



**Title 16, Division 11, Article 3, Section 1105
Dental Hygiene Board of California**

**NOTICE OF PROPOSED RULEMAKING CONCERNING
REQUIREMENTS FOR RDH EDUCATIONAL PROGRAMS.**

NOTICE IS HEREBY GIVEN that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office by **5:00 p.m., Tuesday, September 21, 2021**.

The board has not scheduled a public hearing on this proposed action. The board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1905, 1906, and 1941, and to implement, interpret or make specific BPC section 1941, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC sections 1905 and 1906 authorize the Board to adopt, amend, and revoke regulations to implement the statutory requirements of Article 9 of Chapter 4, BPC sections 1900 through 1966.6, regarding dental hygienists. The Board, a constituent agency within the Department of Consumer Affairs (DCA), regulates registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary

functions. The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, regulating and approving RDH educational programs, and monitoring licensees placed on disciplinary probation by the Board.

This proposal would amend the language and requirements for RDH Educational Programs. The proposal is as follows:

- **Amend Section 1105 to Title 16 of the CCR.**

BPC section 1941 requires an RDH educational program to 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 Board.

Existing law sets forth the criteria for the Board's approval of RDH educational programs. Section 1105 prescribes the requirements for RDH educational program by which to secure and maintain approval by the Board.

The Board proposes to amend section 1105: (1) to clarify the prerequisite course requirements for admission to an RDH educational program; (2) to update the regulation to be consistent with current educational terminology; (3) to clarify the requirements for supervising dentists within RDH educational programs; (4) to allow approved, alternative coursework for prerequisite biomedical science during a declared state of emergency; (5) to add clarifying explanations referenced within the regulation (6) to renumber amendments for clarity; and (7) to replace the term "Committee" with "Board" as the Board is now the Dental Hygiene Board of California as a result of Senate Bill (SB) 1482 (Hill, Chapter 858, Statutes of 2018).

Anticipated Benefits of the Proposed Amended Regulation:

The anticipated benefits of the proposed amendments to section 1105 would accomplish the following:

- First, by clarifying the prerequisite course requirements for admission to an RDH educational program, the reader is advised of current acceptable courses for acceptance into an RDH educational program.
- Second, by updating the regulation to be consistent with current educational terminology, the amendments will enhance clarity for the reader who may not be aware of the amended, outdated terms.
- Third, by clarifying the requirements for supervising dentists within RDH educational programs, it will enhance public safety by directing that only qualified dentists are hired as faculty for RDH educational programs.
- Fourth, adding explanations to references within the regulation will enhance

clarity for the reader.

- Fifth, by allowing approved alternative coursework for prerequisite biomedical science coursework necessary for acceptance into DH educational programs, the Board will eliminate an unnecessary barrier to education and licensure.
- Sixth, by replacing the term “Committee” with “Board” will clarify that the Board is now the Dental Hygiene Board of California as a result of SB 1482.

Determination of Inconsistency and Incompatibility with Existing State Regulations:

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

The Board has made the following initial determinations:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board indicates any workload and costs to ensure compliance will be minor and absorbable within existing resources.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to any Local Agency or School District for which Government Code Sections 17500 through 17630 Require Reimbursement: None

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

There is no business impact because the proposed amendments to the regulation clarify the title of the Board, provide consistency of language within the regulation, advise of referenced agencies within the regulation, and reflect changes to prerequisite courses currently available to an applicant for admission to an RDH educational program.

Cost Impacts on a Representative Private Person or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant Effect on Housing Costs: None

Business Reporting Requirement

The regulatory action does not require businesses to file a report with the Board. The change in regulatory language will only affect the educational requirements that RDH educational programs and courses will be required to maintain as a part of their approval by the Board.

Results of the Economic Impact Analysis/Assessment

Impact on Jobs/Businesses: The Board has determined that this regulatory action will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the State of California because the proposed amendments to the regulation only clarifies the title of the Board within the regulation, provides consistency of language within the regulation, advises of referenced agencies within the regulation, and reflects changes to prerequisite courses currently available to an applicant for admission to an RDH educational program.

Benefits of the Proposed Action: This regulatory proposal will benefit the health and safety of California residents because the proposed amendments would ensure all RDHs educational programs are advised to follow all standards by regulatory agencies applicable to the practice of dental hygiene. This will ensure that California residents are treated safely.

The Board anticipates that this regulatory action will not have any monetary effect because the proposed amendments to the regulation only clarifies the title of the Board, provides consistency of language within the regulation, advises of referenced agencies within the regulation, and reflects changes to prerequisite courses currently available to an applicant for admission to an RDH educational program.

This regulatory proposal would not affect worker safety or the state's environment because the proposed amendments to the regulation only clarify the title of the Board, provide consistency of language within the regulation, advise of referenced agencies within the regulation, and reflect changes to prerequisite courses currently available to an applicant for admission to an RDH educational program.

Effect on Small Business: The Board has determined that this regulatory action would not affect small businesses because the proposed amendments to the regulation only clarifies the title of the Board, provides consistency of language within the regulation,

advises of referenced agencies within the regulation, and reflects changes to prerequisite courses currently available to an applicant for admission to an RDH educational program.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments orally or in writing relevant to the above determinations at the above scheduled hearing or during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding any requested hearing and considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi-Petty at the address above.

AVAILABILITY OF FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi-Petty at the address below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to Dr. Pineschi-Petty at the address below or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815, or by accessing the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Actions the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California
Attn: Adina A. Pineschi-Petty DDS
2005 Evergreen St, Ste. 1350
Sacramento, CA 95815
Phone: (916) 576-5002
Email: adina.petty@dca.ca.gov

Backup Contact Person:

Attn: Anthony Lum
2005 Evergreen St, Ste. 1350
Sacramento, CA 95815
Phone: (916) 576-5004
Email: anthony.lum@dca.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Dr. Pineschi-Petty at the above address. In her absence, please contact the designated back-up contact person.