

State of California
DENTAL HYGIENE COMMITTEE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Third Notice of Public Availability of Modified Text
Dental Hygiene Educational Program Requirements

Public Regulatory Hearing Date: April 28, 2014
First Public Availability Dates: May 22, 2014 – June 6, 2014
Second Public Availability Date: September 17, 2015 – October 3, 2015
Third Public Availability Date: January 21, 2016
Deadline for Public Comment: February 4, 2016

NOTICE IS HEREBY GIVEN that the Dental Hygiene Committee of California (DHCC) has proposed third 15-day modifications for the proposed regulation to adopt regulations to establish educational program requirements for dental hygienists. The public may comment on these additional proposed modifications. No action by the public is necessary unless persons wish to comment on the proposed additional modifications and/or documents added to the record.

On March 14, 2014, the DHCC published the notice of public hearing for the proposed regulatory action and invitation for public comments along with the initial statement of reasons to adopt regulations in new article 3, new sections 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4 and 1106, of title 16, California Code of Regulations.

In order to satisfy requirements and standards established by the APA, and pursuant to Government Code sections 11346.8, and 11347.1, the DHCC issued the First 15-Day Notice of Modified Text, and First 15-Day Modified Text (1st 15-Day) for a public comment period beginning May 22, 2014 and ending June 6, 2014.

On February 24, 2015, the DHCC prepared the final statement of reasons and final regulatory text and filed the final rulemaking package with the Office of Administrative Law (OAL) for the adoption of the proposed regulation for regulations to establish educational program requirements for dental hygienists (Cal. Code Regs., tit. 16, §§ 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4 and 1106).

On April 15, 2015, OAL issued its Decision of Disapproval of Regulatory Action for failure to comply with the consistency and clarity standards of the required Administrative Procedure Act (APA) procedures (Gov. §§ 11349.1(a)(3) and 11349.1(a)(4)). In order to comply with the clarity and consistency standards, the DHCC issued a Second Notice of Public Availability of Modified Text and Availability of Additional Documents, Proposed Second 15-Day Modified Text (2nd 15-Day), and the incorporated Commission on Dental Accreditation's "Accreditation Standards for Dental Hygiene Education Programs" (last revised February 6, 2015).

Since that time the DHCC has reviewed the language and determined that further clarification to the proposed regulatory text is necessary and therefore, DHCC is issuing this third Notice of Public Availability of Modified Text (3rd 15-Day Notice) and Proposed Second 15-Day Modified Text (3rd 15-Day Text). This 3rd 15-Day Notice and 3rd 15-Day Text are available for public inspection and/or comments at the location mentioned below and/or on the Committee's website

at www.dhcc.ca.gov under regulatory hearings on the left hand side of the homepage. This 3rd 15-Day Notice and 3rd 15-Day Text are mailed to all interested parties and individuals as required pursuant to section 44, title 1, California Code of Regulations.

Summary of Proposed 3rd 15-Day Modifications

1. In section 1103(c), the definition for “Approved accreditation standards” was added to alleviate the clarity issue and provided a definition for the term “approved accreditation standards,” and whereby the Commission on Dental Accreditation’s (CODA) “Accreditation Standards for Dental Hygiene Education Programs” (last revised February 6, 2015) is appropriately incorporated by reference and not hidden in a definition as proposed in the 2nd 15-Day.
2. The addition of a new definition, required corrections to the alphabetic list of definitions.
3. The Incorporated CODA’s “Accreditation Standards for Dental Hygiene Education Programs” (last revised February 6, 2015) contains a January 1, 2013 effective date, and was added to the record through the 2nd 15-Day. In an effort to further clarify the correct version, the latest revision date of February 6, 2015 was added to the incorporated document in section 1103(c).
4. In order to further clarify the sections that that refer to the “approved accreditation standards,” (Cal. Code Regs., tit. 16, §§ 1103(d), 1103(k), 1103(r), 1103(y), 1105(b)(4), 1105(i), and 1105.1(a)), the following phrase was added “referenced in subsection (c) of section 1103 of this article.”
5. In section 1105(e), the educational program is required to have a written plan with specific elements. The regulation text was clarify to indicate that the written plan submitted to CODA, may also be used to meet the requirement by submitting to the same plan to the committee.

Any person who wishes to comment on the proposed modifications identified in 3rd 15-Day Text, may do so by submitting written comments to the Committee postmarked beginning January 21, 2016, with a deadline of February 4, 2016, to the following person:

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Any comments received or postmarked by February 4, 2016 will be included in the final rulemaking file and responded to in the Final Statement of Reasons.

DATED: January 21, 2016



Lori Hubble
Executive Officer
Dental Hygiene Committee of California