



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

INITIAL STATEMENT OF REASONS

Hearing Date: TBD

Subject Matter of Proposed Regulations: Approval of Curriculum Requirements for Radiographic Decision-Making and Interim Therapeutic Restoration Courses for the Registered Dental Hygienist, Registered Dental Hygienist in Alternative Practice (RDHAP), and Registered Dental Hygienist in Extended Functions (RDHEF) (collectively, RDHs)

Section Affected: Section 1109 of Title 16, California Code of Regulations (CCR)

Specific Purpose of Each Adoption, Amendment, or Repeal:

1. Problem Being Addressed:

On September 27, 2014, Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 1174 (Bocanegra, Chapter 662, Statutes of 2014), which authorized additional duties for registered dental hygienists and RDHAPs and required the Dental Hygiene Board of California (Board) to adopt regulations to establish requirements for courses of instruction in Radiographic Decision Making (RDM) and Interim Therapeutic Restoration (ITR) for registered dental hygienists and RDHAPs.

Among other things, AB 1174 enacted Business and Professions Code (BPC) section 1910.5, which became operative on January 1, 2018. BPC section 1910.5 requires the Board to establish by regulation requirements for courses of instruction in RDM and ITR for registered dental hygienists and RDHAPs using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development. Pursuant to BPC section 1921, a RDHEF may perform any of the duties or functions authorized to be performed by a registered dental hygienist.

2. Purpose of the Regulation:

With the proposed regulation, the Board addresses the lack of a means for educational providers to apply for course approval in courses in RDM or ITR. This proposal

proposes to establish the regulatory requirements that an educational provider must meet for the Board to issue an approval and renewal of approval for an RDM or ITR course. By apprising educational providers of the regulatory requirements to apply for RDM or ITR course approval, the Board is ensuring that educational providers have the necessary information regarding the conditions for approval and for continuation of approval of a course in RDM or ITR. BPC section 1905 authorizes the Board to evaluate all RDH educational programs that apply for approval and grant or deny approval of those applications. Accordingly, this proposal establishes requirements for courses offered to each category of RDH.

This proposal would adopt section 1109 to implement minimum requirements for obtaining and maintaining approval for courses of instruction in RDM and ITR for RDHs.

The proposed regulation would utilize proposed application forms DHBC RDM-01 (01/19), DHBC RDM-02 (01/19), DHBC ITR-03 (01/19), and DHBC ITR-04 (01/19) which are incorporated by reference at proposed regulatory section 1109.

3. Anticipated Benefits from this Regulatory Action:

This proposal would provide clarity to providers regarding the educational requirements for courses in RDM and ITR. It will also establish a consistent and simple process for all educational providers to apply for approval, and to maintain continued approval with the Board for courses in RDM or ITR. This proposal will protect the welfare of California's residents in need of dental care by giving them the added option of receiving treatment designed to provide stabilization of the tooth and relief from pain and discomfort in a more efficient and effective manner. Additionally, the ability to take radiographs (i.e. x-rays) results in expedited entry into the dental care system and increases access to care.

Factual Basis/Rationale

Adopt Section 1109

Factual basis for the determination that the proposed adoption of section 1109 is reasonably necessary to address the problem for which it is proposed:

At the May 2, 2015 meeting of the Board's Education Subcommittee, the Subcommittee was advised of their statutory authority to establish regulations for RDM and ITR courses of instruction pursuant to BPC section 1910.5.

At the Board's January 29, 2019 teleconference meeting, the Board discussed,

amended, and voted unanimously to approve regulatory language and application forms for courses in RDM and ITR. In addition, the Board voted to set the fee amount for educational providers seeking approval of RDM and ITR courses at \$300. Additionally, the Board delegated authority to the Board's executive officer to make any technical, non-substantive changes, if necessary.

Subdivision (a)

BPC section 1910.5 requires the Board to establish requirements for courses of instruction in RDM and ITR using the competency-based protocols established by HWPP No. 172. Subdivision (a) of the proposal provides clarity to educational providers that the Board will only approve courses in RDM and ITR that meet all course requirements of section 1109, which utilizes the competency-based protocols established by HWPP No. 172. Subdivision (a) requires that continuation of approval of a course in RDM or ITR is contingent upon compliance with all requirements of proposed section 1109, and all requirements set forth in sections 1104 through 1108 of the CCR. These requirements ensure the course provider is in compliance with all regulations applicable to education of RDHs and are consistent with requirements in other regulations, e.g., 16 CCR section 1107(a).

Subdivision (a) requires that each approved course shall be subject to Board review at any time for compliance with curriculum requirements. This requirement is consistent with requirements in other regulations, e.g., 16 CCR section 1107(a)(4) and 16 CCR section 1108(a).

Subdivision (a) requires a provider to notify the Board of changes in writing within ten (10) days because the Board's highest priority is protection of the public. (BPC section 1902.1.) In the Board's experience, ten (10) days is a sufficiently long period to give a provider the opportunity to notify the Board of changes to a program and ensures that the Board can act quickly enough to protect public safety if the program is violating legal requirements. Additionally, the Board proposed to require course providers to notify the Board of changes to course content, physical facilities, and faculty within ten (10) days of the change. This time period is consistent with requirements in other regulations, e.g., 16 CCR section 1107(b). This requirement is necessary to ensure facilities are compliant with proposed subdivision (d)(3), 16 CCR section 1005, and local, state, and federal health and safety laws and regulations (consistent with requirements in other regulations, e.g., 16 CCR section 1107, subdivisions (b)(3) and (b)(4)). It is also consistent with requirements in other regulations, e.g., 16 CCR section 1107, subdivisions (b) and (b)(2).

Subdivision (b)

Subdivision (b) of this proposal sets forth the course requirements that a dental hygiene educational program (DHEP) must meet for the Board to approve an RDM or ITR educational course for the student enrolled in a DHEP, as well as for approval for a stand-alone course offered by a DHEP.

Subdivision (b)(1)

Subdivision (b)(1) of the proposal sets forth the course requirements for approval of an RDM course for a DHEP.

Subdivision (b)(1)(A) - Application Form DHBC RDM-01 (01/19)

Subdivision (b)(1)(A) of the proposal adds the application form, DHBC RDM-01 (01/19), incorporated by reference, which the DHEP shall complete to request approval for a course in RDM.

Form DHBC RDM-01 (01/19) was created to assist the DHEP in applying for approval of a course in RDM and ensures that pertinent information is collected from DHEPs in a consistent manner to enable fair and efficient processing of the request by the Board. The form collects DHEP information (name of DHEP, mailing address of DHEP, telephone number, mobile phone number, course director name and email address, and program director name and email address) to enable identification of the requester and ensure accuracy in the processing of the application for course approval.

As BPC section 1910.5 does not explicitly provide the minimum criteria for approval of a DHEP course in RDM, the application provides a convenient way for applicants to understand the regulatory requirements, including requisites for approval of an RDM course by the Board. Application form DHBC RDM-01 (01/19) includes:

- Notification of a non-refundable application fee of \$300. Under BPC section 1944(a)(10), the fee for each review or approval of course requirements for procedures that require additional training shall not exceed seven hundred fifty dollars (\$750). Under BPC section 1944(c), fees fixed by the Board by resolution pursuant to BPC section 1944 are not subject to approval by the Office of Administrative Law (OAL).
- Notification that a course in RDM for the student in a DHEP must be approved by the Board prior to implementation. The Board is authorized to evaluate, and to approve or deny approval of educational courses pursuant to BPC section

1905(a)(1).

- Notification that course records shall be subject to inspection by the Board at any time. The Board is authorized to evaluate, approve, or deny approval of educational courses pursuant to BPC section 1905(a)(1), and to withdraw or revoke approval of an educational program in accordance with BPC section 1905(a)(2). Inspections assist the Board in determining whether it should withdraw or revoke approval.
- Notification that the Board may withdraw approval at any time if the Board determines that a course does not meet the requirements of section 1109. The Board is authorized to evaluate, to approve or deny approval of educational courses pursuant to BPC section 1905(a)(1), and to withdraw or revoke approval of an educational program in accordance with BPC section 1905(a)(2).
- Notification that the Board may approve or deny approval of any course. The Board is authorized to evaluate and to approve or deny approval of educational courses pursuant to BPC section 1905(a)(1).
- Notification that if the Board denies approval of a course, the reasons for denial will be provided in writing within sixty (60) business days pursuant to proposed section 1109. The Board presently has one (1) staff member devoted to reviewing applications for approval. In the Board's experience, 60 business days is an adequate amount of time in which to complete the Board's review of an application and draft reasons for the denial.

Additionally, the form includes specific questions that the DHEP must answer to ensure the course is in compliance with proposed section 1109. These questions include:

- Whether the course is sufficient in length for the students to develop competency, a minimum of four (4) hours in length and will follow the requirements of proposed section 1109. The course length of four (4) hours is prescribed by HWPP No.172. BPC section 1910.5(c) requires that the Board use the competency-based training protocols established by the HWPP No. 172 in establishing courses of instruction.
- Whether the course provides instruction in determining which radiographs to perform on patients, and a direction to include a copy of the course curriculum for review by the Board. Inclusion of the course curriculum exhibit is necessary to ensure all requirements in proposed subdivision (d) are included within the proposed course curriculum and meet the standards set by HWPP No. 172. This is necessary in order for the Board to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether the course will be established at the post-secondary level. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (b)(3).

- Whether all faculty meet the requirements established by subdivision (d)(3) of proposed section 1109, and a direction to include a list of names of all faculty, copies of their CA RDH/DDS/DMD licensures and proof of RDM training for review by the Board. Inclusion of the exhibit is necessary to ensure all requirements in proposed subdivision (d)(3) for faculty are met within the proposed course. This is necessary in order for the Board to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether the DHEP provides the resources necessary to accomplish education as specified by proposed section 1109. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (d)(1).
- Whether there is a laboratory, patient clinic area, and radiology area for use by students and a direction to the DHEP to attach a facility site map identifying each of these areas. Inclusion of the facility site map is necessary to ensure the facilities are compliant with proposed subdivision (d)(3), 16 CCR section 1005 (BPC section 1906(d) allows regulations adopted by the Dental Board to continue to apply to RDHs until other regulations are adopted by the Board), and local, state, and federal health and safety laws and regulations (consistent with requirements in other regulations, e.g., 16 CCR 1107, sections (b)(3) and (b)(4)). This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (d)(4)(A)(i) and in order for the Board to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether all students have access to equipment and materials necessary to develop the skills in RDM duties and a direction that the DHEP attach a list of equipment and supplies available for each student. Inclusion of a list of equipment and supplies available for each student is necessary to ensure compliance with proposed subdivision (d)(1)'s requirement that, to be approved, each course shall provide the resources necessary to satisfy the educational requirements as specified in this section. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (d)(4)(A)(ii) and to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether the DHEP retains for at least five (5) years copies of individual student records, including those necessary to establish satisfactory completion of the course; copies of lab and clinical competency documents; copies of faculty calibration plans; faculty credentials, licenses, and certifications including documented background in educational methodology within previous two years; copies of student course evaluations and a summation thereof; and copies of curriculum, including course syllabi, exams, sample test questions and clinic rubrics. This question is necessary for the reasons set forth herein with respect to

the proposed adoption of subdivision (d)(7).

- Whether the DHEP issues and provides the student with an original “Certification of Completion of a Course in Radiographic Decision-Making for the RDH” pursuant to the requirements set forth in 16 CCR section 1016(h)(1), only after a student has successfully completed the requirements of his or her course in RDM and a direction that the DHEP provide a sample of the certificate that will be issued. Inclusion of a sample certificate is necessary to ensure compliance with requirements for continuing education certificates as required by 16 CCR section 1016 (BPC section 1906(d) allows regulations adopted by the Dental Board to continue to apply to RDHs until other regulations are adopted by the Board). This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (f) and to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether the DHEP will inform the Board of any changes to the course content, physical facilities, and faculty within ten (10) days of such changes. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (a).
- Whether the DHEP acknowledges that BPC sections 1910.5 and 1921 and proposed section 1109 have been reviewed. This question is necessary to ensure that the DHEP understands the requirements for initial and continuing approval.
- Whether the DHEP agrees to abide by the requirements set forth in BPC sections 1910.5 and 1921, section 1109, and whether the DHEP acknowledges that failure to do so may result in loss of course approval. This question is necessary to ensure that the DHEP understands the requirements for initial and continuing approval, and that the failure to comply with section 1109 may result in the loss of course approval.

Form DHBC RDM-01 (01/19) includes a requirement that the applicant certify that the statements in the application the applicant made are true and correct. 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 [judicial explanation for the use of certifications].) Additionally, Form DHBC RDM-01 (01/19) requires both the program director and course director to sign it. This is necessary to ensure that both parties responsible for the administration of the program are aware of regulatory requirements for the course.

Form DHBC RDM-01 (01/19) also 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.

Form DHBC RDM-01 (01/19), referenced in subdivision (b)(1)(A), would be cumbersome, unduly expensive and otherwise impractical to publish in the CCR, as this form will be completed by applicants. The form will be available on the Board's website and hardcopies will be available from the Board upon request.

Subdivision (b)(1)(B) - Application Fee

Subdivision (b)(1)(B) of the proposal would establish the application fee (\$300) for approval of a course in RDM for a DHEP. BPC section 1944(a)(10) provides for the establishment of a fee for each review or approval of course requirements for procedures that require additional training. At the Board's January 29, 2019 teleconference meeting, the Board discussed and voted unanimously to approve the fee of \$300 for the application to approve a course in RDM by a DHEP. Under BPC section 1944(a)(10), the fee for each review or approval of course requirements for procedures that require additional training shall not exceed seven hundred fifty dollars (\$750). Under BPC section 1944(c), fees fixed by the Board by resolution pursuant to BPC section 1944 are not subject to approval by the OAL.

Subdivision (b)(1)(C)

Subdivision (b)(1)(C) of the proposal states that the length of a DHEP course shall be a minimum of four (4) hours to include didactic, laboratory, and simulated clinical experiences to develop competency in RDM. BPC section 1910.5(c) requires the Board to adopt regulations using the competency-based training protocols established by HWPP No. 172. The course length of four (4) hours to include didactic, laboratory, and simulated clinical experiences, is prescribed by HWPP No.172. It is repeated here as a convenience of course requirements in one place.

Subdivision (b)(1)(D)

Subdivision (b)(1)(D) of the proposal establishes that new or already approved DHEPs seeking approval to incorporate or offer a stand-alone permit course in RDM shall submit to the Board form DHBC RDM-01 (01/19), along with the required application fee of \$300 pursuant to BPC section 1944(a)(10) prior to instruction in RDM. Proposed subdivision (b)(1)(D) allows DHEPs to teach an RDM course to licensed RDHs as a continuing education (CE) course outside of their program's student population. Under BPC section 1944(a)(10), the fee for each review or approval of course requirements for procedures that require additional training shall not exceed seven hundred fifty dollars (\$750). Fees fixed by the Board by resolution pursuant to BPC section 1944 are not subject to approval by OAL.

Subdivision (b)(2)

Subdivision (b)(2) of the proposal sets forth the course requirements for approval of an ITR course for a DHEP.

Subdivision (b)(2)(A) - Application Form DHBC ITR-03 (01/19)

Subdivision (b)(2)(A) of the proposal adds the application form, DHBC ITR-03 (01/19), incorporated by reference, which the DHEP shall complete to request approval for a course in ITR. Section 1910.5(c) authorizes the Board to adopt regulations for courses in instruction in ITR.

Form DHBC ITR-03 (01/19) was created to assist the DHEP in applying for approval for a course in ITR and ensures that information is collected from DHEPs in a consistent manner to enable fair and efficient processing of the request. The form collects DHEP information (name of DHEP, mailing address of DHEP, telephone number, mobile phone number, course director name and email address, and program director name and email address) to enable identification of the requester and helps to ensure accuracy in the processing of the application by the Board. It advises the DHEP that the address provided is a matter of public record to give fair notice for privacy reasons.

As BPC section 1910.5 does not explicitly provide the minimum criteria for approval of a DHEP course in ITR, the application provides a convenient way for applicants to understand the minimum qualifications and regulatory requirements for approval of an ITR course, along with notification of fees. Application form DHBC ITR-03 (01/19) includes:

- Notification of a non-refundable application fee of \$300. Under BPC section 1944(a)(10), the fee for each review or approval of course requirements for procedures that require additional training shall not exceed seven hundred fifty dollars (\$750). Under BPC section 1944(c), fees fixed by the Board by resolution pursuant to BPC section 1944 are not subject to approval by OAL.
- Notification that a course in ITR for the student in a DHEP must be approved by the Board prior to implementation. The Board is authorized to evaluate and to approve or deny approval of educational courses pursuant to BPC section 1905(a)(1).
- Notification that course records shall be subject to inspection by the Board at any time. The Board is authorized to evaluate, to approve or deny approval of educational courses pursuant to BPC section 1905(a)(1), and to withdraw or revoke approval of an educational program in accordance with BPC section 1905(a)(2). Inspections will assist the Board in determining whether withdrawal or

revocation of approval should be made.

- Notification that the Board may withdraw approval at any time if the Board determines that a course does not meet the requirements of the law. The Board is authorized to evaluate, to approve or deny educational courses pursuant to BPC section 1905(a)(1), and to withdraw or revoke approval of an educational program in accordance with BPC section 1905(a)(2).
- Notification that the Board may approve or deny approval of any course. The Board is authorized to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Notification that if the Board denies approval of a course, the reasons for denial will be provided in writing within sixty (60) business days pursuant to proposed section 1109. Please see the explanation provided herein with respect to the necessity for sixty (60) business days.

Additionally, the form includes specific questions that the DHEP must answer to ensure the course is in compliance with proposed regulation 1109. These questions include:

- Whether the course is sufficient in length for the students to develop competency with a minimum of sixteen (16) hours in length, including four (4) hours of didactic training, four (4) hours of laboratory training, and eight (8) hours of clinical training, and will follow the requirements of proposed section 1109. The course length of sixteen (16) hours, including four (4) hours of didactic training, four (4) hours of laboratory training, and eight (8) hours of clinical training, is prescribed by HWPP No.172. BPC section 1910.5(c) requires that the Board use the competency-based training protocols established by the HWPP No. 172 in establishing courses of instruction.
- Whether the course will provide instruction in ITR to perform on patients, as well as notification to include a copy of course curriculum for review by the Board. Inclusion of the course curriculum exhibit is necessary to ensure all requirements in proposed subdivision (d) are included within the proposed course curriculum and meet the standards set by HWPP No. 172. This is necessary in order for the Board to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether the course will be established at the post-secondary level. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (b)(3).
- Whether all faculty possess the requirements established by subdivision (d)(3) of section 1109., and a direction to include a list of names of all faculty, copies of their CA RDH/DDS/DMD licensures and proof of ITR training for review by the Board. Inclusion of the faculty exhibit is necessary to review to ensure all requirements in proposed subdivision (d)(3) for faculty are met within the

proposed course. This is necessary in order for the Board to evaluate and to approve or deny educational courses pursuant to BPC section 1905 (a)(1).

- Whether the DHEP provides the resources necessary to accomplish education as specified by proposed section 1109. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (d)(1).
- Whether there is a laboratory, patient clinic area, and radiology area for use by students and a direction for the DHEP to attach a facility site map identifying each of these areas. Inclusion of the facility site map is necessary to the facilities comply with proposed subdivision (d)(3), 16 CCR section 1005 (BPC section 1906(d) allows regulations adopted by the Dental Board to continue to apply to RDHs until other regulations are adopted by the Board), and local, state, and federal health and safety laws and regulations (consistent with requirements in other regulations, e.g., 16 CCR section 1107 subdivisions (b)(3) and (b)(4)). This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (d)(4)(A)(i) and in order for the Board to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether all students have access to equipment and materials necessary to develop the skills in RDM duties and a direction for the DHEP to attach a list of equipment and supplies available for each student. Inclusion of a list of equipment and supplies available for each student is necessary to ensure compliance with the requirement in proposed subdivision (d)(1) that, to be approved, each course shall provide the resources necessary to satisfy the educational requirements as specified in this section. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (d)(4), and to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether all students have access to equipment and materials necessary to develop the skills in RDM duties and a request that the DHEP attach a list of equipment and supplies available for each student. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (d)(4).
- Whether the DHEP retains for at least five (5) years copies of individual student records, including those necessary to establish satisfactory completion of the course; copies of lab and clinical competency documents; copies of faculty calibration plans; faculty credentials, licenses, and certifications including documented background in educational methodology within previous two years; copies of student course evaluations and a summation thereof; and copies of curriculum, including course syllabi, exams, sample test questions and clinic rubrics. This question is necessary for the reasons set forth herein with respect to

the proposed adoption of subdivision (d)(7).

- Whether the DHEP issues and provides the student with an original “Certification of Completion of a Course in Radiographic Decision-Making for the RDH” pursuant to the requirements set forth in 16 CCR section 1016 (h)(1), only after a student has successfully completed the requirements of his or her course in RDM and a direction to the DHEP to provide a sample of the certificate that will be issued. Inclusion of a sample certificate that will be issued is necessary to ensure compliance with requirements for continuing education certificates contained in 16 CCR section 1016 (BPC section 1906(d) allows regulations adopted by the Dental Board to continue to apply to RDHs until other regulations are adopted by the Board). This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (f) and to evaluate and to approve or deny educational courses pursuant to BPC section 1905(a)(1).
- Whether the DHEP will inform the Board of any changes to the course content, physical facilities, and faculty within ten (10) days of such changes. This question is necessary for the reasons set forth herein with respect to the proposed adoption of subdivision (a).
- Whether the DHEP acknowledges that sections BPC sections 1910.5 and 1921 and proposed section 1109 have been reviewed. This question is necessary to ensure that the DHEP understands the requirements for initial and continuing approval.
- Whether the DHEP agrees to abide by the requirements set forth in BPC sections 1910.5 and 1921, proposed section 1109, and whether the DHEP acknowledges that failure to do so may result in loss of course approval. This question is necessary to ensure that the DHEP understands the requirements for initial and continuing approval, and that the failure to comply with section 1109 may result in the loss of course approval.

Form DHBC ITR-03 (01/19) includes a requirement that the applicant certify that the statements in the application made by the applicant are true and correct, for the reasons set forth herein. Additionally, Form DHBC RDM-01 (01/19) requires both the program director and course director to sign it. This is necessary to ensure that both parties responsible for the administration of the program are aware of regulatory requirements for the course.

Form DHBC ITR-03 (01/19) also 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.

Form DHBC ITR-03 (01/19), referenced in subdivision (b)(2)(A), would be cumbersome, unduly expensive and otherwise impractical to publish in the CCR, as this form will be

completed by applicants. The form will be available on the Board's website and hardcopies will be available from the Board upon request.

Subdivision (b)(2)(B) Application Fee

Subdivision (b)(2)(B) of the proposal would establish the application fee (\$300) for approval of a course in ITR by a DHEP. BPC section 1944(a)(10) provides for the establishment of a fee for each review or approval of course requirements for procedures that require additional training. At the Board's January 29, 2019 teleconference meeting, the Board discussed and voted unanimously to approve the fee of \$300 for the application to approve a course in ITR by a DHEP. Under BPC section 1944(a)(10), the fee for each review or approval of course requirements for procedures that require additional training shall not exceed seven hundred fifty dollars (\$750). Under BPC section 1944(c), fees fixed by the Board by resolution pursuant to BPC section 1944 are not subject to approval by OAL.

Subdivision (b)(2)(C)

Subdivision (b)(2)(C) of the proposal sets forth the requirements that the length of the ITR course shall be a minimum of sixteen (16) hours, including four (4) hours of didactic training, four (4) hours of laboratory training, and eight (8) hours of clinical training, to develop competency in ITR. BPC section 1910.5 requires the Board to adopt regulations using the competency-based training protocols established by HWPP No. 172. The course length of sixteen (16) hours, including four (4) hours of didactic training, four (4) hours of laboratory training, and eight (8) hours of clinical training, is prescribed by HWPP No.172.

Subdivision (b)(2)(D)

Subdivision (b)(2)(D) of the proposal establishes that new or existing DHEPs seeking approval to incorporate or offer a stand-alone permit course in ITR shall submit to the Board form DHBC ITR-03 (01/19), along with the required application fee of \$300 pursuant to BPC section 1944(a)(10), prior to instruction in ITR. Proposed subdivision (b)(2)(D) allows DHEPs to teach a course in ITR to licensed RDHs as a continuing education (CE) course outside of their program's student population. Under BPC section 1944(a)(10), the fee for each review or approval of course requirements for procedures that require additional training shall not exceed seven hundred fifty dollars (\$750). Under BPC section 1944(c), fees fixed by the Board by resolution pursuant to BPC section 1944 are not subject to approval by OAL.

Subdivision (b)(3)

Subdivision (b)(3) clarifies that in addition to the instructional components described in subdivision (b), an RDM or ITR DHEP educational course shall be established at the postsecondary educational level. As this course is taught in a DHEP, this proposed requirement is mandated by existing requirements for RDH educational programs, found in 16 CCR section 1105(b)(3), which requires that educational programs, and by extension their courses, shall be at the postsecondary college level or its equivalent. Additionally, as requirements for initial licensure includes completion of an educational program at a Board approved postsecondary institution (BPC section 1917) and RDM and ITR duties are eligible to be added to their licensure, the Board resolved to require the educational coursework for RDM and ITR at a postsecondary level.

Subdivision (c)

Subdivision (c) of this proposal sets forth the course requirements that a dental hygiene continuing education (CE) course provider must meet prior to the Board to issuing approval for an RDM or ITR CE course for licensed RDHs.

Subdivision (c)(1)

Subdivision (c)(1) of the proposal sets forth the course requirements for approval of an RDM CE course for licensed RDHs.

Subdivision (c)(1)(A) Application Form DHBC RDM-02 (01/19)

Subdivision (c)(1)(A) of the proposal adds the application form, DHBC RDM-02 (01/19), incorporated by reference, which the CE course provider shall complete to request approval for a course in RDM. BPC section 1910.5(c) authorizes the Board to adopt regulations for courses in instruction in RDM.

Form DHBC RDM-02 (01/19) was created to assist the CE course provider in applying for CE course approval in RDM and ensures that information is collected from CE course providers in a consistent manner to enable fair and efficient processing of the request. The form collects CE course provider information (name of CE course provider, mailing address of CE course provider, telephone number, mobile phone number, course director name, and email address) to enable identification of the requester and help ensure accuracy in the processing of the application by the Board.

As BPC section 1910.5 does not explicitly provide the minimum criteria for approval of a

CE course in RDM, the application provides a convenient way for applicants to understand the minimum qualifications and regulatory requirements for approval of an RDM course, along with the notification of the fee amount. Form DHBC RDM-02 (01/19) requests the same information as form DHBC RDM-01 (01/19), found in subdivision (b)(1)(A). The only difference between the two forms is the type of course provider for which the form is required (Form DHBC RDM-01 (01/19) is required for DHEPs, whereas Form DHBC RDM-02 (01/19) is required for CE providers.

Form DHBC RDM-02 (01/19), referenced in subdivision (c)(1)(A), would be cumbersome, unduly expensive and otherwise impractical to publish in the CCR, as this form will be completed by applicants. The form will be available on the Board's website and hardcopies will be available from the Board upon request.

Subdivision (c)(1)(B) Application Fee

Subdivision (c)(1)(B) of the proposal would establish the application fee of \$300 for a course in RDM by a CE course provider. BPC section 1944(a)(10) provides for the establishment of a fee for each review or approval of course requirements for procedures that require additional training. At the Board's January 29, 2019 teleconference meeting, the Board discussed and voted unanimously to approve the fee of \$300 for the application to approve a course in RDM by a CE course provider. Under BPC section 1944(a)(10), the fee for each review or approval of course requirements for procedures that require additional training shall not exceed seven hundred fifty dollars (\$750). Under BPC section 1944(c), fees fixed by the Board by resolution pursuant to BPC section 1944 are not subject to approval by OAL.

Subdivision (c)(1)(C)

Subdivision (c)(1)(C) of the proposal makes explicit the requirements that the length of course shall be a minimum of four (4) hours to include didactic, laboratory, and simulated clinical experiences, to develop competency in RDM. BPC section 1910.5 requires the Board to adopt regulations using the competency-based training protocols established by HWPP No. 172. The course length of four (4) hours to include didactic, laboratory, and simulated clinical experiences, is prescribed by HWPP No.172.

Subdivision (c)(2)

Subdivision (c)(2) of the proposal sets forth the course requirements for approval of an RDM CE course for licensed RDHs.

Subdivision (c)(2)(A) Application Form DHBC ITR-04 (01/19)

Subdivision (c)(2)(A) of the proposal adds the application form, DHBC ITR-04 (01/19), incorporated by reference, which the CE course provider shall complete to request approval for a course in ITR. Section 1910.5(c) authorizes the Board to adopt regulations for courses in instruction in RDM.

Form DHBC ITR-04 (01/19) was created to assist the CE course provider in applying for CE course approval in ITR and ensures that information is collected from CE course providers in a consistent manner to enable fair and efficient processing of the request. The form collects CE course provider information (name of CE course provider, mailing address of CE course provider, telephone number, mobile phone number, course director name, and email address) to enable identification of the requester and help ensure accuracy in the processing of the application by the Board.

As BPC section 1910.5 does not explicitly provide the minimum criteria for approval of a CE course in ITR, the application provides a convenient way for applicants to understand the minimum qualifications and regulatory requirements for approval of an ITR course, along with notification of the fee amount. Form DHBC ITR-04 (01/19), requests the same information as form DHBC ITR-03 (01/19) found in subdivision (b)(2)(A). The only difference between the two forms is the type of course provider for which the form is required (Form DHBC ITR-03 (01/19) is required for DHEPs, whereas form DHBC ITR-04 (01/19) is required for CE providers.

Form DHBC ITR-04 (01/19), referenced in subdivision (c)(2)(A), would be cumbersome, unduly expensive and otherwise impractical to publish in the CCR, as this form will be completed by applicants. The form will be available on the Board's website and hardcopies will be available from the Board upon request.

Subdivision (c)(2)(B) Application Fee

Subdivision (c)(2)(B) of the proposal would establish the application fee of \$300 for a course in ITR by a CE course provider. BPC section 1944(a)(10) provides for the establishment of a fee for each review or approval of course requirements for procedures that require additional training. At the Board's January 29, 2019 teleconference meeting, the Board discussed and voted unanimously to approve the fee of \$300 for the application to approve a course in ITR by a CE course provider. Under BPC section 1944(a)(10), the fee for each review or approval of course requirements for procedures that require additional training shall not exceed seven hundred fifty dollars (\$750). Under BPC section 1944(c), fees fixed by the Board by resolution pursuant to

BPC section 1944 are not subject to approval by the OAL.

Subdivision (c)(2)(C)

Subdivision (c)(2)(C) of the proposal makes explicit the requirements that the length of course shall be a minimum of sixteen (16) hours, including four (4) hours of didactic training, four (4) hours of laboratory training, and eight (8) hours of clinical training, to develop competency in ITR. BPC section 1910.5(c) requires the Board to adopt regulations using the competency-based training protocols established by HWPP No. 172. The course length of sixteen (16) hours, including four (4) hours of didactic training, four (4) hours of laboratory training, and eight (8) hours of clinical training, is prescribed by HWPP No.172.

Subdivision (c)(3)

Subdivision (c)(3) clarifies that in addition to the instructional components described in subdivision (b), an RDM or ITR DHEP educational course shall be established at the post-graduate educational level. With regard to CE course providers, BPC section 1906(d) allows regulations adopted by the Dental Board of California to continue to apply to RDHs until other regulations are adopted by the Board. 16 CCR section 1016(d)(1) requires each CE course to be conducted on the same educational standards of scholarship and teaching as that required of a true university discipline. Additionally, HWPP No. 172 prescribes RDM and ITR courses be established at the post-graduate educational level.

Subdivision (d) Requirements for Approval of DHEP and CE RDM and ITR Courses

Subdivision (d) of the proposal sets forth the requirements necessary for approval of RDM and ITR courses provided by DHEPs and CE course providers. This section sets forth the course requirements regarding administration of the course, admission, faculty, facilities, equipment, health and safety, curriculum, learning resources, and recordkeeping.

Subdivision (d)(1)

Subdivision (d)(1) of the proposal requires that to be approved, each course shall provide the resources necessary to satisfy the educational requirements as specified in this section and includes illustrative examples of such resources. Additionally, DHEPs and CE course providers shall be responsible for informing the Board of any changes to the course content, physical facilities, and faculty within ten (10) days of such changes.

Please see the explanation provided herein with respect to why the Board should be notified of changes to a course within ten (10) days.

For DHEPs, 16 CCR section 1105(b)(1) requires that DHEPs conduct instruction to meet the test of a true university discipline and shall include lectures, laboratory experiments and exercises and clinical practice under supervision by the faculty. Therefore, sufficient resources must be provided by the DHEP to satisfy the educational requirements for successful completion of ITRs by DHEP students.

With regard to CE course providers, BPC section 1906(d) allows regulations adopted by the DBC to continue to apply to registered RDHs until other regulations are adopted by the Board. Accordingly, 16 CCR section 1016(d)(1) requires CE courses to be conducted on the same educational standards of scholarship and teaching as that required of a true university discipline and shall be supported by those facilities and educational resources necessary to comply with this requirement. Therefore, sufficient resources must be provided by the CE provider to satisfy the regulatory requirements of section 1016 for successful completion of ITRs by CE course participants.

Subdivision (d)(2)(A)

Subdivision (d)(2)(A) of the proposal sets forth the requirements for admission to courses in RDM and ITR in DHEPs. Pursuant to BPC section 1915(a), students in DHEPs are authorized to perform dental hygiene procedures as a part of their education. Therefore, subdivision (d)(2)(A)(i) requires a DHEP student to be in good standing in order to be eligible for admission to an RDM or ITR course. As students will be utilizing live patients to perform RDM and ITRs, requiring the student be in good standing first protects the consumer. Additionally, subdivision (d)(2)(A)(ii) requires a DHEP student to possess current certification in Basic Life Support (BLS) and Cardiopulmonary Resuscitation (CPR) from the American Heart Association (AHA) or the American Red Cross (ARC). The AHA and the ARC are both organizations with national credibility in BLS and CPR techniques. Therefore, it is appropriate to defer to their certifications (pursuant to the principles of Status Conferred). Again, as students will be utilizing live patients to perform RDM and ITR procedures, it is in the best interest of the consumer for the student to have current BLS/CPR certification. Further, BPC section 1906(d) allows regulations adopted by the Dental Board to continue to apply to RDHs until other regulations are adopted by the Board. 16 CCR section 1016(b)(1)(C)(i) mandates that certification in BLS shall be met by completion of an AHA or ARC course in BLS.

Subdivision (d)(2)(B)

Subdivision (d)(2)(B) of the proposal sets forth the requirements for admission to CE courses in RDM and ITR. Subdivision (d)(2)(B)(i) requires the participant to possess a valid, active license as an RDH, RDHAP, or RDHEF issued by the Board. BPC section 1960(f) does not allow the practice of dental hygiene without a valid license. Additionally, subdivision (d)(2)(B)(ii) requires the participant to possess current certification in BLS and CPR from the AHA or the ARC. (See discussion in (d)(2)(A), above.)

Subdivision 1109(d)(3) Faculty

Subdivision 1109(d)(3) of the proposal sets forth the requirements for faculty responsible for course instruction in RDM and ITR courses.

Subdivision 1109(d)(3)(A)

Subdivision 1109(d)(3)(A) of the proposal requires faculty to possess a valid, active California RDH, RDHAP, RDHEF license, or a Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) license with no disciplinary actions in any jurisdiction to practice dental hygiene or dentistry. This is necessary because BPC section 1915 states that no person other than an RDH or a licensed dentist may engage in the practice of dental hygiene or perform dental hygiene procedures on patients.

Subdivision 1109(d)(3)(B)

Subdivision 1109(d)(3)(B) of the proposal requires faculty to possess current certification in BLS and CPR from the AHA or ARC. (See discussion in (d)(2)(A), above.)

Subdivision 1109(d)(3)(C)

Subdivision 1109(d)(3)(C) of the proposal requires RDH, RDHAP, and RDHEF faculty to possess current licensure in RDM and ITR placement. BPC section 1910.5(b) states that RDM and ITR functions may only be performed by an RDH only after completion of a program that includes training in performing those functions, or after providing evidence, satisfactory to the Board, of having completed a hygiene board-approved course in those functions. Additionally, 16 CCR section 1105.1(c)(3) requires each faculty member to be competent in the area in which the faculty member teaches.

Subdivision 1109(d)(3)(D)

Subdivision 1109(d)(3)(D) of the proposal requires faculty to be calibrated in instruction and grading of RDM and ITR. 16 CCR section 1105.1(c)(1) requires each faculty member to assume responsibility and accountability for instruction, evaluation of students, and planning and implementing curriculum content as required by the educational program. Additionally, 16 CCR section 1105.1(c)(2) requires each faculty member to participate in an orientation prior to teaching, including, but not limited to, the educational program's curriculum, policies and procedures, strategies for teaching, and student supervision and evaluation.

Subdivision 1109(d)(4) Facilities and Equipment

Subdivision 1109(d)(4) of the proposal sets forth facility requirements for instruction in RDM and ITR educational courses.

Subdivision 1109(d)(4)(A)

Subdivision 1109(d)(4)(A) sets forth facility requirements for RDM and ITR DHEP courses. This subdivision provides that didactic instruction may take place in an in-person or an online environment, which is necessary to provide flexibility in instructional methods. Existing 16 CCR section 1105(i) mandates DHEPs to 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. Therefore, this subdivision requires that each course shall have access to adequate equipment and facilities for lectures and testing. Additionally, subdivision (d)(4)(A) is consistent with requirements found in existing regulations 16 CCR 1107(b)(3)(A) and 16 CCR section 1108(b)(3)(A). Laboratory and clinical instruction are required to be held at a physical facility and physical facilities and equipment shall be maintained and replaced in a manner provide students with a course that will meet the educational objectives of RDM and ITR educational courses. This requirement is also mandated by existing regulatory section 16 CCR section 1105(i) and consistent with requirements in other regulations, e.g., 16 CCR section 1107(b)(3) and 16 CCR section 1108(b)(3). The facility requirements in proposed subdivision (d)(4)(A) is also mandated by existing 16 CCR section 1105(i).

Subdivisions 1109(d)(4)(B) and (d)(4)(C)

Subdivisions 1109(d)(4)(B) and (d)(4)(C) sets forth facility requirements for CE courses in RDM and ITR. This subdivision specifies that didactic instruction may take place in an in-person or an online environment, which is necessary to provide flexibility in

instructional methods, and that each course shall have access to adequate equipment and facilities for lectures and testing. Existing 16 CCR 1016(d)(1) mandates that “each course of study shall be conducted on the same educational standards of scholarship and teaching as that required of a true university discipline and shall be supported by those facilities and educational resources necessary to comply with this requirement.” (BPC section 1906(d) allows regulations adopted by the Dental Board to continue to apply to RDHs until other regulations are adopted by the Board.). Additionally, subdivision (d)(4)(B) is consistent with requirements found in existing regulations 16 CCR 1107(b)(3)(A) and 16 CCR section 1108(b)(3)(A). Laboratory and clinical instruction are required to be held at a physical facility and physical facilities and equipment shall be maintained and replaced in a manner designed to provide students with a course designed to meet the educational objectives of RDM and ITR educational courses. This requirement is mandated by existing regulatory section 16 CCR 1016(d)(1) (see above) and consistent with requirements in other regulations, e.g., 16 CCR section 1107(b)(3) and 16 CCR section 1108(b)(3).

Subdivision (d)(5) Health and Safety

Subdivision (d)(5) of the proposal sets forth the health and safety requirements for courses in RDM and ITR in DHEPs and CE courses. This is an existing requirement under 16 CCR section 1105.2(d)(3)(C), which requires educational programs to comply with all health and safety laws. To ensure consistency within educational program regulations, the same regulatory requirements have been included in proposed subdivision (d)(5).

Existing regulation at 16 CCR section 1105.2(d)(3)(C)(i) requires all students to have access to the program's hazardous waste management plan for the disposal of needles, cartridges, medical waste and storage of oxygen and nitrous oxide tanks. Accordingly, proposed subdivision (d)(5)(A) will require all students or participants to have access to the course's hazardous waste management plan for the disposal of needles, cartridges, medical waste and storage of oxygen and nitrous oxide tanks.

Existing regulation at 16 CCR section 1105.2(d)(3)(C)(ii) requires all students to have access to the program's clinic and radiation hazardous communication plan. Accordingly, proposed subdivision (d)(5)(B) will require all students or participants to have access to the course's clinic and radiation hazardous communication plan.

Existing regulation at 16 CCR section 1105.2(d)(3)(C)(ii) requires all students to receive a copy of the program's bloodborne and infectious diseases exposure control plan, which shall include emergency needlestick information. Accordingly, proposed subdivision (d)(5)(C) will require all students or participants to receive a copy of the

course's bloodborne and infectious diseases exposure control plan, which will include emergency needlestick information.

Finally, proposed subdivision (d)(5)(D) will require faculty to review with each student or participant all requirements pursuant to proposed section (d)(5). By the addition of subdivision (b)(5)(d), there will be an increase in safety and awareness of pertinent health and safety policies among students and participants applicable to RDM and ITR courses.

Subdivision (d)(6) Curriculum and Learning Resources

Subdivision (d)(6) of the proposal sets forth the requirements for curriculum and learning resources for all DHEP and CE courses in RDM and ITR.

BPC section 1910.5(c) states: “No later than January 1, 2018, the hygiene board shall adopt regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental hygienist and registered dental hygienist in alternative practice pursuant to sections 1910.5 and 1926.05, using the competency-based training protocols established by the HWPP No. 172 through the Office of Health Planning and Development. The hygiene board shall use the curriculum submitted by the board pursuant to section 1753.55 to adopt regulatory language for approval of courses of instruction for the Interim Therapeutic Restoration. Any subsequent amendments to the regulations for the Interim Therapeutic Restoration curriculum that are promulgated by the hygiene board shall be agreed upon by the board and the hygiene board.” Subdivision (d)(6)(A)-(E) incorporate the required curriculum and protocols found in HWPP No. 172 in the proposed regulation as mandated by BPC section 1910.5(c).

Subdivision (d)(6)(A)(ii)(a) of the proposal incorporates required reference guidelines for RDM found within HWPP No. 172 as mandated by BPC section 1910.5(c).

The American Dental Association (ADA), and in their existence for 160 years, is widely recognized worldwide as the foremost authority on dentistry and dental health. Based on their status as an authority on dentistry in the United States, the Board proposes to refer to ADA policies on Dental Radiographic Examinations: Recommendations for Patient Selection and Limiting Radiation based on “status conferred” principles.

Subdivision (d)(6)(A)(ii)(b) of the proposal incorporates required reference guidelines for RDM found within HWPP No. 172 as mandated by BPC section 1910.5(c).

The American Academy of Pediatric Dentistry (AAPD) was founded in 1947 and is a not-for-profit association and widely recognized as the leading national advocate dedicated exclusively to children's oral health. Based on their status as an authority on children's dentistry in the United States, the Board proposes refer to the AAPD's Guidelines on Prescribing Dental Radiographs based on "status conferred" principles.

Subdivision (d)(6)(F), requiring adherence to infection control standards as provided in 16 CCR section 1005, is proposed in order to be consistent with other educational program regulations, i.e., sections 1107(b)(3)(C) & 1108(b)(3)(C).

Subdivision (d)(6)(G), requiring preparation of the student or participant to assess, plan, implement, and evaluate procedures, is necessary to be consistent with other educational program regulations, i.e., sections 1107(b)(7)(C) & 1108(b)(7)(D).

Subdivision (d)(6)(H), requiring a course syllabus with certain elements, is necessary to be consistent with other educational program regulations, i.e., sections 1107(b)(7)(E) & 1108(b)(7)(F).

Subdivision (d)(6)(I), requiring competency at a minimum of 75% in each of the competencies, is necessary to be consistent with other educational program regulations, i.e., sections 1107(b)(10) and 1108(b)(7)(G).

Subdivision (d)(7) Recordkeeping

Subdivision (d)(7) of the proposal sets forth the specific requirements for recordkeeping in DHEP and CE courses for RDM and ITR. This proposal requires all course records to be possessed and maintained by the course provider for a minimum of five years.

At the Board's January 29, 2019 teleconference meeting, the Board decided it was necessary to have consistency among its regulations pertaining to recordkeeping. Therefore, the Board decided to have proposed subdivision (d)(7) closely mirror the requirements of 16 CCR section 1108(b)(6), which requires course providers to possess and maintain similar categories of records for not less than 5 years. Additionally, in the Board's experience, it has found a time period of five (5) years to be adequate and effective for determining whether a provider has consistently complied with course requirements. This length of time provides the Board with an adequate record retention period for audit purposes.

Subdivision (e)

Subdivision (e) of the proposal sets forth the requirement that satisfactory completion of

DHEP and CE courses in RDM and ITR shall be determined using criteria-referenced completion standards.

BPC section 1910.5(b) states: “The functions described in subdivision (a) may be performed by a registered dental hygienist only after completion of a program that includes training in performing those functions, or after providing evidence, satisfactory to the hygiene board, of having completed a hygiene board-approved course in those functions.” The language for satisfactory completion of RDM and ITR courses mirrors the “Completion Criteria for Training” found in HWPP No. 172, which is necessary in order to comply with BPC section 1910.5(c), which states: “No later than January 1, 2018, the hygiene board shall adopt regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental hygienist and registered dental hygienist in alternative practice pursuant to sections 1910.5 and 1926.05, using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Health Planning and Development.”

Subdivision (f) Certificates of Completion

Subdivision (f) of the proposal sets forth the requirements necessary for course providers to issue certificates of completion for courses in RDM and ITR after successful completion of the requirements for courses in RDM and ITR. 16 CCR section 1016(h)(1) requires evidence that is satisfactory to the Board of completing a Board-approved course in RDM and ITR.

Existing regulation 16 CCR section 1016(h)(1) provides requirements for “Certificates of Completion” acceptable to the Board for completion of educational courses. BPC section 1906(d) permits the use of 16 CCR section 1016(h)(1), which allows Dental Board-adopted regulations to continue to apply to RDHs until other regulations are adopted by the Board.

Section 1016(h)(1) requires providers to furnish a written certification to each licensee certifying that the licensee has met all requirements for completion of an educational course. The certification must contain the licensee's name and license or permit number, the provider's name, date or dates attended, the number of units earned, a place for the licensee to sign and date verifying attendance, an authorizing signature of the provider or the providing entity and a statement that reads: “All of the information contained on this certificate is truthful and accurate. Additionally, a statement on each certification should read: “Completion of this course does not constitute authorization for the attendee to perform any services that he or she is not legally authorized to perform based on his or her license or permit type.”

Subdivision (g) Appeals

Subdivision (g) of the proposal sets forth the requirements for the appeals process if a course does not receive approval or if the Board withdraws approval of a previously approved course. If a course does not meet all the requirements set forth by regulation, the Board has the option to deny or withdraw the approval of the course. A mechanism is necessary to give the option to the course provider to appeal the Board's decision. Therefore, the applicant or course provider may contest the denial or withdrawal of approval by either an informal conference with the Board's Executive Officer or may proceed with a hearing pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

At the Board's January 29, 2019 teleconference meeting, the Board decided it was necessary to have consistency among regulations. Therefore, the Board decided to have proposed subdivision (g) closely mirror the requirements of section 1108(d) with regard to the appeals process by the course provider if their course in RDM or ITR does not receive approval. Board amendments to the appeals process are as follows:

First, proposed subdivision (g)(1) changed the notification time from "90 days" to "60 business days" to enhance clarity as to the timeframe for notification of denial.

Second, proposed subdivision (g)(2) changed the notification time for an informal conference from "at least ten days' notice" to "at least ninety (90) business days' notice" to allow the course provider additional time to prepare for the informal conference.

Third, proposed subdivision (g)(3)(A) changed the notification of the final decision of the Executive Officer from "within 10 days" to "within thirty (30) business days" of the informal conference to allow the Executive Officer additional time to review additional exhibits provided by the course provider in defense of their application.

Fourth, proposed subdivision (g)(3)(A) changed the request for a hearing before the Board from "30 calendar days" to "30 business days" for clarity on the timeframe and to allow the course provider additional time to prepare for the hearing with the Board.

Underlying Data:

- Assembly Bill 1174 (Bocanegra, Chapter 662, Statutes of 2014).
- Minutes: DHCC Educational Subcommittee Meeting, May 2, 2015.
- Minutes: DHBC Full Board Teleconference, January 29, 2019.
- Office of Statewide Health Planning and Development Health Workforce Pilot Project # 172 Training Protocols.

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 has determined that this regulatory action will have a minor positive impact on the creation of jobs, creation of new businesses, and expansion of businesses currently operating in the State of California. Specifically, providers will benefit from the additional duties of RDM and ITR by RDHs because they will be able to offer additional courses in RDM and ITR to the RDH community. There may also be an increase in demand for RDHs educated in RDM and ITR duties.

Economic Impact Assessment:

This regulatory proposal will have the following effects:

This regulation would allow RDHs to be educated in the optional additional duties of RDM and ITR. The cost to individual RDHs is also optional and at the discretion of the educational course provider as to their individual course charges.

The Board has determined that this regulatory action will have a minor positive impact on the creation of jobs, creation of new businesses, and expansion of businesses currently operating in the State of California, and will not eliminate existing jobs or businesses. Specifically, providers will benefit from the additional duties of RDM and ITR by RDHs because they will be able to offer additional courses in RDM and ITR to the RDH community. There may also be an increase in demand for RDHs educated in RDM and ITR duties. Consequently, this could create jobs and businesses, as well as expand existing businesses.

This regulatory proposal will positively affect the welfare of the public in California in need of dental care by giving them the option for ITR, thereby providing stabilization of the tooth and relief of pain and discomfort until the patient may be attended to by a dentist for permanent therapy. Additionally, the ability of taking radiographs (RDM) utilizing the protocols established by the supervising dentist, allows expedited entry into the dental care system and provides the supervising dentist the needed tools (radiographs) to make a diagnosis and treatment plan for the patient.

This regulatory proposal would not affect worker safety because this proposal does not involve worker safety issues. The proposed regulation only establishes a regulation for RDM and ITR educational course approvals.

This regulatory proposal will not affect the state's environment because this proposed regulation does not involve environmental issues. The proposed regulation only establishes a regulation for RDM and ITR educational course approvals.

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 by the Board as BPC section 1910.5(c) mandates: "No later than January 1, 2018, the hygiene board shall adopt regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental hygienist and registered dental hygienist in alternative practice pursuant to sections 1910.5 and 1926.05, using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Health Planning and Development." Therefore, in order to adhere to section 1910.5, the Board must adopt a regulation to establish requirements for courses of instruction in RDM and ITR for RDHs.
2. Adopt the proposed regulation: The Board determined that this alternative is the most feasible because it establishes a regulation, including a simplified application process, for courses of instruction in RDM and ITR. Without this regulation, the Board would not be in compliance with the statutory requirements of BPC section 1910.5.