

**TITLE 16. DENTAL HYGIENE COMMITTEE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Dental Hygiene Committee of California (“Committee”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the:

Department of Consumer Affairs
1st Floor Hearing Room
2005 Evergreen Street
Sacramento, California on

March 25, 2014

9:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Committee at its office not later than 5:00 p.m. on March 24, 2014, or must be received by the Committee at the hearing. The Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person, and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1905 and 1906 of the Business and Professions Code, and to implement, interpret or make specific Sections 1917.3 and 1944 of the Business and Professions Code, the Committee is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Business and Professions Code Section 1906 authorizes the Committee to adopt, amend and repeal such rules and regulations as may be reasonably necessary to enable the Committee to effect the provisions of Business and Professions Code sections 1900-1966.6. This proposal would specify requirements for Committee approval of remedial education. There are currently no regulations in this area and the Committee is proposing the following:

- Adopt Section 1108 of Division 11, Title 16 of the California Code of Regulations

Existing statute, Business and Professions Code section 1917.3 requires that after three failures of the clinical examination, or after one failure due to gross trauma, an applicant must complete remedial education before being eligible for re-examination. There are no remedial education courses at this time. Course provider applicants seeking approval have recommended regulations be pursued to specify what a course provider applicant needs to submit for the Committee's review in order to gain approval to give a remedial education course.

The Committee is proposing regulations that would establish the requirements for approval of remedial education courses and establish a standard application form for course providers to use to apply for approval (DHCC RE-01 12/2013), which is incorporated by reference. These proposed regulations would require the Committee to provide denied course provider applicants with the specific reasons for denial within 90 days, giving timely direction to applicants so they may correct any deficiencies in the application. The proposed regulations provide for course review and withdrawal of approval, and require each approved course provider to submit a biennial report on form DHCC RE-03 (12/2013), which is incorporated by reference. These requirements would ensure that all approved course providers continue to meet the requirements contained in the regulations. The proposed regulations specify requirements for administration, faculty, facilities and equipment, health and safety, curriculum, recordkeeping and learning resources, and establish a standard certificate of completion form to be used by all approved providers to certify a student's successful completion (DHCC RE-02 (12/2013)), which is incorporated by reference.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The Committee's policy is to promulgate regulations for the protection of California consumers. When there is no impact on consumers, the Committee endeavors to pursue regulations that are not burdensome to licensees. This proposal protects California consumers by ensuring that applicants who have failed the clinical examination three times or who have failed due to an instance of gross trauma complete required remedial education to address the lack of skills or knowledge that led to the failure.

Protection of the public is the Committee's primary mission. These regulations benefit the public by specifying the content and administration of a remedial education, so that dental hygiene patients used for clinical examination purposes are protected from dental hygiene applicants who may cause harm during the examination process.

These regulations benefit students of the courses by specifying faculty, facility and health and safety instructional requirements. Students may need additional instruction in California's stringent infection control, hazardous waste management and bloodborne and infectious disease control protocols, particularly if they have graduated from a dental hygiene program in another state. These regulations ensure that students who take a Committee-approved remedial education course will receive instruction from qualified licensed faculty in an educationally optimal environment to learn protocols and procedures to safely perform dental hygiene duties.

The proposal benefits course provider applicants by standardizing the application process, so applicants know exactly what is needed to apply for and maintain approval to give the course.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Committee has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

Documents incorporated by reference:

1. Application for Approval of a Course in Remedial Education (RE-01 12/2013)
2. Certification of Completion of Remedial Education Course (RE-02 12/2013)
3. Remedial Education Provider Biennial Report (RE-03 12/2013)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Requires Reimbursement: None

Business Impact: The Committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Committee has determined that the proposed regulations would not have a significant economic impact on small businesses unless those small businesses were dental offices who wish to hire applicants who have failed the clinical exam three times or due to an instance of gross trauma or dental hygiene educational programs who wish to apply to be course providers. This regulation would require that course providers who give such courses pay a \$300 one-time application fee to be approved to provide remedial education courses. If each course provider

teaches the course to 1 student annually (10% of the total current annual need), the one-time cost of the application would be 1% of the annual fees that the course provider may collect from a student taking a remedial education course.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Committee has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Committee has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety and state's environment:

This regulation will benefit the state's environment and the health of California residents and workers by ensuring that all registered dental hygienists have received education and training in the safe provision of dental hygiene procedures before become licensed.

CONSIDERATION OF ALTERNATIVES

The Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Hygiene Committee of California at 2005 Evergreen Street, Suite 1050, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Lori Hubble, Executive Officer
Address: 2005 Evergreen Street, Suite 1050
Sacramento, CA 95815
Telephone No.: (916) 263-1978
Fax No.: (916) 263-2688
E-Mail Address: Lori.Hubble@dca.ca.gov

The backup contact person is:

Name: Donna Kantner
Address: 2005 Evergreen Street, Suite 1050
Sacramento, CA 95815
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Website Access: Materials regarding this proposal can be found at the Committee's website:
www.dhcc.ca.gov.