



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

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled.

Subject Matter of Proposed Regulations: Retired Status

Section Affected: Section 1115 of Title 16, California Code of Regulations (CCR)

Background / Problem Statement

Registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in expanded functions (collectively, RDHs) are licensed dental health care professionals that perform authorized dental hygiene services. The Dental Hygiene Board of California (Board) licenses and regulates RDHs pursuant to Business and Professions Code (BPC) sections 1900 through 1967.4. BPC section 1906(a) authorizes the Board to adopt, amend and revoke such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Dental Practice Act related to RDHs.

The Board has received inquiries regarding options for RDHs who wish to retire from practice. Currently, RDHs can only allow their licenses to lapse (become delinquent, expire, or cancel), or be placed in an inactive status, which requires payment of a fee. Assembly Bill (AB) 2859 (Low, Ch. 473, Stats of 2016) enacted BPC section 464, which authorized the Board to establish by regulation, a retired category of licensure for its licensees who are not actively engaged in the practice of their profession.

The Board proposes to address the lack of a means to obtain a retired status. The Board believes that some retired RDHs request inactive status rather than having a “delinquent” or “cancelled” status because of a possible negative connotation associated with those license statuses. While an inactive status alleviates the need to complete continuing dental education, BPC section 1940(c) requires the holder of an inactive license to continue to pay the required biennial renewal fee. Licenses are placed in a “delinquent” status when the licensee fails to pay his or her renewal fee and/or fails to complete the renewal requirements. By providing a means to obtain a retired status, RDHs who are no longer practicing can avoid the possible stigma in their professional community from having a license placed in a “delinquent” or “cancelled status.” RDHs would also be relieved from the expense of renewal fees and continuing dental education for a license they are no longer using.

The purpose of the proposed regulation is to establish a means for the placement of an RDH license on a retired status, upon application using proposed Form DHBC RLC-01

(11/20), which is incorporated by reference at proposed section 1115(a)(2).

Proposed section 1115 will: (1) implement minimum eligibility requirements for obtaining and maintaining a retired license, including ineligibility criteria if the license is currently expired, suspended, revoked, or otherwise punitively restricted; (2) establish exemptions from continuing education and renewal requirements for the holder of a retired license; (3) prohibit a retired licensee from engaging in activity requiring a license; (4) provide that the Board is not prevented from investigating or taking actions against a retired license; and (5) establish criteria for the restoration of a retired license to active status. It will also adopt application forms for applying for inactive status and reactivating a retired license.

Anticipated Benefits from this Regulatory Action:

This proposal would establish a consistent and simple process for obtaining a retired status license and would eliminate barriers for those RDHs who wish to retire and have the option of placing their license in a retired status. It would also save costs for those selecting this status by not requiring the licensee to pay a renewal fee or for the cost of continuing dental education. This regulation would elevate the morale of the profession by creating a reasonable method by which retired RDHs can maintain a license that demonstrates their contribution to the profession. This proposal would also alleviate confusion for the public regarding the true status of an individual who does not wish to abandon his or her license, but just retire from practice.

Factual Basis/Rationale

Adopt Section 1115

At the December 3, 2016 meeting of the Board's Legislative and Regulatory Subcommittee (Subcommittee), the Subcommittee was advised of their statutory authority to establish a retired status through regulation pursuant to BPC section 464. The Subcommittee discussed the requirements for a licensee who wishes to place his or her license on a retired status, including the required information the licensee must provide, the criteria the applicants must meet to be granted retired status, and the requirements necessary to reactivate a licensee from retired status. The Subcommittee also discussed the development of the application necessary for the licensee to complete to be granted a retired status, which included application instructions, fees, and personal data supplied by the licensee to be included on the form.

At the Board's December 17, 2016 meeting, the Legislative & Regulatory Subcommittee recommended the Board approve the draft regulatory language and forms for retired licensure. After taking the Subcommittee's recommendation under consideration, the Board voted unanimously to approve the draft regulatory language and forms for retired licensure.

At the Board's January 29, 2019 teleconference meeting, the Board was presented with

amended proposed text to adopt section 1115, the application for retired status Form DHBC RLC-01 (01/19), and the application for reactivation of an RDH license to active status Form DHBC RLC-02 (01/19), which were reviewed, discussed, amended, and approved by the Board. Additionally, the Board established by resolution, pursuant to their authority under section 1944(a)(14), an \$80 fee to process the retired status application, and a \$160 fee for reactivation of a retired license to active status pursuant to BPC section 464(b)(5)(A).

The Board approved the modified text and a revised Form DHBC RLC-01 (01/19) at the May 29, 2020 teleconference meeting.

The Board approved amendments to the modified text and revised forms DHBC RLC-01 (11/20) and DHBC RLC-01 (10/20) at the November 21, 2020 WebEx teleconference meeting.

Subdivision (a)

Subdivision (a) of the proposal sets forth the specific requirements and qualifications a licensee must meet to be issued a retired license.

Subdivision (a)(1) Minimum Qualifications

Subdivision (a)(1) of the proposal would require the applicant to possess an active license or inactive license that was not placed on inactive status as a result of revocation or suspension. This is necessary because BPC section 464(b)(1) allows the Board to issue a retired license to a person with either an active or inactive license that was not placed on inactive status for disciplinary reasons.

Subdivision (a)(2) Application Form DHBC RLC-01 (11/20)

Subdivision (a)(2) of the proposal adds the application form, DHBC RLC-01 (11/20), incorporated by reference, which a licensee must complete to request that a license be placed in a retired status. BPC section 464(a) allows the Board to establish by regulation a system for a retired category of licensure. The application form, DHBC RLC-01 (11/20), was created to assist the applicant in applying for a retired status.

The form ensures that information is collected from licensees in a consistent manner to enable fair and efficient processing of the request. The form collects personally identifiable information (license number, type of license area to indicate if the current license is available, name, address of record, telephone number, mobile phone number and email address) to enable identification of the requester and help ensure accuracy in the processing of the application.

As BPC section 464 does not explicitly provide the minimum criteria for eligibility, the application provides a convenient way for applicants to understand the minimum qualifications and requirements for retired status, along with notification of fees for

converting to retired status. This includes:

- A notice of the required retired \$80 license fee to the Board pursuant to BPC section 1944(a)(14). Section 1944(a)(14) provides that the fee for a retired license shall not exceed one-half of the current license renewal fee. The current renewal fee is \$160. Fees fixed by the Board by resolution pursuant to section 1944 are not subject to the approval of the Office of Administrative Law (OAL). (Bus. & Prof. Code, § 1944, subd. (c).) This notice is necessary so the applicant understands the cost of the application.
- A notice to enclose the applicant's current license issued by the Board, if available, with the retired license application. This notice is necessary so the applicant understands they may possess only one license issued by the Board, and to prevent the licensee to continue holding themselves out as having an active license.
- A notice informing the applicant that the address entered on this application is public information and will be available on the Internet pursuant to BPC section 1902.2 (b), and if they do not want their home address to be made public, they may provide a post office box or business address. This notice is necessary to inform the applicant that their address would be public record and may pose a safety concern due to undesired contact with members of the general public.
- A notice informing the applicant that restoring a retired license to active status is permitted to be restored within three years from the date the retired license was issued. Under BPC section 464(b)(5)(E), the Board is authorized to impose any other requirement as specified by regulation for restoration of a license to active status. The Board understands that there are legitimate circumstances when a licensee may need to revise his or her retirement plan and return to work. Therefore, this proposed provision will allow a retired license to be restored to active status within three years after the retired license issuance date.
- A notice informing the applicant of the prohibition against actively engaging in the profession or performing any activity that requires a license, as provided in BPC section 464(b)(2). This notice is necessary to inform the applicant that, under BPC section 464(b)(2), he or she cannot engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.
- A notice informing the applicant that to be eligible for a retired license, one must hold an active or inactive license issued by the Board that was not placed on inactive status as a result of revocation or suspension. This notice is necessary so the applicant understands the conditions for obtaining a retired license.
- A notice informing the applicant if his or her license is expired, he or she must clear all outstanding requirements (i.e., pay all outstanding required fees and continuing education requirements) and renew the license before the application for a retired license will be processed. Expired licenses that cannot be renewed will not be processed. This requirement is necessary because BPC section 464(b)(1) only permits the Board to issue a retired license to an active or inactive licensee. (See also, BPC, § 1936.)

- A notice informing the applicant that the holder of a retired license is not required to renew his or her license. BPC section 464(b)(3) states that the holder of a retired license shall not be required to renew that license.
- A notice informing the applicant that the holder of a retired license is exempt from continuing education requirements. Since requiring continuing education for a non-practicing RDH is not necessary to protect patients, the Board proposes to eliminate continuing education requirements for retired license holders. This notice is necessary so applicants understand that they need not complete continuing education once a retired license is obtained.
- A notice informing the applicant that 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. As the holder of a retired license is prohibited from practicing, it is imperative that the retired licensee make clear that he or she is no longer a practicing RDH when using his or her earned professional title to prevent misleading the public that they are able to provide dental hygiene care.
- A notice informing the applicant that changing to a retired status does not prevent the DHBC from investigating potential violations or taking action against his or her license for established violations of laws and regulations governing the practice of dental hygiene. BPC section 464(c) authorizes the Board to investigate the actions of a retired licensee. This notice is necessary so the applicants understand that the dental hygiene laws still apply to them even if retired.

Additionally, BPC section 464(b)(5) allows the holder of a retired license to restore his or her license to active status. Form DHBC RLC-01 (11/20) includes the following information to ensure the applicant is fully informed as to the requirements to reactivate their license if they choose to in the future. This includes:

- A notice informing the applicant that retired license may be reactivated within three years of being placed in retired status. Under BPC section 464(b)(5)(E), the Board is authorized to impose any other requirement as specified by regulation for restoration of a license to active status. The Board understands that there are legitimate circumstances when a licensee may need to revise his or her retirement plan and return to work. Nonetheless, the Board is concerned that some licensees who do not actually intend to permanently retire would attempt to use the retired category of licensure to avoid paying renewal fees. This three-year limit on the time in which a licensee may choose to restore a retired license to active status is necessary to allow a reasonable window of opportunity for a licensee to change his or her mind about retirement, but it prevents holders of a retired license from having an unfair advantage over licensees who pay the biennial renewal fee to maintain their license on inactive status.
- To reactivate the retired license, the applicant must meet all the current criteria for licensure including:
 - The reactivation request must be received within three (3) years of the retirement request date.

- Completion of continuing education requirements as set forth in section 1017 of the CCR. BPC section 464(b)(5)(D) grants the Board the authority to impose continuing education requirements for restoration of a retired license to active status.
- Compliance with fingerprinting and disclosure of criminal convictions as set forth in section 16 CCR section 1132. BPC section 464(b)(5)(C) requires the applicant to comply with fingerprint submission requirements.
- Completion of the “Application for Reactivation of a Retired RDH, RDHAP, or RDHEF License” DHBC RLC-02 (10/20).
- Payment of the reactivation fee of \$160. At the January 29, 2019 Board meeting, the Board established the fee for the reactivation of a retired license to active status at \$160. Section 464(b)(5)(A) provides the applicant shall pay a fee established by statute or regulation to restore their license to active status. The Board’s current fee for renewal of a license is \$160 so it established this same amount for reactivation of a license.

Form DHBC RLC-01 (11/20) also includes a requirement that the applicant certify that they have read and meet all requirements to help ensure that representations made by the applicant contain a truthful factual representation and are made in good faith. Certification under penalty of perjury helps to ensure that the documentation contains truthful, factual representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223.) It also includes a certification that if the applicant has not enclosed their license, it is lost. This helps ensure that the licensee is being truthful when they warrant they have lost the license.

Finally, the form includes the required notices and disclosures to the applicant for the Board’s collection of personal information in compliance with Civil Code section 1798.17.

The form referenced in proposed section 1115(a)(3) would be cumbersome, unduly expensive and otherwise impractical to publish in the California Code of Regulations. The form will be available on the Board’s website and from the Board upon request.

Subdivision (a)(3) Application Fee

Subdivision (a)(3) of the proposal would establish the application fee for the retired license. BPC section 464(b)(4) allows the Board to establish an appropriate application fee to cover the reasonable regulatory cost of issuing a retired license. Section 1944(a)(14) provides for the establishment of a fee (\$80) at not more than half the license renewal fee (\$160) to cover administrative and processing procedures. At the Board’s January 29, 2019 teleconference meeting, the Board established by resolution the retired RDH license fee to be one-half of the current license renewal fee. Fees fixed by the Board by resolution pursuant to BPC section 1944 are not subject to the approval of the OAL. (BPC, § 1944, subdivision (c).)

Subdivision 1115(b) Scope of Responsibilities and Benefits

Subdivision (b) of the proposal would set forth the licensee's scope of responsibilities once issued a retired license and the benefits conferred upon holders of retired licenses. This subdivision is necessary so applicants understand their duties and responsibilities following the issuance of a retired license.

Subdivision (b)(1) Exemption from Continuing Education Requirements

Subdivision (b)(1) of the proposal would provide that a holder of a retired license is exempt from continuing education requirements that are otherwise required to maintain active RDH licenses. By exempting the retired licensee from continuing education requirements, it relieves the retired licensee of the burden and considerable costs of completing continuing education courses. As they no longer will hold a current license to practice, they do not need to complete continuing education that ensures they possess current dental knowledge.

Subdivision (b)(2) Exemption from Renewal of Retired License

Subdivision (b)(2) of the proposal provides that holders of a retired license shall be exempt from renewing their retired license. BPC section 464(b)(3) states that a holder of a retired license shall not be required to renew their license.

Subdivision (b)(3) Professional Identification

Subdivision (b)(3) of the proposal specifies the limitation of the RDH's professional title use to prevent misuse of the title. The retired license designation signifies a career fulfilled but the holder is no longer licensed to practice the profession. A holder of a retired license is prohibited from practicing, so it is imperative that the retired licensee make clear that he or she is no longer a practicing RDH when using his or her earned professional title. This prevents misleading the public that they are able to provide dental hygiene care.

Subdivision (c) Restriction of Practice

To make it clear that a retired license holder cannot perform RDH activities, subdivision (c) states this prohibition. Actively engaging in the profession when retired is prohibited by BPC section 464(b)(2).

Subdivision (d) Investigation of Violations

BPC section 464(c) authorizes boards establishing retired licensure regulations to, upon their own determination or through receipt of a consumer complaint, investigate a retired license. Proposed subdivision (d) conforms to these statutory requirements.

This proposal would authorize the Board to investigate the actions of any retired

licensee, upon its own determination or upon complaint from a person, who may be in violation of this regulation. Since complaints associated with alleged violations of the Board's laws and regulations could involve prohibited practice, this regulatory proposal is necessary to thoroughly investigate potential misconduct committed by retired licensees.

Subdivision (e) Restoration of Active License

Subdivision (e) of the proposal would set forth the requirements a licensee must meet to restore a retired license to an active status. BPC section 464(b)(5) requires the Board to establish minimum qualifications for the restoration of a retired status license. To ensure that licensees maintain competency and are safe to return to active practice and enable the Board to sustain sufficient funding for oversight, the Board proposes the enumerated requirements for restoration of the license to active status.

Subdivision (e)(1) Application Time Limit

Subdivision (e)(1) of the proposal requires the retired licensee's request to restore his or her license to active status be within three years of issuance of the retired license. BPC section 464(b)(5)(E) authorizes the Board to establish by regulation any other requirements to restore his or her license to active status. The Board understands that there are legitimate circumstances when a licensee may need to revise his or her retirement plan and return to work, and therefore will allow the retired license to be restored to active status within three years after the retired status issuance date. In the Board's experience, three years provides an adequate amount of time for an individual to change their mind if they desire to reinstate their license to an active status while maintaining their dexterity and abilities to practice dental hygiene safely without need for remedial education and training.

Subdivision (e)(2) Application Form DHBC RLC-02 (01/19)

Subdivision (e)(2) of the proposal adds the application form, DHBC RLC-02 (10/20), incorporated by reference, the licensee will need to complete to request that their retired license be reactivated to active status. Form DHBC RLC-02 (10/20) was created to ensure that information is collected from licensees in a consistent manner to enable fair and efficient processing of the request. The form collects personally identifiable information (license number, type of license, date of retirement, area to indicate if license was retired due to permanent disability, name, address of record, , date of retirement, telephone number, mobile phone number and email address) to enable identification of the requester and help ensure accuracy in the processing of the application.

Additionally, the application provides a convenient way for applicants to understand the minimum qualifications and requirements to reactivate their license to active status, how to initiate the license reactivation process, along with notification of fees for converting to active from retired status. This includes:

- A notice of the required application fee of \$160. At the January 29, 2019 Board meeting, the Board established the fee for reactivation of a retired license to active status at \$160. Section 464(b)(5)(A) states that the applicant shall pay a fee established by statute or regulation to restore their license to active status. The Board's current fee for renewal of a license is \$160 so the Board established this same amount for reactivation of a license. This notice is necessary so the applicant understands the cost of the application.
- A notice informing the applicant that the address entered on this application is public information and will be available on the Internet pursuant to BPC section 1902.2 (b), and if they do not want their home address to be made public, they may provide a post office box or business address. This notice is necessary to inform the applicant that their address would be public record and may pose a safety concern due to undesired contact with members of the general public.
- Notice that a retired license may only be reactivated within three (3) years from the date the retired license was issued, for the reasons discussed herein.
- Notice that the applicant may not practice dental hygiene, dental hygiene in alternative practice, or dental hygiene in extended functions until the Board approves the request to restore the retired license to active status. BPC section 464(b)(2) provides that a holder of a retired license may not engage in any activity for which an active license is required. This notice is necessary so applicants understand the limitations of a retired license.
- Notice that to reactivate a retired license, the applicant must complete the same number of continuing education units that are required to renew an active license pursuant to 16 CCR sections 1016 and 1017, and are required to submit the certificates of completion to the Board along with form DHBC RLC-02 (10/20). BPC section 464(b)(5)(D) states that if the Board requires completion of continuing education for renewal of an active license, the applicant shall complete continuing education equivalent to that required for renewal of an active license. This notice is necessary so the applicant understands the duties and responsibilities that apply in order to reactivate a license.
- Notice that section 1132 of the CCR requires, as a condition of license renewal, criminal history record checks and criminal offender record information searches for all licensees for whom no current record of the licensee's fingerprints exist within the criminal offender record identification database of the Department of Justice. Additionally, the applicant is informed that the Board shall not restore a retired license to active status until the licensee has complied with this requirement.
- Notice the applicant must enclose the original retired pocket license. As the original license is an official Board document, the Board determined to require the return of the original license to prevent misuse and allow only one license to be in the possession of the holder. BPC section 464(b)(5)(E) authorizes the Board to require by regulation any other requirements the Board determines to include.

Form DHBC RLC-02 (01/19) also includes specific statements that the applicant must

certify. Those certifications include:

- Certification that the applicant, since retirement of DHBC licensure, has 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. This is necessary because BPC section 464(b)(5)(B) requires the applicant to certify, in a manner satisfactory to the Board, that he or she has not committed an act or crime constituting grounds for denial of licensure.
- Certification that the applicant, since retirement of DHBC licensure, has not been subject to any completed or pending disciplinary actions against any other healthcare license held by the applicant. This is necessary because BPC section 464(b)(5)(B) requires the applicant to certify, in a manner satisfactory to the Board, that he or she has not committed an act or crime constituting grounds for denial of licensure.

Form DHBC RLC-02 (10/20) also includes a requirement that the applicant certify that they have read and met all requirements to help ensure that representations made by the applicant contain a truthful factual representation and are made in good faith. Certification under penalty of perjury helps to ensure that the documentation contains truthful, factual representations made in good faith. (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223.)

Finally, the form includes the required notices and disclosures to the applicant for the Board's collection of personal information in compliance with Civil Code section 1798.17.

The form referenced in subdivision (e)(2) would be cumbersome, unduly expensive and otherwise impractical to publish in the California Code of Regulations. The form will be available on the Board's website and from the Board upon request.

Subdivision (e)(3) Application Fee

Subdivision (e)(3) of the proposal requires an application fee of \$160. At the January 29, 2019 Board meeting, the Board established the fee for reactivation of a retired license to active status to be \$160. BPC section 464(b)(5)(A) states that the applicant shall pay a fee established by statute or regulation to restore their license to active status. The Board's current fee for renewal of a license is \$160 so the Board established this same amount for reactivation of a license.

Subdivision (e)(4) Continuing Education Requirements

Subdivision (e)(4) of the proposal requires the applicant to submit proof of completion of current continuing education requirements pursuant to sections 1016 and 1017 of the CCR. This is necessary because BPC section 464(b)(5)(D) states that if the Board requires completion of continuing education for renewal of an active license, the applicant shall complete continuing education equivalent to that required for renewal of

an active license.

Subdivision (e)(5) Fingerprint Requirements

Subdivision (e)(5) of the proposal requires the applicant to comply with fingerprint submission requirements pursuant to section 1132 of the CCR. This is necessary because BPC section 464(b)(5)(C) requires an applicant to comply with fingerprint submission requirements established by regulation.

Subdivision 1115(f)

Subdivision (f) of the proposal provides if a retired licensee seeks to restore their license to active status more than three (3) years after issuance of the retired license, the licensee must file a new application for licensure. The Board understands that there are legitimate circumstances when a licensee may need to revise his or her retirement plan and return to work. However, the Board has determined that as dental hygiene involves complex manual dexterity and after three years the licensee's dental hygiene skills may no longer be present, recertification of skills is necessary to ensure protection of the public. Further, because an individual may have committed crimes or otherwise become disqualified from licensure, or because an individual would not necessarily have been exposed to new treatment methods over a space of three years, a full licensure process was deemed needed. Three years was chosen based upon the Board's experience with changes to the profession over time as well as experience and observations surrounding dexterity.

Underlying Data:

Technical, theoretical or empirical studies, reports, or documents relied upon (if any):

- Assembly Bill 2859 (Stats of 2016, ch.473)
- Minutes: DHCC Legislative & Regulatory Subcommittee Meeting, December 3, 2016
- Minutes: DHCC Full Board Meeting, December 17, 2016
- Minutes: DHBC Full Board Teleconference, January 29, 2019
- Minutes: DHBC Full Board WebEx Teleconference, May 29, 2020
- Minutes: DHBC Full Board WebEx Teleconference, November 21, 2020

Business Impact:

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

The Board currently provides licensure to approximately 31,000 RDHs operating in the state. The proposed regulations establish a new retired license type status for RDHs not actively engaged in practice as a dental hygienist or any activity that requires them to be

licensed by the Board. To the extent the proposed regulations impact individual licensees, dental practice businesses may also be impacted.

The Board does not track the number or type (small or large business) of dental practices operating in the state. As a result, the Board does not have an estimate of the number of businesses impacted nor the percentage of small business impacted.

Economic Impact Assessment:

This regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California because this proposed regulation will allow individuals already retired from working as an RDH or those considering retirement the opportunity to place a license on a retired status. Since RDHs currently choose to go inactive or allow their licenses to lapse or cancel when they retire, there would be no effect on the workforce related to a change in title to “retired.”

It will not create new business or eliminate existing businesses within the State of California as the proposal will establish a regulation for the placement of a license on a retired status for an RDH who is not actively engaged in practice as an RDH or any activity that requires them to be licensed by the Board.

It will not affect the expansion of businesses currently doing business within the State of California as the proposal will establish a regulation for the placement of a license on a retired status for an RDH who is not actively engaged in practice as an RDH or any activity that requires them to be licensed by the Board.

This proposal will benefit the health and welfare of California residents because if a consumer is searching for an RDH that they have seen through the public data base and a “retired” status is shown, the consumer would know the RDH is no longer allowed to practice. This proposal would also alleviate confusion for the public regarding the true status of an individual who does not wish to abandon his or her license, but rather simply retire from practice.

This regulatory proposal would not affect worker safety because this proposed regulation does not involve worker safety.

This regulatory proposal will not affect the state’s environment because this proposed regulation does not involve the environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not adopt the regulation: This alternative was rejected because, in order to establish a system to place a license on a retired status, a regulation must be adopted.
2. Adopt the regulation: The Board determined that this alternative is the most feasible because it establishes a regulation, including a simplified application process, for the placement of a license on a retired status for an RDH who is not actively engaged in practice as an RDH or any activity that requires them to be licensed by the Board. Without this regulation, if an RDH is no longer working, their options for renewal are to renew as if they were still working; place their license in an inactive status, which still requires them to pay the renewal fee; or not renew at all, which places their license in a delinquent status and will be cancelled after five (5) years. If this regulation is adopted it would eliminate the expenses of renewal fees and continuing educational expenses and remove the negative connotation associated with delinquent, inactive, or cancelled license statuses.
3. Adopt the regulation with a requirement that a licensee must hold a license for ten years before being eligible for “retired” status. This alternative was rejected for reasons of fairness to all licensees.