



Monday, December 6, 2010

**Dental Hygiene Committee of California
Agenda**

Agenda Item 3

Approval of September 27, 2010, Minutes



Dental Hygiene Committee of California
Legislation and Regulatory Subcommittee Meeting

Department of Consumer Affairs
2005 Evergreen Street
Sacramento, CA 95815

September 27, 2010

Minutes - DRAFT

1. *Roll Call/Establishment of Quorum*

Members Present

Alex Calero, Acting Chair
Michelle Hurlbutt, RDH
Miriam DeLaRoi, RDHAP

Staff Present

Lori Hubble, Executive Officer
Tom Jurach
Shirley Moody
Dennis Patzer

Mr. Calero is the chairperson in the absence of Andrew Wong, chair and Ms. Hurlbutt is sitting on the subcommittee in Andrew Wong's absence. Mr. Calero called roll and established a quorum. The meeting began at 4:00 p.m.

2. *Public Comment*

There was no public comment.

3. *Approval of March 22, 2010 minutes*

M/s/c (DeLaRoi/Hurlbutt) to adopt minutes from March 22, 2010 for the Legislative and Regulatory subcommittee with modification. Mr. Calero identified a typo to the footer where the incorrect subcommittee is listed. Motion passed unanimously.

4. *Legislative Update*

AB1235 Healing arts: peer review – Mr. Calero updated: This bill has been enrolled and no need for subcommittee to take a position. The subcommittee asked stay to research the impact, if any, that this new law will have on dental hygienists. Staff to provide the subcommittee with the results of this research at a future meeting.

AB1310 Healing arts: database – Mr. Calero updated: Subcommittee supports this bill. This bill is effectively dead.

AB2699 Healing arts: database – Mr. Calero updated: Current status is that the bill has been chaptered. Katie Dawson explained that the bill was chaptered on Friday, 09/24/2010. John Perry, Legislative and Policy Review, DCA, explained

this bill provided for licensees to help in the event of an emergency in their area of specialization or in the general capacity of a non-specialist.

SB294 Regulatory boards: operations – Mr. Calero updated: Current status is enrolled.

SB700 Healing arts: peer review – Mr. Calero updated: Current status is enrolled. Ms. Stevens reported that this bill would affect hygienists working in healthcare facilities and the DHCC may want to follow it. The subcommittee asked stay to research the impact that this new law will have on dental hygienists. Staff to provide the subcommittee with the results of this research at a future meeting.

Mr. Calero invited Mr. Perry to comment on other bills if he wished. Mr. Perry declined.

Mr. Calero reported on a few bills requiring an update from the March subcommittee meeting. AB583 Health Professionals and Disclosure of Education and Office Hours. DHCC has taken a watch position on the bill and it has been enrolled. SB389 Retroactive Fingerprinting for Existing Licensees. The bill is dead. Subcommittee asked that we watch this bill. SB638 Board Operations. This bill is dead. It failed to pass out of the first Senate Committee meeting.

5. *Proposed Legislation Regarding Clean Up of Senate Bill 853*

Mr. Calero reported that SB 853 is the bill that created the Dental Hygiene Committee of California on July 1, 2009. He recommended that an ad hoc committee be created to follow up the revisions, deletions, et al. Ms. Hubble reported that the DHCC has a timeline and must move accordingly. Ms. Hurlbutt addressed the letter from Perata explaining that the DHCC is not under the Dental Board of California and that it was never the intent of the legislation. Perata also acknowledged that some old language from the Committee on Dental Auxiliaries (COMDA) was entered into the bill and should be removed. Ms. Dawson would like to see information about the status of the clean-up language on the DHCC's web site. She expressed that we have national exposure and many other organizations are watching DHCC's lead. JoAnn Galliano stated that when the DHCC regulations move ahead, it will be clear that the DHCC is an autonomous entity.

6. *Proposed Fingerprint Regulations*

Mr. Calero presented the draft language for the fingerprinting regulations. Ms. Hurlbutt noted that the wording of "Article 2." Should be adjusted to correctly read "Article 7." It was also noted that the subcommittee recommended to insert the date of April 1, 2011 in the (INSERT DATE) area and to add the word electronic in the first sentence where it states "shall furnish a full set of *electronic* fingerprints for the purpose of....."

M/s/c (DeLaRoi/Hurlbutt) to accept this language with changes and move it on to the full committee. Motion passed unanimously.

7. *Proposed Dental Hygiene Regulations Implementing Senate Bill SB 853.*

SB 853 had a provision that allowed the DHCC to comply with Dental Board regulations until regulations could be adopted by the DHCC. The regulatory

language contained in the meeting packet under LEG 7 will do that. Mr. Calero turned the chair over to Ms. Hurlbutt who stated, in interest of time, she wished to accept comments article-by-article. She also pointed out that the entire regulations will be new and the existing strike-thru and underlining is to aid in reading – not to identify existing language as no existing language currently exists. Discussion ensued regarding the verbiage thus far drafted.

There being no further business, the subcommittee meeting adjourned 5:19 p.m.

DRAFT



Monday, December 6, 2010

**Dental Hygiene Committee of California
Agenda**

Agenda Item 5

Legislative Calendar



MEMORANDUM

DATE	December 5, 2010
TO	DHCC Subcommittee Members
FROM	Traci Napper, Legislation and Regulations Analyst Dental Hygiene Committee of California
SUBJECT	LEG 5 – Legislative Calendar

The 2011-2012 Legislative Calendar is not available at this time.



Monday, December 6, 2010

**Dental Hygiene Committee of California
Agenda**

Agenda Item 6

California Regulatory Notice Register Schedule



MEMORANDUM

DATE	December 5, 2010
TO	DHCC Subcommittee Members
FROM	Traci Napper, Legislation and Regulations Analyst Dental Hygiene Committee of California
SUBJECT	LEG 6 – California Regulatory Notice Register Schedule

California Regulatory Notice Register Schedule provide for informational only.

**CALIFORNIA REGULATORY NOTICE REGISTER
PUBLICATION SCHEDULE
2010**

<i>Date to OAL</i>	<i>Publication Date</i>	<i>Minimum 45-day comment period/public hearing deadline</i>
January 5, 2010	January 15, 2010	March 1, 2010
January 12, 2010	January 22, 2010	March 8, 2010
January 19, 2010	January 29, 2010	March 15, 2010
January 26, 2010	February 5, 2010	March 22, 2010
February 2, 2010	February 12, 2010	March 29, 2010
February 9, 2010	February 19, 2010	April 5, 2010
February 16, 2010	February 26, 2010	April 12, 2010
February 23, 2010	March 5, 2010	April 19, 2010
March 2, 2010	March 12, 2010	April 26, 2010
March 9, 2010	March 19, 2010	May 3, 2010
March 16, 2010	March 26, 2010	May 10, 2010
March 23, 2010	April 2, 2010	May 17, 2010
March 30, 2010	April 9, 2010	May 24, 2010
April 6, 2010	April 16, 2010	May 31, 2010
April 13, 2010	April 23, 2010	June 7, 2010
April 20, 2010	April 30, 2010	June 14, 2010
April 27, 2010	May 7, 2010	June 21, 2010
May 4, 2010	May 14, 2010	June 28, 2010
May 11, 2010	May 21, 2010	July 5, 2010
May 18, 2010	May 28, 2010	July 12, 2010
May 25, 2010	June 4, 2010	July 19, 2010
June 1, 2010	June 11, 2010	July 26, 2010
June 8, 2010	June 18, 2010	August 2, 2010
June 15, 2010	June 25, 2010	August 9, 2010
June 22, 2010	July 2, 2010	August 16, 2010
June 29, 2010	July 9, 2010	August 23, 2010
July 6, 2010	July 16, 2010	August 30, 2010
July 13, 2010	July 23, 2010	September 6, 2010
July 20, 2010	July 30, 2010	September 13, 2010
July 27, 2010	August 6, 2010	September 20, 2010
August 3, 2010	August 13, 2010	September 27, 2010
August 10, 2010	August 20, 2010	October 4, 2010
August 17, 2010	August 27, 2010	October 11, 2010
August 24, 2010	September 3, 2010	October 18, 2010
August 31, 2010	September 10, 2010	October 25, 2010
September 7, 2010	September 17, 2010	November 1, 2010
September 14, 2010	September 24, 2010	November 8, 2010

September 21, 2010	October 1, 2010	November 15, 2010
September 28, 2010	October 8, 2010	November 22, 2010
October 5, 2010	October 15, 2010	November 29, 2010
October 12, 2010	October 22, 2010	December 6, 2010
October 19, 2010	October 29, 2010	December 13, 2010
October 26, 2010	November 5, 2010	December 20, 2010
November 2, 2010	November 12, 2010	December 27, 2010
November 9, 2010	November 19, 2010	January 3, 2011
November 16, 2010	November 26, 2010	January 10, 2011
November 23, 2010	December 3, 2010	January 17, 2011
November 30, 2010	December 10, 2010	January 24, 2011
December 7, 2010	December 17, 2010	January 31, 2011
December 14, 2010	December 24, 2010	February 7, 2011
December 21, 2010	December 31, 2010	February 14, 2011
December 28, 2010	January 7, 2011	February 21, 2011
January 4, 2011	January 14, 2011	February 28, 2011
January 11, 2011	January 21, 2011	March 7, 2011
January 18, 2011	January 28, 2011	March 14, 2011
January 25, 2011	February 4, 2011	March 21, 2011
February 1, 2011	February 11, 2011	March 28, 2011
February 8, 2011	February 18, 2011	April 4, 2011
February 15, 2011	February 25, 2011	April 11, 2011
February 22, 2011	March 4, 2011	April 18, 2011
March 1, 2011	March 11, 2011	April 25, 2011
March 8, 2011	March 18, 2011	May 2, 2011
March 15, 2011	March 25, 2011	May 9, 2011
March 22, 2011	April 1, 2011	May 16, 2011
March 29, 2011	April 8, 2011	May 23, 2011



Monday, December 6, 2010

**Dental Hygiene Committee of California
Agenda**

Agenda Item 7

Report on End of 2 Year
Legislative Session Summary



MEMORANDUM

DATE	December 5, 2010
TO	DHCC Legislative and Regulatory Subcommittee Members
FROM	Traci Napper, Legislation and Regulations Analyst Dental Hygiene Committee of California
SUBJECT	LEG 7 – Report on End of 2 Year Legislative Session Summary

Attached a report of the legislative bills related to dental hygiene, dentistry and healing arts boards for the 2009-2010 legislative session.



DHCC

Dental Hygiene
Committee
of California

**SUMMARY OF LEGISLATIVE BILLS
FOR THE
2009-2010 SESSION**

SUMMARY OF LEGISLATIVE BILLS FOR THE 2009-2010 SESSION

Complied by:

Dental Hygiene Committee of California
2005 Evergreen Street, Ste. 1050
Sacramento, CA 95815
(916) 263-1978

Committee Officers

Rhona Lee, President
Michelle Hurlbutt, Vice President
Alex Calero, Secretary

Committee Members

Rita Chen Fujisawa, Public Member
Miriam DeLaRoi, RDHAP
Cathy DiFrancesco, RDH
Andrew Wong, Public Member

Executive Officer

Lori Hubble

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BILLS: VETO OR DEAD 2009/2010

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SIGNED BILL SUMMARIES

AB171

Author: Jones

Sponsor:..... Western Center on Law and Poverty

Status: Chaptered 10/11/2009

Dental Services: Credit

AB 171, prohibits a dentist, or an employee of a dentist, from arranging for credit extended from arranging for credit extended from a third party for a patient without providing a written notice and a written treatment plan. This bill prohibits the dentist or dentist's employees, from arranging for credit while a patient has been administered or is under the influence of general anesthesia, conscious sedation, or nitrous oxide. The bill also prohibits a dentist, or employee, from charging for treatment not yet provided or for costs not yet incurred regarding the treatment and services that are to be rendered and ensured that the patient receives the treatment plan. Dentists are required to refund the creditor any payment for any treatment that has not been rendered within 15 business days of the patient's request. A person who willfully violates the provisions of this bill is subject to specified civil liability. Because a willful violation of these requirements would be a crime, the bill imposes a state-mandated local program. This bill provides that no reimbursement is required by this act for a specified reason.

AB 403

Author: Fuller

Sponsor: California Dental Hygienist Association

Status: Chaptered 08/06/2009

Dental Hygienists: Examination and Licensure

AB 403, provides that satisfactory performance on the state clinical examination, or satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical dental hygiene examination approved by the Dental Hygiene Committee of California satisfies the clinical examination requirement for licensure as a dental hygienist. The bill also provides that satisfactory completion of the National Dental Hygiene Board of examination satisfies the national testing examination requirement for licensure as a dental hygienist.

AB 583

Author: Hayashi

Sponsored: The California Medical Association and the California Society of Plastic Surgeons

Status: Chaptered 09/29/2010

Health Care Practitioners: Disclosure of Education

AB 583, requires health care practitioners to disclose the type of license and the highest level of academic degree he or she holds either in a prominent display in their office or in writing, in a specified format given to a patient on his or her initial office visit. The bill requires a physician and surgeon and an osteopathic physician and surgeon, who are certified in a medical specialty, to also disclose, in either of those manners the name of the certifying board or association. The bill exempts specified health care practitioners, including persons working in certain licensed laboratories and health care facilities from these requirements

AB 667

Author: Block

Sponsor: California Dental Association

Status: Chaptered 08/06/2009

Topical Fluoride: Application

AB 667, specifies that services that are provided to elementary or postsecondary pupils specifically include fluoride varnish in the topical applications that may be used and allow application by any person, including a dental assistant to apply topical fluoride including fluoride varnish, to the teeth of a person being served in a public health setting or program that is created or administered by a state or local governmental entity, a specified. It requires, with respect to services to which the bill applies, that they be provided in accordance with a prescription and protocol issued and established by a physician or dentist.

AB 1116

Author: Carters

Sponsor: Carters

Status: Chaptered 10/11/2009

Cosmetic Surgery

AB 1116 enacted the Donda West Law, which prohibits the performance of an elective cosmetic surgery procedure on a patient unless, within 30 days prior to the procedure, the patient has received an appropriate physical examination and has received written clearance for the procedure from, a licensed physician and surgeon, a certified nurse practitioner, or a licensed physician assistant as specified, or as applied to an elective facial cosmetic surgery procedure, a licensed dentist or licensed physician and surgeon. The bill required the physical examination to include the taking of an appropriate medical history, to be confirmed on the day of the procedure. The bill provides that a violation of these provisions would not constitute a crime.

AB 1524

Author: Hayashi

Sponsored: Dental Board of California

Status: Vetoed 09/30/10

Healing arts: peer review

AB 1524 abolishes the clinical and written examination administered by the Dental Board of California and replaces the examination with a portfolio examination of an applicant's competence to enter the practice of dentistry. The portfolio examination is conducted while the applicant is enrolled in a dental school program at a California board-approved dental school. The bill requires this examination to utilize uniform standards of clinical experiences and competencies, as approved by the board. At the end of that dental school program, the bill requires the passage of a final assessment of the applicant's portfolio, subject to certification by his or her dean and payment of a \$350 fee. The Board is required to adopt regulations to implement the portfolio examination before it may be conducted. The Board is required to provide specified notice on its Internet Website and to the Legislature and the Legislative Counsel when the regulations have been adopted. The Board is required to oversee the portfolio examination and final assessment process, and to biennially review each dental school with regard to the standardization of the portfolio examination. The bill specifies examination standards. The Board is required to review the examination to ensure compliance with department's jurisdiction by December 1, 2016. The bill provides that the examination shall cease to be an option for applicants if the Board determines the examination fails to meet those requirements. The bill requires the board to submit its review and certification or determination to the Legislation and the department, by December 1, 2016.

AB 1659

Author: Huber

Sponsored: Huber

Status: Chaptered 09/30/2010

State Government: Agency Repeals

AB 1659, creates the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every “eligible agency, “ as defined, to determine if the agency is still necessary and cost effective. The bill defines and “eligible agency” as an entity of state government, however denominated, for which a date for repeal has been established by statute on or after January 1, 2011. The bill requires each eligible agency scheduled for repeal to submit a report to the committee containing specified information. The bill requires the committee to take public testimony and evaluate the eligible agency prior to date the agency is scheduled to be repealed, and requires that an eligible agency be eliminated unless the Legislature enacts a law to extend, consolidate or reorganize the agency. The bill specifies that composition of the committee, to be appointed by the Senate Committee on Rules and the Speaker of the Assembly, and certain aspects of its operating procedure.

AB 2130

Author: Jones

Sponsor:..... Jones

Status: Chaptered 10/11/2009

Professions and Vocations: Sunset Review

AB 2130, abolishes the Joint Committee on Boards, Commissions, and Consumer Protection and makes other conforming changes. The bill requires the Joint Sunset Review Committee to review all eligible agencies, as specified. The bill requires the committee to evaluate and make a report on whether an agency should be terminated or its functions revised or consolidated. The bill requires that the report shall be available to the public and the Legislature Leasing Commission, the Capitol Area Committee, the Continuing Care Advisory Committee, and the California Recreational Trails Committee. The bill provides that its provisions would not become operative unless AB 1659 of the 2009-2010 Regular Session is enacted and establishes the Joint Sunset Review Committee.

AB 2699

Author: Bass

Sponsor:..... Bass

Status: Chaptered 09/24/10

Healing Arts: Licensure Exemption

AB 2699, provides and exemption, until January 1, 2014, from the licensure and regulation requirement for a health care practitioner, licensed or certified in good standing in another state or states, who offers or provides health care services for which they are licensed or certified through a sponsored event, as defined (1) to uninsured or underinsured persons, (2) on a short-term voluntary basis, (3) in association with a sponsoring entity that registers with the applicable healing arts board, and provides specified information to the county health department of the county in which the health care services will be provided, and (4) without charge to the recipient or a 3ed party on behalf of the recipient, as specified. The bill also requires an exempt health care practitioner to obtain prior authorization to provide these services from the applicable licensing board, and to satisfy other specified requirements, including payment of a fee as determined by the applicable licensing board. The bill requires the applicable licensing board to notify the sponsoring entity, of the sponsored event whether the board approves or denies a request for authorization to provide these services within 20 days of receipt of the request. The bill prohibits a contract of liability insurance issued amended, or renewed on or after January 1, 2011, from excluding coverage of these practitioners or a sponsoring entity for providing care under these provisions.

SB 294

Author: Negrete- McLeod

Sponsor:..... Negrete-McLeod

Status: Chaptered 09/30/2010

Professions and Vocations: Regulations

SB 294, sponsored by the author specifies that the provisions relating to the California Board of Occupational Therapy become inoperative and be repealed on January 1 , 2014, and the provisions concerning the Physician Assistant Committee of the Medical Board of California become inoperative and be repealed on January 1, 2013. The bill specifies that the provisions related to the Medical Board of California , the State Board of Optometry, and the Respiratory Care Board of California are repealed on January 1, 2014. The bill specifies that the provisions related to the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board and the Board Psychology are repealed on January 1, 2014. The bill specifies that the provisions related to the Acupuncture Board and the Board of Behavioral Sciences are repealed January 1, 2013. The bill specifies that the provisions related to the Board of Registered Nursing are repealed on January 1, 2012. The bill specifies that the provisions related to the Naturopathic Medicine Committee within the Osteopathic Medical Board of California are repealed January 1, 2014. The bill specifies that the provisions related to the California Board of Accountancy, the California Architects Board,, the Landscape Architects Technical Committee, Professional Fiduciaries Bureau, the Board of Professional Engineers and Land Surveyors, and the State Board of Guide Dogs for the Blind are inoperative and repealed on January 1, 2012. The bill authorizes the California Architects Board to implement and intern development program until July 1, 2012. This bill specifies that the provisions related to the Department of Pesticide Regulations a Structural Pest Control Board are inoperative and repealed on January 1, 2015. The bill specifies that the provisions related to the Board of Barbering and Cosmetology are repealed on January 1, 2014. The bill specifies that the provisions related to the Court Reporters Board of California are repealed on January 1, 2013. The bill specifies that the provisions related to the State Athletic Commission are repealed on January 1, 2012. The bill specifies that the California Private Postsecondary Education Act of 2009 is repealed on January 1, 2015.

SB 442

Author: Ducheny

Sponsor: California Family Health Council, California Primary Care Association
Planned Parenthood Affiliates of California

Status: Chaptered 09/29/2010

Clinic Corporation: Licensing

SB 442, defines a “clinic corporation” as a nonprofit organization that operates one or more primary care clinics or mobile health care units. This bill allows a clinic corporation, on behalf of an eligible primary care clinic, to submit an affiliate clinic application, to license a primary care clinic or a mobile health care unit as an affiliate clinic if certain conditions are met. The bill designates the clinic corporation as the administrative headquarters for specified purposes for all of the affiliated clinics operated by the clinic corporation and allow the clinic corporation to submit a single report of change and a single payment for all clinic license renewal fees that are due within the same license renewal month for all of the primary care clinics operated by the clinic corporation.

SB 599

Author: Negrete-McLeod

Sponsor:..... Negrete-McLeod

Status: Chaptered 11/02/2009

Workforce Development

SB 599, requires the successor agency to the former Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to transmit any available data regarding school performance it receives from any schools under its jurisdiction to the California Postsecondary Education Commission.

This bill for purposes of disbursing economic recovery funds recently made available as part of the American Recovery and Reinvestment Act investment boards to work directly with institutions of higher education and other training providers approved by state or federal agencies, including private postsecondary institutions that participate in certain federal student financial aid programs, to quickly design education and training to fit the needs of the job seekers and employers they are serving. The bill requires, for purposes of the California Workforce Investment Act and any laws governing workforce development programs provided for under the federal American Recovery and Reinvestment Act of 2009, that entrance into a registered apprenticeship program is to be considered placement into a job. Existing law creates the California Dental Corps Loan Repayment Program of 2002 in the Dental Board of California, and transferred \$3,000,000 from the State Dentistry Fund to the Dentally Underserved Account of that fund for 3 specified fiscal years, through the 2005-2006 fiscal year for purposes of the program. The program assists dentist who practice in an underserved area with loan repayment pursuant to an agreement between the board and the dentist, as specified. This bill requires the board, on or after July 1, 2010, to extend the program and distribute the money remaining in the account until July 1, 2012.

SB 630

Author: Steinberg

Sponsor:..... California Society of Plastic Surgeons

Status: Chaptered 10/11/2009

Health Care Coverage: Cleft Palate Reconstructive Surgery: Dental and Orthodontic Services

SB 630, defines reconstructive surgery, as of July 1, 2010, to include medically necessary dental or orthodontic services that are an integral part of reconstructive surgery for cleft palate procedures. Because a willful violation of this provision by a health care service plan would be a crime, the bill imposed a state mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain cost mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that no reimbursement is required by this act for a specified reason.

SB 700

Author: Negrete-McLeod

Sponsor:..... Negrete-McLeod

Status: Chaptered 09/29/2010

Healing Arts: Peer Review

SB 700, defines the term “peer review” for purposes of those provisions. This bill requires specified persons to file and “805” report with a licensing board within 15 days after a peer review body makes a decision or recommendation regarding the disciplinary action to be taken against a licentiate of that board based on the peer review body’s determination, following formal investigation, that the licentiate may have engaged in various acts including incompetence, substances, or sexual misconduct, among other things. The bill authorizes the board to inspect and copy certain documents in the record of that investigation this bill requires the board to maintain the “805” report electronically. The bill specifies that the boards have the authority report electronically. The bill specifies that the boards have the authority to also inspect, as permitted by other applicable law, any certified copy of medical records in the record of the disciplinary proceeding. Under this bill, if a court finds, in a final judgment, that the peer review resulting in the “805” report was conducted in bad faith and the licensee who is the subject of the report notifies the board of that finding the board is required to include that finding in the licensee’s central file.

SB 1172

Author: Negrete-McLeod

Sponsor:..... Negrete-McLeod

Status: Chapter 517 09/29/2010

Regulatory Boards: Diversion Programs

SB 1172, specifies individuals or entities contracting with the department or any board within the department for the provision of services relating to the treatment and rehabilitation of licentiates impaired by alcohol or dangerous drugs are required to keep records and documents related to the treatment and rehabilitation for three years. The bill also specifies that the records and documents are required to be kept confidential and are not subject to discovery or subpoena unless otherwise expressly provided by law. This bill requires a healing arts board to order a licensee to cease practice if the licensee tests positive for any prohibited substance under the terms of the licensee's probation or diversion program. This bill authorizes a healing art board to adopt regulations authorizing it to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation, as specified. The provisions of this bill do not affect the Board of Registered Nursing.

BILLS: VETO or DEAD 2009/2010

BILL	AUTHOR	SUBJECT	BILL STATUS
AB 1235	Hayashi	Healing arts: peer review	VETOED
AB 1310	Hernandez	Healing arts: database	DEAD



Monday, December 6, 2010

**Dental Hygiene Committee of California
Agenda**

Agenda Item 8

Consideration and Approval of Proposed Statutory
“Clean Up” Language for Business and Professions
Code § 1900-1966.6



MEMORANDUM

DATE	December 5, 2010
TO	DHCC Legislative and Regulatory Subcommittee Members
FROM	Traci Napper, Legislation and Regulations Analyst Dental Hygiene Committee of California
SUBJECT	LEG 8 – Consideration and Approval of Proposed Statutory “Clean Up” language for Business and Professions Code §1900-1966.6

Attached for your consideration and approval are the Business and Professions Code Section 1900-1966.6 related to DHCC. DHCC is requesting the attached “clean up” language.

BUSINESS AND PROFESSIONS CODE

SECTION 1900-1966.6

1900. It is the intent of the Legislature by enactment of this article to permit the full utilization of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions in order to meet the dental care needs of all of the state's citizens.

~~1901. There is hereby created within the jurisdiction of the Dental Board of California a Dental Hygiene Committee of California in which the administration of this article is vested. This article may be known as the "Dental Hygiene Practice Act".~~

1902. For purposes of this article, the following definitions apply:

- (a) "Committee" means the Dental Hygiene Committee of California.
- (b) "Dental board" means the Dental Board of California.
- (c) "Direct supervision" means the supervision of dental procedures based on instructions given by a licensed dentist who is required to be physically present in the treatment facility during the performance of those procedures.
- (d) "General supervision" means the supervision of dental procedures based on instructions given by a licensed dentist who is not required to be physically present in the treatment facility during the performance of those procedures.
- (e) "Oral prophylaxis" means preventive and therapeutic dental procedures that include bacterial debridements with complete removal, supra and subgingivally, of calculus, soft deposits, plaque, and stains, and the smoothing of tooth surfaces. The objective of this treatment is to create an environment in which the patient can maintain healthy hard and soft tissues.

1902.1 Protection of the public shall be the highest priority for the committee in exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

1902.2 (a) The licensee shall report upon his or her initial licensure and any subsequent application for renewal or inactive license, the practice or employment status of the licensee, designated as one of the following:

_____ (1) Full-time practice or employment in a dental or dental hygiene practice of 32 hours per week or more in California.

_____ (2) Full-time practice or employment in a dental or dental hygiene practice of 32 hours or more outside of California

_____ (3) Part-time practice or employment in a dental or dental hygiene practice for less than 32 hours per week in California.

_____ (4) Part-time practice or employment in a dental or dental hygiene practice for less than 32 hours per week outside California.

(5) Dental hygiene administrative employment that does not include direct patient care, as may be further defined by the committee.

(6) Retired.

(7) Other practice or employment status, as may be further defined by the committee.

(b) Information collected pursuant to subdivision(a) of this section shall be posted on the Internet website of the committee.

(c) (1) A licensee may report in his or her application for renewal, and the committee, as appropriate, shall collect, information regarding the licensee's cultural background and foreign language proficiency.

(2) Information collected pursuant to this subdivision shall be aggregated on an annual basis, based on categories utilized by the committee in the collection of the data, into both statewide totals and ZIP Code of primary practice or employment location totals.

(3) Aggregated information under this subdivision shall be compiled annually, and report on the internet website of the committee as appropriate, on or before July 1 of each year.

(d) It is the intent of the Legislature to utilize moneys in the State Dental Hygiene Fund to pay any cost incurred by the committee in implementing this section.

1902.3 Any person meeting all the following eligibility requirements may apply for a special permit to practice dental hygiene in this state:

(a) Furnishing satisfactory evidence of having a pending contract with a California dental hygiene college approved by the committee as a full-time professor, an associate professor, or an assistant professor.

(b) Furnishing satisfactory evidence of having graduated from a dental hygiene college approved by the committee.

(c) Furnishing satisfactory evidence of having been certified as a diplomate of a specialty committee or, in lieu thereof, establishing his or her qualifications to take a specialty committee examination or furnishing satisfactory evidence of having completed an advanced educational program in a discipline from a dental hygiene college approved by the committee.

(d) Furnishing satisfactory evidence of successfully completing an examination in California law and ethics developed and administered by the committee.

(e) Paying a fee for applications as provided by this article.

1903. (a) (1) The committee shall consist of nine members appointed by the Governor. Four shall be public members, one member shall be a practicing general or public health dentist who holds a current license in California, and four members shall be registered dental hygienists who hold current licenses in California. Of the registered dental hygienists members, one shall be licensed either in alternative practice or in extended functions, one shall be a dental hygiene educator, and two shall be registered dental hygienists. No public member shall have been licensed under this chapter within

five years of the date of his or her appointment or have any current financial interest in a dental-related business.

(2) For purposes of this subdivision, a public health dentist is a dentist whose primary employer or place of employment is in any of the following:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(b) Except for the initial term, members of the committee shall be appointed for a term of four years. All of the terms for the initial appointments shall expire on December 31, 2011.

(c) The committee shall elect a president, a vice president, and a secretary from its membership.

(d) No person shall serve as a member of the committee for more than two consecutive terms.

(e) A vacancy in the committee shall be filled by appointment to the unexpired term.

(f) Each member of the committee shall receive a per diem and expenses as provided in Section 103.

(g) The Governor shall have the power to remove any member from the committee for neglect of a duty required by law, for incompetence, or for unprofessional or dishonorable conduct.

(h) The committee, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the committee and vested in him or her by this article.

1904. The committee shall meet at least two times each calendar year and shall conduct additional meetings in appropriate locations that are necessary to transact its business.

1905. (a) The committee shall perform the following functions:

(1) Evaluate all registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions educational programs that apply for approval and grant or deny approval of those applications in accordance with regulations adopted by the committee. Any such educational programs approved by the dental board on or before June 30, 2009, shall be deemed approved by the committee. Any dental hygiene program accredited and in good standing by the Commission on Dental Accreditation ~~shall~~ may be approved.

(2) Withdraw or revoke its prior approval of a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions educational program in accordance with regulations adopted by the

committee. The committee may withdraw or revoke a dental hygiene program approval if the program has been placed on probationary status by the Commission on Dental Accreditation.

(3) Review and evaluate all registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions applications for licensure to ascertain whether the applicant meets the appropriate licensing requirements specified by statute and regulations, maintain application records, cashier application fees, issue and renew licenses, and perform any other tasks that are incidental to the application and licensure processes.

(4) Determine the appropriate type of license examination consistent with the provisions of this article, and develop or cause to be developed and administer examinations in accordance with regulations adopted by the committee.

(5) Determine the amount of fees assessed under this article, not to exceed the actual cost.

(6) Determine and enforce the continuing education requirements specified in this article.

~~(A) (i) If the committee determines that the public health and safety would be served by requiring all holders of licenses under this chapter to continue their education after receiving a license, it may require, as a condition to the renewal thereof, that a licensee submit assurances satisfactory to the committee that he or she will, during the succeeding two-year period, inform himself or herself of the developments in the practice of dental hygiene occurring since the original issuance of his or her license by pursuing one or more courses of study satisfactory to the committee or by other means deemed equivalent by the committee.~~

~~(ii) The committee shall adopt, amend, and revoke regulations providing for the suspension of a license at the end of the two-year period until compliance with the assurances provided for in this section is accomplished.~~

~~(B) The committee may also, as a condition of license renewal, require licensees to successfully complete a portion of the required continuing education hours in specific areas adopted in regulations by the committee. The committee may prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics. The mandatory coursework prescribed by the committee shall not exceed seven and one-half hours per renewal period for dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions. Any mandatory coursework required by the committee shall be credited toward the continuing education requirements established by the committee pursuant to subparagraph (A).~~

(7) Deny, suspend, or revoke a license under this article, or otherwise enforce the provisions of this article. Any such proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all of the powers granted therein.

(8) Make recommendations to the dental board regarding scope of practice issues.

(9) Adopt, amend, and revoke rules and regulations to implement the provisions of this article, including the amount of required supervision by a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist

in extended functions of a registered dental assistant.

(b) The committee may employ employees and examiners that it deems necessary to carry out its functions and responsibilities under this article.

~~1905.1. Until January 1, 2010, the committee may contract with the dental board to carry out any of the provisions of this article. On and after January 1, 2010, the committee may contract with the dental board to perform investigations of applicants and licensees under this article.~~

~~1905.2. Recommendations by the committee pursuant to this article shall be approved, modified, or rejected by the board within 90 days of submission of the recommendation to the board. If the board rejects or significantly modifies the intent or scope of the recommendation, the committee may request that the board provide its reasons in writing for rejecting or significantly modifying the recommendation, which shall be provided by the board within 30 days of the request.~~

1906. (a) The committee shall adopt, amend, and revoke regulations to implement the requirements of this article.

(b) All regulations adopted by the committee shall comply with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) No regulation adopted by the committee shall impose a requirement or a prohibition directly upon a licensed dentist or on the administration of a dental office, unless specifically authorized by this article.

(d) Unless contrary to the provisions of this article, regulations adopted by the dental board shall continue to apply to registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions until other regulations are adopted by the committee. All references in those regulations to "board" shall mean the committee, which shall solely enforce the regulations with respect to registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions.

1907. The following functions may be performed by a registered dental hygienist, in addition to those authorized pursuant to Sections 1908 to 1914 of this article, inclusive:

(a) All functions that may be performed by a registered dental assistant.

(b) All persons holding a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions as of December 31, 2005, are authorized to perform the duties of a registered dental assistant specified in this chapter. All persons issued a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions on or after January 1, 2006, shall qualify for and receive a registered dental assistant license prior to performance of the duties of a registered dental assistant specified in this chapter.

1908. (a) The practice of dental hygiene includes dental hygiene assessment and development, planning, and implementation of a dental hygiene care plan. It also includes oral health education, counseling, and health screenings.

(b) The practice of dental hygiene does not include any of the following procedures:

(1) Diagnosis and comprehensive treatment planning.

(2) Placing, condensing, carving, or removal of permanent restorations.

(3) Surgery or cutting on hard and soft tissue including, but not limited to, the removal of teeth and the cutting and suturing of soft tissue.

(4) Prescribing medication.

(5) Administering local or general anesthesia or oral or parenteral conscious sedation, except for the administration of nitrous oxide and oxygen, whether administered alone or in combination with each other, or local anesthesia pursuant to Section

1909.

1909. A registered dental hygienist is authorized to perform the following procedures under direct supervision of a licensed dentist, after submitting to the committee evidence of satisfactory completion of a course of instruction, approved by the committee, in the procedures:

(a) Soft-tissue curettage.

(b) Administration of local anesthesia.

(c) Administration of nitrous oxide and oxygen, whether administered alone or in combination with each other.

1909.1 The committee may introduce legislation for new direct supervision duties. Recommendations by the committee for new direct supervision duties pursuant to this article shall be approved, modified, or rejected by the dental board within 90 days of submission of the recommendation to the dental board. If the dental board rejects or significantly modifies the intent or scope of the recommendation, the committee may request that the dental board provide its reasons in writing for rejecting or significantly modifying the recommendation, which shall be provided by the dental board within 30 days of the request.

1909.5. Courses of instruction for direct supervision duties added to the scope of practice of dental hygiene on or after July 1, 2009, shall be submitted by the committee for approval by the dental board.

1910. A registered dental hygienist is authorized to perform the following procedures under general supervision:

(a) Preventive and therapeutic interventions, including oral prophylaxis, scaling, and root planing.

(b) Application of topical, therapeutic, and subgingival agents used for the control of caries and periodontal disease.

(c) The taking of impressions for bleaching trays and application and activation of agents with nonlaser, light-curing devices.

(d) The taking of impressions for bleaching trays and placements of in-office, tooth-whitening devices.

1911. (a) A registered dental hygienist may provide, without supervision, educational services, oral health training programs, and oral health screenings.

(b) A registered dental hygienist shall refer any screened patients with possible oral abnormalities to a dentist for a comprehensive examination, diagnosis, and treatment plan.

(c) In any public health program created by federal, state, or local law or administered by a federal, state, county, or local governmental entity, a registered dental hygienist may provide, without supervision, dental hygiene preventive services in addition to oral screenings, including, but not limited to, the application of fluorides and pit and fissure sealants. A registered dental hygienist employed as described in this subdivision may submit, or allow to be submitted, any insurance or third-party claims for patient services performed as authorized in this article.

1912. Any procedure performed or service provided by a registered dental hygienist that does not specifically require direct supervision shall require general supervision, so long as it does not give rise to a situation in the dentist's office requiring immediate services for alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable dental conditions that, if not immediately diagnosed and treated, would lead to serious disability or death.

1913. Unless otherwise specified in this chapter, a registered dental hygienist may perform any procedure or provide any service within the scope of his or her practice in any setting, so long as the procedure is performed or the service is provided under the appropriate level of supervision required by this article.

1914. A registered dental hygienist may use any material or device approved for use in the performance of a service or procedure within his or her scope of practice under the appropriate level of supervision, if he or she has the appropriate education and training required to use the material or device.

1915. No person other than a registered dental hygienist, registered dental hygienist in alternative ~~functions-practice~~, or registered dental hygienist in extended functions or a licensed dentist may engage in the practice of dental hygiene or perform dental hygiene procedures on patients, including, but not limited to, supragingival and subgingival scaling, dental hygiene assessment, periodontal record evaluation, administration of local anesthetic, nitrous oxide-oxygen analgesia and treatment planning, except for the following persons:

(a) A student enrolled in a dental or a dental hygiene school who is performing procedures as part of the regular curriculum of that program under the supervision of the faculty of that program.

- (b) A dental assistant acting in accordance with the rules of the dental board in performing the following procedures:
 - (1) Applying nonaerosol and noncaustic topical agents.
 - (2) Applying topical fluoride.
 - (3) Taking impressions for bleaching trays.
- (c) A registered dental assistant acting in accordance with the rules of the dental board in performing the following procedures:
 - (1) Polishing the coronal surfaces of teeth.
 - (2) Applying bleaching agents.
 - (3) Activating bleaching agents with a non-laser light-curing device.
 - (4) Applying pit and fissure sealant.
- (d) A registered dental assistant in extended functions acting in accordance with the rules of the dental board in applying pit and fissure sealants.
- (e) A registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions licensed in another jurisdiction, performing a clinical demonstration for educational purposes.

1916. (a) An applicant for licensure under this article shall furnish fingerprint images for submission to state and federal criminal justice agencies, including, but not limited to, the Federal Bureau of Investigation, in order to establish the identity of the applicant and for the other purposes described in this section.

~~(b) The committee shall submit the fingerprint images to the Department of Justice for the purposes of obtaining criminal offender record information regarding state and federal level convictions and arrests, including arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.~~

~~(b)(c)~~ When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate the response to the committee.

~~(c)(d)~~ The Department of Justice shall provide a response to the committee pursuant to subdivision (p) of Section 11105 of the Penal Code.

~~(d)(e)~~ The committee shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code.

~~(e)(f)~~ The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code, and to determine whether the applicant is subject to denial of licensure pursuant to Division 1.5 (commencing with Section 475) or Section ~~4628.5~~ 1943 of the Business and Professions Code.

~~(g) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.~~

1917. The committee shall grant initial licensure ~~license~~ as a registered dental hygienist to a person who satisfies all of the following requirements:

- (a) Completion of an educational program for registered dental hygienists, approved by the committee, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.
- (b) Satisfactory performance on the state clinical examination, or satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical dental hygiene examination approved by the committee.
- (c) Satisfactory completion of the National Dental Hygiene Board examination.
- (d) Satisfactory completion of the examination in California law and ethics as prescribed by the committee.
- (e) A completed application form and all fees required by the committee.
- (f) Satisfactory completion of committee-approved instruction in periodontal soft tissue curettage, administration of nitrous oxide-oxygen used as an analgesic and administration of local anesthetic agents.

1917.1. (a) The committee may grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the committee, if the applicant submits all of the following to the committee:

- (1) A completed application form and all fees required by the committee.
- (2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.
- (3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years preceding the date of his or her application under this section. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the committee a copy of a pending contract to practice dental hygiene in any of the following facilities:
 - (A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.
 - (B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.
 - (C) A clinic owned or operated by a public hospital or health system.
 - (D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.
- (4) Satisfactory performance on a California law and ethics examination and any examination that may be required by the committee.
- (5) Proof that the applicant has not been subject to disciplinary action or monitoring of any kind by any state in which he or she is or has been previously licensed as a registered dental hygienist or dentist. If the applicant has been subject to disciplinary action or monitoring of any kind, the committee shall review that action to determine if it warrants refusal to issue a license to the applicant.

- (6) Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation.
- (7) Proof of satisfactory completion of the Dental Hygiene National Board Examination and of a state or regional clinical licensure examination.
- (8) Proof that the applicant has not failed the state clinical examination, the WREB clinical examination or an approved clinical examination for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of his or her application for a license under this section.
- (9) Documentation of completion of a minimum of 25 units of continuing education earned in the two years preceding application, including completion of any continuing education requirements imposed by the committee on registered dental hygienists licensed in this state at the time of application.
- (10) Any other information as specified by the committee to the extent that it is required of applicants for licensure by examination under this article.
 - (b) The committee may periodically request verification of compliance with the requirements of paragraph (3) of subdivision (a), and may revoke the license upon a finding that the employment requirement or any other requirement of paragraph (3) of subdivision (a) has not been met.
 - (c) The committee shall provide in the application packet to each out-of-state dental hygienist pursuant to this section the following information:
 - (1) The location of dental manpower shortage areas in the state.
 - (2) Any not-for-profit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.
 - (d) The committee shall review the impact of this section on the availability of actively practicing registered dental hygienists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2012. The report shall include a separate section providing data specific to registered dental hygienists who intend to fulfill the alternative clinical practice requirements of subdivision (a). The report shall include, but shall not be limited to, the following:
 - (1) The number of applicants from other states who have sought licensure.
 - (2) The number of registered dental hygienists from other states licensed pursuant to this section, the number of licenses not granted, and the reason why the license was not granted.
 - (3) The practice location of registered dental hygienists licensed pursuant to this section. In identifying a registered dental hygienist's location of practice, the committee shall use medical service study areas or other appropriate geographic descriptions for regions of the state.
 - (4) The number of registered dental hygienists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing registered dental hygienists or no registered dental hygienists or in a safety net facility identified in paragraph (3) of subdivision (a).
 - (5) The length of time registered dental hygienists licensed pursuant to this section practiced in the reported location.

1917.2. (a) The committee shall license as a registered dental hygienist a third- or fourth-year dental student who is in good standing at an accredited California dental school and who satisfies the following requirements:

(1) Satisfactorily performs on a clinical examination and an examination in California law and ethics as prescribed by the committee.

(2) Satisfactorily completes a national written dental hygiene examination approved by the committee.

(b) A dental student who is granted a registered dental hygienist license pursuant to this section may only practice in a dental practice that serves patients who are insured under Denti-Cal, the Healthy Families Program, or other government programs, or a dental practice that has a sliding scale fee system based on income.

(c) Upon receipt of a license to practice dentistry pursuant to Section 1634, a registered dental hygienist license issued pursuant to this subdivision is automatically revoked.

(d) The dental hygienist license is granted for two years upon passage of the dental hygiene examination, without the ability for renewal.

(e) Notwithstanding subdivision (d), if a dental student fails to remain in good standing at an accredited California dental school, or fails to graduate from the dental program, a registered dental hygienist license issued pursuant to this section shall be revoked.

The student shall be responsible for submitting appropriate verifying documentation to the committee.

(f) The provisions of this section shall be reviewed pursuant to Division 1.2 (commencing with Section 473). However, the review shall be limited to the fiscal feasibility and impact on the committee.

(g) This section shall become inoperative as of January 1, 2012.

1918. The committee shall license as a registered dental hygienist in extended functions a person who meets all of the following requirements:

(a) Holds a current license as a registered dental hygienist in California.

(b) Completes clinical training approved by the committee in a facility affiliated with a dental school under the direct supervision of the dental school faculty.

(c) Performs satisfactorily on an examination required by the committee.

(d) Completes an application form and pays all fees required by the committee.

1920. (a) A person who holds a current and active license as a registered dental hygienist in extended functions or a registered dental hygienist in alternative practice on July 1, 2009, shall automatically be issued a license as a registered dental hygienist, unless the person holds a current and active registered dental hygienist license.

(b) A registered dental hygienist license issued pursuant to this section shall expire on the same date as the person's registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions license, and shall be subject to the same renewal and other requirements imposed by law or regulation on a license.

1921. In addition to any other duties or functions authorized by law, a registered dental hygienist in extended functions or a registered dental hygienist in alternative practice may perform any of the duties or functions authorized to be performed by a registered dental hygienist.

1922. The committee shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and ethics required by the committee and who meets either of the following requirements:

(a) Holds a current California license as a registered dental hygienist and meets the following requirements:

(1) Has been engaged in the practice of dental hygiene, as defined in Section 1908 of this article, as a registered dental hygienist in any setting, including, but not limited to, educational settings and public health settings, for a minimum of 2,000 hours during the immediately preceding 36 months.

(2) Has successfully completed a bachelor's degree or its equivalent from a college or institution of higher education that is accredited by a national agency recognized by the Council on Postsecondary Accreditation or the United States Department of Education, and a minimum of 150 hours of additional educational requirements, as prescribed by the committee by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Manpower Pilot Project No. 155 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

(c) Completes an application form and pays all fees required by the committee.

1924. A person licensed as a registered dental hygienist who has completed the prescribed classes through the Health Manpower Pilot Project (HMPP) and who has established an independent practice under the HMPP by June 30, 1997, shall be deemed to have satisfied the licensing requirements under Section 1922, and shall be authorized to continue to operate the practice he or she presently operates, so long as he or she follows the requirements for prescription and functions as specified in Sections 1922, 1925, 1926, 1927, 1928, 1930, and 1931, and subdivision (b) of Section 1929, and as long as he or she continues to personally practice and operate the practice or until he or she sells the practice to a licensed dentist.

1925. A registered dental hygienist in alternative practice may practice, pursuant to subdivision (a) of Section 1907, subdivision (a) of Section 1908, and subdivisions (a) and (b) of Section 1910, as an employee of a dentist or of another registered dental hygienist in alternative practice, as an independent contractor, as a sole proprietor of an alternative dental hygiene practice, as an employee of a primary care clinic or specialty clinic that is licensed pursuant to Section 1204 of the Health and Safety Code, as an

employee of a primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code, as an employee of a clinic owned or operated by a public hospital or health system, or as an employee of a clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

1926. A registered dental hygienist in alternative practice may perform the duties authorized pursuant to subdivision (a) of Section 1907, subdivision (a) of Section 1908, and subdivisions (a) and (b) of Section 1910 in the following settings:

(a) Residences of the homebound.

(b) Schools.

(c) Residential facilities and other institutions.

(d) Dental health professional shortage areas, as certified by the Office of Statewide Health Planning and Development in accordance with existing office guidelines.

1926.1 of this article. Notwithstanding any other provision of this chapter, a licensed dental hygienist in alternative practice may operate a mobile dental unit provided by his or her property and casualty insurer as a temporary substitute site for the practice registered by him or her pursuant to Section 1926.2 of this article, if both of the following requirements are met:

(a) The licensee's registered place of practice has been rendered and remains unusable due to loss or calamity.

(b) The licensee's insurer registers the unit with the committee in compliance with Section 1926.3 of this article.

1926.2 Every person who is now or hereafter licensed to practice dental hygiene in alternative practice in this state shall register on forms prescribed by the committee, his or her place of practice with the executive officer of the committee or, if he or she has more than one place of practice, all of the places of practice, or, if he or she has no place of practice, to so notify the executive officer of the committee. A person licensed by the committee shall register with the executive officer within 30 days after the date of his or her license.

1926.3 (a) A licensed dental hygienist in alternative practice may operate one mobile dental hygiene clinic or unit registered as a dental hygiene office or facility. The mobile dental hygiene clinic or unit shall be registered and operated in accordance with regulations established by the committee, provided these regulations are not designed to prevent or lessen competition in service areas. A mobile dental hygiene clinic or unit registered and operated in accordance with the committee's regulations and that has paid the fees established by the committee.

(b) A mobile service unit, as defined in subdivision (b) of Section 1765.105 of the Health and Safety Code, and a mobile unit operated by an entity that is exempt from licensure pursuant to subdivision (b), (c), or (h) of Section 1206 of the Health and Safety Code, are exempt from this article and Article 3.5 (~~commencing with Section 1658~~). Notwithstanding this exemption, the owner or operator of the mobile unit shall notify the committee within 60 days of the date on which dental hygiene services are first

delivered in the mobile unit, or the date on which the mobile unit's application pursuant to Section 1765.130 of the Health and Safety Code is approved, whichever is earlier.
(c) A licensee practicing in a mobile unit described in subdivision (b) is not subject to subdivision (a) as to that mobile unit.

1927. A registered dental hygienist in alternative practice shall not do any of the following:

- (a) Infer, purport, advertise, or imply that he or she is in any way able to provide dental services or make any type of dental health diagnosis beyond evaluating a patient's dental hygiene status, providing a dental hygiene treatment plan, and providing the associated dental hygiene services.
- (b) Hire a registered dental hygienist to provide direct patient services other than a registered dental hygienist in alternative practice.

1928. A registered dental hygienist in alternative practice may submit or allow to be submitted any insurance or third-party claims for patient services performed as authorized pursuant to this article.

1929. (a) A registered dental hygienist in alternative practice may hire other registered dental hygienists in alternative practice to assist in his or her practice.
- (b) A registered dental hygienist in alternative practice may hire and supervise dental assistants performing intraoral retraction and suctioning.

1930. A registered dental hygienist in alternative practice shall provide to the committee documentation of an existing relationship with at least one dentist for referral, consultation, and emergency services.

1931. (a) (1) A dental hygienist in alternative practice may provide services to a patient without obtaining written verification that the patient has been examined by a dentist or physician and surgeon licensed to practice in this state.
- (2) If the dental hygienist in alternative practice provides services to a patient 18 months or more after the first date that he or she provides services to a patient, he or she shall obtain written verification that the patient has been examined by a dentist or physician and surgeon licensed to practice in this state. The verification shall include a prescription for dental hygiene services as described in subdivision (b). Failure to comply with this paragraph or subdivision (b) shall be considered unprofessional conduct.
- (b) A registered dental hygienist in alternative practice may provide dental hygiene services for a patient who presents to the registered dental hygienist in alternative practice a written prescription for dental hygiene services issued by a dentist or physician and surgeon licensed to practice in this state. The prescription shall be valid for a time period based on the dentist's or physician and surgeon's professional judgment, but not to exceed two years from the date it was issued.

(c) The committee ~~shall seek~~ may take action, including but not limited to revoking, suspending, citing and fining or obtaining an injunction against any registered dental hygienist in alternative practice who provides services pursuant to this section, if the committee has reasonable cause to believe that the services are being provided to a patient who has not received a prescription for those services from a dentist or physician and surgeon licensed to practice in this state.

1932. (a) The committee may, in its sole discretion, issue a probationary license to an applicant who has satisfied all requirements for licensure as a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions. The committee may require, as a term or condition of issuing the probationary license, that the applicant comply with certain additional requirements, including, but not limited to, the following:

- (1) Successfully completing a professional competency examination.
 - (2) Submitting to a medical or psychological evaluation.
 - (3) Submitting to continuing medical or psychological treatment.
 - (4) Abstaining from the use of alcohol or drugs.
 - (5) Submitting to random fluid testing for alcohol or controlled substance abuse.
 - (6) Submitting to continuing participation in a committee-approved rehabilitation program.
 - (7) Restricting the type or circumstances of practice.
 - (8) Submitting to continuing education and coursework.
 - (9) Complying with requirements regarding notifying the committee of any change of employer or employment.
 - (10) Complying with probation monitoring.
 - (11) Complying with all laws and regulations governing the practice of dental hygiene.
 - (12) Limiting his or her practice to a supervised, structured environment in which his or her activities are supervised by a specified person.
- (b) The term of a probationary license is three years. During the term of the license, the licensee may petition the committee for a modification of a term or condition of the license or for the issuance of a license that is not probationary.
- (c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all the powers granted in that chapter.

1933. A licensee shall be issued a substitute license upon request and payment of the required fee. The request shall be accompanied by an affidavit or declaration containing satisfactory evidence of the loss or destruction of the license certificate.

1934. A licensee who changes his or her physical address of record or email address shall notify the committee within 30 days of the change. A licensee who changes his or her legal name shall provide the committee with documentation of the change within 10 days.

1935. If not renewed, a license issued under the provisions of this article, unless specifically excepted, expires at 12 midnight on the last day of the month of the legal birth date of the licensee during the second year of a two-year term. To renew an unexpired license, the licensee shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the committee and pay the renewal fee prescribed by this article.

1936. Except as otherwise provided in this article, an expired license may be renewed at any time within five years after its expiration by filing an application for renewal on a form prescribed by the committee and payment of all accrued renewal and delinquency fees. If the license is renewed after its expiration, the licensee, as a condition precedent of renewal, shall also pay the delinquency fee prescribed by this article. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect until the expiration date provided in Section 1935 that next occurs after the effective date of the renewal.

1936.1. (a) If the committee determines that the public health and safety would be served by requiring all holders of licenses under this article to continue their education after receiving a license, the committee may require, as a condition of license renewal, that licensees submit assurances satisfactory to the committee that they will, during the succeeding two-year period, inform themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the committee, or by other means deemed equivalent by the committee. The committee shall adopt, amend, and revoke regulations providing for the suspension of the licenses at the end of the two-year period until compliance with the assurances provided for in this section is accomplished.

(b) The committee may also, as a condition of license renewal, require licensees to successfully complete a portion of the required continuing education hours in specific areas adopted in regulations by the committee. The committee may prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics. The mandatory coursework prescribed by the committee shall not exceed ~~seven and one-half~~ ten hours per renewal period. Any mandatory coursework required by the committee shall be credited toward the continuing education requirements established by the committee pursuant to subdivision (a).

(c) The committee may also, as a condition of license renewal, establish a measure of continued competency as a condition of license renewal as adopted in regulations by the committee.

(d) ~~(e)~~The providers of courses referred to in this section shall be approved by the committee. Providers approved by the dental board ~~shall~~ may be deemed approved by the committee.

1937. A suspended license is subject to expiration and shall be renewed as provided in this article. The renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

1938. A revoked license is subject to expiration as provided in this article. A revoked license may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated and the delinquency fee, if any, accrued at the time of its revocation.

1939. A license that is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued. The holder of the license may apply for and obtain a new license upon meeting all of the requirements of a new applicant prescribed in this article.

1940. (a) A licensee who desires an inactive license shall submit an application to the committee on a form provided by the committee.

(b) In order to restore an inactive license to active status, the licensee shall submit an application to the committee on a form provided by the committee, accompanied by evidence that the licensee has completed the required number of hours of approved continuing education in compliance with this article within the last two years preceding the date of the application.

(c) The holder of an inactive license shall continue to pay to the committee the required biennial renewal fee.

(d) Within 30 days of receiving a request either to restore an inactive license or to inactivate a license, the committee shall inform the applicant in writing whether the application is complete and accepted for filing or is deficient and, if so, the specific information required to complete the application.

1941. It is the intent of this article that the committee grant or renew approval of only those educational programs for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions that continuously maintain a high quality standard of instruction.

1942. Extramural Facility. (a) As used in this article "extramural dental facility" means any clinical facility employed by an approved dental hygiene educational program for instruction in dental hygiene which exists outside or beyond the walls, boundaries, or precincts of the primary campus of the approved program and in which dental hygiene services are rendered.

(b) An approved dental hygiene educational program shall register extramural dental facilities with the committee. Such registration shall be accompanied by information supplied by the dental hygiene program pertaining to faculty supervision, scope of

treatment to be rendered, name and location of the facility, date operation will commence, discipline of which such instruction is a part, and a brief description of the equipment and facilities available. The foregoing information shall be supplemented with a copy of the agreement between the approved dental hygiene educational program or parent university, and the affiliated institution establishing the contractual relationship. Any change in the information initially provided to the committee shall be communicated to the committee.

(c) An approved dental hygiene educational program shall complete an application form and pay all fees required by the committee.

1943. (a) The committee may deny an application to take an examination for licensure as a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions at any time prior to licensure for any of the following reasons:

(1) The applicant committed an act that is a ground for license suspension or revocation under this code or that is a ground for the denial of licensure under Section 480.

(2) The applicant committed or aided and abetted the commission of any act for which a license is required under this chapter.

(3) Another state or territory suspended or revoked the license that it had issued to the applicant on a ground that constitutes a basis in this state for the suspension or revocation of licensure under this article.

(b) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all of the powers granted therein.

1944. (a) The committee shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the committee. The fees are subject to the following limitations:

(1) The application fee for an original license shall not exceed twenty dollars (\$20). On and after January 1, 2010, the application fee for an original license shall not exceed ~~fifty dollars (\$50)~~ two hundred fifty dollars (\$250.00)

(2) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(3) For third- and fourth-year dental students, the fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(4) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

(5) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.

(6) The biennial renewal fee shall not exceed ~~eighty dollars (\$80)~~ two hundred fifty dollars (\$250.00).

(7) The delinquency fee shall not exceed ~~twenty-five dollars (\$25)~~ or one-half of the renewal fee, ~~whichever is greater~~. Any delinquent license may be restored only upon payment of all fees, including the delinquency fee, and compliance with all other applicable requirements of this article.

(8) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall not exceed ~~twenty-five dollars (\$25)~~ or one-half of the renewal fee, whichever is greater.

(9) The fee for certification of licensure shall not exceed the renewal fee.

~~(10)(9) The fee for each curriculum review and site evaluation for educational programs for dental hygienists that are not accredited by a committee-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's office of the~~

~~California Community Colleges shall not exceed one thousand four hundred dollars (\$1,400).~~ two thousand one hundred dollars (\$2,100).

~~(11)(10) The fee for each review of courses required for licensure that are not accredited by a committee-approved agency, the Council for Private Postsecondary and Vocational Education, or the Chancellor's office of the California Community Colleges shall not exceed three hundred dollars (\$300).~~

~~(12)(11) The biennial fee for a provider of continuing education shall not exceed five hundred dollars (\$500) per year.~~

~~(13)(12) The amount of fees payable in connection with permits issued under Section 1962 is as follows:~~

(A) The initial permit fee is an amount equal to the renewal fee for the applicant's license to practice dental hygiene in effect on the last regular renewal date before the date on which the permit is issued.

(B) If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.

(b) The renewal and delinquency fees shall be fixed by the committee by resolution at not more than the current amount of the renewal fee for a license to practice under this article nor less than five dollars (\$5).

(c) Fees fixed by the committee by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the committee and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to implement the provisions of this article.

(e) No fees or charges other than those listed in this section shall be levied by the committee in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The biennial renewal fee for mobile dental hygiene unit shall not exceed two hundred fifty dollars (250.00).

(g) The fee for registration of extramural facilities shall not exceed two hundred fifty dollars (\$250.00).

~~1945. On July 1, 2009, a percentage of the funds in the State Dental Auxiliary Fund shall be transferred to the State Dental Hygiene Fund based on the number of registered dental hygienists, registered hygienists in alternative practice, and registered dental hygienists in extended functions licensed on June 30, 2009, compared to all dental auxiliaries licensed by the Committee on Dental Auxiliaries on June 30, 2009. The board's authority to expend those funds, as appropriated in the 2008 Budget Act, shall be vested in the committee to carry out the provisions of this chapter as they relate to dental hygienists for the 2008-09 fiscal year, including the payment of any encumbrances related to dental hygienists, dental hygienists in alternative practice, and dental hygienists in extended functions incurred by the State Dental Auxiliary Fund. The remainder of the funds in the State Dental Auxiliary Fund shall be transferred to the State Dental Assistant Fund pursuant to Section 1721.5.~~

1947. A license issued under this article and a license issued under this chapter to a registered dental hygienist, to a registered dental hygienist in alternative practice, or to a registered dental hygienist in extended functions may be revoked or suspended by the committee for any reason specified in this article for the suspension or revocation of a license to practice dental hygiene.

1949. A licensee may have his or her license revoked or suspended, or may be reprimanded or placed on probation by the committee for unprofessional conduct, incompetence, gross negligence, repeated acts of negligence in his or her profession, receiving a license by mistake, or for any other cause applicable to the licensee provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the committee shall have all the powers granted therein.

1950. (a) A licensee may have his or her license revoked or suspended, or may be reprimanded or placed on probation by the committee, for conviction of a crime substantially related to the licensee's qualifications, functions, or duties. The record of conviction or a copy certified by the clerk of the court or by the judge in whose court the conviction occurred shall be conclusive evidence of conviction.

(b) The committee shall undertake proceedings under this section upon the receipt of a certified copy of the record of conviction. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any misdemeanor substantially related to the licensee's qualifications, functions, or duties is deemed to be a conviction within the meaning of this section.

(c) The committee may reprimand a licensee or order a license suspended or revoked, or placed on probation or may decline to issue a license, when any of the following occur:

- (1) The time for appeal has elapsed.
- (2) The judgment of conviction has been affirmed on appeal.

(3) An order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under any provision of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing a person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

1950.5. Unprofessional conduct by a person licensed under this article is defined as, but is not limited to, any one of the following:

(a) The obtaining of any fee by fraud or misrepresentation.

(b) The aiding or abetting of any unlicensed person to practice dentistry or dental hygiene.

(c) The aiding or abetting of a licensed person to practice dentistry or dental hygiene unlawfully.

(d) The committing of any act or acts of sexual abuse, misconduct, or relations with a patient that are substantially related to the practice of dental hygiene.

(e) The use of any false, assumed, or fictitious name, either as an individual, firm, corporation, or otherwise, or any name other than the name under which he or she is licensed to practice, in advertising or in any other manner indicating that he or she is practicing or will practice dentistry, except that name as is specified in a valid permit issued pursuant to Section ~~4704.5~~ 1962.

(f) The practice of accepting or receiving any commission or the rebating in any form or manner of fees for professional services, radiogramsgraphs, prescriptions, or other services or articles supplied to patients.

(g) The making use by the licensee or any agent of the licensee of any advertising statements of a character tending to deceive or mislead the public.

(h) The advertising of either professional superiority or the advertising of performance of professional services in a superior manner. This subdivision shall not prohibit advertising permitted by subdivision (h) of Section 651.

(i) The employing or the making use of solicitors.

(j) Advertising in violation of Section 651.

(k) Advertising to guarantee any dental hygiene service, or to perform any dental hygiene procedure painlessly. This subdivision shall not prohibit advertising permitted by Section 651.

(l) The violation of any of the provisions of this division.

(m) The permitting of any person to operate dental radiographic equipment who has not met the requirements of Section 1656.

(n) The clearly excessive administering of drugs or treatment, or the clearly excessive use of treatment procedures, or the clearly excessive use of treatment facilities, as determined by the customary practice and standards of the dental hygiene profession. Any person who violates this subdivision is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) or more than six hundred dollars (\$600), or by imprisonment for a term of not less than 60 days or more than 180 days, or by both a fine and imprisonment.

- (o) The use of threats or harassment against any patient or licensee for providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of this chapter or to aid in the compliance.
- (p) Suspension or revocation of a license issued, or discipline imposed, by another state or territory on grounds that would be the basis of discipline in this state.
- (q) The alteration of a patient's record with intent to deceive.
- (r) Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental hygiene profession.
- (s) The abandonment of the patient by the licensee, without written notice to the patient that treatment is to be discontinued and before the patient has ample opportunity to secure the services of another registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions and provided the health of the patient is not jeopardized.
- (t) The willful misrepresentation of facts relating to a disciplinary action to the patients of a disciplined licensee.
- (u) Use of fraud in the procurement of any license issued pursuant to this article.
- (v) Any action or conduct that would have warranted the denial of the license.
- (w) The aiding or abetting of a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions to practice dental hygiene in a negligent or incompetent manner.
- (x) The failure to report to the committee in writing within seven days any of the following: (1) the death of his or her patient during the performance of any dental hygiene procedure; (2) the discovery of the death of a patient whose death is related to a dental hygiene procedure performed by him or her; or (3) except for a scheduled hospitalization, the removal to a hospital or emergency center for medical treatment for a period exceeding 24 hours of any patient as a result of dental or dental hygiene treatment. Upon receipt of a report pursuant to this subdivision, the committee may conduct an inspection of the dental hygiene practice office if the committee finds that it is necessary.
- (y) A registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions shall report to the committee all deaths occurring in his or her practice with a copy sent to the dental board if the death occurred while working as an employee in a dental office. A dentist shall report to the dental board all deaths occurring in his or her practice with a copy sent to the committee if the death was the result of treatment by a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions.
- (z) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the committee, thereby risking transmission of bloodborne infectious diseases from dental assistant, registered dental assistant, registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions to patient, from patient to patient, and from patient to dental assistant, registered dental assistant, registered dental hygienist, registered

dental hygienist in alternative practice, or registered dental hygienist in extended functions. In administering this subdivision, the committee shall consider referencing the standards, regulations, and guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. The committee shall review infection control guidelines, if necessary, on an annual basis and proposed changes shall be reviewed by the dental board to establish a consensus. The dental board shall submit any recommended changes to the infection control guidelines for review to establish a consensus. As necessary, the committee shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians, to encourage appropriate consistency in the implementation of this subdivision.

1951. The committee may discipline a licensee by placing him or her on probation under various terms and conditions that may include, but are not limited to, the following:

(a) Requiring the licensee to obtain additional training or pass an examination upon completion of training, or both. The examination may be a written or oral examination, or both, and may be a practical or clinical examination, or both, at the option of the committee.

(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians appointed by the committee, if warranted by the physical or mental condition of the licensee. If the committee requires the licensee to submit to an examination, the committee shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the licensee.

(d) Requiring restitution of fees to the licensee's patients or payers of services, unless restitution has already been made.

(e) Providing the option of alternative community service in lieu of all or part of a period of suspension in cases other than violations relating to quality of care.

1952. It is unprofessional conduct for a person licensed under this article to do any of the following:

(a) Obtain or possess in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, a controlled substance, as defined in Division 10 (commencing with CA Codes Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(b) Use a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or a dangerous drug as defined in Section 4022, or alcoholic beverages or other intoxicating substances, to an extent or in a manner dangerous or injurious to himself or herself, to any person, or the public to

the extent that the use impairs the licensee's ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a charge of violating any federal statute or rules, or any statute or rule of this state, regulating controlled substances, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug, as defined in Section 4022, or be convicted of more than one misdemeanor, or any felony, involving the use or consumption of alcohol or drugs, if the conviction is substantially related to the practice authorized by his or her license.

(i) The record of conviction or a copy certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of a violation of this section. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.;

(ii) The committee may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under any provision of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing a person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

1953. (a) A registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions who performs a service on a patient in a dental office shall identify himself or herself in the patient record by signing his or her name or identification number and initials next to the service performed, and shall date those treatment entries in the record.

(b) A repeated violation of this section constitutes unprofessional conduct.

1954. (a) It is unprofessional conduct for a person licensed under this article to perform, or hold himself or herself out as able to perform, professional services beyond the scope of his or her license and field of competence, as established by his or her education, experience, and training. This includes, but is not limited to, using an instrument or device in a manner that is not in accordance with the customary standards and practices of the dental hygiene profession.

(b) This section shall not apply to research conducted by accredited dental schools or dental hygiene schools, or to research conducted pursuant to an investigational device exemption issued by the United States Food and Drug Administration.

1955. (a) (1) A licensee who fails or refuses to comply with a request for a patient's dental hygiene records that is accompanied by that patient's written authorization for release of the records to the committee, within 15 days of receiving the request and authorization, shall pay to the committee a civil or administrative penalty up to a maximum of two hundred fifty dollars (\$250) per day for each day that the documents have not been produced after the 15th day, up to a maximum of five thousand dollars

(\$5,000) unless the licensee is unable to provide the documents within this time period for good cause.

(2) A health care facility shall comply with a request for the dental hygiene records of a patient that is accompanied by that patient's written authorization for release of records to the committee together with a notice citing this section and describing the penalties for failure to comply with this section. Failure to provide the authorizing patient's dental hygiene records to the committee within 30 days of receiving this request, authorization, and notice shall subject the health care facility to a civil or administrative penalty, payable to the committee, of up to a maximum of two hundred fifty dollars (\$250) per day for each day that the documents have not been produced after the 30th day, up to a maximum of five thousand dollars (\$5,000), unless the health care facility is unable to provide the documents within this time period for good cause. This paragraph shall not require health care facilities to assist the committee in obtaining the patient's authorization. The committee shall pay the reasonable cost of copying the dental hygiene records.

(b) (1) A licensee who fails or refuses to comply with a court order issued in the enforcement of a subpoena mandating the release of records to the committee shall pay to the committee a civil penalty of one thousand dollars (\$1,000) per day for each day that the documents have not been produced after the date by which the court order requires the documents to be produced, unless it is determined that the order is unlawful or invalid. Any statute of limitations applicable to the filing of an accusation by the committee shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

(2) A licensee who fails or refuses to comply with a court order issued in the enforcement of a subpoena mandating the release of records to the committee is guilty of a misdemeanor punishable by a fine payable to the committee not to exceed five thousand dollars (\$5,000). The fine shall be added to the licensee's renewal fee if it is not paid by the next succeeding renewal date. Any statute of limitations applicable to the filing of an accusation by the committee shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

(3) A health care facility that fails or refuses to comply with a court order issued in the enforcement of a subpoena mandating the release of patient records to the committee, that is accompanied by a notice citing this section and describing the penalties for failure to comply with this section, shall pay to the committee a civil penalty of up to one thousand dollars (\$1,000) per day for each day that the documents have not been produced, up to ten thousand dollars (\$10,000), after the date by which the court order requires the documents to be produced, unless it is determined that the order is unlawful or invalid. Any statute of limitations applicable to the filing of an accusation by the committee against a licensee shall be tolled during the period the health care facility is out of compliance with the court order and during any related appeals.

(4) A health care facility that fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the committee is guilty of a misdemeanor punishable by a fine payable to the committee not to exceed five thousand dollars (\$5,000). Any statute of limitations applicable to the filing of an accusation by the committee against a licensee shall be tolled during the period the

health care facility is out of compliance with the court order and during any related appeals.

(c) Multiple acts by a licensee in violation of subdivision (b) shall be punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Multiple acts by a health care facility in violation of subdivision (b) shall be punishable by a fine not to exceed five thousand dollars (\$5,000) and shall be reported to the State Department of Public Health and shall be considered as grounds for disciplinary action with respect to licensure, including suspension or revocation of the license or ~~certificate~~ permit.

(d) A failure or refusal to comply with a court order issued in the enforcement of a subpoena mandating the release of records to the committee constitutes unprofessional conduct and is grounds for suspension or revocation of his or her license.

(e) Imposition of the civil penalties authorized by this section shall be in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code).

(f) For the purposes of this section, a "health care facility" means a clinic or health care facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

1956. It is unprofessional conduct for a person licensed under this article to require, either directly or through an office policy, or knowingly permit the delivery of dental hygiene care that discourages necessary treatment, or permits clearly excessive, incompetent, unnecessary, or grossly negligent treatment, or repeated negligent acts, as determined by the standard of practice in the community.

1957. (a) A person whose license has been revoked or suspended, who has been placed on probation, or whose license was surrendered pursuant to a stipulated settlement as a condition to avoid a disciplinary administrative hearing, may petition the committee for reinstatement or modification of the penalty, including modification or termination of probation, after a period of not less than the following minimum periods have elapsed from the effective date of the decision ordering disciplinary action:

(1) At least three years for reinstatement of a license revoked for unprofessional conduct or surrendered pursuant to a stipulated settlement as a condition to avoid an administrative disciplinary hearing.

(2) At least two years for early termination, or modification of a condition, of a probation of three years or more.

(3) At least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or termination, or modification of a condition, of a probation of less than three years.

(b) The petition shall state any fact required by the committee.

(c) The petition may be heard by the committee, or the committee may assign the petition to an administrative law judge designated in Section 11371 of the Government Code.

(d) In considering reinstatement or modification or penalty, the committee or the administrative law judge hearing the petition may consider the following:

- (1) All activities of the petitioner since the disciplinary action was taken.
- (2) The offense for which the petitioner was disciplined.
- (3) The petitioner's activities during the time the license, ~~certificate~~, or permit was in good standing.
- (4) The petitioner's rehabilitative efforts, general reputation for truth, and professional ability.
- (e) The hearing may be continued from time to time as the committee or the administrative law judge as designated in Section 11371 of the Government Code finds necessary.
- (f) The committee or the administrative law judge may impose necessary terms and conditions on the licensee in reinstating a license, ~~certificate~~, or permit or modifying a penalty.
- (g) A petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole.
- (h) A petition shall not be considered while there is an accusation or petition to revoke probation pending against the person.
- (i) The committee may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section. Nothing in this section shall be deemed to alter Sections 822 and 823.

1958. A person, company, or association is guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment in a county jail not less than 10 days nor more than one year, or by a fine of not less than one hundred dollars (\$100) nor more than one thousand five hundred dollars (\$1,500), or by both that fine and imprisonment, who does any of the following:

- (a) Assumes the title of "registered dental hygienist," "registered dental hygienist in alternative practice," or "registered dental hygienist in extended functions" or appends the letters "R.D.H.," "R.D.H.A.P.," or "R.D.H.E.F." to his or her name without having had the right to assume the title conferred upon him or her through licensure.
- (b) Assumes any title, or appends any letters to his or her name, with the intent to represent falsely that he or she has received a dental hygiene degree or a license under this article.
- (c) Engages in the practice of dental hygiene without causing to be displayed in a conspicuous place in his or her office his or her license under this article to practice dental hygiene.
- (d) Within 10 days after demand is made by the executive officer of the committee, fails to furnish to the committee the name and address of all persons practicing or assisting in the practice of dental hygiene in the office of the person, company, or association, at any time within 60 days prior to the demand, together with a sworn statement showing under and by what license or authority this person, company, or association and any employees are or have been practicing or assisting in the practice of dental hygiene. This sworn statement shall not be used in any prosecution under this section.

(e) Is under the influence of alcohol or a controlled substance while engaged in the practice of dental hygiene in actual attendance on patients to an extent that impairs his or her ability to conduct the practice of dental hygiene with safety to patients and the public.

1958.1 (a) Notwithstanding any other provision of law, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, under military law, or under federal law, shall be subject to the following requirements:

(1) The committee shall deny an application by the individual for licensure pursuant to this article.

(2) If the individual is licensed under this article, the committee shall revoke the license of the individual. The committee shall not stay the revocation and place the license on probation.

(3) The committee shall not reinstate or reissue the individual's licensure under this article. The committee shall not issue a stay of license denial and place the license on probation.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the committee from exercising its discretion to discipline a licensee under other provisions of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to January 1, 2008. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition against reinstating a license to an individual who is required to register as a sex offender shall be applicable.

1959. A person who holds a valid, unrevoked, and unsuspended certificate as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions under this article may append the letters "R.D.H.," "R.D.H.A.P.," or "R.D.H.E.F.", respectively, to his or her name.

1960. For the first offense, a person is guilty of a misdemeanor and shall be punishable by a fine of not less than two hundred dollars (\$200) nor more than three thousand dollars (\$3,000), or by imprisonment in a county jail for not to exceed six months, or by both that fine and imprisonment, and for the second or a subsequent offense is guilty of a felony and upon conviction thereof shall be punished by a fine of not less than two thousand dollars (\$2,000) nor more than six thousand dollars (\$6,000), or by

imprisonment in the state prison for not to exceed [INSERT TERM], or by both that fine and imprisonment, who does any of the following:

(a) Sells or barter or offers to sell or barter a dental hygiene degree or transcript or a license issued under, or purporting to be issued under, laws regulating licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(b) Purchases or procures by barter a diploma, license, or transcript with intent that it shall be used as evidence of the holder's qualification to practice dental hygiene, or in fraud of the laws regulating the practice of dental hygiene.

(c) With fraudulent intent, makes, attempts to make, counterfeits, or materially alters a diploma, certificate, or transcript.

(d) Uses, or attempts or causes to be used, any diploma, certificate, or transcript that has been purchased, fraudulently issued, counterfeited, or materially altered or in order to procure licensure as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions.

(e) In an affidavit required of an applicant for an examination or license under this article, willfully makes a false statement in a material regard.

(f) Practices dental hygiene or offers to practice dental hygiene, as defined in this article, either without a license, or when his or her license has been revoked or suspended.

(g) Under any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name other than the name under which he or she is licensed, practices, advertises, or in any other manner indicates that he or she practices or will practice dental hygiene, except a name specified in a valid permit issued pursuant to Section 1962 of this article.

1961. A person who willfully, under circumstances that cause risk of bodily harm, serious physical or mental illness, or death, practices, attempts to practice, advertises, or holds himself or herself out as practicing dental hygiene without having at the time of so doing a valid, unrevoked, and unsuspended license as provided in this ~~chapter~~ article, is guilty of a crime, punishable by imprisonment in a county jail for up to one year. The remedy provided in this section shall not preclude any other remedy provided by law.

1962. (a) An association, partnership, corporation, or group of three or more registered dental hygienists in alternative practice engaging in practice under a name that would otherwise be in violation of Section 1960 of this article may practice under that name if the association, partnership, corporation, or group holds an unexpired, unsuspended, and unrevoked permit issued by the committee under this section.

(b) An individual registered dental hygienist in alternative practice or a pair of registered dental hygienists in alternative practice who practice dental hygiene under a name that would otherwise violate Section 1960 of this article may practice under that name if the licensees hold a valid permit issued by the committee under this section. The committee shall issue a written permit authorizing the holder to use a name specified in the permit in connection with the holder's practice if the committee finds all of the following:

- (1) The applicant or applicants are duly licensed registered dental hygienists in alternative practice.
- (2) The place where the applicant or applicants practice is owned or leased by the applicant or applicants, and the practice conducted at the place is wholly owned and entirely controlled by the applicant or applicants and is an approved area or practice setting pursuant to Section 1926 of this article.
- (3) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "dental hygiene group," "dental hygiene practice," or "dental hygiene office," contains the family name of one or more of the past, present, or prospective associates, partners, shareholders, or members of the group, and is in conformity with Section 651 of the code and not in violation of subdivisions (i) and (l) of Section ~~4680~~ 1950.5.
- (4) All licensed persons practicing at the location designated in the application hold valid licenses and no charges of unprofessional conduct are pending against any person practicing at that location.
- (c) A permit issued under this section shall expire and become invalid unless renewed in the manner provided for in this article for the renewal of ~~certificates~~ permits issued under this article.
- (d) A permit issued under this section may be revoked or suspended if the committee finds that any requirement for original issuance of a permit is no longer being fulfilled by the ~~permitholder~~ permit holder. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.
- (e) If charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a member of an association, partnership, group, or corporation to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until a final determination of the charges of unprofessional conduct, unless the charges have resulted in revocation or suspension of a license.

1963. The committee may prefer a complaint for violation of any part of this article before any court of competent jurisdiction and may, by its officers, counsel and agents, assist in presenting the law or facts at the trial. The district attorney of each county in this state shall prosecute all violations of this article in their respective counties in which the violations occur.

1964. In addition to the other proceedings provided for in this article, on application of the committee, the superior court of any county shall issue an injunction to restrain an unlicensed person from conducting the practice of dental hygiene, as defined in this article.

1965. If a person has engaged in or is about to engage in an act that constitutes an offense against this chapter, the superior court of any county, on application of 10 or more persons holding licenses to practice dental hygiene issued under this article, may issue an injunction or other appropriate order restraining that conduct. Proceedings

under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

1966. (a) It is the intent of the Legislature that the committee seek ways and means to identify and rehabilitate licensees whose competency may be impaired due to abuse of dangerous drugs or alcohol, so that licensees so afflicted may be treated and returned to the practice of dental hygiene in a manner that will not endanger the public health and safety. It is also the intent of the Legislature that the committee establish a diversion program as a voluntary alternative approach to traditional disciplinary actions.

(b) One or more diversion evaluation committees shall be established by the committee. The committee shall establish criteria for the selection of each diversion evaluation committee. Each member of a diversion evaluation committee shall receive per diem and expenses as provided in Section 103.

(c) In lieu of establishing a separate diversion program, the committee may contract with the dental board's diversion program.

1966.1. (a) The committee shall establish criteria for the acceptance, denial, or termination of licensees in a diversion program. Unless ordered by the committee as a condition of a licensee's disciplinary probation, only those licensees who have voluntarily requested diversion treatment and supervision by a diversion evaluation committee shall participate in a diversion program.

(b) A licensee who is not the subject of a current investigation may self-refer to the diversion program on a confidential basis, except as provided in subdivision (f).

(c) A licensee under current investigation by the committee may also request entry into a diversion program by contacting the committee. The committee may refer the licensee requesting participation in the program to a diversion evaluation committee for evaluation of eligibility. Prior to authorizing a licensee to enter into the diversion program, the committee may require the licensee, while under current investigation for any violations of this article or other violations, to execute a statement of understanding that states that the licensee understands that his or her violations of this article or other statutes, that would otherwise be the basis for discipline, may still be investigated and the subject of disciplinary action.

(d) If the reasons for a current investigation of a licensee are based primarily on the self-administration of any controlled substance or dangerous drugs or alcohol under Section ~~1681~~ 1951 of Business and Professions Code, or the illegal possession, prescription, or nonviolent procurement of any controlled substance or dangerous drugs for self-administration that does not involve actual, direct harm to the public, the committee shall close the investigation without further action if the licensee is accepted into the committee's diversion program and successfully completes the requirements of the program. If the licensee withdraws or is terminated from the program by a diversion evaluation committee, the investigation shall be reopened and disciplinary action imposed, if warranted, as determined by the committee.

(e) Neither acceptance nor participation in the diversion program shall preclude the committee from investigating or continuing to investigate, or taking disciplinary action or continuing to take disciplinary action against, any licensee for any unprofessional conduct committed before, during, or after participation in the diversion program.

(f) All licensees shall sign an agreement of understanding that the withdrawal or termination from the diversion program at a time when a diversion evaluation committee determines the licensee presents a threat to the public's health and safety shall result in the utilization by the committee of diversion treatment records in disciplinary or criminal proceedings.

(g) Any licensee terminated from the diversion program for failure to comply with program requirements is subject to disciplinary action by the committee for acts committed before, during, and after participation in the diversion program. A licensee who has been under investigation by the committee and has been terminated from the diversion program by a diversion evaluation committee shall be reported by the diversion evaluation committee to the committee.

1966.2. Each diversion evaluation committee shall have the following duties and responsibilities:

(a) To evaluate those licensees who request to participate in the diversion program according to the guidelines prescribed by the committee and to consider the recommendations of any licensees designated by the committee to serve as consultants on the admission of the licensee to the diversion program.

(b) To review and designate those treatment facilities to which licensees in a diversion program may be referred.

(c) To receive and review information concerning a licensee participating in the program.

(d) To consider in the case of each licensee participating in a program whether he or she may safely continue or resume the practice of dental hygiene.

(e) To perform other related duties as the committee may by regulation require.

1966.3. Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a diversion evaluation committee may convene in closed session to consider reports pertaining to any licensee requesting or participating in a diversion program. A diversion evaluation committee shall only convene in closed session to the extent that it is necessary to protect the privacy of a licensee.

1966.4. Each licensee who requests participation in a diversion program shall agree to cooperate with the treatment program designed by a diversion evaluation committee and to bear all costs related to the program, unless the cost is waived by the committee. Any failure to comply with the provisions of a treatment program may result in termination of the licensee's participation in a program.

1966.5. (a) After a diversion evaluation committee, in its discretion, has determined that a licensee has been rehabilitated and the diversion program is completed, the diversion

evaluation committee ~~shall~~ may purge and destroy all records pertaining to the licensee's participation in the diversion program.

(b) Except as authorized by subdivision (f) of Section 1966.1, all committee and diversion evaluation committee records and records of proceedings pertaining to the treatment of a licensee in a program shall be kept confidential and are not subject to discovery or subpoena.

1966.6. The committee shall provide for the representation of any person making reports to a diversion evaluation committee or the committee under this article in any action for defamation for reports or information given to the diversion evaluation committee or the committee regarding a licensee's participation in the diversion program.



Monday, December 6, 2010

**Dental Hygiene Committee of California
Agenda**

Agenda Item 9

Consideration and Approval of Proposed Dental Hygiene Regulations Implementing provisions of Business and Professions Code, Sections 1900-1966.6



MEMORANDUM

DATE	December 5, 2010
TO	DHCC Legislative and Regulatory Subcommittee Members
FROM	Traci Napper, Legislation and Regulations Analyst Dental Hygiene Committee of California
SUBJECT	LEG 9 – Consideration and Approval of Proposed Dental Hygiene Regulations Implementing provisions of Business and Professions Code §1900-1966.6

Attached for your consideration and approval are the proposed regulations Business and Professions Code (B&P Code) §1100-1147 for implementing DHCC's B & P Code section 1900-1966.6.

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§ 1108. Requirements for a Course in Local Anesthetic, Periodontal Soft Tissue Curettage and Nitrous Oxygen-Oxygen Analgesia.

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Article 12. Dental Hygiene Corporations

§ 1145. Professional Relationships, Responsibilities, and Conduct Not Affected.

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§ 1148. Shares: Ownership and Transfer

TITLE 16
California Code of Regulations
Professional and Vocational Regulations
Division 11
Dental Hygiene Committee of California

ARTICLE 1. DEFINITIONS

§1100. Definitions.

For purposes of this division:

(a) "Dental Act" means the Dental Practice Act.

(b) "Committee" or "DHCC", unless otherwise indicated, means the Dental Hygiene Committee of California.

(c) "Committee office" means the Committee office located in Sacramento, California.

(d) "Committee's Executive Officer" means the Executive Officer appointed by the Committee.

(e) "Dental Board" or "DBC" means the Dental Board of California.

(f) "Code" means the Business and Professions Code.

(g) "Licentiate" or "Licensee" means any individual or corporation licensed or registered by the Committee.

(h) "Initial licensure" means the first dental hygiene license received by any licentiate in any state or province.

(i) "Registered dental hygienist" or "RDH" means a licensed person who may perform all procedures authorized by the provisions of these regulations and in addition may perform all functions which may be performed by a dental assistant and registered dental assistant, 1907.(a)(b) of the Code, under the designated level of supervision.

(j) "Registered dental hygienist in alternative practice" or "RDHAP" means a person licensed as a registered dental hygienist who has completed post-licensure training approved by the Committee and satisfactorily performed on an examination designated by the Committee for registered dental hygienist in alternative practice applicants.

(k) "Registered dental hygienist in extended functions" or "RDHEF" means a person licensed as a registered dental hygienist who has completed post-licensure clinical and didactic training approved by the Committee and satisfactorily performed on an examination designated by the Committee for registered dental hygienist in extended functions applicants.

(l) "Dental assistant" means an unlicensed person who may perform basic supportive dental procedures specified by these regulations under the supervision of a licensed dentist.

(m) "Registered dental assistant" or "RDA" means a licensed person who may perform all procedures authorized by the provisions of these regulations and in addition may perform all functions which may be performed by a dental assistant under the designated supervision of a licensed dentist.

(n) "Registered dental assistant in extended functions" or "RDAEF" means a person licensed as a registered dental assistant who has completed post-licensure clinical and didactic training approved by the Dental Board and satisfactorily performed on an examination designated by the Dental Board for registered dental assistant in extended function applicants.

(o) "Coronal polishing" means a procedure limited to the removal of plaque on stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with rubber cup or brush and a polishing agent.

(p) "Periodontal debridement" means the process by which hard and soft deposits are removed from the supragingival and subgingival surfaces of the teeth, including the disruption of bacterial cell walls of nonadherent plaque.

(q) "Root planing" means the process of instrumentation by which removal of all residual calculus and toxic materials from the root to produce a clean, smooth tooth surface.

(r) "Periodontal scaling" means the removal of calculus and dental biofilm from the supragingival and subgingival exposed tooth surfaces.

(s) "Periodontal soft tissue curettage" means the closed removal of tissue lining the periodontal pocket, not involving the reflection of a flap.

(t) "Basic supportive dental procedures" means fundamental duties or functions which may be performed by an unlicensed dental assistant under the supervision of a licensed dentist or dental hygienist because of the technically elementary characteristics, complete reversibility and inability to precipitate potentially hazardous conditions for the patient being treated.

(u) "Gingival" means pertaining to the gingivae, the mucous membrane with the supporting fibrous tissue.

(v) "Periodontal evaluation record" means the clinical observations of the gingiva, periodontal pocket probe depths, measurement of the location of the free gingival margin/recession, calculation of attachment loss, measurement of keratinized/attached gingiva, detection of marginal and deep bleeding on probing, detection of suppuration, detection of furcation involvement, detection of fremitus and mobility, and assessment of plaque and calculus accumulations.

(w) "Assessment" means the systematic collection, analysis, and documentation of the oral and general health status and patient needs through a variety of methods, including radiographs, diagnostic tools, and instruments.

(x) "Dental hygiene diagnosis" is a component of the overall dental diagnosis. It is the identification of an existing or potential oral health problem that a dental hygienist is educationally qualified and licensed to treat. The dental hygiene diagnosis utilizes critical decision making skills to reach conclusions about the patient's dental hygiene needs based on all available assessment data.

(y) "Dental hygiene care plan" means an organized presentation or list of interventions to promote health or prevent disease of the patient's oral condition; plan is designed by the dental hygienist based on assessment data and consists of services that the dental hygienist is educated and licensed to provide.

(z) "Dental hygiene preventive services" means those services provided by the dental hygienist that prevent oral disease or pathology, promote oral health and improve the patient's quality of life.

(aa) “Dental hygiene therapeutic interventions” means specific procedure or set of procedures designed to intervene in the disease process to produce a therapeutic benefit.

(bb) “Refer” means through assessment, diagnosis, or treatment, it is determined that services are needed beyond the practitioner’s competence or area of expertise. It assumes that the patient understands and consents to the referral and that some form of evaluation will be accomplished through cooperation with professionals to whom the patient has been referred.

(cc) “Unethical practice” means an act or acts which violate the California Dental Hygienists’ Association (CDHA) and/or the American Dental Hygienists’ Association (ADHA) Code of Ethics.

(dd) “Unsupervised” or “Without supervision” means no supervision of dental procedures.

(ee) “Public health program” means any program offering any kind of oral health services that is created by federal, state, or local law or administered by a federal, state, county, or local governmental entity or foundation.

(ff) “Treatment facility” means any place where oral health services are provided.

(gg) The masculine gender includes the feminine, and the feminine, the masculine.

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

ARTICLE 2: ADMINISTRATION

§ 1101. Delegation to Committee’s Executive Officer.

(a) It shall be the duty of the Committee’s Executive Officer to plan, direct and organize the work of the staff; attend Committee meetings and hearings; consult with and make recommendations to the Committee; dictate correspondence; attend committee meetings of various organizations and associations; assist in compiling examination material; attend examinations and assist in conducting the examinations; notify applicants of their success or failure on examinations; and prepare reports and direct and supervise the field investigators concerning enforcement of the Code relating to the practice of dental hygiene.

(b) The power and discretion conferred by law upon the Committee to initiate, review and prosecute accusations and statements of issues pursuant to Sections 11500 through 11528 of the Government Code are hereby delegated to and conferred upon the Committee's Executive Officer or in the absence thereof a designee.

Note: Authority cited: Section 1903, Business and Professions Code. Reference: Sections 1905 and 1950, Business and Professions Code; and Sections 11500-11528, Government Code.

§ 1102. Rules of Order.

The most recent edition of Robert's Rules of Order shall be used for all meetings to the extent such rules are not in conflict with law.

Note: Authority cited: Section 1905, Business and Professions Code. Reference: Section 1905 Business and Professions Code.

ARTICLE 3. EDUCATIONAL PROGRAMS

§1103. Definitions.

For purposes of this division:

(a) "Academic year" means a period of education consisting of forty-five (45) quarter units, thirty (30) semester units, or a duration deemed equivalent thereto by the Committee.

(b) "Competencies" means statements describing the abilities needed to begin the practice of dental hygiene, including skills, understanding, and professional values, that are performed independently in realistic settings.

(c) "Curriculum" means an organized set of courses of learning which are prerequisite to the award of a certificate, degree or diploma.

(d) "Educational outcomes" mean intended results of a process on those who experience the process, such as new skills for those in educational programs.

(e) "Educational program" means a progressive or planned system of training, instruction or study.

(f) "Goal" means an intention or expectation that requires several tasks to produce the desired result, and generally involves the accomplishment of two or more objectives.

(g) "Institution" means any school, either within the United States or outside the United States that offers an educational program leading to a degree in dental hygiene.

(h) "Mission/purpose" means an institution's stated educational reasons to exist. The mission/purpose shall have all of the following characteristics:

(1) It shall include the institution's broad expectations concerning the education which students will receive, including the acquisition of the body of knowledge presented in the educational program, the development of intellectual, analytical, and critical abilities, and the fostering of values such as a commitment to pursue lifelong learning;

(2) It shall relate to the educational expectations of the institution's students and faculty and the community, which the institution serves.

(i) "Objectives" mean statements of the intended actions or results of an educational program and are either measurable or specific enough so that qualified individuals would agree on whether they have been met.

(j) "Outcomes assessment" means a profile of measures evaluating the effectiveness of educational programs in meeting their goals as reflected in tangible results such as student test scores.

(k) "Quarter" means at least ten (10) weeks of instruction.

(l) "Quarter unit" means at least ten (10) hours of college or university level instruction during a quarter plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects.

(m) "Term" means at least nine (9) weeks of instruction.

(n) "Term unit" means at least nine (9) hours of college or university level instruction during a term plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects.

(o) "Semester" means at least fifteen (15) weeks of instruction.

(p) "Semester unit" means at least fifteen (15) hours of college or university level instruction during a semester plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects.

(q) "Faculty member" or "qualified faculty" means a person who satisfies both of the following: The person possesses either:

(1) A credential generally recognized in the field of instruction; or

(2) A degree, professional license, or credential at least equivalent to the level of instruction being taught or evaluated.

The person has entered into an agreement with the institution whereby the person is obliged to conduct one or more of the courses in the institution's curriculum, advise and consult with individual students or facilitate and evaluate student learning outcomes and progress.

(r) "Graduate" means a dental hygiene student who has completed all required studies and has obtained a degree.

(s) "Staff" means professional, technical, and clerical employees funded by the institution to support its educational program.

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

§ 1104. Approval of RDH Educational Programs.

(a) It is the intent of this Committee to approve only those educational programs for dental hygienists which continuously maintain a high quality standard of instruction. The requirements contained in this article are designed to that end and govern the approval of educational programs for dental hygienists. Continuation of approval will be contingent upon compliance with these requirements.

(b) An educational program for registered dental hygienists is one which has as its primary purpose providing college level programs leading to an associate or higher degree, which is either affiliated with or conducted by an approved dental school, or which is accredited to offer college level or college parallel programs by the American Dental Association Commission on Dental Accreditation or an equivalent body. The educational program shall be given by a college or institution of higher education that is accredited by a regional agency recognized by the Council for Higher Education Accreditation.

(c) A new educational program for registered dental hygienists must submit a feasibility study demonstrating a need for a new educational program and apply for approval from this Committee prior to seeking approval for Initial Accreditation from the Commission

on Dental Accreditation. The Committee may approve, provisionally approve, or deny approval to any such new educational program.

§1105. Requirements for RDH Educational Programs.

An educational program for dental hygienists shall comply with the requirements set forth below in order to secure and maintain approval by the Committee.

(a) Physical Plant. The physical plant and equipment shall be maintained and replaced in a manner designed to provide students with the most modern or educationally optimal environment.

(b) Library. The library resources of an educational program for dental hygienists shall be broad enough to meet the teaching and research needs of the institution.

(c) Admission.

(1) The minimum basis for admission to an approved educational program for dental hygienists shall be the successful completion of an accredited high school course, or the recognized equivalent, which will permit entrance to an accredited college of liberal arts.

(2) An accredited college shall mean an institution approved by the Association of American Universities or by one of the regional accrediting agencies.

(3) The selection of students for admission to a educational program shall be based on estimates of their capacity for success in the study of dental hygiene as determined by evaluation of all available and significant information including information regarding background, knowledge aptitude for and interest in the study and practice of dental hygiene, and the range of subject matter and quality of their scholastic record.

(d) Instruction.

(1) Instruction upon all levels in an educational program for dental hygienists shall be conducted upon the premise that dental hygiene education must meet the test of a true university discipline and shall include lectures, laboratory experiments and exercises and clinical practice under supervision.

(2) For purposes of this section the term "university discipline" shall be interpreted as a level of instruction at least equivalent to that level of instruction represented by college courses in the basic sciences commonly offered in approved dental schools.

(e) Standards of Competency. Each school shall establish and maintain standards of competency and accomplishment of a qualitative nature, emphasizing thoroughness of didactic and laboratory requirements and precision in manual skills. Such standards shall be available to each student, and shall be used to ascertain periodic progress or achievement in the curriculum.

(f) Faculty. An educational program for dental hygienists shall employ an adequate staff of competent full-time and part-time faculty members having general education, professional training and teaching experience.

(g) Curriculum.

(1) The organization of the curriculum for dental hygienists shall be flexible, creating opportunities for adjustments to and research of, advances in the practice of dentistry and dental hygiene.

(2) The following factors should be considered in establishing and maintaining a balanced curriculum in the sense that it shall not over-emphasize any level or area of instruction:

(A) Respective contribution to the practice of dental hygiene;

(B) Effectiveness of instruction;

(C) Time necessary for student independent study.

(3) The general content of the curriculum shall include four subject areas: general education studies, biomedical sciences, dental sciences and dental hygiene sciences and practice. It shall also include didactic and laboratory instruction of those registered dental assistant duties specifically delegable by a licensed dentist to a registered dental hygienist. (The following guidelines are not to be interpreted as requiring specific courses in each, but rather as areas of instruction which shall be included in the curriculum.)

General Education

Oral communications

Written communications

Sociology

Psychology

Cultural diversity

(General education courses necessary as a foundation for the instruction of General education content shall be included in, or be a prerequisite to, the curriculum of approved RDH programs)

Biomedical Sciences

Anatomy

Physiology

Chemistry

Biochemistry

Microbiology

Immunology

General Pathology and/or Pathophysiology

Nutrition

Pharmacology

(Basic sciences necessary as a foundation for the instruction of Biomedical Sciences shall be included in, or be a prerequisite to, the curriculum of approved RDH programs)

Dental Sciences

Tooth Morphology

Head, Neck and Oral Anatomy

Oral Pathology

Oral Embryology and Histology

Radiography

Cariology

Periodontology

Pain management

Dental Materials

Dental Hygiene Sciences and Practice

Health Promotion

Patient Management

Clinical Dental Hygiene

Provision of Services for and Management of Patients with Special Needs

Provision of Oral Health Care Services to Patients with Blood-Borne Infectious Diseases

Legal and Ethical Aspects of Dental Hygiene

Oral Health Education and Preventive Counseling

Community Dental/Oral Health

Medical and Dental Emergencies

Infection and Hazard Control Management

(4) Content of the curriculum for approved dental hygiene educational programs shall specifically include instruction in:

(A) Periodontal soft tissue curettage;

(B) Administration of local anesthetic agents, infiltration and conductive, limited to the oral cavity;

(C) Administration of nitrous oxide and oxygen when used as an analgesic, utilizing fail-safe type machines containing no other general anesthetic agents; provided, however, that a graduate of a nonresident program which meets all the requirements of Section 1105 of this article and except those contained in Section 1105 (g)(4) of this article, shall be deemed to have completed an approved program if such person has successfully completed a Committee-approved course of instruction in each of the functions described in Section 1105 (g)(4) of this article which were not taught to clinical competency in the nonresident dental hygiene program.

(h) Length of Educational Program. An educational program shall be at least two academic years of full time instruction or its equivalent at the post secondary college level. The scope and depth of the curriculum must reflect the objectives and philosophy of higher education. In a two-year college setting, the graduates of the educational program must be awarded an associate degree and in a four-year college or university, the graduates must be awarded an associate degree or a baccalaureate degree.

(i) Curriculum Consultants. The Committee will hire dental hygienists with expertise in the area of dental hygiene curriculum development and new educational program development to assist in the approval process for new dental hygiene educational programs. In the event that consultants cannot be hired, the Committee may approve new educational programs that have received initial accreditation by the Commission on Dental Accreditation.

§ 1106. Radiation Safety Certificate

(a) Certificates. A certificate may be issued by an approved California dental hygiene program to their dental hygiene student or graduate who successfully completes the radiation safety course as part of the student's curriculum. The certificate shall specify the number of course hours completed. A dental hygiene student or graduate shall be deemed to have successfully completed the course if the student has met all the course

requirements and has obtained passing scores on both written and clinical examinations that includes theory and clinical application in radiographic techniques.

(b) A dental hygiene student or graduate who has received certification from an educational program approved the Committee shall be allowed to operate dental radiographic equipment for the purpose of oral radiography.

Note: Authority cited: Section 1905 Business and Professions Code. Reference: Section,1905 Business and Professions Code; and Section 106975, Health and Safety Code.

§1107. Approval of RDH Course in Local Anesthetic, Nitrous Oxide-Oxygen Analgesia and Periodontal Soft Tissue Curettage

An educational course for administration of local anesthetic, nitrous oxide-oxygen analgesia and periodontal soft tissue curettage is one which has as its primary purpose providing college level education in these duties for dental hygiene and which encompasses educational training in the settings, foundation and application of all duties, functions and responsibilities assignable under these regulations to registered dental hygienists.

The Committee shall approve only those educational courses for these duties in dental hygiene which continuously maintain a high quality standard of instruction. The requirements contained in this article are designed to that end and govern the approval of educational programs for courses in local anesthetic, nitrous oxide-oxygen analgesia and periodontal soft tissue curettage. Continuation of approval will be contingent upon compliance with these requirements.

(a) A course in local anesthetic, nitrous oxide-oxygen analgesia and periodontal soft tissue curettage is a course that provides instruction in the following duties:

(1) Periodontal soft tissue curettage,

(2) Administration of local anesthetic agents, infiltration and conductive, limited to the oral cavity, and

(3) Administration of nitrous oxide and oxygen when used as an analgesic, utilizing fail-safe type machines containing no other general anesthetic agents.

(b) An applicant shall submit an "Application for Approval of a Course in Local Anesthetic, Nitrous Oxide-Oxygen Analgesia and Periodontal Soft Tissue Curettage" hereby incorporated by reference, for approval of a new course and shall receive approval prior to operation.

(1) The Committee may approve, provisionally approve, or deny approval of this course.

(2) Provisional approval shall be limited to those courses that substantially meet all existing standards for full approval.

(3) If the Committee denies approval of a course, the committee shall provide to the applicant the specific reasons for denial in writing within ninety (90) days.

(c) The Committee may withdraw approval at any time that it determines that a course does not meet the requirements established in this section or other requirements of law.

(d) All courses shall be established at the postsecondary educational level by the

Committee.

(e) The Committee shall reevaluate the minimum length of the course one year after the effective date of this rule.

Note Authority cited: Section 1905 & 1909, Business and Professions Code. Reference: Section 1905 & 1909 Business and Professions Code.

§ 1108. Requirements for Approval of Course in Local Anesthetic, Nitrous Oxide-Oxygen Analgesia and Periodontal Soft Tissue Curettage

(a) Administration. Each course shall provide the resources necessary to accomplish education as specified in this section. The course must require students to possess valid, active licenses as registered dental hygienists and current cardiopulmonary resuscitation (CPR) certification with automated external defibrillator (AED) training in order to be eligible for admission to the course. Faculty will possess a valid, active California license for at least two (2) years prior to providing course instruction, instruct only in procedures that he or she is legally allowed to perform during clinical and pre-clinical instruction, and have education and experience within the last five (5) years in the subject being taught.

(b) Facilities and Equipment. Physical facilities and equipment shall be maintained and replaced in a manner designed to provide students with an educationally optimal environment.

(1) There shall be lecture classrooms, patient treatment areas, radiology treatment areas, and laboratories for use by the students.

(2) All students shall have access to adequate equipment in order to develop dental hygiene skills in these duties.

(3) Adequate sterilizing facilities shall be provided as provided in Section 1133 of this article.

(c) Clinical Training. The clinical training shall be given at a dental or dental hygiene school or facility which has a written contract of affiliation for such training with a dental or dental hygiene program. An extension program of a university shall not be considered a dental or dental hygiene school. Such written contract of affiliation shall include a description of the settings in which the clinical training may be received and shall provide for direct supervision of such training by faculty designated by the dental or dental hygiene school. An affiliated facility shall not include a private dental office unless such office is a site approved by the Committee on recommendation of a dental or dental hygiene school. Each course shall provide the clinical facilities and clinical resources necessary to accomplish training of local anesthetic, nitrous oxide-oxygen analgesia and periodontal soft tissue curettage as provided in subdivision (g)(4)(c) in Section 1105 of this article.

(d) Curriculum Organization/Learning Resources.

(1) The organization of the curriculum for the course shall be flexible, creating opportunities for adjustments to and research of advances in the administration

of local anesthetic, nitrous oxide-oxygen analgesia and periodontal soft tissue curettage as provided in subdivision (g)(4)(c) of Section 1105 of this article.

(2) Students shall have reasonable access to dental/medical reference texts, current journals, audio visual materials and other relevant resources.

(3) Curriculum shall provide students with a basic understanding of these duties as provided in subdivision (g)(4)(c) of Section 1105 of this article and an ability to perform procedures with competence and judgment.

(4) Curriculum must be designed to prepare the student to assess, plan, implement, and evaluate these duties as specified and in accordance with subdivision (g)(4)(c) of Section 1105 of this article.

(e) Curriculum Content.

Areas of didactic, laboratory, preclinical and clinical instruction shall include at least the following areas and shall be related specifically to expanded duties:

(1) Indications and contraindications of periodontal soft tissue curettage, administration and reversal of local anesthetic agents and nitrous oxide/oxygen agents

(2) Medical history evaluation procedures

(3) Head and neck anatomy

(4) Review of cardiovascular and respiratory systems

(5) Theory and psychological aspects of pain and anxiety control

(6) Selection of pain control modalities

(7) Pharmacological action of anesthetics, vasoconstrictors, reversal and nitrous oxide/oxygen agents

(8) Recovery from periodontal soft tissue curettage, local anesthetic and nitrous oxide/oxygen analgesia

(9) Complications and management of local anesthetic & nitrous oxide and oxygen analgesia emergencies

(10) Armamentarium required and technology available for local anesthetic & nitrous oxide and oxygen analgesia and periodontal soft tissue curettage

(11) Technique of administration of maxillary and mandibular injections, nitrous oxide and oxygen analgesia and periodontal soft tissue curettage

(12) Proper infection control techniques

(13) Record keeping

(14) Medico/legal aspects

(f) Periodontal soft tissue curettage curriculum must include at least six (6) hours of instruction, including at least three (3) hours of didactic, laboratory and/or preclinical instruction and at least three (3) hours of clinical instruction that includes three (3) clinical experiences on different patients, one of which will be used as a clinical examination. Each experience consists of an area of at least three (3) teeth.

(g) Local anesthetic agents curriculum must include at least thirty (30) hours of instruction, including at least fifteen (15) hours of didactic, preclinical and/or laboratory instruction and at least fifteen (15) hours of clinical instruction that includes at least three (3) clinical experiences per injection on three (3) different patients for each of the following injections: anterior superior alveolar (ASA), middle superior alveolar (MSA), posterior superior alveolar (PSA), greater palatine, nasopalatine, anterior middle

superior alveolar (AMSA), supra-periosteal, inferior alveolar, mental, lingual, long buccal, and interpapillary injections. One of these clinical experiences per injection will be used as a clinical examination.

(h) Nitrous oxide-oxygen analgesia curriculum must include at least twelve (12) hours of instruction, including at least eight (8) hours of didactic, preclinical and/or laboratory instruction and at least four (4) hours of clinical instruction that includes at least three (3) clinical experiences on three (3) different patients, one of which will be used as a clinical examination. Each experience includes the performance of a dental hygiene procedure while administering at least twenty (20) minutes of nitrous oxide-oxygen analgesia.

Note Authority cited: Section 1905 & 1909, Business and Professions Code. Reference: Section 1905 & 1909 Business and Professions Code.

§1109. Approval of RDHAP Educational Programs.

(a) The Committee shall approve only those educational programs for registered dental hygienists in alternative practice which continuously maintain a high quality standard of instruction. The requirements contained in this article are designated to that end and govern the approval of educational programs for RDHAPs. Continuation of approval will be contingent upon compliance with these requirements.

(b) An educational program for RDHAPs is one which has as its primary purpose providing college level education including, but not limited to, dental hygiene technique and theory, which shall include gerontology, medical emergencies, business administration and practice management as they pertain to RDHAPs. The program shall be given by a college or institution of higher education that is accredited by a regional agency recognized by the Council for Higher Education Accreditation.

(c) Any educational program for RDHAPs shall apply for and receive approval prior to operation. The Committee may approve, provisionally approve, or deny approval of any such educational program. Provisional approval shall not be granted for a period which exceeds the length of the educational program and in no event for more than thirty (30) days. When the Committee provisionally approves an educational program, it shall state the reasons therefore. Provisional approval shall be limited to those educational programs which substantially comply with all existing standards for full approval. An educational program given provisional approval shall immediately notify each student of such status. The Committee shall notify the applicant in writing that the application is complete and accepted for consideration by the Committee or, that the application is deficient and what specific information is required. The Committee's maximum time to approve, provisionally approve, or deny approval of the RDHAP educational program shall not exceed ninety (90) days upon the filing of a completed application. If the Committee denies approval of an educational program, the specific reasons therefore shall be provided by the Committee in writing within ninety (90) days after denial.

(d) The Committee retains the right and authority to audit or monitor an RDHAP educational program and the Committee may withdraw or place restrictions on an approved educational program if the educational program does not meet the

requirements for approval or has disseminated any false or misleading information in connection with the educational program.

(e) A new educational program for registered dental hygienists in alternative practice must submit a feasibility study demonstrating a need for a new RDHAP educational program as part of the application. The Committee may approve, provisionally approve, or deny approval to any such new educational program.

§1110. Requirements for RDHAP Educational Programs

(a) Requirements of Students: All students must possess a valid, active registered dental hygienist license issued by the Committee and hold a current CPR certification in order to be eligible for admission to the educational program.

(b) Administration. Each RDHAP educational program shall provide the resources necessary to accomplish education of RDHAPs as specified in this section.

(c) Faculty will possess a valid, active California license for at least two (2) years prior to providing course instruction, instruct only in procedures that he or she is legally allowed to perform during clinical and pre-clinical instruction, and have education and experience within the last five (5) years in the subject being taught.

(d) Facilities and Equipment. Physical facilities and equipment shall be maintained and replaced in a manner designed to provide students with an educationally optimal environment.

(e) Curriculum Organization/Learning Resources.

(1) The organization for the curriculum for RDHAPs shall be flexible, creating opportunities for adjustments to and research of advances in the practices of registered dental hygiene in alternative practice. In addition each educational program shall establish and maintain qualitative standards for proficiency and accomplishment.

(2) Students shall have access to dental/medical reference texts, current journals, audiovisual materials and other relevant resources to ensure they achieve and maintain the proficiency standards established by the educational program.

(f) Curriculum Content. Curriculum must include content designed to prepare the student to assess, plan, implement, and evaluate dental hygiene services as an independent practitioner as specified and in accordance with Section 1922 of the Code. The curriculum content shall include, at least the following:

(1) Dental Hygiene Technique and Theory, including:

(A) Oral pathology;

(B) Pharmacology;

(C) Sociology, psychology, cultural diversity, linguistic competency and treatment of special populations, including:

(i) Geriatric

(ii) Medically compromised

(iii) Developmentally disabled

(iv) Pediatric

(D) Evaluation of Dental Hygiene status and Dental Hygiene treatment planning;

(E) Medical histories/terminology;

(F) Dental/Medical emergencies.

(G) Apply pit, resin or composite fissure sealants

At least seventy-five percent (75%) of instructional hours shall be devoted to the subjects specified in this subsection.

(2) Business Administration and Practice Management.

(g) Length of Educational Program. The RDHAP educational program shall be not less than one hundred fifty (150) hours in length.

(g) Application. The RDHAP educational program must complete a Committee-approved application.

§1111. Approval of RDHEF Educational Programs.

(a) A single standard of care shall be maintained and the Committee shall approve only those educational programs for extended functions in dental hygiene which continuously maintain a high quality standard of instruction. The requirements contained in this article are designed to that end and govern the approval of educational programs for RDHEF's. Continuation of approval will be contingent upon compliance with these requirements.

(b) An educational program for RDHEFs is one which has as its primary purpose providing college level education in extended function dental hygiene and which encompasses educational training in the settings, foundation and application of all duties, functions and responsibilities assignable under these regulations to registered dental hygienists in extended functions. The educational program shall be given by a college or institution of higher education that is accredited by a regional agency recognized by the Council for Higher Education Accreditation.

(c) A new educational program for RDHEFs shall apply for approval prior to operation. The Committee may approve, provisionally approve, or deny approval of any such program. Provisional approval shall not be granted for a period which exceeds the length of the program and, in no event, for more than thirty (30) days. When the Committee provisionally approves an educational program, it shall state the reasons therefore. Provisional approval shall be limited to those educational programs which substantially comply with all existing standards for full approval. An RDHEF educational program given provisional approval shall immediately notify each student of such status. The Committee shall notify the applicant in writing that the application is complete and accepted for consideration of the Committee or, that the application is deficient and what specific information is required. The Committee's maximum time to approve, provisionally approve, or deny approval of the RDHEF educational program shall not exceed ninety (90) days upon the filing of a completed application. If the Committee denies approval of an educational program, the specific reasons therefore shall be provided to the applicant by the Committee in writing within ninety (90) days after such action.

(d) A new educational program for registered dental hygienists in extended functions must submit a feasibility study demonstrating a need for a new RDHEF educational

program as part of the application. The Committee may approve, provisionally approve, or deny approval to any such new educational program.

§ 1112. Requirements for RDHEF Educational Programs

The Committee retains the right and authority to establish RDHEF educational program requirements.

§ 1114. List of Approved Schools.

The Committee's Executive Officer shall maintain on file a current listing of educational programs approved by the Committee for the giving of resident professional instruction for registered dental hygienists. The list of approved educational programs may include those educational programs approved for such instruction by a commission or accreditation agency approved by the Committee.

Note: Authority cited: Section 1905. Business and Professions Code. Reference: Section 1905. Business and Professions Code.

§1115. Posting of Notice–Experimental Dental Health Programs.

Prior to the undertaking of any dental health experimental program utilizing members of the public as patients, a notice approved by the Committee that is written in English, as well as a second language if warranted by the needs of the local community, shall be posted in a conspicuous and publicly accessible area within the treatment facility and shall be maintained in such area for the life of the program. Such a notice shall clearly state the nature and intent of said experimental dental health program.

Note: Authority cited: Section 1905, Business and Professions Code. Reference: Section 1905, Business and Professions Code; and Section 429.77. Health and Safety Code.

ARTICLE 4. DUTIES

§1116. RDH Duties.

No person other than a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions or a licensed dentist may engage in the practice of dental hygiene or perform dental hygiene procedures on patients, including, but not limited to:

- (a) Periodontal debridement;
- (b) Periodontal scaling;
- (c) Periodontal record evaluation;
- (d) Periodontal soft tissue curettage;
- (e) Administration of local anesthetic;

- (f) Administration of nitrous oxide-oxygen analgesia;
- (g) Dental hygiene diagnosis;
- (h) Formation of a dental hygiene care plan;
- (i) Delivery of dental hygiene preventive services;
- (j) Delivery of dental hygiene therapeutic interventions

Note: Authority cited: Section 1906 and 1913, Business and Professions Code. Reference: Section 1905 and 1913.

ARTICLE 5. APPLICATION FOR LICENSURE

§ 1117. General Application Requirements.

(a) Application for initial licensure as a dental hygienist shall be made on a form(s) prescribed by the Committee and shall be accompanied by the following:

(1) To permit maintenance of current information regarding availability of dental hygiene care to the citizens of California, and in conjunction with efforts extended by the State Department of Health, the Committee may require submission of basic practice information, physical address of record, and email address, as part of initial license application under Section 1905 of the Code. Statistical summation of such data will be compiled on a confidential basis as to individual sources of information received.

(2) The fees fixed by the Committee;

(3) A full set of electronic fingerprints;

(b) Application for licensure as a dental hygienist shall be made on a form(s) prescribed by the Committee and shall be accompanied by the following:

(1) To permit maintenance of current information regarding availability of dental hygiene care to the citizens of California, and in conjunction with efforts extended by the State Department of Health, the Committee may require submission of basic practice information, physical address of record, and email address, as part of initial license application under Section 1905 of the Code. Statistical summation of such data will be compiled on a confidential basis as to individual sources of information received.

(2) The fees fixed by the Committee;

(3) A full set of electronic fingerprints;

(4) Where applicable, a record of any previous dental hygiene practice and verification of license status in another jurisdiction.

(c) Application for renewal licensure as a dental hygienist shall be made on a form(s) prescribed by the Committee and shall be accompanied by the following:

(1) Submission of information as a requirement for license renewal

(A) To permit maintenance of current information regarding availability of dental hygiene care to the citizens of California, and in conjunction with efforts extended by the State Department of Health, the Committee may require submission of basic practice information and physical address of record, including email, as part of license renewal under Section 1905 of the Code. Statistical summation of such data will be compiled on a confidential basis as to individual sources of information received.

(B) The Committee retains the right and authority to audit the submitted renewal information and coursework for licensure renewal of all RDH licensure categories. The Committee may withdraw or place restrictions on a license if the renewal information does not meet the licensure renewal requirements for the specified category or has received any false or misleading information in connection with renewal application.

(d) Completed applications shall be filed with the Committee not later than the following number of days prior to the date set for the DHCC examination for which application is made;

RDH – Forty-five (45) days

RDHEF – Forty five (45) days

RDHAP– Forty-five (45) days

An incomplete application shall be returned to the applicant together with a statement setting forth the reason for returning the application and indicating the amount of money, if any, which will be refunded.

An application shall not be deemed incomplete for failure to establish compliance with educational requirements if the application is accompanied by a certification from an approved educational program that the applicant is expected to meet all educational requirements established for the license for which application has been made and if the approved program certifies not less than thirty (30) days prior to examination that the applicant has in fact met such educational requirements.

Permission to take an examination shall be granted to those applicants who have paid the necessary fees and whose credentials have been approved by the Executive Officer. Nothing contained herein shall be construed to limit the Committee's authority to seek from an applicant such other information as may be deemed necessary to evaluate the applicant's qualifications.

(e) An application shall be deemed to have been abandoned in any of the following circumstances:

(1) The applicant fails to submit the application, examination, or reexamination fee within one hundred eighty (180) days after notification by the Committee that such fee is due and unpaid.

(2) The applicant fails to take the licensing examination within two (2) years after the date the application was received by the Committee.

(3) The applicant, after failing the examination, fails to take a reexamination within two (2) years after the date applicant was notified of such failure.

(f) An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

Note: Authority cited: Section 1905 & 1934 , Business and Professions Code. Reference: Section 1905 & 1934 , Business and Professions Code.

§ 1118. RDH Applications.

(a) In addition to the requirements set forth in Section 1117 of this article, an application for licensure as a registered dental hygienist shall be accompanied by satisfactory evidence that the applicant has been granted a diploma or certificate in dental hygiene from an approved dental hygiene educational program and satisfactory evidence that

the applicant completed a Committee approved courses in local anesthesia administration, soft tissue curettage and nitrous oxide-oxygen analgesia (proof of completion of these courses not required for California graduates).

(1) Evidence of successful completion of education in local anesthesia administration, soft tissue curettage and nitrous oxide-oxygen analgesia must be provided on a form that is provided by the Committee and submitted as requested by the Committee.

(2) The form must be signed and sealed by the Director of the dental hygiene educational program or the Director of an approved course providing the education in local anesthesia administration, soft tissue curettage and nitrous oxide-oxygen analgesia.

(b) Satisfactory evidence of liability insurance or a financial responsibility in accordance of 1917 (g) of the Code. For purposes of that subsection:

(1) Liability insurance shall be deemed satisfactory if it is either occurrence-type liability insurance or claims-made type liability insurance with a minimum five (5) years reporting endorsement, issued by an insurance carrier authorized by the Insurance Commissioner to transact business in this State, in the amount of \$100,000 for a single occurrence and \$300.00 for multiple occurrences , and which covers injuries sustained or claimed to be sustained by a dental hygiene patient in the course of the licensing examination as a result of the applicant's actions.

(2) Satisfactory evidence of financial responsibility means posting with the Committee a \$100,000 surety bond.

(c) An applicant applying for licensure by credential shall be engaged in the practice of dental hygiene in a clinical, education or public health setting for at least five years immediately preceding the date of his or her application as described in 1917.1 (5) of the Code.

(d) An applicant applying for initial licensure as a dental hygienist using successful passage of the WREB clinical examination shall be made on a form prescribed by the Committee.

§1119. RDHAP Applications.

(a) In addition to the requirements, including the processing times, set forth in Section 1117 of this article, an application for licensure as an RDHAP shall be on the "License Application for Registered Dental Hygienist in Alternative Practice" (Rev. 3/07), which is incorporated herein by reference.

(b) Once an applicant has been notified that he or she meets all of the requirements for licensure as an RDHAP, the applicant may be granted a license after submitting the completed "Initial Application for RDHAP License" (Rev. 8/07) which is incorporated herein by reference and any applicable fees.

§1120. RDHEF Applications.

In addition to the requirements, including the processing times, set forth in Section 1117 of this article, an application for licensure as an RDHEF shall be accompanied by satisfactory evidence that the applicant has successfully completed an approved RDHEF educational program.

Note: Authority cited: Section 1922, Business and Professions Code.

ARTICLE 6. EXAMINATIONS

§1121. Dental Hygiene Written Examinations

- (a) Each applicant for licensure as an RDH shall successfully complete the National Dental Hygiene Board Exam and shall submit confirmation to the Committee in sufficient time to receive it prior to the date set for the clinical examination.
- (b) Prior to issuance of a license, an applicant for licensure as an RDH or RDHAP or RDHEF shall successfully complete a supplemental written examination in California Law and Ethics.
- (c) The examination shall be specific for the RDH, RDHAP or RDHEF license and shall test the applicant's knowledge of California law as it relates to the specific dental hygiene practice and the applicant's ability to recognize and apply ethical principles. An examinee shall be deemed to have passed the examination with a minimum score of seventy-five percent (75%).

NOTE: Authority cited: Section 1905, Business and Professions Code. Reference: Sections 1917, 1918, and 1922 Business and Professions Code.

§1122. General Procedures for the Dental Hygiene Committee of California Written Examinations.

The following rules, which are in addition to any other examination rules set forth elsewhere in this chapter, are adopted for the uniform conduct of all dental hygiene written examinations.

- (a) The ability of an examinee to read and interpret instructions and examination material is a part of the examination.
- (b) No person shall be admitted to an examination room or laboratory unless he or she is wearing the appropriate badge.
- (c) An examinee may be dismissed from the entire examination, and a statement of issues may be filed against the examinee, for acts which interfere with the Committee's objective of evaluating professional competence. Such acts include, but are not limited to the following:
- (1) Allowing another person to take the examination in the place of, and under the identity of, the examinee.

- (2) Copying or otherwise obtaining examination answers from other persons during the course of an examination.
- (3) Bringing any notes, books, pictures, tape recorders, pagers, digital audio players, personal digital assistants(PDAs), cell phones, or other unauthorized materials into the examination area.
- (4) Assisting another examinee during the examination process.
- (5) Using the equipment, instruments, or materials belonging to another examinee.
- (6) Copying, photographing or in any way reproducing or recording examination questions or answers, including publishing electronically.
- (7) Leaving the assigned examination area without the permission of an exam administrator.
- (8) Failing to follow directions relative to the conduct of the examination, including termination of the examination at the scheduled or announced time.

§1123. Dental Hygiene Clinical Examinations

Each applicant for initial licensure as an RDH shall successfully complete the Dental Hygiene Committee of California clinical examination or the Western Regional Examining Board dental hygiene clinical examination.

Applicants who satisfactorily passed the WREB dental hygiene clinical examination pursuant to Section 1129 of this article shall submit confirmation thereof to the Committee with their application for licensure.

1124. General Procedures for the Dental Hygiene Committee of California Clinical Examinations.

The following rules, which are in addition to any other examination rules set forth elsewhere in this chapter, are adopted for the uniform conduct of DHCC clinical examinations:

(a) Each examinee shall furnish patients, instruments, and materials necessary to carry the procedures to completion. The Committee will provide treatment chairs.

(b) A patient provided by an examinee must be at least eighteen (18) years of age and shall be in a health condition acceptable for dental treatment. If conditions indicate a need to consult the patient's physician or for the patient to be pre-medicated the examinee must obtain the necessary written medical clearance and/or evidence of premedication before the patient will be accepted. The examiners may, in their discretion, reject a patient who in the opinion of at least two examiners has a condition which interferes with evaluation or which may be hazardous to the patient, other patients, examinees or examiners. A hazardous condition includes, but is not limited to, acute symptomatic hepatitis, active herpetic lesions, acute periodontal or periapical abscesses, or necrotizing ulcerative gingivitis. Whenever a patient is rejected, the reason for such rejection shall be noted on the examination record and shall be signed by both rejecting examiners.

(c) It is the examinee's responsibility to provide an interpreter, if necessary, to complete the medical history and consent form for non-English speaking patients. An interpreter will be allowed in the grading area only if requested by an examiner.

(d) It is the examinee's responsibility to ensure that the patient does not bring any notes, books, pictures, tape recorders, pagers, digital audio players, personal digital assistants (PDAs), cell phones, or other unauthorized materials into the examination area.

(e) No person shall be admitted to an examination clinic unless he or she is wearing the appropriate identification badge.

(f) An examinee may be dismissed from the entire examination, and a statement of issues may be filed against the examinee, for acts which interfere with the Committee's objective of evaluating professional competence. Such acts include, but are not limited to the following:

(1) Allowing another person to take the examination in the place of, and under the identity of, the examinee.

(2) Bringing any notes, books, pictures, tape recorders, pagers, digital audio players, personal digital assistants (PDAs), cell phones, or other unauthorized materials into the examination area.

(3) Assisting another examinee during the examination process.

(4) Using the equipment, instruments, or materials belonging to another examinee.

(5) Presenting radiographs which have been altered or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the examinee.

(6) Failing to comply with the Committee's infection control regulations.

(7) Failing to use an aspirating syringe for administering local anesthesia.

(8) Pre-medicating a patient for purposes of sedation.

(9) Dismissing a patient without approval.

(10) Leaving the assigned examination area without the permission of an exam administrator.

(11) Leaving the assigned examination area prior to the patient returning from the grading area.

(12) Failing to follow directions relative to the conduct of the examination, including termination of the examination at the scheduled or announced time.

(g) An examinee may be declared by the Committee to have failed the entire examination for demonstration of gross incompetence or gross trauma in treating a patient as determined by the DHCC.

§1125. DHCC Dental Hygiene Clinical Examination Requirements.

(a) Every applicant shall be given a clinical examination which shall consist of the examination of a patient, scaling of teeth in one or two (2) quadrants (depending upon patient selection), and root planing.

(b) The clinical examination shall be completed within a two (2) hour period. Such period shall commence with the acceptance or rejection of the initial patient presented by the applicant.

(c) One patient, eighteen (18) years or older, shall be provided by the applicant. If a patient is deemed unacceptable by the examiners, it is the applicant's responsibility to

provide another patient who is acceptable. The applicant's ability to select an appropriate patient is considered part of the examination. An acceptable patient shall meet the criteria set forth in Section 1125 of this article and the following additional criteria:

(1) Does not have extreme tissue or tooth sensitivity which would interfere with proper probing and exploring by examiners.

(2) Has at least one quadrant with the following:

(A) At least six (6) natural teeth which are free of conditions which would interfere with evaluation, class III furcation, class III mobility, gross carious lesions, faulty restorations, or full or partial veneer crowns. Crowns with smooth margins are acceptable. A patient will not be rejected because he/she has two teeth with probing surfaces greater than 6mm in the quadrant(s) submitted.

(B) At least three (3) of the natural teeth in the quadrant submitted must be posterior teeth with interproximal pocket depths of 4 to 6mm. Two (2) of these posterior teeth must be molars.

(C) Demonstrable, explorer-detectable moderate to heavy subgingival calculus must be present on a majority of the subgingival tooth surfaces and there must be some subgingival calculus on every tooth. Explorer-detectable moderate to heavy interproximal ledges must be present.

(d) If an examinee is unable to find a patient with one quadrant which meets the requirements of subsection (c)(2) of this section, the examinee may submit up to four (4) additional teeth if necessary to fulfill the submission criteria for subgingival calculus. An applicant who presents such a patient shall be required to scale all teeth submitted in the same time allotted for scaling one quadrant.

(e) The examinee shall provide full mouth radiographs of the patient, which shall consist of eighteen (18) radiographs at least four (4) of which must be bite-wing and the radiographs must be of diagnostic quality. All radiographs shall have been taken not more than one year prior to the examination at which they are presented.

(f) The examinee shall provide the following instruments:

(1) Periodontal probe as specified by the examiners.

(2) Sharp explorers as specified by the examiners.

(3) Front surface mouth mirror.

(4) All necessary armamentarium for administration of local anesthesia, including an aspirating syringe.

(5) Ultrasonic, sonic, handpiece or other mechanical scaling devices may be used at the direction of the Committee. If so permitted, an applicant who chooses to use an ultrasonic or sonic scaling device shall bring to the exam and follow manufacturer's direction for use. The services of an assistant or registered dental assistant to perform high volume evacuation at all times when the ultrasonic or sonic scaling device is in operation may be required. Only the services of a dental assistant or registered dental assistant shall be permitted.

(6) Any other scaling or root planing instruments which the examinee intends to use.

(g) The examinee shall offer to the patient the option of the administration of local anesthetic in the area(s) to be scaled, except that anesthesia shall not be administered to both mandibular quadrants of a patient during the same day.

(h) No more than three (3) different patient submissions will be allowed during a clinical examination by the examinee.

(i) Each examinee who attains a grade of seventy-five percent (75%) in the DHCC clinical examination shall be considered as having passed the examination.

§1126. Conduct of DHCC Clinical Examinations.

Examinations shall be anonymous. An anonymous examination is one conducted in accordance with procedures, including but not limited to those set forth below, which ensure and preserve anonymity of applicants.

(a) The Committee shall randomly assign each applicant a number, and said applicant shall be known by that number throughout the entire examination.

(b) Grading examiners shall not view examinees during the performance of the examination assignments. A grading examiner shall be a licensed RDH appointed by the DHCC.

(c) There shall be no communications between grading examiners and clinic supervisors except for oral communications conducted in the presence of Committee staff. There shall be no communication between grading examiners and examinees except written communications on Committee approved forms.

NOTE: Authority cited: Section 1905, Business and Professions Code. Reference: Section 1905, Business and Professions Code.

§1127. DHCC Clinical Examination Review Procedures; Appeals.

(a) An examinee who has failed an examination shall be provided with notice, upon written request, of those areas in which he or she is deficient.

(b) An unsuccessful examinee who has been informed of the areas of deficiency in his or her performance on the examination and who has determined that one or more of the following errors was made during the course of his or her examination and grading may appeal to the Committee within sixty (60) days following receipt of his or her examination results:

(1) Significant procedural error in the examination process;

(2) Evidence of adverse discrimination;

(3) Evidence of substantial disadvantage to the examinee.

(c) An appeal shall be made by means of a written letter specifying the grounds upon which the appeal is based. The Committee shall respond to the appeal in writing and may request a personal appearance by the examinee. The Committee shall thereafter take such action as it deems appropriate.

§1128. Western Regional Examination Board Clinical Dental Hygiene Examination.

(a) Each applicant for initial licensure as an RDH who has attained a grade of eighty (80%) on the Western Regional Examination Board (WREB) clinical dental hygiene examination shall be considered as having satisfactorily passed the examination.

(b) Applicants who have satisfactorily passed the WREB dental hygiene examination on or after January 1, 2010 may apply for initial licensure.

(c) Applicants who have satisfactorily passed the WREB dental hygiene examination must meet all other licensure requirements pursuant to Section 1917 of the Code

§1129. Remedial Education.

An applicant for an RDH license, who fails to pass either or any combination of the DHCC clinical examination or the WREB clinical dental hygiene examination or any other clinical dental hygiene examination approved by the Committee after three (3) total attempts shall not be eligible for further re-examination until the applicant has successfully completed the required additional education.

(a) The course work shall be taken at a dental hygiene program approved by the Commission on Dental Accreditation or a comparable organization approved by the Committee, and shall be completed within a period of one year from the date of notification of the applicant's third failure.

(1) The course of study must include didactic, laboratory and clinical instruction. Use of patients is mandatory.

(2) Instruction must be provided by a faculty member of a dental hygiene program approved by the Commission on Dental Accreditation or a comparable organization approved by the Committee.

(3) Pre-testing and post-testing must be part of the course of study.

(b) When an applicant applies for re-examination, he or she shall furnish evidence of successful completion of the remedial education requirements for re-examination.

(1) Evidence of successful completion of remedial education must be provided on the "Certification of Successful Completion of Remedial Education Requirement for Re-examination Eligibility" that is provided by the Committee and submitted prior to the examination.

(2) The form must be signed and sealed by the Director of the dental hygiene educational program providing the remedial education course.

§1130. Dental Hygiene in Extended Functions Examination Requirements.

The Committee retains the right and authority to establish Dental Hygiene in Extended Functions examination requirements.

ARTICLE 7. FINGERPRINT REQUIREMENT FOR RENEWAL OF LICENSE

§1131. Response to Committee Inquiry.

If the committee or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within thirty (30) days. The licensee shall make available all documents and other records requested and shall respond with accurate information.

NOTE: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 1916, 1950 Business and Professions Code, and Section 11105 Penal Code

§1132. Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after (April 1, 2011) a licensee who was initially licensed prior to January 1, 1994, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) As a condition of renewal, a licensee shall certify whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the licensee is actively serving in the military outside the country.

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, in the prior renewal cycle, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$1000 not involving alcohol, dangerous drugs, or controlled substances. In addition, a licensee shall disclose any disciplinary actions against any other license he or she may hold.

(c) Failure to comply with the requirements of this section renders any renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

NOTE: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 1916, 1950 Business and Professions Code, and Section 11105 Penal Code.

ARTICLE 8. MINIMUM STANDARDS FOR INFECTION CONTROL

§1133. Minimum Standards for Infection Control

ARTICLE 9. CONTINUING EDUCATION

§1134. Purposes.

The Dental Board or Committee has determined that the public health and safety will be served by requiring all holders of licenses granted by the Dental Board or Committee under the Code to continue their education after receiving such licenses.

Note: Authority cited: Sections 1614-1645, and 1905, Business and Professions Code. Reference: Section 1645 and 1905, Business and Professions Code.

§ 1135. Continuing Education Providers and Courses.

(a) Definition of Terms:

(1) "Course of study" means an orderly learning experience in an area of study pertaining to dental and medical health, preventive dental services, diagnosis and treatment planning, clinical procedures, basic health sciences, dental practice management and administration, communication, ethics, patient management or the Dental Act and other laws specifically related to dental practice.

(2) "Coursework" used herein refers to materials presented or used for continuing education and shall be designed and delivered in a manner that serves to directly enhance the licensee's knowledge, skill and competence in the provision of service to patients or the community.

(3) "Lecture" typically means speaking on a topic or topics and the participants typically spend most of the time listening and taking notes. There may or may not be time included for a question and answer period.

(4) "Seminar" typically means speaking on a topic or topics with time included for discussion between lecturer(s) and participants. Some demonstrations may be available.

(5) "Workshop" typically means educator(s) or facilitator(s) teaching a topic(s) via hands-on interaction and participants spend most of the time in small group experiential activities.

(b) Courses of study for continuing education credit shall include:

(1) Mandatory courses required by the Dental Board or Committee for license renewal to include a Dental Board or Committee approved course in Infection

Control, a Dental Board or Committee approved course in the California Dental Practice Act and completion of certification in Basic Life Support.

(A) At a minimum, course content for a Dental Board or Committee approved course in Infection Control shall include all content of Section 1134 of this article and the application of the regulations in the dental and dental hygiene environment.

(B) At a minimum, course content for the Dental Practice Act [Division 2, Chapter 4 of the Code (beginning with §1900) shall instruct on acts in violation of the Dental Practice Act and attending regulations, and other statutory mandates relating to dental and dental hygiene practice. This includes utilization and scope of practice for auxiliaries and dentists; laws governing the prescribing of drugs; citations, fines, revocation and suspension of a license, and license renewal; and the mandatory reporter obligations set forth in the Child Abuse and Neglect Reporting Act (Penal Code Section 11164 et seq.) and the Elder Abuse and Dependent Adult Civil Protection Act (Welfare and Institutions Code Section 15600 et seq.) and the clinical signs to look for in identifying abuse.

(C) The mandatory requirement for certification in Basic Life Support (BLS) shall be met by completion of either:

(i) An American Heart Association (AHA) or American Red Cross (ARC) course in BLS Healthcare Provider or,

(ii) A BLS course, taught by a provider approved by the American Dental Association's Continuing Education Recognition Program (CERP) or the Academy of General Dentistry's Program Approval for Continuing Education (PACE).

For the purposes of this section, a Basic Life Support course shall include all of the following:

(1) Instruction in both adult and pediatric cardiopulmonary resuscitation (CPR), including 2-rescuer scenarios;

(2). Instruction in foreign-body airway obstruction;

(3) Instruction in relief of choking for adults, child and infant;

(4). Instruction in the use of automated external defibrillation (AED) with CPR; and;

(5) A live, in-person skills practice session, a skills test and a written examination;

The course provider shall ensure that the course meets the required criteria.

(2) Courses in the actual delivery of dental or dental hygiene services to the patient or the community, such as:

(A) Courses in preventive services, diagnostic protocols and procedures (including physical evaluation, radiography, dental photography)

comprehensive treatment planning, charting of the oral conditions, informed consent protocols and recordkeeping.

(B) Courses dealing primarily with nutrition and nutrition counseling of the patient.

(C) Courses in esthetic, corrective and restorative oral health diagnosis and treatment.

(D) Courses in dentistry's or dental hygiene's role in individual and community health emergencies, disasters, and disaster recovery.

(E) Courses that pertain to the legal requirement governing the licensee in the areas of auxiliary employment and delegation of responsibilities; the Health Insurance Portability and Accountability Act (HIPAA); actual delivery of care.

(F) Courses pertaining to federal, state and local regulations, guidelines or statutes regarding workplace safety, fire and emergency, environmental safety, waste disposal and management, general office safety, and all training requirements set forth by the California Division of Occupational Safety and Health (Cal-DOSH) including the Bloodborne Pathogens Standard.

(G) Courses pertaining to the administration of general anesthesia, conscious sedation, oral conscious sedation or medical emergencies.

(H) Courses pertaining to the evaluation, selection, use and care of dental instruments, sterilization equipment, operatory equipment, and personal protective attire.

(I) Courses in dependency issues and substance abuse such as alcohol and drug use as it relates to patient safety, professional misconduct, ethical considerations or malpractice.

(J) Courses in behavioral sciences, behavior guidance, and patient management in the delivery of care to all populations including special needs, pediatric and sedation patients when oriented specifically to the clinical care of the patient.

(K) Courses in the selection, incorporation, and use of current and emerging technologies.

(L) Courses in cultural and linguistic competencies such as bilingual dental terminology, cross-cultural communication, provision of public health dentistry, and the dental professional's role in provision of care in non-traditional settings when oriented specifically to the needs of the dental patient and will serve to enhance the patient experience.

(M) Courses in dentistry's or dental hygiene's role in individual and community health programs.

(N) Courses pertaining to the legal and ethical aspects of the insurance industry, to include management of third party payer issues, dental billing practices, patient and provider appeals of payment disputes and patient management of billing matters.

(3) Courses in the following areas are considered to be primarily of benefit to the licensee and shall be limited to a maximum of twenty (20%) of a licensee's total required course unit credits for each license or permit renewal period:

(A) Courses to improve recall and scheduling systems, production flow, communication systems and data management.

(B) Courses in organization and management of the dental or dental hygiene practice including office computerization and design, ergonomics, and the improvement of practice administration and office operations.

(C) Courses in leadership development and team development.

(D) Coursework in teaching methodology and curricula development.

(E) Coursework in peer evaluation and case studies that include reviewing clinical evaluation procedures, reviewing diagnostic methods, studying radiographic data, study models and treatment planning procedures.

(F) Courses in human resource management and employee benefits.

(4) Courses considered to be of direct benefit to the licensee or outside the scope of dental or dental hygiene practice in California include the following, and shall not be recognized for continuing education credit:

(A) Courses in money management, the licensee's personal finances or personal business matters such as financial planning, estate planning, and personal investments.

(B) Courses in general physical fitness, weight management or the licensee's personal health.

(C) Presentations by political or public figures or other persons that do not deal primarily with dental practice or issues impacting the dental or dental hygiene profession

(D) Courses designed to make the licensee a better business person or designed to improve licensee personal profitability, including motivation and marketing.

(E) Courses pertaining to the purchase or sale of a dental or dental hygiene practice, business or office; courses in transfer of practice ownership, acquisition of partners and associates, practice valuation, practice transitions, or retirement.

(5) Completion of a 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.

(c) Registered Provider Application and Renewal:

(1) An applicant for registration as a provider shall submit an "Application for Continuing Education Provider"(Rev. 05/09) that is hereby incorporated by reference. The application shall be accompanied by the fee required by Section 1944(11) of the Code. The applicant or, if the applicant is not an individual but acting on behalf of a business entity, the individual authorized by the business to act on its behalf shall certify that he or she will only offer courses and issue certificates for courses that meet the requirements in this section.

(2) To renew its registration, a provider shall submit a "Continuing Education Registered Provider Permit Renewal Application" (Rev.12/08) that is hereby incorporated by reference. The application shall be accompanied by the fee required by Section 1944(11) of the Code and a biennial report listing each of the course titles offered, the eleven (11)-digit registration number issued to each course, the number of units issued for each course, the dates of all courses offered, the name and qualifications of each instructor, a summary of the content of each course of study, and a sample of the provider's written certification issued to participants during the last renewal period.

(d) Standards for Registration as an Approved Registered Provider:

(1) 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. Every instructor or presenter of a continuing education course shall possess education or experience for at least two (2) years in the subject area being taught. Each course of study shall clearly state educational objectives that can realistically be accomplished within the framework of the course. Teaching methods for each course of study shall be described (e.g., lecture, seminar, workshop, audiovisual, clinical, simulation, etc.) on all provider reports.

(2) The topic of instruction and course content shall conform to this section.

(3) An opportunity to enroll in such courses of study shall be made available to all dental and hygiene licensees.

(e) Enforcement, Provider Records Retention and Availability of Provider Records:

(1) The Dental Board or Committee may not grant prior approval to individual courses unless a course is required as a mandatory license renewal course. The minimum course content of all mandatory continuing education courses for all registered providers is set out in subsections (b)(1)(A-C) of this Section. Providers shall be expected to adhere to these minimum course content requirements or risk registered provider status. Beginning January 1, 2006, all registered dental hygiene providers shall submit their course content outlines for Infection Control and California Dental Practice Act to the Dental Board or

Committee staff for review and approval. If a provider wishes to make any significant changes to the content of a previously approved mandatory course, the provider shall submit a new course content outline to the Dental Board or Committee. A provider may not offer the mandatory course until the Dental Board or Committee approves the new course outline. All new applicants for provider status shall submit course content outlines for mandatory education courses at the time of application and prior to instruction of mandatory education courses.

(2) Providers must possess and maintain the following:

- (A) Speaker curriculum vitae;
- (B) Course content outline;
- (C) Educational objectives or outcomes;
- (D) Teaching methods utilized;
- (E) Evidence of registration numbers and units issued to each course;
- (F) Attendance records and rosters

(3) The Dental Board or Committee may randomly audit a provider for any course submitted for credit by a licensee in addition to any course for which a complaint is received. If an audit is conducted, the provider shall submit to the Dental Board or Committee the following information and documentation:

- (A) Speaker curriculum vitae;
- (B) Course content outline;
- (C) Educational objectives or outcomes;
- (D) Teaching methods utilized;
- (E) Evidence of registration numbers and units issued to each course; and
- (F) Attendance records and rosters.

(4) All provider records described in this article shall be retained for a period of no less than three (3) provider renewal periods.

(f) Withdrawal of Provider Registration:

(1) The Dental Board or Committee retains the right and authority to audit or monitor courses given by any provider. The Dental Board or Committee may withdraw or place restrictions on a provider's registration if the provider has disseminated any false or misleading information in connection with the continuing education program, fails to comply with regulations, misrepresents the course offered, makes any false statement on its application or otherwise violates any provision of the Dental Practice Act or the regulations adopted thereunder.

(2) Any provider whose registration is withdrawn or restricted shall be granted a hearing before the Executive Officer or his or her designee prior to the effective date of such action. The provider shall be given at least ten days notice of the grounds for the proposed action and the time and place of such hearing.

(g) Provider Issuance of Units of Credit for Attendance

One unit of credit shall be granted for every hour of contact instruction and may be

issued in half-hour increments. Such increments shall be represented by the use of a decimal point in between the first two numbers of the eleven (11)-digit registration number of the course. This credit shall apply to either academic or clinical instruction. Eight (8) units shall be the maximum continuing education credits granted in one day.

(h) Additional Provider Responsibilities:

(1) A provider shall furnish a written certification of course completion to each licensee certifying that the licensee has met the attendance requirements of the course. Such certification shall not be issued until completion of the course and shall contain the following:

(A) The licensee's, name and license or permit number, the provider's name, the eleven (11)-digit course registration number in the upper left hand corner of the certificate, date or dates attended, the number of units earned, and a place for the licensee to sign and date verifying attendance.

(B) 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."

(C) A statement on each certification that reads: "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."

(2) If any individual whose license or permit has been cancelled, revoked, or voluntarily surrendered attends and completes a continuing education course, the provider or attendee may document on the certificate of course completion the license number the individual held before the license was cancelled, revoked, or voluntarily surrendered.

(3) When two (2) or more registered providers co-sponsor a course, only one provider number shall be used for that course and that provider must assume full responsibility for compliance with the requirements of this article.

(4) Only Dental Board or Committee approved providers whose course content outlines for Infection Control and California Dental Practice Act have been submitted and approved by the Dental Board or Committee may issue continuing education certifications to participants of these courses.

(5) The instructor of a course who holds a current and active license or permit to practice issued by the Dental Board or Committee may receive continuing education credit for up to twenty (20%) of their total required units per renewal period for the course or courses they teach for a provider other than themselves.

(6) Upon request, a provider shall issue a duplicate certification to a licensee whose name appears on the provider's original roster of course attendees. A provider may not issue a duplicate certification to a licensee whose name is not

on the original roster of course attendees. The provider, not the licensee shall clearly mark on the certificate the word "duplicate."

(7) Providers shall place the following statement on all certifications, course advertisements, brochures and other publications relating to all course offerings: "This course meets the Dental Hygiene Committee of California's requirements for (number of) units of continuing education."

(i) Out of State Courses and Courses Offered by Other Authorized and Non-Authorized Providers:

(1) Notwithstanding subdivision (b) of Section 1135 of this article, licensees who attend continuing education courses given by providers approved by the American Dental Association's Continuing Education Recognition Program (CERP), the Academy of General Dentistry's Program Approval for Continuing Education (PACE) or the American Dental Hygienists' Association Center for Lifelong Learning and who obtain a certification of attendance from the provider or sponsor shall be given credit towards his or her total continuing education requirement for renewal of his or her license with the exception of mandatory continuing education courses, if the course meets the requirements of continuing education set forth in this section.

(2) A licensee who attends a course or program that meets all content requirements for continuing education pursuant to these regulations, but was presented outside California by a provider not approved by the Dental Board or Committee, may petition the Dental Board or Committee for consideration of the course by submitting information on course content, course duration and evidence from the provider of course completion. When the necessary requirements have been fulfilled, the Dental Board or Committee may issue a written certificate of course completion for the approved number of units, which the licensee may then use for documentation of continuing education credits.

Note: Authority cited: Sections 1905 and 1645, Business and Professions Code. Reference: Section 1645 and 1905, Business and Professions Code.

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§1136. Units Required for Renewal of License.

(a) As a condition of renewal, all licensees are required to complete continuing education as follows:

(1) Two (2) units of continuing education in Infection Control specific to California regulations as defined in section 1135(b)(1)(A) of this article.

(2) Two (2) units of continuing education in the California Dental Practice Act and its related regulations as defined in section 1135(b)(1)(B) of this article.

(3) A maximum of four (4) units of a course in BLS as specified in section 1135(b)(1)(C) of this article.

(b) Mandatory continuing education units count toward the total units required to renew a license or permit; however, failure to complete the mandatory courses will result in non-renewal of a license or permit. Any continuing education units accumulated before April 8, 2010 that meet the requirements in effect on the date the units were accumulated will be accepted by the Dental Board or Committee for license or permit renewals taking place on or after April 8, 2010.

(c) All licensees shall accumulate the continuing education units equal to the number of units indicated below during the biennial license or permit renewal period assigned by the Dental Board or Committee on each license or permit. All licensees shall verify to the Dental Board or Committee that he or she who has been issued a license or permit to practice for a period less than two (2) years shall begin accumulating continuing education credits within the next biennial renewal period occurring after the issuance of a new license or permit to practice.

(1) Registered dental hygienists: Twenty five (25) units.

(2) Registered dental hygienists in extended functions: Twenty five (25) units.

(3) Registered dental hygienists in alternative practice: Thirty five (35) units.

(d) Notwithstanding any other provisions of this article, tape recorded courses, home study materials, video courses, and computer courses are considered correspondence courses, and will be accepted for credit up to, but not exceeding, fifty percent (50%) of the licensee's total required units.

(e) In the event that a portion of a licensee's units have been obtained through non-live instruction, as described in subdivision (d) of this Section, all remaining units shall be obtained through live interactive course study with the option to obtain one hundred percent (100%) of the total required units by way of interactive instruction courses. Such courses are defined as live lecture, live telephone conferencing, live video conferencing, live workshop demonstration, or live classroom study.

(f) Current and active licensees enrolled in a full-time or part-time educational program in the field of dentistry, including dental school program, residency program, postdoctoral specialty program, dental hygiene in alternative practice program, or registered dental hygiene in extended functions program, approved by the Dental Board or Committee shall be granted continuing education credits for completed curriculum during that renewal period. In addition, current and active licensees enrolled in a bachelor of science in dental hygiene degree completion program or master of science in dental hygiene degree program approved by a regional accrediting agency shall be granted continuing education credits for completed curriculum during that renewal period. In the event of audit, licensees shall be required to present school transcripts to the Committee as evidence of enrollment and course completion.

(g) Licensees who participate in the following activities shall be issued continuing education credit for up to twenty percent (20%) of their total continuing education unit requirements for license renewal:

(1) Participation in any Dental Hygiene Committee of California or Western Regional Examination Board (WREB) administered examination including

attendance at calibration training, examiner orientation sessions, and examinations.

(2) Participation in any site visit or evaluation of an approved dental hygiene program or dental hygiene course.

(h) The Committee shall issue to participants in the activities listed in subdivision (f) of this Section, a certificate that contains the date, time, location, authorizing signature, eleven (11)-digit course registration number, and number of units conferred for each activity consistent with all certificate requirements herein required for the purposes of records retention and auditing.

(i) The license or permit of any person who fails to accumulate the continuing education units set forth in this section or to assure the Committee that he or she will accumulate such units, shall not be renewed until such time as the licensee complies with those requirements.

(j) A licensee who has not practiced in California for more than one year because the licensee is disabled need not comply with the continuing education requirements of this article during the renewal period within which such disability falls. Such licensee shall certify in writing that he or she is eligible for waiver of the continuing education requirements. A licensee who ceases to be eligible for such waiver shall notify the Committee of such and shall comply with the continuing education requirements for subsequent renewal periods.

(k) A licensee shall retain, for a period of three renewal periods, the certificates of course completion issued to him or her at the time he or she attended a continuing education course and shall forward such certifications to the Committee only upon request by the Committee for audit purposes. A licensee who fails to retain a certification shall contact the provider and obtain a duplicate certification.

(l) Any licensee who furnishes false or misleading information to the Committee regarding his or her continuing education units may be subject to disciplinary action. The Committee may audit a licensee's continuing education records as it deems necessary to ensure that the continuing education requirements are met.

(l) Pertaining to licensees holding more than one license or permit, the license or permit that requires the largest number of continuing education units for renewal shall equal the licensee's full renewal requirement. Dual licensure, or licensure with permit, shall not require duplication of continuing education requirements.

Note: Authority cited: Sections 1905 and 1935 Business and Professions Code. Reference: Sections 1935 and 1950.5 Business and Professions Code.

§1137. Inactive Licenses.

(a) A licensee who desires an inactive license shall submit an application to the Committee on a form provided by the Committee.

(b) In order to restore an inactive license to active status, the licensee shall submit an application to the Committee on a form provided by the Committee, accompanied by evidence that the licensee has completed the required number of hours of approved continuing education in compliance with this article within the last two years preceding such application.

(c) The holder of an inactive license shall continue to pay to the Committee the required biennial renewal fee.

(d) The Committee shall inform an applicant who wishes to activate/inactivate his/her license in writing with thirty (30) days whether the application is complete and accepted for filing or is deficient and what specific information is required. The Committee shall decide within thirty (30) days after the filing of a completed application whether the applicant meets the requirements.

Note: Authority cited: Section 1905, Business and Professions Code; and Section 15376, Government Code.
Reference: Sections 700-704, Business and Professions Code; and Sections 15347 et seq., Government Code

ARTICLE 10. Disciplinary Guidelines

§1138. Delegation of Functions

Except for those powers reserved exclusively to the “agency itself” under the Administrative Procedure Act, (Section 11500, et seq. of the Government Code), the Committee delegates and confers upon the Executive Officer, or the designee of the Executive Officer, all functions necessary to the dispatch of business of the Committee in connection with investigative and administrative proceedings under the jurisdiction of the Committee, including but not limited to, the ability to accept default decisions and to approve settlement agreements for the revocation, surrendered or interim suspension of a license.

§1138.1. Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Section 11400 et seq. of the Government Code) the Committee shall comply with the “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” that are hereby incorporated by reference. Deviation from the disciplinary guidelines, including the standard terms of probation, is appropriate where the Committee, in its sole discretion, determines that the facts of the particular case warrant such a deviation. However, neither the Committee nor an administrative law judge may impose any

conditions or terms of probation that are less restrictive than the Uniform Standards Related to Substance Abuse and Disciplinary Guideline.

Notwithstanding this Section, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the license engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or has been convicted of a sex offense as defined in Section 44010 of the Education Code, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

As used in this section, the term "sex offense" shall mean any of the following:

- (a) Any offense for which registration is required by Section 290 of the Penal Code or a finding that a person committed such an act.
- (b) Any offense defined in Section 261.5, 647b,243(a)-(d), or 647 subsections (a) or (d) of the Penal Code or a finding that a person committed such an act.
- (c) Any attempt to commit any of the offenses specified in this section.
- (d) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punishable as one or more of the offenses specified in this section.

Note: Authority cited: Sections 1950 and 1950.5, Business and Professions Code; and Sections 11400.20, Government Code. Reference: 1950, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code

§1138.2 Required Actions against Registered Sex Offenders.

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the Committee shall:

(1) Deny an application by the individual for licensure, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Promptly revoke the license of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license on probation.

(3) Deny any petition to reinstate or reissue the license.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required

registration; provided, however, that nothing in this paragraph shall prohibit the Committee from exercising its discretion to deny or discipline a licensee under any other provision of state law.

(2)An individual who is required to registered as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code; provided, however, that nothing in this paragraph shall prohibit the Committee from exercising its discretion to deny or discipline a licensee under any other provision of state law based upon the licensee’s conviction under section 314 of the Penal Code.

(3) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subsection (a) of this Section against reinstating a license shall govern.

Note: Authority cited: Sections 1950 and 1950.5, Business and Professions Code; and Sections 11400.20, Government Code. Reference: Sections 1950 Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

§1138.3 Unprofessional Conduct.

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

- (a) Including or permitting to be included any of the following provisions in an agreement to settle a civil dispute arising from the licensee’s practice to which the licensee is or expects to be named as a party, whether the agreement is made before or after the filing of an action:
 - (1) A provision that prohibits another party to the dispute from contacting cooperating or filing a compliant with the Committee.
 - (2) A provision that requires another party to the dispute to attempt to withdraw a complaint the party has filed with the Committee.
- (b) Failure to provide to the Committee, as directed, lawfully requested copies of document within fifteen (15) days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subsection shall not apply to a licensee who does not have access to and control over, medical records.
- (c) The commission of any act of sexual abuse or misconduct.
- (d) Failure to cooperate and participate in any Committee investigation pending against the licensee. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subsection shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privileges and shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

- (e) Failure to report to the Committee within thirty (30) days any of the following:
 - (1) The bringing of an indictment or information charging a felony against the licensee.
 - (2) The arrest of the licensee.
 - (3) The conviction of the licensee including any verdict of guilty or pleas of guilty or no contest of any felony or misdemeanor.
 - (4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States Military.
- (f) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena mandating the release of records to the Committee.
- (g) Failure to comply with an order of abatement or pay a fine imposed by the Committee.

Note: Authority cited: Sections 1950.5 Business and Professions Code; and Sections 11400.20, Government Code.
Reference: Sections 1950.5, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

ARTICLE 11. CITATIONS AND FINES

§1139. Issuance of Citations and Fines.

- (a) The Executive Officer of the Committee or his or her designee may issue a citation containing an order to pay a fine between \$100 and \$5,000 and an order of abatement against a licensee for any violation of the Act or the California Code of Regulations Article 11 of the Business and Professions Code or any laws governing the practice of dental hygiene. A citation may be issued without the assessment of a fine, when determined by the Executive Officer or his or her designee.
- (b) Each citation shall be in writing and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the law or regulation alleged to have been violated.
- (c) The citation shall be served upon the cited person either personally or by certified United States mail.

§1140. Criteria to be Considered.

In the issuance of any citation, the following factors shall be considered:

- (a) Nature and severity of the violation.
- (b) Length of time that has passed since the date of the violation.
- (c) Consequences of the violation, including potential or actual patient harm.
- (d) History of previous violations of the same or similar nature.
- (e) Evidence that the violation was willful.
- (f) Gravity of the violation.
- (g) The extent to which the cited person has remediated any knowledge or skill deficiencies which could have injured a patient.

§1141. Citations for Unlicensed Practice.

The Executive Officer or his/orher designee may issue a citation against any unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the Committee and who is not otherwise exempt from licensure. Each citation may contain an order of abatement fixing a reasonable period of time for an abatement and an order to pay a fine not to exceed \$5,000 for each occurrence of a violation. Any sanction authorized for activity under this section shall be separate from and in addition to any other administrative, civil or criminal remedies.

§1142. Contested Citations.

(a) The citation shall inform the licensee that if his /or her desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the Committee within 30 calendar days of the date of issuance of the citation. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing provided for in subdivision (a) of this section, the cited person may, within 14 calendar days after service of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer or his /or her designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited and/or his/her legal counsel or authorized representative.

(d) The Executive Officer or his /or her designee may affirm, modify or dismiss the citation, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his/her legal counsel, if any, within 14 calendar days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued.

(e) If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in his /or her discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

(f) If a cited person wishes to contest an affirmed or modified citation, the cited person shall, within 30 days after service of the citation, contest the affirmed or modified citation by submitting a written request for an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, to the Executive Officer or his or her designee. An informal citation conference shall not be held on affirmed or modified citations.

§1143. Compliance with Citation/Order of Abatement.

(a) ~~Orders of abatement may be extended for good cause.~~ If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his /or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the Executive Officer or his /or her designee in which to complete the correction.

Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When a citation or order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation within the time allowed or pay the fine that is imposed, if one was, shall constitute a violation and a failure to comply with the citation or order of abatement. 49

(c) Failure to timely comply with an order of abatement or pay a fine that is imposed is unprofessional conduct and may result in disciplinary action being taken by the Committee.

§1144. Notification to Other Boards and Agencies Disclosure.

The issuance and disposition of a citation shall be reported to other professional regulatory agencies. A licensee's compliance with an order of abatement or payment of a fine based on the finding of a violation may only be disclosed to the public as satisfactory resolution of the matter.

Note: Authority cited: Section 1906, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

ARTICLE 12. DENTAL HYGIENE CORPORATIONS

§1145. Professional Relationships, Responsibilities, and Conduct Not Affected.

Nothing in the laws or rules relating to dental corporations alters the registered dental hygienist's duties and responsibilities to and professional relationships with patients. Nor do such laws or rules in any way impair the disciplinary powers of the Committee over its licentiates or impair any other law or rule pertaining to the standards of professional conduct of registered dental hygienists.

Note: Authority cited: Sections 1905 and 1808, Business and Professions Code. Reference: Sections 1807 and 1808, Business and Professions Code.

§1146. Additional Offices.

A dental hygiene corporation is subject to the additional office requirements of Article 3.5, Chapter 4 of Division 2 of the Code. A dental hygiene corporation which desires to have more than one office shall, prior to opening any additional office, complete an "Additional Office Permit Application" that is hereby incorporated by reference and receive approval from the Committee.

Note: Authority cited: Sections 1905 and 1808, Business and Professions Code. Reference: Sections 1807 and 1808, Business and Professions Code.

§1147. Security for Claims Against a Dental Hygiene Corporation.

(a) When a dental hygiene corporation provides security by means of insurance for claims against it by its patients, the security shall consist of a policy or policies of insurance insuring either the corporation or all the employed licensed persons rendering such dental hygiene services against liability imposed by law for damages arising out of the rendering of, or failure to render, dental hygiene services by the corporation in an amount for each claim of at least \$50,000 multiplied by the number of employed licensed persons rendering such dental hygiene services and an aggregate maximum limit of liability per policy year of at least \$150,000 multiplied by the number of such employees; provided that the maximum coverage shall not be required to exceed \$150,000 for each claim and \$450,000 for all claims during the policy year, and provided further that the deductible portion of such insurance shall not exceed \$5,000 multiplied by the number of such employees.

(b) All shareholders of the corporation shall be jointly and severally liable for all claims established against the corporation by its patients arising out of the rendering of, or failure to render, dental hygiene services up to the minimum amounts specified for insurance under subsection (a) hereof except during periods of time when either the corporation or all the employed licensed persons rendering dental hygiene services provide and maintain insurance for claims by its patients arising out of the rendering of, or failure to render dental hygiene services. Said insurance when provided shall meet the minimum standards established in subsection (a) above.

Note: Authority cited: Sections 1950.5 and 1962, . Business and Professions Code. Reference: Sections 1950.5 and 1962, Business and Professions Code.

§1148. Shares: Ownership and Transfer.

(a) The shares of a dental hygiene corporation may be owned only by a dental hygiene corporation or by licensed dental hygienists, hereinafter referred to as eligible shareholders; provided, however, that no issuance or transfer of shares may be made which violates the provisions of Division 11 of the Code (Sections 1962).

(b) Where there are two or more shareholders in a dental hygiene corporation and one of the shareholders:

(1) Dies;

(2) Ceases to be an eligible shareholder; or

(3) Becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days; his shares shall be sold and transferred to the corporation, its shareholders, or other eligible persons on such terms as are agreed upon. Such sale or transfer shall be not later than six months after any such death and not later than ninety (90) days after the date he ceases to be an eligible shareholder, or ninety (90) days after the date he becomes a disqualified person. The requirements of subsections (a) and (b) of

this section shall be set forth in the dental hygiene corporation's articles of incorporation or bylaws, except that the terms of the sale or transfer provided for in said subsection need not be set forth in said articles or bylaws if they are set forth in a written agreement.

(c) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he again becomes an eligible shareholder.

(d) The share certificates of a dental hygiene corporation shall contain an appropriate legend setting forth the restrictions of subsection (a) of this Section and, where applicable, the restrictions of subsections (b) and (c) of this Section.

(e) The income of a dental hygiene corporation attributable to dental hygiene services rendered while a shareholder is a disqualified person shall not in any manner accrue to the benefit of such shareholder or his shares.

Note: Authority cited: Sections 1950.5 and 1962., Business and Professions Code. Reference: Sections 1950.5 and 1962, Business and Professions Code.



MEMORANDUM

DATE	December 5, 2010
TO	DHCC Subcommittee Members
FROM	Traci Napper, Legislation and Regulations Analyst Dental Hygiene Committee of California
SUBJECT	LEG 9 - Application Forms

Attached are the application forms that are incorporated by reference in the regulations;

- Application for Approval of a Course in Local Anesthetic, Nitrous Oxide-Oxygen Analgesia and Periodontal Soft Tissue Curettage, **Section 1107**
- RDHAP Educational Program Application, **Section 1109**
- Extramural Dental Facility Registration, **Section 1113**
- Application for Registered Dental Hygienist Examination and Licensure, **Section 1117 (a)**
- Request for Livescan Service, RDH, RDHAP & RDHEF, **Section 1117 (2)**
- Application to Practice Dental Hygiene through Licensure by Credential, **Section 1118 (c)**
- Application to Practice Dental Hygiene through Western Regional Examination Board (WREB), **Section 1118 (d)**
- RDHAP Application for Licensure, **Section 1119**
- Application to become an RDHEF, **Section 1120**
- Certification of Successful Completion of Remedial Education Requirements for Re-Examination Eligibility, **Section 1129**
- Application for Continuing Education Provider, **Section 1135 (c)**
- Application to Activate/Inactivate License, **Section 1137**
- Disciplinary Guidelines. **Section 1138**
- Additional Office Permit Application form for RDHAP's, **Section 1146** (form will be provided at meeting)
- Revised SLN Form



**Application for Approval of Course in
 Local Anesthetic, Nitrous Oxide-Oxygen Analgesia and Periodontal Soft Tissue Curettage**
 Business & Professions Code §1909, Title 16 CCR §1107.and §1108.

Non-Refundable Fee: \$300 (Must accompany application)

Receipt _____	RC _____
Date filed _____	\$ _____
Approved _____	Denied _____
RP# _____	

 Name of Course

 Telephone Number

 Location of Course

 City

 State

 Zip

 Mailing address

 City

 State

 Zip

 Name and title of Course Director

 Telephone Number

 Fax Number (optional)

Requirements for Course of Study

All questions must be answered "Yes" for a course to be approved. A course must receive approval prior to operation. Course records shall be subject to inspection by the Committee at any time. The Committee may withdraw approval at any time that it determines that a course does not meet each of the requirements listed below.

1. Will the course provide instruction in periodontal soft tissue curettage, administration of local anesthetic agents limited to the oral cavity and administration of nitrous oxide-oxygen used as an analgesic utilizing fail-safe type machines containing no other general anesthetic agents?

Yes No

2. Will the course be established at or affiliated with a California dental or dental hygiene school? Include any written affiliation or extramural site agreements, if appropriate.

Yes No

3. Will the course clearly state curriculum subject matter, specific instruction hours in the individual areas of didactic, pre-clinical and clinical instruction, and include written course and specific instructional learning outcomes that will be accomplished within the framework of the course, including theoretical aspects of each subject as well as practical application in accordance with California Code of Regulations §1107 and §1108 and a copy be provided to students? Include a copy of the curriculum with this application.

Yes No

4. Will the course be of sufficient duration for the student to develop competence in each of the duties of administration of local anesthetic agents, periodontal soft tissue curettage and administration of nitrous oxide-oxygen analgesia?

Yes No

5. Will instruction in the administration of local anesthetic agents total at least 30 hours, including at least 15 hours of didactic, laboratory and/or pre-clinical instruction, and at least 15 hours of clinical instruction?

Yes No

6. Will instruction in the administration of nitrous oxide-oxygen total at least 12 hours including at least 8 hours of didactic and laboratory instruction and at least 4 hours of clinical instruction that includes a minimum of 3 clinical experiences on 3 different patients?

Yes No

7. Will instruction in periodontal soft tissue curettage total at least 6 hours including at least 3 hours of didactic, laboratory and/or pre-clinical instruction, and at least 3 hours of clinical instruction that includes a minimum of 3 clinical experiences on 3 different patients?

Yes No

8. Specify the number of total hours within the course that will be taught in the categories listed below:

Didactic	_____	Pre-clinical	_____
Laboratory	_____	Clinical	_____

Acknowledgement

9. Have you reviewed Business & Professions Code §1909 and California Code of Regulations §1107. and §1108?

Yes No

10. Do you agree to abide by the requirements set forth in Business & Professions Code §1909 and California Code of Regulations §1107 and §1108? Do you acknowledge that failure to do so may result in loss of course approval?

Yes No

The Committee may approve, provisionally approve, or deny approval of any course. Provisional approval may be given to a course that substantially complies with existing standards for full approval. If the Committee denies approval of a course, the reasons for denial will be provided to the course in writing within 90 days.

Certification

I certify under the penalty of perjury under the laws of the State of California that the statements made in the application are true and correct, and that all courses offered will meet the requirements set forth by the Committee.

Signature of course director or designee

Date

INFORMATION COLLECTION AND ACCESS

The information requested herein is mandatory and is maintained by the Dental Hygiene Committee of California, 2005 Evergreen Street, Suite 1050, Sacramento, CA 95815, Executive Officer, 916-263-2300, in accordance with Business & Professions Code, §1600 et seq. Except for Social Security numbers, the information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Disclosure of your Social Security number is mandatory and collection is authorized by §30 of the Business & Professions Code and Pub. L 94-455 (42 U.S.C.A. §405(c)(2)(C)). Your Social Security number will be used exclusively for tax enforcement purposes, for compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination Board, and where licensing is reciprocal with the requesting state. If you fail to disclose your Social Security number, you may be reported to the Franchise Tax Board and be assessed a penalty of \$100. Each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure. Applicants are advised that the names(s) and address(es) submitted may, under limited circumstances, be made public.



Application for Approval of an RDHAP Educational Program

Business & Professions Code §1922, Title 16 CCR §1109 and §1110

Non-Refundable Fee: \$300 (Must accompany application)

Receipt	_____	RC	_____
Date filed	_____	\$	_____
Approved	_____	Denied	_____
RP#	_____		

Name of RDHAP Educational Program _____

Telephone Number _____

Location of Program _____

City _____

State _____

Zip _____

Mailing address _____

City _____

State _____

Zip _____

Name and title of Program Director _____

Telephone Number _____

Fax Number (optional) _____

Requirements for Course of Study

All questions must be answered "Yes" for a course to be approved. A program must receive approval prior to operation. Program records shall be subject to inspection by the Committee at any time. The Committee may withdraw approval at any time that it determines that a program does not meet each of the requirements listed below.

1. Has the program provided a copy of a feasibility study demonstrating a need for a new RDHAP educational program in accordance with California Code of Regulations §1109 (e)? Include a copy of the feasibility study with this application.

Yes No

2. Will the educational program be established at a California college or institution of higher education that is accredited by a regional agency recognized by the Council for Higher Education Accreditation? Include any written affiliation or extramural site agreements, if appropriate.

Yes No

3. Will the educational program provide at least 150 hours of instruction, of which 75% of the hours will include in the following areas: dental hygiene technique and theory including oral pathology, pharmacology, sociology, psychology, cultural diversity linguistic competency and treatment of special populations including geriatric, medically compromised, developmentally disabled and pediatric? Will the program provide instruction in evaluation of dental hygiene status and dental hygiene treatment planning, medical histories and terminology, dental and medical emergencies, application of pit, resin or composite fissure sealants?

Yes No

4. Will the educational program provide instruction in business administration and practice management?

Yes No

5. Will the educational program clearly state program goals, program student learning outcomes, curriculum subject matter, specific instruction hours in the individual areas of instruction, and include written course(s) and specific instructional learning outcomes that will be accomplished within the framework of the educational program including descriptions and learning outcomes for each course as well as practical application in accordance with California Code of Regulations §1109 and §1110 and a copy be provided to students? Include a copy of the program goals and student learning outcomes and the curriculum with this application.

Yes No

6. Will the faculty of the RDHAP educational program possess a valid, active California license for at least two (2) years prior to providing course instruction and have educational and experience within the last five (5) years in the subject area being taught? Include a copy of each program faculty curriculum vitae with this application.

Yes No

7. Will the educational program establish and maintain qualitative standards for proficiency and accomplishment for student? Please include a copy of how students will be assessed and evaluated to ensure proficiency in the subject areas.

Yes No

Acknowledgement

9. Have you reviewed Business & Professions Code §1922 and California Code of Regulations §1109 and §1110.

Yes No

10. Do you agree to abide by the requirements set forth in Business & Professions Code §1922 and California Code of Regulations §1109 and §1110? Do you acknowledge that failure to do so may result in loss of program approval?

Yes No

The Committee may approve, provisionally approve, or deny approval of any RDHAP educational program. Provisional approval may be given to a program that substantially complies with existing standards for full approval. If the Committee denies approval of an RDHAP educational program, the reasons for denial will be provided to the applicant in writing within 90 days.

Certification

I certify under the penalty of perjury under the laws of the State of California that the statements made in the application are true and correct, and that this educational program and the courses offered will meet the requirements set forth by the Committee.

Signature of program director or designee

Date

INFORMATION COLLECTION AND ACCESS

The information requested herein is mandatory and is maintained by the Dental Hygiene Committee of California, 2005 Evergreen Street, Suite 1050, Sacramento, CA 95815, Executive Officer, 916-263-2300, in accordance with Business & Professions Code, §1600 et seq. Except for Social Security numbers, the information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Disclosure of your Social Security number is mandatory and collection is authorized by §30 of the Business & Professions Code and Pub. L 94-455 (42 U.S.C.A. §405(c)(2)(C)). Your Social Security number will be used exclusively for tax enforcement purposes, for compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination Board, and where licensing is reciprocal with the requesting state. If you fail to disclose your Social Security number, you may be reported to the Franchise Tax Board and be assessed a penalty of \$100. Each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure. Applicants are advised that the names(s) and address(es) submitted may, under limited circumstances, be made public.



EXTRAMURAL DENTAL FACILITY REGISTRATION
 REQUEST FOR APPROVAL

In accordance with Section 1113 of the California Code of Regulations, and Extramural Dental Hygiene facility means any clinical facility employed by an approved dental hygiene educational program for instruction in dental hygiene which exists outside or beyond the walls, boundaries or precincts of the primary campus of the approved program and in which dental hygiene services are rendered.

Please Print or Type

Name of Dental Hygiene School Requesting Extramural Hygiene Facility		
Name of Extramural Hygiene Facility		
Address of Extramural Hygiene Facility		
List Name(s) of faculty responsible for supervision	Hygiene License	Telephone Number
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
State scope of treatment(s) to be rendered		
Date facility will open		
List of discipline of which instruction is a part of:		
Arrangement for post-operative care:		
Signature		Date

Submit the above requested information with a copy of the agreement between the approved hygiene school or parent university and affiliated institution establishing the contractual relationship.

ANY CHANGES IN INFORMATION MUST BE SUBMITTED IN WRITING TO THE DENTAL HYGIENE COMMITTEE OF CALIFORNIA.



Application for Registered Dental Hygienist Examination and Licensure

First-Time Applicants

Previously-Qualified Applicants Only

FOR OFFICE USE ONLY		<input type="checkbox"/> FP Card Fee
Rec. # _____	File # _____	QM _____
Sign: _____	Seal: _____	Dean: _____ Pic: _____
School: _____	Grad dt: _____	SS: _____
O/S: _____		
STC: _____	LA: _____	NO: _____ Xray: _____ NB: _____
Spec Accom: _____		
Clearance received: DOJ: _____ FBI: _____		

ALL APPLICANTS – Write in month and check which exam location you are applying for:

_____ San Francisco
 _____ Los Angeles

Month/Year

Type or Print the following neatly - Answer ALL Questions

1. *SOCIAL SECURITY # _____ - _____ - _____ BIRTHDATE _____ / _____ / _____
Month Day Year

2. LAST NAME _____

3. FIRST NAME _____ MIDDLE NAME _____

Other Names used _____

You must provide legal documentation in order to change your name. Acceptable forms of legal documentation are marriage certificate, birth certificate, divorce decree, naturalization paper or court order.

4. ADDRESS _____ Apt. or Unit#: _____

5. CITY _____ STATE _____ ZIP _____

EMAIL ADDRESS: _____

6. TELEPHONE NUMBERS: Home (_____) _____ - _____ Work (_____) _____ - _____

7. RE-APPLICATION. I last took the examination on : _____
Month/Year

Name at time of previous application _____
(if not same as above) Last Name First Name Middle Name

8. The following MUST BE COMPLETED BY THE DENTAL HYGIENE PROGRAM DIRECTOR:

I HEREBY DECLARE under penalty of perjury under the laws of the State of California that

_____ matriculated in the below-named dental hygiene

 (name of applicant)

program on _____ day of _____ 20_____, and attended _____ years, graduating with a.

Degree Diploma Certificate in Dental Hygiene on _____

 Month/Day/Year

Stamped seal)
 of college or)
 institution)

SIGNATURE OF DEAN OR AUTHORIZED OFFICIAL **Date of Signature**

SCHOOL NAME: _____

SCHOOL ADDRESS: _____

YOU MUST ANSWER ALL OF THE FOLLOWING QUESTIONS, AND PROVIDE ANY DETAILS REQUESTED, OR YOUR APPLICATION WILL BE REJECTED AND RETURNED.

9. Are you currently, or have you in the last two years, engaged in the illegal use of controlled dangerous substances? YES NO

(If the answer is "Yes", you MUST provide complete details on the last page.)

10. Have you ever been convicted of, pled guilty, or pled nolo contendere to any criminal, offense, other than a minor traffic violation in any state, the United States, or a foreign country? Applicants must report any convictions or pleas of nolo contendere even if a subsequent order was issued which expunged or dismissed the criminal record under the provisions of section 1203.4 of the Penal Code. Applications may be denied for knowingly falsifying an application pursuant to section 480(c) of the Business and Professions Code. YES NO

(If the answer is "Yes", on the last page you MUST provide the section of law violated, the nature/circumstances relating to the violation, the location and date of the violation, the penalty or disposition including a certified copy of the Judgment of conviction, and any evidence of rehabilitation.)

11. Have you ever applied for or been licensed to practice dental assisting, dental hygiene, dentistry, or any other health profession in any state or foreign country? YES NO

(If the answer is "Yes", you MUST complete all of the following. If you have held more than one license, copy this page and complete for each license.)

a. Type of Practice: _____ License Number: _____
 State/Country: _____

b. Was your application ever denied? YES NO
 (If "Yes", you MUST give complete details on next page.)

c. Was your license ever revoked or otherwise disciplined? YES NO
 (If "Yes", you MUST give complete details on next page.)

d. Is the license presently valid? YES NO
 (If "No", you MUST give complete details on next page.)

12. EXECUTION OF APPLICATION -- ALL APPLICANTS MUST READ, SIGN AND DATE

I am the applicant for examination for licensure as a Registered Dental Hygienist. I have carefully read the questions in the foregoing application and have answered them truthfully, fully and completely.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed in _____ on the _____ of _____, 20____.
(City and state) day month year

SIGNATURE OF APPLICANT

Information Practices Act, you may contact the Office of Privacy Protection in the Department of Consumer Affairs, 1625 North Market Street, Sacramento, CA 95834, (866) 785-9663 or email privacy@dca.ca.gov.



REQUEST FOR LIVE SCAN SERVICE
 Applicant Submission

ORI: <u>A0638</u> Type of Application: (check one) <input type="checkbox"/> Employment <input checked="" type="checkbox"/> License, Certification, Permit <input type="checkbox"/> Volunteer		
Code assigned by DOJ		
Job Title or Type of License, Certification or Permit: <u>Registered Dental Hygienist</u>		
Agency Address Set Contributing Agency: <u>Dental Hygiene Committee of California</u>		
		<u>05635</u>
Agency authorized to receive criminal history		Mail Code (five-digit assigned by DOJ)
<u>2005 Evergreen Street, Suite 1050</u>		
Street No.	Street or PO Box	Contact Name (Mandatory for all school submissions)
<u>Sacramento, CA 95815</u>		<u>(916) 263-1978</u>
City	State	Zip Code
		Contact Telephone No.
Name of Applicant: _____		
(Please Print)	Last	First MI
AKA's _____		CDL No. _____
	Last	First
DOB: _____	WT: _____	Misc. No. <u>BIL – APPLICANT TO PAY</u>
		Agency Billing Number (if applicable)
HT: _____	HAIR color: _____	Home Address: (Applies only if Youth Org/HRA or Public Utility submission)
POB: _____		Street or PO Box
SOC: _____		City, State and Zip Code
Your Number: <u>RDH</u>		
OCA No. (Agency Identifying No.)		
Level Of Service DOJ <input checked="" type="checkbox"/> FBI <input checked="" type="checkbox"/>		
If resubmission, list Original ATI No. _____		
Employer: (Additional response for Department of Social Services, DMV/CHP licensing, and Department of Corporations submissions only)		
Employer Name _____		
Street No.		Street or PO Box
		Mail Code (five digit code assigned by DOJ)
City	State	Zip Code
		Agency Telephone No. (Optional)
Live Scan Transaction Completed By: _____		Date _____
		Name of Operator
Transmitting Agency _____		ATI No. _____
		Amount Collected/Billed



REQUEST FOR LIVE SCAN SERVICE
 Applicant Submission

ORI: <u>A0638</u> Type of Application: (check one) <input type="checkbox"/> Employment <input checked="" type="checkbox"/> License, Certification, Permit <input type="checkbox"/> Volunteer		
Code assigned by DOJ		
Job Title or Type of License, Certification or Permit: <u>Registered Dental Hygienist in Alternative Practice</u>		
Agency Address Set Contributing Agency: <u>Dental Hygiene Committee of California</u>		
		<u>05635</u>
Agency authorized to receive criminal history		
<u>2005 Evergreen Street, Suite 1050</u>		Mail Code (five-digit assigned by DOJ)
Street No.	Street or PO Box	Contact Name (Mandatory for all school submissions)
<u>Sacramento, CA 95815</u>		<u>(916) 263-1978</u>
City	State	Zip Code
		Contact Telephone No.
Name of Applicant: _____		
(Please Print)	Last	First MI
AKA's _____		CDL No. _____
DOB: _____	WT: _____	Misc. No. <u>BIL – APPLICANT TO PAY</u>
HT: _____	HAIR color: _____	Agency Billing Number (if applicable)
POB: _____	Home Address: (Applies only if Youth Org/HRA or Public Utility submission)	
SOC: _____	Street or PO Box	
	City, State and Zip Code	
Your Number: <u>RDHAP</u>		
OCA No. (Agency Identifying No.)		
Level Of Service DOJ <input checked="" type="checkbox"/> FBI <input checked="" type="checkbox"/>		
If resubmission, list Original ATI No. _____		
Employer: (Additional response for Department of Social Services, DMV/CHP licensing, and Department of Corporations submissions only)		
Employer Name _____		
Street No.	Street or PO Box	Mail Code (five digit code assigned by DOJ)
City	State	Zip Code
		Agency Telephone No. (Optional)
Live Scan Transaction Completed By: _____		Date _____
		Name of Operator
Transmitting Agency	ATI No.	Amount Collected/Billed



REQUEST FOR LIVE SCAN SERVICE
 Applicant Submission

ORI: <u>A0638</u> Type of Application: (check one) <input type="checkbox"/> Employment <input checked="" type="checkbox"/> License, Certification, Permit <input type="checkbox"/> Volunteer		
Code assigned by DOJ		
Job Title or Type of License, Certification or Permit: <u>Registered Dental Hygienist in Extended Functions</u>		
Agency Address Set Contributing Agency: <u>Dental Hygiene Committee of California</u>		
		<u>05635</u>
Agency authorized to receive criminal history		
<u>2005 Evergreen Street, Suite 1050</u>		Mail Code (five-digit assigned by DOJ)
Street No.	Street or PO Box	Contact Name (Mandatory for all school submissions)
<u>Sacramento, CA 95815</u>		<u>(916) 263-1978</u>
City	State	Zip Code
		Contact Telephone No.
Name of Applicant: _____		
(Please Print)	Last	First MI
AKA's _____		CDL No. _____
DOB: _____	WT: _____	Misc. No. <u>BIL – APPLICANT TO PAY</u>
HT: _____	HAIR color: _____	Agency Billing Number (if applicable)
POB: _____	Home Address: (Applies only if Youth Org/HRA or Public Utility submission)	
SOC: _____	Street or PO Box	
	City, State and Zip Code	
Your Number: <u>RDHEF</u>		
OCA No. (Agency Identifying No.)		
Level Of Service DOJ <input checked="" type="checkbox"/> FBI <input checked="" type="checkbox"/>		
If resubmission, list Original ATI No. _____		
Employer: (Additional response for Department of Social Services, DMV/CHP licensing, and Department of Corporations submissions only)		
Employer Name _____		
Street No.	Street or PO Box	Mail Code (five digit code assigned by DOJ)
City	State	Zip Code
		Agency Telephone No. (Optional)
Live Scan Transaction Completed By: _____		Date _____
		Name of Operator
Transmitting Agency _____	ATI No. _____	Amount Collected/Billed _____



**APPLICATION TO PRACTICE
 DENTAL HYGIENE
 through
 LICENSURE BY CREDENTIAL**

OFFICIAL USE ONLY				
Rec#	_____	File#	_____	{ } 11a { } 11b { } 11c
State/Regional Exam:	_____	NB:	_____	
School:	_____	Grad Date:	_____	
{ } STC	{ } LA	{ } NO	{ } Xray	{ } CE
{ } Sig	{ } Notary	{ } DOJ	{ } FBI	

FEES ARE NON-REFUNDABLE

Please type or print clearly				
1. APPLICANT NAME: Last First Middle			2. Social Security Number:	
List other names you have ever used:			3. Birthdate (mo/day/yr):	
4. Address: City State Zip			5. Telephone Numbers: Work () Home()	
6. Dental Hygiene School Graduation Requirement. List the date on which you graduated from a dental hygiene school that is accredited by the Commission on Dental Accreditation (you must submit a copy of your diploma):				
7. Licensure in Other State(s) Requirement. List state(s) in which you are, or have ever been, licensed to practice dental hygiene:				
State	License Number	Date of Issue	Dates of practice	
			From (Mo/Yr)	To (Mo/Yr)
NOTE: Each state in which you are, or have ever been, licensed must provide certification of licensure on form provided.				
8. EXAMINATION REQUIREMENTS				
8a. California Clinical Examination. List the dates, if any, on which you previously took the California dental hygiene clinical licensure examination:				
8b. Passage of Dental Hygiene National Board Required. List the date on which you passed the Dental Hygiene National Board (you must submit original documentation of your National Board scores with this Application):				
8c. Passage of State or Regional Clinical Licensure Exam Required. List the date(s) on which you completed a state or regional clinical licensure examination (you must submit proof of passage with this Application, or it may be included on the license certification required under Section 7 above – see License Certification form):				

9. CONTINUING EDUCATION REQUIREMENT. Provide **original** documentation showing you have completed 25 units of continuing education within two years prior to the date of this application, which must include Basic Life Support, 2 hours California Dental Law and 2 hours Infection Control.

10. COMPLETION OF SPECIFIED COURSES REQUIRED. You must provide proof of passing California Dental Board-approved courses in: (1) soft tissue curettage, (2) the administration of nitrous oxide/oxygen, and (3) the administration of local anesthesia. You must provide certification of acceptable radiation safety instruction or you will not be allowed to expose dental radiographs in California.

11. CLINICAL PRACTICE AND/OR FULL-TIME FACULTY EXPERIENCE REQUIREMENT

11a. Clinical Practice Experience

I certify that I have been in clinical practice as a dental hygienist for a minimum of 750 hours per year for at least five (5) years preceding the date of this application. (Note: Less than five years is required if in combination with 11b or 11c below.) A separate Certification of Dental Hygiene Clinical Practice form must be submitted with the application.

11b. Full-Time Faculty

I certify that I have been a full-time faculty member in an accredited dental hygiene educational program for a minimum of 750 hours per year for at least five (5) years preceding the date of this application. (Note: Less than five years is required if in combination with 11a above.) A copy of each pertinent employment contract, showing the number of hours performed per year, must be submitted with the application.

11c. Pending Contract to Practice in a Clinic

I certify that I have been in clinical practice as a dental hygienist (see 11a above) for a minimum of 750 hours per year for at least three (3) years preceding the date of this application. A Certification of Dental Hygiene Clinical Practice is attached. I further certify that in lieu of two (2) years of the 5-year clinical practice experience, I have committed to practice in certain settings/locations in California. A copy of the applicant's pending contract to practice in such settings/locations must be provided.

12. DISCIPLINARY ACTIONS

12a. Have you ever been charged with, or been found to have committed, unprofessional conduct, incompetence, gross negligence, or repeated negligent acts or malpractice by any dental or dental hygiene licensing board or agency? Yes No

12b. Has any disciplinary action ever been filed or taken, including but not limited to, informal or confidential discipline, consent orders or letters of warning regarding any healing arts license which you now hold or have ever held? Yes No

12c. Have you ever been denied a license, or permission to practice dental hygiene, or permission to take an examination in any state, region, country, or U.S. Federal jurisdiction? Yes No

12d. In lieu of discipline or with charges pending, have you ever voluntarily surrendered a license to practice any form of dentistry, including hygiene or assisting, in another state or country? Yes No

If Yes to any of the above questions, give details on page 4 under Section 15, or on a separate attachment.

13. CRIMINAL CONVICTIONS

With the exception of traffic laws resulting in fines of \$300.00 or less, have you ever been convicted of, or pled nolo contendere to any offense, misdemeanor, or felony in any state of the United States or in a foreign country? Yes No

Note: Under the provisions of Penal Code Section 1203.4, applicants must report any convictions or pleas of nolo contendere irrespective of a subsequent order that expunges the criminal record. Penal Code Section 1203.4 requires that applicants for licensure must report any conviction to any state or local licensing agency even if the conviction is dismissed. Applicants who answer "No" to the question, when there is a previous conviction or plea, may have their application denied for knowingly falsifying the application pursuant to section 480(c) of the Business and Professions Code.

If Yes to the above, give details below, or on page 4 under Section 15, or on a separate attachment.

Violation and Location	Date	Disposition of Case

14. EXECUTION OF APPLICATION

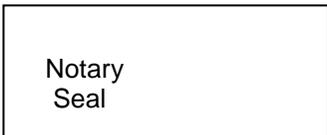
I declare that I am the applicant for Licensure by Credential referred to in this application. I have carefully read the questions in the foregoing application and have answered them truthfully, fully, and completely. I hereby authorize educational and other institutions, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Dental Hygiene Committee of California any information, files or records requested by the Dental Hygiene Committee of California in connection with the processing of this application.

I certify under penalty of perjury under the laws of the State of California that the foregoing and any Attachments hereto are true and correct.

_____ Date

_____ Signature of Applicant

NOTE: An applicant who signs this Application OUTSIDE the State of California shall swear to the truth of the statements contained herein before a notary public or other person authorized by law to administer oaths.



Place of Signing: _____

15. Space for additional answers to Application questions (list the number of the question being answered.)

Notice of Collection of Personal Information

Collection and Use of Personal Information. The Dental Hygiene Committee of California of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Sections 1742 and 1753, and California Code of Regulations Sections 1076 and 1077. The Committee uses this information principally to identify and evaluate applicants for licensure, issue and renew licenses, enforce licensing standards set by law and regulation.

Mandatory Submission. Submission of the requested information is mandatory. The Committee cannot consider your application for licensure unless you provide all of the requested information.

Access to Personal Information. You may review the records maintained by the Committee that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. We make every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by State or Federal law ; or
- In response to a court or administrative order, a subpoena, or a search warrant.

Disclosure of your Social Security number is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 U.S.C.A. 405(c)(2)(c)) authorizes collection of your Social Security number. Your Social Security number will be used exclusively for tax enforcement purposes, and for purposes of compliance with any judgment or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your Social Security number, your application for initial or renewal license will not be processed AND you will be reported to the Franchise Tax Board, which may assess \$100 penalty against you.

Contact Information. For questions about this notice or access to your records, you may contact the Dental Hygiene Committee of California, 2005 Evergreen Street, Suite 1050 Sacramento, CA 95815, 916-263-1978. For questions about Department of Consumer Affairs' privacy policy or the Information Practices Act, you may contact the Office of Privacy Protection in the Department of Consumer Affairs, 1625 N. Market Street, Sacramento, CA 95834, (866) 785-9663 or email privacy@dca.ca.gov



**APPLICATION TO PRACTICE
 DENTAL HYGIENE
 through
 Western Regional Examination
 Board (WREB)**

OFFICIAL USE ONLY			
Rec # _____	File # _____	<input type="checkbox"/> FP Card Fee	
WREB Exam: _____		NB: _____	
School: _____		Grad Date: _____	
<input type="checkbox"/> STC	<input type="checkbox"/> LA	<input type="checkbox"/> NO	<input type="checkbox"/> Xray O/S: _____
<input type="checkbox"/> Sig	<input type="checkbox"/> DOJ	<input type="checkbox"/> FBI	

FEEES ARE NON-REFUNDABLE

Law and Ethics Exam fee payable to PSI at a later date

Please type or print clearly			
1. APPLICANT NAME: Last	First	Middle	2. Social Security Number:
List other names you have ever used:			3. Birthdate (mo/day/yr):
4. *Address of Record:	City	State	5. Telephone Numbers: Work () Home()
6. Email Address (Optional):			
7. Do you have a certified disability or condition that requires special accommodations for testing? <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>			
If yes, please contact the Committee for a "Special Accommodation" packet.			
8. Have you previously taken the Dental Hygiene California Law and Ethics Examination? <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>			
9. Dental Hygiene School Graduation Requirement. List the name and date on which you graduated from a dental hygiene school that is accredited by the Commission on Dental Accreditation. (you must submit a copy of your diploma) Name: _____ Date: _____ <div style="text-align: right; color: teal;"><i>Pursuant to B&P Code section 1917a</i></div>			
10. Licensure in Other State(s) Requirement. If you are or were previously licensed in another State please list state(s) in which you are, or have ever been, licensed to practice dental hygiene:			
1	State	License No.	Date License Issued
			License Expiration Date
2	State	License No.	Date License Issued
			License Expiration Date
3	State	License No.	Date License Issued
			License Expiration Date
4	State	License No.	Date License Issued
			License Expiration Date
NOTE: Each state in which you are, or have ever been, licensed must provide certification of licensure on form provided <div style="text-align: right; color: teal;"><i>Pursuant to CCR Section 1076a3</i></div> (You may copy this page if more space is needed)			
11. EXAMINATION REQUIREMENTS			

*Once licensed, address of record will be posted on the internet and disclosed to the public upon request.

11a. Passage of Western Regional Examination Board (WREB) REQUIRED.

List the date on which you passed the WREB examination (you must submit proof of successful completion of the WREB)

Date: _____

Pursuant to B&P Code section 1917b

11b. Passage of Dental Hygiene National Board REQUIRED.

List the date on which you passed the Dental Hygiene National Board (you must submit original documentation of your National Board scores with this Application)

Date: _____

Pursuant to B&P Code section 1917c

12. Completion of Specified Courses REQUIRED.

You must provide proof of passing California Dental Board-approved courses in: (1) soft tissue curettage, (2) the administration of nitrous oxide/oxygen, and (3) the administration of local anesthesia. Proof of completion to be provided by your hygiene program on enclosed form.

(Proof of Completion not required for California Graduates)

Pursuant to CCR Section 1072.1g4C

13. Completion of an Approved Radiation Safety Course REQUIRED.

You must provide certification of acceptable radiation safety instruction on the form provided or you will not be allowed to expose dental radiographs in California.

Pursuant to B&P Code section 1656

14. Are there any pending investigations by any State or Federal agencies against you?

Yes No

If yes, please provide details on page 3 under Section 19, or on a separate attachment

15. LICENSE DISCIPLINE

Have you ever had any professional license disciplined by a government agency or other disciplinary body?

Check the box next to **"YES"** if, you have ever had any professional license disciplined by a government agency. "Discipline" includes, but is not limited to, suspension, revocation, voluntary surrender, probation, or any other restriction. "License" includes permits, registrations and certificates.

Check the box next to **"NO"** if you have not had a license disciplined by another government agency.

Yes No

. If yes, please provide details on page 3 under Section 19, or on a separate attachment

16. CRIMINAL CONVICTIONS

Have you been convicted of any crime in any state, the USA and its territories, military court or foreign country?

Check the box next to **"YES"** if, you have ever been convicted or plead guilty to any crime. "Conviction" includes a plea of no contest and any conviction that has been set aside or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code, including infractions, misdemeanor, and felonies. You do not need to report a conviction for an infraction with a fine of less than \$300 unless the infraction involved alcohol or controlled substances. You must, however, disclose any convictions in which you entered a plea of no contest and any convictions that were subsequently set aside pursuant or deferred pursuant to sections 1000 or 1203.4 of the Penal Code.

Check the box next to **"NO"** if you have not been convicted of a crime.

Yes No

If yes to the above, give details including violation, location, date, and disposition of case on page 3 under Section 19, or on a separate attachment

17. DENIAL OF A LICENSE

Have you ever been denied a hygiene license or permission to take a hygiene examination?

Yes No

If Yes, give details below, or on page 3 under Section 19, or on a separate attachment.

18. EXECUTION OF APPLICATION

I declare that I am the applicant for licensure of Dental Hygiene through Western Regional Examination Board (WREB) referred to in this application. I have carefully read the questions in the foregoing application and have answered them truthfully, fully, and completely.

I certify under penalty of perjury under the laws of the State of California that the foregoing and any Attachments hereto are true and correct.

Date

Signature of Applicant

Important Information: You must report to the Board the results of any actions which have been filed or were pending against any dental profession license you hold at the filing of this application. Failure to report this information may result in the denial of your application or subject your license to discipline pursuant to Section 480 (c) of the Business & Professions Code.

19. Space for additional answers to Application questions (list the number of the question being answered).

(If additional space is needed, attach a separate page)

Notice of Collection of Personal Information

Collection and Use of Personal Information. The Dental Hygiene Committee of California of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Sections 1917 and California Code of Regulations Sections 1118 (c). The Committee uses this information principally to identify and evaluate applicants for licensure, issue and renew licenses, enforce licensing standards set by law and regulation.

Mandatory Submission. Submission of the requested information is mandatory unless listed as optional. The Committee will not consider your application for licensure unless you provide all of the requested information.

Access to Personal Information. You may review the records maintained by the Committee that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Providing your Social Security number is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 U.S.C.A. 405(c)(2)(c) authorizes collection of your Social Security number. Your Social Security number will be used exclusively for tax enforcement purposes, and for purposes of compliance with any judgment or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your Social Security number, your application for initial or renewal license will not be processed AND you will be reported to the Franchise Tax Board, which may assess \$100 penalty against you.

Contact Information. For questions about this notice or access to your records, you may contact the Dental Hygiene Committee of California, 2005 Evergreen Street, Suite 1050 Sacramento, CA 95815, 916-263-1978.



RDHAP APPLICATION for LICENSURE

For Official Use Only

Rec# _____ Amount Paid: _____
 File # _____ Cashier Date: _____
 HAP School: _____ HAP Graduation Date: _____

- Signature Notary DOJ FBI
 Bachelor's Equivalent Out of State Cert.
 Relationship w/DDS

License Issue Date: _____

FEES ARE NOT REFUNDABLE

Law and ethics exam fee pay

Please type or print clearly	
1. APPLICANT NAME: Last First Middle	2. Social Security Number:
List other names you have ever used:	3. Birth date (mm/dd/yy):
4. Address: City State Zip	5. Telephone Numbers: Work () Home()
6. RDH License Number CA RDH License #: _____ Expiration Date: _____	
7. Fingerprinting Requirements pursuant to §1916(a) of the Business and Professions Code: All applicants applying for licensure must be fingerprinted. Provide a copy of the completed Livescan form or two completed fingerprint cards and required fees.	
8. Have you previously taken the California Law & Ethics Examination? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, when was the exam taken? (mm/dd/yy) _____	
9. Do you have a disability or condition that requires special accommodations? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, fax DHCC a request for a "REQUEST FOR ACCOMMODATION" packet for exam.	
10. RDHAP Program: <input type="checkbox"/> West Los Angeles <input type="checkbox"/> University of the Pacific RDHAP Graduation Date: (mm/dd/yy) (/ /)	
11. Status of Licensure in other States. If you are currently licensed as a dental hygienist or have ever been licensed as a dental hygienist in another state, you must attach a current certification of licensure from each state. List each state here or write none if you have never been licensed in another state as a dental hygienist.	
12. Experience Requirement. <input type="checkbox"/> I certify that I have been engaged in clinical practice as a dental hygienist for a minimum of 2,000 hours during the immediately preceding 36 months. "Clinical practice" means the practice of dental hygiene as defined in Section 1922(a)(1) of the Business and Professions Code, in any setting allowed by law and under the supervision specified by law. You must attach a "Certification of Dental Hygiene Clinical Practice" form with this application.	

13. Bachelor's Degree Requirement.

You must attach a copy of your diploma or official transcript(s) documenting that you have successfully completed a bachelor's degree or its equivalent from a college or institution of higher education that is accredited by a national agency recognized by the Council for Higher Education Accreditation (successor to the Council on Post Secondary Accreditation) or the United States Department of Education. The successful completion of 120 semester units or 180 quarter units or a combination thereof shall be considered the equivalent of a bachelor's degree. The formula for calculating the hours is as follows: Quarter Units X 2/3 (.666) = Semester Units and Semester Units X 1.5 = Quarter Units.

14. Completion of Approved RDHAP Educational Program pursuant to § 1922 (b), Title 16, California Code of Regulations. (If you have received a letter of acceptance into the employment utilization phase of the Health Manpower Pilot Project No. 155, prior to June 1, 1997, you do not have to meet this requirement.)

You must attach a certificate of completion or diploma as proof that you have successfully completed an RDHAP educational program approved by the Dental Board of California.

15. If you have received a letter of acceptance into the employment utilization phase of the Health Manpower Pilot Project No. 155, prior to June 1, 1997 pursuant to §1073.2 (b), you must provide a copy of the letter. (If you provide a letter of acceptance, you do not need to complete questions 14, 15, and 16.)

16. Are there any pending investigations by any State or Federal agencies against you?

Yes No

If yes, please provide details on page 3 under Section 21, or on a separate attachment.

17. LICENSE DISCIPLINE

Have you ever had any professional license disciplined by a government agency or other disciplinary body?

Check the box next to **"YES"** if you have ever had any professional license disciplined by a government agency. "Discipline" includes, but is not limited to, suspension, revocation, voluntary surrender, probation, or any other restriction. "License" includes permits, registrations and certificates.

Check the box next to **"NO"** if you have not had a license disciplined by another government agency.

Yes No

If yes, please provide details on page 3 under Section 21, or on a separate attachment

18. CRIMINAL CONVICTIONS

Have you been convicted of any crime in any state, the USA and its territories, military court or foreign country?

Check the box next to **"YES"** if you have ever been convicted or plead guilty to any crime. "Conviction" includes a plea of no contest and any conviction that has been set aside or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code, including infractions, misdemeanor, and felonies. You do not need to report a conviction for an infraction with a fine of less than \$300 unless the infraction involved alcohol or controlled substances. You must, however, disclose any convictions in which you entered a plea of no contest and any convictions that were subsequently set aside pursuant or deferred pursuant to sections 1000 or 1203.4 of the Penal Code.

Check the box next to **"NO"** if you have not been convicted of a crime.

Yes No

If yes to the above, give details including violation, location, date, and disposition of case on page 3 under Section 21, or on a separate attachment

19. DENIAL OF A LICENSE

Have you ever been denied a hygiene license or permission to take a hygiene examination?

Yes No

If Yes, give details below, or on page 3 under Section 21, or on a separate attachment.

20. Execution of Application.

Executed in _____, on the _____ day of _____, 20_____.
(City, State)

I am the applicant for licensure referred to in this application. I have carefully read the questions in the foregoing application and have answered them truthfully, fully and completely.

I certify under penalty of perjury under the laws of the State of California and automatic forfeiture of my California license if one is issued that the information I provided to the DHCC in this application is true and correct to the best of my knowledge and belief.

Date _____ Signature of Applicant _____

Important Information: You must report to DHCC results of any actions which have been filed or were pending at the filing of this application. Failure to report this information may result in the denial of your application or subject your license to discipline pursuant to § 480(c) of the Business & Professions Code.

21. Space for additional answers to Application questions (list the number of the question being answered). _____

_____ (If additional space is needed, attach a separate page)

Notice of Collection of Personal Information

Collection and Use of Personal Information. The Dental Hygiene Committee of California of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 1939, and Title 16 California Code of Regulations Sections 1076 and 1077. The Committee uses this information principally to identify and evaluate applicants for licensure, issue and renew licenses, enforce licensing standards set by law and regulation.

Mandatory Submission. Submission of the requested information is mandatory. The Committee cannot consider your application for licensure unless you provide all of the requested information.

Access to Personal Information. You may review the records maintained by the Dental Hygiene Committee of California that contain your personal information, as permitted by the Information Practices Act. See below for contact information. Disclosure of your Social Security number is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 U.S.C. Sec. 405(c)(2)(C)) authorize collection of your Social Security number. Your Social Security number will be used exclusively for tax enforcement purposes, and for purposes of compliance with any judgment or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your Social Security number, your application for initial or renewal license will not be processed AND you will be reported to the Franchise Tax Board, which may assess \$100 penalty against you.

Contact Information. For questions about this notice or access to your records, you may contact the Dental Hygiene Committee of California, 2005 Evergreen Street, Suite 1050, Sacramento, CA 95815, 916-263-1978.



<p>FOR OFFICE USE ONLY</p> <p>Rec. # _____</p> <p>File # _____</p>

Application to become an RDHEF
 (Qualifying by holding and RDAEF and RDH license)

Type or Print the following neatly - Answer ALL Questions

- *SOCIAL SECURITY # _____ - _____ - _____ BIRTHDATE _____ / _____ / _____
Month Day Year
- LAST NAME _____
- FIRST NAME _____ MIDDLE NAME _____
- ADDRESS _____ Apt. Unit#: _____
- CITY _____ STATE _____ ZIP _____
- TELEPHONE NUMBERS: Home (_____) _____ - _____ Work (_____) _____ - _____

7. RDAEF License number _____ RDH License Number _____

8. Since the last Application you filed, have you (a) engaged in the illegal use of controlled dangerous substances; (b) been convicted of, pled guilty, or pled nolo contendere to any

YES NO

criminal, offense, other than a minor traffic violation in any state, the United States, or a foreign country, or applied for or been licensed to practice dental assisting, dental hygiene, dentistry, or any other health profession in any state or foreign country? (If the answer is "Yes", you MUST provide complete details on the reverse or a separate sheet.)

9. EXECUTION OF APPLICATION -- ALL APPLICANTS MUST READ, SIGN AND DATE

I am the applicant for examination for licensure as a Registered Dental Hygienist. I have carefully read the questions in the foregoing application and have answered them truthfully, fully and completely. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed in _____ on the _____ of _____,
 20_____.
(city and state) day month
 year

SIGNATURE OF APPLICANT



CERTIFICATION OF SUCCESSFUL COMPLETION OF REMEDIAL EDUCATION REQUIREMENTS FOR RE-EXAMINATION ELIGIBILITY

1. To be completed by Applicant: (Please print legibly or type)

Applicant Name: _____

Address: _____

Phone Number: _____ SSN/FEIN: _____

2. To be Completed by Dental Hygiene School/Program:

Dental Hygiene School/Program: _____

Address: _____

Phone Number _____

3. Course Title	Type of Course* (Circle)	Hours Earned	Date Completed

*Key for Type of Course: C= Clinic; D = Didactic; L = Laboratory

I hereby certify that the individual named above has successfully completed the above course(s) for remedial education requirements in order to become eligible for re-examination for The Dental Hygiene Committee of California Licensure Examination.

(SEAL OF Hygiene School/Program)

 SIGNATURE OF SCHOOL ADMINISTER

 DATE

GUIDELINES FOR REMEDIAL EDUCATION

Course of study must be a minimum of **50** hours for each discipline failed in the last attempt of the dental hygiene licensure examination.

Course work must be completed within one year from the date of notification of the third failure.

Course of study must be didactic and/or laboratory. Use of patients is optional.

Instruction must be provided by a faculty member(s) of an accredited dental hygiene school or program.

Pre-testing and post-testing must be a part of the course of study to ensure the program has been effective in improving knowledge and skills.

Evidence of successful completion of a course of study must be provided prior to the examination, The "Certification of Successful Completion of Remedial Education Requirements" must be signed and sealed by the School Administrator of the Dental Hygiene School providing the remedial education course(s).

Effective (INSERT DATE) an applicant who fails to pass the examination after three attempts, shall not be eligible for further re-examinations until the applicant has successfully completed a minimum of **50** hours of education for each subject which the applicant failed on the applicant's last unsuccessful examination. The coursework shall be taken at a dental school approved by the Commission on Dental Accreditation or a program approved by the Committee, and shall be completed within a period of one year from the date of notification of the applicant's third failure. The coursework shall be required once for every three unsuccessful examination attempts. When the applicant applies for re-examination, he or she shall furnish proof satisfactory to the Committee that he or she has successfully completed the requirements for re-examination.



Dental Hygiene Committee of California
 2005 Evergreen Street, Suite 1050, Sacramento, California 95815
 P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov



Application for Continuing Education Provider

Pursuant to Business and Professions Code Section 1944(11)

FEES ARE NON-REFUNDABLE:)

OFFICIAL USE ONLY
Date Received: _____
Rec# _____
File# _____
RP Number _____

Please type or print clearly	
1. Name of Provider Organization	2. FEIN or SSN#
	2a. Corporation Number
3. Street Address of Provider Organization	
4. Mailing Address of Provider of Organization	5. Telephone Numbers:
	5a. Fax Number
<p>6 Provider Organization is a/an</p> <p>Please check one: Pursuant to Section 1962(a) of Business & Professions Code</p> <p> <input type="checkbox"/> Individual <input type="checkbox"/> Government Agency <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Group <input type="checkbox"/> Educational Institute <input type="checkbox"/> Hygiene Society <input type="checkbox"/> Health Facility <input type="checkbox"/> Educational Institute <input type="checkbox"/> Dental Hygiene Special Group </p>	
<p>7. Describe the goals/objectives of the CE program, and include any outlines, summaries, or brochures pertaining to the course(s). Pursuant to proposed regulations, mandatory CE courses must be approved in advance.</p> <hr/> <hr/> <hr/> <hr/> <hr/>	

Courses of Study

8. Will each course of study be conducted on the same educational standards of scholarship & teaching as that required of a true university discipline, and be supported by those facilities and educational resources necessary, and comply with this requirement?

YES NO

9. Will each course of study offered clearly state educational objectives that can be realistically accomplished within the framework of that course?

YES NO

10. Describe anticipated teaching methods of courses of study for continuing education:

Lecture Audiovisual

Seminar Simulation

Clinical

Interactive live-time (computers, telephone or video conferencing or other electronic mediums)

Non-interactive home study (computer, tape recorded and correspondence courses)

Other (describe) _____

11. Will participants completing courses of study for credit be asked to provide a written evaluation of the quality of the course?

YES NO

12. Will all courses offered be a means of an orderly learning experience in the area of dental, hygiene and medical health, preventive dental services, diagnosis and treatment planning, clinical procedures, basic health sciences, dental practice administration, or the California Business and Professions Code Section 1900-1966 or Dental Practice Act and other laws specifically related to dental hygiene practice which is designed to directly enhance the licensee's knowledge, skill or competence in the provision of service to patients or the community?

YES NO

13. Will courses of study offered for continuing education credit be available to all dental and dental auxiliary licensees?

YES NO

Instructors

14. Will each instructor have education and experience within five years in the subject being taught?

YES NO

Records

15. Will the provider furnish written certification to each licensee that the licensee has met the attendance requirement of the course?

YES NO

16. Describe how "Certificates of Completion" will be distributed to licensees.

17. Is provider aware of the record keeping requirements in the event the Board conducts and audit of those courses offered for continuing education credit?

YES NO

18. Is provider aware of biennial report due at the time of provider renewal which includes a list of all courses offered for credit, names and qualifications of each instructor, and a summary of the content of each course of study?

YES NO

Acknowledgement

19. Has provider reviewed Business & Professions Code § 1936.1 and California Code of Regulation §§ 1134 and 1135.

YES NO

20. Does provider agree to abide by the requirements set forth in Business & Professions Code § 1936.1 and California Code of Regulations §§ 1134 and 1135 Does provider acknowledge that failure to do so may result in loss of provider status?

Certification

21. *I certify under the penalty of perjury under the laws of the State of California that the statements made in the application are true and correct, and that all courses offered for continuing education credit will meet the requirements set forth by the Committee.*

Signature of Provider Administrator

Date

The information requested herein is mandatory and is maintained by The Dental Hygiene Committee of California, 2005 Evergreen Street, Ste. 1050, Sacramento, CA 95815, Executive Officer, 916-263-1978, in accordance with Business and Professions Code 1900 et seq. Except for Social Security numbers, the information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Disclosure of your Social Security number is mandatory and collection is authorized by Section 30 of the Business & Professions Code and Pub. L 94-455 (42 U.S.C.A. Section 405 (c) (2) (C). Your Social Security number will be used exclusively for tax enforcement purposes, for compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination Committee, and where licensing is reciprocal with the requesting state. If you fail to disclose your Social Security Number, you may be reported to the Franchise Tax Board and be assessed a penalty of \$100. Each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure. Applicants are advised that the names(s) and address(es) submitted may, under limited circumstances, be made public.

Dental Hygiene Committee of California
 2005 Evergreen Street, Suite 1050, Sacramento, California 95815
 P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov



APPLICATION TO ACTIVATE / INACTIVATE LICENSE

Cashiering No:

Please print or type legibly

Name of Licensee	License Number
Mailing Address	Phone Number
	Social Security Number

I wish to **ACTIVATE** my RDH/RDHEF/RDHAP license. Attached are copies of the Certificates of completion for the required continuing education (CE) units that have been taken within the last two- (2) years. Mandatory courses include 2 units in infection control, 2 units in the California Dental Practice Act and a course in basic life support as approved by the American Red Cross or the American Heart Association, the American Dental Association's Continuing Education Recognition Program (CERP) or the Academy of General Dentistry's Program Approval for Continuing Education (PACE). No more than 20% of the required units may be courses which are not directly related to the practice of dentistry.

Section 1016 and 1017 of the California Code of Regulations

I have enclosed my current **original INACTIVE pocket license** as required.

I wish to **INACTIVATE** my RDH/RDHEF/RDHAP license. I understand that I may **NOT** perform any duties that require a license until my license is reactivated.

I have enclosed my current **original ACTIVE pocket license**, as required.

I have enclosed the required **\$25.00 fee** for the replacement of my pocket license.

I certify under penalty of the laws of the State of California that the above is true and correct.

Signature and Date (REQUIRED)

INFORMATION COLLECTION AND ACCESS

Agency requesting information: Department of Consumer Affairs, Dental Hygiene Committee of California, 2005 Evergreen Street, Suite 1050, Sacramento, CA 95815 (916) 263-1978.

The information in this application is mandatory and is maintained by the Executive Officer in accordance with the Business and Professions Code, Section 1905. The information requested will be used to activate or inactivate a license. Failure to provide all or any part of the requested information may result in the application being rejected as incomplete.

Any known or foreseeable interagency or intergovernmental transfers, which may be made of the information, when necessary, are other federal, state and local law enforcement agencies.

Each individual has the right to review personal information maintained on that person by the agency, unless the records are exempt from disclosure.



Dental Hygiene Committee of California



DHCC
Dental Hygiene
Committee
of California

Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

(October 2010 Draft)

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Introduction

The Dental Hygiene Committee of California (DHCC) is a consumer protection agency with the primary mission of protecting consumers of dental hygiene services from potentially harmful licensees. In keeping with its obligation to protect the consumer, the DHCC has adopted the following Disciplinary Guidelines for disciplinary orders and conditions of probation for violations of the laws governing the practice of dental **hygienist** as well as Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

The DHCC carefully considers all facts and circumstances associated with each case in its efforts to protect consumers. Subsequently, **an** Administrative Law Judge (“ALJ”) shall provide in all proposed decisions a detailed basis of his or her decision in the “Findings of Fact” particularly when there is a deviation from the guidelines. Justification for the deviation shall be clearly outlined in the decision to enable the DHCC to understand the reasons **and** to evaluate the suitability of the decision. However, an ALJ is prohibited from deviating from the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.

If at the time of hearing the ALJ finds that the Respondent, for any reason, is not capable of safe practice, the ALJ shall order outright revocation of the license. This is particularly important in cases of patient sexual abuse or bodily harm.

Suspension of a license may also be appropriate where the public may be better protected if the practice of the **dental hygienist** is suspended in order to correct deficiencies in skills, education or rehabilitation.

Dental Hygiene Committee of California

**UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND
DISCIPLINARY GUIDELINES**

Section **1138** Division ____ of Title 16, Article 6 entitled “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” of the California Code of Regulations is added to read:

Article ____ . Uniform Standards Related to Substance Abuse and
Disciplinary Guidelines

Section (insert section number). Uniform Standards Related to Substance Abuse and Disciplinary
Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Section 11400 et seq. of the Government Code) the **DHCC** shall comply with the “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” Dated **September 28, 2010** that are hereby incorporated by reference. Deviation from the disciplinary guidelines, including the standard terms of probation, is appropriate where the Committee, in its sole discretion, determines that the facts of the particular case warrant such a deviation. However, neither the **DHCC** nor an administrative law judge may impose any conditions or terms of probation that are less restrictive than the Uniform Standards Related to Substance Abuse and Disciplinary Guideline.

Note: Authority cited: Sections _____, Business and Professions Code; and Sections 11400.20, Government Code. Reference: Sections 315, _____, and Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE

The following standards shall be adhered to in all cases in which a license is placed on probation due to a substance abuse problem. These standards are not guidelines and shall be followed in all instances, except that the **DHCC** may impose more restrictive conditions if necessary to protect the public.

Clinical Diagnostic Evaluations:

Whenever a licensee is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, has 3 years experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the **DHCC**. The evaluations shall be conducted in accordance with accepted professional standards for conducting substance abuse clinical diagnostic evaluations.

Clinical Diagnostic Evaluation Report:

The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the licensee has a substance abuse problem, whether the licensee is a threat to himself or herself or others, and recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the licensee's rehabilitation and safe practice.

The evaluator shall not have a financial, personal, familial or business relationship with the licensee within the last 5 years. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee is a threat to himself or herself or others, the evaluator shall notify the **DHCC** within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the **DHCC** no later than 10 days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed 30 days.

The **DHCC** shall review the clinical diagnostic evaluation to determine whether or not the licensee is safe to return to either part-time or full-time practice and what restrictions or recommendations should be imposed on the licensee based on the application of the following criteria:

License type, licensee's history, documented length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse problem, and whether the licensee is a threat to himself or herself or others.

When determining if the licensee should be required to participate in inpatient, outpatient or any other type of treatment, the **DHCC** shall take into consideration the recommendation of the clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse **problem** and whether the licensee is a threat to himself or herself or others.

Worksite Monitor Requirements:

If a **DHCC** determines that a worksite monitor is necessary for a particular licensee, the worksite monitor must meet the following requirements to be considered for approval by the **DHCC**:

The worksite monitor shall not have any current or former financial, personal, or familial **business** relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the **DHCC**. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this requirement may be waived by the **DHCC**. However, under no circumstances shall a licensee's worksite monitor be an employee of the licensee.

The worksite monitor's license scope of practice shall include the scope of practice of the licensee who is being monitored or be another health care professional if no monitor with like scope of practice is available.

The worksite monitor shall have an active unrestricted license, with no disciplinary action within the last 5 years.

The worksite monitor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to monitor the licensee as set forth by the **DHCC**.

The worksite monitor must adhere to the following required methods of monitoring the licensee:

- a) Have face-to-face contact with the licensee at least once per week in the work environment or more frequently if required by the **DHCC**;
- b) Interview other staff in the office regarding the licensee's behavior, if applicable;
- c) Review the licensee's work attendance.

Reporting by the worksite monitor to the **DHCC** shall be as follows:

Any suspected substance abuse must be orally reported to the **DHCC** and the licensee's employer within 1 business day of occurrence. If occurrence is not during the **DHCC**'s normal business hours the oral report must be within the first hour of the next business day. A written report shall be submitted to the **DHCC** within 48 hours of the occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the **DHCC**. The report shall include: the licensee's name; license number; worksite monitor's name and signature; worksite monitor's license number; worksite location(s); dates licensee had face-to-face contact with monitor; staff interviewed if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

The licensee shall complete the required consent forms and sign an agreement with the worksite monitor and the **DHCC** to allow the **DHCC** to communicate with the worksite monitor.

If a licensee tests positive for a banned substance, the **DHCC** shall order the licensee to cease practice. The **DHCC** shall also immediately notify the licensee's employer that the **licensee** has been ordered to cease practice and he or she may not resume **work** until the suspension is lifted.

Major and Minor Violations

Major Violations include, but are not limited to, the following:

1. Failure to complete a **DHCC** ordered program;
2. Failure to undergo a required clinical diagnostic evaluation;
3. Committing multiple minor violations of probation conditions and terms;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or state or federal law;
6. Failure to obtain biological testing for substance abuse;
7. Testing positive for a banned substance;
8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

If a licensee commits a major violation, the **DHCC** shall automatically suspend the licensee's license and refer the matter for disciplinary action or other action as determined by the **DHCC**.

Minor Violations include, but are not limited to, the following:

1. Failure to submit required documentation as required;
2. Unexcused **absence** at required meetings;
3. Failure to contact a monitor as required;
4. Any other violations that do not present an immediate threat to the licensee or to the public.

Drug Testing Standards

If a licensee commits a minor violation, the **DHCC** shall determine what action is appropriate.

The following drug testing standards shall apply to each licensee subject to drug testing:

1. Licensees shall be randomly drug tested at least 104 times per year for the first year and at any time as directed by the **DHCC**. After the first year, licensee shall be randomly drug tested at least 50 times per year, and at any time as directed by the **DHCC**;
2. Drug testing may be required on any day, including weekends and holidays;
3. The scheduling of drug tests shall be done on a random basis, preferably by a computer program;
4. Licensees shall be required to make daily contact to determine if drug testing is required;
5. Licensees shall be drug tested on the date of notification as directed by the **DHCC**;
6. Specimen collectors must either be certified by the Drug and Alcohol Testing Industry Association or have completed the training required to serve as a collector for the U.S. Department of Transportation;
7. Specimen collectors shall adhere to the current U.S. Department of Transportation Specimen Collection Guidelines;
8. Testing locations shall comply with the Urine Specimen Collection Guidelines published by the U.S. Department of Transportation, regardless of the type of test administered;
9. Collection of specimens shall be observed;
10. Prior to vacation or absence, alternative drug testing location(s) must be approved by the **DHCC**;
11. Laboratories shall be certified and accredited by the U.S. Department of Health and Human Services.

A collection site must submit a specimen to the laboratory within one 1 business day of receipt. A chain of custody shall be used on all specimens. The laboratory shall process results and provide legally defensible test results within 7 days of receipt of the specimen. The **DHCC** will be notified of non-negative test results within 1 business day and will be notified of negative test results within 7 business days.

Disciplinary Guidelines

In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offenses, or crime(s) under consideration;
2. Actual or potential harm to the public;
3. Actual or potential harm to any patient;
4. Prior disciplinary record;
5. Number and/or variety of current violations;
6. Mitigation evidence;
7. Rehabilitation evidence;
8. In case of a criminal conviction, compliance with conditions of sentence or court-ordered probation;
9. Overall criminal record;
10. Time passed since the act(s) or offense(s) occurred;
11. If applicable, evidence of expungement proceedings pursuant to Penal Code Section 1203.4.

Situations in which Revocation Shall Be Imposed

In addition to violation of the laws governing dental hygienist, there are other circumstances that necessitate outright revocation as the recommended penalty:

1. Failure to file a notice of defense or to appear at a disciplinary hearing, where the DHCC has requested revocation;
2. Violation of the conditions of a Respondent's probation order;
3. Substantiated evidence or convictions of physical or sexual abuse offenses;
4. Second offenses, unless the Respondent can demonstrate that he or she has been fully rehabilitated.

Recommended Action by Violation

The Business and Professions Code **Section** 1900, and general provision sections of the Business and Professions Code specify the offenses for which the DHCC may take disciplinary action. Below are the code sections with the recommended disciplinary actions listed by the degree of the offense.

When filing an Accusation, the Office of the Attorney General may also cite additional related statutes and regulations.

*Note: Under conditions of probation you will find the applicable numbered conditions to include in a decision and order.

Probationary Terms and Conditions

As part of the DHCC's mission to protect the consumer, any disciplinary order in which probation is imposed should include conditions that ensure consumer protection.

For purposes of implementation of these conditions of probation, any reference to the DHCC also means staff working for the Dental Hygiene Committee of California.

Probationary Term

The DHCC generally recommends a minimum probation term of 3 years. The term may be increased depending upon the severity of the violation(s).

Probationary Conditions

Conditions of probation are divided into 2 categories:

1. **Standard** conditions that are included in all probation orders; and
2. **Additional** conditions which are applicable to the nature of the violation(s).

Model Language for Probation Orders

When a stipulated settlement or proposed decision contains probationary terms and conditions, the following language shall be included:

- **Licensees:** Registered Dental Hygiene (RDH), Registered Dental Hygienist in Alternative Practice (RDHAP), Registered Dental Hygienist in Extended Functions (RDHEF) license no. _____ issued to Respondent _____ is hereby revoked; however, the revocation is stayed and Respondent's license is placed on probation for _____ years on the following terms and conditions.
- **Applicants:** The application of Respondent _____ for licensure is hereby granted; however, the license shall be immediately revoked, the order of revocation stayed, and Respondent's license placed on probation for a period of _____ years on the following conditions:
- **Reinstatements:** The petition of _____ for reinstatement of the RDH, RDHAP, RDHEF license is hereby GRANTED, as follows.

RDH, RDHAP, RDHEF number _____ is reinstated. The license will be immediately revoked; however, the revocation is stayed for _____ years on the following terms and conditions:

In cases in which a petitioner for reinstatement has not practiced **dental hygiene** for an extended amount of time, he or she must retake the licensing exam before reinstatement. This information must be provided to the Administrative Law Judge so that the following can be included in the purposed decision the condition (**number 13**): "Upon successful completion of the licensure examination, a license shall be issued to Respondent."

NOTE: If cost recovery was ordered in the revocation or surrender of a license and the cost recovery has not been paid in full by petitioner, a probation condition requiring payment of original cost recovery on a payment plan shall be included in the decision.

List of Probation Conditions

STANDARD PROBATION CONDITIONS

Introductory Language and Conditions 1-14 are required as follows:

- | | |
|---|---|
| 1) Severability Clause | 8) Notification to Employer |
| 2) Obey all Laws | 9) Cost Recovery (Does not apply to Applicants) |
| 3) Quarterly Reports | 10) Probation Monitoring Costs |
| 4) Probation Program | 11) Violation of Probation |
| 5) Interview with the DHCC | 12) License Surrender |
| 6) Changes of Name, Address of Record or Employment | 13) Completion of Probation |
| 7) Tolling Provisions | 14) Law and Ethics Supplemental Exam |

ADDITIONAL PROBATION CONDITIONS

In addition to the standard conditions (1-14), conditions (15-25) are required if the offense involves one of the following: sexual misconduct, alcohol/drug abuse, mental/physical disabilities, fraudulent conduct, or lack of knowledge or skills. Any of these additional conditions may be included if relevant to the violation.

- | | |
|-------------------------------------|--|
| 15) Actual Suspension | 23) RDH Clinical Examination |
| 16) Psychological Evaluation | 24) Abstain from Alcohol |
| 17) Physical Examination | 25) Abstain from Controlled Substances |
| 18) Billing Monitor | |
| 19) Clinical Diagnostic Evaluation | |
| 20) Submit Biological Fluid Samples | |
| 21) Worksite Monitor | |
| 22) Restriction of Practice | |

Standard Probation Conditions

1. Severability Clause

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

Rationale: *The severability clause is required for all decisions and orders and stipulated agreements where there are conditions of probation, to avoid the possibility of all probation conditions being invalidated upon a successful appeal.*

2. Obey All Laws

Respondent shall obey all federal, state, US Military and local laws and all regulations. A full and detailed account of any and all violations of law shall be reported by the Respondent to the DHCC in writing within 72 hours of occurrence.

Rationale: *If there has been a violation of any law or regulation that is substantially related to the qualifications, functions, or duties of an RDH, RDHAP, and/or RDHEF, this would constitute a violation of Respondent's probation and allow the DHCC to carry out the disciplinary order.*

3. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the DHCC, stating whether there has been compliance with all the conditions of probation.

Rationale: *By the Respondent making declarations under penalty of perjury, this assures the DHCC that the Respondent is making true statements to the DHCC. Receiving these reports quarterly allows the DHCC to track the Respondent's compliance, and **provides** a process for review in determining whether or not his or her license should be restored at the completion of his or her probation.*

4. Probation Program

Respondent shall comply with the DHCC's probation program and shall, upon notice, report to the DHCC's staff. Respondent shall contact enforcement staff regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with victims or complainants associated with the case or persons serving the DHCC as expert consultants.

Rationale: *Comply with **the** probation monitoring **program** to ensure consumer protection and the Respondent cannot use the excuse they didn't understand. In addition, to protect the victims, complainants and witnesses from harassment by the Respondent.*

5. Interview with the DHCC

Respondent shall appear in person for interviews with the DHCC upon request at various intervals and with reasonable notice. In addition, Respondent shall participate in telephonic interviews upon request by the DHCC.

Rationale: *This condition allows the DHCC to schedule in-person interviews to monitor Respondent's compliance with the probation order to ensure public protection. In addition, Respondent shall participate in telephone interviews upon the request of the DHCC.*

6. Changes of Name, Address of Record or Employment

Respondent shall notify the DHCC in writing of any and all changes of address of record or employment including location and address within 30 days of such change. Respondent shall notify DHCC of a legal name change within 10 days of such change.

Rationale: *This condition allows the DHCC to be informed of Respondent's current name, address of record, employment information, including his or her business address, phone number, and employer (if applicable) in the event the DHCC needs to locate the Respondent or communicate with his or her employer.*

7. Tolling Provisions

In the event Respondent should leave California to practice outside the state, Respondent must provide written notification to the DHCC of the dates of departure and anticipated return to the state. Respondent's probation is tolled, if and when he or she ceases practicing in California. Period of practice outside of California will not apply to the reduction of the probationary period.

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as a dental hygienist or held any health-care related professional license or certificate. Respondent shall further provide information regarding the status of each license and certificate and any changes in the license or certificate status during the term of probation. Respondent shall inform the DHCC if he or she applies for or obtains a license outside of California during the term of probation.

For purposes of this condition, non-practice due to DHCC ordered suspension or in compliance with any other condition of probation, shall be considered a period of non-practice and the time period will be tolled.

Rationale: *Ensures that Respondent may not complete probation without being fully monitored for his or her period of probation in California. This further ensures that the DHCC is aware of all licensure outside of California as an RDH, RDHAP, or RDHEF or in any health care related capacity.*

8. Notification to Employer

If Respondent is currently employed, in the process of applying for employment, or contracted to provide services as a dental hygienist, he or she shall provide a copy of the DHCC's Decision to his or her employer, supervisor or contractor no later than the effective date of the DHCC's Decision. The Respondent shall notify any future employers, supervisors or contractors of his or her probationary status with the DHCC prior to accepting such employment. The Respondent shall provide to the DHCC the names, physical addresses, and telephone numbers of all employers, supervisors and contractors.

Respondent shall complete the required consent forms and sign an agreement with the employer and supervisor, or contractor, and the DHCC to allow the DHCC to communicate with the employer and supervisor or contractor.

Respondent shall cause each employer and supervisor or contractor to submit quarterly written declarations to the DHCC. These declarations shall include a performance evaluation.

Respondent shall notify the DHCC, in writing, of any change in his or her employment status, within 10 days of such change.

Rationale: Respondent's license being placed on probation shows the DHCC that his or her conduct is in need of rehabilitation, subsequently, Respondent's deficiencies should be noted to the employer as to protect the health and welfare of the public.

9. Cost Recovery

Respondent shall pay to the DHCC its costs of investigation and enforcement in the amount of \$_____. Respondent shall be permitted to pay these costs in a payment plan approved by the DHCC, with payments to be completed no later than 6 months prior to the end of the probationary term.

Rationale: The DHCC incurs costs associated with the investigation and disciplinary process; this condition requires the Respondent to reimburse the DHCC for those expenditures.

10. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the DHCC, which may be adjusted on an annual basis. Such costs shall be made payable to the DHCC and mailed to the DHCC. Failure to pay costs within 30 days of the due date is a violation of probation.

Rationale: Periodically, the DHCC incurs expenditures associated with the necessary travel to meet with Respondent *in order* to monitor his or her probation compliance; this condition requires the Respondent to reimburse the DHCC for those costs.

11. Violation of Probation

If Respondent violates probation in any respect, the DHCC may, after giving Respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is filed against Respondent during probation, the DHCC shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No petition for modification or termination of probation shall be considered while there is an accusation or petition to revoke probation pending against Respondent.

Rationale: *This condition allows the DHCC to carry out the disciplinary order stated in the decision when a Respondent fails to comply with any of his or her probation conditions.*

12. License Surrender

During Respondent's term of probation, if he or she wishes to cease practice, Respondent may request in writing to surrender the license(s) to the DHCC. The DHCC shall evaluate the request and notify Respondent in writing whether to grant the request. Upon formal acceptance of the license surrender, Respondent's license will no longer be subject to the conditions of probation. Respondent shall return the pocket license(s) and wall certificate(s) to DHCC within (10) days of the effective date of the surrender.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the DHCC. A **dental** hygienist whose license has been surrendered may petition the DHCC for reinstatement of his or her license no sooner than 3 years from the effective date of the surrender decision.

Rationale: *If Respondent feels he or she cannot follow any one of the conditions of the probation order due to a discontinuance of practice, this condition gives him or her the option to voluntarily surrender his or her license.*

13. Completion of Probation

Upon successful completion of probation, Respondent's license will be fully restored.

Rationale: *When the Respondent has completed his or her term of probation by successfully fulfilling all of the conditions, he or she has demonstrated his or her ability to practice unrestricted.*

14. Law and Ethics **Supplemental Exam**

Respondent shall take a continuing education course in California Dental Practice Act (2 Units) approved by the Dental Committee of California or DHCC and successfully complete the DHCC Law and Ethics supplemental exam within 60 days of the effective date of the decision.

Rationale: *In cases of fraudulent behavior, improper record keeping, or a deficiency of knowledge or skills, this condition should be included.*

Additional Probation Conditions

15. Actual Suspension

Respondent is suspended from the practice of RDH, RDHAP, RDHEF for ____ days beginning with the effective date of this Decision.

Rationale: Restricting Respondent's practice of dental hygiene for a limited amount of time offers an additional penalty and an opportunity for Respondent to satisfy other conditions that are primary.

16. Psychological Evaluation

Within 90 days of the effective date of this Decision and on a periodic basis thereafter as may be required by the DHCC, Respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a DHCC appointed California licensed psychologist. Respondent shall execute a release authorizing the evaluator to release all information to the DHCC.

If the DHCC concludes from the results of the evaluation that Respondent is unable to practice independently and or safely, he or she shall immediately cease practice and shall not resume practice until notified by the DHCC. If the DHCC concludes from the results of the evaluation that Respondent would benefit from ongoing psychotherapy, Respondent shall comply with the DHCC's directives in that regard.

Respondent shall pay all costs associated with the psychological evaluation. Failure to pay costs will be considered a violation of the probation order.

Rationale: Psychological evaluations shall be utilized when an offense calls into question the judgment and/or emotional and/or mental condition of the Respondent or where there has been a history of abuse or dependency of alcohol or controlled substances. When appropriate, Respondent shall be barred from rendering dental hygiene services under the terms of probation until he or she has undergone an evaluation, the evaluator has recommended resumption of practice, and the DHCC has accepted and approved the evaluation.

17. Physical Examination

Within 90 days of the effective date of this Decision, Respondent shall undergo a physical examination by a California licensed physician and surgeon approved by the DHCC. Respondent shall bear all costs of such an examination. Respondent shall comply with any treatment recommendations contained in the evaluation report submitted to the DHCC by the physician and surgeon. Respondent shall ensure that the physician and surgeon provides the initial evaluation report and all written progress reports to the DHCC on a quarterly basis or as otherwise determined by the DHCC.

Rationale: *This condition permits the DHCC to require the probationer to obtain appropriate treatment for physical problems/disabilities which could affect safe practice of dental hygiene. The physical examination can also be conducted to ensure that there is no physical evidence of alcohol/substance abuse.*

18. Billing Monitor

Within 30 days of the effective date of this Decision, Respondent shall submit to the DHCC for prior approval, billing monitor(s), the name and qualifications of one or more DHCC licensees whose license is valid and in good standing. A monitor shall have no prior or current business or personal relationship with the Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the DHCC, and shall agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

The DHCC shall provide the approved monitor with copies of the DHCC Decision and a proposed monitoring plan. Within 15 days of receipt of the Decision and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision, fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement.

Within 60 days of the effective date of this Decision, and continuing throughout probation, Respondent's _____ billing shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

The monitor(s) shall submit a quarterly written report to the DHCC that includes an evaluation of Respondent's billing practices indicating whether Respondent's are billing appropriately. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the DHCC.

If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the DHCC, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 days. If Respondent fails to obtain approval of a replacement monitor within 60 days of the resignation or unavailability of the monitor, Respondent shall be suspended from the practice until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Respondent shall cease the practice of RDHAP within 3 days after being so notified by the DHCC.

Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises, or to comply with this condition as outlined above is a violation of probation.

Rationale: *Monitoring shall be utilized when Respondent's ability to appropriately bill, or as a result of questionable judgment in billing.*

19. Clinical Diagnostic Evaluation-

Within 20 days of the effective date of the Decision and at any time upon order of the DHCC, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator with a copy of the DHCC's Decision prior to the clinical diagnostic evaluation being performed.

Any time the Respondent is ordered to undergo a clinical diagnostic evaluation, his or her license shall cease practice for minimum of 1 month pending the results of a clinical diagnostic evaluation. During such time, the Respondent shall submit to random drug testing at least (2) times per week.

Respondent shall cause the evaluator to submit to the DHCC a written clinical diagnostic evaluation report within 10 days from the date the evaluation was completed, unless an extension, not to exceed 30 days, is granted to the evaluator by the DHCC. Cost of such evaluation shall be paid by the Respondent.

Respondent's license shall remain suspended until the DHCC determines that he or she is able to safely practice either full-time or part-time and has had at least 1 month of negative drug test results. Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

Rationale: *This provision should be included when a Respondent's license is placed on probation for a substance or alcohol abuse problem so that the DHCC has the ability to order at any time during the probation period a Respondent to undergo an evaluation to determine if he or she is currently safe to practice.*

20. Submit Biological Fluid Samples-

Respondent shall immediately submit to random and directed biological fluid testing paid for by Respondent, at the request of the DHCC. The Respondent shall be subject to a minimum of 104 random tests per year within the first year of probation and at minimum of 50 random tests per year thereafter for the duration of the probationary term. If Respondent tests positive for a banned substance, Respondent shall cease practice.

Respondent shall make daily contact as directed by the **DHCC** to determine if he or she must submit to drug testing. Respondent shall submit his or her drug test on the same day that he or she is notified that a test is required. All alternative drug testing sites due to vacation or travel outside of California must be approved by the **DHCC** prior to the vacation or travel.

Rationale: *This provision should be included when a Respondent's license is placed on probation for a substance or alcohol abuse problem so that the **DHCC** can monitor whether or not the Respondent is abstaining from the use of banned substances or alcohol.*

21. Worksite Monitor

Respondent shall submit the name of the proposed worksite monitor within 20 days of the effective date of the Decision. Respondent shall complete any required consent forms and sign an agreement with the worksite monitor and the **DHCC** regarding the Respondent and the worksite monitor's requirements and reporting responsibilities. Once a worksite monitor is approved, Respondent may not practice unless the monitor is present at the worksite. If the worksite monitor terminates the agreement with the **DHCC** and the Respondent, the Respondent shall not resume practice until another worksite monitor is approved by the **DHCC**.

Rationale: *This provision should be included when a Respondent's license is placed on probation for substance or alcohol abuse so that the **DHCC** becomes aware of potential problems a probationer may have before any patient harm occurs.*

22. Restriction of Practice

During probation Respondent is prohibited from (insert restriction).

Rationale: *In cases wherein some factor of the patient population at large (e.g. age, gender) may put a patient at risk if **treatment by** the Respondent, this condition should be utilized. Additional language can be added for clarification.*

23. RDH Clinical Examination

Respondent shall cease practice until he or she successfully passes the Dental Hygiene Clinical Licensing Exam or Western Regional Examination Board (WREB). Respondent shall pay the established examination fees. Failure to pass the exam within two years of the effective date of the **D**ecision shall be a violation of probation and be sufficient cause for revoking probation and imposing an order of revocation.

Rationale: *In cases involving **practice** deficiencies, it may be appropriate to require the Respondent to take and pass the **Clinical** Hygiene Examination or equivalent during the course of the probation period. In some instances, it may be appropriate for practice to be suspended until the examination is passed (condition precedent).*

24. Abstain from Alcohol

Respondent shall completely abstain from the intake of alcohol during the period of probation.

Rationale: *This provision should be included when a Respondent has an alcohol problem so that the **DHCC** can monitor whether the Respondent is in violation of probation.*

25. Abstain from Controlled Substances

Respondent shall completely abstain from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act and dangerous drugs as defined in Section 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

Rationale: *This provision should be included when a Respondent has a substance abuse problem so that the **DHCC** can monitor whether the Respondent is in violation of probation.*

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Accusations and Decisions

To provide a foundation for consistency and clarity in each disciplinary action, the DHCC asks that the below guidelines be followed.

ACCUSATIONS

The DHCC has the authority, pursuant to Section 125.3 of the Business and Professions Code, to recover costs of investigation and prosecution of its cases. The DHCC requests that this fact be included in the pleading and made part of the Accusation.

STIPULATED SETTLEMENTS & PROPOSED DECISIONS

The DHCC will consider agreeing to stipulated settlements to promote consumer protection. All stipulations must be accompanied by a memo from the Deputy Attorney General addressed to DHCC members explaining the background of the case, defining the allegations, mitigating and aggravating circumstances, admissions and proposed penalty along with a recommendation.

Proposed Decisions and Stipulation should include, at a minimum, the following:

1. Names and addresses of the Respondent;
2. Specific code section(s) violated with the definition of the code section(s) in the Determination of Issues;
3. Clear description of the acts or omissions that caused the violation to occur;
4. Explanation of mitigating and aggravating factors;
5. Explanation of discipline imposed from DHCC's Disciplinary Guidelines;
6. Detailed explanation if DHCC's guidelines not imposed.

Recommended Language for Cost Recovery for Revocations and Surrenders

When the Decision and Order results in revocation or surrender of the license, cost recovery should be included as follows:

“If and when Respondent’s license is reinstated, he or she shall pay to the DHCC costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$_____. Respondent shall be permitted to pay these costs in a payment plan approved by the DHCC. Nothing in this provision shall be construed to prohibit the DHCC from reducing the amount of cost recovery upon reinstatement of the license.”

Denial of Licensure

Pursuant to Business and Professions Code 480, the Dental Hygiene Committee of California has authority to protect the public in denying licensure to any applicant whose misconduct or criminal history is substantially related to the qualifications, functions, or duties of a **dental** hygienist.

The DHCC may deny licensure on the basis of:

- Conviction of **a** crime substantially related to the practice of Dental Hygiene;
- Any act involving dishonesty, fraud, or deceit with intent to substantially benefit self or another or to substantially injure another;
- Any act which is grounds for revocation of a license;
- Making a false statement on the application

Any person, whose application for a license has been denied by the DHCC, may reapply to the DHCC for a license after a period of 1 year has elapsed from the date of the denial.

Demonstrations of Rehabilitation

- In evaluating the rehabilitation of an applicant or licensee, the DHCC considers the following:
 1. The nature and severity of the crime(s) under consideration;
 2. Evidence of any acts committed subsequent to the crime(s) under consideration as grounds for disciplinary action or denial of license;
 3. The time that has elapsed since the commission of the crime(s);
 4. The extent to which the applicant or licensee has complied with any terms of probation or any other sanctions lawfully imposed against the applicant or licensee;
 5. Evidence, if any, of rehabilitation by the applicant or licensee.

- The following is a list of items the DHCC will consider in determining whether or not the applicant or licensee has been rehabilitated:
 1. Copies of court documents pertinent to conviction, including documents specifying conviction and sanctions, and proof of completion of sanction;
 2. Letter from applicant or licensee describing underlying circumstances of arrest and conviction record as well as any rehabilitation efforts or changes in life since that time to prevent future problems;
 3. Letters of reference from professors or colleagues within the field of dental hygiene;
 4. Letters of reference from past and/or current employers;
 5. Letters from recognized recovery programs attesting to current sobriety and length of time of sobriety if there has been a history of alcohol or drug abuse;
 6. A current mental status examination by a clinical psychologist or psychiatrist approved by the DHCC. The evaluation should address the likelihood of similar acts or convictions in the future, and should speak to the suitability of the dental hygiene profession for the applicant;
 7. Letters of reference from other knowledgeable professionals, such as probation or parole officers;
 8. Copy of Certificate of Rehabilitation or evidence of expungement proceedings;
 9. Evidence of compliance with and completion of terms of probation, parole, restitution, or any other sanctions.

Evidence of Mitigation

The Respondent is permitted to present mitigating circumstances at a hearing. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the Respondent may submit to demonstrate his or her rehabilitative efforts and competency in dental hygiene:

1. Recent, dated letters from counselors regarding Respondent's participation in a rehabilitation or recovery program, where appropriate. These should include a description of the program, the number of sessions the Respondent has attended, the counselor's diagnosis of Respondent's condition and current state of rehabilitation (or improvement), the counselor's basis for determining improvement, and the credentials of the counselor;
2. Recent letters describing Respondent's participation in support groups, e.g., Alcoholics Anonymous, Narcotics Anonymous, etc., where appropriate, and sobriety date;
3. Recent, dated laboratory analyses or drug screen reports, where appropriate;
4. Recent, dated physical examination or assessment report by a licensed physician, nurse practitioner, or physician assistant;
5. Certificates or transcripts of courses related to dental hygiene which Respondent may have completed since the date of the violation.

Petition for Penalty Relief and Reinstatements

Pursuant to Business and Professions Code Section 1957 (a), an individual whose license has been revoked, suspended, or surrendered, or whose license has been placed on probation must wait a specified minimum amount of time before petitioning the DHCC for penalty relief or reinstatement.

- A person with a revoked or surrendered license must wait at least 3 years from the effective date of his or her Decision to petition for reinstatement;
- A person with a term of probation of 3 years or more must wait at least 2 years from the effective date of his or her Decision to petition for early termination;
- A person with whose license is placed on probation must wait at least 2 years from the effective date of his or her Decision to petition for modification of a condition;
- A person with a term of probation of less than 3 years must wait at least 1 year from the effective date of his or her Decision to petition for early termination.

PETITION HEARINGS

The primary concerns of the DHCC at reinstatement or penalty relief hearings are that the evidence presented by the Petitioner that demonstrates his/her rehabilitation to ensure consumer protection. The DHCC will consider the following criteria:

1. Nature and severity of the act(s) or offense(s);
2. Total criminal record;
3. The time that has elapsed since commission of the act(s) or offense(s);
4. Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person;
5. If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code;
6. Evidence, if any, of rehabilitation submitted by the licensee or registration holder.

The Petition Decision should include a summary of the offense and the specific codes violated which resulted in the revocation, surrender or probation of the license.

The DHCC requires that comprehensive information be elicited from the Petitioner regarding his/her rehabilitation. The Petitioner should provide details that include:

- A. Continuing education pertaining to the offense and its effect on the practice of dental hygiene;
- B. Specifics of rehabilitative efforts and results which should include programs, psychotherapy, medical treatment, etc., and the duration of such efforts;
- C. If applicable, copies of court documents pertinent to conviction, including documents specifying conviction and sanctions, and proof of completion of sanctions;
- D. If applicable, copy of Certificate of Rehabilitation or evidence of expungement proceedings;
- E. If applicable, evidence of compliance with and completion of terms of probation, parole, restitution, or any other sanctions;
- F. A culpability or non-culpability statement.

If the DHCC should deny a request for reinstatement of licensure or penalty relief, the DHCC requests that the Administrative Law Judge provide technical assistance in the formulation of language clearly setting forth the reasons for denial. Such language would include methodologies or approaches which would demonstrate rehabilitation.

If a petitioner fails to appear for his or her scheduled reinstatement or penalty relief hearing, such action shall result in a default decision to deny reinstatement of the license or reduction of penalty.

Dental Hygiene Practice Act

Conviction of a Crime

Section 1950 (a)

Conviction of a Crime.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of crime.*

1. *Standard Conditions 1-14*
2. *Actual Suspension (15)*

Unprofessional Conduct

Section 1950.5 (a)

Obtaining of Any Fee by Fraud or Misrepresentation.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3-5 years probation.*

1. *Standard Conditions 1-14*
2. *Monitoring – Practice Billing (18)*
Worksite Monitor (21)

Section 1950.5 (b)

Aiding or Abetting of Any Unlicensed Person to Practice Dentistry.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard terms 1-14

Section 1950.5 (c)

Aiding or Abetting of Any Unlicensed Person to Practice Dentistry Unlawfully.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard terms 1- 14

Section 1950.5 (d)

Sexual Abuse, Sexual Misconduct or Relations with a Patient.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation*

Section 1950.5 (e)

Use of Any False, Assumed or Fictitious Name Other Than Licensed to Practice.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

Standard Conditions 1-14

Section 1950.5 (f)

Accepting or Receiving a Commission.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3 – 5 years probation.*

Standard Conditions 1-14

Section 1950.5 (g)

False or Misleading Advertising.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard Conditions 1–14

Section 1950.5 (h)

Advertising Superiority.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard Conditions 1–14.

Section 1950.5 (i)

Employing or Using Solicitors.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard Conditions 1–14

Section 1950.5 (j)

Advertising in Violation of Section 651.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard terms 1- 14

Section 1950.5 (k)

Advertising to Perform Painless Service.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard terms 1–14

Section 1950.5 (l)

Violation of Any Provisions of This Division.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard terms 1–14*
2. *Any additional conditions warranted by nature and severity of action or conduct.*

Section 1950.5 (m) Permitting of Any Person to Operate Dental Radiographic Equipment Who Has Not Met The Requirements of Section 1656.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard terms 1- 14

Section 1950.5 (n) Excessive Administration of Drugs or Treatment.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard terms 1–14*
2. *Restriction of Practice (22)*

Section 1950.5 (o) Threats or Harassment Against an Employee or Patient.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

Standard Conditions 1-14

Section 1950.5 (p) Suspension or Revocation of a Licensed Issued by Another Agency or State That Would be Grounds in This State.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed*

1. *Standard Conditions 1-14*
2. *Any additional conditions warranted by nature and severity of action or conduct.*

Section 1950.5 (q) Alteration of Patient Record with Intent to Deceive.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-14*
2. *Monitoring –Billing (18)*
3. *Worksite Monitor (21)*

Section 1950.5 (r) Unsafe or Unsanitary Office Conditions.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3 years probation.*

Standard Conditions 1-14

Section 1950.5 (s) (u)

Securing a License by Fraud or Deceit.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

1. *Standard terms 1–14*
2. *Actual Suspension (15)*
3. *Restriction of Practice(22)*

Section 1950.5 (t)

Willful Misrepresentation of Facts Relating to Discipline to Patients.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed with 3 years probation*

Standard terms 1 – 14

Section 1950.5 (v)

Any Action or Conduct That Would Have Warranted the Denial of a License.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

1. *Standard Conditions 1-14*
2. *Any additional conditions warranted by nature and severity of action or conduct.*

Section 1950.5 (w)

Aiding or Abetting Licensee to Practice in a Negligent Manner.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

Standard Conditions 1-14

Section 1950.5 (x)(y)

Failure to Report the Death of a Patient to DHCC.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation.*

1. *Standard Conditions 1-14*
2. *Any additional condition warranted by nature and severity of action or conduct.*

Section 1952(a)

Obtain or Possess Any Controlled Substance.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-14*
2. *Abstain from Alcohol (24)*
3. *Abstain from Control Substance (25)*
4. *Submit to Biological Fluid Samples (20)*

Section 1952 (b)

Use of a Controlled Substance.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-14*
2. *Abstain from Alcohol (24)*
3. *Abstain from Controlled Substances (25)*
4. *Submit to Biological Fluid Samples (20)*

Section 1952 (c)

Conviction Involving Controlled Substance.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-14*
2. *Abstain from Alcohol (24)*
3. *Abstain from Controlled Substance (25)*
4. *Submit to Biological fluid testing (20)*

Section 1953 (b)

Failure to Identify In Patient Record (Repeated Acts).

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

Standard Conditions 1-14

Section 1956

Negligence/Gross Negligence.

Maximum Penalty: *Revocation*

Minimum Penalty: *Revocation stayed 3–5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-14*
2. *Actual Suspension (15)*
3. *Monitoring – Billing (18)*
4. *Worksite (21)*

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General Business and Professions Code Provisions

- Section 125** **Misdemeanor Offenses by Licensees.**
- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 years probation.*
1. *Standard Conditions 1-14*
 2. *Actual Suspension (15)*

- Section 125.6** **Refusal to Treat Patient.**
- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 years probation.*
- Standard Conditions 1-14*

- Section 125.9** **Failure to Comply with Citation.**
- Maximum Penalty: *Revocation*
 - Minimum Penalty: *Revocation stayed with 3 years probation.*
1. *Standard Conditions 1-14*
 2. *Compliance with citation, if applicable*

- Section 480** **Denial of a License.**
- Maximum Penalty: *Denial of license*
 - Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of violation.*
- Standard Conditions 1-14*

Section 493 **Evidentiary Effect of Record of Conviction of Crime Substantially Related to Licensee’s Qualifications, Functions, and Duties.**

- Section 496** **Subversion of Licensing Examinations.**
- Maximum Penalty: *Denial of license or Suspension*
 - Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of violation.*
- Standard Conditions 1-14*

Section 498

Securing License by Fraud, Deceit, or Misrepresentation.

- Maximum Penalty: *Denial of license, Suspension, or Revocation*
- Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of violation.*

Standard Conditions 1-14

Section 650

Accepting or Receiving Rebates.

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 years probation.*

Standard Conditions 1-14

Section 651

False, Misleading or Deceptive Public Communications.

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 years probation.*

Standard Conditions 1-14

Section 654.2

Prohibits Charges, Billings, Solicitations or Referrals without Disclosure of Beneficial Interest.

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 3 years probation.*

Standard Conditions 1-14

Section 726

Commission of Act of Sexual Abuse or Misconduct with Patient.

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation*

Section 810

Insurance Fraud

- Maximum Penalty: *Revocation*
- Minimum Penalty: *Revocation stayed with 5 years probation.*

1. *Standard Conditions 1-14*
2. *Actual Suspension (15)*
3. *Billing Monitor (18)*
4. *Worksite Monitor (21)*

Section 822

Psychological or Physical Illness.

- Maximum Penalty: *Revocation or Suspension*
- Minimum Penalty: *Revocation stayed with 3–5 years probation depending on nature and severity of violation.*

1. *Standard Conditions 1-14*
2. *Actual Suspension (15)*
3. *Psychological Evaluation (16)*
4. *Physical Examination (17)*

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DRAFT

Dental Hygiene Committee of California
2005 Evergreen Street, Suite 1050
Sacramento, CA 95815

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Certification Number _____
ADMINISTRATION OF LOCAL ANESTHETIC

PLEASE TYPE OR PRINT

NAME ON LICENSE	ADDRESS CITY STATE ZIP	PHONE - WK ()
NAME UNDER WHICH COURSE WAS TAKEN, IF DIFFERENT FROM ABOVE. (MAIDEN)	LICENSE NUMBER & STATE	I HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE APPLICANT ABOVE SUCCESSFULLY COMPLETED A COURSE AND DEMONSTRATED CLINICAL PROFICIENCY IN ADMINISTRATION OF LOCAL ANESTHETIC WHICH INCLUDES AT LEAST 30 HOURS OF INSTRUCTION AND AT LEAST 3 CLINICAL EXPERIENCES ON 3 DIFFERENT PATIENTS FOR EACH OF THE FOLLOWING INJECTIONS: INFILTRATION: ASA, MSA, NASOPALATINE, GREATER PALATINE, LINGUAL, AND INTERPAPILARY BLOCK: LONG BUCCAL, INFERIOR ALVEOLAR, MENTAL, PSA, AMSA, AND SUPRA-PERIOSTEAL
DATES OF COURSE	BIRTHDATE	
SPONSOR OF COURSE _____ COLLEGE, INSTITUTION OR PROGRAM _____ ADDRESS _____ PHONE		
COURSE INSTRUCTOR OR ADMINISTERER _____ SIGNATURE _____		

Dental Hygiene Committee of California
2005 Evergreen Street, Suite 1050
Sacramento, CA 95815

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Certification Number _____
ADMINISTRATION OF NITROUS OXIDE

PLEASE TYPE OR PRINT

NAME ON LICENSE	ADDRESS CITY STATE ZIP	PHONE - WK ()
NAME UNDER WHICH COURSE WAS TAKEN, IF DIFFERENT FROM ABOVE. (MAIDEN)	LICENSE NUMBER & STATE	I HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE APPLICANT ABOVE SUCCESSFULLY COMPLETED A COURSE AND DEMONSTRATED CLINICAL PROFICIENCY IN NITROUS OXIDE SEDATION WHICH INCLUDES AT LEAST 12 HOURS OF INSTRUCTION AND AT LEAST 3 CLINICAL EXPERIENCES ON 3 DIFFERENT PATIENTS . EACH EXPERIENCE INCLUDES THE PERFORMANCE OF A DENTAL HYGIENE PROCEDURE WHILE ADMINISTERING AT LEAST 20 MINUTES OF NITROUS OXIDE-OXYGEN ANALGESIA.
DATES OF COURSE	BIRTHDATE	
SPONSOR OF COURSE _____ COLLEGE, INSTITUTION OR PROGRAM _____ ADDRESS _____ PHONE		
COURSE INSTRUCTOR OR ADMINISTERER _____ SIGNATURE _____		

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Certification Number _____
SOFT TISSUE CURETTAGE

PLEASE TYPE OR PRINT

NAME ON LICENSE	ADDRESS CITY STATE ZIP	PHONE - WK ()
NAME UNDER WHICH COURSE WAS TAKEN, IF DIFFERENT FROM ABOVE. (MAIDEN)	LICENSE NUMBER & STATE	I HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE APPLICANT ABOVE SUCCESSFULLY COMPLETED A COURSE AND DEMONSTRATED CLINICAL PROFICIENCY IN SOFT TISSUE CURETTAGE WHICH INCLUDES AT LEAST 6 HOURS OF INSTRUCTION AND AT LEAST 3 CLINICAL EXPERIENCES ON 3 DIFFERENT PATIENTS (EACH EXPERIENCE CONSISTS OF AN AREA OF AT LEAST 3 TEETH)
DATES OF COURSE	BIRTHDATE	
SPONSOR OF COURSE _____ COLLEGE, INSTITUTION OR PROGRAM _____ ADDRESS _____ PHONE		
COURSE INSTRUCTOR OR ADMINISTERER _____ SIGNATURE _____		