

**State of California
Office of Administrative Law**

In re:
Dental Hygiene Committee of California

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 1108

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2016-0105-02

OAL Matter Type: Regular Resubmittal (SR)

This resubmittal action adopts a regulatory scheme for remedial education for a registered dental hygienist examinee who fails to pass clinical examination after three attempts or as a result of a single incidence of imposing gross trauma on a patient. (Bus. & Prof. Code § 1917.3.)

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 2/18/2016.

Date: February 18, 2016



Mark Storm
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Lori Hubble
Copy: Anthony Lum

NOTICE PUBLICATION/REGULATION SUBMISSION

(See instructions on reverse)

on

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0128-03	REGULATORY ACTION NUMBER 2016-0105-02SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

FEB 18 2016

2:19 PM

2016 JAN -5 P 4: 36
OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY

Dental Hygiene Committee Of California

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER 2014 6-2	PUBLICATION DATE 2/7/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) RESUBMITTAL - Remedial Education		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-0205-02S	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 1108	
		AMEND	
TITLE(S) 16		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) July 3, 2015 through July 17, 2015			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input checked="" type="checkbox"/> Other (Specify) Awet Kidane, Director of Consumer Affairs	<i>Stacy Rhine for</i>		
7. CONTACT PERSON Anthony Lum,	TELEPHONE NUMBER (916) 576-5004	FAX NUMBER (Optional) (916) 263-2688	E-MAIL ADDRESS (Optional) anthony.lum@dca.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Lori Hubble</i>	DATE 11/9/15
TYPED NAME AND TITLE OF SIGNATORY Lori Hubble, Executive Officer, Dental Hygiene Committee of California	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 18 2016

Office of Administrative Law

FINAL REGULATION ORDER

Adopt new section 1108, new Article 3, Division 11, title 16, California Code of Regulations to read as follows:

(Note: Article 3 is new, and the entire text of section 1108 is new language to be added to the California Code of Regulations.)

Title 16. Professional and Vocational Regulations

Division 11. Dental Hygiene Committee of California

Article 3. Educational Programs

§ 1108. Remedial Education.

(a) Approval of Remedial Education Course.

The Committee shall approve only those educational courses for remedial education pursuant to section 1917.3 of the Code that continuously meet all course requirements. Each approved course shall be subject to review by the Committee at any time. Continuation of approval will be contingent upon compliance with these requirements.

(1) A remedial course shall offer instruction in the following skills:

- (A) Dental hygiene assessment and development, planning and implementation of a dental hygiene care plan;
- (B) Exploration and detection of calculus, and periodontal probing;
- (C) Hand and sonic or ultrasonic instrumentation to remove plaque biofilm and calculus;
- (D) Administration of local anesthesia, nitrous oxide oxygen analgesia and performance of soft tissue curettage;
- (E) Appropriate use of materials and devices used in dental hygiene practice; and
- (F) Process of developing, reviewing and documenting outcomes of treatment and interventions provided to patients.
- (G) All laws and regulations pertaining to the practice of dental hygiene.

(2) An applicant course provider shall submit an "Application for Approval of a Course in Remedial Education," DHCC RE-01(05/2015) hereby incorporated by reference, accompanied by the appropriate fee, for approval of a new course and shall receive approval prior to operation.

(3) All courses shall be at the postsecondary educational level in an approved dental hygiene educational program.

(4) Each approved course shall consist of a combination of didactic, laboratory, and clinical instruction and provide a minimum of 50 hours of remedial education.

(5) Each approved course shall submit a biennial report "Remedial Education Provider

Biennial Report" DHCC RE-03 (12/2013) hereby incorporated by reference.

(b) Requirements for Approval of Course in Remedial Education.

- (1) Administration. In order to be approved, each course shall provide the resources necessary to accomplish education as specified in this section. Course providers shall be responsible for informing the Committee of any changes to the course content, physical facilities, and faculty, within 10 days of such changes. In order to be eligible for admission to the course, the course provider shall require course applicants to:
 - (A) Provide evidence of failure to pass a clinical examination as set forth in section 1917.3 of the Code or provide a probationary order ordering the student to attend a remedial education course offered under this section;
 - (B) Provide evidence of current certification in Basic Life Support for health care providers as required by section 1016(b)(1)(C) of Article 4 of Chapter 1 of Division 10 of title 16, California Code of Regulations (CCR); and
 - (C) Provide evidence of graduation from an educational program for dental hygienists approved by the Commission on Dental Accreditation or an equivalent accrediting body approved by the Committee.
- (2) Faculty. Pre-clinical and clinical faculty, including course director and supervising dentist(s) shall:
 - (A) Possess a valid, active California license with no disciplinary actions at any time in any jurisdiction to practice dentistry or dental hygiene for at least two (2) years immediately preceding any provision of course instruction;
 - (B) Provide pre-clinical and clinical instruction only in procedures within the scope of practice of their respective licenses; and,
 - (C) Complete an educational methodology course within the last two (2) years; and
 - (D) Be calibrated in instruction and grading by the course provider.
- (3) Facilities and Equipment. Pre-clinical and clinical instruction shall be held at a physical facility. Physical facilities and equipment shall be maintained and replaced in a manner designed to provide students with a course designed to meet the educational objectives set forth in this section. A physical facility shall have all of the following for use by the students:
 - (A) A lecture classroom, a patient clinic area, laboratory, and a radiology area.
 - (B) Access to equipment necessary to develop dental hygiene skills.
 - (C) Infection control equipment shall be provided as described in CCR, title 16, Division 10, Chapter 1, Article 1, section 1005.
- (4) Health and Safety. A course provider shall comply with local, state, and federal health and safety laws and regulations.
 - (A) All students shall have access to the course's hazardous waste management plan

- for the disposal of needles, cartridges, medical waste and storage of oxygen and nitrous oxide tanks.
- (B) All students shall have access to the course's clinic and radiation hazardous communication plan.
 - (C) All students shall receive a copy of the course's bloodborne and infectious diseases exposure control plan, which shall include emergency needlestick information. Faculty shall review with each student the information listed in (A) – (C).
- (5) Remedial Education. Remedial education shall be given in a dental hygiene program approved by the Committee. Each course shall provide students the clinical facilities, equipment, and resources necessary to accomplish remedial education as provided in this section.
- (6) Recordkeeping. A course provider shall possess and maintain the following for a period of not less than 5 years:
- (A) Individual student records, including those necessary to establish satisfactory completion of the course.
 - (B) Copies of individual student remedial education plans.
 - (C) Copies of lab and clinical competency documents.
 - (D) A copy of faculty calibration plan, faculty credentials, licenses, and certifications including documented background in educational methodology within previous two years.
 - (E) Copies of student course evaluations and a summation thereof.
 - (F) Copies of curriculum, including course syllabi, exams, sample test questions and clinic rubrics.
- (7) Curriculum and Learning Resources.
- (A) The organization of the curriculum for remedial education shall be flexible, creating opportunities for adjustments in instruction in the skills listed in subdivision (a)(1) of this section.
 - (B) Curriculum shall include methods to assess and evaluate students' skills in order to create an individualized plan for remedial education.
 - (C) A remedial education plan shall include learning outcomes, results of assessments of student skills to be remediated, methods of remediation, measures to evaluate didactic and clinical competency and criteria for completion.
 - (D) Curriculum shall prepare the student to assess, plan, implement and evaluate procedures as provided in subdivision (a)(1) of this section to perform with competence and judgment.
 - (E) Curriculum shall require adherence to infection control standards as provided in section 1005, title 16, CCR.
 - (F) Students shall be provided a course syllabus that contains:
 - (i) Course learning outcomes;
 - (ii) Titles of references used for course materials;
 - (iii) Content objectives; and
 - (iv) Grading criteria which includes competency evaluations and lab and clinic rubrics to include problem solving and critical thinking skills that

reflect course learning outcomes.

(G) Successful completion shall require students to achieve competency at a minimum of 75% in each of the skills to be remediated.

(c) Certificate of Completion. A course provider shall issue and provide the Committee with an original "Certification of Completion of Remedial Education Course," DHCC RE-02 (12/2013), hereby incorporated by reference, only after a student has successfully completed the requirements of his or her remedial education plan.

(d) Appeals.

(1) The Committee may deny or withdraw its approval of a course. If the Committee denies or withdraws approval of a course, the reasons for withdrawal or denial will be provided in writing within ninety (90) days.

(2) Any course provider or applicant whose approval is denied or withdrawn shall be granted an informal conference before the Executive Officer or his or her designee prior to the effective date of such action. The applicant or course provider shall be given at least ten days' notice of the time and place of such informal conference and the specific grounds for the proposed action.

(3) The applicant or course provider may contest the denial or withdrawal of approval by either:

(A) Appearing at the informal conference. The Executive Officer shall notify the course provider of the final decision of the Executive Officer within ten days of the informal conference. Based on the outcome of the informal conference, the course provider may then request a hearing to contest the Executive Officer's final decision. A course provider shall request a hearing by written notice to the Committee within 30 calendar days of the postmark date of the letter of the Executive Officer's final decision after informal conference. 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. Or;

(B) Notifying the Committee in writing the course provider's election to forego the informal conference and to proceed with a hearing pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Such notification shall be made to the Committee before the date of the informal conference.

Note: Authority cited: Sections 1905 and 1906, Business and Professions Code.
Reference: Sections 1917.3 and 1944, Business and Professions Code.



Application for Approval of Course in Remedial Education

Business & Professions Code § 1917.3 and § 1944, and Title 16, CCR, § 1108.

Non-Refundable Fee: \$300 (Must accompany application)

Receipt	_____	RC	_____
Date filed	_____	\$	_____
Approved	_____	Denied	_____
RP#	_____		

Course Provider _____

Phone Number _____

Email Address _____

Name and Title of Course Director _____

Affiliated Dental Hygiene or Dental Program _____

Mailing Address of Course Provider* _____

City _____

State _____

Zip _____

*Course provider mailing address is public. If you wish to provide a P.O. Box, you must also provide a physical address and be sure to specify that the physical address is not to be used as your address of record.

Requirements for Course

A course must be approved prior to operation. Each approved course must submit a biennial report. 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 the requirements of the law. Course providers must inform the Committee of any changes to course content, faculty and physical facilities within 10 days.

1. Will the course offer remedial instruction in assessment and probing, exploration and detection of calculus, hand and sonic or ultrasonic instrumentation to remove plaque biofilm and calculus, administration of local anesthesia and nitrous oxide-oxygen analgesia and performance of periodontal soft tissue curettage, appropriate use of materials and devices used within dental hygiene practice, process of developing, reviewing and documenting outcomes of treatment and interventions provided to patients?

Yes

NO

2. Course Faculty Informatio..

Name	License Type	License No.	License Expiration	Out-of-State License Status	Date of Educational Methodology

(Attach additional sheets if needed)

Course director and clinical and preclinical faculty must possess a valid, active California license for at least two years. Attach copies of each license and proof of education in educational methodology for all faculty and faculty calibration plan. Certification for all out-of-state licenses ever held by course faculty must be provided.

3. Will there be a lecture classroom, patient clinic area and radiology area for use by students?
Attach a facility site map indicating each of these areas.

Yes NO

4. Will all students have access to equipment necessary to develop dental hygiene skills in the duties being taught pursuant to Section 1108(b)(3)?

Yes NO

5. Will faculty review with each student the hazardous waste management plan for disposal of needles, cartridges, medical waste, storage of nitrous oxide and oxygen tanks and the course's clinic and radiation hazardous communication plan? Attach a copy of both the hazardous waste management and hazardous communication plan.

Yes NO

6. Will all students receive a copy of the bloodborne and infectious diseases exposure control plan, including the emergency needlestick information? Attach a copy as provided to students.

Yes NO

7. 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? Attach a copy of sample curriculum, including student evaluation mechanism.

Yes NO

8. Will the course's duration allow a student to develop competence in all necessary areas of instruction? Attach a sample course schedule.

Yes NO

Recordkeeping

9. Will you retain for at least 5 years copies of curriculum, syllabi, exams, sample test questions and clinic rubrics, copies of faculty credentials, faculty calibration plan and individual student records including evaluations and summations thereof pursuant to Title 16, Division 11 of the California Code of Regulations?

Yes NO

10. Will each student be issued a certificate of successful completion only after achievement of a minimum of 75% in each competency and has successfully completed the requirements of his or her remedial education plan?

Yes NO

Acknowledgement

11. Have you reviewed Business & Professions Code §1909 and Title 16, Division 11 of the California Code of Regulations?

12. Do you agree to abide by the requirements set forth in Business & Professions Code §1909, and Title 16, Division 11 of the California Code of Regulations? Do you acknowledge that failure to do so may result in loss of course approval?

The Committee may approve or deny approval of any course. If the Committee denies approval of a course, the reasons for denial will be provided 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.

Signature of Course Director or designee

Date

Printed Name 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 2050, Sacramento, CA 95815, Executive Officer, 916-263-1978, in accordance with Business & Professions Code, §1900 et seq. 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. Each individual has the right to review his or her own personal information maintained by the agency as set forth in the Information Practices Act 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

CERTIFICATION OF COMPLETION OF
REMEDIAL EDUCATION COURSE

PLEASE TYPE OR PRINT

COURSE PARTICIPANT NAME

LAST

FIRST

MIDDLE

DATE OF BIRTH

--	--	--	--

ADDRESS

--

CITY

STATE

ZIP

--	--	--

HOME PHONE

CELL PHONE

EMAIL ADDRESS

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DENTAL HYGIENE COMMITTEE OF CALIFORNIA (DHCC) COURSE PROVIDER INFORMATION

NAME

--

DATES OF COURSE

--

ADDRESS (This information is public. You may provide a P.O. Box. If you provide a physical address to the Committee, be sure to specify that the physical address is not to be used as the address of record.)

--

CITY

STATE

ZIP

--	--	--

PHONE

()

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COURSE PROVIDER'S EMAIL ADDRESS (optional)

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PLEASE ATTACH COURSE PARTICIPANT'S REMEDIAL EDUCATION PLAN

I HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE COURSE PARTICIPANT ABOVE SUCCESSFULLY COMPLETED A DHCC-APPROVED COURSE AND DEMONSTRATED CLINICAL COMPETENCY PURSUANT TO CALIFORNIA CODE OF REGULATIONS §1108.

PRINTED NAME OF COURSE INSTRUCTOR OR DIRECTOR

SIGNATURE

STAMP OR SEAL OF
COURSE PROVIDER
OR INSTITUTION



DENTAL HYGIENE COMMITTEE OF CALIFORNIA
2005 Evergreen Street, Suite 2050 Sacramento, CA 95815
P (916) 263-1978 | F (916) 263-2688 | www.dhcc.ca.gov



Remedial Education Provider Biennial Report

Date:

COURSE PROVIDER	PROVIDER NO.
MAILING ADDRESS	PHONE NO.
NAME OF COURSE DIRECTOR	EMAIL ADDRESS
NAME OF COURSE	
DATES COURSE OFFERED	NUMBER OF HOURS
NUMBER OF ATTENDEES	NUMBER OF CERTIFICATES ISSUED
CHANGES IN COURSE SINCE THE LAST BIENNIAL REPORT, OR, IF THIS IS THE FIRST BIENNIAL REPORT, SINCE COURSE APPROVAL.	

IN COMPLETING THIS FORM, PLEASE CONSULT THE REGULATIONS GOVERNING REMEDIAL EDUCATION AT SECTION 1108 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.