



**Title 16, Division 11, Article 3, Section 1107  
Dental Hygiene Board of California**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING**

**RDH Course in Local Anesthesia, Nitrous Oxide-Oxygen Analgesia  
and Periodontal Soft Tissue Curettage, § 1107**

**California Code of Regulations**

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on September 28, 2020.

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

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

**AUTHORITY AND REFERENCE:**

Pursuant to the authority vested by Sections 1905, 1906, 1909, and 1944 of the Business and Professions Code (BPC), and to implement, interpret or make specific Sections 1905, 1909, 1917, and 1944 of the BPC, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC sections 1905 and 1906 authorize the Board to adopt, amend, and revoke regulations to implement the statutory requirements of Article 9 of Chapter 4, BPC sections 1900 through 1966.6, regarding dental hygienists. The Board, a constituent agency within the Department of Consumer Affairs (DCA), regulates registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, regulating and approving RDH educational programs, and monitoring licensees placed on disciplinary probation by the Board.

This proposal would amend the language and requirements for a Registered Dental Hygienist course in Periodontal Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN). The proposal is as follows:

- **Amend Section 1107 to Title 16 of the California Code of Regulations.**

BPC section 1909(b) requires an RDH to provide evidence satisfactory to the Board of completion of a course of soft tissue curettage, administration of local anesthesia, and administration of nitrous oxide and oxygen.

Existing law sets forth the criteria for the Board's approval of educational courses of instruction in local anesthesia, nitrous oxide-oxygen analgesia, and periodontal soft tissue curettage. Section 1107 prescribes the required form for applicants to submit for approval of a course of instruction and the biennial reports approved courses are required to submit to the Board. Section 1107 also prescribes specific curriculum content for local anesthetic agents, nitrous oxide oxygen analgesia, and periodontal soft tissue curettage.

The Board proposes to amend section 1107: (1) to clarify the types of injections required by the Board for education for local anesthesia for the RDH; (2) to update the regulation to be consistent with current educational terminology; (3) to clarify the period of time for the beginning and end of administration of nitrous oxide-oxygen analgesia required for RDH clinical instruction; (4) to incorporate updated forms for approval of educational courses and required biennial report; (5) to replace the term "pre-clinical" with "preclinical" for consistency within the regulation; (6) to update titles and revision dates on forms incorporated by reference (SLN-01 (9-2019), SLN-02 (10-2019), and SLN-03 (9-2019)); and (7) to replace the term "Committee" with "Board" as the Board is now the Dental Hygiene Board of California as a result of Senate Bill 1482 (Hill, Chapter 858, Statutes of 2018).

### **Anticipated Benefits of the Proposed Amended Regulation:**

The proposed amendments to section 1107 would enhance clarity for educational providers by updating inconsistent language, updating forms, and identifying the types of injections required to be taught in SLN educational courses. The proposal will also enhance public safety by ensuring competency of RDHs providing injections to their patients.

### **Determination of Inconsistency and Incompatibility with Existing State Regulations:**

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

### **FORMS INCORPORATED BY REFERENCE**

- SLN-01 - Application for Approval of a Course in Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) (09/2019)
- SLN-02 - Certification in Administration of Local Anesthesia, Nitrous Oxide-Oxygen Analgesia, And Performance Of Periodontal Soft Tissue Curettage (10/2019)
- SLN-03 - Periodontal Soft Tissue Curettage, Local Anesthesia, and Nitrous Oxide-Oxygen Analgesia (SLN) Course Provider Biennial Report (09/2019)

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

#### **FISCAL IMPACT ESTIMATES**

The Board has made the following initial determinations:

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

**Nondiscretionary Costs/Savings to Local Agencies:** None

**Local Mandate:** None

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

#### **Business Impact**

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

There is no business impact because the proposed amendments to the regulation clarify the title of the Board, provide consistency of language within the regulation, update forms, change clinical instruction to coincide with current local anesthesia requirements, and clarify the time required to provide nitrous oxide-oxygen analgesia for clinical educational requirements.

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

**Significant Effect on Housing Costs:** None

### **Business Reporting Requirement**

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

### **Results of the Economic Impact Analysis/Assessment**

**Impact on Jobs/Businesses:** The Board has determined that this regulatory action will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the State of California because the proposed amendments to the regulation clarify the title of the Board, provide consistency of language within the regulation, update forms, change clinical instruction to coincide with current local anesthesia requirements, and clarify the time required to provide nitrous oxide-oxygen analgesia for clinical educational requirements.

**Benefits of the Proposed Action:** This regulatory proposal will benefit the health and safety of California residents because the proposed amendments would help to ensure all newly licensed RDHs are trained uniformly in local anesthesia and nitrous oxide-oxygen analgesia techniques. This will ensure that California residents are treated safely.

The Board anticipates that this regulatory action will not have any monetary effect because the proposed amendments to the regulation clarify the title of the Board, provide consistency of language within the regulation, update forms, change clinical instruction to coincide with current local anesthesia requirements, and clarify the time required to provide nitrous oxide-oxygen analgesia for clinical educational requirements. This regulatory proposal would not affect worker safety because the proposed amendments to the regulation clarify the title of the Board, provide consistency of language within the regulation, update forms, change clinical instruction to coincide with current local anesthesia requirements, and clarify the time required to provide nitrous oxide-oxygen analgesia for clinical educational requirements.

Effect on Small Business: The Board has determined that this regulatory action would not affect small businesses because the proposed amendments to the regulation clarify the title of the Board, provide consistency of language within the regulation, update forms, change clinical instruction to coincide with current local anesthesia requirements, and clarify the time required to provide nitrous oxide-oxygen analgesia for clinical educational requirements.

## **CONSIDERATION OF ALTERNATIVES**

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

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

## **CONTACT PERSONS**

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

Dental Hygiene Board of California  
Attn: Adina A. Pineschi-Petty DDS  
2005 Evergreen St, Ste. 2050  
Sacramento, CA 95815  
Phone: 916-576-5002  
Email: [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov)

### **Backup Contact Person:**

Attn: Anthony Lum  
2005 Evergreen St, Ste. 2050  
Sacramento, CA 95815  
Phone: 916-576-5004  
Email: [anthony.lum@dca.ca.gov](mailto:anthony.lum@dca.ca.gov)

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

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

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

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

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

## **AVAILABILITY OF FINAL STATEMENT OF REASONS**

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

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

## **TEXT OF THE PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 2050, Sacramento, California 95815, or by accessing the Board's website at [www.dhbc.ca.gov](http://www.dhbc.ca.gov).

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Actions the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at [www.dhbc.ca.gov](http://www.dhbc.ca.gov).