\$57,000	\$0	\$0	\$0	\$0	\$57,000	\$0	\$0	\$0	\$0	\$0	\$57,000
5100150005	Exam Proctor (915)	\$2,000	\$0	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0	\$0	\$2,000

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5105-5108 PER DIEM, OVERTIME, &amp; LUMP SUM</b>		<b>\$24,000</b>	<b>\$1,500</b>	<b>\$0</b>	<b>\$1,500</b>	<b>\$3,300</b>	<b>\$24,000</b>	<b>\$700</b>	<b>\$1,800</b>	<b>\$0</b>	<b>\$1,800</b>	<b>\$3,960</b>	<b>\$20,040</b>
5105100002	Committee Mbrs 904,911,931,961	\$24,000	\$1,500	\$0	\$1,500	\$3,300	\$24,000	\$700	\$1,800	\$0	\$1,800	\$3,960	\$20,040

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5150 STAFF BENEFITS</b>		<b>\$422,000</b>	<b>\$173,767</b>	<b>\$0</b>	<b>\$173,767</b>	<b>\$342,434</b>	<b>\$465,000</b>	<b>\$33,591</b>	<b>\$200,111</b>	<b>\$0</b>	<b>\$200,111</b>	<b>\$403,530</b>	<b>\$61,470</b>
5108200000	Flex Elect Contributions	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		\$0
5150100000	Admin Fee-PT/Seasonal/Temp Emp	\$0	\$2	\$0	\$2	\$5	\$0	\$0	\$0	\$0	\$0		\$0
5150150000	Dental Insurance	\$3,000	\$2,118	\$0	\$2,118	\$4,134	\$3,000	\$317	\$1,925	\$0	\$1,925		\$3,000
5150250000	Employee Assistance PGM Fee	\$0	\$101	\$0	\$101	\$241	\$0	\$22	\$111	\$0	\$111		\$0
5150350000	Health Insurance	\$120,000	\$26,693	\$0	\$26,693	\$57,786	\$122,000	\$4,573	\$29,574	\$0	\$29,574		\$122,000
5150400000	Life Insurance	\$0	\$89	\$0	\$89	\$184	\$0	\$20	\$120	\$0	\$120		\$0
5150450000	Medicare Taxation	\$6,000	\$4,654	\$0	\$4,654	\$9,457	\$8,000	\$903	\$5,628	\$0	\$5,628		\$8,000
5150500000	OASDI	\$48,000	\$17,761	\$0	\$17,761	\$38,161	\$54,000	\$3,477	\$21,718	\$0	\$21,718		\$54,000
5150600000	Retirement - General	\$184,000	\$89,603	\$0	\$89,603	\$182,689	\$217,000	\$17,602	\$111,462	\$0	\$111,462		\$217,000
5150750000	Vision Care	\$1,000	\$372	\$0	\$372	\$777	\$1,000	\$58	\$372	\$0	\$372		\$1,000
5150800000	Workers' Compensation	\$16,000	\$0	\$0	\$0	\$47	\$16,000	\$0	\$0	\$0	\$0		\$16,000
5150800004	SCIF Allocation Cost	\$0	\$9,543	\$0	\$9,543	\$11,120	\$0	\$3,552	\$10,656	\$0	\$10,656		\$0
5150820000	Other Post-Employment Benefits	\$26,000	\$9,996	\$0	\$9,996	\$20,613	\$26,000	\$2,118	\$13,087	\$0	\$13,087		\$26,000
5150900000	Staff Benefits - Other	\$18,000	\$12,833	\$0	\$12,833	\$17,221	\$18,000	\$949	\$5,458	\$0	\$5,458	\$403,530	-\$385,530
<b>PERSONAL SERVICES</b>		<b>\$1,260,000</b>	<b>\$503,968</b>	<b>\$0</b>	<b>\$503,968</b>	<b>\$1,012,021</b>	<b>\$1,420,000</b>	<b>\$99,240</b>	<b>\$609,164</b>	<b>\$0</b>	<b>\$609,164</b>	<b>\$1,228,727</b>	<b>\$191,273</b>

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5301 GENERAL EXPENSE</b>		<b>\$28,000</b>	<b>\$1,617</b>	<b>\$1,186</b>	<b>\$2,803</b>	<b>\$19,719</b>	<b>\$28,000</b>	<b>\$391</b>	<b>\$2,017</b>	<b>\$2,030</b>	<b>\$4,047</b>	<b>\$8,558</b>	<b>\$19,442</b>
5301100000	Clerical & Nonprofessional Svc	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5301100001	Transcription Services	\$0	\$42	\$0	\$42	\$42	\$0	\$0	\$0	\$0	\$0	\$42	-\$42
5301100002	Admin OH-Other State Agencies	\$0	\$16	\$0	\$16	\$16	\$0	\$128	\$128	\$0	\$128	\$128	-\$128
5301100003	Fingerprint Reports	\$3,000	\$294	\$0	\$294	\$809	\$3,000	\$98	\$147	\$0	\$147	\$809	\$2,191
5301350000	Freight and Drayage	\$0	\$314	\$1,186	\$1,500	\$14,350	\$0	\$60	\$60	\$565	\$625	\$1,250	-\$1,250
5301400000	Goods - Other	\$17,000	\$0	\$0	\$0	\$1,207	\$17,000	\$0	\$0	\$0	\$0	\$1,207	\$15,793
5301450000	Library Pur excl UC/CSUC/Oth E	\$0	\$89	\$0	\$89	\$89	\$0	\$0	\$0	\$0	\$0	\$89	-\$89
5301700000	Office Supplies - Misc	\$8,000	\$863	\$0	\$863	\$3,207	\$8,000	\$0	\$1,271	\$615	\$1,886	\$3,773	\$4,227
5301900000	Subscriptions	\$0	\$0	\$0	\$0	\$0	\$0	\$105	\$410	\$850	\$1,260	\$1,260	-\$1,260

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5302 PRINTING</b>		<b>\$13,000</b>	<b>\$4,995</b>	<b>\$27,418</b>	<b>\$32,414</b>	<b>\$33,475</b>	<b>\$13,000</b>	<b>\$2,220</b>	<b>\$7,172</b>	<b>\$14,869</b>	<b>\$22,042</b>	<b>\$33,514</b>	<b>-\$20,514</b>
5302300000	Office Copiers - Maintenance	\$0	\$247	\$4,469	\$4,716	\$5,676	\$0	\$1,077	\$1,077	\$2,246	\$3,323	\$5,676	-\$5,676

5302700000	Pamphlets, Leaflets, Brochures	\$0	\$4,748	\$22,950	\$27,698	\$27,754	\$0	\$1,143	\$6,053	\$12,624	\$18,677	\$27,754	-\$27,754
5302700001	Allocated Copy Costs-Copy Cntr	\$0	\$0	\$0	\$0	\$46	\$0	\$0	\$42	\$0	\$42	\$84	-\$84
5302900000	Printing - Other	\$13,000	\$0	\$0	\$0	\$0	\$13,000	\$0	\$0	\$0	\$0	\$0	\$13,000

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5304 COMMUNICATIONS</b>		<b>\$9,000</b>	<b>\$1,650</b>	<b>\$0</b>	<b>\$1,650</b>	<b>\$5,596</b>	<b>\$9,000</b>	<b>\$41</b>	<b>\$1,593</b>	<b>\$0</b>	<b>\$1,593</b>	<b>\$3,465</b>	<b>\$5,535</b>
5304100000	Cell Phones, PDAs, Pager Svcs	\$0	\$266	\$0	\$266	\$1,274	\$0	\$41	\$498	\$0	\$498	\$1,274	-\$1,274
5304700000	Telephone Services	\$0	\$1,383	\$0	\$1,383	\$4,322	\$0	\$0	\$1,095	\$0	\$1,095	\$2,190	-\$2,190
5304800000	Communications - Other	\$9,000	\$0	\$0	\$0	\$0	\$9,000	\$0	\$0	\$0	\$0	\$0	\$9,000

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5306 POSTAGE</b>		<b>\$18,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,362</b>	<b>\$18,000</b>	<b>\$1,664</b>	<b>\$1,664</b>	<b>\$0</b>	<b>\$1,664</b>	<b>\$1,664</b>	<b>\$16,336</b>
5306600003	DCA Postage Allo	\$0	\$0	\$0	\$0	\$1,362	\$0	\$1,664	\$1,664	\$0	\$1,664	\$1,664	-\$1,664
5306700000	Postage - Other	\$18,000	\$0	\$0	\$0	\$0	\$18,000	\$0	\$0	\$0	\$0	\$0	\$18,000

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5308 INSURANCE</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$176</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$176</b>	<b>-\$176</b>
5308900000	Insurance - Other	\$0	\$0	\$0	\$0	\$176	\$0	\$0	\$0	\$0	\$0	\$176	-\$176

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>53202-204 IN STATE TRAVEL</b>		<b>\$14,000</b>	<b>\$87</b>	<b>\$0</b>	<b>\$87</b>	<b>\$640</b>	<b>\$14,000</b>	<b>\$479</b>	<b>\$1,509</b>	<b>\$0</b>	<b>\$1,509</b>	<b>\$3,014</b>	<b>\$10,986</b>
5320220000	Travel-In State-Per Diem Lodgi	\$0	\$0	\$0	\$0	\$0	\$0	\$104	\$241	\$0	\$241	\$482	-\$482
5320230000	Travel-In State-Per Diem Meals	\$0	\$0	\$0	\$0	\$23	\$0	\$41	\$75	\$0	\$75	\$150	-\$150
5320240000	Travel-In State-Per Diem Other	\$0	\$8	\$0	\$8	\$8	\$0	\$6	\$6	\$0	\$6	\$8	-\$8
5320260000	Travel-In St-Trav Agcy Mgt Fee	\$0	\$0	\$0	\$0	\$0	\$0	\$14	\$54	\$0	\$54	\$108	-\$108
5320400000	Travel-In State-Commercial Air	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$526	\$0	\$526	\$1,052	-\$1,052
5320440000	Travel - In State -Private Car	\$0	\$79	\$0	\$79	\$610	\$0	\$225	\$403	\$0	\$403	\$806	-\$806
5320470000	Travel - In State - Rental Car	\$0	\$0	\$0	\$0	\$0	\$0	\$89	\$204	\$0	\$204	\$409	-\$409
5320490000	Travel - In State - Other	\$14,000	\$0	\$0	\$0	\$0	\$14,000	\$0	\$0	\$0	\$0	\$0	\$14,000

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5322 TRAINING</b>		<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$962</b>	<b>\$0</b>	<b>\$962</b>	<b>\$1,924</b>	<b>\$3,076</b>
5322400000	Training - Tuition & Registrat	\$5,000	\$0	\$0	\$0	\$0	\$5,000	\$0	\$962	\$0	\$962	\$1,924	\$3,076

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5324 FACILITIES</b>		<b>\$157,000</b>	<b>\$27,021</b>	<b>\$0</b>	<b>\$27,021</b>	<b>\$101,735</b>	<b>\$157,000</b>	<b>\$11,064</b>	<b>\$66,076</b>	<b>\$156,512</b>	<b>\$222,588</b>	<b>\$319,565</b>	<b>-\$162,565</b>
5324100000	Facilities Maintenance Svcs	\$0	\$0	\$0	\$0	\$1,747	\$0	\$0	\$0	\$0	\$0	\$1,747	-\$1,747
5324200000	Facilities Ops - Other (Svcs)	\$0	\$0	\$0	\$0	\$5,611	\$0	\$0	\$0	\$0	\$0	\$5,611	-\$5,611
5324250000	Facilities Planning -Gen Svcs	\$0	\$803	\$0	\$803	\$2,534	\$0	\$127	\$454	\$0	\$454	\$907	-\$907
5324350000	Rents and Leases	\$133,000	\$0	\$0	\$0	\$0	\$133,000	\$0	\$0	\$0	\$0	\$0	\$133,000
5324450000	Rent -Bldgs&Grounds(Non State)	\$24,000	\$26,219	\$0	\$26,219	\$91,841	\$24,000	\$10,937	\$65,623	\$156,512	\$222,134	\$311,299	-\$287,299

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>5326 UTILITIES</b>		<b>\$1,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,000</b>
5326900000	Utilities - Other	\$1,000	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
<b>53402-53403 C/P SERVICES (INTERNAL)</b>		<b>\$74,000</b>	<b>\$122,285</b>	<b>\$0</b>	<b>\$122,285</b>	<b>\$234,376</b>	<b>\$74,000</b>	<b>\$10,138</b>	<b>\$48,828</b>	<b>\$0</b>	<b>\$48,828</b>	<b>\$140,763</b>	<b>-\$66,763</b>
5340290000	Health and Medical	\$0	\$0	\$0	\$0	\$78	\$0	\$0	\$0	\$0	\$0	\$78	-\$78
5340310000	Legal - Attorney General	\$47,000	\$88,315	\$0	\$88,315	\$170,851	\$47,000	\$10,138	\$48,703	\$0	\$48,703	\$137,685	-\$90,685
5340320000	Office of Adminis Hearings	\$3,000	\$33,970	\$0	\$33,970	\$63,447	\$3,000	\$0	\$125	\$0	\$125	\$3,000	\$0
5340330000	Consult & Prof Svcs-Interdept	\$24,000	\$0	\$0	\$0	\$0	\$24,000	\$0	\$0	\$0	\$0	\$0	\$24,000

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
53404-53405	C/P SERVICES (EXTERNAL)	\$241,000	\$10,918	\$23,505	\$34,423	\$47,321	\$215,000	\$3,470	\$15,397	\$26,764	\$42,161	\$52,681	\$162,319
5340420000	Administrative	\$187,000	\$0	\$482	\$482	\$582	\$187,000	\$280	\$816	\$3,184	\$4,000	\$4,000	\$183,000
5340420001	Expert Examiners- Exam Process	\$25,000	\$0	\$0	\$0	\$0	\$25,000	\$0	\$0	\$265	\$265	\$265	\$24,735
5340420003	Subject Matter Experts	\$0	\$1,100	\$0	\$1,100	\$7,500	\$0	\$400	\$1,200	\$800	\$2,000	\$10,000	-\$10,000
5340420005	Credit Card Service Fee	\$0	\$8,036	\$15,964	\$24,000	\$26,000	\$0	\$1,989	\$9,600	\$15,400	\$25,000	\$25,000	-\$25,000
5340480000	Health and Medical	\$0	\$0	\$1,650	\$1,650	\$1,650	\$0	\$0	\$0	\$1,650	\$1,650	\$1,650	-\$1,650
5340540001	Evidence/Witness Fees	\$0	\$800	\$0	\$800	\$3,200	\$0	\$800	\$3,425	\$0	\$3,425	\$3,425	-\$3,425
5340540003	Evidence	\$0	\$0	\$0	\$0	\$150	\$0	\$0	\$0	\$0	\$0	\$150	-\$150
5340580000	Consult & Prof Svcs Extern Oth	\$0	\$0	\$5,409	\$5,409	\$5,870	\$0	\$0	\$356	\$5,466	\$5,821	\$5,821	-\$5,821
5340580001	Court Reporter Servs	\$29,000	\$982	\$0	\$982	\$2,370	\$3,000	\$0	\$0	\$0	\$0	\$2,370	\$630
Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5342	DEPARTMENT PRORATA	\$475,000	\$368,250	\$0	\$368,250	\$449,119	\$514,000	\$125,750	\$377,250	\$0	\$377,250	\$514,000	\$0
5342500050	Division of Investigation DOI	\$6,000	\$4,500	\$0	\$4,500	\$5,993	\$6,000	\$1,750	\$5,250	\$0	\$5,250	\$6,000	\$0
5342500055	Consumer Client Servs Div CCSD	\$469,000	\$363,750	\$0	\$363,750	\$443,126	\$508,000	\$124,000	\$372,000	\$0	\$372,000	\$508,000	\$0
Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5342	DEPARTMENTAL SERVICES	\$30,000	\$15,204	\$0	\$15,204	\$67,505	\$30,000	\$3	\$6,622	\$0	\$6,622	\$13,907	\$16,093
5342500001	OPES Interagency Contracts	\$0	\$15,188	\$0	\$15,188	\$66,626	\$0	\$0	\$6,514	\$0	\$6,514	\$13,028	-\$13,028
5342500090	Interagency Services	\$30,000	\$0	\$0	\$0	\$0	\$30,000	\$0	\$0	\$0	\$0	\$0	\$30,000
5342600000	Departmental Services - Other	\$0	\$16	\$0	\$16	\$879	\$0	\$3	\$108	\$0	\$108	\$879	-\$879
Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5344	CONSOLIDATED DATA CENTERS	\$4,000	\$1	\$0	\$1	\$5,154	\$4,000	\$0	\$1	\$0	\$1	\$5,154	-\$1,154
5344000000	Consolidated Data Centers	\$4,000	\$1	\$0	\$1	\$5,154	\$4,000	\$0	\$1	\$0	\$1	\$5,154	-\$1,154
Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5346	INFORMATION TECHNOLOGY	\$3,000	\$0	\$0	\$0	\$2,117	\$3,000	\$0	\$0	\$0	\$0	\$2,117	\$883
5346320000	IT Services - Hardware Maint	\$0	\$0	\$0	\$0	\$1,073	\$0	\$0	\$0	\$0	\$0	\$1,073	-\$1,073
5346340000	IT Services - Software Maint	\$0	\$0	\$0	\$0	\$992	\$0	\$0	\$0	\$0	\$0	\$992	-\$992
5346800000	E-Waste Recycl & Disposal Fees	\$0	\$0	\$0	\$0	\$52	\$0	\$0	\$0	\$0	\$0	\$52	-\$52
5346900000	Information Technology - Other	\$3,000	\$0	\$0	\$0	\$0	\$3,000	\$0	\$0	\$0	\$0	\$0	\$3,000
Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5362-5368	EQUIPMENT	\$14,000	\$298	\$0	\$298	\$32,011	\$3,000	\$0	\$0	\$0	\$0	\$12,705	-\$9,705
5362250000	Furniture	\$0	\$0	\$0	\$0	\$974	\$0	\$0	\$0	\$0	\$0	\$974	-\$974
5362315000	Safety And Maintenance Equip	\$14,000	\$0	\$0	\$0	\$0	\$3,000	\$0	\$0	\$0	\$0	\$0	\$3,000
5368025000	Computers & Computer Equipment	\$0	\$0	\$0	\$0	\$29,306	\$0	\$0	\$0	\$0	\$0	\$10,000	-\$10,000
5368930000	Software	\$0	\$298	\$0	\$298	\$1,731	\$0	\$0	\$0	\$0	\$0	\$1,731	-\$1,731
Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5390	OTHER ITEMS OF EXPENSE	\$8,000	\$0	\$0	\$0	\$0	\$8,000	\$0	\$0	\$0	\$0	\$0	\$8,000
5390800000	Gasoline	\$8,000	\$0	\$0	\$0	\$0	\$8,000	\$0	\$0	\$0	\$0	\$0	\$8,000
Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
54	SPECIAL ITEMS OF EXPENSE	\$0	\$0	\$0	\$0	\$1,005	\$0	\$0	\$0	\$0	\$0	\$1,005	-\$1,005
5490000000	Other Special Items of Expense	\$0	\$0	\$0	\$0	\$1,005	\$0	\$0	\$0	\$0	\$0	\$1,005	-\$1,005
OPERATING EXPENSES & EQUIPMENT		\$1,094,000	\$552,327	\$52,109	\$604,435	\$1,001,312	\$1,096,000	\$155,221	\$529,090	\$200,175	\$729,266	\$1,114,212	-\$18,212
OVERALL TOTALS		\$2,354,000	\$1,056,295	\$52,109	\$1,108,404	\$2,013,332	\$2,516,000	\$254,461	\$1,138,254	\$200,175	\$1,338,429	\$2,342,939	\$173,061
													6.88%

## Department of Consumer Affairs

### Expenditure Report

Dental Hygiene Board of California

Reporting Structure(s): 11111100 Support

Fiscal Month: 7

Fiscal Year: 2021 - 2022

Run Date: 03/07/2022

#### PERSONAL SERVICES

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5100 PERMANENT POSITIONS</b>		<b>\$872,000</b>	<b>\$65,630</b>	<b>\$472,883</b>	<b>\$0</b>	<b>\$472,883</b>	<b>\$399,117</b>
5100000000	Earnings - Perm Civil Svc Empl	\$790,000	\$56,643	\$410,234	\$0	\$410,234	\$379,766
5105000000	Earnings-Exempt/Statutory Empl	\$82,000	\$8,987	\$62,649	\$0	\$62,649	\$19,351

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5100 TEMPORARY POSITIONS</b>		<b>\$59,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$59,000</b>
5100150004	Temp Help (907)	\$57,000	\$0	\$0	\$0	\$0	\$57,000
5100150005	Exam Proctor (915)	\$2,000	\$0	\$0	\$0	\$0	\$2,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5105-5108 PER DIEM, OVERTIME, &amp; LUMP SUM</b>		<b>\$24,000</b>	<b>\$0</b>	<b>\$1,800</b>	<b>\$0</b>	<b>\$1,800</b>	<b>\$22,200</b>
5105100002	Committee Mbrs 904,911,931,961	\$24,000	\$0	\$1,800	\$0	\$1,800	\$22,200

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5150 STAFF BENEFITS</b>		<b>\$465,000</b>	<b>\$29,861</b>	<b>\$229,972</b>	<b>\$0</b>	<b>\$229,972</b>	<b>\$235,028</b>
5150150000	Dental Insurance	\$3,000	-\$92	\$1,834	\$0	\$1,834	\$1,166
5150250000	Employee Assistance PGM Fee	\$0	\$22	\$133	\$0	\$133	-\$133
5150350000	Health Insurance	\$122,000	\$4,573	\$34,147	\$0	\$34,147	\$87,853
5150400000	Life Insurance	\$0	\$20	\$140	\$0	\$140	-\$140
5150450000	Medicare Taxation	\$8,000	\$905	\$6,532	\$0	\$6,532	\$1,468
5150500000	OASDI	\$54,000	\$3,483	\$25,200	\$0	\$25,200	\$28,800
5150600000	Retirement - General	\$217,000	\$17,801	\$129,263	\$0	\$129,263	\$87,737
5150750000	Vision Care	\$1,000	\$58	\$430	\$0	\$430	\$570
5150800000	Workers' Compensation	\$16,000	\$0	\$0	\$0	\$0	\$16,000
5150800004	SCIF Allocation Cost	\$0	\$0	\$10,656	\$0	\$10,656	-\$10,656
5150820000	Other Post-Employment Benefits	\$26,000	\$2,142	\$15,229	\$0	\$15,229	\$10,771
5150900000	Staff Benefits - Other	\$18,000	\$949	\$6,407	\$0	\$6,407	\$11,593
<b>PERSONAL SERVICES</b>		<b>\$1,420,000</b>	<b>\$95,491</b>	<b>\$704,655</b>	<b>\$0</b>	<b>\$704,655</b>	<b>\$715,345</b>

#### OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5301 GENERAL EXPENSE</b>		<b>\$28,000</b>	<b>\$260</b>	<b>\$2,277</b>	<b>\$1,925</b>	<b>\$4,202</b>	<b>\$23,798</b>
5301100000	Clerical & Nonprofessional Svc	\$0	\$106	\$106	\$0	\$106	-\$106
5301100002	Admin OH-Other State Agencies	\$0	\$0	\$128	\$0	\$128	-\$128
5301100003	Fingerprint Reports	\$3,000	\$49	\$196	\$0	\$196	\$2,804
5301350000	Freight and Drayage	\$0	\$0	\$60	\$565	\$625	-\$625



5301400000	Goods - Other	\$17,000	\$0	\$0	\$0	\$0	\$17,000
5301700000	Office Supplies - Misc	\$8,000	\$0	\$1,271	\$615	\$1,886	\$6,114
5301900000	Subscriptions	\$0	\$105	\$515	\$745	\$1,260	-\$1,260

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5302 PRINTING</b>		<b>\$13,000</b>	<b>\$1,150</b>	<b>\$8,322</b>	<b>\$14,992</b>	<b>\$23,314</b>	<b>-\$10,314</b>
5302300000	Office Copiers - Maintenance	\$0	\$0	\$1,077	\$2,246	\$3,323	-\$3,323
5302700000	Pamphlets, Leaflets, Brochures	\$0	\$1,150	\$7,203	\$12,746	\$19,949	-\$19,949
5302700001	Allocated Copy Costs-Copy Cntr	\$0	\$0	\$42	\$0	\$42	-\$42
5302900000	Printing - Other	\$13,000	\$0	\$0	\$0	\$0	\$13,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5304 COMMUNICATIONS</b>		<b>\$9,000</b>	<b>\$721</b>	<b>\$2,314</b>	<b>\$0</b>	<b>\$2,314</b>	<b>\$6,686</b>
5304100000	Cell Phones, PDAs, Pager Svcs	\$0	\$416	\$915	\$0	\$915	-\$915
5304700000	Telephone Services	\$0	\$305	\$1,400	\$0	\$1,400	-\$1,400
5304800000	Communications - Other	\$9,000	\$0	\$0	\$0	\$0	\$9,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5306 POSTAGE</b>		<b>\$18,000</b>	<b>\$0</b>	<b>\$1,664</b>	<b>\$0</b>	<b>\$1,664</b>	<b>\$16,336</b>
5306600003	DCA Postage Allo	\$0	\$0	\$1,664	\$0	\$1,664	-\$1,664
5306700000	Postage - Other	\$18,000	\$0	\$0	\$0	\$0	\$18,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>53202-204 IN STATE TRAVEL</b>		<b>\$14,000</b>	<b>\$96</b>	<b>\$1,605</b>	<b>\$0</b>	<b>\$1,605</b>	<b>\$12,395</b>
5320220000	Travel-In State-Per Diem Lodgi	\$0	\$0	\$241	\$0	\$241	-\$241
5320230000	Travel-In State-Per Diem Meals	\$0	\$0	\$75	\$0	\$75	-\$75
5320240000	Travel-In State-Per Diem Other	\$0	\$0	\$6	\$0	\$6	-\$6
5320260000	Travel-In St-Trav Agcy Mgt Fee	\$0	\$16	\$70	\$0	\$70	-\$70
5320400000	Travel-In State-Commercial Air	\$0	\$0	\$526	\$0	\$526	-\$526
5320440000	Travel - In State -Private Car	\$0	\$0	\$403	\$0	\$403	-\$403
5320470000	Travel - In State - Rental Car	\$0	\$80	\$284	\$0	\$284	-\$284
5320490000	Travel - In State - Other	\$14,000	\$0	\$0	\$0	\$0	\$14,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5322 TRAINING</b>		<b>\$5,000</b>	<b>\$0</b>	<b>\$962</b>	<b>\$0</b>	<b>\$962</b>	<b>\$4,038</b>
5322400000	Training - Tuition & Registrat	\$5,000	\$0	\$962	\$0	\$962	\$4,038

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5324 FACILITIES</b>		<b>\$157,000</b>	<b>\$11,664</b>	<b>\$77,741</b>	<b>\$145,297</b>	<b>\$223,037</b>	<b>-\$66,037</b>
5324250000	Facilities Planning -Gen Svcs	\$0	\$449	\$903	\$0	\$903	-\$903
5324350000	Rents and Leases	\$133,000	\$0	\$0	\$0	\$0	\$133,000
5324450000	Rent -Bldgs&Grounds(Non State)	\$24,000	\$11,215	\$76,838	\$145,297	\$222,134	-\$198,134

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5326 UTILITIES</b>		<b>\$1,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,000</b>
5326900000	Utilities - Other	\$1,000	\$0	\$0	\$0	\$0	\$1,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>53402-53403 C/P SERVICES (INTERNAL)</b>		<b>\$74,000</b>	<b>\$12,602</b>	<b>\$61,430</b>	<b>\$0</b>	<b>\$61,430</b>	<b>\$12,570</b>

5340310000	Legal - Attorney General	\$47,000	\$12,519	\$61,221	\$0	\$61,221	-\$14,221
5340320000	Office of Adminis Hearings	\$3,000	\$84	\$209	\$0	\$209	\$2,792
5340330000	Consult & Prof Svcs-Interdept	\$24,000	\$0	\$0	\$0	\$0	\$24,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>53404-53405 C/P SERVICES (EXTERNAL)</b>		<b>\$215,000</b>	<b>\$2,800</b>	<b>\$18,197</b>	<b>\$23,964</b>	<b>\$42,161</b>	<b>\$172,839</b>
5340420000	Administrative	\$187,000	\$141	\$957	\$3,043	\$4,000	\$183,000
5340420001	Expert Examiners- Exam Process	\$25,000	\$0	\$0	\$265	\$265	\$24,735
5340420003	Subject Matter Experts	\$0	\$800	\$2,000	\$0	\$2,000	-\$2,000
5340420005	Credit Card Service Fee	\$0	\$1,860	\$11,460	\$13,540	\$25,000	-\$25,000
5340480000	Health and Medical	\$0	\$0	\$0	\$1,650	\$1,650	-\$1,650
5340540001	Evidence/Witness Fees	\$0	\$0	\$3,425	\$0	\$3,425	-\$3,425
5340580000	Consult & Prof Svcs Extern Oth	\$0	\$0	\$356	\$5,466	\$5,821	-\$5,821
5340580001	Court Reporter Servs	\$3,000	\$0	\$0	\$0	\$0	\$3,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5342 DEPARTMENT PRORATA</b>		<b>\$514,000</b>	<b>\$0</b>	<b>\$377,250</b>	<b>\$0</b>	<b>\$377,250</b>	<b>\$136,750</b>
5342500050	Division of Investigation DOI	\$6,000	\$0	\$5,250	\$0	\$5,250	\$750
5342500055	Consumer Client Servs Div CCSD	\$508,000	\$0	\$372,000	\$0	\$372,000	\$136,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5342 DEPARTMENTAL SERVICES</b>		<b>\$30,000</b>	<b>\$13,170</b>	<b>\$19,791</b>	<b>\$0</b>	<b>\$19,791</b>	<b>\$10,209</b>
5342500001	OPES Interagency Contracts	\$0	\$13,078	\$19,592	\$0	\$19,592	-\$19,592
5342500090	Interagency Services	\$30,000	\$0	\$0	\$0	\$0	\$30,000
5342600000	Departmental Services - Other	\$0	\$92	\$199	\$0	\$199	-\$199

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5344 CONSOLIDATED DATA CENTERS</b>		<b>\$4,000</b>	<b>\$0</b>	<b>\$1</b>	<b>\$0</b>	<b>\$1</b>	<b>\$3,999</b>
5344000000	Consolidated Data Centers	\$4,000	\$0	\$1	\$0	\$1	\$3,999

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5346 INFORMATION TECHNOLOGY</b>		<b>\$3,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,000</b>
5346900000	Information Technology - Other	\$3,000	\$0	\$0	\$0	\$0	\$3,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5362-5368 EQUIPMENT</b>		<b>\$3,000</b>	<b>-\$1,969</b>	<b>-\$1,969</b>	<b>\$0</b>	<b>-\$1,969</b>	<b>\$4,969</b>
5362315000	Safety And Maintenance Equip	\$3,000	\$0	\$0	\$0	\$0	\$3,000
5368025000	Computers & Computer Equipment	\$0	-\$1,969	-\$1,969	\$0	-\$1,969	\$1,969

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>5390 OTHER ITEMS OF EXPENSE</b>		<b>\$8,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,000</b>
5390800000	Gasoline	\$8,000	\$0	\$0	\$0	\$0	\$8,000

Fiscal Code	Line Item	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Balance
<b>54 SPECIAL ITEMS OF EXPENSE</b>		<b>\$0</b>	<b>\$20</b>	<b>\$20</b>	<b>\$0</b>	<b>\$20</b>	<b>-\$20</b>
5490000000	Other Special Items of Expense	\$0	\$20	\$20	\$0	\$20	-\$20
<b>OPERATING EXPENSES &amp; EQUIPMENT</b>		<b>\$1,096,000</b>	<b>\$40,515</b>	<b>\$569,605</b>	<b>\$186,177</b>	<b>\$755,783</b>	<b>\$340,217</b>

<b>OVERALL TOTALS</b>		<b>\$2,516,000</b>	<b>\$136,006</b>	<b>\$1,274,260</b>	<b>\$186,177</b>	<b>\$1,460,438</b>	<b>\$1,055,562</b>
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## Department of Consumer Affairs

### Revenue Report

Dental Hygiene Board of California

Reporting Structure(s): 11111100 Support

Fiscal Month: 7

Fiscal Year: 2021 - 2022

Run Date: 03/07/2022

#### Revenue

Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
<b>Delinquent Fees</b>		<b>\$0</b>	<b>\$7,175</b>	<b>\$26,535</b>	<b>-\$26,535</b>
4121200089	3140 Delinq Ren Rdh	\$0	\$7,175	\$25,815	-\$25,815
4121200090	3140 Delinq Ren Rdhap	\$0	\$0	\$480	-\$480
4121200091	3140 Delinq Ren Rdhep	\$0	\$0	\$80	-\$80
4121200092	3140 Delinq Ren Rdhap Fnp	\$0	\$0	\$160	-\$160

Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
<b>Other Regulatory Fees</b>		<b>\$0</b>	<b>\$7,203</b>	<b>\$48,517</b>	<b>-\$48,517</b>
4129200133	3140 Duplicate License	\$0	\$925	\$9,450	-\$9,450
4129200310	3140 Citations & Fines	\$0	\$6,278	\$39,067	-\$39,067

Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
<b>Other Regulatory License and Permits</b>		<b>\$0</b>	<b>\$13,020</b>	<b>\$123,845</b>	<b>-\$123,845</b>
4129400243	3140 License Fee Rdhap	\$0	\$2,250	\$10,310	-\$10,310
4129400244	3140 Initial Lic Fee Rdhap Fnp	\$0	\$160	\$1,280	-\$1,280
4129400245	3140 Initial Lic 1/2 Rdhap Fnp	\$0	\$160	\$320	-\$320
4129400249	3140 App Fee Rdhap	\$0	\$900	\$4,200	-\$4,200
4129400251	3140 App Fee Rdh	\$0	\$4,200	\$51,100	-\$51,100
4129400257	3140 App Fee Rdh Original Lic	\$0	\$4,200	\$51,100	-\$51,100
4129400524	Suspended Revenue	\$0	\$1,150	\$6,270	-\$6,270
4129400525	Prior Year Revenue Adjustment	\$0	\$0	-\$735	\$735

Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
<b>Other Revenue</b>		<b>\$0</b>	<b>\$1,388</b>	<b>\$3,996</b>	<b>-\$3,996</b>
4143500007	Misc Serv To Public Trans	\$0	\$0	\$200	-\$200
4163000000	Investment Income - Surplus Money Investments	\$0	\$1,188	\$2,505	-\$2,505
4171400001	Canceled Warrants Revenue	\$0	\$200	\$591	-\$591
4172500016	Misc Revenue	\$0	\$0	\$700	-\$700

Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
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<b>Renewal Fees</b>			<b>\$0</b>	<b>\$160,800</b>	<b>\$1,121,960</b>	<b>-\$1,121,960</b>
4127400151	3140 Renewal Rdhap Fnp		\$0	\$1,120	\$5,920	-\$5,920
4127400155	3140 Renewal Rdh		\$0	\$153,920	\$1,072,680	-\$1,072,680
4127400156	3140 Renewal Rdhap		\$0	\$5,440	\$41,440	-\$41,440
4127400157	3140 Renewal Rdhef		\$0	\$320	\$1,920	-\$1,920
<b>Revenue</b>			<b>\$0</b>	<b>\$189,586</b>	<b>\$1,324,853</b>	<b>-\$1,324,853</b>

#### Reimbursements

Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
<b>Scheduled Reimbursements</b>		<b>\$0</b>	<b>\$0</b>	<b>\$196</b>	<b>-\$196</b>
4840000001	Fingerprint Reports	\$0	\$0	\$196	-\$196

Fiscal Code	Line Item	Budget	Current Month	YTD	Balance
<b>Unscheduled Reimbursements</b>		<b>\$0</b>	<b>\$3,312</b>	<b>\$13,830</b>	<b>-\$13,830</b>
4850000005	Us Probation Monitor	\$0	\$630	\$5,760	-\$5,760
4850000009	Us Cost Recovery	\$0	\$2,682	\$8,070	-\$8,070
<b>Reimbursements</b>		<b>\$0</b>	<b>\$3,312</b>	<b>\$14,026</b>	<b>-\$14,026</b>

## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Anthony Lum Executive Officer
<b>SUBJECT</b>	<b>FULL 7: Update to the Full Board from the Alternative Pathways to Licensure Taskforce</b>

### **BACKGROUND**

At the March 20, 2021 Board meeting, the Board voted to reconstitute the Alternative Pathways to Licensure Taskforce that had previously been assembled years before to research other pathways to licensure than the patient-based clinical examination. The taskforce is still in the beginning phases of researching the issue, as it's a very complex task to replace the examination. They have met on the following days to discuss alternative options and ideas to bring forth recommendations to the Board at a future meeting:

Friday, June 4, 2021

Friday, July 2, 2021

Thursday, March 10, 2022

With a substantial amount of information and discussion required to create a recommendation for the Board's consideration, more meetings will need to be convened before any recommendation is ready to be presented to the Board.

**No Action is Required. Informational Only.**



**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 8**

**Update from the Central Regional Dental Testing Services  
(CRDTS) Regarding Member State and Steering Committee  
Issues.**

**A verbal report will be provided.**



**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 9**

**Update from the ADEX/Western Regional  
Examination Board (WREB).**

**A verbal report will be provided.**

## ADEX Dental Hygiene Mode Effects Evaluation

### Executive Summary

ADEX evaluated the comparability of the traditional model evaluating dental hygiene clinical judgment and psychomotor skills (using a patient selected by the candidate – PTCE) and the newer alternative mode for this exam (using a simulated patient with a calvarium and facial shroud - MTCE). This document summarizes the process, results, and conclusions of this evaluation. The technical report<sup>1</sup> provides additional detail and is available upon request.

#### Process

For the purposes of this study, comparability was evaluated based on candidate performance and the agreement of calibrated examiners. An evaluation of the content (e.g., job-related tasks, knowledge, skills) and response processes (e.g., clinical judgments, psychomotor skills) was conducted prior to data collection to ensure that reliability evidence collected here would contribute to the overall validity of scores and decisions for the program. Candidate performance is based on the application of clinical judgments and execution of psychomotor skills in both examination modes. Examiner agreement is based on the level of agreement among trained and calibrated examiners in their scoring decisions.

Two samples of data were provided for this analysis, one for each mode of the clinical skills exam:

- 2019 PTCE: records from 4,119 candidates who completed the exam with a patient. The 2019 year was selected because it was the last full program year before the entire testing industry was disrupted by COVID.
- 2021 MTCE: records from 3,601 candidates who completed the exam with the 2021 simulated patient. The 2021 administration year was selected as candidates tested with the latest version of the simulated patient (2021 model which had design enhancements beyond the 2020 model).

For the purposes of this study, comparability was evaluated based on candidate performance and the agreement of calibrated examiners. Candidate performance is based on the execution of psychomotor skills in both examination modes. Examiner agreement is based on the level of agreement between calibrated examiners in their task scores.

#### Results

The pass rates were similar between the samples by mode – 93% of the 2019 candidates passed the exam with the PTCE mode and 91% of the 2021 candidates passed the exam with the MTCE mode. Of those candidates who failed in each mode, fewer than 1% did so due to an automatic failure as most failed because they did not accumulate enough points.

Table 1 below shows the overall scoring rules and candidate performance for each skill area by mode. Average candidate scores are shown as percentages (of the total possible points) as the point allocation by skill area is different between modes. Overall, the results in Table 1 show that candidates had similar levels of performance for the periodontal probing and calculus removal skill areas. Candidates performed slightly better on the MTCE with respect to calculus detection but better on the PTCE with respect to the final case presentation.

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<sup>1</sup> 2021 ADEX Dental Hygiene Mode Effects Evaluation

**Table 1. Candidate Performance (Average Score as % of total Possible Points) by Skill Area and Mode**

	Calculus Detection	Periodontal Probing	Calculus Removal	Final Case Presentation
<b>MTCE</b>				
Scoring	16 surfaces 1 point each Total = 16 points	12 evaluations 1 point each Total = 12 points	12 surfaces 5.5 points each Total = 66 points	Good (no surfaces) = 6 points 1 surfaces = 3 points 2+ surfaces = 0 points
All Candidates	83%	94%	92%	84%
Passing	84%	94%	95%	87%
Failing	75%	91%	62%	46%
<b>PTCE</b>				
Scoring	12 surfaces 1 point each Total = 12 points	6 evaluations 1 point each Total = 6 points	12 surfaces 5.5 points each Total = 66 points	Biofilm & extrinsic stain = 1 Calc on other surfaces = 4 Total = 5 points
All Candidates	77%	93%	91%	100%
Passing	78%	94%	93%	100%
Failing	68%	91%	69%	100%

Examiner agreement is shown in Table 3 by skill area. Overall, these results are similar by mode with a slight difference in the final case presentation agreement values. This may be due to the difference in the scoring criteria for this skill area between modes (see Table 1).

**Table 2. Examiner Agreement by Skill Area and Mode**

	Periodontal Probing	Calculus Removal	Final Case Presentation
<b>MTCE</b>	96%	94%	81%
<b>PTCE</b>	96%	92%	88%

### Summary

The results of this analysis overall yielded similar results between the two modes of the exam (PTCE and MTCE) for both candidate performance and examiner agreement. Specific examples of these similarities were:

- pass rates (only 2% difference)
- performance on most skill areas
- reason for failure (i.e., lack of points)
- examiner agreement at the task level

There were some areas where smaller differences were observed that will be continually monitored in future administrations. These included slight differences in performance on the calculus detection and the final case presentation skill areas between modes.

In summary, these results in combination with the validity evidence described above regarding the content and response processes, show a high degree of comparability between these two modes with respect to candidate performance (i.e., overall pass/fail decisions, skill areas of strength) and examiner agreement (i.e., overall rate of agreement, agreement by skill area). For those areas where there were slight differences, the MTCE likely provides additional levels of standardization as candidates are assigned a simulated patient rather than selecting their own patient with the advanced opportunity to evaluate the presence of calculus.

## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Anthony Lum Executive Officer
<b>SUBJECT</b>	<b>FULL 10: Discussion and Possible Action to Extend the Temporary Acceptance of the Manikin-Based Dental Hygiene Clinical Examinations Administered by ADEX/WREB and CRDTS</b>

### BACKGROUND

At the August 29, 2020 Board meeting, the Board voted to temporarily accept the manikin-based clinical examinations administered by ADEX/WREB and CRDTS due to the COVID environment. The temporary acceptance of this exam was extended twice (at the March 6, 2021 meeting and the July 17, 2021 meeting) to now expire on July 1, 2022.

### STAFF RECOMMENDATION:

Due to the continued COVID environment, continued hesitation for unnecessary large gatherings, and the fact that there are some ethical issues associated with the live patient-based clinical examinations like payment for patient participation, staff recommends extension of the deadline to temporarily accept the alternative manikin-based dental hygiene clinical examination in addition to the patient-based examination administered by ADEX/WREB and CRDTS until December 31, 2022.

### RECOMMENDED MOTION:

**Motion for the Board to extend the temporary acceptance of the alternative manikin-based clinical examinations administered by ADEX/WREB and CRDTS, as well as the patient-based examinations by the same exam administrators, until December 31, 2022 based upon the current COVID environment.**



## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Anthony Lum Executive Officer
<b>SUBJECT</b>	<b>FULL 11: Update on the Annual Report from the Attorney General's Office</b>

### **BACKGROUND**

The Attorney General's Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies Business and Professions Code section 312.2 January 1, 2022 is in the meeting materials for your review. Page 23 of the report is specific to the Dental Hygiene Board. Senior Assistant Deputy Attorney General Carl Sonne will provide an update and presentation on the report and is available for any questions.

**No Action is Required. Informational Only.**



**Attorney General's Annual Report**  
**on**  
**Accusations Prosecuted for Department of**  
**Consumer Affairs Client Agencies**

**Business and Professions Code Section 312.2**

**January 1, 2022**

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# **Attorney General's Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies**

**January 1, 2022**

## **EXECUTIVE SUMMARY**

This is the fifth annual report by the Office of the Attorney General pursuant to Business and Professions Code section 312.2, which became effective on January 1, 2016, requiring annual reports to be filed by January 1 each year. This report is based on data from Fiscal Year 2020-21. It provides information concerning accusation referrals received and adjudicated for each Department of Consumer Affairs client agency represented by the Licensing Section and the Health Quality Enforcement Section of the Office of the Attorney General.

In Fiscal Year 2020-21, approximately half of the legal work performed by the Licensing Section and Health Quality Enforcement Section was for the prosecution of accusations, which are the focus of this report. During the fiscal year, 2,965 accusation referrals were received from the Department of Consumer Affairs client agencies. All matters were adjudicated, except that 7 percent of accusation referrals to the Office of the Attorney General were rejected, and 8 percent required further investigation.

The Office of the Attorney General adjudicated 2,861 accusation referrals during the year. The accusations adjudicated were referred to this office in Fiscal Year 2020-21 or in a prior fiscal year. Multiple adjudications can occur when more than one licensee is included within one matter, each with different adjudication dates and types, or when a client agency exercises its discretion to reject an original adjudication. Approximately 58 percent of the total adjudications were by stipulated settlement, 23 percent by default, 16 percent by administrative hearing<sup>1</sup>, and 3 percent resulted from withdrawal of accusations by the agencies.

## **BACKGROUND**

### [Licensing Section and Health Quality Enforcement Section](#)

The Licensing Section and the Health Quality Enforcement Section of the Office of the Attorney General's Civil Law Division specialize in California professional and vocational licensing law. The two sections represent 36 Department of Consumer Affairs licensing oversight agencies that issue multiple types of professional and vocational licenses. They provide legal representation to these agencies in many kinds of licensing matters to protect California consumers and enhance the quality of the professions and vocations. Liaison deputies also regularly consult with agency staff to advise them on jurisdictional, legal, and programmatic issues. Each section's legal staff also provide training

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<sup>1</sup> This report's information is provided against the backdrop of the COVID-19 pandemic in Fiscal Year 2020-21.

for the Department of Consumer Affairs Division of Investigation, agency investigators, and agency staff.

Both sections prosecute licensing matters, including accusations (license discipline), which comprise about 52 percent of their combined caseload. The balance of prosecution matters consists of:

- statements of issues—appeal hearings when a license application has been denied;
- interim suspension petitions—hearings before the Office of Administrative Hearings for immediate suspension of a license;
- injunction proceedings—brought in superior court to stop unlicensed practice;
- post-discipline matters—when a licensee petitions for reduction of penalty or reinstatement of a revoked license;
- citations—appeal hearings when a citation and/or fine has been issued;
- Penal Code section 23 petitions—seeking a license restriction during the pendency of a criminal proceeding;
- subpoena enforcement actions—to obtain records needed for the investigation of complaints;
- judicial review proceedings—superior court review of final administrative decisions;
- appeals—usually from superior court review proceedings;
- civil litigation related to license discipline—defending agencies in civil lawsuits brought in state or federal courts; and
- third-party subpoenas—to obtain records in litigation from non-party client agencies.

Business and Professions Code section 312.2 requests data only for the prosecution of accusation matters by the two sections. Accusations are the primary component of the enforcement program for each licensing agency. The legal services in other types of licensing matters handled by the sections are not included in this report, except where accusations are combined with petitions to revoke probation.

### Department of Consumer Affairs Client Agencies

The 36 Department of Consumer Affairs agencies represented by the Licensing Section and the Health Quality Enforcement Section each have different licensing laws, programs, and processes unique to their practice areas. A few agencies issue only one type of license, but most issue multiple license types. As a result, agencies differ in how they refer accusation matters to the Office of the Attorney General. Some agencies refer one matter for each licensee, while others refer multiple licensees involved in the same or related acts for which discipline will be sought in a single accusation. Nearly half of client agencies represented by the Licensing Section file a single accusation naming all licensees involved in the events underlying the disciplinary action. None of the agencies represented by the Health Quality Enforcement Section file a single accusation against multiple licensees. Instead, a separate accusation is filed against each licensee. When multiple licensees are involved in the same events, the accusations may be consolidated for hearing. Any agency may also refer additional investigations to this office for prosecution while an initial accusation matter is pending, and these subsequent investigations are counted as additional *accusation referrals* in this report.

There are also other differences in how client agencies respond to and participate in legal matters. Some agencies have higher default rates, and some have higher rates of representation by counsel in their accusation matters. The applicable burden of proof varies based on the type of professional,

vocational, or business license. Generally, when there are specific educational and testing requirements to obtain a license, disciplinary charges must be proved by clear and convincing evidence to a reasonable certainty. Most accusation matters brought by Department of Consumer Affairs licensing agencies are subject to this burden of proof, but a few license types are subject to a lower burden of proof, i.e., preponderance of evidence. Generally, these are licenses that permit operation of a business at a specific location, such as an automotive repair dealership or pharmacy.

Only about a dozen Department of Consumer Affairs agencies are required to file their accusations within a prescribed statute of limitations, which generally ranges from one to five years, but may be longer in specific circumstances. Beginning on July 1, 2019, six Department of Consumer Affairs agencies were required to order disciplined licensees to provide patients a probation disclosure prior to their first visit concerning their probationary order in either all or specific circumstances. *Effective January 1, 2022*, all Department of Consumer Affairs client agencies are entitled to recover their costs of investigation and prosecution from respondents. The data included in this report are consistent with each client's licensing programs and practices to the extent possible. But as a result of variances among agencies, data are not typically comparable to each other in any meaningful way.

### Investigation Process

Agencies also differ in how they investigate their cases. Most commonly, agencies investigate using their own staff, including inspectors, sworn and unsworn investigators, investigator assistants, or analysts. Certain kinds of cases must be referred to the Department of Consumer Affairs Division of Investigation, consistent with Complaint Prioritization Guidelines developed pursuant to Business and Professions Code section 328. Medical Board cases are excluded from the requirements of section 328. All agencies strive to investigate complaints efficiently and rely on the Attorney General's staff for counsel, as needed.

### Administrative Adjudication Process

If the investigation reveals evidence that a licensee has violated the agency's practice act, the agency refers the matter to the Office of the Attorney General to initiate a legal proceeding to revoke, suspend, limit, or condition the license, which is called an *accusation*. (Gov. Code, § 11503.)

Upon receipt, a deputy attorney general reviews the transmitted evidence to determine its sufficiency to meet the requisite burden of proof and for any jurisdictional issues. If the evidence is insufficient and circumstances suggest additional avenues for evidentiary development, the deputy may request further investigation from the agency. When evidence is insufficient and further investigation is not recommended, or legal issues prevent prosecution, the Office of the Attorney General declines prosecution, and the case is rejected.

Based on sufficient evidentiary support, a deputy attorney general prepares an accusation to initiate the agency's adjudicative proceeding. In some cases, when the accusation is being prepared, a deputy attorney general may request supplemental investigation. The accusation pleading is sent to the agency for signature by the executive director, executive officer, or other designated *complainant* for the agency. The accusation is *filed* when the complainant signs it. When charged in an accusation, a respondent has a right to an adjudicative hearing under the California Administrative Procedure Act (Gov. Code, §11500 et seq.). Once served with the accusation, the respondent must file a *notice of defense* within fifteen days, or is in default. Once the notice of defense has been received, a hearing



is scheduled with the Office of Administrative Hearings. If no notice of defense is received, then a default is prepared for presentation to the client agency.

The deputy attorney general prosecutes the accusation case before the Office of Administrative Hearings. Upon conclusion of the hearing, the case is submitted to the administrative law judge who presided over the hearing. The administrative law judge prepares a proposed decision and sends it to the agency for its board or committee's voting and decision. Of course, a stipulated settlement, which can include a public reprimand, probation, stipulated license surrender, or revocation, can occur at any time and is the most common method of adjudication of accusation matters.

The agency itself, through the board or committee, makes its decision in each accusation case. The agency can accept or reject a settlement, and if rejected, the proceedings will continue. After an administrative hearing, the agency can accept the proposed decision issued by the administrative law judge, in which case it becomes final. However, the agency may opt to reduce the penalty or reject the proposed decision and order the hearing transcript. After review of the transcript and the evidence, the agency can then adopt the proposed decision or issue its own decision. Most cases are resolved when the agency accepts a stipulated settlement or proposed decision. But if not, additional proceedings ensue, which take more time.

Even after an agency's decision is issued, it may not be final. A respondent may exercise the right to petition for reconsideration and, if granted by the agency, the decision will be reconsidered. This can also happen if an agency decides a case based upon the default of a respondent for failure to file a timely notice of defense or failure to appear at a duly noticed hearing. Upon petition by the respondent, the agency can vacate the default decision and additional proceedings are conducted. Each of these types of *post-submission* events will lengthen the processing of a case and require further adjudication.

Once the agency's decision is final, it is still subject to judicial review in administrative mandamus and appellate proceedings. In very few cases, judicial review under Civil Procedure Code section 1094.5 results in remand to the agency to conduct further administrative proceedings or reconsider its decision. In these cases, the final decision of the agency may be delayed by months or even years.

## MEASURES REPORTED

The text of Business and Professions Code section 312.2 is set forth in its entirety in the attached appendix. We provide the following interpretation of terms and description of the manner in which data were gathered for each of the reporting metrics in subdivisions (a)(1)--(a)(7) and (b)(1)--(b)(6).

(a)(1) The number of accusation matters referred to the Attorney General.
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*Accusation matter* means an investigation of one or more complaints that an agency has referred to the Office of the Attorney General. This office will review evidence and, if appropriate, prosecute the matter through the disciplinary process as an accusation.

Accusation matters are counted by each investigation report received that bears a distinct investigation number. Some agencies request that more than one respondent be named and prosecuted in a single accusation, in which case the investigation number is counted as an accusation matter for each respondent. Multiple investigations may be referred during the time that the Office of

the Attorney General is prosecuting the agency's initial accusation referral, which can span different fiscal years. Each investigation received during the reporting period is counted for each respondent to which it pertains.

(a)(2) The number of accusation matters rejected for filing by the Attorney General.

*Rejected for filing* describes the determination, made by a deputy attorney general with a supervisor's approval, that an accusation should not be filed. An accusation can be rejected for many reasons, including: (1) the evidence submitted is insufficient to meet the burden of proof to sustain a cause for discipline under the agency's applicable practice act; (2) the events in question are not within the statute of limitations; and (3) disciplinary action is not supported by law or public policy. When prosecution is declined, the investigative file is returned to the client agency and the case is closed in the Office of the Attorney General.

A rejection for filing during the reporting period is counted once for each respondent to which the rejection pertains, without regard to the number of investigations referred to the Office of the Attorney General for consideration.

(a)(3) The number of accusation matters for which further investigation was requested by the Attorney General.

*Further investigation requested* describes an instance in which a deputy attorney general determines that the evidence in the investigation is insufficient to meet the burden of proof, but that there are avenues available to augment the evidence and support a cause for discipline under the agency's applicable practice act. With supervisory approval, the deputy may request further investigation from the agency, the Division of Investigation, or internally at the Office of the Attorney General. When further investigation is requested in a matter handled by the Licensing Section, the file remains open pending receipt of supplemental investigation and is documented accordingly. In the Health Quality Enforcement Section, the file is returned to the client agency and the matter is closed. The file is reopened if the matter is rereferred to the Office of the Attorney General with additional evidence.

Each request for further investigation made during the reporting period is counted in each matter, and is not necessarily associated with the number of referrals received in the matter, or the number of respondents to which the further investigation may pertain. There may be only one request for further investigation in a matter that contains more than one respondent or more than one investigation. There may also be more than one further investigation request made pertaining to a single respondent in a matter with only one referral.

(a)(4) The number of accusation matters for which further investigation was received by the Attorney General.

*Further investigation received* describes the additional investigation received as a result of further investigation requested, as described above. Very rarely will an agency refer a matter back to the Office of the Attorney General with an *additional* investigation and request reconsideration of a previous decision not to prosecute (i.e., rejection). If the matter is accepted for prosecution, this is also recorded as further investigation received. Additional investigation received is distinguished from a

*new* referral of an accusation matter from a client agency, which is counted in subdivision (a)(1), but is not counted in (a)(4).

Each supplemental investigation received during the reporting period is counted in each matter and is not necessarily associated with the number of referrals received in the matter or the number of respondents to which the further investigation may pertain.

(a)(5) The number of accusations filed by each constituent entity.

*Accusation* means the initial accusation filed in a matter to initiate proceedings to revoke or suspend a license against one or more respondents, and any subsequent amended accusation filed in the matter. Accusations may be amended during the pendency of a case for a variety of reasons, most commonly because the client agency refers an additional investigation of a new complaint and the accusation is amended to add new causes for discipline based on the new investigation. *Filed* means the accusation or amended accusation is signed by the agency's designee, known as the complainant, who is usually the executive officer or executive director of the agency. The accusation is filed on the date the document is signed.

Each accusation or amended accusation filed during the reporting period is counted and reported under subdivision (a)(5).

(a)(6) The number of accusations a constituent entity withdraws.

On occasion, the complainant *withdraws* the accusation after it has been filed, terminating the prosecution of the accusation matter. A common reason for an accusation to be withdrawn is the death of the respondent against whom the accusation is filed. In other cases, the evidentiary basis for the matter may change during litigation, or evidence received from a respondent in the course of discovery may lead to re-evaluation of the merits of the case.

The withdrawal of an accusation is counted separately for each respondent named in the accusation.

(a)(7) The number of accusation matters adjudicated by the Attorney General.

*Adjudication* means that the work of the Office of the Attorney General has been completed and the case will be brought before the agency's decision maker for its final decision. There are four types of adjudicative events: (1) a default decision and order is prepared and sent to the agency because a respondent did not file a notice of defense or failed to appear at a duly noticed administrative hearing; (2) a stipulated settlement is signed by a respondent and sent to the agency, which considers the acceptance of the disposition of the matter for that respondent; (3) the submission of the case at the conclusion of an administrative hearing to an administrative law judge to prepare a proposed decision, and the decision is sent to the agency for its consideration; and (4) withdrawal of an accusation by the complainant, which terminates the matter. An adjudicative event for each respondent named in an accusation is necessary before the matter is fully adjudicated. Every adjudicative event that occurs during the reporting period is counted.

Multiple adjudicative events can also occur in cases with only a single respondent. This happens when an agency does not accept a stipulated settlement, does not adopt a proposed decision submitted by an administrative law judge, grants reconsideration of its decision, or when a superior court judge remands the matter to the agency for further consideration.

(b)(1) The average number of days from the Attorney General receiving an accusation referral to when an accusation is filed by the constituent entity.

The date that each accusation referral is received in the Office of the Attorney General is documented. The calculation of the average reported for subdivision (b)(1) begins on the date of receipt of the first accusation referral in each matter and ends on the date the complainant signs the initial accusation. Amended accusations received after the client agency's initial referral are not included in the average.

(b)(2) The average number of days to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received by the Attorney General from a constituent entity or the Division of Investigation.

*Prepare an accusation* in subdivision (b)(2) is different from *filing an accusation* in subdivision (b)(1). An accusation is *prepared* (i.e., the preparation is based on a deputy attorney general's familiarization with the technical subject matter issues, thorough review of the evidence and expert reports to determine chargeable causes for discipline, then drafting, and supervisorial review of the accusation) by the assigned deputy and then sent to the complainant at the agency to be reviewed, approved, and signed.

*Rereferred* means the date when supplemental investigation has been received by the Office of the Attorney General in response to a request for further investigation, or, in rare cases, following rejection of an accusation matter.

The calculation of the average reported for subdivision (b)(2) begins on the date each initial accusation referral was received in the Office of the Attorney General – including time for initial review of the matter, request for further investigation, further investigation conducted, receipt of the supplemental investigation by the Office of the Attorney General from the agency, re-review by the deputy, and the deputy preparing the accusation – and ends on the date the deputy sends the prepared accusation to the complainant for review and filing in each matter. The average may also include the review of additional referrals received while further investigation is being conducted on the initial referral.

Notably, the matters that required further investigation before preparation of an accusation reported in subdivision (b)(2) are included in the average number of days to file accusations reported in subdivision (b)(1). As a consequence, delays in *preparing* accusations for cases that required further investigation generally will increase the average number of days to *file* the agency's accusations (reported in subdivision (b)(1)).

(b)(3) The average number of days from an agency filing an accusation to the Attorney General transmitting a stipulated settlement to the constituent entity.

Settlements are negotiated according to authorization provided by the complainant based on the agency's published disciplinary guidelines. A stipulated settlement is provided to the agency's decision maker who decides whether to accept the settlement as its disposition of the case against the respondent.

The calculation of the average reported for subdivision (b)(3) begins on the date of filing for the initial accusation in each matter, and ends on the date the stipulated settlement for each respondent is sent to the agency for its consideration.

(b)(4) The average number of days from an agency filing an accusation to the Attorney General transmitting a default decision to the constituent entity.

If a respondent fails to send a notice of defense to the assigned deputy attorney general or agency within 15 days after service of the accusation, or fails to appear at a duly noticed administrative hearing on the accusation, the respondent is in default. The agency can opt to present the case to an administrative law judge without participation by the respondent, who has defaulted. However, most often the agency requests that the deputy prepare a default decision and order for the agency's decision maker to consider issuing as its final decision against the respondent. Many agencies have delegated authority to their executive officers to adopt default decisions as a matter of course, without consideration by the board itself.

The calculation of the average reported for subdivision (b)(4) begins on the date each initial accusation in a matter is filed, and ends on the date of transmission of the default decision and order to the agency for each respondent.

(b)(5) The average number of days from an agency filing an accusation to the Attorney General requesting a hearing date from the Office of Administrative Hearings.

After a notice of defense has been received from each respondent named in an accusation, the deputy attorney general assigned to the matter is responsible for coordinating with opposing counsel, unrepresented respondents, prosecution witnesses, and the Office of Administrative Hearings to determine a hearing date when everyone is available. The deputy attorney general prepares a request to set the hearing based on this coordination and sends it to the Office of Administrative Hearings to calendar the hearing.

The calculation of the average reported for subdivision (b)(5) begins on the date the initial accusation in each matter is filed, and ends on the date the request to set a hearing is sent to the Office of Administrative Hearings. Infrequently, a request to set a hearing is done more than once in a case, usually because a continuance has been granted. Only the first request to set a hearing in a case is included in calculating the average.

(b)(6) The average number of days from the Attorney General's receipt of a hearing date from the Office of Administrative Hearings to the commencement of a hearing.

When the Office of Administrative Hearings receives the request to set hearing sent by the deputy attorney general, the hearing date is set on its calendar and the parties are informed of the hearing date. Unless an intervening motion for a continuance is granted by an administrative law judge, the hearing will commence on that date and, depending on the length of the hearing and intervening factors, may conclude on the same day or at a later date.

The calculation of the average reported for subdivision (b)(6) begins on the date the deputy attorney general receives notice from the Office of Administrative Hearings that the hearing date has been set, and ends on the date the hearing actually commences. When motions to continue hearings are granted, the commencement of hearings are delayed, and the average number of days will increase as a consequence.

## METHODOLOGY

### Case Management System

This report is based on data entered by legal professionals in ProLaw, the case management system of the Office of the Attorney General. Each matter received from a client by the Licensing Section and the Health Quality Enforcement Section is opened in this system. Rules for data entry have been created by the sections and are managed by the Case Management Section of the Office of the Attorney General, which dictates the definitions, dating, entry, and documentation for each data point. Section-specific protocols, business processes, and uniform standards across all professionals responsible for data entry ensure the consistency, veracity, and quality of the reported data. The data entered have been verified to comply with established standards. The data markers in administrative cases have been used to generate the counts and averages in this report. Every effort has been made to report data in a transparent, accurate, and verifiable manner. The Office of the Attorney General continues to improve its technology, systems, and protocols, and to integrate these improvements into its business routines and operations.

### Data Presentation

The information required to be reported by Business and Professions Code section 312.2 has been organized separately for each constituent entity in the Department of Consumer Affairs represented by the Licensing Section and the Health Quality Enforcement Section of the Office of the Attorney General.

Each entry includes the number and types of licenses issued by the agency, which were taken from the 2020 Annual Report of the California Department of Consumer Affairs containing data from Fiscal Year 2019–20, or otherwise verified by the licensing agency. The report can be found online at: [https://www.dca.ca.gov/publications/2020\\_annrpt.pdf](https://www.dca.ca.gov/publications/2020_annrpt.pdf).

Each client agency is unique and cannot easily be compared to others. The following Department of Consumer Affairs website contains links for further information: [http://www.dca.ca.gov/about\\_dca/entities.shtml](http://www.dca.ca.gov/about_dca/entities.shtml).

Any applicable statute of limitations has been included for each client agency's entry, as well as the frequency of agency accusations naming more than one respondent.

Table 1 on the entry for each agency provides the *counts* for various aspects of accusation matters as requested under subdivision (a) of Business and Professions Code section 312.2, such as the number of accusation referrals received and the number of accusations filed (subds. (a)(1) and (a)(5)).

Table 2 provides metrics required under Business and Professions Code subdivision (b) of section 312.2, which are based on accusation matters adjudicated during the year as reported under subdivision (a)(7). We have included the mean, median, standard deviation, and number of values in the data set. The average expresses the central or typical value in a set of data, which is most commonly known as the arithmetic mean. The central value in an ordered set of data is the median. Compared to the median, the mean is more sensitive to extreme values, or *outliers*, and the number of values, or *sample size*. When the mean and median are nearly equivalent, that is a likely indicator that there are few extreme values in the data set. However, when there is a large difference between the mean and median, it is likely that extreme values are skewing the data. The standard deviation (SD) for a data set reflects dispersion. A low SD indicates that data points tend to be close to the mean, while a high SD indicates that data points are spread out over a wider range of values.

The individual client agency entries that follow have been organized in alphabetical order for convenience.



## California Board of Accountancy

The California Board of Accountancy regulated 108,168 licensees in Fiscal Year 2019–20, with six license types. Most complaints received by the board are investigated by the board's own investigators, who are either certified public accountants or analysts. Some investigations are assisted by the Office of Attorney General and the Board's Enforcement Advisory Committee through the taking of testimony under oath of licensees under investigation. There were multiple respondents in about 26 percent of the board's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	59
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	2
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	46
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	47

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	137	125	55	42
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	142	142	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	184	143	147	36
(4) from the filing of an accusation to when a default decision is sent to the agency.	64	66	20	7
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	127	127	77	2
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	202	202	62	2



## California Acupuncture Board

The California Acupuncture Board regulated 12,247 licensees in Fiscal Year 2019–20, with one license type — Licensed Acupuncturist. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	8
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	2
(5) accusations filed.	8
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	11

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	138	72	165	11
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	600	600	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	248	238	109	8
(4) from the filing of an accusation to when a default decision is sent to the agency.	314	314	138	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	116	56	120	4
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	174	174	0	1

## California Architects Board

The California Architects Board regulated 21,934 licensees in Fiscal Year 2019–20, with one license type — Architect. Most complaints received by the board are investigated by the Board’s own staff and architect consultants and, when appropriate, referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. The statute of limitations to file an accusation is generally five years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	6
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	7
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	5

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	95	86	33	5
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	187	187	0	1
(4) from the filing of an accusation to when a default decision is sent to the agency.	48	48	15	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	110	110	0	1
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	238	238	0	1

## California State Athletic Commission

The California State Athletic Commission regulated 2,338 licensees in Fiscal Year 2019–20 with eight license types. The commission referred three other matters to the Office of the Attorney General in Fiscal Year 2020–21, but did not refer any accusation matters. There is no statute of limitations within which to file accusations for this agency.

There were no accusation prosecution data for this agency in Fiscal Year 2020–21.

## Bureau of Automotive Repair

The Bureau of Automotive Repair regulated 70,891 licensees in Fiscal Year 2019–20, with nine license types. Complaints and other matters are investigated by the bureau's own program representatives. There were multiple respondents in approximately 33 percent of the bureau's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21. The statute of limitations to file an accusation is generally three years from the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	262
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	180
(6) accusations withdrawn.	6
(7) accusation matters adjudicated by the Attorney General.	350

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	146	115	118	262
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	283	226	210	3
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	350	307	210	180
(4) from the filing of an accusation to when a default decision is sent to the agency.	126	61	186	88
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	117	102	90	76
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	223	176	154	63

## Board of Barbering and Cosmetology

The Board of Barbering and Cosmetology regulated 620,227 licensees in Fiscal Year 2019–20 with 12 license types. The board receives consumer complaints and routinely inspects establishments for health and safety. The board's cases are investigated by the board's own inspectors or other staff, and when appropriate, may also be referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. Approximately 8 percent of the board's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21 had multiple respondents. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	15
(2) accusation matters rejected for filing by the Attorney General.	3
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	25
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	54

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	88	87	50	49
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	89	89	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	230	223	124	25
(4) from the filing of an accusation to when a default decision is sent to the agency.	83	57	68	14
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	140	109	125	18
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	120	126	58	11

## Board of Behavioral Sciences

The Board of Behavioral Sciences regulated 120,680 licensees in Fiscal Year 2019–20 with seven license types. Most complaints received by the board are investigated by the board's own investigators or staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	57
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	60
(6) accusations withdrawn.	2
(7) accusation matters adjudicated by the Attorney General.	73

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	72	65	45	70
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	160	160	59	2
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	178	153	109	49
(4) from the filing of an accusation to when a default decision is sent to the agency.	69	44	58	14
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	112	94	84	23
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	172	136	143	6

## Cemetery and Funeral Bureau

The Cemetery and Funeral Bureau regulated 13,093 licensees in Fiscal Year 2019–20 with 12 license types. Most complaints received by the bureau are investigated by the bureau’s field representatives or staff or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. Approximately 63 percent of the bureau’s accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21 had multiple respondents. The statute of limitations to file an accusation is generally three years from the act or omission for cemetery licensees and two years for funeral licensees charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	17
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	11
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	10

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	178	181	91	8
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	290	165	194	7
(4) from the filing of an accusation to when a default decision is sent to the agency.	164	161	66	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	182	168	132	3
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

## Board of Chiropractic Examiners

The Board of Chiropractic Examiners regulated 12,771 licensees in Fiscal Year 2019–20 with one license type — Doctor of Chiropractic. It also authorizes satellite offices, chiropractic corporations, and referral services. Most complaints received by the board are investigated by the board's own investigators or staff, or referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency. Effective July 1, 2019, all licensees subject to an order of probation issued on or after July 1, 2019 must provide a probation disclosure to their patients or their patients' guardians or health care surrogates prior to their first visit.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	41
(2) accusation matters rejected for filing by the Attorney General.	2
(3) accusation matters for which further investigation was requested by the Attorney General.	6
(4) accusation matters for which further investigation was received by the Attorney General.	7
(5) accusations filed.	32
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	26

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	116	88	110	26
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	193	142	74	3
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	292	230	226	21
(4) from the filing of an accusation to when a default decision is sent to the agency.	59	48	22	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	164	118	132	10
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	308	308	104	2



## Contractors State License Board

The Contractors State License Board regulated 306,147 licensees in Fiscal Year 2019–20 with two license types and many classifications, including General Contractor. Most complaints received by the board are investigated by the board’s own enforcement representatives, some of whom are sworn investigators. Approximately 28 percent of the board’s accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21 had multiple respondents, including licensees affiliated with respondents that are entities. The statute of limitations to file an accusation is generally four years from an act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	220
(2) accusation matters rejected for filing by the Attorney General.	2
(3) accusation matters for which further investigation was requested by the Attorney General.	7
(4) accusation matters for which further investigation was received by the Attorney General.	11
(5) accusations filed.	168
(6) accusations withdrawn.	7
(7) accusation matters adjudicated by the Attorney General.	355

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	174	117	155	286
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	315	254	246	16
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	351	307	233	124
(4) from the filing of an accusation to when a default decision is sent to the agency.	123	63	158	126
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	141	128	71	69
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	202	158	109	72

## Court Reporters Board of California

The Court Reporters Board of California regulated 6,085 licensees in Fiscal Year 2019–20, with one license type — Certified Shorthand Reporter. Most complaints received by the board are investigated by the board’s own staff, or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	4
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	4
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	4

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	102	101	17	4
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	196	196	138	2
(4) from the filing of an accusation to when a default decision is sent to the agency.	72	72	30	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	0	0	0	0

## Dental Board of California

The Dental Board of California regulated 195,495 licensees in Fiscal Year 2019–20, with 16 license types. Most complaints received by the board are investigated by the board’s own staff or investigators, some of whom are sworn investigators. They may also be referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	118
(2) accusation matters rejected for filing by the Attorney General.	2
(3) accusation matters for which further investigation was requested by the Attorney General.	8
(4) accusation matters for which further investigation was received by the Attorney General.	6
(5) accusations filed.	97
(6) accusations withdrawn.	4
(7) accusation matters adjudicated by the Attorney General.	65

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	92	54	91	62
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	158	104	94	3
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	327	309	204	44
(4) from the filing of an accusation to when a default decision is sent to the agency.	51	42	17	7
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	187	144	158	21
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	278	225	121	9

## Dental Hygiene Board of California

The Dental Hygiene Board of California regulated 18,671 licensees in Fiscal Year 2019–20, with four license types. Most complaints received by the board are investigated by board staff: an enforcement analyst and a non-sworn special investigator. However, some complaints require assistance from Dental Board Investigators, who are sworn officers and have jurisdiction over a dental office. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	3
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	8
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	11

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	79	85	41	8
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	264	264	74	6
(4) from the filing of an accusation to when a default decision is sent to the agency.	69	69	43	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	114	120	46	4
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	216	216	0	1

## Bureau of Household Goods and Services

The Bureau of Household Goods and Services regulated 43,491 licensees in Fiscal Year 2019–20 with 16 license types. Most complaints received by the bureau are investigated by the bureau's own investigators or staff, or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. There is no statute of limitations within which to file accusations for this agency.

There were no accusation prosecution data for this agency in Fiscal Year 2020–21.

## Landscape Architects Technical Committee

The Landscape Architects Technical Committee regulated 3,729 licensees in Fiscal Year 2019–20, with one license type — Landscape Architect. Most complaints received by the committee are investigated by the committee's own enforcement staff, and some are reviewed by the committee's subject matter experts. When appropriate, complaints may be referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

There were no accusation prosecution data for this agency in Fiscal Year 2020–21.

## Licensed Midwives Program (Medical Board of California)

The Medical Board of California regulated 460 licensees in Fiscal Year 2019–20, with one license type — Licensed Midwife. Complaints received by the Midwives Program are investigated by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. There is no specific statute of limitations within which to file accusations for this program. However, because licensed midwives are within the jurisdiction of the Medical Board of California, accusations are filed within the same limitations period pertaining to the Medical Board, which is generally three years from the discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	3
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	2
(5) accusations filed.	2
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	2

Table 2 are based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	105	105	0	2
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	775	775	0	2
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0

## Medical Board of California

The Medical Board of California regulated 167,727 licenses, registrations, and permits of nine types in Fiscal Year 2019–20 (excluding Licensed Midwives, data for which is set forth on the preceding page). Data for Physicians and Surgeons, Research Psychoanalysts, and Polysomnographic Program are consolidated below. Complaints received by the Board are investigated by its in-house Complaint Investigation Office or by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	616
(2) accusation matters rejected for filing by the Attorney General.	124
(3) accusation matters for which further investigation was requested by the Attorney General.	87
(4) accusation matters for which further investigation was received by the Attorney General.	354
(5) accusations filed.	472
(6) accusations withdrawn.	19
(7) accusation matters adjudicated by the Attorney General.	379

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	91	69	84	369
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	167	135	122	23
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	324	283	204	271
(4) from the filing of an accusation to when a default decision is sent to the agency.	103	52	113	26
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	181	119	191	135
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	211	174	148	61



## Naturopathic Medicine Committee

The Naturopathic Medicine Committee regulated 1,172 licensees in Fiscal Year 2019–20, with one type of license — Naturopathic Doctor. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. The Committee did not refer any accusation matters in Fiscal Year 2020–21. There is no statute of limitations within which to file accusations for this agency.

There was no accusation prosecution data for this agency in Fiscal Year 2020–21.

## California Board of Occupational Therapy

The Board of Occupational Therapy regulated 18,308 licensees in Fiscal Year 2019–20, with two license types. Most complaints received by the board are investigated by the board's own investigators or staff, or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	14
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	17
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	15

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	104	82	57	14
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	175	137	118	7
(4) from the filing of an accusation to when a default decision is sent to the agency.	65	30	75	5
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	102	82	41	3
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	149	149	2	2

## California State Board of Optometry

The Board of Optometry includes the Dispensing Optician Committee. The board regulated 31,937 licensees in Fiscal Year 2019–20, with 11 types of licenses, including those for Optometrist and Registered Dispensing Optician. Most complaints received by the board are investigated by the board's own staff, or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. The board does not employ its own investigators. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	3
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	1
(6) accusations withdrawn.	1
(7) accusation matters adjudicated by the Attorney General.	6

Table 2 are based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	128	130	34	6
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	69	69	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	241	257	54	3
(4) from the filing of an accusation to when a default decision is sent to the agency.	154	154	0	1
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	63	63	0	1
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	69	69	0	1

## Osteopathic Medical Board of California

The Osteopathic Medical Board of California regulated 13,212 licenses and registrations in Fiscal Year 2019–20, with two types of licenses — Osteopathic Physician and Surgeon, and Postgraduate Training License. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	17
(2) accusation matters rejected for filing by the Attorney General.	3
(3) accusation matters for which further investigation was requested by the Attorney General.	5
(4) accusation matters for which further investigation was received by the Attorney General.	4
(5) accusations filed.	10
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	10

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	100	86	70	10
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	136	136	88	2
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	272	275	129	9
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	184	171	140	5
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	235	235	0	1

## California State Board of Pharmacy

The Board of Pharmacy regulated 141,741 licensees in Fiscal Year 2019–20, with 32 license types. The board receives consumer complaints and routinely inspects pharmacies for compliance. Most complaints received by the board are investigated by the board's own inspectors, who are licensed pharmacists themselves. There were multiple respondents in about 43 percent of the board's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	352
(2) accusation matters rejected for filing by the Attorney General.	3
(3) accusation matters for which further investigation was requested by the Attorney General.	13
(4) accusation matters for which further investigation was received by the Attorney General.	19
(5) accusations filed.	200
(6) accusations withdrawn.	5
(7) accusation matters adjudicated by the Attorney General.	305

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	178	128	165	216
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	270	217	215	16
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	362	315	252	199
(4) from the filing of an accusation to when a default decision is sent to the agency.	107	60	130	68
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	118	99	71	63
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	163	144	90	30

## Physical Therapy Board of California

The Physical Therapy Board of California regulated 41,986 licensees in Fiscal Year 2019–20, with two license types — Physical Therapist and Physical Therapist Assistant. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	33
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	7
(4) accusation matters for which further investigation was received by the Attorney General.	9
(5) accusations filed.	33
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	22

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	101	76	68	22
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	256	279	102	13
(4) from the filing of an accusation to when a default decision is sent to the agency.	64	67	23	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	98	92	75	10
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	257	222	143	6

## Physician Assistant Board

The Physician Assistant Board regulated 13,927 licensees in Fiscal Year 2019–20, with one license type — Physician Assistant. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. There is no statute of limitations within which to file accusations for this agency. The Board followed the Medical Board of California's limitations period, generally three years from discovery of the act or omission charged in the accusation, until December 2019.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	25
(2) accusation matters rejected for filing by the Attorney General.	6
(3) accusation matters for which further investigation was requested by the Attorney General.	7
(4) accusation matters for which further investigation was received by the Attorney General.	9
(5) accusations filed.	23
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	21

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	84	60	93	20
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	304	304	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	317	269	232	16
(4) from the filing of an accusation to when a default decision is sent to the agency.	86	85	14	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	230	91	242	7
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	570	570	248	2

## Podiatric Medical Board

The Podiatric Medical Board regulated 2,563 licensees in Fiscal Year 2019–20 with three license types, including Doctor of Podiatric Medicine. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Health Quality Investigation Unit. The statute of limitations generally requires accusations to be filed within three years after the discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	13
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	3
(5) accusations filed.	15
(6) accusations withdrawn.	2
(7) accusation matters adjudicated by the Attorney General.	8

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	76	46	75	8
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	382	350	265	7
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	137	85	101	5
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	0	0	0	0



## Bureau for Private Postsecondary Education

The Bureau for Private Postsecondary Education issues three types of approvals that authorize private postsecondary institutions to operate. It regulated 1,047 licensees in Fiscal Year 2019–20. The bureau does not employ investigators and most complaints are investigated by the board's own staff or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	11
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	2
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	11
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	16

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	107	88	57	15
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	83	83	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	193	149	124	7
(4) from the filing of an accusation to when a default decision is sent to the agency.	89	49	89	7
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	178	178	0	1
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	153	153	0	1

## Board for Professional Engineers, Land Surveyors, and Geologists

The Board for Professional Engineers, Land Surveyors, and Geologists regulated 177,602 licensees in Fiscal Year 2019–20 with 27 license types. The board does not employ investigators and most complaints are investigated by the board's own staff or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit, when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	23
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	28
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	31

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	90	85	49	30
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	248	215	172	20
(4) from the filing of an accusation to when a default decision is sent to the agency.	120	43	178	6
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	160	74	178	10
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	177	146	68	3

## Professional Fiduciaries Bureau

The Professional Fiduciaries Bureau regulated 766 licensees in Fiscal Year 2019–20, with one license type — Professional Fiduciary. Complaints received by the bureau are investigated by the bureau’s own staff, or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	0
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	0
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	3

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	120	101	34	3
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	330	269	203	3
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	0	0	0	0

## California Board of Psychology

The California Board of Psychology regulated 23,441 licensees in Fiscal Year 2019–20, with three license types — Psychologist, Psychological Assistant, and Registered Psychologist. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	52
(2) accusation matters rejected for filing by the Attorney General.	3
(3) accusation matters for which further investigation was requested by the Attorney General.	4
(4) accusation matters for which further investigation was received by the Attorney General.	7
(5) accusations filed.	42
(6) accusations withdrawn.	2
(7) accusation matters adjudicated by the Attorney General.	40

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	96	95	68	38
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	162	126	60	3
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	227	226	124	32
(4) from the filing of an accusation to when a default decision is sent to the agency.	212	159	93	3
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	134	99	116	13
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	156	156	38	2

## Bureau of Real Estate Appraisers

The Bureau of Real Estate Appraisers regulated 10,353 licensees in Fiscal Year 2019–20, with six license types. Most complaints received by the bureau involved violations of the Uniform Standards of Professional Appraisal Practice and are investigated by the bureau’s own staff of investigators who each hold a certified appraiser license. Federal law directs the resolution of administrative actions within one year after a complaint is filed with the bureau.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	3
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	4
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	4

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	61	44	38	4
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	44	44	0	1
(4) from the filing of an accusation to when a default decision is sent to the agency.	24	24	1	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	17	17	0	1
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	189	189	0	1

## Board of Registered Nursing

The Board of Registered Nursing regulated 557,964 licensees in Fiscal Year 2019–20, with 10 license types. Most complaints received by the board are investigated by the board’s own staff of investigators, or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	647
(2) accusation matters rejected for filing by the Attorney General.	49
(3) accusation matters for which further investigation was requested by the Attorney General.	62
(4) accusation matters for which further investigation was received by the Attorney General.	48
(5) accusations filed.	597
(6) accusations withdrawn.	41
(7) accusation matters adjudicated by the Attorney General.	735

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	98	75	87	719
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	186	137	149	46
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	213	198	121	427
(4) from the filing of an accusation to when a default decision is sent to the agency.	63	44	60	150
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	108	88	72	211
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	201	175	109	110

## Respiratory Care Board of California

The Respiratory Care Board of California regulated 23,588 licensees in Fiscal Year 2019–20, with one license type — Respiratory Care Practitioner. Complaints received by the Board are investigated by Board staff. The statute of limitations to file an accusation is generally three years from discovery of the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	29
(2) accusation matters rejected for filing by the Attorney General.	2
(3) accusation matters for which further investigation was requested by the Attorney General.	0
(4) accusation matters for which further investigation was received by the Attorney General.	2
(5) accusations filed.	30
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	31

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	72	72	49	31
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	127	127	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	172	182	79	19
(4) from the filing of an accusation to when a default decision is sent to the agency.	62	66	13	7
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	87	60	50	9
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	331	184	310	5

## Bureau of Security and Investigative Services

The Bureau of Security and Investigative Services regulated 412,071 licensees in Fiscal Year 2019–20 with 23 license types. Most complaints received by the bureau are investigated by the bureau's own staff, or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. About 6 percent of the bureau's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21 had multiple respondents. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	29
(2) accusation matters rejected for filing by the Attorney General.	1
(3) accusation matters for which further investigation was requested by the Attorney General.	3
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	17
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	21

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	130	102	84	20
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	262	262	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	512	512	232	2
(4) from the filing of an accusation to when a default decision is sent to the agency.	135	118	74	13
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	262	182	219	4
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	130	148	36	6



## Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board regulated 35,171 licensees in Fiscal Year 2019–20 with 12 license types, including Speech and Language Pathologist, Audiologist, Dispensing Audiologist, Speech Language Pathology Assistant, and Hearing Aid Dispenser. Complaints received by the Board are investigated by the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There is no generally applicable statute of limitations within which to file accusations for this agency, with the exception of certain kinds of violations for which an accusation must be filed within three or four years from the act or omission charged in the accusation.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	10
(2) accusation matters rejected for filing by the Attorney General.	2
(3) accusation matters for which further investigation was requested by the Attorney General.	3
(4) accusation matters for which further investigation was received by the Attorney General.	3
(5) accusations filed.	9
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	3

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	203	79	219	3
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	144	144	94	2
(4) from the filing of an accusation to when a default decision is sent to the agency.	0	0	0	0
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	0	0	0	0
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	264	264	0	1

## Structural Pest Control Board

The Structural Pest Control Board regulated 28,945 licensees in Fiscal Year 2019–20, with five license types. Most complaints received by the board are investigated by the board's own staff of investigators, or are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. There were multiple respondents in about 22 percent of the board's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21. The statute of limitations requires a complaint to be received by the board within two years from an alleged act or omission, and generally the accusation must be filed within 18 months after the board's receipt of the complaint.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	24
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	1
(5) accusations filed.	20
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	39

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	77	89	49	27
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	0	0	0	0
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	205	242	109	16
(4) from the filing of an accusation to when a default decision is sent to the agency.	113	82	104	14
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	120	70	90	7
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	222	218	17	3

## Veterinary Medical Board

The Veterinary Medical Board regulated 36,093 licensees in Fiscal Year 2019–20, with seven license types. The board receives consumer complaints and routinely inspects veterinary hospital premises for compliance. The board's cases are investigated by the board's own inspectors or other staff and, when appropriate, may also be referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit. There were multiple respondents in about 12 percent of the board's accusation cases prosecuted by the Office of the Attorney General in Fiscal Year 2020–21. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	23
(2) accusation matters rejected for filing by the Attorney General.	0
(3) accusation matters for which further investigation was requested by the Attorney General.	1
(4) accusation matters for which further investigation was received by the Attorney General.	0
(5) accusations filed.	10
(6) accusations withdrawn.	0
(7) accusation matters adjudicated by the Attorney General.	18

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	176	88	150	17
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	563	563	0	1
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	445	274	364	12
(4) from the filing of an accusation to when a default decision is sent to the agency.	42	42	7	2
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	318	202	231	3
(6) from the Attorney General's receipt of a hearing date to the commencement of a hearing.	281	193	137	3

## Board of Vocational Nursing and Psychiatric Technicians

The Board of Vocational Nursing and Psychiatric Technicians regulated 139,409 licensees in Fiscal Year 2019–20 with two license types — Vocational Nurse and Psychiatric Technician. Most complaints received by the board are investigated by the board’s own staff or investigators, and are referred to the Department of Consumer Affairs Division of Investigation, Investigations and Enforcement Unit when appropriate. There is no statute of limitations within which to file accusations for this agency.

The tables below show data for Fiscal Year 2020–21.

Table 1 – Business and Professions Code Section 312.2, Subdivision (a)	
Number of –	Count
(1) accusation matters referred to the Attorney General.	228
(2) accusation matters rejected for filing by the Attorney General.	8
(3) accusation matters for which further investigation was requested by the Attorney General.	11
(4) accusation matters for which further investigation was received by the Attorney General.	13
(5) accusations filed.	192
(6) accusations withdrawn.	3
(7) accusation matters adjudicated by the Attorney General.	216

Table 2 is based on the adjudicated accusation matters reported under Business and Professions Code section 312.2, subdivision (a)(7) in Table 1.

Table 2 – Business and Professions Code Section 312.2, Subdivision (b)				
Average number of days for adjudicated accusation matters –	Mean	Median	SD	Count
(1) from receipt of referral by the Attorney General to when an accusation is filed.	88	71	81	213
(2) to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received.	231	217	163	7
(3) from the filing of an accusation to when a stipulated settlement is sent to the agency.	210	203	132	79
(4) from the filing of an accusation to when a default decision is sent to the agency.	68	47	62	73
(5) from the filing of an accusation to the Attorney General requesting a hearing date.	90	67	63	64
(6) from the Attorney General’s receipt of a hearing date to the commencement of a hearing.	165	147	84	57

## CONCLUSION

Over time, this report will reveal trends and correlations that can be used to drive beneficial changes in business processes. We anticipate that this report will facilitate collaboration among the Office of the Attorney General, Office of Administrative Hearings, and Department of Consumer Affairs, all of which join in responsibility for protection of the public through efficiency in adjudicating accusation matters.

This Attorney General's Annual Report on Accusations Prosecuted for Department of Consumer Affairs Client Agencies is also available on the Attorney General's website at:  
<http://oag.ca.gov/publications>.

If you have any questions regarding this report, or if you would like additional information, please contact Jonathan L. Wolff, Chief Assistant Attorney General, at (415) 510-3749.

## APPENDIX

Business and Professions Code section 312.2 states:

- (a) The Attorney General shall submit a report to the department, the Governor, and the appropriate policy committees of the Legislature on or before January 1, 2018, and on or before January 1 of each subsequent year that includes, at a minimum, all of the following for the previous fiscal year for each constituent entity within the department represented by the Licensing Section and Health Quality Enforcement Section of the Office of the Attorney General:
  - (1) The number of accusation matters referred to the Attorney General.
  - (2) The number of accusation matters rejected for filing by the Attorney General.
  - (3) The number of accusation matters for which further investigation was requested by the Attorney General.
  - (4) The number of accusation matters for which further investigation was received by the Attorney General.
  - (5) The number of accusations filed by each constituent entity.
  - (6) The number of accusations a constituent entity withdraws.
  - (7) The number of accusation matters adjudicated by the Attorney General.
- (b) The Attorney General shall also report all of the following for accusation matters adjudicated within the previous fiscal year for each constituent entity of the department represented by the Licensing Section and Health Quality Enforcement Section:
  - (1) The average number of days from the Attorney General receiving an accusation referral to when an accusation is filed by the constituent entity.
  - (2) The average number of days to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received by the Attorney General from a constituent entity or the Division of Investigation.
  - (3) The average number of days from an agency filing an accusation to the Attorney General transmitting a stipulated settlement to the constituent entity.
  - (4) The average number of days from an agency filing an accusation to the Attorney General transmitting a default decision to the constituent entity.
  - (5) The average number of days from an agency filing an accusation to the Attorney General requesting a hearing date from the Office of Administrative Hearings.

- (6) The average number of days from the Attorney General's receipt of a hearing date from the Office of Administrative Hearings to the commencement of a hearing.
- (c) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.



## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Adina A. Pineschi-Petty DDS Education, Legislative, and Regulatory Specialist
<b>SUBJECT</b>	<b>FULL 12: Status of Dental Hygiene Board of California (DHBC) Regulatory Packages</b>

Rulemaking File	Board Approved Language	Package Assembly Progress	Formal DCA Review	DCA Director Review	Agency Review	OAL Notice Filed/ Published	OAL Final Filed	Submitted to Secretary of State/ Effective Date
<b>1135-1137</b> AB 2138	4.13.19	X	5.20.19	9.11.19	11.14.19	1.07.20/ 1.17.20	8.25.20	2.5.21/ 2.5.21
<b>1115</b> Retired License	1.29.19 Board to consider modified forms 3.19.22	X	5.20.19	9.4.20	9.21.20	5.28.21/ 6.11.21 15-day MT comment period ended 2.14.22		
<b>1109</b> RDM/ITR	1.29.19	X	7.30.19	4.21.20	6.1.20	7.21.20/ 7.31.20	4.16.21	9.27.21/ 1.1.22
<b>1107</b> SLN	11.17.18	X	9.26.19	4.21.20	5.13.20	7.21.20/ 8.14.20	1.4.21	4.20.21/ 7.1.21
<b>1103</b> Definitions	5.29.20	X	7.15.20	11.15.20	11.18.20	3.26.21/ 4.9.21	8.2.21	11.1.21/ 1.1.22
<b>1104</b> Approval/ Continuation of Approval of New RDH Programs	5.29.20	X	7.15.20	11.15.20	11.19.20	1.4.21/ 1.15.21	6.10.21	8.18.21/ 10.1.21
<b>1105</b> Requirements for DHEPs	11.23.19	X	9.17.20	5.27.21	6.10.21	7.27.21/ 8.6.21	12.13.21	1.25.22/ 4.1.22



Rulemaking File	Board Approved Language	Package Assembly Progress	Formal DCA Review	DCA Director Review	Agency Review	OAL Notice Filed/ Published	OAL Final Filed	Submitted to Secretary of State/ Effective Date
<b>1104.3</b> Inspections, Cite, Fine, and Probation for DHEPs	5.29.20	X	9.24.20					
<b>1105.2</b> DHEP Required Curriculum	5.29.20	X	9.21.20	10.30.21	11.1.21	11.2.21/ 11.12.21	2.16.22	
<b>1138.1</b> Unprofessional Conduct	11.21.20 Board to consider modified text 3.19.22	X	1.19.21	7.8.21	7.27.21	9.14.21/ 9.24.21	12.16.21  Withdrawn 1.27.22  15-day MT notice ended 3.11.22	
<b>1117</b> RDHAP/ Dentist Relationship	8.29.20	X	1.22.21	5.7.21	10.13.21	10.18.21/ 10.29.21	2.16.22	
<b>1118</b> RDHAP STC & LA	7.17.21	X	7.30.21	10.6.21	10.6.21	11.2.21/ 11.12.21	12.30.21	2.10.22/ 4.1.22
<b>1104.1</b> Process for Approval of New RDH Program	Board to consider text 3.19.22  Due to SB 534							
<b>1114</b> Licensure: Veterans and Military Spouses	In progress  Due to AB 107							
<b>1116</b> Mobile Dental Hygiene Clinics	In progress  Due to SB 534							
<b>1116.5</b> RDHAP Practice Registration	In progress  Due to SB 534							

**Processing Times**

- A rulemaking file must be completed within one year of the publication date of the Notice of Proposed Action. The Office of Administrative Law (OAL) issues the Notice File Number upon filing the Notice of Proposed Action.
- The DCA is allowed thirty calendar days to review the rulemaking file prior to submission to the Department of Finance (DOF).
- The DOF is allowed thirty days to review the rulemaking file prior to submission to the OAL.
- The OAL is allowed thirty working days to review the file and determine whether to approve or disapprove it. The OAL issues the Regulatory Action Number upon submission of the rulemaking file for final review.
- Pursuant to Government Code section 11343.4, as amended by Section 2 of Chapter 295 of the Statutes of 2012 (SB 1099, Wright), regulation effective dates are as follows:

<b>Date Filed with the Secretary of State</b>	<b>Effective Date</b>
September 1st – November 30th .....	January 1st
December 1st – February 29th .....	April 1st
March 1st – May 31st .....	July 1st
June 1st – August 31st .....	October 1st

## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Adina Pineschi-Petty DDS Education, Legislative, and Regulatory Specialist
<b>SUBJECT</b>	<b>FULL 13: Discussion and Possible Action to Amend 16 CCR Section 1104.1: Process for Approval of a New RDH Educational Program.</b>

## BACKGROUND

Senate Bill (SB) 534 (Jones, Chapter 491, Statutes of 2021) authorizes the Board to require a new educational program for registered dental hygienists in alternative practice (RDHAPs) or registered dental hygienists in extended functions (RDHEFs) to submit a feasibility study demonstrating a need for a new educational program and to apply for approval from the Board before seeking approval for initial accreditation from the Commission on Dental Accreditation or an equivalent body, as determined by the Board.

## STAFF RECOMMENDATION

Staff recommends the Board review the proposed amended language and associated form in the attached documents, determine whether additional information or language is required, complete the draft of the proposed regulatory language and associated form, and direct staff to submit the language to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation at Section 1104.1 as noticed.

## PROPOSED MOTION LANGUAGE

Approve the proposed amended language and associated form for section 1104.1 and direct staff to submit the language to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the

Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation at Section 1104.1 as noticed.

**Pros:** Amending the regulation related to approval of new educational programs will require new programs for RDHAPs and RDHEFs to submit a feasibility study demonstrating a need for a new educational program prior to approval by the Board. This will also prohibit programs from being opened simply for monetary gain.

**Cons:** If the proposed amended language and form are not approved for section 1104.1, the proposal will not move forward in the regulatory process.

**Documents Included for Reference for Section 1104.1:**

1. Proposed Amended Regulatory Language for 1104.1.
2. Associated Form (DHBC EDP-I-01 New 03.2022).
3. SB 534.

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

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Deleted text is indicated by <del>strikeout</del> .
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**Amend §1104.1 of Title 16 of the California Code of Regulations (CCR) to read as follows:**

§ 1104.1. Process for Approval of a New RDH Educational Program.

- (a) A college or an institution of higher education applying for approval of a new educational program for registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions (collectively RDH's) shall comply with the requirements specified in the ~~Committee's~~ Dental Hygiene Board's document entitled, "Instructions for Institutions Seeking Approval of a New RDH Educational Program", (EDP-I-01 Rev-~~12/15~~ 03/2022), ("Instructions"), which is hereby incorporated by reference, including:
- (1) Notify the ~~Committee~~ Dental Hygiene Board in writing of its intent to offer a new educational program that complies with ~~Committee~~ Dental Hygiene Board requirements;
  - (2) Submit a feasibility study in accordance with the requirements specified in the "Instructions" for approval as referenced in Business and Professions Code (BPC) section 1941(b);
  - (3) The ~~Committee~~ Dental Hygiene Board shall review the feasibility study and approve or deny approval of the study as specified in the "Instructions".
- (b) After approval of the feasibility study by the ~~Committee~~ Dental Hygiene Board, and at least twelve (12) months prior to the proposed date for enrollment of students, the educational program shall submit ~~CODA's~~ the Commission on Dental Accreditation's (CODA), or an equivalent accrediting body's, as determined by the Dental Hygiene Board, required documents to the ~~Committee~~ Dental Hygiene Board in accordance with the requirements specified in the "Instructions". This includes a Self-Study Report that delineates how the proposed program plans to comply with the CODA accreditation standards ~~contained in CODA's "Accreditation Standards for Dental Hygiene Education Programs" (As Last Revised: February 6, 2015)~~ which is hereby incorporated by reference as required by section 1104(b)(1).
- (c) The required documents shall be reviewed by the ~~Committee~~ Dental Hygiene Board and site visit shall be scheduled in accordance with the requirements specified in the "Instructions".

- (d) The ~~Committee~~ Dental Hygiene Board may approve, provisionally approve, or deny approval of the educational program in accordance with the requirements specified in the "Instructions".
- (e) The educational program shall notify the ~~Committee~~ Dental Hygiene Board in writing of any substantive or major change in information contained in the required approval documents within 10 days of such change. A substantive or major change is one that affects the original submission, where without the submission of the new information the request for approval for a new educational program would be false, misleading, or incomplete.

Note: Authority cited: Sections 1905 and 1906, Business and Professions Code.  
Reference: Sections 1905, 1941 and 1944, Business and Professions Code.

State of California  
**DENTAL HYGIENE ~~COMMITTEE~~ BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**

**Feasibility Study Instructions Form EDP-I-01 Rev ~~12/1503/2022~~**

**INSTRUCTIONS FOR INSTITUTIONS SEEKING APPROVAL OF A NEW RDH  
EDUCATIONAL PROGRAM**

(Business and Professions Code sections 1941 and 1944(a)(9); California Code of Regulations, title 16, section 1104.1)

The Dental Hygiene ~~Committee~~ Board of California (~~DHCC-DHBC~~ or Committee Board) is the agency authorized to approve all new educational programs for ~~Registered Dental Hygienists~~, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions (collectively RDHs).

Representatives of institutions proposing the development of a new RDH educational program are required by law to submit a feasibility study demonstrating a need for a new RDH educational program (Business and Professions Code (BPC) Section 1941).

**BPC § 1941. ~~Committee~~ Board approval of educational programs:**

- (a) ~~The committee 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 RDHs 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 committee dental hygiene board.~~
- (b) ~~A new educational program for registered dental hygienists RDHs shall submit a feasibility study demonstrating a need for a new educational program and shall apply for approval from the committee 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 committee dental hygiene board. The committee dental hygiene board may approve, provisionally approve, or deny approval of any such a new educational program for RDHs.~~
- (c) ~~For purposes of this section, a new educational program for registered dental hygienists RDHs 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 committee dental hygiene board.~~
- (d) For purposes of this section, "RDHs" means registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

**FEE REQUIRED: A check in the amount of \$2,100, pursuant to ~~Business and Professions Code BPC~~ Section 1944(a)(9), made payable to the "Dental Hygiene ~~Committee Board~~ of California or ~~DHCC DHBC~~", must be submitted with the feasibility study. *This fee is non-refundable.* Payment of the fee does not guarantee ~~DHCC DHBC~~ approval.**

The process shall be completed within one year of receipt of the application for the feasibility study and payment of the required fee, unless an extension is granted by the ~~DHCC DHBC~~ executive officer, or his/her designee. An extension may be granted at the discretion of the executive officer or his/her designee for administrative purposes and/or requests for additional information. For example, an institution may undergo a natural disaster, or be unable to complete construction of a new facility due to extenuating circumstances out of its control. If the one-year period expires, the process ends, and a new fee shall be required for re-submission.

### **STEP 1 – Submit a Letter of Intent:**

Submit a letter of intent to the ~~DHCC DHBC~~ at least one year in advance of the anticipated date of admission of students. The letter shall include:

- Name and address of the institution seeking approval
- Contact information for the person responsible for the feasibility study
- Type of degree granted
- Length of proposed program
- Anticipated enrollment
- Proposed start date

The letter shall be addressed to:

Executive Officer  
Dental Hygiene ~~Committee Board~~ of California  
2005 Evergreen Street, Suite-2050 1350  
Sacramento, CA 95815

The ~~DHCC DHBC~~ shall acknowledge receipt of the letter of intent. Upon receipt of the letter of acknowledgment from the ~~DHCC DHBC~~, the institution shall have up to six (6) months to submit **Step 2 - Feasibility Study**.

### **STEP 2 – Submit Feasibility Study:**

Submit a feasibility study to the ~~DHCC DHBC~~ documenting the need for a new RDH educational program and the ability to develop, implement, and sustain an educational program for registered dental hygienists. The feasibility study shall include the following:

A. The feasibility study shall contain a "Table of Contents" with the following required sections addressed in detail:



- 1) **Rationale for Development of New Educational Program**
- 2) **Structure and Governance**
- 3) **Facilities and Resources**
- 4) **Cost-Revenue Projections with detailed 5-year budget**
- 5) **Students and Student Services**

- B. Pages in the body of the feasibility study shall be numbered consecutively to facilitate the review.
- C. Attachments and appendices shall be tabbed and numbered consecutively.
- D. Required Sections:

**1) Rationale for the Development of New Educational Program**

Provide rationale for development of a new program, including statistical data and other relevant information that addresses:

- a. Regional labor statistics regarding projected need for this type of licensee
  - Provide summary comments and tables as necessary and cite original source of information from the California Employment Development Department – Labor Market Information or an equivalent State or County agency.
- b. Potential local/regional industry employment statistics regarding current open positions and projected needs for additional licensees including any workforce shortage areas.
  - Copy of source data used
  - Summary of findings
  - Tabulated results
- c. Description of the characteristics of the population in the community being served by the program including oral health needs.
- d. Impact on RDH educational programs within a 100 miles radius of the proposed program by contacting all approved existing educational programs in regard to:
  - Locale, region, or state(s) from which students are drawn.
  - Whether there is a "waiting list" or more qualified applicants than admitted annually.
  - Length of time it takes licensed graduates to obtain gainful employment (at least 3 days per week) in dental hygiene.
- e. Description of the length of the program, type of degree(s) granted, the intended start date projected size of the first class, and enrollment projection for the first five years and method for determining the projected enrollment.

- f. Plans for promoting and marketing the proposed program.
- g. Projected timeline for planning and initiating program.

## 2) Structure and Governance

Description of the institution and the institution's experience providing dental hygiene or other health-related educational programs. The description must include:

- a. Institutional accreditation status and history such as date of initial accreditation, denials, revocations, warnings for the institution and any programs offered by the institution.
- b. History, organizational structure and programs (attach an organization chart).
- c. Geographic area (community) served by the institution and a description of the community and its population.
- d. Institution's strategic plan.
- e. Type of ~~dental hygiene~~ RDH or other health-related programs including: number of students currently enrolled and graduates by program type; passage rate on any required certification or licensing examination for the past five years (as applicable); and status of the program with any state, regional, or federal agency.
- f. If the ~~educational program~~ institution does not have a ~~dental hygiene~~ an RDH educational program or other health-related programs, provide a statement related to the processes and resources it shall utilize to start and sustain a ~~registered dental hygiene~~ an RDH educational program.

## 3) Facilities and Resources

Describe physical location of proposed RDH program.

- a. Describe space committed to the program and provide copies of floor plans to include faculty and staff offices, classrooms, laboratories, clinical facilities, and storage areas.
- b. Provide status report on construction or renovation of physical facilities.
- c. List educational resources, equipment, supplies purchased or to be purchased for the program.

## 4) Cost-Revenue Projections

Start-up Budget and Funding Sources

- a. Local, state, and federal support
- b. Projected student fees
- c. Grant support
- d. Support from other entities such as funding from corporate, private industry, professional associations, donations
- e. Projected clinic revenue

Include a 5-year capital and operational line item budget that includes projected

costs for proposed program which includes:

- I. Capital Expenditures
  - A. Facilities (for example):
    - 1. Clinic
    - 2. Laboratory
    - 3. Locker Room
    - 4. Reception Room
    - 5. Faculty & staff offices
    - 6. Other (specify)
  - B. Equipment (for example):
    - 1. Dental Units
    - 2. Radiography (unit.)
    - 3. Laboratory
    - 4. Instructional equipment
    - 5. Other (specify)
- II. Non-capital Expenditures
  - A. Instructional materials, e.g., slides, films
  - B. Clinic supplies
  - C. Laboratory supplies
  - D. Office supplies
  - E. Program library collection
    - 1. Institutional
    - 2. Departmental
  - F. Equipment maintenance and replacement
  - G. Other (specify)
- III. Faculty
  - A. Salaries
  - B. Benefits
  - C. Professional Development
  - D. Travel for Student Supervision
  - E. Other (specify)
- IV. Staff
  - A. Secretarial Support
  - B. Clinic Support Staff
  - C. Other (specify)
- V. Other Categories, if any (specify)

## **5) Students and Student Services**

Admission and progression criteria:

- a. Admission criteria
  - Institutional policies
  - Educational program selection policies
- b. Progression and graduation criteria:
  - Institutional criteria for progression and graduation

- Educational program's criteria for progression and graduation, including grading policies

Student policies:

- a. Provisions for student health and housing
- b. Provisions for counseling and guidance
- c. Financial aid policies, scholarship and grant opportunities
- d. Appeals Provisions

The Educational Program shall submit two hard copies and one electronic copy in pdf format to:

Executive Officer  
Dental Hygiene ~~Committee~~ Board of California  
2005 Evergreen Street, Suite ~~2050~~ 1350  
Sacramento, CA 95815

### **STEP 3 – Review of Feasibility Study**

It is the responsibility of the proposed RDH educational program to have staff or a consultant(s) who possess the requisite knowledge and expertise to complete a feasibility study that conforms to the requirements specified in these instructions. Upon submission of the feasibility study, the ~~DHCC~~ DHBC staff shall review the study and, if necessary, seek clarification of any areas in question.

- If the ~~DHCC~~ DHBC staff determines the feasibility study is complete and complies with requirements specified in these Instructions, the ~~DHCC~~ DHBC staff shall submit the feasibility study to the ~~DHCC~~ DHBC- Education Subcommittee (ES) for review and a recommendation shall be forwarded to the full ~~Committee~~ Board (**Step 4**).
- If the feasibility study is incomplete, the educational program shall be notified in writing by the ~~DHCC~~ DHBC staff of any deficiencies and a deadline for submission of a revised feasibility study.
- If the ~~DHCC~~ DHBC staff determines the revised feasibility study is complete, it shall be forwarded to ~~it's~~ the ES.
- If staff deems the revised feasibility study incomplete, it shall be returned to the program with a written notice of the deficiencies, and shall not be forwarded to ~~it's~~ the ES.
- If the revised feasibility study is returned because it is incomplete and the prospective RDH educational program still wishes to seek approval, the educational program must restart at **Step 1**. The letter of intent must include a statement summarizing the ~~DHCC~~ DHBC reason(s) for not accepting the prior revised feasibility study and subsequent corrective action the educational program has taken.

#### **STEP 4 – Education Subcommittee (ES) Recommendation on the Feasibility Study**

When the feasibility study is complete, it shall be submitted to the ES for discussion and action at a regularly scheduled meeting. The meeting is open to the public, and there are opportunities for public comment. The ~~DHCC~~ DHBC staff shall notify the proposed RDH educational program of the ES meeting date at which the ES shall discuss and may make a recommendation to take action on the feasibility study. A representative of the program shall be invited to the ES meeting to respond to any questions or concerns. The ES shall recommend to the ~~Committee Board~~ the acceptance or non-acceptance of the feasibility study, or may defer action on the study to permit the institution time to provide additional information at a subsequent ES meeting. If the ES defers action, the proposed RDH educational program shall be notified in writing within ten (10) days of the deferred action, reason(s) for the deferral, and the date for submission of any additional information and/or documents. The ES considers the following criteria in determining its recommendation to the ~~full Committee Board~~:

- Evidence of a need for a new RDH educational program.
- Evidence of ability to initiate and maintain a RDH educational program in compliance with all applicable ~~Committee Board~~ laws and regulations.
- Evidence of initial and sustainable budgetary provisions for the RDH educational program.

#### **STEP 5 – ~~DHCC~~ DHBC Action on the Feasibility Study**

The ES recommendation on the feasibility study shall be submitted to the ~~full Committee Board~~ for discussion and action at a regularly scheduled ~~DHCC~~ DHBC meeting. All ~~DHCC~~ DHBC meetings are open to the public with opportunities for public comment. The ~~DHCC~~ DHBC shall approve, or deny the study.

The following action shall be taken:

- Within ten (10) days after the ~~Committee Board's~~ decision on the feasibility study, the ~~DHCC~~ DHBC staff shall notify the proposed RDH educational program in writing of its decision.
- If the feasibility study is denied, the notice shall include the basis for its decision.
- If the feasibility study is approved, the proposed RDH educational program may apply for initial accreditation from the Commission on Dental Accreditation of the American Dental Association (CODA), or an equivalent accrediting body, as determined by the ~~Committee Board~~.

## STEP 6 – Self-Study Report and Site Visit

Upon the ~~DHCC~~ DHBC's approval of the feasibility study, the proposed RDH educational program shall prepare CODA's, or an equivalent accrediting body's, as determined by the ~~Committee Board~~, Self-Study Report for the proposed RDH program. At least twelve (12) months prior to the projected date of student enrollment; the proposed RDH educational program must submit to the ~~DHCC~~ DHBC a Self-Study Report that delineates how the proposed RDH program plans to comply with the accreditation standards ~~contained in CODA's "Accreditation Standards for Dental Hygiene Education Programs" (As Last Revised: February 6, 2015)~~ pursuant to BPC section 1941(a).

The ~~DHCC~~ DHBC staff shall review the Self-Study Report and verify that the Self-Study Report meets all applicable CODA standards and California laws and regulations found in CODA's "Self-Study Guide for the Evaluation of a Dental Hygiene Education Program" (As Last Revised: January 1, 2016). ~~DHCC~~ DHBC staff shall notify the program director of any deficiencies, issues, or concerns with the Self-Study Report. Once the ~~DHCC~~ DHBC staff has verified that verifies the Self-Study Report is complete, an on-site visit shall be scheduled. The ~~DHCC~~ DHBC staff shall visit selected clinical sites the proposed RDH educational program plans to use as part of the on-site visit and confirm the evidence presented in the program's Self-Study Report. The ~~DHCC~~ DHBC staff shall complete a written report of the findings. This report shall be submitted to the ES for action and recommendation to the ~~full Committee Board~~.

## STEP 7 – Education Subcommittee (ES) and Full Committee Actions

The ES recommendation on the Self-Study Report and site visit shall be submitted for ~~full Committee Board~~ discussion and action at a regularly scheduled ~~DHCC Committee Board~~ meeting. The ~~full Committee Board~~ may approve, provisionally approve or deny the new educational program. If provisionally approved, the ~~full Committee Board~~ may defer action on the RDH educational program's approval with an opportunity for the proposed RDH educational program to provide additional information.

The following action shall be taken:

- Within ten (10) days after the ~~Committee Board's~~ decision on the proposed RDH educational program, the ~~DHCC~~ DHBC shall notify the proposed RDH educational program in writing of its decision.
- If the proposed RDH educational program is denied, the notice shall include the basis for its decision. The proposed RDH educational program may request an informal conference as specified in 1104.2.
- If the proposed RDH educational program is provisionally approved, the notice shall specify what additional information and documents are needed from the proposed RDH educational program and a due date requested for

submission of the materials. The revisions shall be considered at a regularly scheduled ES and the ~~DHCC DHBC~~ full Committee meeting after the due date for submission of materials. If the proposed RDH educational program is not granted approval, the ~~DHCC DHBC~~ shall notify the proposed RDH educational program in writing within ten (10) days; the notice shall include the basis for the ~~Committee's~~ Board's decision.

- A denied proposed RDH educational program shall restart with **Step 1** of the approval process. The Letter of Intent must include a statement summarizing the ~~Committee's~~ Board's reason(s) for not accepting the prior submissions and subsequent corrective action the proposed RDH educational program has taken.

A material misrepresentation of fact by a new RDH educational program in any information required to be submitted to the ~~Committee~~ Board is grounds for denial of approval.

An act to amend Sections 1902.3, 1917.1, 1926.1, 1926.3, 1941, 1950.5, and 1951 of the Business and Professions Code, relating to healing arts.

[Approved by Governor October 4, 2021. Filed with Secretary  
of State October 4, 2021.]

legislative counsel's digest

SB 534, Jones. Dental hygienists.

(1) Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dental hygienists by the Dental Hygiene Board of California within the Department of Consumer Affairs. Existing law requires applicants for licensure to provide fingerprint images for submission to governmental agencies, in order to, among other things, establish the identity of the applicant.

Existing law permits a registered dental hygienist licensed in another state to teach in a dental hygiene college without being licensed in this state if the dental hygienist satisfies various eligibility requirements, including furnishing satisfactory evidence of having graduated from a dental hygiene college approved by the board, and is issued a special permit. Existing law requires an applicant for a special permit to pay an application fee, subject to a biennial renewal fee, as provided.

This bill would require a special permit to remain valid for 4 years and would thereafter prohibit the board from renewing it. The bill would specify that an applicant for a special permit is required to comply with the fingerprint submission requirements described above and would require an applicant, if teaching during clinical practice sessions, to furnish satisfactory evidence of having successfully completed a course in periodontal soft-tissue curettage, local anesthesia, and nitrous oxide-oxygen analgesia approved by the board.

(2) Existing law requires the board to grant initial licensure as a registered dental hygienist to a person who satisfies specified requirements and authorizes the board to grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the board if the applicant submits specified documentation, including proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association.

This bill would require an applicant for licensure who has not taken a clinical examination before the board to additionally submit 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 board.

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(3) Existing law requires a new educational program for registered dental hygienists, as defined, to submit a feasibility study demonstrating a need for a new educational program and to apply for approval from the board before seeking approval for initial accreditation from the Commission on Dental Accreditation or an equivalent body, as determined by the board.

This bill would also require a new educational program for registered dental hygienists in alternative practice or registered dental hygienists in extended functions to comply with the above-described requirements.

(4) Existing law authorizes the board to discipline, as specified, a licensee for unprofessional conduct and provides a nonexhaustive list of acts that constitute unprofessional conduct, including the willful misrepresentation of facts relating to a disciplinary action to the patients of a disciplined licensee.



This bill would make it unprofessional conduct for a licensee to knowingly make a statement or sign a certificate or other document that falsely represents the existence or nonexistence of a fact directly or indirectly related to the practice of dental hygiene.

(5) Existing law authorizes the board to discipline a licensee by placing the licensee on probation under various terms and conditions, including, but not limited to, requiring the licensee to obtain additional training or pass an examination upon completion of training, or both.

This bill would require the training to be in a remedial education course approved by the board.

(6) Existing law provides for the licensure and regulation of registered dental hygienists in alternative practice by the board. Existing law authorizes a registered dental hygienist in alternative practice to perform any of the duties or functions authorized to be performed by a registered dental hygienist as an employee of a dentist or of another registered dental hygienist in alternative practice, as an independent contractor, as a sole proprietor of an alternative dental hygiene practice, in specified clinics, or in a professional corporation. Existing law further authorizes a registered dental hygienist in alternative practice to perform certain additional duties and functions in residences of the homebound, schools, residential facilities, dental health professional shortage areas, and dental offices.

Existing law authorizes a registered dental hygienist in alternative practice to operate a mobile dental hygiene clinic provided by the licensee's property and casualty insurer as a temporary substitute site if the registered place of practice has been rendered and remains unusable due to loss or calamity and the licensee's insurer registers the mobile dental hygiene clinic with the board, as specified.

This bill would authorize a registered dental hygienist in alternative practice to operate a mobile dental hygiene clinic in specified settings, if the registered dental hygienist in alternative practice registers mobile dental hygiene clinic with the board, as specified. In this regard, the bill would remove the requirement that a mobile dental hygiene clinic be provided by the property and casualty insurer as a temporary substitute site because the registered place of practice has been rendered and remains unusable due to

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loss or calamity. The bill would authorize the board to conduct announced and unannounced reviews and inspections of a mobile dental hygiene clinic, as specified. The bill would make it unprofessional conduct for a registered dental hygienist in alternative practice to operate a mobile dental hygiene clinic in a manner that does not comply with these provisions. The bill would authorize the board to issue citations that contain fines and orders of abatement to a registered dental hygienist in alternative practice for a violation of these provisions and related provisions, as specified.

(7) Existing law requires a registered dental hygienist in alternative practice to register with the executive officer of the dental hygiene board the person's place of practice, as specified. Existing law requires a person licensed by the dental hygiene board to register with the executive officer within 30 days after the date of the issuance of the person's license as a registered dental hygienist in alternative practice.

This bill would instead impose these registration requirements on the physical facilities of the registered dental hygienist in alternative practice. The bill would require a registered dental hygienist in alternative practice who utilizes portable equipment to practice dental hygiene to register the physical facility where the portable equipment is maintained with the executive officer of the dental hygiene board. The bill would authorize the board to conduct announced and unannounced reviews and inspections of the physical facilities and equipment of a registered dental hygienist in alternative practice, as specified. The bill would make it unprofessional conduct for a registered dental hygienist in alternative practice to maintain a physical facility or equipment in a manner that does not comply with these

provisions. The bill would authorize the board to issue citations that contain fines and orders of abatement to a registered dental hygienist in alternative practice for a violation of these provisions and related provisions, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1902.3 of the Business and Professions Code is amended to read:

1902.3. A registered dental hygienist licensed in another state may teach in a dental hygiene college without being licensed in this state if the person has a special permit. A special permit shall remain valid for a period of four years, subject to subdivision (g), after which time the permit shall not be renewed. 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.

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(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 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 dental hygiene board.

(e) If teaching during clinical practice sessions, furnishing satisfactory evidence of having successfully completed a course in periodontal soft-tissue curettage, local anesthesia, and nitrous oxide-oxygen analgesia approved by the dental hygiene board.

(f) Complying with the fingerprint submission requirements as provided by Section 1916.

(g) Paying an application fee, subject to a biennial renewal fee, as provided by subdivision (k) of Section 1944.

SEC. 2. Section 1917.1 of the Business and Professions Code is amended to read:

1917.1. (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 dental 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 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.

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(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 the applicant 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 Board Dental Hygiene 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 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) 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.

(11) 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.

(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 nonprofit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

SEC. 3. Section 1926.1 of the Business and Professions Code is amended to read:

1926.1. (a) Notwithstanding any other provision of law, a registered dental hygienist in alternative practice may operate a mobile dental hygiene clinic in the settings listed in Section 1926.

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(b) The registered dental hygienist in alternative practice shall register the mobile dental hygiene clinic with the dental hygiene board in compliance with Sections 1926.2 and 1926.3.

(c) The dental hygiene board may conduct announced and unannounced reviews and inspections of a mobile dental hygiene clinic to ensure continued compliance with the requirements for continued approval under this article.

(d) It shall constitute unprofessional conduct if the mobile dental hygiene clinic is found to be noncompliant with any requirements necessary for licensure, and the registered dental hygienist in alternative practice may be placed on probation with terms, issued a citation and fine, or have the mobile dental hygiene clinic registration withdrawn if compliance is not demonstrated within reasonable timelines, as established by the dental hygiene board.

(e) The dental hygiene board, by itself or through an authorized representative, may issue a citation containing fines and orders of abatement to the registered dental hygienist in alternative practice for any violation of this section, Section 1926.2, Section 1926.3, or any regulations adopted thereunder. Any fine collected pursuant to this section shall be deposited into the State Dental Hygiene Fund established pursuant to Section 1944.

SEC. 4. Section 1926.3 of the Business and Professions Code is amended to read:

1926.3. (a) Every person who is now or hereafter licensed as a registered dental hygienist in alternative practice in this state shall register with the executive officer, on forms prescribed by the dental hygiene board, the physical facility of registered dental hygienist in alternative practice or, if the registered dental hygienist in alternative practice has more than one physical facility pursuant to Section 1926.4, all of the physical facilities. If the registered dental hygienist in alternative practice does not have a physical facility, the registered dental hygienist in alternative practice shall notify the executive officer. A person licensed by the dental hygiene board shall register with the executive officer within 30 days after the date of the issuance of the person's license as a registered dental hygienist in alternative practice.

(b) (1) A registered dental hygienist in alternative practice who utilizes portable equipment to practice dental hygiene shall register with the executive officer, on forms prescribed by the dental hygiene board, the registered dental hygienist in alternative practice's physical facility where the portable equipment is maintained.

(2) The dental hygiene board may conduct announced and unannounced reviews and inspections of a registered dental hygienist in alternative practice's physical facilities and equipment described in paragraph (1) to ensure continued compliance with the requirements for continued approval under this article.

(c) It shall constitute unprofessional conduct if the registered dental hygienist in alternative practice's physical facility or equipment is found to be noncompliant with any requirements necessary for licensure and a registered dental hygienist in alternative practice may be placed on probation

with terms, issued a citation and fine, or have the owned physical facility registration withdrawn if compliance is not demonstrated within reasonable timelines, as established by the dental hygiene board.

(d) The dental hygiene board, by itself or through an authorized representative, may issue a citation containing fines and orders of abatement to the registered dental hygienist in alternative practice for any violation of this section, Section 1925, Section 1926.4, or any regulations adopted thereunder. Any fine collected pursuant to this section shall be deposited into the State Dental Hygiene Fund established pursuant to Section 1944.

SEC. 5. Section 1941 of the Business and Professions Code is amended to read:

1941. (a) The dental hygiene board shall grant or renew approval of only those educational programs for RDHs 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 RDHs shall submit a feasibility study demonstrating a need for a new educational program and shall apply for approval from the dental hygiene board before seeking any required 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 a new educational program for RDHs.

(c) For purposes of this section, a new or existing educational program for RDHs 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) For purposes of this section, "RDHs" means registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

SEC. 6. Section 1950.5 of the Business and Professions Code is amended to read:

1950.5. 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.

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(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 the person is licensed to practice, in advertising or in any other manner indicating that the person is practicing or will practice dentistry, except the name 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 dental 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.

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(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 dental hygiene board in writing within seven days any of the following: (1) the death of the licensee's 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 the licensee; 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 dental hygiene board may conduct an inspection of the dental hygiene practice office if the dental 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 dental hygiene board all deaths occurring in their 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 their practice with a copy sent to the dental 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 a statement or signing a certificate or other document that falsely represents the existence or nonexistence of a fact directly or indirectly related to the practice of dental hygiene.

SEC. 7. Section 1951 of the Business and Professions Code is amended to read:

1951. The dental hygiene board may discipline a licensee by placing the licensee 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

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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.

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Ch. 491

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## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Adina A. Pineschi-Petty DDS Education, Legislative, and Regulatory Specialist
<b>SUBJECT</b>	<b>FULL 14: Discussion and Possible Action to Amend Title 16, Section 1115, Retired Licensure.</b>

## BACKGROUND

At the January 22, 2022 Full Board WebEx Teleconference (January teleconference), the Board approved proposed language and responses to the 45-day comment period for the implementation of California Code of Regulations (CCR), Title 16, Division 11 section 1115 regarding Retired Licensure (section 1115), and directed staff to take all steps necessary to complete the rulemaking process. This included sending out the modified text with these changes for an additional 15-day comment period, and authorizing the Executive Officer to make any non-substantive changes to the proposed regulation and adopt the proposed regulation as described in the modified text notice for section 1115.

During her review, Kimberly Kirchmeyer, Director of the Department of Consumer Affairs, suggested clarifications to the forms to prevent duplication and provide consistency among forms utilized by the Board.

## STAFF RECOMMENDATION:

Staff recommends the Board consider and approve the proposed modified forms and direct staff to take all steps necessary to complete the rulemaking process, including authorizing the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulation at section 1115.

## PROPOSED MOTION LANGUAGE

Approve the proposed modified forms for section 1115 and direct staff to take all steps necessary to complete the rulemaking process, authorize the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulation as described in the modified text notice for section 1115.

**Pros:** If the Board approves the modified forms for section 1115, the proposal will move forward in the regulatory process.

**Cons:** If the modified forms are not approved for section 1115, the proposal will not move forward in the regulatory process.



**Documents Included for Reference for Section 1115:**

1. Modified Text.
2. Associated forms (DHBC RLC-01 (New 11/2020) and DHBC RLC-02 (New 10/2020)).

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

### Modified Text

#### Legend:

<u>Underlined</u>	Indicates proposed regulatory language.
<del><u>Underlined Strikeout</u></del>	Indicates proposed deletions to the proposed text.
<u><u>Double Underlined</u></u>	Indicates proposed additions to the original text.

#### Article 4. Licensing

##### §1115. Retired Licensure.

- (a) A retired license shall be issued to a registered dental hygienist (RDH), registered dental hygienist in alternative practice (RDHAP), or registered dental hygienist in extended functions (RDHEF) if the licensee meets the following requirements:
- (1) Holds an active license or an inactive license that was not placed on inactive status as a result of revocation or suspension;
  - (2) Submits to the Board a completed "Application for a Retired RDH, RDHAP, or RDHEF License" DHBC RLC-01 (New 11/20), hereby incorporated by reference; and
  - (3) Submits an \$80 fee to the Board.
- (b) Once the Board has issued a retired license, the holder of a retired license shall:
- (1) Be exempt from continuing education requirements;
  - (2) Be exempt from renewal of the retired license; and
  - (3) Utilize his or her professional title only with the unabbreviated word "retired" preceding or after the professional designation.
- (c) The holder of a retired license shall not engage in any activity for which an active RDH, RDHAP, or RDHEF license is required.

- (d) The Board shall not be prevented from investigating violations or taking action against a retired license for violations of laws governing the practice of dental hygiene.
- (e) To restore a license to active status, the holder of a retired license shall comply with the following requirements:
- ~~(1) Request to restore his or her license to active status within three (3) years of issuance of the retired license; and~~
- ~~(2) (1) Submit a completed "Application for Reactivation of a Retired RDH, RDHAP, or RDHEF License" DHBC RLC-02 (New 10/20), hereby incorporated by reference;~~
- ~~(3) (2) Payment of a \$160 fee as required by the Board;~~
- ~~(4) (3) Submit proof of completion of current continuing education requirements pursuant to 16 CCR sections 1016 and 1017; and~~
- ~~(5) (4) Comply with fingerprint submission requirements pursuant to 16 CCR section 1132.~~
- ~~(f) Should a licensee seek to restore their license more than three (3) years after issuance of the retired license, the licensee must file a new application for licensure.~~
- (f) The holder of a retired license shall be allowed to provide to the public, without supervision, dental hygiene educational services, oral health training programs, oral health screenings, and application of fluoride varnish free of charge in any oral health public health program created by federal, state, or local law or administered by a federal, state, county, or local governmental entity, at a sponsored event by a sponsoring entity. The retired licensee shall refer any screened individuals with possible oral abnormalities to a dentist for a comprehensive examination, diagnosis, and treatment plan. For purposes of this section, the following shall apply:
- (1) "Sponsored event" shall be defined as in paragraph (4) of subdivision (b) of Section 1626.6 of the Code.
- (2) "Sponsoring entity" shall be defined as in paragraph (6) of subdivision (b) of Section 1626.6 of the Code.

Note: Authority cited: Sections 464, 1905, 1906, and 1944 Business and Professions Code. Reference cited: Sections 464, 1906, and 1944 Business and Professions Code.



**DENTAL HYGIENE BOARD OF CALIFORNIA**  
2005 Evergreen Street, Suite 1350 Sacramento, CA 95815  
P (916) 263-1978 | F (916) 263-2688 | [www.dhbc.ca.gov](http://www.dhbc.ca.gov)



## **Application for a Retired RDH, RDHAP, or RDHEF License**

Business & Professions Code (BPC) sections 464, 1905, and 1906, and California Code of Regulations (CCR) Title 16, Division 11 section 1115.

**Non-Refundable Application Fee: \$80**  
**(Must accompany application)**

### **DHBC USE ONLY**

Receipt \_\_\_\_\_ RC \_\_\_\_\_  
Date Filed \_\_\_\_\_ \$ \_\_\_\_\_  
Approved \_\_\_\_\_ Denied \_\_\_\_\_  
RDH/RDHAP/RDHEF# \_\_\_\_\_

**Please type or print legibly.**

License Number <input type="checkbox"/> RDH <input type="checkbox"/> RDHAP <input type="checkbox"/> RDHEF		Date	Is your current license available? <input type="checkbox"/> Yes** <input type="checkbox"/> No If yes, attach documentation to application.
Last Name	First Name	Middle Name	
Address of Record*			
City		State	Zip Code
Home Phone Number		Mobile Phone Number	
Email Address			

\*The address you enter on this application is public information and will be available on the Internet pursuant to ~~BPC section 1902.2 (b)~~ **Civil Code Section 1798.61**. ~~If you do not want your home address to be made public, you may instead provide a post office box or your business address.~~

### **IMPORTANT – PLEASE READ CAREFULLY**

- **\*\*Enclose your current license issued by the Board, if available, with this application.**
- ~~Restoring a retired license to active status may only be done within three (3) years from the date the retired license was issued.~~
- A holder of a retired license may not engage in any activity for which an active license issued by the DHBC is required.
- In order to be eligible for a retired license, you must hold an active or inactive license issued by the Board as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions that was not placed on inactive status as a result of revocation or suspension.

**Commented [PA1]:** Corrected to a more appropriate reference.

**Commented [PA2]:** Deletion due to consistency and nonduplication in notice below.

- If your license is expired, you must clear all outstanding requirements and renew the license before your application for a retired license will be processed. Expired licenses that cannot be renewed will not be processed.
- The holder of a retired license is not required to renew that license.
- The holder of a retired license is exempt from continuing education requirements.
- The holder of a retired license shall be permitted to use his or her professional title only with the unabbreviated word "retired" preceding or after the professional designation.
- Changing to a retired status does not prevent the DHBC 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 meet the requirements for a retired license. I certify that if I have not enclosed my current license, the license is lost. I hereby request that my license be placed in retired status. I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**~~A RETIRED LICENSE MAY BE REACTIVATED WITHIN THREE (3) YEARS OF BEING PLACED IN RETIRED STATUS~~**

~~To reactivate your retired license, you must meet all the current criteria for licensure including:~~

- ~~Reactivation request received within three (3) years of the retirement request date;~~
- ~~Continuing education requirements set forth in 16 CCR section 1017; and~~
- ~~Compliance with fingerprinting and disclosure of criminal convictions as set forth in 16 CCR §1132; and~~
- ~~Complete the "Application for Reactivation of a Retired RDH, RDHAP, or RDHEF License" DHBC RLC 02 (10/20); and~~
- ~~Pay the reactivation fee of \$160.~~

**INFORMATION COLLECTION AND ACCESS**

The information requested herein is mandatory and is maintained by the Dental Hygiene Board of California, 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815, Executive Officer, 916-263-1978, in accordance with Business & Professions Code, section 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.



**DENTAL HYGIENE BOARD OF CALIFORNIA**  
2005 Evergreen Street, Suite 1350 Sacramento, CA 95815  
P (916) 263-1978 | F (916) 263-2688 | [www.dhbc.ca.gov](http://www.dhbc.ca.gov)



**Application for Reactivation of a Retired RDH, RDHAP, or RDHEF License**  
Business & Professions Code (BPC) sections 464, 1905, and 1906, and California Code of Regulations (CCR) Title 16, Division 11 sections 1016, 1017, and 1115.

**Non-Refundable Application Fee: \$160**  
**(Must accompany application)**

DHBC USE ONLY	
Receipt _____	RC _____
Date Filed _____	\$ _____
Approved _____	Denied _____
RDH/RDHAP/RDHEF# _____	

**Please type or print legibly.**

Date _____	License Number <input type="checkbox"/> RDH <input type="checkbox"/> RDHAP <input type="checkbox"/> RDHEF	Date License was Retired**
Last Name _____	First Name _____	Middle Name _____
Address of Record* _____		
City _____	State _____	Zip Code _____
Home Phone Number _____	Mobile Phone Number _____	
Email Address _____		

\*The address you enter on this application is public information and will be available on the Internet pursuant to ~~BPC section 1902.2(b)~~ Civil Code 1798.61. ~~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 three (3) years from the date the retired license was issued.~~

**IMPORTANT – PLEASE READ CAREFULLY**

**You may not practice dental hygiene, dental hygiene in alternative practice, or dental hygiene in extended functions until the Dental Hygiene Board of California (Board) approves your request to restore your retired license to active status.**

1. In order to reactivate a retired license, you must complete the same number of continuing education units that are required to renew an active license and submit the certificates of completion to the Board. Please refer to 16 CCR sections 1016 and 1017 for continuing education requirements.
2. 16 CCR section 1132 requires licensees to furnish a full set of electronic fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The Board shall not restore a retired license to active status until the licensee has complied with this requirement, if applicable.

DHBC RLC-02 (New 10/20)

**Commented [PA1]:** Corrected to a more appropriate reference.

**Commented [PA2]:** Deletion due to consistency and nonduplication in notice below.

3. Enclose your original retired license.

4. Please certify the following:

(a) Since retirement of DHBC licensure, I have not been convicted of, or under investigation for, any violation of the law in this or any other state, the United States, or other country.

Note: You do not need to disclose traffic infractions with penalties under \$1,000 unless the infraction involved alcohol, dangerous drugs, or controlled substances.

☐ Yes ☐ No (if no, please explain on an attached sheet).

(b) Since retirement of DHBC licensure, I have not been subject to discipline against any other healthcare license I hold.

☐ Yes ☐ No (if no, please explain on an attached sheet).

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

Signature: \_\_\_\_\_ 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 1350, Sacramento, CA 95815, Executive Officer, 916-263-1978, in accordance with Business & Professions Code, section 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 circumstance

## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Adina A. Pineschi-Petty DDS Education, Legislative, and Regulatory Specialist
<b>SUBJECT</b>	<b>FULL 15: Discussion and Possible Action to Amend Title 16, Section 1138.1, Unprofessional Conduct.</b>

## BACKGROUND

On November 21, 2020, the Board discussed, amended, and voted unanimously to approve proposed regulatory package: California Code of Regulations (CCR) Title 16 (16), section 1138.1. Unprofessional Conduct.

On January 26, 2022, the Board received comments from the Office of Administrative Law (OAL) on the Board's proposed regulations for 16 CCR section 1138.1, which necessitated substantive changes that require the Board's approval. On January 27, 2022, the Board withdrew proposed section 1138.1 from OAL review, and prepared a modified text and an Addendum to the Initial Statement of Reasons (ISOR) for a 15-day comment period, which includes amendments proposed by OAL. The modified text and Addendum to ISOR was noticed to stakeholders on February 23, 2022, with a comment period to end on March 11, 2022.

## Staff Recommendation:

Staff recommends the Board to consider and approve the substantive amendments as proposed by OAL for section 1138.1, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to continue the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 1138.1 as noticed.

## Proposed Motion Language:

Direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to continue the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 15-day comment period and no hearing is requested, authorize the Executive



Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 1138.1 as noticed.

**Pros:** If the Board approves the substantive amendments as proposed by OAL, the Board will allow the amended language for section 1138.1 to move forward in the regulatory process.

**Cons:** If the proposed comments and regulatory language suggested by OAL is not approved, section 1138.1 will not be able to move forward in the regulatory process and areas considered to be serious sources of unprofessional conduct would be undefined and investigative efforts may be hindered, which could lead to serious impacts in protecting the public.

**Documents Included for Reference for Section 1138.1:**

1. Notice of Availability of Modified Text and Addendum to Initial Statement of Reasons of Proposed Regulation Regarding Unprofessional Conduct.
2. Proposed Modified Text for 1138.1.
3. Addendum to Initial Statement of Reasons for 1138.1.

**STATE OF CALIFORNIA**  
**Department of Consumer Affairs**  
**Title 16. Professional and Vocational Regulations**  
**Division 11. Dental Hygiene Board of California**

**NOTICE OF AVAILABILITY OF MODIFIED TEXT AND ADDENDUM TO INITIAL STATEMENT OF REASONS OF PROPOSED REGULATION REGARDING UNPROFESSIONAL CONDUCT.**

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Board of California (Board) has proposed modifications made to proposed regulation 16 CCR section 1138.1, Unprofessional Conduct.

- Modified Text: 16 CCR section 1138.1, Unprofessional Conduct.
- Addendum to Initial Statement of Reasons: 16 CCR section 1138.1, Unprofessional Conduct.

Materials regarding this proposal can be found at <https://www.dhbc.ca.gov/lawsregs/index.shtml> or by requesting them from the contact person identified below.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments between February 24, 2022 and 5 pm on March 11, 2022 to the following:

Contact Name:	Adina A. Pineschi-Petty, DDS
Address:	2005 Evergreen St., Ste.1350 Sacramento, CA 95815
Phone Number:	916-576-5002
Fax number:	916-263-2688
Email Address:	<a href="mailto:adina.petty@dca.ca.gov">adina.petty@dca.ca.gov</a>

Please note, comments should be restricted to the most recent modifications made to the proposed regulations. The Board is not required to respond to comments on other aspects of the proposed regulations received in response to this notice.

Any comments previously submitted remain in the rulemaking file and will be responded to by the Board's staff as part of the Final Statement of Reasons. All written comments received by 5 pm on March 11, 2022, that pertain to these modifications will be reviewed and responded to by the Board's staff as part of the compilation of the rulemaking file.

This notice is given pursuant to the requirements of Government Code section 11346.8, subdivision (c), and California Code of Regulations, Title 1, section 44.

DATED: February 15, 2022

  
\_\_\_\_\_  
Anthony Lum  
Executive Officer  
Dental Hygiene Board of California

## TITLE 16. DENTAL HYGIENE BOARD OF CALIFORNIA - DEPARTMENT OF CONSUMER AFFAIRS

### MODIFIED TEXT

#### Legend:

<u>Underlined</u>	Indicates proposed regulatory language.
<del>Underlined Strikeout</del>	Indicates proposed deletions to the proposed text.
<u><u>Double Underlined</u></u>	Indicates proposed additions to the original text.

#### § 1138.1 Unprofessional Conduct.

In addition to the conduct described in Sections 1950.5 and 1955 of the Code, “unprofessional conduct” also includes, but is not limited to, the following:

- ~~(a) Knowingly making any statement or signing any certificate or other document directly or indirectly related to the practice of dental hygiene that falsely represents the existence or nonexistence of a state of facts.~~
- (b) (a) A licensee’s failure to provide to the Dental Hygiene Board of California (Board), as directed, lawfully requested copies of documents within 15 calendar days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subdivision shall not apply to a licensee who does not have access to or control over the documents.
- (b) Failure to cooperate or participate in any Board investigation pending against the licensee. This subdivision shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any valid exercise

by a licensee of any constitutional or statutory privilege shall not be used against the licensee in an administrative or disciplinary proceeding against the licensee.

(d) (c) Failure to report to the Board in writing, within 30 calendar days, any of the following:

(1) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(2) Any final disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

Note: Authority cited: Sections 1905, and 1906, Business and Professions Code.  
Reference: Sections 1950.5 and 1955, Business and Professions Code.

**Dental Hygiene Board of California  
California Department of Consumer Affairs**

**ADDENDUM TO INITIAL STATEMENT OF REASONS**

The Dental Hygiene Board of California (Board) provides the following addendum to the Initial Statement of Reasons for the proposed amendments to Title 16, section 1138.1, of the California Code of Regulations.

**A. Authority and Reference in Notice of Proposed Action**

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1905 and 1906 and to implement, interpret or make specific BPC sections 1950.5 and 1955, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations (CCR) as set forth in the Notice of Proposed Action.

**B. Section 1138.1(a)**

Proposed section 1138.1(a) originally provided: “Knowingly making any statement or signing any certificate or other document directly or indirectly related to the practice of dental hygiene that falsely represents the existence or nonexistence of a state of facts.”

The Board initiated this rulemaking prior to the passage of Senate Bill (SB) 534 (Jones, Chapter 491, Statutes of 2021). SB 534 added subdivision (z) to BPC section 1950.5. This amendment states: (z) “Knowingly making a statement or signing a certificate or other document that falsely represents the existence or nonexistence of a fact directly or indirectly related to the practice of dental hygiene.”

As proposed section 1138.1(a) is duplicative of BPC section 1950.5(z), the Board deletes subdivision (a) in the rulemaking.

**C. Renumbering of “subdivision (b) to subdivision (a)”, “subdivision (c) to subdivision (b)”, and “subdivision (d) to subdivision (c)”.**

Based on the deletion of subdivision (a) in the proposed original text, the Board re-numbers subdivisions (b) through (d) as subdivisions (a) through (c) in the modified text.

**D. Section 1138.1(b)**

Proposed section 1138.1(b) provides the licensee’s failure to provide to the Board, lawfully requested copies of documents within 15 calendar days of receipt of the request or within the time specified in the request is unprofessional conduct. This applies “unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time

allowed due to illness or travel.” This provision is necessary to allow the licensee time to comply with the request during situations beyond their control. For example, anecdotally, in May, 2020 the Board requested a licensee provide a patient’s treatment record. However, the patient’s treatment record was unavailable due to the dental office being closed due to the Coronavirus (COVID-19) pandemic. The Board would work with the licensee to allow a reasonable time period to access the requested record without penalizing them with a charge of unprofessional conduct. The Board added this provision to accommodate for such circumstances.

#### **E. Section 1138.1(c)**

The Board modified section 1138.1(c) to add that the required report must be “in writing.” This amendment clarifies the reporting process for the areas of concern to the Board as found in subdivision (c) (e.g., convictions of the licensee or final disciplinary actions). The Board determined these reports must be provided in writing for clarity and to memorialize the conviction or disciplinary action and provide for a historical record of the licensee’s acknowledgement of reporting culpability. Any method of writing will be accepted by the Board as proof of compliance with this section.

#### **F. Business Impact**

This regulation will not have any significant adverse economic impact on businesses. This initial determination is based on the following facts:

The proposed amendments to the regulation set forth additional conduct the Board considers unprofessional that is not included in BPC section 1950.5 and 1955. These amendments only affect the individual licensee and their ability to practice dental hygiene. This regulation does not impose any stipulations or reporting requirements on businesses.

#### **G. Economic Impact**

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the regulations are aimed at clarifying definitions for areas considered as unprofessional conduct. Subjecting a licensee to discipline for reporting violations would not create or eliminate jobs in California. The reporting requirements only affect the individuals within those job positions, requiring discipline of the individual licensee.
- It will not create new businesses or eliminate existing business within the State of California because the regulations are aimed at clarifying definitions for areas considered as unprofessional conduct. Subjecting a licensee to

discipline for reporting violations would not, in and of itself, create or eliminate businesses in California.

- It will not affect the expansion of businesses currently doing business within the State of California because the regulations are aimed at clarifying definitions for areas considered as unprofessional conduct. Subjecting a licensee to discipline for reporting violations would not affect expansion of businesses in California.
- This regulatory proposal benefits the health and welfare of California residents because it would clarify definitions for areas considered as unprofessional conduct. By ensuring that RDHs advise the Board of convictions of the licensee or final disciplinary actions, the Board will be able to determine if any of those convictions or final disciplinary actions would endanger the public. For example, if the licensee is convicted of use of illegal substances (e.g., cocaine), the Board would place the licensee on probation with terms (e.g., mandatory drug testing) to ensure the licensee is not under the influence while practicing on patients.
- This regulatory proposal does not affect worker safety because it does not involve worker safety.
- This regulatory proposal does not affect the state's environment because it does not involve environmental issues.

## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Adina A. Pineschi-Petty DDS Education, Legislative, and Regulatory Specialist
<b>SUBJECT</b>	<b>FULL 16: Update on Current Legislation as of March 9, 2022</b>

Legislation	Topic	Status	DHBC Position
<b>AB 646</b> Low	<b>Department of Consumer Affairs: boards: expunged convictions.</b>  This bill would require a board within the Department of Consumer Affairs, within 90 days of receiving an expungement order for the underlying offense from a person licensed by a board, to post notification of the expungement order and the date thereof on its online license search system if the person reapplies for licensure or is relicensed.	Two Year  Referred to Senate Committee on Rules 2.1.22	Recommend: Watch
<b>AB 858</b> Jones-Sawyer	<b>Employment: health information technology: clinical practice guidelines: worker rights.</b>  This bill would provide that the use of technology shall not limit a worker who is providing direct patient care from exercising independent clinical judgment in the assessment, evaluation, planning, and implementation of care, nor from acting as a patient advocate.  The bill would define “technology” for these purposes to mean scientific hardware or software including algorithms derived from the use of health care related data, used to achieve a medical or nursing care objective at a general acute care hospital.	Two Year  Senate Inactive File 3.9.2022	Recommend: Watch
<b>AB 1604</b> Holden	<b>The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.</b>  This bill would, except as specified, require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community.	Introduced 1.4.2022  Amended and re-referred to Assembly Committee on Public Employment	Recommend: Watch



Legislation	Topic	Status	DHBC Position
	<p>The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.</p> <p>This bill would require any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups.</p> <p>The bill would distinguish between African Americans who are descendants of persons enslaved in the United States and African Americans who are not descendants of persons enslaved in the United States, as defined.</p>	<p>and Retirement 3.8.22</p>	
<p><b>AB 1662</b> Gipson</p>	<p><b>Licensing boards: disqualification from licensure: criminal conviction.</b></p> <p>Current law authorizes a board within the Department of Consumer Affairs to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.</p> <p>This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.</p>	<p>Introduced: 1.18.2022</p> <p>Referred to Assembly Committee on Business and Professions 1.27.22</p>	<p>Recommend: Oppose</p>

Legislation	Topic	Status	DHBC Position
<b>AB 1733</b> Quirk	<p><b>State bodies: Open meetings.</b></p> <p>This bill would specify that a “meeting” under the Bagley-Keene Open Meeting Act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference for the benefit of the public and state, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public.</p> <p>The bill would require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely.</p>	<p>Introduced: 1.31.2022</p> <p>Referred to Assembly Committees on Governmental Organization and Business and Professions 2.18.22</p>	<p>Recommend: Support</p>
<b>AB 1982</b> Santiago	<p><b>Telehealth: dental care.</b></p> <p>Current law provides for the regulation of health insurers by the Department of Insurance. Current law requires contract between a health care service plan or health insurer and a health care provider to require the plan or insurer to reimburse the provider for the diagnosis, consultation, or treatment of an enrollee, subscriber, insured, or policyholder appropriately delivered through telehealth services on the same basis and to the same extent as the same service through in-person diagnosis, consultation, or treatment.</p> <p>Current law defines “contracting individual health professional” for those purposes and excludes a licensed dentist from that definition.</p> <p>This bill would remove the exclusion for dentists from the definition of “contracting individual health professional” and would instead require a health care service plan or health insurer offering telehealth, for dental plans, to disclose to the enrollee or insured the impact of third-party telehealth visits on the patient’s benefit limitations,</p>	<p>Introduced 2.10.22</p> <p>Assembly Committee on Health 2.18.22</p>	<p>Recommend: Watch</p>

Legislation	Topic	Status	DHBC Position
	including frequency limitations and the patient's annual maximum.		
<b>AB 2104</b> Flora	<p><b>Professions and vocations.</b> Existing law generally requires the department and each board in the department to charge a fee of \$2 for the certification of a copy of any record, document, or paper in its custody. Existing law generally requires that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not less than \$25 nor more than \$150.</p> <p>This bill would instead authorize the department and each board in the department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.</p>	<p>Introduced 2.14.22</p> <p>Referred to Assembly Committee on Business and Professions 2.24.22</p>	Recommend: Oppose
<b>AB 2145</b> Davies	<p><b>Dental services: skilled nursing facilities and intermediate care facilities/developmentally disabled.</b></p> <p>The Dental Practice Act provides for the licensing, regulation, and discipline of, among others, registered dental hygienists in alternative practice.</p> <p>This bill would provide that a registered dental hygienist in alternative practice may render dental services to a patient in a skilled nursing facility or an intermediate care facility/developmentally disabled. The bill would also authorize a registered dental hygienist in alternative practice to provide oral health inservice training to staff in a skilled nursing facility or an intermediate care facility/developmentally disabled.</p>	<p>Introduced 2.15.22</p> <p>Referred to Assembly Committee on Health 2.24.22</p>	Recommend: Support
<b>AB 2600</b> Megan Dahle	<p><b>State agencies: letters and notices: requirements.</b></p> <p>This bill would require that every state agency, when sending any communication to any recipient, state, in bolded font at the beginning of the communication, whether it requires action on the part of the recipient or serves as notice requiring no action.</p>	<p>Introduced 2.18.22</p>	Recommend: Watch

Legislation	Topic	Status	DHBC Position
<b>SB 652</b> Bates	<p><b>Dentistry: use of sedation: training.</b></p> <p>Current law specifies requirements for a dentist treating a patient, if the patient is under 13 years of age, including that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Pediatric Advanced Life Support (PALS) and airway management or other board-approved training, as specified.</p> <p>Current law authorizes the Dental Board of California to approve training standards for general anesthesia and deep sedation, in lieu of PALS certification, if the training standard is an equivalent or higher level of training for dental anesthesia-related emergencies as compared to PALS.</p> <p>This bill, beginning on July 1, 2023, would require, if the patient is 13 years of age or older, that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Advanced Cardiac Life Support (ACLS).</p>	<p>Two Year</p> <p>Senate Committee on Business, Professions, and Economic Development 2.1.22</p>	<p>Recommend: Watch</p>
<b>SB 889</b> Ochoa Bogh	<p><b>Nurse anesthetists.</b></p> <p>This bill would allow a nurse anesthetist to administer general anesthesia or deep sedation to dental patients if the nurse anesthetist receives a permit from the Dental Board of California.</p> <p>This bill would require that a nurse anesthetist, in order to administer deep sedation or general anesthesia, apply to the board and provide, among other things, evidence that the nurse anesthetist has met specified educational requirements. This bill would authorize the board to require an onsite inspection and evaluation prior to the issuance or renewal of a permit, and would require that a nurse anesthetist who fails that inspection and evaluation have their permit suspended, as specified. This bill would authorize a nurse anesthetist to apply to the board for an endorsement to perform general anesthesia or deep sedation on a child under 7 years of age.</p>	<p>Introduced 1.31.22</p> <p>Referred to Senate Committee on Business, Professions, and Economic Development 2.9.22</p>	<p>Recommend: Watch</p>

Legislation	Topic	Status	DHBC Position
<b>SB 1031</b> Ochoa Bogh	<p><b>Healing arts boards: inactive license fees.</b></p> <p>Existing law requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board. Existing law prohibits the holder of an inactive license from engaging in any activity for which an active license is required. Existing law requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee.</p> <p>This bill would instead require the renewal fee for an inactive license to be 1/2 of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee. The bill would make conforming and other nonsubstantive changes.</p>	<p>Introduced 2.15.22</p> <p>Referred to Senate Committee on Business, Professions and Economic Development 2.23.22</p>	<p>Recommend: Oppose</p>
<b>SB 1237</b> Newman	<p><b>Licenses: military service.</b></p> <p>This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. This bill would also make nonsubstantive changes to those provisions.</p>	<p>Introduced 2.17.22</p> <p>Referred to Senate Committees on Business, Professions and Economic Development and Military and Veterans Affairs 3.2.22</p>	<p>Recommend: Watch</p>
<b>SB 1365</b> Jones	<p><b>Licensing boards: procedures.</b></p> <p>This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require the</p>	<p>Introduced 2.18.22</p>	<p>Recommend: Oppose</p>

Legislation	Topic	Status	DHBC Position
	<p>department to establish a process to assist each board in developing its internet website, as specified.</p> <p>The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.</p>		
<p><b>SB 1443</b> Roth</p>	<p><b>The Department of Consumer Affairs.</b></p> <p>The Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.</p> <p>This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025 (extends Sunset date), and make related conforming changes. This bill contains other related provisions and other existing laws.</p>	<p>Introduced 2.18.22</p>	<p>Recommend: Watch</p>
<p><b>SB 1471</b> Archuleta</p>	<p><b>Dentistry: foreign dental schools.</b></p> <p>This bill would require previously approved foreign dental schools to complete the CODA process or comparable accreditation by January 1, 2024, to remain approved, unless the foreign dental school was renewed by the board prior to January 1, 2020, through June 30, 2026, in which case the foreign dental school's approval would be maintained through that date. The bill would repeal the provision providing that a graduate of a foreign dental school whose program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, is eligible for licensure.</p>	<p>Introduced 2.18.22</p>	<p>Recommend: Watch</p>

JANUARY						
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FEBRUARY						
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MAY						
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DEADLINES

- [Jan. 1](#)

Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 3](#)

Legislature **reconvenes** (J.R. 51(a)(4)).
- [Jan. 10](#)

Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 14](#)

Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- [Jan. 17](#)

Martin Luther King, Jr. Day.
- [Jan. 21](#)

Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- [Jan. 21](#)

Last day to submit **bill requests** to the Office of Legislative Counsel.
- [Jan. 31](#)

Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).
- [Feb. 18](#)

Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- [Feb. 21](#)

Presidents' Day.
- [Apr. 1](#)

Cesar Chavez Day observed
- [Apr. 7](#)

**Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- [Apr. 18](#)

Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- [Apr. 29](#)

Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- [May 6](#)

Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- [May 13](#)

Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- [May 20](#)

Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- [May 23-27](#)

**Floor Session only.** No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- [May 27](#)

Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- [May 30](#)

Memorial Day.
- [May 31](#)

Committee meetings may resume (J.R. 61(b)(12)).

\*Holiday schedule subject to final approval by the Rules Committee



JUNE						
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JULY						
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AUGUST						
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- June 15

Budget Bill must be passed by **midnight** (Art. IV, Sec. 12 (c)).
- June 30

Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).
- July 1

Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day’s session if Budget Bill has been passed (J.R. 51(b)(2)).
- July 4

Independence Day.
- Aug. 1

Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- Aug. 12

Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).
- Aug. 15 - 31

**Floor Session only.** No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).
- Aug. 25

Last day to **amend** bills on the Floor (J.R. 61(b)(16)).
- Aug. 31

Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).
- Final Recess

begins at end of this day’s session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

- 2022

Sept. 30

Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Nov. 8

General Election.
- Nov. 30

Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).
- Dec. 5

12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).
- 2023

Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).



AMENDED IN ASSEMBLY JANUARY 24, 2022

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 646**

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**Introduced by Assembly Members Low, Cunningham, and Gipson**  
(Coauthor: Senator Roth)

February 12, 2021

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An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

### LEGISLATIVE COUNSEL’S DIGEST

AB 646, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its ~~internet website~~ *online license search system* that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on ~~the board's internet website~~. *its online license search system*. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its ~~internet website~~ *online license search system* that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would ~~authorize~~ *require* the board to charge a fee of \$25 to the person, ~~not to exceed the cost person to cover the reasonable regulatory cost~~ of administering the bill's ~~provisions~~. *provisions, unless there is no associated cost*. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 493.5 is added to the Business and
- 2 Professions Code, to read:
- 3 493.5. (a) A board within the department that has posted on
- 4 its ~~internet website~~ *online license search system* that a person's
- 5 license was revoked because the person was convicted of a crime,
- 6 upon receiving from the person a certified copy of an expungement
- 7 order granted pursuant to Section 1203.4 of the Penal Code for the
- 8 underlying offense, shall, within 90 days of receiving the
- 9 expungement order, unless it is otherwise prohibited by law, or by
- 10 other terms or conditions, do either of the following:
- 11 (1) If the person reapplies for licensure or has been relicensed,
- 12 post notification of the expungement order and the date thereof on
- 13 its ~~internet website~~. *online license search system*.
- 14 (2) If the person is not currently licensed and does not reapply
- 15 for licensure, remove the initial posting on its ~~internet website~~
- 16 *online license search system* that the person's license was revoked

1 and information previously posted regarding arrests, charges, and  
2 convictions.

3 (b) ~~A(1) Except as provided in paragraph (2), a board within~~  
4 ~~the department may shall charge a fee of twenty-five dollars (\$25)~~  
5 ~~to a person described in subdivision (a), not to exceed (a) to cover~~  
6 ~~the reasonable regulatory cost of associated with administering~~  
7 ~~this section. The~~

8 (2) *A board shall not charge the fee if there is no cost associated*  
9 *with administering this section.*

10 (3) *A board may adopt regulations to implement this subdivision.*  
11 *The adoption, amendment, or repeal of a regulation authorized*  
12 *by this subdivision is hereby exempted from the rulemaking*  
13 *provisions of the Administrative Procedure Act (Chapter 3.5*  
14 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
15 *2 of the Government Code).*

16 (4) *The fee shall be deposited by the board into the appropriate*  
17 *fund and shall be available only upon appropriation by the*  
18 *Legislature.*

19 (c) For purposes of this section, “board” means an entity listed  
20 in Section 101.

21 (d) If any provision in this section conflicts with Section 2027,  
22 Section 2027 shall prevail.

O

AMENDED IN SENATE JULY 15, 2021

AMENDED IN SENATE JUNE 29, 2021

AMENDED IN SENATE JUNE 21, 2021

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 29, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 858**

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**Introduced by Assembly Member Jones-Sawyer  
(Principal coauthor: Assembly Member Carrillo)**

February 17, 2021

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An act to add Article 2.7 (commencing with Section 2820) to Chapter 2 of Division 3 of the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL’S DIGEST

AB 858, as amended, Jones-Sawyer. Employment: health information technology: clinical practice guidelines: worker rights.

Existing law charges the Labor Commissioner with enforcement of various labor laws, including investigation of employee complaints. Existing law establishes the State Department of Public Health and sets forth its powers and duties relating to the licensure and regulation of health facilities, as defined. Existing law establishes the Department of Consumer Affairs and establishes various boards within its jurisdiction, including those charged with the licensure and regulation of practice in the various healing arts.

This bill would provide that the use of technology shall not limit a worker who is providing direct patient care from exercising independent

clinical judgment in the assessment, evaluation, planning, and implementation of care, nor from acting as a patient advocate. The bill would define “technology” for these purposes to mean scientific hardware or software including algorithms derived from the use of health care related data, used to achieve a medical or nursing care objective at a general acute care hospital.

This bill would authorize ~~each~~ *a worker* who provides direct patient care at a general acute care hospital to override health information technology and clinical practice guidelines if, in their professional judgment, and in accordance with their scope of practice, which includes receiving the approval of the patient’s physician, or doctor of podiatric medicine, it is in the best interest of the patient to do so. The bill would require ~~each employer~~ *a general acute care hospital* to notify all workers who provide direct patient care, and if subject to a collective bargaining agreement, their representatives, before implementing new information technology that materially affects the jobs of the workers or their patients.

This bill would prohibit ~~an employer~~ *a general acute care hospital* from retaliating or otherwise discriminating against a worker providing direct patient care who requests to override health information technology and clinical practice guidelines or discusses these issues with other employees or supervisors. The bill would authorize a worker who is subject to retaliation *or discrimination by a general acute care hospital* to file a complaint with the Labor Commissioner against ~~an employer who has retaliated or discriminated against the employee: the~~ *general acute care hospital*.

This bill would require ~~each employer~~ *a general acute care hospital* to ensure that appropriate education or training be provided to workers providing direct patient care for purposes of educating or training those workers on how to utilize the new technology and to understand its limitations. The bill would require *a general acute care hospital’s hospital* to allow workers providing direct patient care in the affected clinical areas to provide input in the implementation process for new technology impacting patient care delivery, as provided. The bill would authorize representatives of a general acute care hospital’s professional practice committee to recommend certain improvements and participate, when feasible, in the implementation processes, as specified. The bill would specify that its provisions do not allow the override of any physician orders.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) It is the intent of the Legislature that health  
2 information technology, clinical practice guidelines, or algorithms  
3 shall not limit the effective exercise of, or be a substitute for, the  
4 professional judgment of workers providing direct patient care.  
5 This is crucial to protect millions of patients' safety in interacting  
6 with a deeply flawed medical technological system, that among  
7 many issues, has shown their commercial algorithms exhibit  
8 significant racial bias.

9 (b) It is also the intent of the Legislature that new technology  
10 will continue to permit the exercise of professional clinical  
11 judgment in providing patient care and patient advocacy by workers  
12 providing direct patient care. Clinical technology is intended to  
13 complement, not diminish, skills, judgment, and decisionmaking.  
14 Professional judgment, not algorithms, shall determine the care  
15 needed by patient populations or individuals.

16 SEC. 2. Article 2.7 (commencing with Section 2820) is added  
17 to Chapter 2 of Division 3 of the Labor Code, to read:

18  
19 Article 2.7. Health Information Technology: *General Acute*  
20 *Care Hospital Worker Rights*  
21

22 2820. (a) For purposes of this article, "technology" means  
23 scientific hardware or software including algorithms derived from  
24 the use of health care-related data, used to achieve a medical or  
25 nursing care objective at a general acute care hospital, as defined  
26 in Section 1250 of the Health and Safety Code.

27 (b) Notwithstanding any law, use of technology shall not limit  
28 a worker who is providing direct patient care from exercising  
29 independent clinical judgment in assessment, evaluation, planning,  
30 and implementation of care, nor from acting as a patient advocate.

31 (c) ~~Each~~ A worker who provides direct patient care at a general  
32 acute care hospital may override health information technology  
33 and clinical practice guidelines if, in their professional judgment,  
34 and in accordance with their scope of practice, which includes

1 receiving the approval of the patient's physician, or doctor of  
2 podiatric medicine, it is in the best interest of the patient to do so.

3 (d) ~~An employer~~ *A general acute care hospital* shall not retaliate  
4 or otherwise discriminate against a worker providing direct patient  
5 care who requests to override, or who discusses with other  
6 employees or supervisors about overriding, health information  
7 technology and clinical practice guidelines. A worker who is  
8 subject to retaliation or discrimination *by a general acute care*  
9 *hospital* has the right under this article to file a complaint with the  
10 Labor Commissioner ~~against an employer who retaliates or~~  
11 ~~discriminates against the employee.~~ *the general acute care hospital.*

12 (e) ~~Each employer~~ *A general acute care hospital* shall notify  
13 all workers who provide direct patient care and, if subject to a  
14 collective bargaining agreement, their representatives prior to  
15 implementing new information technology that materially affects  
16 the job of the workers or their patients.

17 (f) (1) ~~Each employer~~ *A general acute care hospital* shall ensure  
18 that appropriate education or training is provided to its workers  
19 that provide direct patient care for purposes of educating or training  
20 those workers on how to utilize the new technology and to  
21 understand its limitations.

22 (2) The worker's patient care assignment shall be taken into  
23 consideration when determining the appropriate method for training  
24 on new technology.

25 (g) (1) ~~General~~ *A general acute care hospital* shall  
26 allow workers who provide direct patient care in the affected  
27 clinical areas to provide input in the implementation processes for  
28 new technology impacting patient care delivery.

29 (2) Representatives of a general acute care hospital's  
30 professional practice committee may recommend measures to  
31 improve the delivery of safe, therapeutic, equitable, and effective  
32 care in conjunction with the use of new technology. Representatives  
33 of a general acute care hospital's professional practice committee  
34 may participate, when feasible, in the implementation processes  
35 whenever new technology affecting the delivery of medical or  
36 nursing care is being considered.

37 (3) When sharing technology in the design, building, and  
38 validation process for new technology pursuant to this subdivision,  
39 ~~employers~~ *a general acute care hospital* shall protect patients'  
40 private medical information in accordance with the federal Health

1 Insurance Portability and Accountability Act of 1996 (Public Law  
2 104-191), known as HIPAA, and all other applicable privacy laws.

3 (h) This section shall not be construed to limit a medical staff's  
4 right to establish, in medical staff bylaws, rules, or regulations,  
5 clinical criteria and standards to oversee and manage quality  
6 assurance, utilization review, and other medical staff activities  
7 pursuant to existing law.

8 *(i) This section is not intended to prevent hospitals from*  
9 *directing staff to follow nationally recognized quality improvement*  
10 *guidelines or standards of care, including, but not limited to, those*  
11 *used or endorsed by the National Committee for Quality Assurance,*  
12 *the National Quality Forum, the Physician Consortium for*  
13 *Performance Improvement, the Agency for Healthcare Research*  
14 *and Quality, or other organizations recognized or used by the*  
15 *federal Centers for Medicare or Medicaid Services or a department*  
16 *or agency of the State of California or any other commonly*  
17 *accepted standard or guideline for improving consumer health*  
18 *and patient outcomes, unless it is in the patient's best interest to*  
19 *depart from these guidelines.*

20 ~~(i)~~

21 (j) This section does not allow the override of any physician  
22 orders.

O



AMENDED IN ASSEMBLY MARCH 7, 2022  
AMENDED IN ASSEMBLY FEBRUARY 23, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## ASSEMBLY BILL

**No. 1604**

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**Introduced by Assembly Member Holden**

January 4, 2022

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An act to amend Sections 11140, 18502, 18931, 18933, 18936, 19402, and 19574 of, and to add Sections 8310.6, 18553, and 18930.1 to, the Government Code, relating to human resources.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1604, as amended, Holden. The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

This bill ~~would~~ *would, except as specified*, require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term “board member or commissioner from an underrepresented community” as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.

The California Constitution establishes the State Personnel Board (board) and requires the board to, among other things, enforce the civil service statutes, prescribe probationary periods and classifications, adopt rules authorized by statute, and review disciplinary actions. The Constitution also requires the executive officer of the board to administer the civil service statutes under the rules of the board. Under existing law, the board is authorized to conduct audits and investigations of the personnel practices of the Department of Human Resources and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. Existing law establishes the Department of Human Resources (department) and provides that, subject to the requirements of the California Constitution, it succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction exercised by the board as its designee with respect to the board's administrative and ministerial functions.

This bill, among other things, would instead authorize the department, at the direction of and in conjunction with the State Personnel Board, to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. The bill would require the department to oversee compliance with rules prescribed by the board consistent with a merit-based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board's constitutional authority, and require the department, pursuant to a process established by the State Personnel Board, to investigate complaints filed by employees in a state department's equal employment opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and report findings to the board for adjudication.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups, as specified.

This bill would require any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups. The bill would distinguish between African Americans who are descendants of persons

enslaved in the United States and African Americans who are not descendants of persons enslaved in the United States, as defined.

Existing law requires that lists of eligible applicants for civil service positions be established as a result of free competitive examinations. Existing law, with regard to the requirements governing examinations for establishing employment lists, authorizes the department to designate an appointing power to design, announce, or administer examinations and requires the board to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position.

This bill would require instead that the board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations and, in developing qualifications for determining the fitness and qualifications of employees, create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. The bill would also require that examinations with an oral component be video and otherwise electronically recorded and all other examination materials be maintained for each examination, as specified. The bill would also require the announcement for an examination to include the core competencies, as defined, and the standard statement of qualifications, if applicable.

Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups. Existing law requires each upward mobility program to include annual goals for upward mobility and a timetable for when progress will occur, and requires the department to approve the goals and timetables. Existing law authorizes an appointing authority that determines that it will be unable to achieve the goals to ask the department for a reduction in the goals, as specified.

This bill would repeal the authorization for an appointing authority to ask the department for a reduction in their annual upward mobility goals, and would instead require the appointing authority to submit a report explaining the failure to achieve the goals and what requirements are necessary to facilitate achieving the goals, as specified, and then submit the report to specified persons. The bill would, on or before July 1, 2023, require the department to develop model upward mobility goals that include race, gender, LGBTQ, veteran status, or physical or mental

disability as factors, and to provide a report to the Legislature outlining the department workforce analysis used to develop those model goals.

Existing law authorizes a state appointing power to take adverse action against state civil service employees for specified causes for discipline, and provides procedures for state civil service disciplinary proceedings. Existing law authorizes the board to hold hearings and make investigations concerning all matters relating to the enforcement and effect of the State Civil Service Act, as specified.

This bill would require each appointing power to provide the Department of Human Resources with a report, no later than April 1 of each year, detailing certain information regarding adverse actions against state employees, including, but not limited to, the ethnicity, race, gender identity, or sexual orientation of each employee served with an adverse action in the preceding calendar year.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Upward Mobility Act of 2022.

3 SEC. 2. Section 8310.6 is added to the Government Code, to  
4 read:

5 8310.6. (a) A state agency, board, or commission that directly  
6 or by contract collects demographic data as to the ancestry or  
7 ethnic origin of Californians shall use separate collection  
8 categories and tabulations for the following:

9 (1) African Americans who are descendants of persons enslaved  
10 in the United States.

11 (2) African Americans who are not descendants of persons  
12 enslaved in the United States, including, but not limited to, African  
13 Blacks, Caribbean Blacks, and other African Americans or Blacks.

14 (b) The data collected pursuant to the different collection  
15 categories and tabulations described in subdivision (a) shall be  
16 included in every demographic report on ancestry or ethnic origins  
17 of Californians by the state agency, board, or commission  
18 published or released on or after January 1, 2023. The data shall  
19 be made available to the public in accordance with state and  
20 federal law, except for personal identifying information, which  
21 shall be deemed confidential.

(c) As used in this section, the following definitions apply:

(1) “African Americans who are descendants of persons enslaved in the United States” means individuals who self-identify as Black or African American with at least one ancestor who was enslaved or subject to chattelization in the United States.

(2) “African Blacks” means individuals with origins from the continent of Africa, including, but not limited to, one or more of the following countries: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

(3) “Caribbean Blacks” means individuals with origins from Caribbean countries, including, but not limited to, one or more of the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti, Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St. Kitts, the Bahamas, and the Dominican Republic.

(4) “Other African Americans or Blacks” means individuals with African ancestry originating from any country not included in paragraph (2) or (3).

~~SEC. 2.~~

SEC. 3. Section 11140 of the Government Code is amended to read:

11140. (a) It is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

(b) (1) On or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members or commissioners shall have at least one volunteer board member or commissioner from an underrepresented community.

(2) Notwithstanding paragraph (1), this subdivision shall not apply to a state board or commission concerning public employment, public education, or public contracting.

(c) For purposes of this section, the following definitions apply:

(1) “Board member or commissioner from an underrepresented community” means all of the following:

(A) An individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native.

(B) An individual who self-identifies as gay, lesbian, bisexual, or transgender.

(C) An individual who has served in and has been discharged under other than dishonorable conditions from service in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard.

(D) An individual who has a “physical disability” or a “mental disability” as defined in Section 12926.

(2) “Volunteer member or commissioner” means an “administrative volunteer” as defined in subdivision (b) of Section 3111, who is selected to serve on a board or commission by the appropriate nominating authority and who does not receive any compensation or financial gain from any state agency, as defined in Section 11000. A volunteer may receive per diem and remain a volunteer within the meaning of this section, and that volunteer shall not be considered to be an employee solely on the basis of receiving the per diem.

(d) Notwithstanding the date specified in *paragraph (1) of subdivision (b)*, the requirements of this section shall only apply as vacancies on state boards and commissions occur.

(e) Subject to subdivision (d), this section shall only apply to a vacancy appointment by the Governor or the Governor’s designees, the chair of a board or commission or the chair’s designees, the Speaker of the Assembly, and the President pro Tempore of the Senate or Senate Rules Committee, or any combination thereof.

~~SEC. 3.~~

*SEC. 4.* Section 18502 of the Government Code is amended to read:

18502. (a) There is hereby created in state government the Department of Human Resources. The department succeeds to and is vested with the following:

(1) All of the powers and duties exercised and performed by the Department of Personnel Administration.

(2) Those powers, duties, and authorities necessary to operate the state civil service system pursuant to Article VII of the

1 California Constitution, this code, the merit principle, and  
2 applicable rules duly adopted by the State Personnel Board.

3 (b) (1) The State Personnel Board shall prescribe rules  
4 consistent with a merit based civil service system to govern  
5 appointments, classifications, examinations, probationary periods,  
6 disciplinary actions, and other matters related to the board's  
7 authority under Article VII of the California Constitution. The  
8 State Personnel Board shall ensure that all changes to regulations  
9 are circulated for public comment.

10 (2) The department shall oversee compliance with rules  
11 prescribed by the State Personnel Board consistent with a  
12 merit-based civil service system to govern appointments,  
13 classifications, examinations, probationary periods, disciplinary  
14 actions, and other matters related to the board's authority under  
15 Article VII of the California Constitution.

16 (3) The department, at the direction of and in conjunction with  
17 the State Personnel Board, may conduct audits and investigations  
18 of personnel practices of other departments and appointing  
19 authorities to ensure compliance with civil service policies,  
20 procedures, and statutes.

21 (4) Pursuant to a process established by the State Personnel  
22 Board, the department shall investigate complaints filed by  
23 employees in a state department's equal employment opportunity  
24 program and personnel office, other civil service employees,  
25 applicants, and members of the public alleging violations of civil  
26 service laws and report findings to the State Personnel Board for  
27 adjudication.

28 (c) This section shall not limit the authority of the Department  
29 of Human Resources and the State Personnel Board to delegate,  
30 share, or transfer between them responsibilities for programs within  
31 their respective jurisdictions pursuant to an agreement.

32 (d) The rules and regulations of the State Personnel Board and  
33 of the Department of Personnel Administration shall remain in  
34 effect unless and until contradicted by the terms of this chapter or  
35 amended or repealed by the board or the Department of Human  
36 Resources.

37 ~~SEC. 4. Section 8310.6 is added to the Government Code, to~~  
38 ~~read:~~

39 ~~8310.6. (a) A state agency, board, or commission that directly~~  
40 ~~or by contract collects demographic data as to the ancestry or ethnic~~



1 origin of Californians shall use separate collection categories and  
2 tabulations for the following:

3 (1) ~~African Americans who are descendants of persons enslaved~~  
4 ~~in the United States.~~

5 (2) ~~African Americans who are not descendants of persons~~  
6 ~~enslaved in the United States, including, but not limited to, African~~  
7 ~~Blacks, Caribbean Blacks, and other African Americans or Blacks.~~

8 (b) ~~The data collected pursuant to the different collection~~  
9 ~~categories and tabulations described in subdivision (a) shall be~~  
10 ~~included in every demographic report on ancestry or ethnic origins~~  
11 ~~of Californians by the state agency, board, or commission published~~  
12 ~~or released on or after January 1, 2023. The data shall be made~~  
13 ~~available to the public in accordance with state and federal law,~~  
14 ~~except for personal identifying information, which shall be deemed~~  
15 ~~confidential.~~

16 (c) ~~As used in this section, the following definitions apply:~~

17 (1) ~~“African Americans who are descendants of persons enslaved~~  
18 ~~in the United States” means individuals who self-identify as Black~~  
19 ~~or African American with at least one ancestor who was enslaved~~  
20 ~~or subject to chattelization in the United States.~~

21 (2) ~~“African Blacks” means individuals with origins from the~~  
22 ~~continent of Africa, including, but not limited to, one or more of~~  
23 ~~the following countries: Algeria, Angola, Benin, Botswana,~~  
24 ~~Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African~~  
25 ~~Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of~~  
26 ~~Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini,~~  
27 ~~Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya,~~  
28 ~~Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania,~~  
29 ~~Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria,~~  
30 ~~Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal,~~  
31 ~~Seychelles, Sierra Leone, Somalia, South Africa, South Sudan,~~  
32 ~~Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.~~

33 (3) ~~“Caribbean Blacks” means individuals with origins from~~  
34 ~~Caribbean countries, including, but not limited to, one or more of~~  
35 ~~the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,~~  
36 ~~Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St.~~  
37 ~~Kitts, the Bahamas, and the Dominican Republic.~~

38 (4) ~~“Other African Americans or Blacks” means individuals~~  
39 ~~with African ancestry originating from any country not included~~  
40 ~~in paragraph (2) or (3).~~



1 SEC. 5. Section 18553 is added to the Government Code, to  
2 read:

3 18553. “Core competencies” mean the particular education,  
4 experience, knowledge, and abilities that each applicant is required  
5 to have in order to be considered eligible for a particular group of  
6 classifications.

7 SEC. 6. Section 18930.1 is added to the Government Code, to  
8 read:

9 18930.1. The board shall establish a process that includes  
10 diversity and best practices in each aspect of the design,  
11 announcement, and administration of examinations for the  
12 establishment of employment lists.

13 SEC. 7. Section 18931 of the Government Code is amended  
14 to read:

15 18931. (a) The board shall establish minimum qualifications  
16 for determining the fitness and qualifications of employees for  
17 each class of position. The department may require applicants for  
18 examination or appointment to provide documentation as it deems  
19 necessary to establish the applicants’ qualifications.

20 (b) The board, in developing the qualifications referenced in  
21 subdivision (a), shall also incorporate standards for statements of  
22 qualifications used as examination criteria for the State of  
23 California in determining the fitness and qualifications of  
24 employees for each class of position. The department may require  
25 applicants for examination or appointment to provide  
26 documentation as it deems necessary to establish the applicants’  
27 qualifications.

28 (c) Whenever the law requires that an applicant for a position  
29 as a peace officer be screened to ensure that the applicant is free  
30 from emotional and mental impairment, the department or the  
31 designated appointing authority shall undertake that screening  
32 subject to the applicant’s right to appeal to the board.

33 SEC. 8. Section 18933 of the Government Code is amended  
34 to read:

35 18933. (a) Within a reasonable time before the scheduled date,  
36 the department or a designated appointing power shall announce  
37 or advertise examinations for the establishment of eligible lists.  
38 The announcement shall include the following:

39 (1) The date and place of the examination.

1 (2) The nature of the minimum qualifications and the functional  
2 core competencies.

3 (3) The general scope of the examination.

4 (4) The relative weight of its several parts if more than one type  
5 of test is to be utilized.

6 (5) Any other information the department deems proper.

7 (6) The standard statement of qualifications, if applicable.

8 (b) The department shall notify the Department of Veterans  
9 Affairs when any promotional examination for the establishment  
10 of an eligible list is announced or advertised to eligible candidates.  
11 The notification shall state the job position and include all of the  
12 information listed in paragraphs (1) to (6), inclusive, of subdivision  
13 (a).

14 SEC. 9. Section 18936 of the Government Code is amended  
15 to read:

16 18936. (a) All examination materials, including examination  
17 questions and any written material, shall be maintained for each  
18 examination for three years, after which they shall be disposed of  
19 pursuant to a policy adopted by the board.

20 (b) Examinations that have an oral examination component shall  
21 be video or otherwise electronically recorded. Examinees shall be  
22 informed that they are being recorded. The recordings shall be  
23 maintained for each examination for three years, after which they  
24 shall be disposed of pursuant to a policy adopted by the board.

25 (c) The final earned rating of each person competing in any  
26 examination shall be determined by the weighted average of the  
27 earned ratings on all phases of the examination, according to the  
28 weights for each phase established by the department or a  
29 designated appointing power in advance of the giving of the  
30 examination and published as a part of the announcement of the  
31 examination.

32 (d) The department or a designated appointing power may set  
33 minimum qualifying ratings for each phase of an examination and  
34 may provide that competitors failing to achieve those ratings in  
35 any phase shall be disqualified from any further participation in  
36 the examination.

37 SEC. 10. Section 19402 of the Government Code is amended  
38 to read:

39 19402. (a) All upward mobility programs shall include annual  
40 goals that include the number of employees expected to progress

1 from positions in low-paying occupational groups to entry-level  
2 technical, professional, and administrative positions, and the  
3 timeframe within which this progress shall occur. The Department  
4 of Human Resources shall be responsible for approving each  
5 department's annual upward mobility goals and timetables.

6 (b) (1) By July 1, 2023, the Department of Human Resources  
7 shall develop model upward mobility goals based on department  
8 workforce analysis and shall post the model goals on its internet  
9 website.

10 (2) The model upward mobility goals may include race, gender,  
11 LGBTQ, veteran status, and physical or mental disability as factors  
12 to the extent permissible under state and federal equal protection  
13 laws.

14 (3) On or before July 1, 2023, the Department of Human  
15 Resources shall provide a copy of the model upward mobility goals  
16 and a corresponding report outlining the workforce analysis used  
17 to develop the model upward mobility goals to each member of  
18 the Legislature. The report shall be submitted in compliance with  
19 Section 9795.

20 (c) If the appointing authority is unable to meet its annual  
21 upward mobility goals and timetables for two consecutive fiscal  
22 years, the appointing authority shall submit a report explaining  
23 why it failed to achieve its goals and what requirements are  
24 necessary to facilitate achieving its goals in the subsequent two  
25 fiscal years. The appointing authority shall submit the report to  
26 the department, the Director of the Department of Finance, and  
27 the Legislative Analyst.

28 SEC. 11. Section 19574 of the Government Code is amended  
29 to read:

30 19574. (a) The appointing power, or its authorized  
31 representative, may take adverse action against an employee for  
32 one or more of the causes for discipline specified in this article.  
33 Adverse action is valid only if a written notice is served on the  
34 employee prior to the effective date of the action, as defined by  
35 board rule. The notice shall be served upon the employee either  
36 personally or by mail and shall include: (1) a statement of the  
37 nature of the adverse action; (2) the effective date of the action;  
38 (3) a statement of the reasons therefor in ordinary language; (4) a  
39 statement advising the employee of the right to answer the notice  
40 orally or in writing; and (5) a statement advising the employee of

1 the time within which an appeal must be filed. The notice shall be  
2 filed with the board not later than 15 calendar days after the  
3 effective date of the adverse action.

4 (b) Effective January 1, 1996, this subdivision shall apply only  
5 to state employees in State Bargaining Unit 5. This section shall  
6 not apply to discipline as defined by Section 19576.1.

7 (c) (1) No later than April 1 of each year, each appointing power  
8 shall provide to the Department of Human Resources a report  
9 detailing all of the following information:

10 (A) The total number of adverse actions served on state  
11 employees in the preceding calendar year.

12 (B) The ethnicity or race of each employee served with an  
13 adverse action in the preceding calendar year, if available.

14 (C) The gender identity or sexual orientation of each employee  
15 served with an adverse action in the preceding calendar year, if  
16 available.

17 (D) The statutory basis for discipline under Section 19572 for  
18 each adverse action served in the preceding calendar year.

19 (E) A brief factual summary of the basis for discipline for each  
20 adverse action served in the preceding calendar year.

21 (F) The type of discipline imposed in each adverse action,  
22 including, but not limited to, outright termination, the nature of  
23 any demotion, the length of any suspension, or any other type of  
24 discipline.

25 (2) No later than June 1 of each year, the department shall  
26 include in its annual workforce analysis and census report the items  
27 as reported by each appointing authority pursuant to this  
28 subdivision and submit this report to the Legislature.

29 (3) This report shall be submitted in compliance with Section  
30 9795.

31 (4) The information required pursuant to subparagraphs (B) and  
32 (C) of paragraph (1) may be provided at the discretion of the  
33 employee, and an appointing power shall not require an employee  
34 to disclose this information.

35 SEC. 12. The provisions of this act are severable. If any  
36 provision of this act or its application is held invalid, that invalidity  
37 shall not affect other provisions or applications that can be given  
38 effect without the invalid provision or application.

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**ASSEMBLY BILL**

**No. 1662**

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**Introduced by Assembly Member Gipson**

January 18, 2022

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An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as introduced, Gipson. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 480 of the Business and Professions Code is amended to read:

480. (a) Notwithstanding any ~~other~~ provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

(i) Chapter 6 (commencing with Section 6500) of Division 3.

(ii) Chapter 9 (commencing with Section 7000) of Division 3.

(iii) Chapter 11.3 (commencing with Section 7512) of Division 3.

(iv) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.

(v) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven

1 years from the date of application based on professional misconduct  
2 that would have been cause for discipline before the board for  
3 which the present application is made and that is substantially  
4 related to the qualifications, functions, or duties of the business or  
5 profession for which the present application is made. However,  
6 prior disciplinary action by a licensing board within the preceding  
7 seven years shall not be the basis for denial of a license if the basis  
8 for that disciplinary action was a conviction that has been dismissed  
9 pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425  
10 of the Penal Code or a comparable dismissal or expungement.

11 (b) Notwithstanding any ~~other~~ provision of this code, a person  
12 shall not be denied a license on the basis that the person has been  
13 convicted of a crime, or on the basis of acts underlying a conviction  
14 for a crime, if that person has obtained a certificate of rehabilitation  
15 under Chapter 3.5 (commencing with Section 4852.01) of Title 6  
16 of Part 3 of the Penal Code, has been granted clemency or a pardon  
17 by a state or federal executive, or has made a showing of  
18 rehabilitation pursuant to Section 482.

19 (c) Notwithstanding any ~~other~~ provision of this code, a person  
20 shall not be denied a license on the basis of any conviction, or on  
21 the basis of the acts underlying the conviction, that has been  
22 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42,  
23 or 1203.425 of the Penal Code, or a comparable dismissal or  
24 expungement. An applicant who has a conviction that has been  
25 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42  
26 of the Penal Code shall provide proof of the dismissal if it is not  
27 reflected on the report furnished by the Department of Justice.

28 (d) Notwithstanding any ~~other~~ provision of this code, a board  
29 shall not deny a license on the basis of an arrest that resulted in a  
30 disposition other than a conviction, including an arrest that resulted  
31 in an infraction, citation, or a juvenile adjudication.

32 (e) A board may deny a license regulated by this code on the  
33 ground that the applicant knowingly made a false statement of fact  
34 that is required to be revealed in the application for the license. A  
35 board shall not deny a license based solely on an applicant's failure  
36 to disclose a fact that would not have been cause for denial of the  
37 license had it been disclosed.

38 (f) A board shall follow the following procedures in requesting  
39 or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of the applicant's complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

*(g) (1) A prospective applicant that has been convicted of a crime may submit to a board, by mail or email, and at any time, including before obtaining any training or education required for licensure by that board or before paying any application fee, a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction.*

*(2) Upon receiving a request submitted pursuant to paragraph (1), a board shall determine if the prospective applicant may be*



1 *disqualified from licensure by the board based on the information*  
2 *submitted with the request, and deliver the determination by mail*  
3 *or email to the prospective applicant within a reasonable time.*

4 ~~(g)~~

5 (h) (1) For a minimum of three years, each board under this  
6 code shall retain application forms and other documents submitted  
7 by an applicant, any notice provided to an applicant, all other  
8 communications received from and provided to an applicant, and  
9 criminal history reports of an applicant.

10 (2) Each board under this code shall retain the number of  
11 applications received for each license and the number of  
12 applications requiring inquiries regarding criminal history. In  
13 addition, each licensing authority shall retain all of the following  
14 information:

15 (A) The number of applicants with a criminal record who  
16 received notice of denial or disqualification of licensure.

17 (B) The number of applicants with a criminal record who  
18 provided evidence of mitigation or rehabilitation.

19 (C) The number of applicants with a criminal record who  
20 appealed any denial or disqualification of licensure.

21 (D) The final disposition and demographic information,  
22 consisting of voluntarily provided information on race or gender,  
23 of any applicant described in subparagraph (A), (B), or (C).

24 (3) (A) Each board under this code shall annually make  
25 available to the public through the board's internet website and  
26 through a report submitted to the appropriate policy committees  
27 of the Legislature deidentified information collected pursuant to  
28 this subdivision. Each board shall ensure confidentiality of the  
29 individual applicants.

30 (B) A report pursuant to subparagraph (A) shall be submitted  
31 in compliance with Section 9795 of the Government Code.

32 ~~(h)~~

33 (i) "Conviction" as used in this section shall have the same  
34 meaning as defined in Section 7.5.

35 ~~(i)~~

36 (j) This section does not in any way modify or otherwise affect  
37 the existing authority of the following entities in regard to  
38 licensure:

39 (1) The State Athletic Commission.

40 (2) The Bureau for Private Postsecondary Education.

- 1 (3) The California Horse Racing Board.
- 2 ~~(j) This section shall become operative on July 1, 2020.~~

O

**ASSEMBLY BILL****No. 1733****Introduced by Assembly Member Quirk**

January 31, 2022

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An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference

location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 101.7 of the Business and Professions  
2     Code is amended to read:  
3     101.7. (a) Notwithstanding any other provision of law, boards  
4     shall meet at least two times each calendar year. Boards shall meet  
5     at least once each calendar year in northern California and once  
6     each calendar year in southern California in order to facilitate  
7     participation by the public and its ~~licensees~~ *licensees, unless the*  
8     *board's meetings are held entirely by teleconference.*  
9     (b) The director has discretion to exempt any board from the  
10    requirement in subdivision (a) upon a showing of good cause that  
11    the board is not able to meet at least two times in a calendar year.  
12    (c) The director may call for a special meeting of the board  
13    when a board is not fulfilling its duties.  
14    (d) An agency within the department that is required to provide  
15    a written notice pursuant to subdivision (a) of Section 11125 of  
16    the Government Code, may provide that notice by regular mail,  
17    email, or by both regular mail and email. An agency shall give a  
18    person who requests a notice the option of receiving the notice by  
19    regular mail, email, or by both regular mail and email. The agency  
20    shall comply with the requester's chosen form or forms of notice.  
21    (e) An agency that plans to webcast a meeting shall include in  
22    the meeting notice required pursuant to subdivision (a) of Section  
23    11125 of the Government Code a statement of the board's intent  
24    to webcast the meeting. An agency may webcast a meeting even  
25    if the agency fails to include that statement of intent in the notice.  
26    SEC. 2. Section 11122.5 of the Government Code is amended  
27    to read:

1 11122.5. (a) As used in this article, “meeting” includes any  
2 congregation of a majority of the members of a state body at the  
3 same time and ~~place~~ *place, including one held entirely by*  
4 *teleconference*, to hear, discuss, or deliberate upon any item that  
5 is within the subject matter jurisdiction of the state body to which  
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,  
8 outside of a meeting authorized by this chapter, use a series of  
9 communications of any kind, directly or through intermediaries,  
10 to discuss, deliberate, or take action on any item of business that  
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee  
13 or official of a state agency from engaging in separate  
14 conversations or communications outside of a meeting authorized  
15 by this chapter with members of a legislative body in order to  
16 answer questions or provide information regarding a matter that  
17 is within the subject matter jurisdiction of the state agency, if that  
18 person does not communicate to members of the legislative body  
19 the comments or position of any other member or members of the  
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the  
22 following:

23 (1) Individual contacts or conversations between a member of  
24 a state body and any other person that do not violate subdivision  
25 (b).

26 (2) (A) The attendance of a majority of the members of a state  
27 body at a conference or similar gathering open to the public that  
28 involves a discussion of issues of general interest to the public or  
29 to public agencies of the type represented by the state body, if a  
30 majority of the members do not discuss among themselves, other  
31 than as part of the scheduled program, business of a specified  
32 nature that is within the subject matter jurisdiction of the state  
33 body.

34 (B) Subparagraph (A) does not allow members of the public  
35 free admission to a conference or similar gathering at which the  
36 organizers have required other participants or registrants to pay  
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body  
39 at an open and publicized meeting organized to address a topic of  
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,  
2 other than as part of the scheduled program, business of a specific  
3 nature that is within the subject matter jurisdiction of the state  
4 body.

5 (4) The attendance of a majority of the members of a state body  
6 at an open and noticed meeting of another state body or of a  
7 legislative body of a local agency as defined by Section 54951, if  
8 a majority of the members do not discuss among themselves, other  
9 than as part of the scheduled meeting, business of a specific nature  
10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body  
12 at a purely social or ceremonial occasion, if a majority of the  
13 members do not discuss among themselves business of a specific  
14 nature that is within the subject matter jurisdiction of the state  
15 body.

16 (6) The attendance of a majority of the members of a state body  
17 at an open and noticed meeting of a standing committee of that  
18 body, if the members of the state body who are not members of  
19 the standing committee attend only as observers.

20 SEC. 3. Section 11123 of the Government Code is amended  
21 to read:

22 11123. (a) All meetings of a state body shall be open and  
23 public and all persons shall be permitted to attend any meeting of  
24 a state body except as otherwise provided in this article.

25 (b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from~~  
26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for  
27 the benefit of the public and state ~~body~~. *body, and allows for use*  
28 *of teleconference in closed sessions.* The meeting or proceeding  
29 held by teleconference shall otherwise comply with all applicable  
30 requirements or laws relating to a specific type of meeting or  
31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing~~ *teleconferenced* meeting shall comply  
33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required  
35 to be open to the public *at any physical location specified in the*  
36 *notice of the meeting* shall be *visible and* audible to the public at  
37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~  
39 ~~proceeding by teleconference, it shall post agendas at all~~  
40 ~~teleconference locations and~~ *shall* conduct teleconference meetings



1 in a manner that protects the rights of any party or member of the  
2 public appearing before the state body. *The state body shall provide*  
3 *a means by which the public may remotely hear audio of the*  
4 *meeting or remotely hear and observe the meeting, and a means*  
5 *by which the public may remotely address the state body, as*  
6 *appropriate, via either a two-way audio-visual platform or a*  
7 *two-way telephonic service. Should the state body elect to use a*  
8 *two-way telephonic service only, it must also provide live*  
9 *webcasting of the open meeting. The applicable teleconference*  
10 *phone number or internet website, or other information indicating*  
11 *how the public can access the meeting remotely, shall be specified*  
12 *in any notice required by this article. Each teleconference location*  
13 *shall be identified in the notice and agenda of the meeting or*  
14 *proceeding, and each teleconference location shall be accessible*  
15 *to the public. The agenda shall provide an opportunity for members*  
16 *of the public to remotely address the state body directly pursuant*  
17 *to Section 11125.7 at each teleconference location. 11125.7.*

18 (D) *The state body shall provide members of the public with a*  
19 *physical location at which the public may hear, observe, and*  
20 *address the state body. Each physical location shall be identified*  
21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*  
23 *right to directly address the state body during the teleconferenced*  
24 *meeting without being required to submit public comments prior*  
25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*  
28 *a meeting. The members of the state body may also be physically*  
29 *present and participate at a designated physical meeting location,*  
30 *but no member of the state body shall be required to be physically*  
31 *present at any physical meeting location designated in the notice*  
32 *of the meeting in order to be deemed present at the meeting. All*  
33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*  
35 *to the public may not include the consideration of any agenda item*  
36 *being heard pursuant to Section 11125.5.*

37 ~~(F)~~ *At least one member of the state body shall be physically*  
38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*  
40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,  
2 including Section 11125, requiring the state body post an agenda  
3 of a meeting at least 10 days in advance of the meeting, Section  
4 11125.4, applicable to special meetings, and Sections 11125.5 and  
5 11125.6, applicable to emergency meetings. The state body shall  
6 post the agenda on its internet website and, on the day of the  
7 meeting, at any physical meeting location designated in the notice  
8 of the meeting. The notice and agenda shall not disclose  
9 information regarding any remote location from which a member  
10 is participating.

11 (H) Upon discovering that a means of remote participation  
12 required by this section has failed during a meeting and cannot  
13 be restored, the state body shall end or adjourn the meeting in  
14 accordance with Section 11128.5. In addition to any other  
15 requirements that may apply, the state body shall provide notice  
16 of the meeting's end or adjournment on the state body's internet  
17 website and by email to any person who has requested notice of  
18 meetings of the state body by email under this article. If the meeting  
19 will be adjourned and reconvened on the same day, further notice  
20 shall be provided by an automated message on a telephone line  
21 posted on the state body's agenda, internet website, or by a similar  
22 means, that will communicate when the state body intends to  
23 reconvene the meeting and how a member of the public may hear  
24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, ~~“teleconference”~~ all of  
26 the following definitions shall apply:

27 (A) ~~“Teleconference” means a meeting of a state body, the~~  
28 ~~members of which are at different locations, connected body that~~  
29 ~~provides for a connection by electronic means, including by~~  
30 ~~telephone, an internet website, or other online platform, through~~  
31 ~~either audio or both audio and video.~~ This section does not prohibit  
32 a state body from providing members of the public with additional  
33 physical locations in which the public may observe ~~or~~ and address  
34 the state body by electronic means, through either audio or both  
35 audio and video.

36 (B) ~~“Remote location” means a location from which a member~~  
37 ~~of a state body participates in a meeting other than any physical~~  
38 ~~meeting location designated in the notice of the meeting. Remote~~  
39 ~~locations need not be accessible to the public.~~

1 (C) “Remote participation” means participation in a meeting  
2 by teleconference at a location other than any physical meeting  
3 location designated in the notice of the meeting. Watching or  
4 listening to a meeting via webcasting or another similar electronic  
5 medium that does not permit members to interactively hear,  
6 discuss, or deliberate on matters, does not constitute participation  
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform  
9 that provides participants with the ability to participate in a  
10 meeting via both an interactive video conference and a two-way  
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service  
13 that does not require internet access, is not provided as part of a  
14 two-way audio-visual platform, and allows participants to dial a  
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online  
17 or on television, using streaming media technology to distribute  
18 a single content source to many simultaneous listeners and viewers.  
19 This section does not prohibit a state body from providing members  
20 of the public with additional physical locations in which the public  
21 may observe and address the state body by electronic means.

22 (c) The state body shall publicly report any action taken and the  
23 vote or abstention on that action of each member present for the  
24 action.

25 (d) A state body that is organized within the Department of  
26 Consumer Affairs and meets at least two times each calendar year  
27 shall be deemed to have met the requirements of subdivision (a)  
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the  
30 ability to encourage full participation by appointees with  
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by  
33 teleconference from a remote location, the member shall disclose  
34 whether any other individuals 18 years of age or older are present  
35 in the room at the remote location with the member, and the  
36 general nature of the member’s relationship with any such  
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~  
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~

1 any state body that is an advisory board, advisory commission,  
2 advisory committee, advisory subcommittee, or similar  
3 multimember advisory body may hold an open meeting by  
4 teleconference as described in this section, provided the meeting  
5 complies with all of the section's requirements and, except as set  
6 forth in this section, it also complies with all other applicable  
7 requirements of this article.

8 (b) A member of a state body as described in subdivision (a)  
9 who participates in a teleconference meeting from a remote location  
10 subject to this section's requirements shall be listed in the minutes  
11 of the meeting.

12 (c) The state body shall provide notice to the public at least 24  
13 hours before the meeting that identifies any member who will  
14 participate remotely by posting the notice on its Internet Web site  
15 and by emailing notice to any person who has requested notice of  
16 meetings of the state body under this article. The location of a  
17 member of a state body who will participate remotely is not  
18 required to be disclosed in the public notice or email and need not  
19 be accessible to the public. The notice of the meeting shall also  
20 identify the primary physical meeting location designated pursuant  
21 to subdivision (c).

22 (d) This section does not affect the requirement prescribed by  
23 this article that the state body post an agenda of a meeting at least  
24 10 days in advance of the meeting. The agenda shall include  
25 information regarding the physical meeting location designated  
26 pursuant to subdivision (c), but is not required to disclose  
27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the  
29 primary physical meeting location in the notice of the meeting  
30 where members of the public may physically attend the meeting  
31 and participate. A quorum of the members of the state body shall  
32 be in attendance at the primary physical meeting location, and  
33 members of the state body participating remotely shall not count  
34 towards establishing a quorum. All decisions taken during a  
35 meeting by teleconference shall be by rollcall vote. The state body  
36 shall post the agenda at the primary physical meeting location, but  
37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)  
39 participates remotely in a meeting subject to this section's  
40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe  
2 the meeting, including, if available, equal access equivalent to  
3 members of the state body participating remotely. The applicable  
4 teleconference phone number or Internet Web site, or other  
5 information indicating how the public can access the meeting  
6 remotely, shall be in the 24-hour notice described in subdivision  
7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required  
9 by subdivision (f) has failed during a meeting, the state body  
10 described in subdivision (a) shall end or adjourn the meeting in  
11 accordance with Section 11128.5. In addition to any other  
12 requirements that may apply, the state body shall provide notice  
13 of the meeting's end or adjournment on its Internet Web site and  
14 by email to any person who has requested notice of meetings of  
15 the state body under this article. If the meeting will be adjourned  
16 and reconvened on the same day, further notice shall be provided  
17 by an automated message on a telephone line posted on the state  
18 body's agenda, or by a similar means, that will communicate when  
19 the state body intends to reconvene the meeting and how a member  
20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:

22 (1) "Participate remotely" means participation in a meeting at  
23 a location other than the physical location designated in the agenda  
24 of the meeting.

25 (2) "Remote location" means a location other than the primary  
26 physical location designated in the agenda of a meeting.

27 (3) "Teleconference" has the same meaning as in Section 11123.

28 (i) This section does not limit or affect the ability of a state body  
29 to hold a teleconference meeting under another provision of this  
30 article.

31 SEC. 5. Section 11124 of the Government Code is amended  
32 to read:

33 11124. (a) No person shall be required, as a condition to  
34 attendance at a meeting of a state body, to register his or her *the*  
35 *person's* name, to provide other information, to complete a  
36 questionnaire, or otherwise to fulfill any condition precedent to  
37 his or her *the person's* attendance.

38 If

39 (b) If an attendance list, register, questionnaire, or other similar  
40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to  
2 persons present during the meeting, it shall state clearly that the  
3 signing, registering, or completion of the document is voluntary,  
4 and that all persons may attend the meeting regardless of whether  
5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*  
7 *online platform that may require identification to log into a*  
8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended  
10 to read:

11 11125. (a) The state body shall provide notice of its meeting  
12 to any person who requests that notice in writing. Notice shall be  
13 given and also made available on the ~~Internet~~ *state body's internet*  
14 *website* at least 10 days in advance of the meeting, and shall include  
15 the name, address, and telephone number of any person who can  
16 provide further information prior to the meeting, but need not  
17 include a list of witnesses expected to appear at the meeting. The  
18 written notice shall additionally include the address of the ~~Internet~~  
19 *site internet website* where notices required by this article are made  
20 available. *The notice shall specify the means by which a meeting*  
21 *may be accessed by teleconference in accordance with the*  
22 *requirements of subparagraph (C) of paragraph (1) of subdivision*  
23 *(b) of Section 11123, including sufficient information necessary*  
24 *to access the teleconference. The notice shall also specify any*  
25 *designated physical meeting location at which the public may*  
26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall  
28 include a specific agenda for the meeting, containing a brief  
29 description of the items of business to be transacted or discussed  
30 in either open or closed session. A brief general description of an  
31 item generally need not exceed 20 words. A description of an item  
32 to be transacted or discussed in closed session shall include a  
33 citation of the specific statutory authority under which a closed  
34 session is being held. No item shall be added to the agenda  
35 subsequent to the provision of this notice, unless otherwise  
36 permitted by this article.

37 ~~(c) Notice of a meeting of a state body that complies with this~~  
38 ~~section shall also constitute notice of a meeting of an advisory~~  
39 ~~body of that state body, provided that the business to be discussed~~  
40 ~~by the advisory body is covered by the notice of the meeting of~~



~~the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.~~

~~(d)~~

(c) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

~~(e)~~

(d) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

~~(f)~~

(e) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

(f) *State bodies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.*

SEC. 7. Section 11125.4 of the Government Code is amended to read:

11125.4. (a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or when immediate action is required to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in  
2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or  
6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real  
8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant  
11 to Division 31 (commencing with Section 50000) of the Health  
12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit  
14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body  
16 upon the death, incapacity, or vacancy in the office of the executive  
17 officer.
- 18 (10) *To deliberate on a decision to be reached in a proceeding*  
19 *required to be conducted pursuant to Chapter 5 (commencing with*  
20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the  
22 purposes specified in subdivision (a), the state body shall provide  
23 notice of the special meeting to each member of the state body and  
24 to all parties that have requested notice of its meetings as soon as  
25 is practicable after the decision to call a special meeting has been  
26 made, but shall deliver the notice in a manner that allows it to be  
27 received by the members and by newspapers of general circulation  
28 and radio or television stations at least 48 hours before the time  
29 of the special meeting specified in the notice. Notice shall be made  
30 available to newspapers of general circulation and radio or  
31 television stations by providing that notice to all national press  
32 wire services. Notice shall also be made available on the Internet  
33 within the time periods required by this section. The notice shall  
34 specify the time and place of the special meeting and the business  
35 to be transacted. The written notice shall additionally specify the  
36 address of the ~~Internet Web site~~ *internet website* where notices  
37 required by this article are made available. No other business shall  
38 be considered at a special meeting by the state body. The written  
39 notice may be dispensed with as to any member who at or prior  
40 to the time the meeting convenes files with the clerk or secretary



1 of the state body a written waiver of notice. The waiver may be  
2 given by telegram, facsimile transmission, or similar means. The  
3 written notice may also be dispensed with as to any member who  
4 is actually present at the meeting at the time it convenes. Notice  
5 shall be required pursuant to this section regardless of whether any  
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body  
8 must make a finding in open session that the delay necessitated  
9 by providing notice 10 days prior to a meeting as required by  
10 Section 11125 would cause a substantial hardship on the body or  
11 that immediate action is required to protect the public interest. The  
12 finding shall set forth the specific facts that constitute the hardship  
13 to the body or the impending harm to the public interest. The  
14 finding shall be adopted by a two-thirds vote of the body, or, if  
15 less than two-thirds of the members are present, a unanimous vote  
16 of those members present. The finding shall be made available on  
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the  
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended  
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned  
22 regular, special, or adjourned special meeting to a time and ~~place~~  
23 *place, including by teleconference*, specified in the order of  
24 adjournment. Less than a quorum may so adjourn from time to  
25 time. If all members are absent from any regular or adjourned  
26 regular meeting, the clerk or secretary of the state body may declare  
27 the meeting adjourned to a stated time and ~~place~~ *place, including*  
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall  
29 cause a written notice of the adjournment to be given in the same  
30 manner as provided in Section 11125.4 for special meetings, unless  
31 that notice is waived as provided for special meetings. A copy of  
32 the order or notice of adjournment shall be conspicuously posted  
33 *on the state body's internet website, and if applicable*, on or near  
34 the door of the place where the regular, adjourned regular, special,  
35 or adjourned special meeting was held within 24 hours after the  
36 time of the adjournment. When a regular or adjourned regular  
37 meeting is adjourned as provided in this section, the resulting  
38 adjourned regular meeting is a regular meeting for all purposes.  
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held  
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended  
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be  
6 held by a state body at any meeting may by order or notice of  
7 continuance be continued or recontinued to any subsequent meeting  
8 of the state body in the same manner and to the same extent set  
9 forth in Section 11128.5 for the adjournment of meetings. A copy  
10 of the order or notice of continuance shall be conspicuously posted  
11 *on the state body's internet website, and if applicable*, on or near  
12 the door of the place where the hearing was held within 24 hours  
13 after the time of the continuance; provided, that if the hearing is  
14 continued to a time less than 24 hours after the time specified in  
15 the order or notice of hearing, a copy of the order or notice of  
16 continuance of hearing shall be posted immediately following the  
17 meeting at which the order or declaration of continuance was  
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act  
20 to improve and enhance public access to state and local agency  
21 meetings by allowing broader access through teleconferencing  
22 options consistent with the Governor's Executive Order No.  
23 N-29-20 dated March 17, 2020, and related executive orders,  
24 permitting expanded use of teleconferencing during the COVID-19  
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety within  
28 the meaning of Article IV of the California Constitution and shall  
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government  
31 participation by the public, and increase transparency in state  
32 government operations during the COVID-19 pandemic, it is  
33 necessary that this act take effect immediately.

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**ASSEMBLY BILL**

**No. 1982**

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**Introduced by Assembly Member Santiago**

February 10, 2022

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An act to amend Section 1374.141 of the Health and Safety Code, and to amend Section 10123.856 of the Insurance Code, relating to telehealth.

LEGISLATIVE COUNSEL'S DIGEST

AB 1982, as introduced, Santiago. Telehealth: dental care.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires contract between a health care service plan or health insurer and a health care provider to require the plan or insurer to reimburse the provider for the diagnosis, consultation, or treatment of an enrollee, subscriber, insured, or policyholder appropriately delivered through telehealth services on the same basis and to the same extent as the same service through in-person diagnosis, consultation, or treatment. Existing law requires a health care service plan or health insurer that offers a service via telehealth to meet specified conditions, including, that the health care service plan or health insurer disclose to the enrollee or insured the availability of receiving the service on an in-person basis or via telehealth, from, among others, the primary care provider or from another contracting individual health professional. Existing law defines “contracting individual health professional” for those purposes and excludes a licensed dentist from that definition.

This bill would remove the exclusion for dentists from the definition of “contracting individual health professional” and would instead require a health care service plan or health insurer offering telehealth, for dental plans, to disclose to the enrollee or insured the impact of third-party telehealth visits on the patient’s benefit limitations, including frequency limitations and the patient’s annual maximum. Because a willful violation of the bill’s requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1374.141 of the Health and Safety Code  
2     is amended to read:  
3     1374.141. (a) If a health care service plan offers a service via  
4     telehealth to an enrollee through a third-party corporate telehealth  
5     provider, all of the following conditions shall be met:  
6     (1) The health care service plan shall disclose to the enrollee in  
7     any promotion or coordination of the service both of the following:  
8     (A) The availability of receiving the service on an in-person  
9     basis or via telehealth, if available, from the enrollee’s primary  
10    care provider, treating specialist, or from another contracting  
11    individual health professional, contracting clinic, or contracting  
12    health facility consistent with the service and existing timeliness  
13    and geographic access standards in Sections 1367 and 1367.03  
14    and regulations promulgated thereunder.  
15    (B) If the enrollee has coverage for out-of-network benefits, a  
16    reminder of the availability of receiving the service either via  
17    telehealth or on an in-person basis using the enrollee’s  
18    out-of-network benefits, and the cost sharing obligation for  
19    out-of-network benefits compared to in-network benefits and  
20    balance billing protections for services received from contracted  
21    providers.

1 (2) After being notified pursuant to paragraph (1), the enrollee  
2 chooses to receive the service via telehealth through a third-party  
3 corporate telehealth provider.

4 (3) The enrollee consents to the service consistent with Section  
5 2290.5 of the Business and Professions Code.

6 (4) If the enrollee is currently receiving specialty telehealth  
7 services for a mental or behavioral health condition, the enrollee  
8 is given the option of continuing to receive that service with the  
9 contracting individual health professional, a contracting clinic, or  
10 a contracting health facility.

11 (5) *For a dental plan, the health care service plan shall disclose*  
12 *to the enrollee the impact of third-party telehealth visits on the*  
13 *patient's benefit limitations, including frequency limitations and*  
14 *the patient's annual maximum.*

15 (b) For purposes of this section, the following definitions apply:

16 (1) "Contracting individual health professional" means a  
17 physician and surgeon or other professional who is licensed by the  
18 state to deliver or furnish health care services, including mental  
19 and behavioral health services, and who is contracted with or  
20 employed by the enrollee's health care service plan as a network  
21 provider. ~~A "contracting individual health professional" shall not~~  
22 ~~include a dentist licensed pursuant to the Dental Practice Act~~  
23 ~~(Chapter 4 (commencing with Section 1600) of Division 2 of the~~  
24 ~~Business and Professions Code).~~ Application of this definition is  
25 not precluded by a contracting individual health professional's  
26 affiliation with a group.

27 (2) "Contracting clinic" means a clinic, as defined in Section  
28 1200, that is contracted with or owned by the enrollee's health  
29 care service plan and as a network provider.

30 (3) "Contracting health facility" means a health facility, as  
31 defined in Section 1250 and paragraph (1) of subdivision (f) of  
32 Section 1371.9, that is contracted with or operated by the enrollee's  
33 health care service plan and serves as a network provider.

34 (4) "Third-party corporate telehealth provider" means a  
35 corporation directly contracted with a health care service plan that  
36 provides health care services exclusively through a telehealth  
37 technology platform and has no physical location at which a patient  
38 can receive services.

1 (c) If services are provided to an enrollee through a third-party  
2 corporate telehealth provider, a health care service plan shall  
3 comply with all of the following:

4 (1) Notify the enrollee of their right to access their medical  
5 records pursuant to, and consistent with, Chapter 1 (commencing  
6 with Section 123100) of Part 1 of Division 106.

7 (2) Notify the enrollee that the record of any services provided  
8 to the enrollee through a third-party corporate telehealth provider  
9 shall be shared with their primary care provider, unless the enrollee  
10 objects.

11 (3) Ensure that the records are entered into a patient record  
12 system shared with the enrollee's primary care provider or are  
13 otherwise provided to the enrollee's primary care provider, unless  
14 the enrollee objects, in a manner consistent with state and federal  
15 law.

16 (4) Notify the enrollee that all services received through the  
17 third-party corporate telehealth provider are available at in-network  
18 cost-sharing and out-of-pocket costs shall accrue to any applicable  
19 deductible or out-of-pocket maximum.

20 (d) A health care service plan shall include in its reports  
21 submitted to the department pursuant to Section 1367.035 and  
22 regulations adopted pursuant to that section, in a manner specified  
23 by the department, all of the following for each product type:

24 (1) By specialty, the total number of services delivered via  
25 telehealth by third-party corporate telehealth providers.

26 (2) The names of each third-party corporate telehealth provider  
27 contracted with the plan and, for each, the number of services  
28 provided by specialty.

29 (3) For each third-party corporate telehealth provider with which  
30 it contracts, the percentage of the third-party corporate telehealth  
31 provider's contracted providers available to the plan's enrollees  
32 that are also contracting individual health professionals.

33 (4) For each third-party corporate telehealth provider with which  
34 it contracts, the types of telehealth services utilized by enrollees,  
35 including frequency of use, gender, age, and any other information  
36 as determined by the department.

37 (5) For each enrollee that has accessed services for a third-party  
38 corporate telehealth provider, enrollee demographic data, including  
39 gender and age, and any other information as determined by the  
40 department.

1 (e) The director shall investigate and take enforcement action,  
2 as appropriate, against a health care service plan that fails to  
3 comply with these requirements and shall periodically evaluate  
4 contracts between health care service plans and third-party  
5 corporate telehealth providers to determine if any audit, evaluation,  
6 or enforcement actions should be undertaken by the department.

7 (f) If a health care service plan delegates responsibilities under  
8 this section to a contracted entity, including, but not limited to, a  
9 medical group or independent practice association, the delegated  
10 entity shall comply with this section.

11 (g) This section shall not apply when an enrollee seeks services  
12 directly from a third-party corporate telehealth provider.

13 (h) This section shall not apply to a health care service plan  
14 contract or a Medi-Cal managed care plan contract with the State  
15 Department of Health Care Services pursuant to Chapter 7  
16 (commencing with Section 14000) or Chapter 8 (commencing with  
17 Section 14200) of Part 3 of Division 9 of the Welfare and  
18 Institutions Code. The State Department of Health Care Services  
19 shall consider the appropriateness of applying the requirements of  
20 this section, in whole or in part, to the Medi-Cal program pursuant  
21 to the advisory group process described in paragraph (2) of  
22 subdivision (f) of Section 14124.12 of the Welfare and Institutions  
23 Code.

24 SEC. 2. Section 10123.856 of the Insurance Code is amended  
25 to read:

26 10123.856. (a) If a health insurer offers a service via telehealth  
27 to an insured through a third-party corporate telehealth provider,  
28 all of the following conditions shall be met:

29 (1) The health insurer shall disclose to the insured in any  
30 promotion or coordination of the service both of the following:

31 (A) The availability of receiving the service on an in-person  
32 basis or via telehealth, if available, from the insured's primary care  
33 provider, treating specialist, or from another contracting individual  
34 health professional, a contracting clinic, or a contracting health  
35 facility consistent with the service and existing timeliness and  
36 geographic access standards in Section 10133.5 and regulations  
37 promulgated thereunder.

38 (B) If the insured has coverage for out-of-network benefits, a  
39 reminder of the availability of receiving the service either via  
40 telehealth or on an in-person basis using the insured's

1 out-of-network benefits, and the cost sharing obligation for  
2 out-of-network benefits compared to in-network benefits and  
3 balance billing protections for services received from contracted  
4 providers.

5 (2) After being notified pursuant to paragraph (1), the insured  
6 chooses to receive the service via telehealth through a third-party  
7 corporate telehealth provider.

8 (3) The insured consents to the service consistent with Section  
9 2290.5 of the Business and Professions Code.

10 (4) If the insured is currently receiving specialty telehealth  
11 services for a mental or behavioral health condition, the insured  
12 is given the option of continuing to receive that service with the  
13 contracting individual health professional, a contracting clinic, or  
14 a contracting health facility.

15 (5) *For dental insurers, the health insurer shall disclose to the*  
16 *insured the impact of third-party telehealth visits on the patient's*  
17 *benefit limitations, including frequency limitations and the patient's*  
18 *annual maximum.*

19 (b) For purposes of this section, the following definitions shall  
20 apply:

21 (1) "Contracting individual health professional" means a  
22 physician and surgeon or other professional who is licensed by the  
23 state to deliver or furnish health care services, including mental  
24 or behavioral health services, and who is contracted with the  
25 insured's health insurer. ~~A "contracting individual health~~  
26 ~~professional" shall not include a dentist licensed pursuant to the~~  
27 ~~Dental Practice Act (Chapter 4 (commencing with Section 1600)~~  
28 ~~of Division 2 of the Business and Professions Code).~~ Application  
29 of this definition is not precluded by a contracting individual health  
30 professional's affiliation with a group.

31 (2) "Contracting clinic" means a clinic, as defined in Section  
32 1200 of the Health and Safety Code, that is contracted with the  
33 insured's health insurer.

34 (3) "Contracting health facility" mean a health facility, as  
35 defined in Section 1250 of the Health and Safety Code, that is  
36 contracted with the insured's health insurer.

37 (4) "Third-party corporate telehealth provider" means a  
38 corporation directly contracted with a health insurer that provides  
39 health care services exclusively through a telehealth technology



1 platform and has no physical location at which a patient can receive  
2 services.

3 (c) If services are provided to an insured through a third-party  
4 corporate telehealth provider, a health insurer shall comply with  
5 all of the following:

6 (1) Notify the insured of the insured's right to access the  
7 insured's medical records pursuant to, and consistent with, Chapter  
8 1 (commencing with Section 123100) of Part 1 of Division 106 of  
9 the Health and Safety Code.

10 (2) Notify the insured that the record of any services provided  
11 to the insured through a third-party corporate telehealth provider  
12 shall be shared with the insured's primary care provider, unless  
13 the insured objects.

14 (3) Ensure that the records are entered into a patient record  
15 system shared with the insured's primary care provider or are  
16 otherwise provided to the insured's primary care provider, unless  
17 the insured objects, in a manner consistent with state and federal  
18 law.

19 (4) Notify the insured that all services received through the  
20 third-party corporate telehealth provider are considered to be in  
21 network available at in-network cost-sharing and out-of-pocket  
22 costs shall accrue to any applicable deductible or out-of-pocket  
23 maximum.

24 (d) A health insurer shall include in its reports submitted to the  
25 department pursuant to Section 10133.5 and regulations adopted  
26 pursuant to that section, in a manner specified by the commissioner,  
27 all of the following for each product type:

28 (1) By specialty, the total number of services delivered via  
29 telehealth provided by third-party corporate telehealth providers.

30 (2) The names of each third-party corporate telehealth provider  
31 contracted with the insurer and, for each, the number of services  
32 provided by specialty.

33 (3) For each third-party corporate telehealth provider with which  
34 it contracts, the percentage of the third-party corporate telehealth  
35 provider's contracted providers available to the insurer's insured  
36 that are also contracting individual health professionals.

37 (4) For each third-party corporate telehealth provider with which  
38 it contracts, the types of telehealth services utilized by insureds,  
39 including frequency of use, gender, age, and any other information  
40 as determined by the department.

1 (5) For each enrollee that has accessed services for a third-party  
2 corporate telehealth provider, enrollee demographic data, including  
3 gender and age, and any other information as determined by the  
4 department.

5 (e) The commissioner shall investigate and take enforcement  
6 action, as appropriate, against a health insurer that fails to comply  
7 with these requirements and shall periodically evaluate contracts  
8 between health insurers and third-party corporate telehealth  
9 providers to determine if any audit, evaluation, or enforcement  
10 actions should be undertaken by the commissioner.

11 (f) This section shall not apply when an insured seeks services  
12 directly from a third-party corporate telehealth provider.

13 SEC. 3. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.

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**ASSEMBLY BILL**

**No. 2104**

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**Introduced by Assembly Member Flora**

February 14, 2022

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An act to amend Sections 163 and 163.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2104, as introduced, Flora. Professions and vocations.

Existing law provides for the licensure and regulation of various professions and vocations by boards, as defined, within the Department of Consumer Affairs. Existing law generally requires the department and each board in the department to charge a fee of \$2 for the certification of a copy of any record, document, or paper in its custody. Existing law generally requires that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not less than \$25 nor more than \$150.

This bill would instead authorize the department and each board in the department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 163 of the Business and Professions Code is amended to read:

163. Except as otherwise expressly provided by law, the department and each board in the department ~~shall~~ *may* charge a fee ~~of not to exceed~~ two dollars (\$2) for the certification of a copy of any record, document, or paper in its custody or for the certification of any document evidencing the content of any such record, ~~document~~ *document*, or paper.

SEC. 2. Section 163.5 of the Business and Professions Code is amended to read:

163.5. Except as otherwise provided by law, the delinquency, penalty, or late fee for any licensee within the Department of Consumer Affairs shall be 50 percent of the renewal fee for ~~such~~ *that* license in effect on the date of the renewal of the license, ~~but not less than twenty-five dollars (\$25) nor more than~~ *but shall not exceed* one hundred fifty dollars (\$150).

A delinquency, penalty, or late fee shall not be assessed until 30 days have elapsed from the date that the licensing agency mailed a notice of renewal to the licensee at the licensee's last known address of record. The notice shall specify the date for timely renewal, and that failure to renew in a timely fashion shall result in the assessment of a delinquency, penalty, or late fee.

~~In the event~~ *If* a reinstatement or like fee is charged for the reinstatement of a license, the reinstatement fee shall be 150 percent of the renewal fee for such license in effect on the date of the reinstatement of the license, but not more than twenty-five dollars (\$25) in excess of the renewal fee, except that in the event that such a fee is fixed by statute at less than 150 percent of the renewal fee and less than the renewal fee plus twenty-five dollars (\$25), the fee so fixed shall be charged.

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**ASSEMBLY BILL**

**No. 2145**

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**Introduced by Assembly Member Davies**

February 15, 2022

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An act to amend Section 1315 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2145, as introduced, Davies. Dental services: skilled nursing facilities and intermediate care facilities/developmentally disabled.

Existing law generally requires the State Department of Public Health to license, inspect, and regulate health facilities, including skilled nursing facilities and intermediate care facilities/developmentally disabled. Existing law authorizes dental services, as defined under the Dental Practice Act, to be provided in health facilities by persons licensed by the Dental Board of California. The Dental Practice Act provides for the licensing, regulation, and discipline of, among others, registered dental hygienists in alternative practice.

This bill would provide that a registered dental hygienist in alternative practice may render dental services to a patient in a skilled nursing facility or an intermediate care facility/developmentally disabled. The bill would also authorize a registered dental hygienist in alternative practice to provide oral health inservice training to staff in a skilled nursing facility or an intermediate care facility/developmentally disabled.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1315 of the Health and Safety Code is amended to read:

1315. (a) Dental services, as defined in the Dental Practice Act, may be provided ~~patients in health facilities~~ *to a patient in a health facility* licensed under this chapter. ~~Such~~ Those services shall be provided by ~~persons~~ *a person* licensed by the State of California pursuant to Section 1611 of the Business and Professions Code. ~~However, this~~

(b) (1) *Dental services, as defined in the Dental Practice Act, may be provided to a patient in a skilled nursing facility or an intermediate care facility/developmentally disabled licensed under this chapter by a person licensed by the State of California as a registered dental hygienist in alternative practice pursuant to Chapter 4 (commencing with Section 1600) of Division 2 of the Business and Professions Code.*

(2) *A person licensed as a registered dental hygienist in alternative practice by the State of California pursuant to Chapter 4 (commencing with Section 1600) of Division 2 of the Business and Professions Code may provide oral health inservice training to staff in a skilled nursing facility or an intermediate care facility/developmentally disabled licensed under this chapter.*

(c) *This section shall not limit or restrict the right of a licensed physician and surgeon to perform any acts authorized under the Medical Practice Act.*

O

**ASSEMBLY BILL**

**No. 2600**

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**Introduced by Assembly Member Megan Dahle**

February 18, 2022

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An act to add Section 11019.12.1 to the Government Code, relating to state communication.

LEGISLATIVE COUNSEL'S DIGEST

AB 2600, as introduced, Megan Dahle. State agencies: letters and notices: requirements.

Existing law requires, among other things, that every state agency that requests on any written form or written publication newly printed on or after July 1, 2014, or through its internet website whether a person is a veteran, to request that information only in a specified format.

This bill would require that every state agency, when sending any communication to any recipient, state, in bolded font at the beginning of the communication, whether it requires action on the part of the recipient or serves as notice requiring no action.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11019.12.1 is added to the Government
- 2 Code, to read:
- 3 11019.12.1. When sending any communication to any recipient,
- 4 every state agency shall state, in bolded font at the beginning of

- 1 the communication, whether it requires action on the part of the
- 2 recipient or serves as notice requiring no action.

O



AMENDED IN SENATE MAY 11, 2021

AMENDED IN SENATE APRIL 12, 2021

**SENATE BILL**

**No. 652**

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**Introduced by Senator Bates**

February 19, 2021

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An act to ~~amend Sections 1646.1, 1647.2, and 1647.3~~ *amend, repeal, and add Section 1646.1* of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 652, as amended, Bates. Dentistry: use of sedation: training.

Existing law, the Dental Practice Act, establishes the Dental Board of California within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of dentists. A violation of these provisions is a crime. Existing law, among other things, prescribes requirements for dentists and assisting personnel who administer or order the administration of general anesthesia and deep sedation.

Existing law, commencing on January 1, 2022, requires a dentist to possess either a current license in good standing and a general anesthesia permit issued by the board, or another specified permit and a general anesthesia permit issued by the board, in order to administer or order the administration of deep sedation or general anesthesia on an outpatient basis for dental patients.

Existing law specifies additional requirements if the patient is under 13 years of age, including that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Pediatric Advanced Life Support (PALS) and airway management or

other board-approved training, as specified. Existing law authorizes the board to approve training standards for general anesthesia and deep sedation, in lieu of PALS certification, if the training standard is an equivalent or higher level of training for dental anesthesia-related emergencies as compared to PALS.

~~This bill~~ *bill, beginning on July 1, 2023*, would require, if the patient is 13 years of age or older, that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Advanced Cardiac Life Support (ACLS).

~~Existing law, commencing on January 1, 2022, authorizes a dentist to administer or order the administration of moderate sedation on an outpatient basis for a dental patient if specified conditions are met. Existing law specifies additional requirements if the patient is under 13 years of age, including that there be at least 2 support personnel in addition to the operating dentist present at all times during the procedure and that the operating dentist and one personnel member maintain current certification in PALS and airway management or other board-approved training.~~

~~This bill would also require, if the patient is 13 years of age or older, that there be at least 2 support personnel in addition to the operating dentist present at all times during the procedure and that the operating dentist and one personnel member maintain current certification in ACLS and airway management.~~

~~Existing law, commencing on January 1, 2022, requires a dentist who desires to administer or to order the administration of moderate sedation to apply to the board for a permit and produce evidence showing that they have successfully completed training in moderate sedation that meets specified requirements.~~

~~This bill would require a permitholder to maintain current and continuous certification in ACLS and airway management.~~

Because a violation of these provisions would be a crime, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 1646.1 of the Business and Professions~~  
2     ~~Code, as added by Section 4 of Chapter 929 of the Statutes of~~  
3     ~~2018, is amended to read:~~

4     ~~1646.1. (a) A dentist shall possess either a current license in~~  
5     ~~good standing and a general anesthesia permit issued by the board~~  
6     ~~or a permit under Section 1638 or 1640 and a general anesthesia~~  
7     ~~permit issued by the board in order to administer or order the~~  
8     ~~administration of deep sedation or general anesthesia on an~~  
9     ~~outpatient basis for dental patients.~~

10    ~~(b) A dentist shall possess a pediatric endorsement of their~~  
11    ~~general anesthesia permit to administer or order the administration~~  
12    ~~of deep sedation or general anesthesia to patients under seven years~~  
13    ~~of age.~~

14    ~~(c) A dentist shall be physically within the dental office at the~~  
15    ~~time of ordering, and during the administration of, general~~  
16    ~~anesthesia or deep sedation.~~

17    ~~(d) The operating dentist and at least two additional personnel~~  
18    ~~shall be present throughout the procedure involving deep sedation~~  
19    ~~or general anesthesia.~~

20    ~~(e) If the operating dentist is the permitted anesthesia provider,~~  
21    ~~then both of the following shall apply:~~

22    ~~(1) The operating dentist and at least one of the additional~~  
23    ~~personnel shall maintain certification in one of the following:~~

24    ~~(A) If the patient is under 13 years of age, certification in~~  
25    ~~Pediatric Advanced Life Support (PALS) or other board-approved~~  
26    ~~training in pediatric life support and airway management, adopted~~  
27    ~~pursuant to Section 1601.8. The additional personnel who is~~  
28    ~~certified in Pediatric Advanced Life Support (PALS) and airway~~  
29    ~~management or other board-approved training in pediatric life~~  
30    ~~support and airway management shall be solely dedicated to~~  
31    ~~monitoring the patient and shall be trained to read and respond to~~  
32    ~~monitoring equipment including, but not limited to, pulse oximeter,~~  
33    ~~cardiac monitor, blood pressure, pulse, capnograph, and respiration~~  
34    ~~monitoring devices.~~

35    ~~(B) If the patient is 13 years of age or older, certification in~~  
36    ~~Advanced Cardiac Life Support (ACLS). The additional personnel~~  
37    ~~who is certified in ACLS and airway management shall be solely~~  
38    ~~dedicated to monitoring the patient and shall be trained to read~~

1 and respond to monitoring equipment including, but not limited  
2 to, pulse oximeter, cardiac monitor, blood pressure, pulse,  
3 capnograph, and respiration monitoring devices.

4 (2) The operating dentist shall be responsible for initiating and  
5 administering any necessary emergency response.

6 (f) If a dedicated permitted anesthesia provider is monitoring  
7 the patient and administering deep sedation or general anesthesia,  
8 both of the following shall apply:

9 (1) The anesthesia provider and the operating dentist, or one  
10 other trained personnel, shall be present throughout the procedure  
11 and shall maintain current certification in one of the following:

12 (A) If the patient is under 13 years of age, Pediatric Advanced  
13 Life Support (PALS) and airway management or other  
14 board-approved training in pediatric life support and airway  
15 management, adopted pursuant to Section 1601.8.

16 (B) If the patient is 13 years of age or older, Advanced Cardiac  
17 Life Support (ACLS).

18 (2) The anesthesia provider shall be responsible for initiating  
19 and administering any necessary emergency response and the  
20 operating dentist, or other trained and designated personnel, shall  
21 assist the anesthesia provider in emergency response.

22 (g) This article does not apply to the administration of local  
23 anesthesia, minimal sedation, or moderate sedation.

24 SEC. 2. Section 1647.2 of the Business and Professions Code,  
25 as added by Section 6 of Chapter 929 of the Statutes of 2018, is  
26 amended to read:

27 1647.2. (a) A dentist may administer or order the  
28 administration of moderate sedation on an outpatient basis for a  
29 dental patient if one of the following conditions is met:

30 (1) The dentist possesses a current license in good standing and  
31 either holds a valid general anesthesia permit or obtains a moderate  
32 sedation permit.

33 (2) The dentist possesses a current permit under Section 1638  
34 or 1640 and either holds a valid general anesthesia permit or  
35 obtains a moderate sedation permit.

36 (b) A dentist shall obtain a pediatric endorsement on the  
37 moderate sedation permit prior to administering moderate sedation  
38 to a patient under 13 years of age.

1 ~~(e) (1) A dentist who orders the administration of moderate~~  
2 ~~sedation shall be physically present in the treatment facility while~~  
3 ~~the patient is sedated.~~

4 ~~(2) There shall be at least two support personnel in addition to~~  
5 ~~the operating dentist present at all times during the procedure~~  
6 ~~involving moderate sedation.~~

7 ~~(3) For patients under 13 years of age, the operating dentist and~~  
8 ~~one personnel member shall maintain current certification in~~  
9 ~~Pediatric Advanced Life Support (PALS) and airway management~~  
10 ~~or other board-approved training in pediatric life support and~~  
11 ~~airway management, adopted pursuant to Section 1601.8. The~~  
12 ~~personnel member with current certification in Pediatric Advanced~~  
13 ~~Life Support (PALS) and airway management or other~~  
14 ~~board-approved training in pediatric life support and airway~~  
15 ~~management shall be dedicated to monitoring the patient during~~  
16 ~~the procedure involving moderate sedation and may assist with~~  
17 ~~interruptible patient-related tasks of short duration, such as holding~~  
18 ~~an instrument.~~

19 ~~(4) For patients 13 years of age or older, the operating dentist~~  
20 ~~and one personnel member shall maintain current certification in~~  
21 ~~Advanced Cardiac Life Support (ACLS). The personnel member~~  
22 ~~with current certification in ACLS and airway management shall~~  
23 ~~be dedicated to monitoring the patient during the procedure~~  
24 ~~involving moderate sedation and may assist with interruptible~~  
25 ~~patient-related tasks of short duration, such as holding an~~  
26 ~~instrument.~~

27 ~~(d) A dentist with a moderate sedation permit or a moderate~~  
28 ~~sedation permit with a pediatric endorsement shall possess the~~  
29 ~~training, equipment, and supplies to rescue a patient from an~~  
30 ~~unintended deeper level of sedation.~~

31 ~~(e) This article shall not apply to the administration of local~~  
32 ~~anesthesia, minimal sedation, deep sedation, or general anesthesia.~~

33 ~~SEC. 3. Section 1647.3 of the Business and Professions Code,~~  
34 ~~as added by Section 6 of Chapter 929 of the Statutes of 2018, is~~  
35 ~~amended to read:~~

36 ~~1647.3. (a) A dentist who desires to administer or to order the~~  
37 ~~administration of moderate sedation shall apply to the board on~~  
38 ~~an application form prescribed by the board. The dentist shall~~  
39 ~~submit an application fee and produce evidence showing that they~~

~~1 have successfully completed training in moderate sedation that  
2 meets the requirements of subdivision (c).~~

~~3 (b) The application for a permit shall include documentation  
4 that equipment and drugs required by the board are on the premises.~~

~~5 (c) Training in the administration of moderate sedation shall be  
6 acceptable if it meets all of the following as approved by the board:~~

~~7 (1) Consists of at least 60 hours of instruction.~~

~~8 (2) Requires satisfactory completion of at least 20 cases of  
9 administration of moderate sedation for a variety of dental  
10 procedures.~~

~~11 (3) Complies with the requirements of the Guidelines for  
12 Teaching Pain Control and Sedation to Dentists and Dental  
13 Students of the American Dental Association, including, but not  
14 limited to, certification of competence in rescuing patients from a  
15 deeper level of sedation than intended, and managing the airway,  
16 intravascular or intraosseous access, and reversal medications.~~

~~17 (d) A dentist may apply for a pediatric endorsement for a  
18 moderate sedation permit by confirming all of the following:~~

~~19 (1) Successful completion of residency in pediatric dentistry  
20 accredited by the Commission on Dental Accreditation (CODA)  
21 or the equivalent training in pediatric moderate sedation, as  
22 determined by the board.~~

~~23 (2) Successful completion of at least 20 cases of moderate  
24 sedation to patients under 13 years of age to establish competency  
25 in pediatric moderate sedation, both at the time of the initial  
26 application and at renewal. The applicant or permit holder shall  
27 maintain and shall provide proof of these cases upon request by  
28 the board for up to three permit renewal periods.~~

~~29 (3) In order to provide moderate sedation to children under  
30 seven years of age, a dentist shall establish and maintain current  
31 competency for this pediatric population by completing 20 cases  
32 of moderate sedation for children under seven years of age in the  
33 24-month period immediately preceding application for the  
34 pediatric endorsement and for each permit renewal period.~~

~~35 (4) Current certification in Pediatric Advanced Life Support  
36 (PALS) and airway management or other board-approved training  
37 in pediatric life support and airway management, adopted pursuant  
38 to Section 1601.8.~~

~~39 (e) A permit holder shall maintain current and continuous  
40 certification in Pediatric Advanced Life Support (PALS) and~~

1 airway management or other board-approved training in pediatric  
2 life support and airway management, adopted pursuant to Section  
3 1601.8, for the duration of the permit.

4 (f) ~~A permitholder shall maintain current and continuous~~  
5 ~~certification in Advanced Cardiac Life Support (ACLS) and airway~~  
6 ~~management for the duration of the permit.~~

7 (g) ~~Applicants for a pediatric endorsement who otherwise qualify~~  
8 ~~for the pediatric endorsement but lack sufficient cases of moderate~~  
9 ~~sedation to patients under 13 years of age may administer moderate~~  
10 ~~sedation to patients under 13 years of age under the direct~~  
11 ~~supervision of a general anesthesia or moderate sedation~~  
12 ~~permitholder with a pediatric endorsement. The applicant may~~  
13 ~~count these cases toward the 20 required in order to qualify for the~~  
14 ~~applicant's pediatric endorsement.~~

15 (h) ~~Moderate sedation permit holders with a pediatric~~  
16 ~~endorsement seeking to provide moderate sedation to children~~  
17 ~~under seven years of age, but who lack sufficient cases of moderate~~  
18 ~~sedation to patients under seven years of age pursuant to paragraph~~  
19 ~~(3) of subdivision (d), may administer moderate sedation to patients~~  
20 ~~under seven years of age under the direct supervision of a~~  
21 ~~permitholder who meets those qualifications.~~

22 *SECTION 1. Section 1646.1 of the Business and Professions*  
23 *Code, as added by Section 4 of Chapter 929 of the Statutes of 2018,*  
24 *is amended to read:*

25 1646.1. (a) A dentist shall possess either a current license in  
26 good standing and a general anesthesia permit issued by the board  
27 or a permit under Section 1638 or 1640 and a general anesthesia  
28 permit issued by the board in order to administer or order the  
29 administration of deep sedation or general anesthesia on an  
30 outpatient basis for dental patients.

31 (b) A dentist shall possess a pediatric endorsement of their  
32 general anesthesia permit to administer or order the administration  
33 of deep sedation or general anesthesia to patients under seven years  
34 of age.

35 (c) A dentist shall be physically within the dental office at the  
36 time of ordering, and during the administration of, general  
37 anesthesia or deep sedation.

38 (d) For patients under 13 years of age, all of the following shall  
39 apply:



1 (1) The operating dentist and at least two additional personnel  
2 shall be present throughout the procedure involving deep sedation  
3 or general anesthesia.

4 (2) If the operating dentist is the permitted anesthesia provider,  
5 then both of the following shall apply:

6 (A) The operating dentist and at least one of the additional  
7 personnel shall maintain current certification in Pediatric Advanced  
8 Life Support (PALS) or other board-approved training in pediatric  
9 life support and airway management, adopted pursuant to Section  
10 1601.8. The additional personnel who is certified in Pediatric  
11 Advanced Life Support (PALS) and airway management or other  
12 board-approved training in pediatric life support and airway  
13 management shall be solely dedicated to monitoring the patient  
14 and shall be trained to read and respond to monitoring equipment  
15 including, but not limited to, pulse oximeter, cardiac monitor,  
16 blood pressure, pulse, capnograph, and respiration monitoring  
17 devices.

18 (B) The operating dentist shall be responsible for initiating and  
19 administering any necessary emergency response.

20 (3) If a dedicated permitted anesthesia provider is monitoring  
21 the patient and administering deep sedation or general anesthesia,  
22 both of the following shall apply:

23 (A) The anesthesia provider and the operating dentist, or one  
24 other trained personnel, shall be present throughout the procedure  
25 and shall maintain current certification in Pediatric Advanced Life  
26 Support (PALS) and airway management or other board-approved  
27 training in pediatric life support and airway management, adopted  
28 pursuant to Section 1601.8.

29 (B) The anesthesia provider shall be responsible for initiating  
30 and administering any necessary emergency response and the  
31 operating dentist, or other trained and designated personnel, shall  
32 assist the anesthesia provider in emergency response.

33 (e) This article does not apply to the administration of local  
34 anesthesia, minimal sedation, or moderate sedation.

35 (f) *This section shall remain in effect only until July 1, 2023,*  
36 *and as of that date is repealed.*

37 SEC. 2. *Section 1646.1 is added to the Business and Professions*  
38 *Code, to read:*

39 1646.1. (a) *A dentist shall possess either a current license in*  
40 *good standing and a general anesthesia permit issued by the board*



1 *or a permit under Section 1638 or 1640 and a general anesthesia*  
2 *permit issued by the board in order to administer or order the*  
3 *administration of deep sedation or general anesthesia on an*  
4 *outpatient basis for dental patients.*

5 *(b) A dentist shall possess a pediatric endorsement of their*  
6 *general anesthesia permit to administer or order the administration*  
7 *of deep sedation or general anesthesia to patients under seven*  
8 *years of age.*

9 *(c) A dentist shall be physically within the dental office at the*  
10 *time of ordering, and during the administration of, general*  
11 *anesthesia or deep sedation.*

12 *(d) The operating dentist and at least two additional personnel*  
13 *shall be present throughout the procedure involving deep sedation*  
14 *or general anesthesia.*

15 *(e) If the operating dentist is the permitted anesthesia provider,*  
16 *then both of the following shall apply:*

17 *(1) The operating dentist and at least one of the additional*  
18 *personnel shall maintain certification in one of the following:*

19 *(A) If the patient is under 13 years of age, certification in*  
20 *Pediatric Advanced Life Support (PALS) or other board-approved*  
21 *training in pediatric life support and airway management, adopted*  
22 *pursuant to Section 1601.8. The additional personnel who is*  
23 *certified in PALS and airway management or other board-approved*  
24 *training in pediatric life support and airway management shall*  
25 *be solely dedicated to monitoring the patient and shall be trained*  
26 *to read and respond to monitoring equipment including, but not*  
27 *limited to, pulse oximeter, cardiac monitor, blood pressure, pulse,*  
28 *capnograph, and respiration monitoring devices.*

29 *(B) If the patient is 13 years of age or older, certification in*  
30 *Advanced Cardiac Life Support (ACLS). The additional personnel*  
31 *who is certified in ACLS and airway management shall be solely*  
32 *dedicated to monitoring the patient and shall be trained to read*  
33 *and respond to monitoring equipment including, but not limited*  
34 *to, pulse oximeter, cardiac monitor, blood pressure, pulse,*  
35 *capnograph, and respiration monitoring devices.*

36 *(2) The operating dentist shall be responsible for initiating and*  
37 *administering any necessary emergency response.*

38 *(f) If a dedicated permitted anesthesia provider is monitoring*  
39 *the patient and administering deep sedation or general anesthesia,*  
40 *both of the following shall apply:*

1     (1) *The anesthesia provider and the operating dentist, or one*  
2     *other trained personnel, shall be present throughout the procedure*  
3     *and shall maintain current certification in one of the following:*

4     (A) *If the patient is under 13 years of age, PALS and airway*  
5     *management or other board-approved training in pediatric life*  
6     *support and airway management, adopted pursuant to Section*  
7     *1601.8.*

8     (B) *If the patient is 13 years of age or older, ACLS.*

9     (2) *The anesthesia provider shall be responsible for initiating*  
10    *and administering any necessary emergency response and the*  
11    *operating dentist, or other trained and designated personnel, shall*  
12    *assist the anesthesia provider in emergency response.*

13    (g) *This article does not apply to the administration of local*  
14    *anesthesia, minimal sedation, or moderate sedation.*

15    (h) *This section shall become operative on July 1, 2023.*

16    ~~SEC. 4.~~

17    SEC. 3. No reimbursement is required by this act pursuant to  
18    Section 6 of Article XIII B of the California Constitution because  
19    the only costs that may be incurred by a local agency or school  
20    district will be incurred because this act creates a new crime or  
21    infraction, eliminates a crime or infraction, or changes the penalty  
22    for a crime or infraction, within the meaning of Section 17556 of  
23    the Government Code, or changes the definition of a crime within  
24    the meaning of Section 6 of Article XIII B of the California  
25    Constitution.

**Introduced by Senator Ochoa Bogh**

January 31, 2022

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An act to amend Section 2827 of, and to add Section 1646.14 to, the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 889, as introduced, Ochoa Bogh. Nurse anesthetists.

Existing law, the Dental Practice Act, establishes the Dental Board of California in the Department of Consumer Affairs for the licensure and regulation of dentists. The act governs, among other things, the use of general anesthesia and deep sedation, as defined, for adult patients and patients under 13 years of age. The act requires a dentist to possess either a current license in good standing and a general anesthesia permit or a general anesthesia permit together with a maxillofacial surgery permit or a special permit to administer general anesthesia or deep sedation on an outpatient basis for dental patients.

Existing law, the Nurse Anesthetists Act, provides for the certification and regulation of nurse anesthetists by the Board of Registered Nursing, which is within the Department of Consumer Affairs. Under existing law, the utilization of a nurse anesthetist to provide anesthesia services is required to be approved by the acute care facility administration and the appropriate committee, and at the discretion of the physician, dentist, or podiatrist. If a general anesthetic agent is administered in a dental office, existing law requires the dentist to hold a permit authorized by the provisions governing a dentist's use of deep sedation and general anesthesia.

This bill would allow a nurse anesthetist to administer general anesthesia or deep sedation to dental patients if the nurse anesthetist receives a permit from the Dental Board of California. This bill would

require that a nurse anesthetist, in order to administer deep sedation or general anesthesia, apply to the board and provide, among other things, evidence that the nurse anesthetist has met specified educational requirements. This bill would authorize the board to require an onsite inspection and evaluation prior to the issuance or renewal of a permit, and would require that a nurse anesthetist who fails that inspection and evaluation have their permit suspended, as specified. This bill would authorize a nurse anesthetist to apply to the board for an endorsement to perform general anesthesia or deep sedation on a child under 7 years of age.

This bill would also require a nurse anesthetist that is providing general anesthesia or deep sedation in a dental office to do so in accordance with the provisions of the Dental Practice Act that govern the use of general anesthesia or deep sedation in a dental office and in accordance with specified provisions of the Nursing Practice Act. By expanding the scope of existing crimes under the Dental Practice Act and the Nurse Anesthetists Act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2827 of the Business and Professions  
2     Code is amended to read:  
3     2827. The utilization of a nurse anesthetist to provide anesthesia  
4     services in an acute care facility shall be approved by the acute  
5     care facility administration and the appropriate committee, and at  
6     the discretion of the physician, dentist or podiatrist. ~~If a general~~  
7     ~~anesthetic agent is administered in a dental office, the dentist shall~~  
8     ~~hold a permit authorized by Article 2.7 (commencing with Section~~  
9     ~~1646) of Chapter 4 or, commencing January 1, 2022, Article 2.75~~  
10    ~~(commencing with Section 1646) of Chapter 4. General anesthesia~~  
11    ~~or deep sedation administered in a dental office by a nurse~~  
12    ~~anesthetist shall be in accordance with all of the following:~~

1 (a) Article 2.7 (commencing with Section 1646) of Chapter 4  
2 or, commencing January 1, 2022, Article 2.75 (commencing with  
3 Section 1646) of Chapter 4.

4 (b) Paragraph (2) of subdivision (b) of Section 2725.

5 SEC. 2. Section 1646.14 is added to the Business and  
6 Professions Code, to read:

7 1646.14. (a) Notwithstanding any other law, including, but  
8 not limited to, Sections 1646.1 and 1647.2, a certified registered  
9 nurse anesthetist licensed pursuant to Article 2 (commencing with  
10 Section 2725) of Chapter 6 and certified as a nurse anesthetist  
11 pursuant to Article 7 (commencing with Section 2825) of Chapter  
12 6 may administer general anesthesia or deep sedation in the office  
13 of a licensed dentist to dental patients without regard to whether  
14 the dentist possesses a permit issued pursuant to this article, if all  
15 of the following are met:

16 (1) The nurse anesthetist holds a valid general anesthesia permit  
17 issued by the Dental Board of California pursuant to subdivision

18 (b).

19 (2) The nurse anesthetist meets the requirements of subdivision  
20 (d) of Section 1646.1

21 (b) A nurse anesthetist who desires to administer general  
22 anesthesia or deep sedation as set forth in subdivision (a) shall  
23 apply to the board on an application form prescribed by the board  
24 and shall submit all of the following:

25 (1) The payment of an application fee prescribed by this article.

26 (2) Evidence satisfactory to the board and the Board of  
27 Registered Nursing showing that the applicant has successfully  
28 completed an accredited program pursuant to subdivision (b) of  
29 Section 2826.

30 (3) Documentation demonstrating that all equipment and drugs  
31 required by the board are on the premises for use in any dental  
32 office in which the nurse anesthetist administers general anesthesia  
33 or deep sedation.

34 (c) Prior to issuance or renewal of a permit pursuant to this  
35 section, the board may, at its discretion, require an onsite inspection  
36 and evaluation of the facility, equipment, and personnel, including,  
37 but not limited to, the certified registered nurse anesthetist and  
38 procedures utilized. At least one of the people evaluating the  
39 procedures utilized by the nurse anesthetist shall be a certified  
40 registered nurse anesthetist expert in outpatient general anesthesia

1 or deep sedation who has been authorized or retained under contract  
2 by the board for this purpose.

3 (d) A nurse anesthetist who has failed an onsite inspection and  
4 evaluation shall have their permit suspended automatically for 30  
5 days after the date on which the board notifies the nurse anesthetist  
6 of the failure unless within that time period the nurse anesthetist  
7 has retaken and passed an onsite inspection and evaluation. A nurse  
8 anesthetist who is issued a permit under this article shall be subject  
9 to an onsite inspection and evaluation at least once every five years.  
10 Refusal to submit to an inspection shall result in automatic denial  
11 or revocation of the permit.

12 (e) A nurse anesthetist who additionally meets the requirements  
13 of paragraphs (2) and (3) of subdivision (c) of Section 1646.2 may  
14 apply to the board for a pediatric endorsement to provide general  
15 anesthesia or deep sedation to a child under seven years of age. A  
16 nurse anesthetist without sufficient cases to obtain a pediatric  
17 endorsement may qualify for the endorsement pursuant to the  
18 requirements of subdivision (d) of Section 1646.2.

19 SEC. 3. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.

O

**Introduced by Senator Ochoa Bogh  
(Coauthors: Senators Jones and Nielsen)**

February 15, 2022

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An act to amend Sections 701, 703, 1006.5, and 2734 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1031, as introduced, Ochoa Bogh. Healing arts boards: inactive license fees.

Existing law establishes healing arts boards in the Department of Consumer Affairs to ensure private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California. Existing law requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board. Existing law prohibits the holder of an inactive license from engaging in any activity for which an active license is required. Existing law requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee.

This bill would instead require the renewal fee for an inactive license to be  $\frac{1}{2}$  of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee. The bill would make conforming and other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 701 of the Business and Professions Code  
2 is amended to read:

3     701. (a) As used in this article, “board” refers to ~~any a~~ healing  
4 arts board, division, or examining committee ~~which that~~ licenses  
5 or certifies health professionals.

6     (b) Each healing arts board referred to in this division shall  
7 issue, upon application and payment of the ~~normal renewal fee,~~  
8 *inactive license renewal fee, in an amount determined by the board*  
9 *pursuant to Section 703*, an inactive license or certificate to a  
10 current holder of an active license or certificate whose license or  
11 certificate is not suspended, revoked, or otherwise punitively  
12 restricted by that board.

13     SEC. 2. Section 703 of the Business and Professions Code is  
14 amended to read:

15     703. (a) An inactive healing arts license or certificate issued  
16 pursuant to this article shall be renewed during the same time  
17 period at which an active license or certificate is renewed. In order  
18 to renew a license or certificate issued pursuant to this article, the  
19 holder ~~thereof need not~~ *of the license or certificate is not required*  
20 *to* comply with any continuing education requirement for renewal  
21 of an active license or certificate.

22     (b) ~~The Notwithstanding any other law, the renewal fee for a~~  
23 ~~license or certificate in an active status shall apply also for inactive~~  
24 ~~status shall be one-half of the amount of the fee for the renewal of~~  
25 ~~a license or certificate in an inactive active status, unless a lower~~  
26 ~~fee has been established by the issuing board. the issuing board~~  
27 ~~establishes a lower fee.~~

28     SEC. 3. Section 1006.5 of the Business and Professions Code  
29 is amended to read:

30     1006.5. Notwithstanding any other law, the amount of  
31 regulatory fees necessary to carry out the responsibilities required  
32 by the Chiropractic Initiative Act and this chapter are fixed in the  
33 following schedule:

34     (a) Fee to apply for a license to practice chiropractic: three  
35 hundred seventy-one dollars (\$371).

36     (b) Fee for initial license to practice chiropractic: one hundred  
37 eighty-six dollars (\$186).



1 (c) Fee to renew an active~~—or—inactive~~ license to practice  
2 chiropractic: three hundred thirteen dollars (\$313).

3 (d) Fee to apply for approval as a continuing education provider:  
4 eighty-four dollars (\$84).

5 (e) Biennial continuing education provider renewal fee: fifty-six  
6 dollars (\$56).

7 (f) Fee to apply for approval of a continuing education course:  
8 fifty-six dollars (\$56) per course.

9 (g) Fee to apply for a satellite office certificate: sixty-two dollars  
10 (\$62).

11 (h) Fee to renew a satellite office certificate: thirty-one dollars  
12 (\$31).

13 (i) Fee to apply for a license to practice chiropractic pursuant  
14 to Section 9 of the Chiropractic Initiative Act: three hundred  
15 seventy-one dollars (\$371).

16 (j) Fee to apply for a certificate of registration of a chiropractic  
17 corporation: one hundred eighty-six dollars (\$186).

18 (k) Fee to renew a certificate of registration of a chiropractic  
19 corporation: thirty-one dollars (\$31).

20 (l) Fee to file a chiropractic corporation special report: thirty-one  
21 dollars (\$31).

22 (m) Fee to apply for approval as a referral service: five hundred  
23 fifty-seven dollars (\$557).

24 (n) Fee for an endorsed verification of licensure: one hundred  
25 twenty-four dollars (\$124).

26 (o) Fee for replacement of a lost or destroyed license: fifty  
27 dollars (\$50).

28 (p) Fee for replacement of a satellite office certificate: fifty  
29 dollars (\$50).

30 (q) Fee for replacement of a certificate of registration of a  
31 chiropractic corporation: fifty dollars (\$50).

32 (r) Fee to restore a forfeited or canceled license to practice  
33 chiropractic: double the annual renewal fee specified in subdivision  
34 (c).

35 (s) Fee to apply for approval to serve as a preceptor: thirty-one  
36 dollars (\$31).

37 (t) Fee to petition for reinstatement of a revoked license: three  
38 hundred seventy-one dollars (\$371).

39 (u) Fee to petition for early termination of probation: three  
40 hundred seventy-one dollars (\$371).

1 (v) Fee to petition for reduction of penalty: three hundred  
2 seventy-one dollars (\$371).

3 SEC. 4. Section 2734 of the Business and Professions Code is  
4 amended to read:

5 2734. Upon application in writing to the board and payment  
6 of ~~the biennial renewal fee~~, *a renewal fee, in an amount determined*  
7 *by the board pursuant to Section 703*, a licensee may have ~~his~~ *their*  
8 license placed in an inactive status for an indefinite period of time.  
9 A licensee whose license is in an inactive status ~~may~~ *shall* not  
10 practice nursing. However, ~~such a licensee does not have the~~  
11 *licensee is not required* to comply with the continuing education  
12 standards of Section 2811.5.

O

**Introduced by Senator Newman**

February 17, 2022

---

An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1237, as introduced, Newman. Licenses: military service.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee's or registrant's license without examination or penalty if certain requirements are met.

Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.

This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. This bill would also make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 114.3 of the Business and Professions  
2 Code is amended to read:  
3 114.3. (a) Notwithstanding any other law, every board, as  
4 defined in Section 22, within the department shall waive the  
5 renewal fees, continuing education requirements, and other renewal  
6 requirements as determined by the board, if any are applicable,  
7 for ~~any~~ a licensee or registrant called to active duty as a member  
8 of the United States Armed Forces or the California National Guard  
9 if all of the following requirements are met:  
10 (1) The licensee or registrant possessed a current and valid  
11 license with the board at the time the licensee or registrant was  
12 called to active duty.  
13 (2) The renewal requirements are waived only for the period  
14 during which the licensee or registrant is on active duty service.  
15 (3) Written documentation that substantiates the licensee or  
16 registrant's active duty service is provided to the board.  
17 (b) (1) Except as specified in paragraph (2), the licensee or  
18 registrant shall not engage in any activities requiring a license  
19 during the period that the waivers provided by this section are in  
20 effect.  
21 (2) If the licensee or registrant will provide services for which  
22 the licensee or registrant is licensed while on active duty, the board  
23 shall convert the license status to military active and no private  
24 practice of any type shall be permitted.  
25 (c) In order to engage in any activities for which the licensee  
26 or registrant is licensed once discharged from active duty, the  
27 licensee or registrant shall meet all necessary renewal requirements  
28 as determined by the board within six months from the licensee's  
29 or registrant's date of discharge from active duty service.  
30 (d) After a licensee or registrant receives notice of the licensee  
31 or registrant's discharge date, the licensee or registrant shall notify  
32 the board of their discharge from active duty within 60 days of  
33 receiving their notice of discharge.  
34 (e) *A board shall waive the renewal fees of a licensee or*  
35 *registrant called to active duty as a member of the United States*

1 *Armed Forces or the California National Guard if the licensee or*  
2 *registrant is stationed outside of California.*

3 ~~(e)~~

4 *(f)* A board may adopt regulations to carry out the provisions  
5 of this section.

6 ~~(f)~~

7 *(g)* This section shall not apply to any board that has a similar  
8 license renewal waiver process statutorily authorized for that board.

O

**Introduced by Senator Jones**

February 18, 2022

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An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1365, as introduced, Jones. Licensing boards: procedures.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require the department to establish a process to assist each board in developing its internet website, as specified.

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 114.6 is added to the Business and  
2 Professions Code, to read:  
3 114.6. (a) Each board within the department shall publicly  
4 post on its internet website a list of criteria used to evaluate  
5 applicants with criminal convictions so that potential applicants  
6 for licensure may be better informed about their possibilities of  
7 gaining licensure before investing time and resources into  
8 education, training, and application fees.  
9 (b) The department shall do all of the following:  
10 (1) (A) Establish a process to assist each board in developing  
11 its internet website in compliance with subdivision (a).  
12 (B) As part of this process, the department shall disseminate  
13 materials to, and serve as a clearing house to, boards in order to  
14 provide guidance and best practices in assisting applicants with  
15 criminal convictions gain employment.  
16 (2) (A) Develop a process for each board to use in verifying  
17 applicant information and performing background checks of  
18 applicants.  
19 (B) In developing this process, the board may examine the model  
20 used for performing background checks of applicants established  
21 by the Department of Insurance. The process developed shall  
22 require applicants with convictions to provide certified court  
23 documents instead of listing convictions on application documents.  
24 This process shall prevent license denials due to unintentional  
25 reporting errors. This process shall also include procedures to  
26 expedite the fee-waiver process for any low-income applicant  
27 requesting a background check.  
28 (3) (A) Develop a procedure to provide for an informal appeals  
29 process.  
30 (B) In developing this informal appeals process, the department  
31 may examine the model for informal appeals used by the Bureau  
32 of Security and Investigative Services. The informal appeals

1 process shall occur between an initial license denial and an  
2 administrative law hearing.

O



**Introduced by Senator Roth**

February 18, 2022

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An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7573.5, 7576, 7588.8, 7599.80, 7602, 8000, 8005, 9812.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 18602, and 18613 of the Business and Professions Code, relating to professions and vocations.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1443, as introduced, Roth. The Department of Consumer Affairs.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025, and make related conforming changes.

Existing law specifies that there is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of a director. Existing law, the Electronic and Appliance Repair Dealer Registration Law, regulates service dealers, as defined, and applies its provisions, until January 1, 2023, to service contractors. Among other things, existing law, until January 1, 2023, requires the director to gather evidence of specified violations by any service contractor and to conduct spot check investigations of service contractors throughout the state on a continuous basis.

This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1601.1 of the Business and Professions  
2 Code is amended to read:

3 1601.1. (a) There shall be in the Department of Consumer  
4 Affairs the Dental Board of California in which the administration  
5 of this chapter is vested. The board shall consist of eight practicing  
6 dentists, one registered dental hygienist, one registered dental  
7 assistant, and five public members. Of the eight practicing dentists,  
8 one shall be a member of a faculty of any California dental college,  
9 and one shall be a dentist practicing in a nonprofit community  
10 clinic. The appointing powers, described in Section 1603, may  
11 appoint to the board a person who was a member of the prior board.  
12 The board shall be organized into standing committees dealing  
13 with examinations, enforcement, and other subjects as the board  
14 deems appropriate.

15 (b) For purposes of this chapter, any reference in this chapter  
16 to the Board of Dental Examiners shall be deemed to refer to the  
17 Dental Board of California.

18 (c) The board shall have all authority previously vested in the  
19 existing board under this chapter. The board may enforce all  
20 disciplinary actions undertaken by the previous board.

21 (d) This section shall remain in effect only until ~~January 1, 2024,~~  
22 *January 1, 2025*, and as of that date is repealed. Notwithstanding  
23 any other law, the repeal of this section renders the board subject  
24 to review by the appropriate policy committees of the Legislature.

25 SEC. 2. Section 1616.5 of the Business and Professions Code  
26 is amended to read:

27 1616.5. (a) The board, by and with the approval of the director,  
28 may appoint a person exempt from civil service who shall be  
29 designated as an executive officer and who shall exercise the  
30 powers and perform the duties delegated by the board and vested  
31 in the executive officer by this chapter.

1 (b) This section shall remain in effect only until ~~January 1, 2024,~~  
2 *January 1, 2025*, and as of that date is repealed.

3 SEC. 3. Section 5000 of the Business and Professions Code is  
4 amended to read:

5 5000. (a) There is in the Department of Consumer Affairs the  
6 California Board of Accountancy, which consists of 15 members,  
7 7 of whom shall be licensees, and 8 of whom shall be public  
8 members who shall not be licentiates of the board or registered by  
9 the board. The board has the powers and duties conferred by this  
10 chapter.

11 (b) The Governor shall appoint four of the public members, and  
12 the seven licensee members as provided in this section. The Senate  
13 Committee on Rules and the Speaker of the Assembly shall each  
14 appoint two public members. In appointing the seven licensee  
15 members, the Governor shall appoint individuals representing a  
16 cross section of the accounting profession.

17 (c) This section shall remain in effect only until ~~January 1, 2024,~~  
18 *January 1, 2025*, and as of that date is repealed.

19 (d) Notwithstanding any other law, the repeal of this section  
20 renders the board subject to review by the appropriate policy  
21 committees of the Legislature. However, the review of the board  
22 shall be limited to reports or studies specified in this chapter and  
23 those issues identified by the appropriate policy committees of the  
24 Legislature and the board regarding the implementation of new  
25 licensing requirements.

26 SEC. 4. Section 5015.6 of the Business and Professions Code  
27 is amended to read:

28 5015.6. The board may appoint a person exempt from civil  
29 service who shall be designated as an executive officer and who  
30 shall exercise the powers and perform the duties delegated by the  
31 board and vested in the executive officer by this chapter.

32 This section shall remain in effect only until ~~January 1, 2024,~~  
33 *January 1, 2025*, and as of that date is repealed.

34 SEC. 5. Section 5510 of the Business and Professions Code is  
35 amended to read:

36 5510. There is in the Department of Consumer Affairs a  
37 California Architects Board which consists of 10 members.

38 Any reference in law to the California Board of Architectural  
39 Examiners shall mean the California Architects Board.

1 This section shall remain in effect only until ~~January 1, 2024,~~  
2 *January 1, 2025*, and as of that date is repealed. Notwithstanding  
3 any other law, the repeal of this section renders the board subject  
4 to review by the appropriate policy committees of the Legislature.

5 SEC. 6. Section 5517 of the Business and Professions Code is  
6 amended to read:

7 5517. The board may appoint a person exempt from civil  
8 service who shall be designated as an executive officer and who  
9 shall exercise the powers and perform the duties delegated by the  
10 board and vested in the executive officer by this chapter.

11 This section shall remain in effect only until ~~January 1, 2024,~~  
12 *January 1, 2025*, and as of that date is repealed.

13 SEC. 7. Section 5620 of the Business and Professions Code is  
14 amended to read:

15 5620. The duties, powers, purposes, responsibilities, and  
16 jurisdiction of the California State Board of Landscape Architects  
17 that were succeeded to and vested with the Department of  
18 Consumer Affairs in accordance with Chapter 908 of the Statutes  
19 of 1994 are hereby transferred to the California Architects Board.  
20 The Legislature finds that the purpose for the transfer of power is  
21 to promote and enhance the efficiency of state government and  
22 that assumption of the powers and duties by the California  
23 Architects Board shall not be viewed or construed as a precedent  
24 for the establishment of state regulation over a profession or  
25 vocation that was not previously regulated by a board, as defined  
26 in Section 477.

27 (a) There is in the Department of Consumer Affairs a California  
28 Architects Board as defined in Article 2 (commencing with Section  
29 5510) of Chapter 3 of Division 3.

30 Whenever in this chapter “board” is used, it refers to the  
31 California Architects Board.

32 (b) Except as provided herein, the board may delegate its  
33 authority under this chapter to the Landscape Architects Technical  
34 Committee.

35 (c) After review of proposed regulations, the board may direct  
36 the examining committee to notice and conduct hearings to adopt,  
37 amend, or repeal regulations pursuant to Section 5630, provided  
38 that the board itself shall take final action to adopt, amend, or  
39 repeal those regulations.

1 (d) The board shall not delegate its authority to discipline a  
2 landscape architect or to take action against a person who has  
3 violated this chapter.

4 (e) This section shall remain in effect only until ~~January 1, 2024,~~  
5 *January 1, 2025*, and as of that date is repealed.

6 SEC. 8. Section 5621 of the Business and Professions Code is  
7 amended to read:

8 5621. (a) There is hereby created within the jurisdiction of the  
9 board, a Landscape Architects Technical Committee, hereinafter  
10 referred to in this chapter as the landscape architects committee.

11 (b) The landscape architects committee shall consist of five  
12 members who shall be licensed to practice landscape architecture  
13 in this state. The Governor shall appoint three of the members.  
14 The Senate Committee on Rules and the Speaker of the Assembly  
15 shall appoint one member each.

16 (c) The initial members to be appointed by the Governor are as  
17 follows: one member for a term of one year; one member for a  
18 term of two years; and one member for a term of three years. The  
19 Senate Committee on Rules and the Speaker of the Assembly shall  
20 initially each appoint one member for a term of four years.  
21 Thereafter, appointments shall be made for four-year terms,  
22 expiring on June 1 of the fourth year and until the appointment  
23 and qualification of the member's successor or until one year shall  
24 have elapsed, whichever first occurs. Vacancies shall be filled for  
25 the unexpired term.

26 (d) No person shall serve as a member of the landscape  
27 architects committee for more than two consecutive terms.

28 (e) This section shall remain in effect only until ~~January 1, 2024,~~  
29 *January 1, 2025*, and as of that date is repealed.

30 SEC. 9. Section 5622 of the Business and Professions Code is  
31 amended to read:

32 5622. (a) The landscape architects committee may assist the  
33 board in the examination of candidates for a landscape architect's  
34 license and, after investigation, evaluate and make  
35 recommendations regarding potential violations of this chapter.

36 (b) The landscape architects committee may investigate, assist,  
37 and make recommendations to the board regarding the regulation  
38 of landscape architects in this state.

(c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.

(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.

(e) This section shall remain in effect only until ~~January 1, 2024,~~ *January 1, 2025*, and as of that date is repealed.

SEC. 10. Section 6710 of the Business and Professions Code is amended to read:

6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers, Land Surveyors, and Geologists, which consists of 15 members.

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors, or the Board for Professional Engineers and Land Surveyors, is deemed to refer to the Board for Professional Engineers, Land Surveyors, and Geologists.

(c) This section shall remain in effect only until ~~January 1, 2024,~~ *January 1, 2025*, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 11. Section 6714 of the Business and Professions Code is amended to read:

6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.

This section shall remain in effect only until ~~January 1, 2024,~~ *January 1, 2025*, and as of that date is repealed.

SEC. 12. Section 6981 of the Business and Professions Code is amended to read:

6981. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of ~~January 1, 2024,~~ *January 1, 2025*.

SEC. 13. Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. (a) There is in the Department of Consumer Affairs a Contractors State License Board, which consists of 15 members.

1 (b) Notwithstanding any other provision of law, the repeal of  
2 this section renders the board subject to review by the appropriate  
3 policy committees of the Legislature.

4 (c) This section shall remain in effect only until ~~January 1, 2024,~~  
5 *January 1, 2025*, and as of that date is repealed.

6 SEC. 14. Section 7011 of the Business and Professions Code  
7 is amended to read:

8 7011. (a) The board, by and with the approval of the director,  
9 shall appoint a registrar of contractors and fix the registrar's  
10 compensation.

11 (b) The registrar shall be the executive officer and secretary of  
12 the board and shall carry out all of the administrative duties as  
13 provided in this chapter and as delegated to the registrar by the  
14 board.

15 (c) For the purpose of administration of this chapter, there may  
16 be appointed a deputy registrar, a chief reviewing and hearing  
17 officer, and, subject to Section 159.5, other assistants and  
18 subordinates as may be necessary.

19 (d) Appointments shall be made in accordance with the  
20 provisions of civil service laws.

21 (e) This section shall remain in effect only until ~~January 1, 2024,~~  
22 *January 1, 2025*, and as of that date is repealed.

23 SEC. 15. Section 7511.5 of the Business and Professions Code  
24 is amended to read:

25 7511.5. Notwithstanding any other law, the powers and duties  
26 of the bureau, as set forth in this chapter, shall be subject to review  
27 by the appropriate policy committees of the Legislature. The review  
28 shall be performed as if this chapter were scheduled to be repealed  
29 as of ~~January 1, 2024.~~ *January 1, 2025.*

30 SEC. 16. Section 7573.5 of the Business and Professions Code  
31 is amended to read:

32 7573.5. Notwithstanding any other law, the powers and duties  
33 of the bureau, as set forth in this chapter, shall be subject to review  
34 by the appropriate policy committees of the Legislature. The review  
35 shall be performed as if this chapter were scheduled to be repealed  
36 as of ~~January 1, 2024.~~ *January 1, 2025.*

37 SEC. 17. Section 7576 of the Business and Professions Code  
38 is amended to read:

39 7576. Notwithstanding any other law, the powers and duties  
40 of the bureau, as set forth in this chapter, shall be subject to review

1 by the appropriate policy committees of the Legislature. The review  
2 shall be performed as if this chapter were scheduled to be repealed  
3 as of ~~January 1, 2024~~. *January 1, 2025*.

4 SEC. 18. Section 7588.8 of the Business and Professions Code  
5 is amended to read:

6 7588.8. Notwithstanding any other law, the powers and duties  
7 of the bureau, as set forth in this chapter, shall be subject to review  
8 by the appropriate policy committees of the Legislature. The review  
9 shall be performed as if this chapter were scheduled to be repealed  
10 as of ~~January 1, 2024~~. *January 1, 2025*.

11 SEC. 19. Section 7599.80 of the Business and Professions  
12 Code is amended to read:

13 7599.80. Notwithstanding any other law, the powers and duties  
14 of the bureau, as set forth in this chapter, shall be subject to review  
15 by the appropriate policy committees of the Legislature. The review  
16 shall be performed as if this chapter were scheduled to be repealed  
17 as of ~~January 1, 2024~~. *January 1, 2025*.

18 SEC. 20. Section 7602 of the Business and Professions Code  
19 is amended to read:

20 7602. (a) (1) There is in the department the Cemetery and  
21 Funeral Bureau, under the supervision and control of the director.

22 (2) The director may appoint a chief at a salary to be fixed and  
23 determined by the director, with the approval of the Director of  
24 Finance. The duty of enforcing and administering this chapter is  
25 vested in the chief, and the chief is responsible to the director. The  
26 chief shall serve at the pleasure of the director.

27 (3) Every power granted or duty imposed upon the director  
28 under this chapter may be exercised or performed in the name of  
29 the director by a deputy director or by the chief, subject to  
30 conditions and limitations the director may prescribe.

31 (b) Notwithstanding any other law, the powers and duties of the  
32 bureau, as set forth in this chapter, shall be subject to review by  
33 the appropriate policy committees of the Legislature. The review  
34 shall be performed as if this chapter is scheduled to be repealed  
35 on ~~January 1, 2024~~. *January 1, 2025*.

36 SEC. 21. Section 8000 of the Business and Professions Code  
37 is amended to read:

38 8000. (a) There is in the Department of Consumer Affairs a  
39 Court Reporters Board of California, which consists of five  
40 members, three of whom shall be public members and two of



1 whom shall be holders of certificates issued under this chapter  
2 who have been actively engaged as shorthand reporters within this  
3 state for at least five years immediately preceding their  
4 appointment.

5 (b) This section shall remain in effect only until ~~January 1, 2024,~~  
6 *January 1, 2025*, and as of that date is repealed.

7 (c) Notwithstanding any other law, repeal of this section renders  
8 the board subject to review by the appropriate policy committees  
9 of the Legislature.

10 SEC. 22. Section 8005 of the Business and Professions Code  
11 is amended to read:

12 8005. (a) The Court Reporters Board of California is charged  
13 with the executive functions necessary for effectuating the purposes  
14 of this chapter. It may appoint committees as it deems necessary  
15 or proper. The board may appoint, prescribe the duties, and fix the  
16 salary of an executive officer. Except as provided by Section 159.5,  
17 the board may also employ other employees as may be necessary,  
18 subject to civil service and other law.

19 (b) This section shall remain in effect only until ~~January 1, 2024,~~  
20 *January 1, 2025*, and as of that date is repealed.

21 SEC. 23. Section 9812.5 of the Business and Professions Code  
22 is amended to read:

23 9812.5. The director shall gather evidence of violations of this  
24 chapter and of any regulation established hereunder by any service  
25 contractor, whether registered or not, and by any employee, partner,  
26 officer, or member of any service contractor. The director shall,  
27 ~~on his or her~~ *their* own initiative, conduct spot check investigations  
28 of service contractors throughout the state on a continuous basis.

29 This section shall remain in effect only until ~~January 1, 2023,~~  
30 *January 1, 2024*, and as of that date is repealed.

31 SEC. 24. Section 9832.5 of the Business and Professions Code  
32 is amended to read:

33 9832.5. (a) Registrations issued under this chapter shall expire  
34 no more than 12 months after the issue date. The expiration date  
35 of registrations shall be set by the director in a manner to best  
36 distribute renewal procedures throughout the year.

37 (b) To renew an unexpired registration, the service contractor  
38 shall, on or before the expiration date of the registration, apply for  
39 renewal on a form prescribed by the director, and pay the renewal  
40 fee prescribed by this chapter.

1 (c) To renew an expired registration, the service contractor shall  
2 apply for renewal on a form prescribed by the director, pay the  
3 renewal fee in effect on the last regular renewal date, and pay all  
4 accrued and unpaid delinquency and renewal fees.

5 (d) Renewal is effective on the date that the application is filed,  
6 the renewal fee is paid, and all delinquency fees are paid.

7 (e) For purposes of implementing the distribution of the renewal  
8 of registrations throughout the year, the director may extend, by  
9 not more than six months, the date fixed by law for renewal of a  
10 registration, except that, in that event, any renewal fee that may  
11 be involved shall be prorated in such a manner that no person shall  
12 be required to pay a greater or lesser fee than would have been  
13 required had the change in renewal dates not occurred.

14 (f) This section shall remain in effect only until ~~January 1, 2023,~~  
15 *January 1, 2024*, and as of that date is repealed.

16 SEC. 25. Section 9847.5 of the Business and Professions Code  
17 is amended to read:

18 9847.5. (a) Each service contractor shall maintain those records  
19 as are required by the regulations adopted to carry out the  
20 provisions of this chapter for a period of at least three years. These  
21 records shall be open for reasonable inspection by the director or  
22 other law enforcement officials.

23 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
24 *January 1, 2024*, and as of that date is repealed.

25 SEC. 26. Section 9849 of the Business and Professions Code,  
26 as amended by Section 12 of Chapter 578 of the Statutes of 2018,  
27 is amended to read:

28 9849. (a) The expiration of a valid registration shall not deprive  
29 the director of jurisdiction to proceed with any investigation or  
30 hearing on a cease and desist order against a service dealer or  
31 service contractor or to render a decision to suspend, revoke, or  
32 place on probation a registration.

33 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
34 *January 1, 2024*, and as of that date is repealed.

35 SEC. 27. Section 9849 of the Business and Professions Code,  
36 as amended by Section 13 of Chapter 578 of the Statutes of 2018,  
37 is amended to read:

38 9849. (a) The expiration of a valid registration shall not deprive  
39 the director of jurisdiction to proceed with any investigation or  
40 hearing on a cease and desist order against a service dealer or to

1 render a decision to suspend, revoke, or place on probation a  
2 registration.

3 (b) This section shall become operative on ~~January 1, 2023.~~  
4 *January 1, 2024.*

5 SEC. 28. Section 9851 of the Business and Professions Code,  
6 as amended by Section 14 of Chapter 578 of the Statutes of 2018,  
7 is amended to read:

8 9851. (a) The superior court in and for the county wherein any  
9 person carries on, or attempts to carry on, business as a service  
10 dealer or service contractor in violation of the provisions of this  
11 chapter, or any regulation thereunder, shall, on application of the  
12 director, issue an injunction or other appropriate order restraining  
13 that conduct.

14 (b) The proceedings under this section shall be governed by  
15 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of  
16 the Code of Civil Procedure, except that the director shall not be  
17 required to allege facts necessary to show or tending to show lack  
18 of an adequate remedy at law or irreparable injury.

19 (c) This section shall remain in effect only until ~~January 1, 2023,~~  
20 *January 1, 2024,* and as of that date is repealed.

21 SEC. 29. Section 9851 of the Business and Professions Code,  
22 as amended by Section 15 of Chapter 578 of the Statutes of 2018,  
23 is amended to read:

24 9851. (a) The superior court in and for the county wherein any  
25 person carries on, or attempts to carry on, business as a service  
26 dealer in violation of the provisions of this chapter, or any  
27 regulation thereunder, shall, on application of the director, issue  
28 an injunction or other appropriate order restraining that conduct.

29 (b) The proceedings under this section shall be governed by  
30 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of  
31 the Code of Civil Procedure, except that the director shall not be  
32 required to allege facts necessary to show or tending to show lack  
33 of an adequate remedy at law or irreparable injury.

34 (c) This section shall become operative on ~~January 1, 2023.~~  
35 *January 1, 2024.*

36 SEC. 30. Section 9853 of the Business and Professions Code,  
37 as amended by Section 16 of Chapter 578 of the Statutes of 2018,  
38 is amended to read:

39 9853. (a) A plea or verdict of guilty or a conviction following  
40 a plea of nolo contendere made to a charge substantially related

1 to the qualifications, functions, and duties of a service dealer or  
2 service contractor is deemed to be a conviction within the meaning  
3 of this article. The director may suspend, revoke, or place on  
4 probation a registration, or may deny registration, when the time  
5 for appeal has elapsed, or the judgment of conviction has been  
6 affirmed on appeal or when an order granting probation is made  
7 suspending the imposition of sentence, irrespective of a subsequent  
8 order under Section 1203.4 of the Penal Code, allowing that person  
9 to withdraw ~~his or her~~ *their* plea of guilty and to enter a plea of  
10 not guilty, or setting aside the verdict of guilty, or dismissing the  
11 accusation, information, or indictment.

12 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
13 *January 1, 2024*, and as of that date is repealed.

14 SEC. 31. Section 9853 of the Business and Professions Code,  
15 as amended by Section 17 of Chapter 578 of the Statutes of 2018,  
16 is amended to read:

17 9853. (a) A plea or verdict of guilty or a conviction following  
18 a plea of nolo contendere made to a charge substantially related  
19 to the qualifications, functions, and duties of a service dealer is  
20 deemed to be a conviction within the meaning of this article. The  
21 director may suspend, revoke, or place on probation a registration,  
22 or may deny registration, when the time for appeal has elapsed, or  
23 the judgment of conviction has been affirmed on appeal or when  
24 an order granting probation is made suspending the imposition of  
25 sentence, irrespective of a subsequent order under Section 1203.4  
26 of the Penal Code allowing that person to withdraw ~~his or her~~ *their*  
27 plea of guilty and to enter a plea of not guilty, or setting aside the  
28 verdict of guilty, or dismissing the accusation, information, or  
29 indictment.

30 (b) This section shall become operative ~~on January 1, 2023.~~  
31 *January 1, 2024.*

32 SEC. 32. Section 9855.9 of the Business and Professions Code  
33 is amended to read:

34 9855.9. This article shall remain in effect only until ~~January~~  
35 ~~1, 2023,~~ *January 1, 2024*, and as of that date is repealed.

36 SEC. 33. Section 9860 of the Business and Professions Code,  
37 as amended by Section 22 of Chapter 578 of the Statutes of 2018,  
38 is amended to read:

1 9860. (a) The director shall establish procedures for accepting  
2 complaints from the public against any service dealer or service  
3 contractor.

4 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
5 *January 1, 2024*, and as of that date is repealed.

6 SEC. 34. Section 9860 of the Business and Professions Code,  
7 as amended by Section 23 of Chapter 578 of the Statutes of 2018,  
8 is amended to read:

9 9860. (a) The director shall establish procedures for accepting  
10 complaints from the public against any service dealer.

11 (b) This section shall become operative on ~~January 1, 2023.~~  
12 *January 1, 2024.*

13 SEC. 35. Section 9862.5 of the Business and Professions Code  
14 is amended to read:

15 9862.5. (a) If a complaint indicates a possible violation of this  
16 chapter or of the regulations adopted pursuant to this chapter, the  
17 director may advise the service contractor of the contents of the  
18 complaint and, if the service contractor is so advised, the director  
19 shall make a summary investigation of the facts after the service  
20 contractor has had reasonable opportunity to reply thereto.

21 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
22 *January 1, 2024*, and as of that date is repealed.

23 SEC. 36. Section 9863 of the Business and Professions Code,  
24 as amended by Section 25 of Chapter 578 of the Statutes of 2018,  
25 is amended to read:

26 9863. (a) If, upon summary investigation, it appears probable  
27 to the director that a violation of this chapter, or the regulations  
28 thereunder, has occurred, the director, in ~~his or her~~ *their* discretion,  
29 may suggest measures that in the director's judgment would  
30 compensate the complainant for the damages ~~he or she has~~ *they*  
31 suffered as a result of the alleged violation. If the service dealer  
32 or service contractor accepts the director's suggestions and  
33 performs accordingly, the director shall give that fact due  
34 consideration in any subsequent disciplinary proceeding. If the  
35 service dealer or service contractor declines to abide by the  
36 suggestions of the director, the director may investigate further  
37 and may institute disciplinary proceedings in accordance with the  
38 provisions of this chapter.

39 (b) This section shall remain in effect only until ~~January 1, 2023,~~  
40 *January 1, 2024*, and as of that date is repealed.

1 SEC. 37. Section 9863 of the Business and Professions Code,  
2 as amended by Section 26 of Chapter 578 of the Statutes of 2018,  
3 is amended to read:

4 9863. (a) If, upon summary investigation, it appears probable  
5 to the director that a violation of this chapter, or the regulations  
6 thereunder, has occurred, the director, ~~in his or her~~ *their* discretion,  
7 may suggest measures that in the director's judgment would  
8 compensate the complainant for the damages ~~he or she has~~ *they*  
9 suffered as a result of the alleged violation. If the service dealer  
10 accepts the director's suggestions and performs accordingly, the  
11 director shall give that fact due consideration in any subsequent  
12 disciplinary proceeding. If the service dealer declines to abide by  
13 the suggestions of the director, the director may investigate further  
14 and may institute disciplinary proceedings in accordance with the  
15 provisions of this chapter.

16 (b) This section shall become operative on ~~January 1, 2023.~~  
17 *January 1, 2024.*

18 SEC. 38. Section 18602 of the Business and Professions Code  
19 is amended to read:

20 18602. (a) Except as provided in this section, there is in the  
21 Department of Consumer Affairs the State Athletic Commission,  
22 which consists of seven members. Five members shall be appointed  
23 by the Governor, one member shall be appointed by the Senate  
24 Committee on Rules, and one member shall be appointed by the  
25 Speaker of the Assembly.

26 The members of the commission appointed by the Governor are  
27 subject to confirmation by the Senate pursuant to Section 1322 of  
28 the Government Code.

29 No person who is currently licensed, or who was licensed within  
30 the last two years, under this chapter may be appointed or  
31 reappointed to, or serve on, the commission.

32 (b) In appointing commissioners under this section, the  
33 Governor, the Senate Committee on Rules, and the Speaker of the  
34 Assembly shall make every effort to ensure that at least four of  
35 the members of the commission shall have experience and  
36 demonstrate expertise in one of the following areas:

37 (1) A licensed physician or surgeon having expertise or  
38 specializing in neurology, neurosurgery, head trauma, or sports  
39 medicine. Sports medicine includes, but is not limited to,  
40 physiology, kinesiology, or other aspects of sports medicine.

1 (2) Financial management.

2 (3) Public safety.

3 (4) Past experience in the activity regulated by this chapter,  
4 either as a contestant, a referee or official, a promoter, or a venue  
5 operator.

6 (c) Each member of the commission shall be appointed for a  
7 term of four years. All terms shall end on January 1. Vacancies  
8 occurring prior to the expiration of the term shall be filled by  
9 appointment for the unexpired term. No commission member may  
10 serve more than two consecutive terms.

11 (d) Notwithstanding any other provision of this chapter,  
12 members first appointed shall be subject to the following terms:

13 (1) The Governor shall appoint two members for two years, two  
14 members for three years, and one member for four years.

15 (2) The Senate Committee on Rules shall appoint one member  
16 for four years.

17 (3) The Speaker of the Assembly shall appoint one member for  
18 four years.

19 (e) (1) This section shall remain in effect only until ~~January 1,~~  
20 ~~2024,~~ *January 1, 2025*, and as of that date is repealed.

21 (2) Notwithstanding any other law, the repeal of this section  
22 renders the board subject to review by the appropriate policy  
23 committees of the Legislature.

24 SEC. 39. Section 18613 of the Business and Professions Code  
25 is amended to read:

26 18613. (a) (1) The commission shall appoint a person exempt  
27 from civil service who shall be designated as an executive officer  
28 and who shall exercise the powers and perform the duties delegated  
29 by the commission and vested in the executive officer by this  
30 chapter. The appointment of the executive officer is subject to the  
31 approval of the Director of Consumer Affairs.

32 (2) The commission may employ a chief athletic inspector. If  
33 the commission employs a chief athletic inspector, the chief athletic  
34 inspector shall exercise the powers and perform the duties delegated  
35 by the commission and authorized by the executive officer related  
36 to the regulation of events under this chapter.

37 (3) The commission may employ an assistant chief athletic  
38 inspector. If the commission employs an assistant chief athletic  
39 inspector, the assistant chief athletic inspector shall assist the chief  
40 athletic inspector in exercising the powers and performing the

- 1 duties delegated by the commission and authorized by the executive  
2 officer related to the regulation of events under this chapter.  
3 (4) The commission may employ in accordance with Section  
4 154 other personnel as may be necessary for the administration of  
5 this chapter.  
6 (b) This section shall remain in effect only until ~~January 1, 2024,~~  
7 *January 1, 2025*, and as of that date is repealed.

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**Introduced by Senator Archuleta**

February 18, 2022

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An act to amend Section 1636.5 of, and to repeal Section 1636.6 of, the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1471, as introduced, Archuleta. Dentistry: foreign dental schools.

Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California. The act, prior to January 1, 2020, required a foreign dental school seeking approval to submit an application to the board, including, among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act also required an approved institution to submit a renewal application every 7 years and to pay a specified renewal fee.

The act, beginning on January 1, 2020, prohibits the board from accepting new applications for approval of foreign dental schools, and instead requires foreign dental schools seeking approval to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act requires previously approved foreign dental schools to complete the CODA process or comparable accreditation by January 1, 2024, to remain approved, unless the foreign dental school was renewed by the board prior to January 1, 2020, through a date between January 1, 2024, and June 30, 2026, in which case the act provides the foreign dental school's approval is maintained through that date. The also act provides that graduates of a foreign dental school whose

program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, are eligible for licensure.

This bill would require previously approved foreign dental schools to complete the CODA process or comparable accreditation by January 1, 2024, to remain approved, unless the foreign dental school was renewed by the board prior to January 1, 2020, through June 30, 2026, in which case the foreign dental school's approval would be maintained through that date. The bill would repeal the provision providing that a graduate of a foreign dental school whose program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, is eligible for licensure.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1636.5 of the Business and Professions  
2 Code is amended to read:  
3 1636.5. Notwithstanding Section 1636.4, any foreign dental  
4 school whose program was renewed by the board prior to January  
5 1, 2020, through any date between January 1, 2024, and June 30,  
6 2026, shall maintain approval through that date. Upon expiration  
7 of the approval, the foreign dental school shall be required to  
8 comply with the provisions of Section 1636.4.  
9 SEC. 2. Section 1636.6 of the Business and Professions Code  
10 is repealed.  
11 ~~1636.6. Notwithstanding Section 1636.4, graduates of a foreign~~  
12 ~~dental school whose program was approved by the board prior to~~  
13 ~~January 1, 2020, through any date before January 1, 2024, and~~  
14 ~~who enrolled in the program prior to January 1, 2020, shall be~~  
15 ~~eligible for licensure pursuant to Section 1628.~~

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## MEMORANDUM

<b>DATE</b>	March 19, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Adina A. Pineschi-Petty DDS Education, Legislative, and Regulatory Specialist
<b>SUBJECT</b>	<b>FULL 17: Dental Hygiene Educational Program Site Visit Update and Schedule.</b>

1. Concorde Career College – San Diego (CCC-SD)
  - a. Site visit generated due to the review of CCC-SD's Self Study as required by the Commission on Dental Accreditation (CODA) and as a part of the DHBC oversight goals to review all dental hygiene educational programs in California.
    - i. On May 27, 2021, a site visit was conducted at the CCC-SD campus.
    - ii. Current Status:
      1. In compliance.
      2. See CCC-SD reports.
  - b. On December 14, 2021 CCC-SD submitted an email notifying the DHBC of a change in Program Director from Laurel Sampson to Kimberly Pennington as Interim Program Director effective December 10, 2021.
    - i. Current Status:
      1. In compliance.
      2. See CCC-SD reports.
2. Chabot College Dental Hygiene Education Program (Chabot)
  - a. Focused site visit on September 8, 2021 generated due to deficiencies discovered during the review of Major Change Report documentation submitted by Chabot on April 22, 2021 and as a part of the DHBC oversight goals to review all dental hygiene educational programs in California.
  - b. Current Status:
    - i. Not in compliance.
    - ii. See Chabot report.
    - iii. Compliance due March 20, 2022.

3. Southwestern College (SWC)

- a. Site visit generated due to appointment of a new program director and as a part of the DHBC oversight goals to review all dental hygiene educational programs in California.
- b. On September 28, 2021 a site visit was conducted at the SWC campus.
- c. Current Status:
  - i. Not in compliance.
  - ii. See SWC report.
  - iii. Compliance due April 1, 2022.

4. Oxnard College (Oxnard)

- a. Site visit generated due to the review of Oxnard's Self Study as required by CODA and as a part of the DHBC oversight goals to review all dental hygiene educational programs in California.
- b. On November 4, 2021 a site visit was conducted at the Oxnard campus.
- c. Current Status:
  - i. In compliance.
  - ii. See Oxnard report.

5. Concorde Career College – Garden Grove (CCC-GG)

- a. CCC-GG failed to notify the DHBC of a change in program director within ten days of the change pursuant to California Code of Regulations, Title 16, Section 1105.3, subdivision (a)(2)(B).
- b. Current Status:
  - i. In compliance.
  - ii. See CCC-GG reports.

RDH Educational Program	CODA Visit Previous/Next Scheduled	DHBC Visit(s) Previous/Next Scheduled
Cabrillo College	2019 / 2027	November 7, 2019 TBD / New Program Director
Carrington - Sacramento	2013 / September 22-23, 2021	February 10, 2021
Carrington - San Jose	2013 / June 22-23, 2021	October 25, 2017 November 16, 2020
Cerritos College	2016 / 2024	February 15, 2017 TBD / New Program Director
Chabot College	2015 / 2023	September 8, 2021

<b>RDH Educational Program</b>	<b>CODA Visit Previous/Next Scheduled</b>	<b>DHBC Visit(s) Previous/Next Scheduled</b>
Concorde Career College-Garden Grove	2019 / 2027 Request to increase enrollment by 10/cohort=34	June 28, 2016 August 10, 2016 December 7, 2016 January 18, 2018 TBD / New Program Director and needs SV after expansion completion
Concorde Career College-San Bernardino	2018 / 2026 Request to increase enrollment by 8/cohort=32	December 20, 2016 January 19, 2018 Needs SV after expansion completion
Concorde Career College-San Diego	2013 / May 18-19, 2021	December 19, 2016 May 27, 2021 TBD / New Program Director and follow-up due to remodel
Cypress College	2015 / 2023	March 3, 2020 TBD / New Program Director
Diablo Valley College	2017 / 2025	February 26, 2019
Foothill College	2018 / 2026	October 18, 2018
Fresno City College	2013 / September 30-October 1, 2021	October 27, 2021
Loma Linda University	2016 / 2024	October 27, 2022 / New Program Director
Moreno Valley College	2019 / 2027	May 30, 2017
Oxnard College	2013 / October 26-27, 2021	November 4, 2021
Pasadena City College	2016 / 2024	October 26, 2022 / New Program Director
Sacramento City College	2018 / 2026	December 7, 2018
San Joaquin Valley College - Ontario	2014 / 2022	June 24, 2021
San Joaquin Valley College - Visalia	2019 / 2026	November 14, 2019
Santa Rosa Junior College	2015 / 2023	September 16, 2021
Shasta College	2015 / 2023	March 23, 2021
Southwestern College	2015 / 2023	September 22, 2021
Taft College	2016 / 2024	May 8, 2017 May 15, 2017 June 9, 2017 July 24, 2017
University of Southern California	2015 / 2023	Discontinued August 31, 2021
University of the Pacific	2019 / 2022	February 13, 2020
West Coast University	2017 / 2025	September 12, 2022
West Los Angeles College	2017 / 2025	October 30, 2018

January 3, 2022

Rachel Saffel, MSM  
Campus President  
Concorde Career College – San Diego  
4393 Imperial Avenue  
San Diego, CA 92128

Dear President Saffel,

The Dental Hygiene Board of California (DHBC) conducted a site visit on May 27, 2021 of the Concorde Career College Dental Hygiene Program (CCC-SD). This site visit was generated due to DHBC's oversight goals to review all dental hygiene educational programs (DHEPs) in California. Based on the results of the site visit, it was noted that evidence of program compliance with the minimum DHEP standards set by the California Code of Regulations (CCR) and the Commission on Dental Accreditation (CODA) was deficient.

On June 30, 2021 and July 30, 2021, CCC-SD provided evidence for deficiencies was due on July 1, 2021 and July 30, 2021, respectively. Additionally, CCC-SD provided evidence for the remaining deficiencies on December 30, 2021. The determinations are as follows:

**1. Deficiency 2 – Faculty Facilities required to be corrected by December 31, 2021:**

a. Documentation:

i. Self Study page 14

1. Previous CODA Recommendation:

"Office space which allows for privacy must be provided for the program administrator and faculty. Student and program records must be stored to ensure confidentiality and safety. Since the previous CODA site visit the college has allotted additional office space for the three full-time faculty members leaving the former space for the part time faculty members. See exhibit D below. Student academic records are kept in locked filing cabinets in the faculty offices and the program director's office."

b. Site Visit:

i. Full-Time Faculty Office

1. Three faculty members share one small office.
2. Insufficient space and privacy afforded to faculty to meet with students.

ii. Part-Time Faculty Office

1. Eleven faculty members share one small office.
2. Five Nitrous Oxide-Oxygen delivery systems stored within the office.

3. Insufficient space and privacy afforded to faculty to meet with students.

c. Refer to:

i. 16 CCR Section 1105(i)

The educational program shall have learning resources, including faculty, library, staff and support services, technology and physical space and equipment, including laboratory and clinical facilities, to support the program's stated mission and goals and in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article.

ii. CODA Standard 4-1

The program must provide sufficient and appropriately maintained facilities to support the academic and clinical purposes of the program that conform to applicable regulations

iii. CODA Standard 4-6

Office space which allows for privacy must be provided for the program administrator and faculty. Student and program records must be stored to ensure confidentiality and safety.

d. Evidence Provided by CCC-SD on July 30, 2021:

i. CCC-SD stated:

"The dental hygiene program space was evaluated to determine the best method to create additional space for faculty offices, storage of nitrous oxide units and other supplies, and a private conference room for student counseling. An initial floor plan to show the new configuration of the space to allow for these areas.

The following changes will be made to accommodate the necessary resources for students and faculty. The changes noted on the attached floor plans include:

1. The front desk and patient reception area will be converted to office space to accommodate 12 faculty carrels.
2. The part time office area will be converted to a private conference area.
3. The full time office area will be converted to a front desk and patient reception area.
4. Classroom #206 will be converted into storage space.

Construction is expected to begin in August 2021 and be completed by December 2021."

ii. CCC-SD provided "Exhibit 1: DH Program Reconfiguration Floor Plan"

- e. Evidence Provided by CCC-SD on July 30, 2021:
  - i. CCC-SD stated: "The DH Program reconfiguration has been completed. The following new spaces were created: a new front office reception area, a large faculty office area including 12 faculty cubicles, a large storage area, and a private conference room."
  - ii. CCC-SD provided "Exhibit 1: Photos of each space"
- f. Determination:
  - i. **In compliance.**
  - ii. CCC-SD shall continue to provide faculty facilities pursuant to 16 CCR section 1105(i), 16 CODA Standard 4-1, and CODA Standard 4-6.

## **2. Deficiency 5 – Program Facilities required to be corrected by August 1, 2021:**

- a. Site Visit:
  - i. Clinical Chairs
    - 1. Breaks down regularly requiring repair preventing student utilization.
      - a. Poses a barrier to efficient usage of clinic time and student learning.
  - ii. Instrument Washer
    - 1. Broken and therefore requires students to utilize an ultrasonic cleaner which allows only two instrument cassettes to be cleaned at a time.
      - a. Poses a barrier to efficient usage of clinic time and student learning.
  - iii. Student Internet Access
    - 1. Slow, not conducive to utilization for exams or student assignments (e.g., visual aids accompanying exam questions not loading).
      - a. Poses a barrier to efficient usage of time and student learning.
  - iv. Radiology Dexter
    - 1. Broken which decreases learning resources.
      - a. Poses a barrier to efficient usage of time and student learning.
  - v. Clinic and Radiology Computers
    - 1. Slow and not conducive to learning (e.g., computers fail to recognize clinic software programs).
    - 2. Computers fail to recognize radiology sensors.
      - a. Poses a barrier to efficient usage of clinic time and student learning.
  - vi. Storage space
    - 1. Current storage inadequate and poses access concerns/tripping hazards.
      - a. Improper storage of disposable supplies in the labs.



- b. Improper storage of five Nitrous Oxide-Oxygen delivery systems stored in the part-time faculty office.

b. Refer to:

- i. 16 CCR Section 1105(i)

The educational program shall have learning resources, including faculty, library, staff and support services, technology and physical space and equipment, including laboratory and clinical facilities, to support the program's stated mission and goals and in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article

- ii. 16 CCR Section 1105.2(d)(3)(A)

An educational program shall provide infection control equipment according to the requirements of California Code of Regulations, Title 16, Division 10, Chapter 1, Article 1, Section 1005.

- iii. CODA Standard 4-1

The program must provide sufficient and appropriately maintained facilities to support the academic and clinical purposes of the program that conform to applicable regulations. Clinical Facilities The dental hygiene facilities must include the following: a) sufficient clinical facility with clinical stations for students including conveniently located hand washing sinks and view boxes and/or computer monitors; a working space for the patient's record adjacent to units; functional, modern equipment; an area that accommodates a full range of operator movement and opportunity for proper instructor supervision; b) a number of clinical stations based on the number of students admitted to a class (If the number of stations is less than the number of students in the class, one clinical station is available for every student scheduled for each clinical session.); c) a capacity of the clinic that accommodates individual student practice on a regularly scheduled basis throughout all phases of preclinical technique and clinical instruction; d) a sterilizing area that includes sufficient space for preparing, sterilizing and storing instruments; e) sterilizing equipment and personal protective equipment/supplies that follow current infection and hazard control protocol; f) facilities and materials for students, faculty and staff that provide compliance with accepted infection and hazard control protocols; g) space and furnishings for patient reception and waiting provided adjacent to the clinic; h) patient records kept in an area assuring safety and confidentiality.

c. Evidence Provided by CCC-SD on July 30, 2021:

CCC-SD stated:

- i. "Clinic Chairs: The current patient chairs were manufactured by Pelton-Crane, which is no longer in business. Because of this, parts are becoming increasingly difficult to obtain. At this time, all 12 chairs are fully functional. To ensure students have access to functional equipment and improve efficiency in the clinic, the program has developed a timeline to replace all patient chairs. Beginning in 2022, the program will purchase three chairs per year until all have been replaced with new units.

Furthermore, we will use parts from chairs taken out of commission to repair existing chairs should the need arise. In the event a chair becomes inoperable at any time, it will be replaced.”

- ii. “Instrument Washer: The Hydrim instrument washer was purchased in February 2021. However, the new model experienced a number of breakdowns and the individual people who investigated it, i.e. the Henry Schein repairmen, Sci-Cam manufacturer’s representative, and the plumber struggled to determine what the problem was. After several attempts to fix the washer, it was determined that the water pressure in the building appeared to be inadequate to supply the machine. To address the problem, a water purification/pumping system that functions with lower pressure was installed. As a result, the Hydrim instrument washer is now in full-working order.”
- iii. “Student Internet Access: Concorde has a dedicated Wi-Fi connection for the use of faculty, staff, and students that has the appropriate bandwidth and power to serve the needs of this population. Following the DHBC visit, we discovered the poor internet service experienced by the students was due to the fact that they were using the visitor connection and saturating its narrow bandwidth rather than the dedicated connection for faculty, staff, and students. The students have been shown how to connect to the correct Wi-Fi connection and have not experienced any further struggles with bandwidth.”
- iv. “Radiology Dexter Mannequin: The dental hygiene program has four radiologic dexter mannequins, one for each radiology operatory. These mannequins are used to teach the DHCA1401 lab during Term 4. Because they get very heavy use, after each occurrence of DHCA1401 lab they are sent to their manufacturer for “boot camp” repairs. Following the most recent use, faculty had to improvise a temporary repair because the manufacturer repair did not work as expected. We have ordered a replacement. The manufacturer’s representative notified us that there may be a delay in production but we will have the new one in time for the next occurrence of the course in April 2022.”
- v. “Clinic Computers: We have purchased a new computer for each operatory cart. The purchase order is included for review.”
- vi. “Radiology Computers: Following the DHBC site visit, the IT department investigated the four radiology computers. They identified three problems with the them
  - 1. The processing and image population was slowed due to an abundance of images taken by previous cohorts. These images have been deleted to improve the speed of processing and image population.
  - 2. The computers did not have sufficient memory to handle the current usage. All computers have been either replaced or updated to include additional memory, which will improve usage and functionality.
  - 3. An additional computer was added so that the panoramic unit has its own dedicated CPU. These changes have resulted in a significant increase in the processing speed of the radiology operatory computers.”

- vii. "Inadequate Storage Space: See Exhibit 1: DH Program Reconfiguration Floor Plan"
- d. Evidence Provided by CCC-SD on December 30, 2021:
  - i. CCC-SD stated:
    - 1. "Radiology Dexter Mannequin: A new dexter was purchased."
    - 2. "Inadequate Storage Space: Additional storage space was completed with the building reconfiguration."
  - ii. CCC-SD provided:
    - 1. "Exhibit #2 – Photo of dexter mannequin"
    - 2. "Exhibit #3 – Photo of additional storage space"
- e. Determination:
  - i. **In compliance**
  - ii. CCC-SD shall continue to provide adequate program facilities pursuant to 16 CCR section 1105(i), 16 CCR section 1105.2(d)(3)(A), in addition to CODA Standard 4-1.

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs meet the same educational standards in preparing their graduates for the profession. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative, and Regulatory Specialist  
Dental Hygiene Board of California

cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California  
Destry Lievanos, MBA, Academic Dean, CCC-SD  
Kimberly Pennington, MEd, Interim Dental Hygiene Program Director, CCC-SD

January 3, 2022

Rachel Saffel, MSM  
Campus President  
Concorde Career College – San Diego  
4393 Imperial Avenue  
San Diego, CA 92128

**RE: Program Director Violation Notification**

Dear President Saffel,

On December 14, 2021, the Concorde Career College Dental Hygiene Program – San Diego (CCC-SD) submitted an email notifying the DHBC of a change in Program Director from Laurel Sampson to Kimberly Pennington as Interim Program Director effective December 10, 2021 and provided a DHBC Biosketch.

On December 16, 2021, the DHBC requested CCC-SD provide: 1) an appointment letter of Ms. Pennington as Program Director; 2) a signed contract for Ms. Pennington as Program Director, including full time status and indicating the percentage of duties assigned to each of her responsibilities; and 3) a weekly assignment schedule for Ms. Pennington. This information was requested to be submitted by December 30, 2021.

On December 17, 2021, CCC-SD submitted:

1. A document titled "Interim Program Director Appointment and Weekly Schedule".
2. A document titled "Interim PD Offer Letter".

Upon review of the submitted documentation, the following deficiencies were found:

1. Deficiency 1: Program Director Assignment
  - a. No formal contract provided showing appointment of Ms. Pennington as Program Director/Interim Program Director.
    - i. Document titled "Program Director Appointment and Weekly Schedule":
      1. Stated: "This communication confirms your full-time appointment as Interim Program Director and teaching assignment from November 8, 2021 – January 21, 2021."
      2. Provided a schedule for Ms. Pennington of 24 hours devoted to teaching didactically, in clinic, and in pre-clinic.
      3. Eight (8) hours devoted to administration of the CCC-SD

b. Refer to:

i. 16 CCR Section 1105.1(a):

(a) *“Program Director” or “Interim Program Director” means a registered dental hygienist or dentist who has the authority and responsibility to administer the educational program in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article. The educational program may have an Interim Program Director for a maximum of twelve (12) months. The director shall have a full-time appointment as defined by the institution, whose primary responsibility is for the operation, supervision, evaluation and revision of the program. The program director shall meet the following minimum qualifications:*

- (1) *Possess an active, current dental or dental hygiene license issued by the Committee or the Dental Board of California (DBC), with no disciplinary actions;*
- (2) *Possess a master's or higher degree from a college or university accredited by an agency recognized by the U.S. Department of Education or Council for Higher Education Accreditation;*
- (3) *Documentation of two (2) years' experience teaching in pre- or post-licensure registered dental hygiene or dental programs. This requirement may be waived for an Interim Program Director; and*
- (4) *Documentation of a minimum of 2,000 hours in direct patient care as a registered dental hygienist, or working with a registered dental hygienist.*

c. Determination:

i. CCC-SD shall provide evidence of an Interim Program Director pursuant to 16 CCR Section 1105.1(a).

ii. Evidence shall include, but not limited to:

1. Appointment letter of Ms. Pennington as Interim Program Director.
2. Signed contract for Ms. Pennington as Program Director, including full-time status and demonstrating her **primary responsibility is for the operation, supervision, evaluation, and revision of the program.**
3. Weekly assignment schedule for Ms. Pennington.

CCC-SD is required to provide evidence of compliance to the above deficiency no later than **January 14, 2022**, as your dental hygiene educational program is operating outside the structured parameters of the law and Commission on Dental Accreditation of the American Dental Association (CODA) Standards due to these deficiencies, which are therefore putting students, faculty, and the public at risk.

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs meet the same educational standards in preparing their graduates for the profession.

If CCC-SD does not correct the above deficiencies by **January 14, 2022**, CCC-SD risks the DHBC's approval of the CCC-SD Dental Hygiene Educational Program and for CCC-SD graduates to obtain a California license in dental hygiene. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative, and Regulatory Specialist  
Dental Hygiene Board of California

cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California  
Destry Lievanos, MBA, Academic Dean, CCC-SD  
Kimberly Pennington, MEd, Interim Dental Hygiene Program Director, CCC-SD

January 12, 2022

Rachel Saffel,  
MSMCampus  
President  
Concorde Career College – San Diego  
4393 Imperial Avenue  
San Diego, CA 92128

**RE: Program Director Violation Compliance Determination**

Dear President Saffel,

On December 14, 2021, the Concorde Career College – San Diego (CCC-SD) Dental Hygiene Educational Program submitted an email notifying the DHBC of a change in CCC-SD Program Directors from Laurel Sampson to Kimberly Pennington as Interim Program Director effective December 10, 2021 and provided a DHBC Biosketch.

On December 16, 2021, the DHBC requested CCC-SD provide: 1) an appointment letter of Ms. Pennington as Program Director; 2) a signed contract for Ms. Pennington as Program Director, including full time status and indicating the percentage of duties assigned to each of her responsibilities; and 3) a weekly assignment schedule for Ms. Pennington. This information was requested to be submitted by December 30, 2021.

On December 17, 2021, CCC-SD submitted: 1) a document titled “Interim Program Director Appointment and Weekly Schedule”; and 2) a document titled “Interim PD Offer Letter”. Upon review of the submitted documentation, deficiencies were discovered and the DHBC requested corrections to those deficiencies by January 14, 2022.

On January 7, 2022 and January 12, 2022 CCC-SD provided evidence of compliance to the Program Director assignment deficiency.

The result of the review are as follows:

1. Deficiency 1: Program Director Assignment
  - a. No formal contract provided showing appointment of Ms. Pennington as Program Director/Interim Program Director.
    - i. Document titled “Program Director Appointment and Weekly Schedule”:
      1. Stated: “This communication confirms your full-time appointment as Interim Program Director and teaching assignment from

November 8, 2021 – January 21, 2021.”

2. Provided a schedule for Ms. Pennington of 24 hours devoted to teaching didactically, in clinic, and in pre-clinic.

3. Eight (8) hours devoted to administration of the CCC-SD.

b. Evidence of Compliance:

i. On January 7, 2022 CCC-SD stated in an email to the DHBC: “Kimberly Pennington has been transitioned from Interim Program Director to Program Director effective 12/25/21.”

ii. CCC-SD provided the following documentation on January 7, 2022:

1. A document titled “Program Director Offer Letter (Appointment)”.
2. A document titled “Program Director Agreement and Weekly Schedule”.

iii. Additionally, on January 12, 2022 upon request for clarification of the program director’s job description, CCC-SD provided a document titled “Exhibit 11 – Revised Program Director Job Description – June 2021”.

c. Determination:

i. **In compliance.**

ii. CCC-SD shall continue to provide a program director for the CCC-SD Dental Hygiene Educational Program pursuant to 16 CCR Section 1105.1(a).

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene educational programs meet the same educational standards in preparing their graduates for the profession. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative, and Regulatory  
SpecialistDental Hygiene Board of California

cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California  
Destry Lievanos, MBA, Academic Dean, CCC-SD  
Kimberly Pennington, MEd, Interim Dental Hygiene Program Director, CCC-SD



January 5, 2022

Susan Sperling, Ph.D.  
President  
Chabot College  
25555 Hesperian Boulevard  
Hayward, CA 94545

Dear Dr. Sperling,

The Dental Hygiene Board of California (DHBC) conducted a site visit on September 8, 2021 of the Chabot College Dental Hygiene Program (Chabot). This site visit was generated due to a "Report of a Major Change" submitted to the Commission on Dental Accreditation (CODA), as well as DHBC's oversight goals to review all dental hygiene educational programs (DHEPs) in California. Based on the results of the site visit, it was noted that evidence of program compliance with the minimum DHEP standards set by the California Code of Regulations (CCR) and CODA was deficient.

On September 20, 2021, Chabot provided evidence of compliance for deficiencies reported in the September 13, 2021 DHBC Site Visit Report.

On November 30, 2021, Chabot requested and received a three-month extension to provide permanent compliance as requested in the September 21, 2021 compliance report for Deficiencies 1 and 2 from December 20, 2021 until March 20, 2022.

On December 17, 2021, Chabot provided narrative and photographic evidence of compliance for Deficiency 3 – Infection Control and Emergency Supplies.

The current status of deficiencies are as follows:

**i. Deficiency 1 – Staffing and Infection Control Oversight**

**a. Evidence due September 20, 2021:**

- i. Evidence of immediate temporary compliance for adequate staff oversight of clinical administration, facilities, sterilization, and infection control processes due September 20, 2021.**
  1. Evidence shall include, but not limited to, narrative, assigned staff curriculum vitae (CV), and assignment schedule.
- ii. Evidence of immediate temporary compliance for adequate staff oversight of administrative duties due September 20, 2021.**
  1. Evidence shall include, but not limited to, narrative, assigned staff CV, and assignment schedule.

b. Chabot response and documentation:

- i. Chabot stated: "Faculty will work at the front desk performing administrative duties until an additional permanent Classified Professional is hired. The assignment schedule is based on the fall clinic schedule and does not interfere or conflict with current teaching assignments. The full time Clinic Assistant will be able to oversee the sterilization process in the clinic. This will ensure immediate compliance with the 1:5 faculty ratio."
- ii. Chabot stated "The Request to Announce has been forwarded to the district for immediate posting of the position or a Classified Professional support staff for the front desk and administrative duties. Evidence of permanent compliance will be sent to the DHBC by the December due date."
- iii. Chabot provided a faculty rotation schedule for front desk along with DHBC Biosketches for faculty staffing the front desk,

c. Determination:

- i. Chabot provided satisfactory evidence of **immediate temporary compliance** for adequate staff oversight of clinical administration, facilities, sterilization, and infection control processes pursuant to 16 CCR Section 1016(b)(1)(C), 16 CCR section 1105(i), 16 CCR section 1105(k), in addition to CODA Standard 3-11.
  1. Evidence of **permanent compliance** for adequate staff oversight of clinical administration, facilities, sterilization, and infection control processes **due March 20, 2022**.
    - a. Evidence shall include, but not limited to, narrative, assigned staff CV, and assignment schedule.
- ii. Chabot has provided evidence of **immediate temporary compliance** adequate administrative staff pursuant to 16 CCR Section 1016(b)(1)(C), 16 CCR section 1105(i), 16 CCR section 1105(k), in addition to CODA Standard 3-11.
  1. Evidence of **permanent compliance** for adequate staff oversight of clinical administration, facilities, sterilization, and infection control processes **due March 20, 2022**.
    - a. Evidence shall include, but not limited to, narrative, assigned staff CV, and assignment schedule.

ii. **Deficiency 2 – Faculty Ratio**

a. Evidence due September 20, 2021:

- i. Evidence of immediate temporary compliance for adequate faculty and staff oversight of students pursuant to 16 CCR Section 1016(b)(1)(C), 16 CCR section 1105(i), 16 CCR section 1105(k), in addition to CODA Standard 3-5.

b. Chabot response and documentation:

- i. Chabot stated: "Faculty will work at the front desk performing administrative duties until an additional permanent Classified Professional is hired. The assignment schedule is based on the fall clinic schedule and does not interfere or conflict with current teaching assignments. The full time Clinic Assistant will be able to oversee the sterilization process in the clinic. This will ensure immediate compliance with the 1:5 faculty ratio."
- ii. Chabot stated "The Request to Announce has been forwarded to the district for immediate posting of the position or a Classified Professional support staff for the front desk and administrative duties. Evidence of permanent compliance will be sent to the DHBC by the December due date."
- iii. Chabot provided a faculty rotation schedule for front desk along with DHBC Biosketches for faculty staffing the front desk,

c. Determination:

- i. Chabot provided satisfactory evidence of **immediate temporary compliance** for adequate faculty oversight of students pursuant to 16 CCR Section 1016(b)(1)(C), 16 CCR section 1105(i), 16 CCR section 1105(k), in addition to CODA Standard 3-5.
- ii. Evidence of **permanent compliance** for adequate faculty and staff oversight of students due **March 20, 2022**.
  1. Evidence shall include, but not limited to, narrative, clinical faculty assignment schedule, and staff assignment schedule.

iii. **Deficiency 3 – Infection Control and Emergency Supplies**

a. Evidence due September 20, 2021:

- i. Evidence of immediate temporary compliance for adequate infection control and emergency supplies pursuant to 16 CCR Section 1105.2 (d)(3)(A), 16 CCR Section 1105.2(d)(3)(C), 16 CCR Section 1105.2(d)(3)(D)(xii), 16 CCR Section 1005, 8 CCR Section 5193, CDC Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings – 2007, CDC Guidelines for Infection Control in Dental Health-Care Settings - 2003, In addition to CODA Standards 4-1 and 5-3.

b. Chabot response and documentation on September 20, 2021:

- i. Chabot stated: "Placed plastic barrier to cover sterile instruments in open cabinet. A work order has been placed with Maintenance and Operations for a permanent barrier."
- ii. Chabot stated: "Evidence of permanent compliance for adequate emergency supplies: Epinephrine Adult Auto-Inject 0.3mg 2/Pk ordered on 09/09/2021 and received on 09/17/2021. Lot#/EXP: 006A21AA 10/31/2022"

- iii. Photographic evidence of plastic barrier to cover sterile instruments.
  - iv. Photographic evidence and invoice and packing slip from Henry Schein for Epinephrine Adult Auto-Inject Pen.
- c. Chabot response and documentation on December 17, 2021:
  - i. Chabot stated: "A permanent plastic barrier has been installed by Maintenance and Operations to cover the back side."
  - ii. Photographic evidence of permanent plastic barrier to cover sterile instruments.
- d. Determination:
  - i. **In compliance.**
  - ii. Chabot to maintain adequate infection control processes and emergency equipment pursuant to 16 CCR Section 1105.2 (d)(3)(A), 16 CCR Section 1105.2(d)(3)(C), 16 CCR Section 1105.2(d)(3)(D)(xii), 16 CCR Section 1005, 8 CCR Section 5193, CDC Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings – 2007, CDC Guidelines for Infection Control in Dental Health-Care Settings - 2003, In addition to CODA Standards 4-1 and 5-3.

iv. **Deficiency 4 – Formal Patient Care Quality Assurance Plan**

- a. Evidence due December 20, 2021:
  - i. Evidence of a formal written Patient Care Quality Assurance Plan pursuant to 16 CCR Section 1105(d) and CODA Standard 6-2.
- b. Chabot response and documentation:
  - i. Chabot provided a written Quality Assurance Document along with a Quality Assurance Flow Chart.
- c. Determination:
  - i. **In compliance.**
  - ii. Chabot shall continue to maintain a formal written Patient Care Quality Assurance Plan pursuant to 16 CCR Section 1105(d) and CODA Standard 6-2.

You will be required to provide evidence of **permanent compliance** to the above remaining deficiencies no later than **March 20, 2022**. As Chabot's dental hygiene educational program is operating outside the structured parameters of California law and CODA Standards with these deficiencies, Chabot is therefore putting students, faculty, and the public at risk.

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs within the state meet the same educational standards in preparing their graduates for the profession. If Chabot does not correct the above remaining deficiencies by **March 20, 2022**, Chabot risks the DHBC's approval of the Chabot College Dental Hygiene Educational Program and for Chabot graduates to obtain a California license in dental hygiene. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative, and Regulatory Specialist  
Dental Hygiene Board of California

cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California  
Dr. Stacy Thompson, Vice President of Academic Services, Chabot College  
Kevin Kramer, MA, Dean of Health, Kinesiology & Athletics, Chabot College  
Nancy Cheung, RDH, MPA/HSA, Dental Hygiene Educational Program Director, Chabot College

February 18, 2022

Dr. Mark Sanchez  
President  
Southwestern College  
880 National City Boulevard  
National City, CA 91950-1123

Dear Dr. Sanchez,

The Dental Hygiene Board of California (DHBC) conducted a site visit on September 28, 2021 of the Southwestern College Dental Hygiene Educational Program (SWC). This site visit was generated due to DHBC's oversight goals to review all dental hygiene educational programs (DHEPs) in California. Based on the results of the site visit, it was noted that evidence of program compliance with the minimum DHEP standards set by the California Code of Regulations (CCR) and the Commission on Dental Accreditation (CODA) was deficient.

On January 4, 2022, SWC provided evidence of compliance for deficiencies reported in the September 28, 2021 Site Visit report. The determination is as follows:

### **1. Deficiency 1 – Clinical Facilities**

a. Site Visit Observation:

- i. Clinic door unlocked and open to reception providing unauthorized access to clinic.
- ii. No barriers between patient operator chairs allowing for patient privacy.
  1. Distance between chairs approximately 6 feet within full view of each other.

b. SWC Response – SWC states:

- i. "Clinic door remains locked in order to prevent unauthorized access to clinic. Signage is placed as a reminder. There is a doorbell installed to alert those inside the clinic that someone is requesting access. The clinic has a reception window that will allow personnel to see who is requesting entry."
- ii. "Medical grade privacy drapes are being ordered through the Perkins Funding request/trust funding resource. The plan will be to install all drapes by this Spring semester, 2022. These barriers will maintain the privacy protocols pursuant to:
  - i. 16 CCR Section 1105.2(d)(3)(C) An educational program shall comply with local, state, and federal health and safety laws and regulations.
  - ii. CODA Standard 4-1 The program must provide sufficient and appropriately maintained facilities to support the academic and clinical purposes of the program that conform to applicable regulations.
  - iii. CODA Standard 6-6 The program's policies must ensure that the confidentiality of information pertaining to the health status of each individual patient is strictly

maintained.

- iv. Health and Safety Code (HSC) Division 109 Section 130203 (a) Every provider of health care shall establish and implement appropriate administrative, technical, and physical safeguards to protect the privacy of a patient's medical information. Every provider of health care shall reasonably safeguard confidential medical information from any unauthorized access or unlawful access, use, or disclosure."

c. Determination:

- i. Deficiency 1(a)(i) in compliance.
- ii. Deficiency 1(a)(ii) **not in compliance**.
  - 1. SWC shall provide evidence of patient privacy protocols pursuant to 16 CCR Section 1105.2(d)(3)(C), CODA Standards 4-1 and 4-6, HSC Division 109 Section 130203, in addition to HIPAA of 1996 Public Law 104-191 and 45 CFR Sections 160, 162, and 164.
  - 2. **SWC shall provide evidence to deficiency 1(a)(ii) by April 1, 2022.**

## 2. Deficiency 2 – Program Director Assignment

a. Site Visit Observation:

- i. Program director (PD) does not have the primary responsibility for all aspects of the program.
  - 1. PD not aware of schedule changes as Human Resources supersede PD in scheduling faculty assignments.

b. SWC Response – SWC states:

- i. "SWC is complying and will continue to follow the above regulations and CODA standards pursuant to 16 CCR Section 1105(j), 16 CCR Section 1105.1(a), in addition to meeting CODA Standards 3-2 and 3-4."
- ii. "Message from the Assistant Superintendent/Vice President of Human Resources: The observation noted during the site visit incorrectly represents the processes established at SWC. SWC's Human Resources Division's authority does not supersede the PD's in scheduling faculty assignments. The PD at all times maintains primary responsibility for developing policies and procedures, planning, organizing, implementing, and evaluating all aspects of the program. In so doing, there are certain staff considerations as communicated by the Human Resources Divisions that by law must be taken into account. However, such considerations do not interfere with PD's responsibilities as outlined in 16 CCR Section 1105(j), 16 CCR Section 1105.1(a)."

c. Determination:

- i. **In compliance.**
- ii. The program director shall continue to maintain the authority and responsibility to administer the educational program pursuant to 16 CCR Section 1105(j), 16 CCR Section 1105.1(a), in addition to meeting CODA Standards 3-2 and 3-4.

### 3. Deficiency 3 – Faculty Staffing

#### a. Site Visit Observation:

- i. Two of four full-time (FT) faculty are not fulfilling their schedules and student learning affected.
  1. Students were scheduled for the Dental Materials course to be face-to-face.
    - a. One and one-half weeks prior to the start of the course, assigned faculty changed the course to be online.
    - b. Students contacted the PD and the PD was unaware of the change.
    - c. On the day of the first class, the course was switched back to face-to-face as the assigned faculty declined to teach the course face-to-face.
  2. Two full time faculty decided to not return at the last minute prior to the semester start (on a Friday prior to a Monday start).
    - a. Both faculty were willing to come to teach a lecture/lab course and a clinical session face, but not a lecture class on a day they only had one course to teach.
    - b. Both faculty agreed to teach in a face-to-face capacity in May of 2021 when schedules were created. At that time, neither faculty members asked for accommodations.
  3. Contractual issues may not create a barrier to program or student success nor minimize PD ability to staff the schedule without providing enough notice.

#### b. SWC Response – SWC states:

- i. “SWC is providing stable student schedules and faculty to support the program's stated mission and goals pursuant to 16 CCR Section 1105(i) and 16 CCR Section 1105(c)(1).”
- ii. “The faculty contracts will be distributed approximately 1 month in advance or greater, therefore allowing sufficient time for faculty to plan and prepare for the upcoming semester.”
- iii. “PD has the right of assignment pursuant to the 16 CCR regulations in order to staff the program and students’ needs. This is acknowledged by higher administration and faculty Union and will be followed in future terms of assignments starting with Spring 2022. It has been the policy for the PD to create the staffing assignments with approval from the Dean and is supported by the Assistant Superintendent/Vice President of Academic Affairs and the Human Resource Department (HRD).

#### c. Determination:

- i. **In compliance**
- ii. SWC to continue to provide stable student schedules and faculty to support the program's stated mission and goals pursuant to 16 CCR Section 1105(i) and 16 CCR Section 1105(c)(1).



#### 4. Deficiency 4 – Administrative Staffing

a. Site Visit Observation:

i. Administrative staff not on campus to assist with program functions.

1. Administrative staff placed on a reduced load and only on campus four hours per day resulting in a 25% reduction in staff support.

b. SWC Response – SWC states:

i. “Administrative staff has been on reduced workload due to a worker’s comp claim/injury. The accommodation process in HRD facilitates the accommodations.”

ii. “The PD is securing additional administrative staff support for the Spring 2022 semester. The additional staff member will fulfill the remaining hours of the workload required to complete a 40-hour work week to facilitate the department’s needs.”

iii. “SWC The DH department is in compliance for Spring pursuant to 16 CCR Section 1105(i), 16 CCR Section 1105(k), in addition to CODA Standard 3-11.”

c. Determination:

i. **Not in compliance.**

ii. SWC to provide evidence of qualified institutional support personnel pursuant to 16 CCR Section 1105(i), 16 CCR Section 1105(k), in addition to CODA Standard 3-11.

1. **SWC shall provide evidence to Deficiency 4 by April 1, 2022.**

- a. Evidence shall include, but not limited to, narrative, assigned staff CV, and assignment schedule.

#### 5. Deficiency 5 – Prerequisites

a. Site Visit Observation

i. Prerequisite application information missing DHBC prerequisites of Psychology and Sociology

ii. SWC admission policy (p.3) allows Advanced Placement (AP) exams allowed in lieu of prerequisites.

1. Not acceptable pursuant to 16 CCR Section

iii. Prerequisite Application Review Checklist missing DHBC requirements:

1. Oral Communications
2. Psychology
3. Sociology

b. SWC Response – SWC states:

i. “The prerequisite application information was not missing the DHBC prerequisites of Psychology and Sociology. The format presented might have been confusing. The form has

been redesigned to identify the prerequisites in a more visible configuration. (See Appendix A old version; Appendix B- new version)."

- ii. "The dental hygiene website and application has been updated to state Advanced Placement (AP) exams are not allowed in lieu of prerequisites (Dental Hygiene Information Packet). The SWC college catalog will reflect this change at the next revision in 2022."
- iii. "The prerequisite review checklist is an internal department staff document created by the department's technician and used by the technician to identify applicant's qualifications. The technician updated the internal checklist to include all the requirements on the front checklist page. The technician had included these upon her review in the applicant's packet, and now it is included on the new version of the checklist. (See Appendix C)"
- iv. "SWC is in compliance pursuant to 16 CCR Section 1105(f). SWC has discontinued the use of AP exams in lieu of college-level prerequisite courses for the future applicants."

c. Determination:

i. **In compliance**

- ii. SWC to continue to require Oral Communications, Psychology, and Sociology as prerequisites for the DHEP program pursuant to 16 CCR Section 1105(f).
- iii. SWC to maintain discontinuance of AP exams in lieu of college-level prerequisite courses.

You will be required to provide evidence of compliance to the above remaining deficiencies **no later than April 1, 2022**. As SWC's dental hygiene educational program is operating outside the structured parameters of California law and CODA Standards with these deficiencies, SWC is therefore putting students, faculty, and the public at risk.

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs within the state meet the same educational standards in preparing their graduates for the profession. If SWC does not correct the above remaining deficiencies **by April 1, 2022**, SWC risks the DHBC's approval of the SWC Dental Hygiene Educational Program and for SWC graduates to obtain a California license in dental hygiene. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative and Regulatory Specialist  
Dental Hygiene Board of California

Cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California

Dr. Minou Djawdan Spradley, Assistant Superintendent/Vice President for Academic Affairs, SWC

Christine M. Perri, RDH, MA, Dean, SWC

Gay Teel, RDH, MS, Dental Hygiene Program Director, SWC

January 27, 2022

Luis P. Sanchez, JD, LLM  
President  
Oxnard College  
4000 S. Rose Avenue  
Oxnard, CA 93033

Dear President Sanchez,

The Dental Hygiene Board of California (DHBC) conducted a site visit on November 4, 2021 of the Oxnard College Dental Hygiene Educational Program (Oxnard). This site visit was generated due to Commission on Dental Accreditation (CODA) Self Study submission as well as DHBC's oversight goals to review all dental hygiene educational programs in California. Based on the results of the site visit, it was noted that evidence of program compliance with the minimum DHEP standards set by the California Code of Regulations (CCR) and CODA was deficient in one area only.

On January 26, 2022, Oxnard provided evidence of compliance for the deficiency discovered on November 4, 2021. The result of the review is as follows:

### **1. Deficiency: Clinical Supplies**

#### **a. Nitrous Oxide-Oxygen Analgesia Supplies:**

- i. Oxnard retains three (3) functioning Nitrous Oxide-Oxygen Analgesia units for 20 students.
- ii. At least one complete nitrous oxide-oxygen unit shall be provided for each six (6) students enrolled in the course.

#### **b. Evidence of Compliance:**

- i. Oxnard provided narrative and proof of delivery of one complete nitrous oxide-oxygen unit.

#### **c. Determination:**

- i. In compliance.
- ii. Oxnard shall continue to maintain Nitrous Oxide-Oxygen Analgesia supplies pursuant to 16 CCR Section 1105(i) and 16 CCR Section 1107(b)(3)(D).

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs within the state meet the same educational standards in preparing their graduates for the profession. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative and Regulatory Specialist  
Dental Hygiene Board of California

Cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California

Art Sandford, PHD, Interim Vice President, Academic Affairs and Student Learning, Oxnard College

Chris Renbarger, MBA, Vice President, Business Services, Oxnard College

Susan McDonald, MEd, BSDH, Dental Hygiene Educational Program Director, Oxnard College

December 8, 2021

Lisa Rhodes, Campus President  
Concorde Career College-Garden Grove  
12951 Euclid Street, Suite 101  
Garden Grove CA 92840

**RE: Program Director Violation Notification**

Dear Ms. Rhodes,

This letter is to notify Concorde Career College - Garden Grove (CCC-GG) the CCC-GG Dental Hygiene Educational Program failed to notify the Dental Hygiene Board of California (DHBC) of the change in Program Director within ten (10) days, as Dr. Arezou Goshtasbi was released as Program Director on November 23, 2021. CCC-GG is in violation of California Code of Regulations (CCR) Title 16 (16), Section 1105.3, subdivision (a)(2)(B) which states:

- (a) Each dental hygiene program holding a certificate of approval shall:*
- (2) Notify the Committee within ten (10) days of any:*
- (B) Change in the organizational structure, administrative responsibility, or accountability in the dental hygiene program, the institution of higher education in which the dental hygiene program is located or with which it is affiliated that will affect the dental hygiene program.*

Additionally, CCC-GG is required to have a Program Director pursuant to 16 CCR Section 1105.1(a) which states:

- (a) "Program Director" or "Interim Program Director" means a registered dental hygienist or dentist who has the authority and responsibility to administer the educational program in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article. The educational program may have an Interim Program Director for a maximum of twelve (12) months. The director shall have a full-time appointment as defined by the institution, whose primary responsibility is for the operation, supervision, evaluation and revision of the program. The program director shall meet the following minimum qualifications:*
- (1) Possess an active, current dental or dental hygiene license issued by the Committee or the Dental Board of California (DBC), with no disciplinary actions;*
- (2) Possess a master's or higher degree from a college or university accredited by an agency recognized by the U.S. Department of Education or Council for Higher Education Accreditation;*
- (3) Documentation of two (2) years' experience teaching in pre- or post-licensure registered dental hygiene or dental programs. This requirement may be waived for an Interim Program Director; and*
- (4) Documentation of a minimum of 2,000 hours in direct patient care as a registered dental hygienist, or working with a registered dental hygienist.*

You will be required to provide evidence of compliance to the above deficiency no later than **December 15, 2021**, as your dental hygiene program is operating outside the structured parameters of the law and Commission on Dental Accreditation of the American Dental Association (CODA) Standards with these deficiencies which are putting students, faculty, and the public at risk.

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs meet the same educational standards in preparing their graduates for the profession. If CCC-GG does not correct the above deficiencies by **December 15, 2021**, CCC-GG risks the DHBC's approval of the CCC-GG Dental Hygiene Educational Program and for CCC-GG graduates to obtain a California license in dental hygiene. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative, and Regulatory Specialist  
Dental Hygiene Board of California

cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California

December 31, 2021

Lisa Rhodes, Campus President  
Concorde Career College-Garden Grove  
12951 Euclid Street, Suite 101  
Garden Grove CA 92840

**RE: Program Director Violation Notification**

Dear Ms. Rhodes,

On December 8, 2021, The Dental Hygiene Board of California (DHBC) notified Concorde Career College - Garden Grove (CCC-GG) the CCC-GG Dental Hygiene Educational Program failed to notify the DHBC of the change in Program Director within ten (10) days in violation of California Code of Regulations (CCR) Title 16 (16), Section 1105.3, subdivision (a)(2)(B) which states:

- (a) Each dental hygiene program holding a certificate of approval shall:*
- (2) Notify the Committee within ten (10) days of any:*
- (B) Change in the organizational structure, administrative responsibility, or accountability in the dental hygiene program, the institution of higher education in which the dental hygiene program is located or with which it is affiliated that will affect the dental hygiene program.*

On December 15, 2021, CCC-GG submitted an email notifying the DHBC of a change in Program Director to Dr. Zhen Qin as Interim Program Director effective December 16, 2021 and provided a DHBC Biosketch.

On December 16, 2021, the DHBC notified CCC-GG that Dr. Qin did not provide a history of previous teaching experience nor provided proof of completion of mandatory Educational Methodology courses. Additionally, the DHBC requested CCC-GG provide: 1) Proof of completion of mandatory Educational Methodology courses for Dr. Qin; 2) an appointment letter of Dr. Qin as Program Director; 3) a signed contract for Dr. Qin as Program Director, including full time status and indicating the percentage of duties assigned to each of her responsibilities; and 4) a weekly assignment schedule for Dr. Qin. This information was requested to be submitted by December 30, 2021.

On December 30, 2021, CCC-GG submitted:

1. A document titled "Program Director Appointment and Weekly Schedule".
2. An updated DHBC Biosketch.

Upon review of the submitted documentation, the following deficiencies were found:

1. Deficiency 1: Program Director Assignment
  - a. No formal contract provided showing appointment of Dr. Qin as Program Director/Interim Program Director.

i. Document titled "Program Director Appointment and Weekly Schedule":

1. Stated: "This communication confirms your full-time appointment as Interim Program Director and teaching assignment from December 16, 2021 – January 14, 2022."
2. Provided a schedule for Dr. Qin of 25.5 hours devoted to teaching in clinic and pre clinic.
3. No schedule provided for hours devoted to administration of the CCC-GG

b. Refer to:

i. 16 CCR Section 1105.1(a):

- (a) *"Program Director" or "Interim Program Director" means a registered dental hygienist or dentist who has the authority and responsibility to administer the educational program in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article. The educational program may have an Interim Program Director for a maximum of twelve (12) months. The director shall have a full-time appointment as defined by the institution, whose primary responsibility is for the operation, supervision, evaluation and revision of the program. The program director shall meet the following minimum qualifications:*
- (1) *Possess an active, current dental or dental hygiene license issued by the Committee or the Dental Board of California (DBC), with no disciplinary actions;*
  - (2) *Possess a master's or higher degree from a college or university accredited by an agency recognized by the U.S. Department of Education or Council for Higher Education Accreditation;*
  - (3) *Documentation of two (2) years' experience teaching in pre- or post-licensure registered dental hygiene or dental programs. This requirement may be waived for an Interim Program Director; and*
  - (4) *Documentation of a minimum of 2,000 hours in direct patient care as a registered dental hygienist, or working with a registered dental hygienist.*

c. Determination:

- i. CCC-GG shall provide evidence of an Interim Program Director/Program Director pursuant to 16 CCR Section 1105.1(a).
- ii. Evidence shall include, but not limited to:
  1. Appointment letter of Dr. Qin as Program Director.
  2. Signed contract for Dr. Qin as Program Director, including full-time status and demonstrating her **primary responsibility is for the operation, supervision, evaluation, and revision of the program.**
  3. Weekly assignment schedule for Dr. Qin.



## 2. Deficiency 2: Educational Methodology

- a. DHBC Biosketch provided stated under the “Month/Year” heading of the “Educational Methodology Courses” section, the statement: “Current - must be completed by 2/15/2022”.
  - i. Dr. Qin did not provide the date of when the educational methodology courses were originally taken, if any.
- b. Refer to:
  - i. 16 CCR Section 1105.1(b):  
*(b) “Program faculty” means an individual having a full-time or part-time agreement with the institution to instruct one or more of the courses in the educational program’s curriculum. The individual shall hold a baccalaureate degree or higher from a college or university accredited by an agency recognized by the U.S. Department of Education or Council for Higher Education Accreditation, and possess the following: an active California dental or dental hygiene license or special permit with no disciplinary actions; or a postsecondary credential generally recognized in the field of instruction; or a degree in the subject being taught or evaluated. All program faculty shall have documented background in educational methodology every two years, consistent with teaching assignments.*
- c. Determination:
  - i. CCC-GG shall provide evidence of completion of educational methodologies courses for Dr. Qin pursuant to 16 CCR Section 1105.1(b).
  - ii. Evidence shall include, but not limited to:
    1. Course completion certificates for educational methodology courses.

CCC-GG is required to provide evidence of compliance to the above deficiencies no later than **January 14, 2022**, as your dental hygiene educational program is operating outside the structured parameters of the law and Commission on Dental Accreditation of the American Dental Association (CODA) Standards due to these deficiencies, which are therefore putting students, faculty, and the public at risk.

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs meet the same educational standards in preparing their graduates for the profession.

If CCC-GG does not correct the above deficiencies by **January 14, 2022**, CCC-GG risks the DHBC’s approval of the CCC-GG Dental Hygiene Educational Program and for CCC-GG graduates to obtain a California license in dental hygiene. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative, and Regulatory Specialist  
Dental Hygiene Board of California

cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California  
Zhen Qin DDS, Interim Program Director, CCC-GG Dental Hygiene Educational Program  
Omid Parto, Pharm.D., Academic Dean, CCC-GG

January 19, 2022

Lisa Rhodes, Campus President  
Concorde Career College-Garden Grove  
12951 Euclid Street, Suite 101  
Garden Grove CA 92840

**RE: Program Director Violation Notification**

Dear Ms. Rhodes,

On December 8, 2021, The Dental Hygiene Board of California (DHBC) notified Concorde Career College - Garden Grove (CCC-GG) the CCC-GG Dental Hygiene Educational Program failed to notify the DHBC of the change in Program Director within ten (10) days in violation of California Code of Regulations (CCR) Title 16 (16), Section 1105.3, subdivision (a)(2)(B) which states:

- (a) Each dental hygiene program holding a certificate of approval shall:*
- (2) Notify the Committee within ten (10) days of any:*
- (B) Change in the organizational structure, administrative responsibility, or accountability in the dental hygiene program, the institution of higher education in which the dental hygiene program is located or with which it is affiliated that will affect the dental hygiene program.*

On December 15, 2021, CCC-GG submitted an email notifying the DHBC of a change in Program Director to Dr. Zhen Qin as Interim Program Director effective December 16, 2021 and provided a DHBC Biosketch.

On December 16, 2021, the DHBC notified CCC-GG that Dr. Qin did not provide a history of previous teaching experience nor provided proof of completion of mandatory Educational Methodology courses. Additionally, the DHBC requested CCC-GG provide: 1) proof of completion of mandatory Educational Methodology courses for Dr. Qin; 2) an appointment letter of Dr. Qin as Program Director; 3) a signed contract for Dr. Qin as Program Director, including full time status and indicating the percentage of duties assigned to each of her responsibilities; and 4) a weekly assignment schedule for Dr. Qin. This information was requested to be submitted by December 30, 2021.

On December 30, 2021, CCC-GG submitted: 1) a document titled "Program Director Appointment and Weekly Schedule"; and 2) an updated DHBC Biosketch for Dr. Qin. Upon review of the submitted documentation, the following deficiencies were discovered: 1) No formal contract provided showing appointment of Dr. Qin as Program Director/Interim Program Director; and 2) Dr. Qin did not possess current educational methodology courses pursuant to 16 CCR Section 1105.1(b).

On January 14, 2022, CCC-GG submitted an email notifying the DHBC of a change in Program Director to Ms. Amber Davis effective January 10, 2022 and provided the following:

1. A DHBC Biosketch for Ms. Amber Davis.
2. A document titled "20220110 Amber Davis -Assignments".

Upon review of the submitted documentation, the determination is as follows:

1. Deficiency 1: Program Director Assignment

**a. In compliance.**

- i. CCC-GG provided sufficient evidence of a Program Director pursuant to 16 CCR Section 1105.1(a).

- b. CCC-GG shall continue to provide a Program Director for the CCC-GG Dental Hygiene Educational Program pursuant to 16 CCR Section 1105.1(a).

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs meet the same educational standards in preparing their graduates for the profession. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative, and Regulatory Specialist  
Dental Hygiene Board of California

cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California  
Amber Davis, Program Director, CCC-GG Dental Hygiene Educational Program  
Omid Parto, Pharm.D., Academic Dean, CCC-GG



## MEMORANDUM

<b>DATE</b>	March 4, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Elizabeth Elias Assistant Executive Officer
<b>SUBJECT</b>	<b>FULL 18: Enforcement Update and Statistics Report</b>

### STAFF UPDATE

The Enforcement Unit has one vacant position, an Enforcement Analyst. Management is working on the recruitment at this time.

### PROGRAM UPDATE

Enforcement staff are on an office-centric telework schedule, which requires them to be in the office 3 days a week and telework 2 days a week. Since the COVID-19 pandemic began, staff have been flexible and have adapted to new business processes that have been established. Staff use new technology such as Microsoft Teams and WebEx for meetings, training, and communication. In addition, new processes have been established to transmit files and other documents in a secure method to expert witnesses and the Attorney General's Office.

Management routinely assigns training courses for continued staff development. Recently, all enforcement staff completed the Skilled Enhancement Training (SET) instructed by the Department of Consumer Affairs (DCA) SOLID Unit. SET is an 8-week (1 day/week) program where staff learn about collaboration, communication, customer engagement, digital fluency, diversity & inclusion, innovative mindset, resilience, and interpersonal skills.

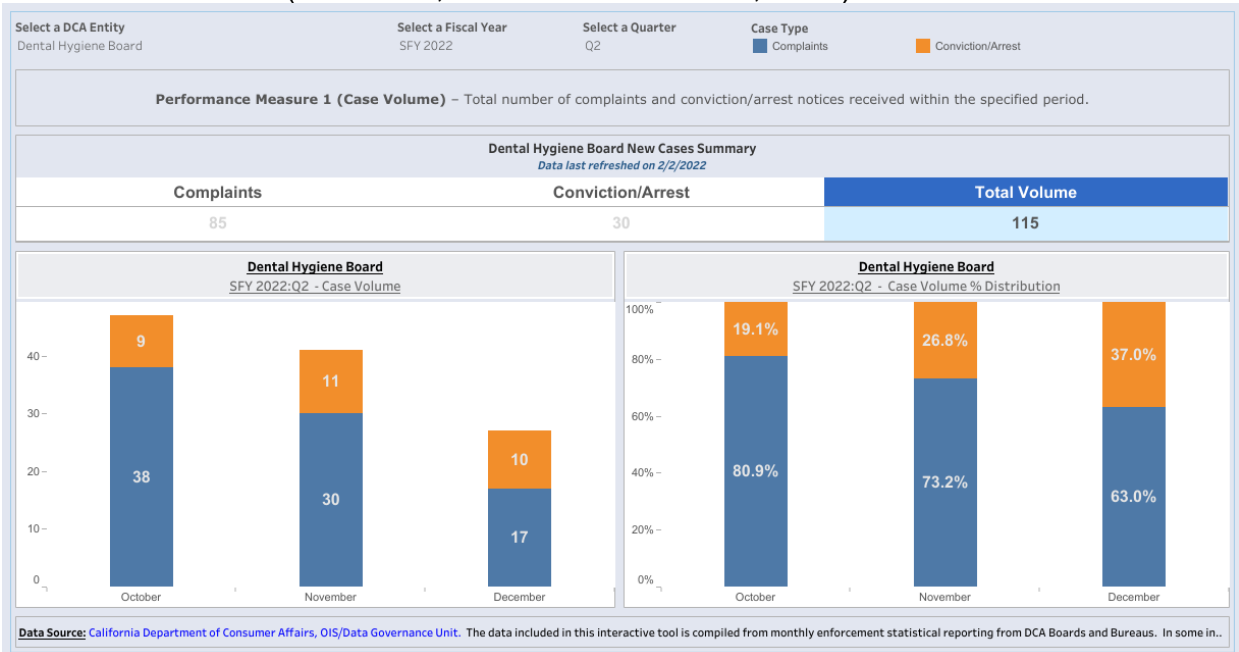
As time allows, enforcement staff continue to work on several major projects including revising disciplinary guidelines, updates to desk manuals, and creating content for an enforcement section to the Board's website. Recently, staff finalized identifying additional BreEZe codes that will help with monitoring cases and workload. The updates should be rolled out in the next BreEZe release.

In addition to the detailed statistics provided in Attachment 1, DCA established a transparent set of measurements to track the department's effectiveness at managing the consumer complaint process. Enforcement Performance Measures (EPMs) are updated each quarter and can be found online at:

[https://www.dca.ca.gov/data/enforcement\\_performance.shtml](https://www.dca.ca.gov/data/enforcement_performance.shtml).

## Performance Measure 1: Intake Volume – Total number of complaints and conviction/arrest notices received within the specified time period.

FY 21/22 Quarter 2 (October 1, 2021 – December 31, 2021)

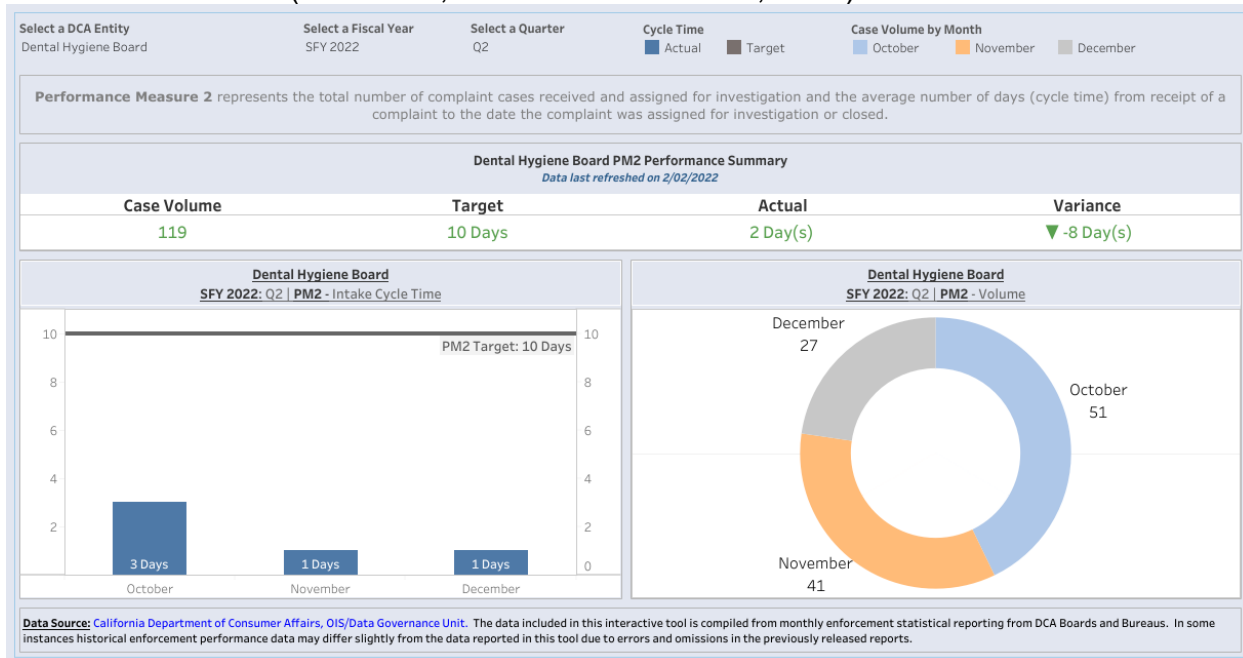


FY 21/22 Quarter 1 (July 1, 2021 – September 30, 2021)

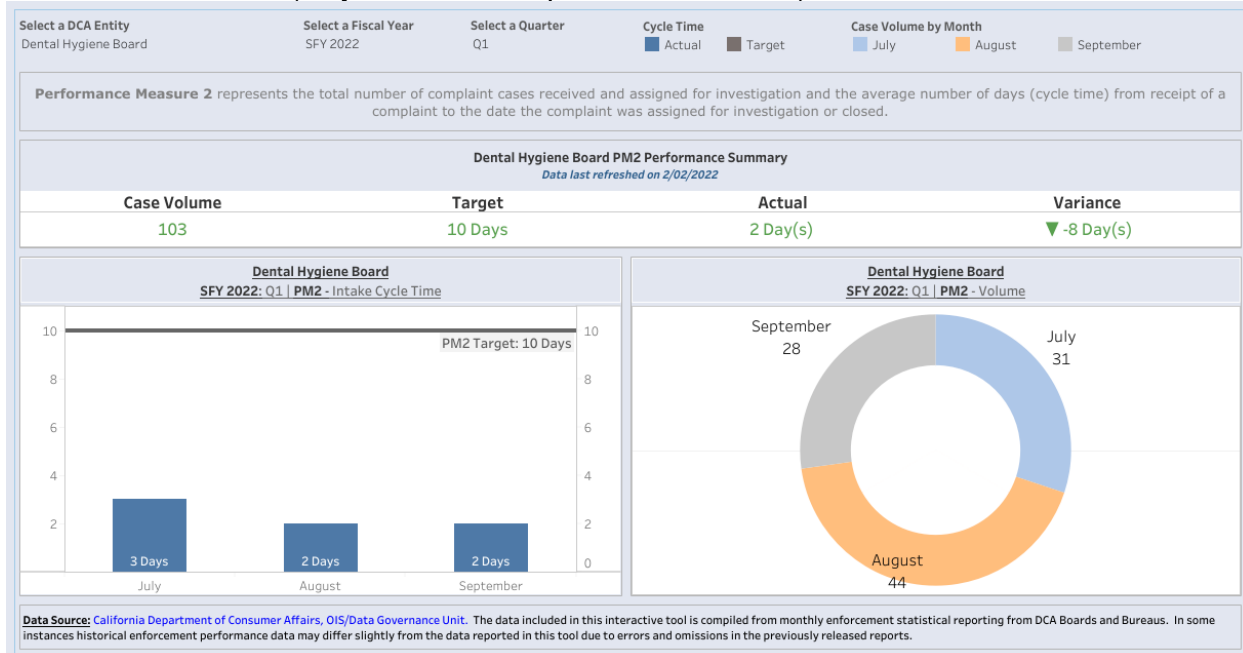


**Performance Measure 2: Intake Cycle Time** – The number of cases received and assigned for investigation and the average number of days (cycle time) from receipt of a complaint to the date the complaint was assigned for investigation or closed.

FY 21/22 Quarter 2 (October 1, 2021 – December 31, 2021)

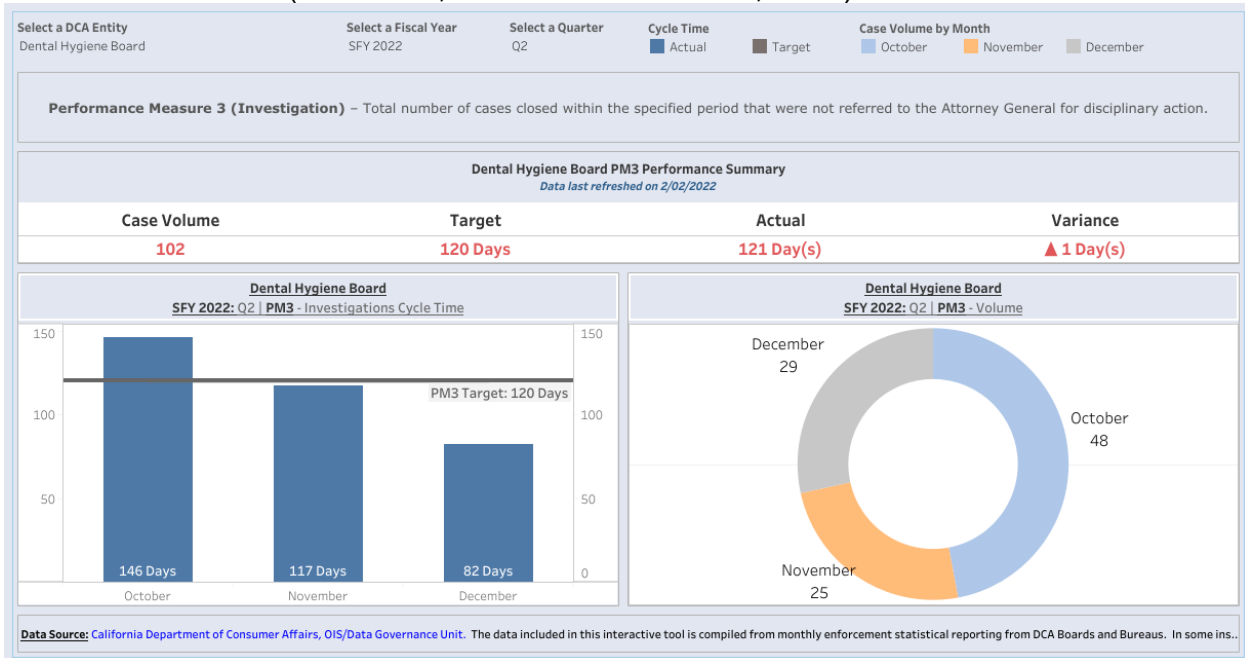


FY 21/22 Quarter 1 (July 1, 2021 – September 30, 2021)

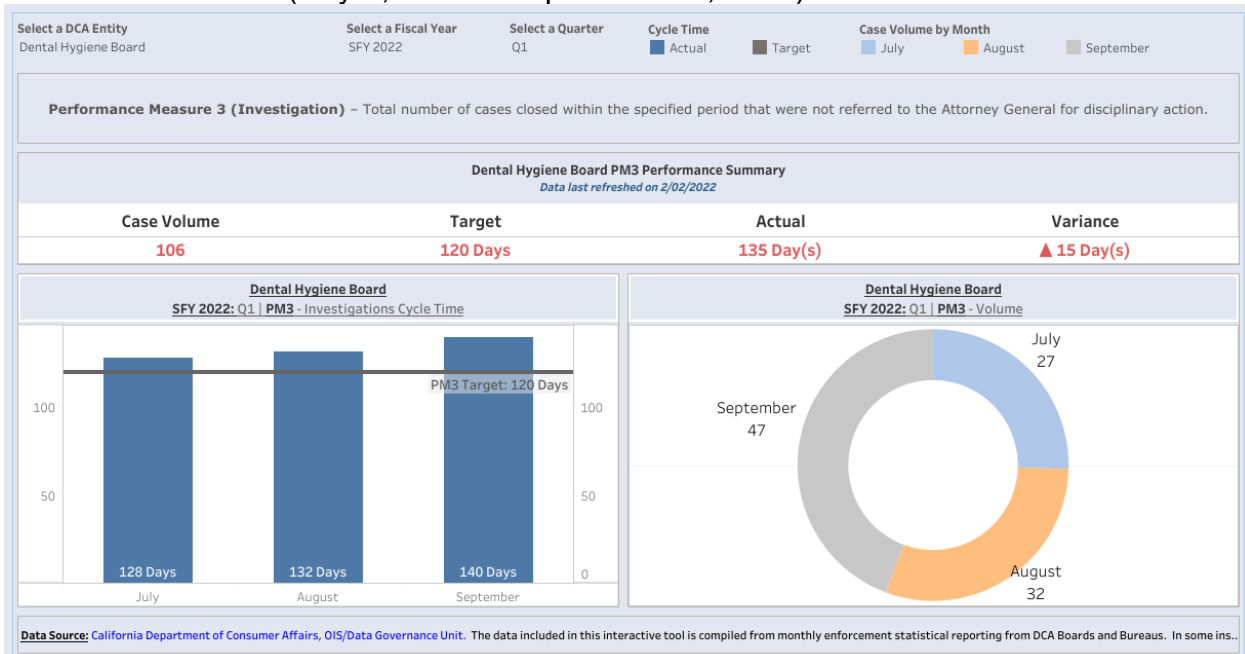


**Performance Measure 3: Investigation Cycle Time** – Total number of cases closed within the specified period that were not referred to the Attorney General for disciplinary action.

FY 21/22 Quarter 2 (October 1, 2021 – December 31, 2021)

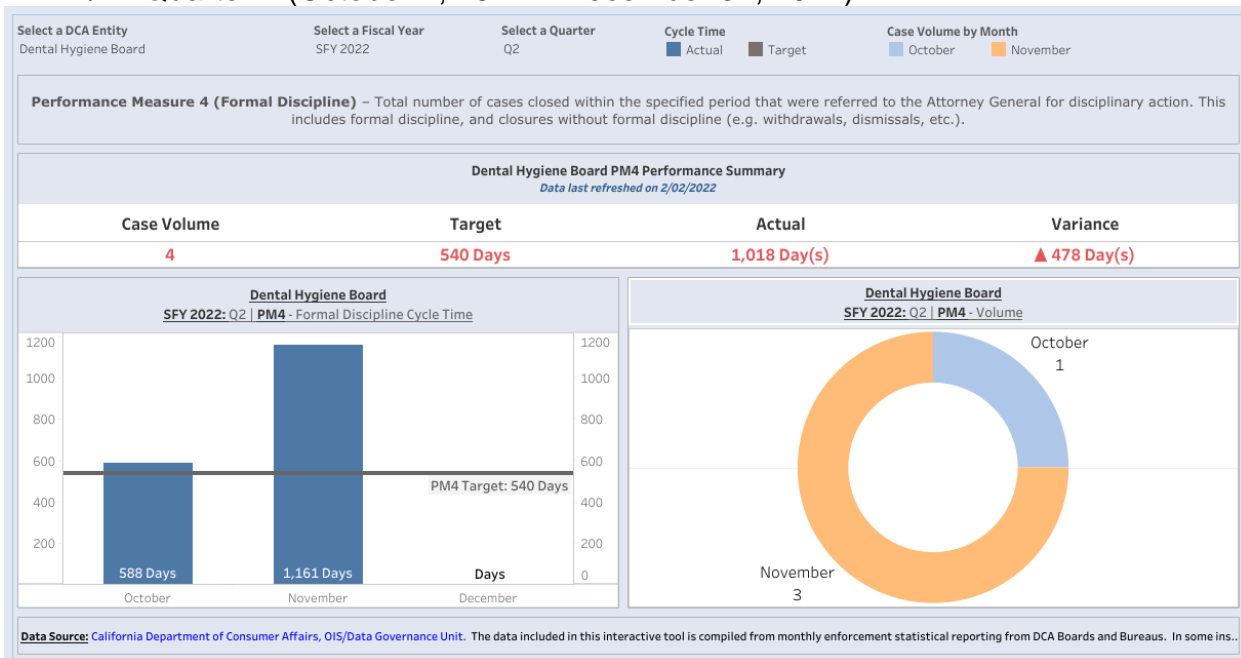


FY 21/22 Quarter 1 (July 1, 2021 – September 30, 2021)

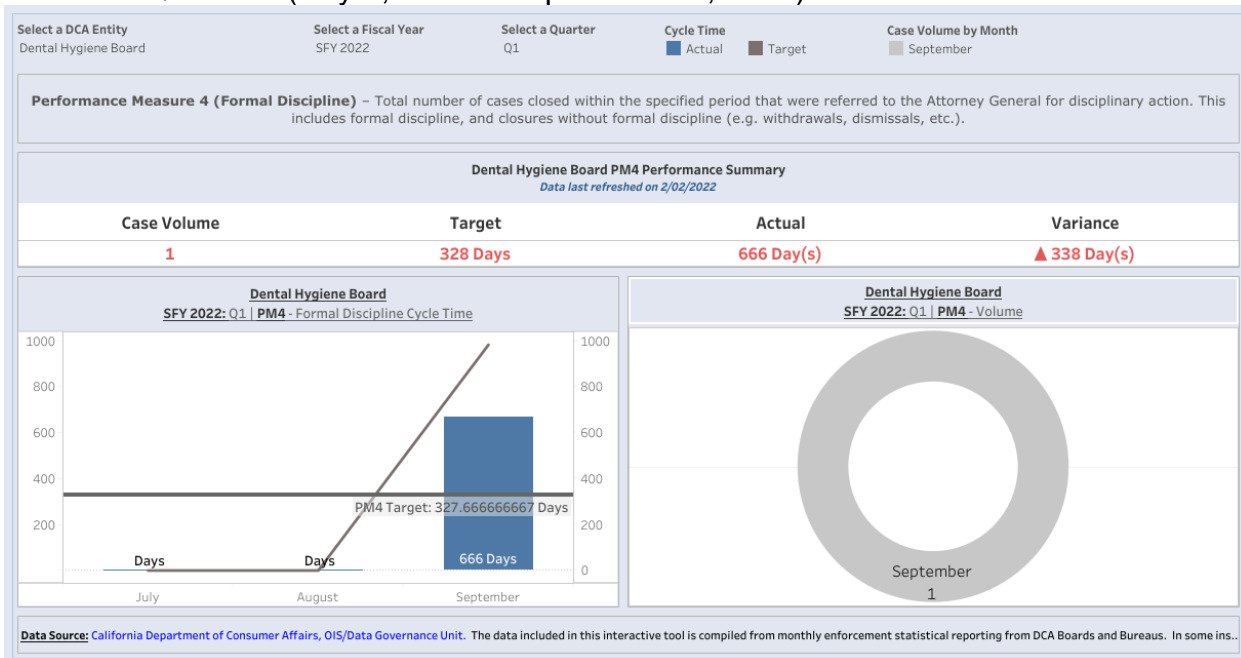


**Performance Measure 4: Formal Discipline Cycle Time** – Total number of cases closed within the specified period that were referred to the Attorney General for disciplinary action. This includes formal discipline, and closures without formal discipline (e.g. withdrawals, dismissals, etc.)

FY 21/22 Quarter 2 (October 1, 2021 – December 31, 2021)



FY 21/22 Quarter 1 (July 1, 2021 – September 30, 2021)

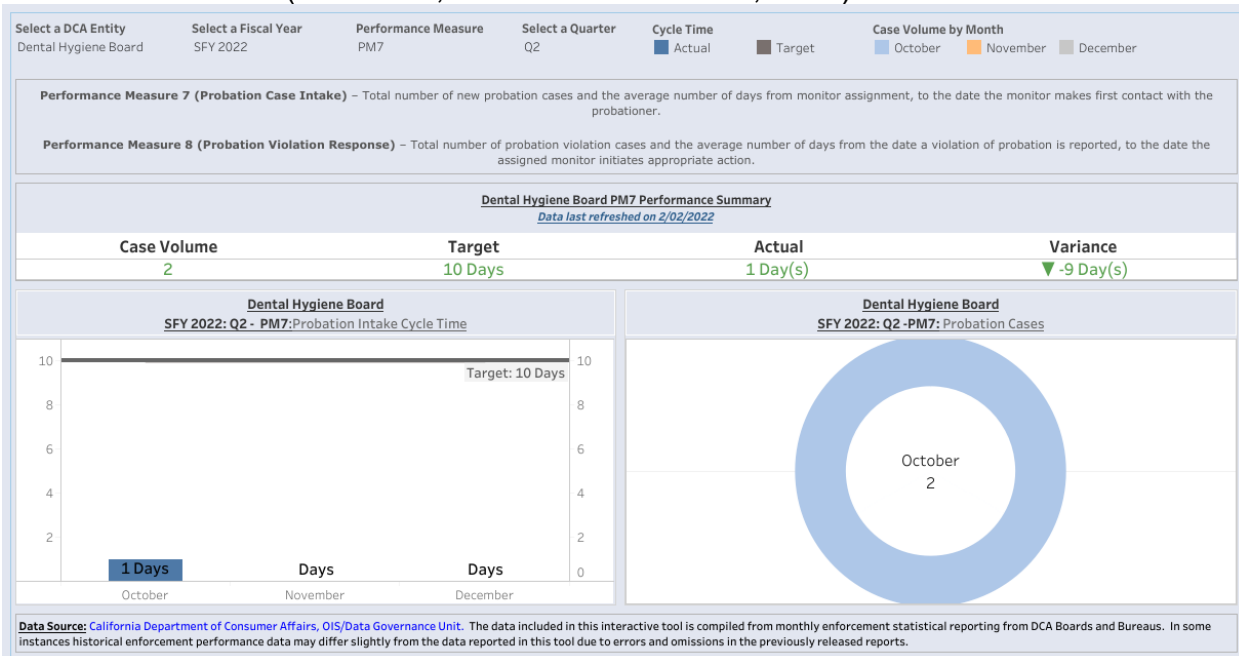




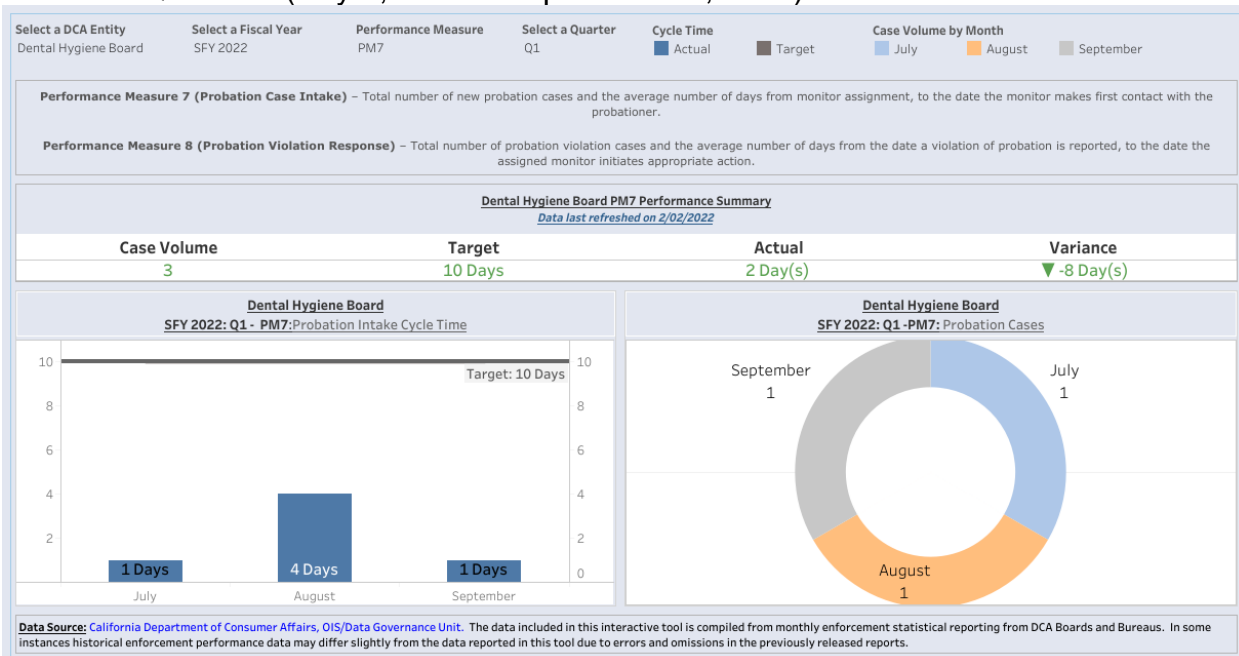
Note: Target should be 540 days. Variance should be ▲ 126 days.

**Performance Measure 7: Probation Case Intake** – Total number of new probation cases and the average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

FY 21/22 Quarter 2 (October 1, 2021 – December 31, 2021)

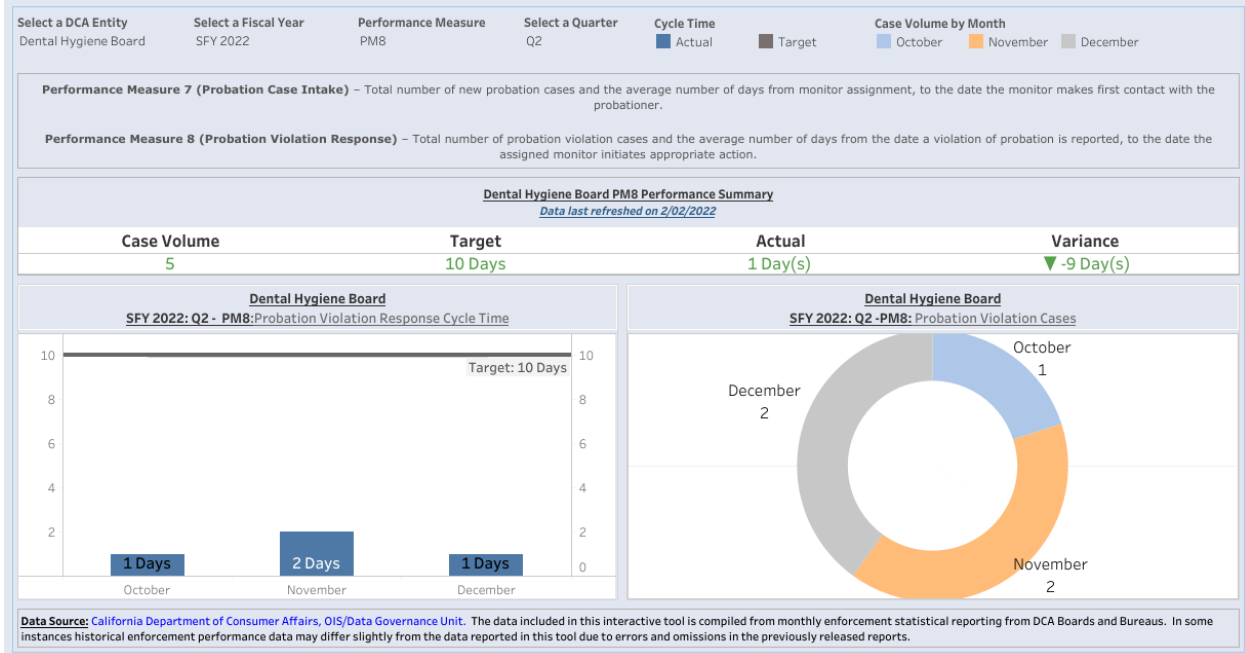


FY 21/22 Quarter 1 (July 1, 2021 – September 30, 2021)

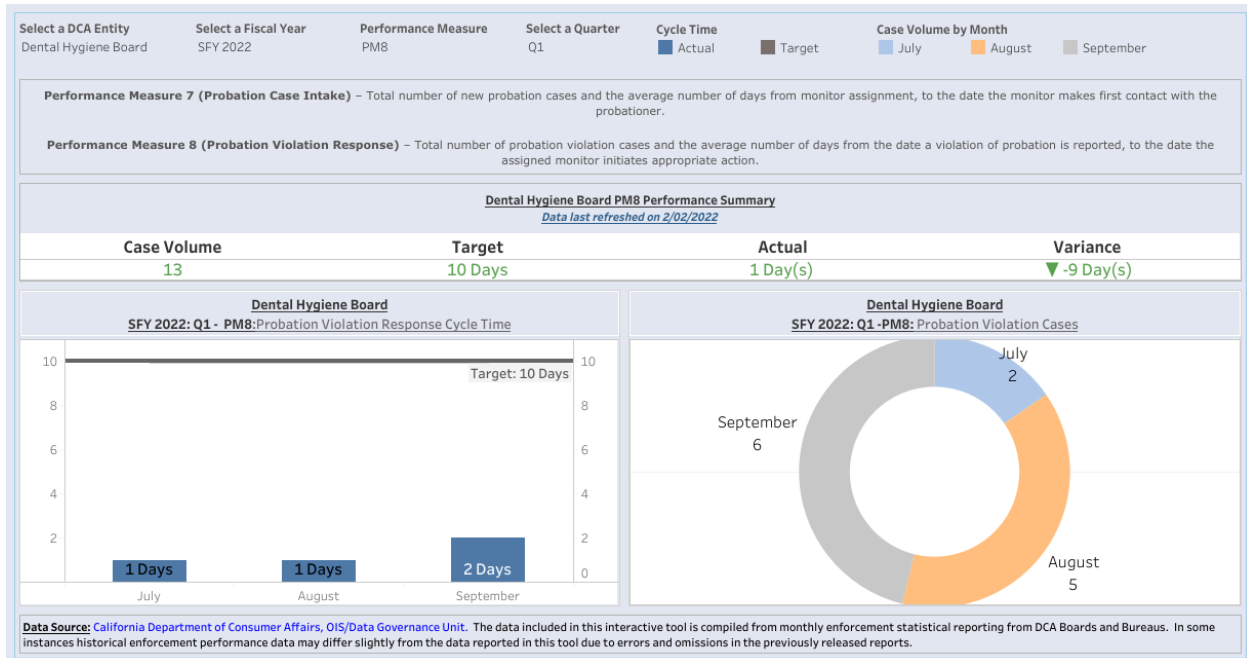


**Performance Measure 8 – Probation Violation Response** – Total number of probation violations and the average number of days from the date a violation of probation is reported or identified, to the date the assigned monitor initiates appropriate action.

FY 21/22 Quarter 2 (October 1, 2021 – December 31, 2021)



FY 21/22 Quarter 1 (July 1, 2021 – September 30, 2021)



## Attachment 1: Enforcement Statistics Report

# Dental Hygiene Board of California

## Enforcement Statistics

### FY 21/22

\*N/A = Data Not Available. Report data as of 2/28/2022.

As Of	7/31	8/31	9/30	10/31	11/30	12/31	1/31	2/28	3/31	4/30	5/31	6/30
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#### Complaints Received

Consumer Complaints	8	9	11	8	5	6	2	2				
Board Initiated Complaints	12	21	7	32	35	11	6	29				
Arrests/Convictions	5	4	5	4	7	3	3	3				
Applicants	7	7	7	5	2	7	2	4				
<b>Totals</b>	<b>32</b>	<b>41</b>	<b>30</b>	<b>49</b>	<b>49</b>	<b>27</b>	<b>13</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

#### Complaint Case Type Received

Criminal Charges/Convictions	12	11	11	9	9	10	5	7				
Incompetence/ Negligence	1	0	1	0	0	0	2	0				
Non-Jurisdictional	1	7	4	4	0	4	0	1				
Sexual Misconduct	0	0	0	0	0	0	0	1				
Substance Abuse - No criminal charges	0	0	1	0	0	0	0	0				
Unprofessional Conduct	14	22	8	34	27	7	5	27				
Unlicensed	1	1	0	0	1	0	0	1				
Unsafe/Unsanitary Conditions	1	0	1	0	0	0	0	0				
Other	2	0	4	2	0	6	1	1				

As Of	7/31	8/31	9/30	10/31	11/30	12/31	1/31	2/28	3/31	4/30	5/31	6/30
<b>Complaint Closures w/no additional Disciplinary or Administrative Action</b>												
Application Approved	0	5	11	10	10	8	1	4				
Insufficient Evidence	0	2	2	1	1	2	9	5				
No Violation	10	14	9	5	5	3	2	5				
No Jurisdiction	1	2	18	6	6	3	1	3				
Other (includes, but not limited to redundant complaints and those awaiting criminal disposition)	4	2	1	0	6	5	4	3				
<b>Totals</b>	<b>15</b>	<b>25</b>	<b>41</b>	<b>22</b>	<b>28</b>	<b>21</b>	<b>17</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Investigations

### Open Investigations

Desk Investigations	108	110	86	88	108	102	74	90				
Field Investigations	39	37	38	34	36	34	33	34				
<b>Totals</b>	<b>147</b>	<b>147</b>	<b>124</b>	<b>122</b>	<b>144</b>	<b>136</b>	<b>107</b>	<b>124</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Closed Investigations

Desk Investigations	25	36	40	47	25	27	39	14				
Field Investigations	3	5	6	7	2	7	5	4				
<b>Totals</b>	<b>28</b>	<b>41</b>	<b>46</b>	<b>54</b>	<b>27</b>	<b>34</b>	<b>44</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Case Aging for Investigations (Open Cases)

### Desk Investigations

0-6 months	53	56	34	49	69	65	41	58				
7-12 months	38	36	37	19	20	15	18	17				
>1 yr - 1.5 years	9	11	10	15	14	18	11	12				
>1.5 years - 2 years	6	5	3	3	3	3	2	2				

As Of	7/31	8/31	9/30	10/31	11/30	12/31	1/31	2/28	3/31	4/30	5/31	6/30
>2 years	2	2	2	2	2	1	2	1				

#### Field Investigations

0-6 months	14	13	18	17	18	17	18	20				
7-12 months	10	10	10	9	10	8	9	8				
>1 yr - 1.5 years	5	5	4	6	6	8	6	5				
>1.5 years - 2 years	6	5	4	1	1	1	0	1				
>2 years	4	4	2	1	1	0	0	0				

#### Attorney General's Office (AG)

##### Discipline

Cases Transmitted to AG	0	1	2	4	1	5	1	3				
Statement of Issues Filed	0	0	0	1	1	2	1	1				
Accusations Filed	0	0	0	0	0	1	1	0				
Accusations Withdrawn	0	0	0	0	0	0	0	0				
Revocation	0	0	0	0	0	0	0	0				
Surrender	0	0	0	0	0	0	0	0				
Probation	0	0	1	1	2	0	0	1				

##### Probation Subsequent

##### Discipline

Subsequent Case Transmitted to AG	1	1	0	0	1	0	0	1				
Petition to Revoke Probation Filed	0	1	0	0	0	0	1	0				
Accusation/Petition to Revoked Probation Filed	1	0	0	0	0	0	0	0				
Revoked	0	0	0	0	0	0	1	0				
Surrendered	0	0	0	1	0	0	0	0				
Probation Extended	0	1	0	0	0	0	0	0				

As Of	7/31	8/31	9/30	10/31	11/30	12/31	1/31	2/28	3/31	4/30	5/31	6/30
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### All AG Cases Pending Disciplinary Action

Totals	9	11	11	13	11	16	16	19				
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### Case Aging for Pending AG Cases From Time of Transmittal

0-6 months	2	3	5	8	8	13	15	17				
7-12 months	0	1	1	1	1	1	1	1				
>1 yr - 1.5 years	4	4	3	1	1	1	0	1				
>1.5 years - 2 years	3	3	2	3	0	0	0	0				
>2 years	0	0	0	0	1	1	0	0				

### Citation/Fine

Citations Issued	12	5	5	25	7	9	23	1				
Citations Modified	0	0	0	0	1	1	0	0				
Citation Affirmed	1	0	0	0	2	0	0	2				
Citations Dismissed	0	0	0	0	0	2	0	2				
Total Amount Ordered FY 21/22	\$79, 950. 00											

### Probation

Active Probationers	22	21	21	21	22	22	20	20				
Tolled Probationers	4	4	4	4	4	4	4	4				
Biological Testing Probationers	14	13	14	15	16	16	14	14				
Positive Drug Screen for Banned Substances	1	0	2	0	1	0	0	1				
Violations of Probation Addressed	2	5	6	1	2	3	2	1				



## MEMORANDUM

<b>DATE</b>	March 4, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Elizabeth Elias Assistant Executive Officer
<b>SUBJECT</b>	<b>FULL 19: Licensing and Examination Update - Statistics</b>

## STAFF UPDATE

The Licensing Unit is fully staffed.

## LICENSING UPDATE

Beginning in FY 2021/22, the Department of Consumer Affairs (DCA) began reporting Licensing Performance Measures (LPM) data on a quarterly basis for all active DCA entities. LPM data is interactive and includes data for complete, incomplete and renewal application types. The LPM data can be found on the Board's website, [www.dhbc.ca.gov](http://www.dhbc.ca.gov) by clicking the Quarterly Licensing Data button.

### QUARTERLY LICENSING DATA

State Fiscal Year SFY 2022	Quarter Q1	DCA Entity Dental Hygiene Board of California	License Type All	Application Type All			
DCA Entity:Dental Hygiene Board of California SFY2022 Q1 License Performance Measure (LPM) Summary License Type: All   Application Type: All Data published on 1/03/2022							
DCA Entity	License Type	Application Type	Complete Applications	Incomplete Applications	Total Applications Processed	Complete Apps Processing Time	Incomplete Apps Processing Time
Dental Hygiene Board of California	RDH in Alternative Practice	Rdhap Initial Application For Licensure	19	0	19	45 Day(s)	--
	Registered Dental Hygienist	Initial LBC Exam Request	2	9	11	46 Day(s)	73 Day(s)
		Initial WREB/ CRDTS Exam Request	181	128	309	34 Day(s)	46 Day(s)
Grand Total			202	137	339	35 Day(s)	48 Day(s)
Data Source: The data included in this interactive tool is compiled by the DCA OIS/Data Governance Unit, from licensing performance measure (LPM) reports developed specifically for this purpose. The LPM data reported in this application may differ from other LPM reporting due to differences in methodology, report timing, and other factors. Please view the methodology tab for more information about the data.							

Attachment 1: Licensing Population Statistics  
Attachment 2: Application Received and Licenses Issued Statistics  
Attachment 3: Law and Ethics Examination Statistics



Attachment 1: Licensing Population

<b>Dental Hygiene License Population as of March 4, 2022</b>		
<b>License Type</b>	<b>License Status</b>	<b>Total</b>
Registered Dental Hygienist	Active (4 licenses have been reactivated due to *COVID-19)	18,017
	Inactive	1,834
	Delinquent	3,869
	Cancelled	10,022
	Revoked	41
	Surrendered	32
	Other (Deceased, retired, etc.)	267
Registered Dental Hygienist in Alternative Practice	Active	676
	Inactive	46
	Delinquent	106
	Cancelled	55
	Revoked	1
	Surrendered	3
	Other (Deceased, retired, etc.)	3
Registered Dental Hygienist in Extended Functions	Active	22
	Inactive	1
	Delinquent	5
	Cancelled	4
	Revoked	0
	Surrendered	0
	Other (Deceased, retired, etc.)	0
Fictitious Name Permit	Active	132
	Inactive	0
	Delinquent	73
	Cancelled	74
	Revoked	0
	Surrendered	0
	Other (Deceased, retired, etc.)	1
<b>Licensed Subtotal (Active, Inactive)</b>		<b>20,728</b>
<b>Non-Licensed Subtotal (Delinquent, Cancelled, Revoked, Surrendered, Other)</b>		<b>14,556</b>
<b>Total</b>		<b>35,284</b>
<b>Status Definitions</b>		
<b>Active</b>	Current license and can practice.	
<b>Inactive</b>	Current license but may not practice in CA. Continuing education is not required for renewal.	
<b>Delinquent</b>	Renewal fee not paid within one month after expiration date. May not practice in CA.	
<b>Cancelled</b>	Renewal fee not paid 5 years after its expiration and may not be renewed. May not practice in CA.	
<b>Revoked</b>	Disciplinary action taken; may not practice in CA.	
<b>Surrendered</b>	Disciplinary action taken; may not practice in CA.	

Attachment 2: Application Received and Licenses Issued Statistics

Applications Received: FY 2021/22											
	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Total YTD		
Initial Applications											
RDH Application by Exam	75	131	103	74	38	93	38	37	589		
RDH Application by Credential	2	3	6	4	3	6	5	6	35		
RDHAP Application	4	9	6	4	6	6	6	5	46		
Fictitious Name Permit Application	1	6	0	4	0	1	0	2	14		
License Renewal Applications											
RDH Renewal Application	848	799	744	825	825	728	966	712	6,447		
RDHAP Renewal Application	28	30	33	37	29	43	34	26	260		
Fictitious Name Permit Renewal Application	7	29	0	1	11	55	0	10	113		
Licenses and Permits Issued											
License Type	Prior Years		Current Year								
	FY 19/20	FY 20/21	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Total FY 2021/22 YTD
RDH License	659	802	64	104	111	91	57	74	71	52	624
RDHAP License	31	71	13	4	3	5	2	6	4	5	42
Fictitious Name Permit	13	14	1	6	0	4	0	1	0	2	14

Attachment 3: Law and Ethics Examination

License Type	Registered Dental Hygienist								
Exam Title	RDH Law & Ethics Exam								
	Tested	Passed	%	Failed	%	1st Attempt of Passed	%	Multiple Attempts of Passed	%
FY 2019/20	811	652	80%	159	20%	509	78%	143	22%
<i>Out of State</i>	25	17	68%	8	32%	17	100%	0	0%
FY 2020/21	917	815	89%	102	11%	726	89%	89	11%
<i>Out of State</i>	22	20	91%	2	9%	20	100%	0	0%
FY 2021/22 (YTD as of 2/24/2022)	735	618	84%	117	16%	510	83%	108	17%
<i>Out of State</i>	14	11	79%	3	21%	11	100%	0	0%

License Type	Registered Dental Hygienist in Alternative Practice								
Exam Title	RDHAP Law and Ethics Exam								
	Tested	Passed	%	Failed	%	1st Attempt of Passed	%	Multiple Attempts of Passed	%
FY 2019/20	39	27	69%	12	31%	21	78%	6	44%
FY 2020/21	97	79	81%	18	19%	60	76%	19	23%
FY 2021/2022 (YTD as of 2/28/2022)	55	36	65%	19	35%	28	78%	8	53%

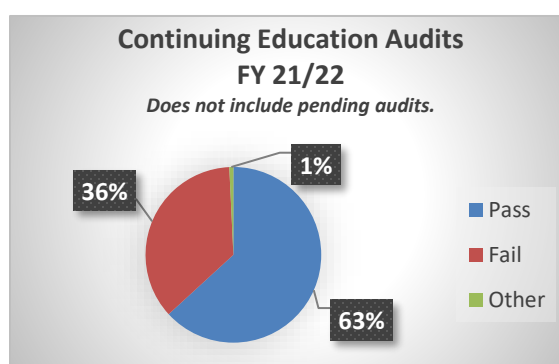
## MEMORANDUM

<b>DATE</b>	March 4, 2022
<b>TO</b>	Dental Hygiene Board of California
<b>FROM</b>	Elizabeth Elias Assistant Executive Officer
<b>SUBJECT</b>	<b>FULL 19: Continuing Education Update</b>

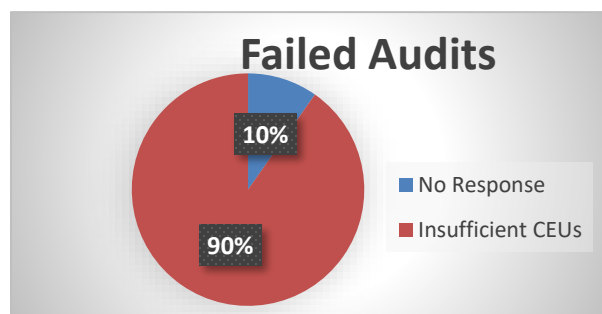
### Continuing Education Update

The Board is on track to surpass the number of audits completed in FY 20/21. In FY 21/22 the Board initiated 474 Continuing Education (CE) audits. The Board continues to see similar trends in the pass and fail rate.

Continuing Education Audits		
	FY 20/21	FY 21/22
Pass	294	254
Fail	194	145
Other (Waived per 16 CCR 1017(m))	7	3
Pending	0	72
Total	495	474



The Board has received many reasons for failure to comply with the CE Audit. Frequently licensees have expressed they have misplaced, destroyed, or lost their records. We would like to remind licensees that pursuant to [Title 16 CCR 1017\(m\)](#), licensees shall retain for a period of three renewal cycles (6 years) the certificates of course completion issued to them and shall forward to them to the Board only upon request by the Board for an audit. A licensee who fails to retain a certification shall contact the CE provider and obtain a duplicate certification.



Failed audits are broken into two categories, no response and insufficient CEUs. Of those with insufficient CEUs, 60% failed to complete at least one mandatory CEU and 18% submitted a certificate with an invalid provider. The invalid provider may have had an expired permit, may not have been approved to teach a mandatory course or may have had an invalid provider number.

The Board's Enforcement Unit is working through a backlog of failed audits and issuing a citation and fine with or without an order of abatement to address the CE deficiency.

Pursuant to [Title 16 CCR 1139](#), the Board's Executive Officer or designee has the authority to issue a citation containing an order to pay a fine not to exceed \$5000, and an order of abatement against a licensee for violation of laws that govern the practice of dental hygiene. For failed CE audits, the Board has issued citations in varying amounts ranging from \$500 - \$1500 depending on the egregiousness of the failed audit. When issuing a citation, the Board considers many factors including but not limited to, 1) How many CEUs is the licensee deficient? 2) The licensee's reason for failing the audit. 3) Did the licensee complete mandatory CEUs in Infection Control, the Dental Practice Act, and Basic Life Support? Additionally, as with any citation that is issued, the Board uses [Title 16 CCR 1140 Criteria to be Considered](#) when issuing a citation.

Lastly, the CE section of the Board's website ([www.dhbc.ca.gov](http://www.dhbc.ca.gov)) has been revised and the updates will be available to the public by the end of the month. (Attachment 1)

Attachment 1 – Continuing Education Website Content

# CONTINUING EDUCATION (CE) INFORMATION

- [Continuing Education for License Renewal](#)
- [Continuing Education Units Required](#)
- [Registered Provider Lookup](#)
- [Continuing Education Audits](#)
- [Registered Dental Hygienists Renewing for the First Time After Issuance of License](#)
- [Exemption from Continuing Education](#)
- [CE Frequently Asked Questions](#)

## Continuing Education for License Renewal

In the State of California, registered dental hygienists (RDH) are required by law pursuant to [Business and Profession Code \(BPC\) section 1936.1](#) and [Title 16, California Code of Regulations \(CCR\) section 1016](#) and [1017](#), to complete continuing education units (RDH, RDH in extended functions - 25 units, RDH in alternative practice - 35 units), in addition to paying a renewal fee, to maintain a current, active license. Continuing education courses must be completed during the preceding renewal period (when renewing), or during the preceding two years (when renewing a delinquent or lapsed license or going from an inactive to active license). Mandatory courses required by the Board for license renewal include: A Board-approved course in Infection Control, a Board-approved course in the California Dental Practice Act and completion of certification in Basic Life Support. Of the required continuing education units, non-live instruction such as recorded courses, home study materials, non-live webinars where interaction does not occur, etc. shall not exceed 50% of the total required units. Courses must be taken through a continuing education provider recognized by the Dental Board of California, the American Dental Association's Continuing Education Recognition Program (CERP) or the Academy of General Dentistry's Program Approval for Continuing Education (PACE).

## Continuing Education Units Required

For the purposes of renewal of a license or permit, the following total units are required:

License Type	Units
Registered Dental Hygienist	25
Registered Dental Hygienist In Extended Functions	25
Registered Dental Hygienist In Alternative Practice	35

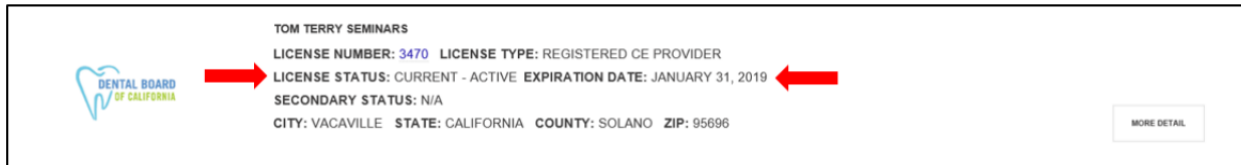
## Registered Provider Lookup

**DENTAL BOARD OF CALIFORNIA**

To determine if a provider is approved, you will utilize the online [DCA BreEZe License Search tool](#). You may look up a company or individual who was issued a license/permit issued by the Department of Consumer Affairs for the professions listed.

The registered CE provide must have a “Current-Active” permit that is not “expired” in order to be valid.

### CE Provider Example:



The screenshot shows the DCA BreEZe License Search tool interface. On the left is the Dental Board of California logo. To its right, a red arrow points to the license details for TOM TERRY SEMINARS. The details include: LICENSE NUMBER: 3470, LICENSE TYPE: REGISTERED CE PROVIDER, LICENSE STATUS: CURRENT - ACTIVE, EXPIRATION DATE: JANUARY 31, 2019, SECONDARY STATUS: N/A, CITY: VACAVILLE, STATE: CALIFORNIA, COUNTY: SOLANO, and ZIP: 95696. A second red arrow points to the EXPIRATION DATE. On the far right, there is a button labeled 'MORE DETAIL'.

TOM TERRY SEMINARS  
LICENSE NUMBER: 3470 LICENSE TYPE: REGISTERED CE PROVIDER  
LICENSE STATUS: CURRENT - ACTIVE EXPIRATION DATE: JANUARY 31, 2019  
SECONDARY STATUS: N/A  
CITY: VACAVILLE STATE: CALIFORNIA COUNTY: SOLANO ZIP: 95696

MORE DETAIL

### Mandatory CE Provider Example



The screenshot shows the Dental Board of California website. The header includes the logo and the text 'DENTAL BOARD OF CALIFORNIA'. Below the header, it says 'LICENSING DETAILS FOR: 3470'. On the left, there are two red arrows pointing to the license details for TOM TERRY SEMINARS. The details include: NAME: TOM TERRY SEMINARS, LICENSE TYPE: REGISTERED CE PROVIDER, PRIMARY STATUS: CURRENT - ACTIVE, QUALIFICATION: DENTAL PRACTICE ACT COURSE APPROVED, INFECTION CONTROL COURSE APPROVED, SPECIALTY: BIENNIAL REPORTING, and PREVIOUS NAMES: TOM TERRY - AXION CONSULTING, THE DENTAL COMPLIANCE GROUP, TOM TERRY, PENWRITE CONSULTING. On the right, there is a table with the following information: ISSUANCE DATE: JANUARY 22, 1997, EXPIRATION DATE: JANUARY 31, 2019, and CURRENT DATE / TIME: APRIL 4, 2018 4:03:10 PM. A red arrow points to the EXPIRATION DATE. Below the license details, there is a link labeled 'MAP'.

DENTAL BOARD OF CALIFORNIA

LICENSING DETAILS FOR: 3470

NAME: TOM TERRY SEMINARS  
LICENSE TYPE: REGISTERED CE PROVIDER  
PRIMARY STATUS: CURRENT - ACTIVE  
QUALIFICATION: DENTAL PRACTICE ACT COURSE APPROVED ♦ INFECTION CONTROL COURSE APPROVED  
SPECIALTY: BIENNIAL REPORTING  
PREVIOUS NAMES: TOM TERRY - AXION CONSULTING ♦ THE DENTAL COMPLIANCE GROUP ♦ TOM TERRY ♦ PENWRITE CONSULTING

ADDRESS OF RECORD  
P O BOX 1443  
VACAVILLE CA 95696  
SOLANO COUNTY  
MAP

ISSUANCE DATE  
JANUARY 22, 1997  
EXPIRATION DATE  
JANUARY 31, 2019  
CURRENT DATE / TIME  
APRIL 4, 2018 4:03:10 PM

### CERP/PACE Approved Courses

With the exception of mandatory courses, you may also obtain credit from attending continuing education courses given by providers approved by the American Dental Association's Continuing Education Recognition Program (CERP) or the Academy of General Dentistry's Program Approval for Continuing Education (PACE) and must obtain a certification of attendance from the provider or sponsor. You may utilize the search tools below for CERP and PACE courses. Courses must be approved by CERP or PACE at the time you take the course.

#### CERP

[National Approval Section](#)

[Extended Approval Section](#)

#### PACE

[Find a PACE approved provider.](#)

## Continuing Education Audits

Pursuant to [BPC 1936.1](#) (a), the Board is required to conduct random audits of at least 5 percent of the licensee population each year to ensure compliance of the continuing education requirement. Licensees are required to retain CE certificates of course completion for a period of 3 license renewal cycles (6 years) as proof of CE completion in the event of an audit.

To avoid any enforcement action being taken against your license, including but not limited to the issuance of a citation and fine, you must satisfy the required number of continuing education units biennially for your license/permit type, as outlined in [Title 16, CCR sections 1016](#) and [1017](#).

## Registered Dental Hygienists Renewing for the First Time After Issuance of License

If you obtained your RDH license within the past two years and this is your first renewal, you are exempt from the CE requirements to renew the license if your first license renewal occurs less than 24 months from the date of issuance. Licensees are placed on a biennial license renewal cycle where the license will expire on the last day of the birth month in an even or odd year depending upon the year the licensee was born. After the first license renewal, licensees are required to accumulate the required number of continuing education units within the biennial renewal period prior to the license's next expiration date.

## Exemption from Continuing Education

Pursuant to [Title 16, CCR section 1017\(m\)](#), a licensee who has not practiced in California for more than one year because the licensee is disabled does not need to comply with the continuing education requirements during that renewal period. The licensee must certify in writing to the Board they are eligible for waiver of the continuing education requirements. If the licensee returns to work, they must notify the Board and comply with the continuing education requirements for subsequent renewal periods.

## CE Frequently Asked Questions

### Can Basic Life Support be taken solely online?

No. A live, in-person practice session, skills test and written examination is required. If the written examination is completed online the course is incomplete until the live, in-person practice session and skills test has been demonstrated. [Title 16, CCR §1016 \(b\)\(c\)\(ii\)](#).

### I can't locate my CE certificates, what do I do?

A licensee who fails to retain a copy of a course completion certificate should contact the CE provider for a duplicate copy of the certificate. [Title 16, CCR §1017\(n\)](#).



Will the Board accept my CE certificates if my name has been changed? Will the Board accept my CE certificates if my name has been changed?

Yes; however, a licensee who changes their name shall provide the Board with documentation of the name change within 10 days. [BPC §1934](#).

Can any additional CE hours completed beyond the required amount to renew my license be used for the next license renewal?

No. All required CE units must be completed within the preceding two-year period prior to the license expiration date. [BPC §1936.1](#)

I didn't receive my audit letter because my address has changed, what do I do?

A licensee who changes their physical address of record or email address shall notify the Board within 30 days of the change. [BPC § 1934](#). Contact the Board's CE Audit Analyst for additional direction.

I am/was disabled and can't fulfill my CE requirement, what do I do?

See [Exemption from Continuing Education](#).

Do I upload my CE Certificates at the time of my license renewal?

No; however, you must retain your CE certificates of completion in the event of an audit.

Can the Board review my certificates to ensure everything is correct?

The Board only reviews certificates at the time of an audit. To verify a provider, see section [Registered Provider Lookup](#). You may contact the Board at the main phone line (916) 263-1978 to speak with Board's Continuing Education Analyst for specific questions.

I have been selected for an audit and am both an RDH and RDHAP, how many CEUs am I required to submit?

The license that requires the largest number of continuing education units for renewal shall equal the licensee's full renewal requirement. [Title 16 CCR § 1017\(r\)](#). See section [Continuing Education Units Required](#).

Does a webinar count as live-interactive course?

A webinar that is a recording of a course that was presented in the past does not count as a live-interactive course. A live interactive online course must be in real time and have the ability for the attendees to interact with the presenter/host of the CE course.

How do I know a CE provider is valid?

See section [Registered Provider Lookup](#).

How many CEUs can I claim as an instructor of a course?

If you hold a Current-Active license you may receive credit for up to 20% of the total required units per renewal period for the course or course(s) you teach for a provider other than yourself. [Title 16 1016\(h\)\(5\)](#).

### What are the mandatory courses for license renewal?

- 2 CEUs of Infection Control. [Title 16 CCR §1017\(a\)\(1\)](#)
- 2 CEUs of the California Dental Practice Act. [Title 16 CCR §1017\(a\)\(2\)](#)
- A maximum of 4 CEUs of a course in Basic Life Support. [Title 16 CCR §1017\(a\)\(3\)](#)

### I am enrolled in a part-time program to complete my Bachelor of Science degree in Dental Hygiene. Can I use those units towards my CEU requirements?

Current and active licensees enrolled in a full-time educational program in the field of dentistry, including dental school program, residency program, postdoctoral specialty program, dental hygiene school program, dental hygiene in alternative practice program, or registered dental assisting in extended functions program approved by the Board or the ADA Commission on Dental Accreditation shall be granted continuing education credits for completed curriculum during that renewal period. In the event of audit, licensees shall be required to present school transcripts to the Board as evidence of enrollment and course completion. [Title 16 CCR 1017\(s\)](#)

In the event of an audit, a licensee must:

- Be enrolled in a full-time educational program in the field of dentistry during the timeframe of the audit.
- Required to complete the mandatory CE courses; CA Dental Practice Act, Infection Control and CPR/BLS within the timeframe of the audit.
- Present school transcripts to the Board as evidence of enrollment and course completion.



**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 20**

**Future Agenda Items**



**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 21**

**Closed Session – Full Board**

**There is no closed session for this meeting.**



**Saturday, March 19, 2022**

**Dental Hygiene Board of California**

**Agenda Item 22**

**Adjournment.**