

**State of California
Office of Administrative Law**

In re:
Dental Hygiene Committee of California

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 1104, 1104.1, 1104.2

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

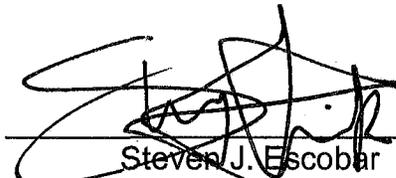
OAL Matter Number: 2016-0426-03SR

OAL Matter Type: Regular Resubmittal (SR)

This resubmittal of OAL File No. 2015-0722-03S by the Dental Hygiene Committee of California (the "Committee") adopts sections 1104, 1104.1, and 1104.2 in title 16 of the California Code of Regulations. Senate Bill 1202 (2011-2012 Reg. Sess.) gave the Committee permissive authority to approve any registered dental hygiene ("RDH") educational program accredited by the Commission on Dental Accreditation. These regulations clarify the approval process for both existing and new programs, including specifying the instructions for the feasibility study required for new RDH educational programs seeking approval.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2016.

Date: June 7, 2016



Steven J. Escobar
Attorney

For: Debra M. Cornez
Director

Original: Lori Hubble

Copy: Lori Hubble

RESUBMITTAL

structures on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS

NOTICE FILE NUMBER
Z-2015-0722-025

REGULATORY ACTION NUMBER

2016-0426-03SR

EMERGENCY NUMBER

per agency request
 1.7.6.05-19-2016

For use by Office of Administrative Law (OAL) only

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

JUN 7 2016

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OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

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 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	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) RDH Educational Programs - Feasibility Study		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-0722-025 per agency request	
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 1104, 1104.1, and 1104.2	
		AMEND	
TITLE(S) 16		REPEAL	
3. TYPE OF FILING			
<input checked="" 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	
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> File & Print	
		<input type="checkbox"/> Other (Specify) _____	
		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
		<input type="checkbox"/> Print Only	
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) December 31, 2014 to January 15, 2015 and January 28, 2016 to February 11, 2016			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11345.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input 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 checked="" type="checkbox"/> Other (Specify) Awet Kidane, Director of Department of Consumer Affairs		<input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Lori Hubble, Executive Officer		TELEPHONE NUMBER 916-263-2010	FAX NUMBER (Optional) (916) 263-2688
		E-MAIL ADDRESS (Optional) lori.hubble@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
Lori Hubble
 TYPED NAME AND TITLE OF SIGNATORY
 Lori Hubble, Executive Officer, Dental Hygiene Committee of California

DATE
 April 7, 2016

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 07 2016

Office of Administrative Law

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

FINAL REGULATION ORDER
(§§ 1104, 1104.1, and 1104.2, tit. 16, Cal. Code Regs.)

Adopt new sections 1104, 1104.1 and 1104.2, title 16, California Code of Regulations to read as follows:

[Note: The entire text is new language to be added to the California Code of Regulations.]

§ 1104. Approval of New RDH Educational Programs and Continuation of Approval for Approved RDH Educational Programs.

(a) A new educational program shall obtain Committee approval prior to admission of students.

(b) The Committee shall review the approval of all approved educational programs in accordance with accreditation renewal standards set by the Commission on Dental Accreditation of the American Dental Association (CODA), or an equivalent accrediting body, as determined by the Committee. In the event that an equivalent body has not been established by the Committee, the standards shall be set by CODA.

(1) All educational programs accredited by CODA, or an equivalent accrediting body, as determined by the Committee, shall submit to the Committee after each accreditation site visit an electronic copy of the Self-Study Report in accordance with the requirements specified in CODA's "Self-Study Guide for the Evaluation of a Dental Hygiene Education Program" (As Last Revised: January 1, 2016), which is hereby incorporated by reference, and a copy of the final report of the findings within thirty (30) days of the final report issuance.

(2) If the educational program is granted CODA's, or an equivalent accrediting body's, as determined by the Committee, status of "Approval with Reporting Requirements", the program shall submit to the Committee copies of any and all correspondence received from or submitted to CODA, or an equivalent accrediting body, as determined by the Committee, until such time as the status of "Approval without Reporting Requirements" is granted.

(3) If the educational program is granted CODA's, or an equivalent accrediting body's, as determined by the Committee, status of "Approval with Reporting Requirements with Intent to Withdraw", the program shall notify the Committee within ten (10) days, and the Committee shall withdraw approval until such time as the status of "Approval without Reporting Requirements" is granted. Students enrolled in a program where approval has been withdrawn will not be considered graduates of an approved program and shall be ineligible for licensure. The program shall notify the students of the withdrawal of

approval and the potential for ineligibility for licensure on the basis of not having graduated from an approved program. The program shall copy the Committee on the notification to students and any correspondence submitted to CODA, or an equivalent accrediting body, as determined by the Committee, regarding accreditation status.

(4) If the educational program is withdrawn from accredited status by CODA, or an equivalent accrediting body, as determined by the Committee, the program shall notify the Committee in writing of such status within 10 days and the Committee shall withdraw approval. The program shall submit copies of any and all correspondence received from or submitted to CODA, or an equivalent accrediting body, as determined by the Committee. Students enrolled in a program where accreditation has been withdrawn will not be considered graduates of an accredited program and shall be ineligible for licensure.

(5) Continuation of approval of all educational programs shall be contingent upon compliance with the requirements described in this Article. Written notification of continuation of approval shall be provided.

(c) All Committee-approved programs shall maintain current accreditation by CODA, or an equivalent accrediting body, as determined by the Committee.

(d) All Committee-approved sponsoring and affiliated institutions shall maintain current institutional accreditation pursuant to Business and Professions Code section 1941(c).

(e) A material misrepresentation of fact by a new educational program or an approved educational program in any information required to be submitted to the Committee is grounds for denial of approval or revocation of the program's approval.

Note: Authority cited: Sections 1905 and 1906, Business and Professions Code. Reference: Sections 1905 and 1941, Business and Professions Code.

§ 1104.1. Process for Approval of a New RDH Educational Program.

(a) A college or an institution of higher education applying for approval of a new educational program for registered dental hygienists shall comply with the requirements specified in the Committee's document entitled, "Instructions for Institutions Seeking Approval of a New RDH Educational Program", (EDP-I-01 Rev 12/15), ("Instructions"), which is hereby incorporated by reference, including:

(1) Notify the Committee in writing of its intent to offer a new educational program that complies with Committee requirements;

(2) Submit a feasibility study in accordance with the requirements specified in the "Instructions" for approval as referenced in Business and Professions Code section 1941(b);

(3) The Committee shall review the feasibility study and approve or deny approval of the study as specified in the "Instructions".

(b) After approval of the feasibility study by the Committee, and at least twelve (12) months prior to the proposed date for enrollment of students, the educational program shall submit CODA's, or an equivalent accrediting body's required documents to the Committee in accordance with the requirements specified in the "Instructions". This includes a Self-Study Report that delineates how the proposed program plans to comply with the accreditation standards contained in CODA's "Accreditation Standards for Dental Hygiene Education Programs" (As Last Revised: February 6, 2015) which is hereby incorporated by reference.

(c) The required documents shall be reviewed by the Committee and site visit shall be scheduled in accordance with the requirements specified in the "Instructions".

(d) The Committee may approve, provisionally approve, or deny approval of the educational program in accordance with the requirements specified in the "Instructions".

(e) The educational program shall notify the Committee in writing of any substantive or major change in information contained in the required approval documents within 10 days of such change. A substantive or major change is one that affects the original submission, where without the submission of the new information the request for approval for a new educational program would be false, misleading, or incomplete.

Note: Authority cited: Sections 1905 and 1906, Business and Professions Code. Reference: Sections 1905, 1941 and 1944, Business and Professions Code.

§ 1104.2. Appeals Process for New RDH Programs.

(a) Any new educational program whose approval is denied may request an informal conference before the Executive Officer or his or her designee. The program shall be given at least ten days notice of the time and place of such informal conference.

(b) The education program may contest the denial of approval by either:

(1) Appearing at the informal conference. The Executive Officer shall notify the educational program of the final decision of the Executive Officer within ten days of the informal conference. Based on the outcome of the informal conference, the educational program may then request a hearing to contest the Executive Officer's final decision. An educational program 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;

(2) Notifying the Committee in writing the educational program 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 1905 and 1941, Business and Professions Code.