

**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 95815 on

September 10, 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 September 10, 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 Section 106975 of the Health and Safety Code, and to implement, interpret or make specific Sections 1905, 1917 and 1941 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 the process for Committee approval of new registered dental hygiene (RDH) educational programs and continuation of approval of existing programs, instructions for submission of the feasibility study required by statute for all new programs, and provides an appeals process for new programs denied approval. Currently, thirty RDH educational programs are approved in California due to the Committee’s acceptance of accreditation by the Commission on Dental

Accreditation (CODA). SB 1202, effective January 1, 2013, gave the Committee permissive authority to approve any RDH educational program accredited by CODA, rather than *requiring* the Committee to approve any RDH educational program accredited by CODA, as previous statutory language mandated. The Committee needs regulations within Division 11 that clarify the approval process for both existing and new programs, specify the instructions for the required feasibility study and the process for new RDH educational programs seeking approval, and the Committee is proposing the following:

- Adopt Section 1104 of Division 11, Title 16 of the California Code of Regulations
The proposed section specifies that a new RDH educational program must be approved by the Committee before admitting students, specifies the approval process in relation to the CODA accreditation process for new and existing programs, requires all approved programs to maintain CODA accreditation and institutional accreditation, and clarifies the consequences for a material misrepresentation of fact by a program.
- Adopt Section 1104.1 of Division 11, Title 16 of the California Code of Regulations
The proposed section specifies that institutions applying for approval of a new RDH educational program must comply with requirements set out in “Instructions for Institutions Seeking Approval of a New RDH Educational Program” and incorporates this document by reference. The section specifies that the Committee be notified in writing of the intent to offer a new educational program, that a feasibility study be submitted in accordance with requirements specified in the “Instructions”, and that after the feasibility study is approved and at least 12 months before the enrollment of students the program must submit the same documentation sent to CODA or other accreditation body to the Committee, who will approve, provisionally approve, or deny approval of the program according to the requirements specified in the “Instructions.” The proposed section requires that a new program notify the Committee in writing within 10 days of any substantive or major change in information, as defined, contained in the required approval documents.
- Adopt Section 1104.2 of Division 11, Title 16 of the California Code of Regulations
The proposed section specifies the appeals process for a new RDH educational program whose approval is denied by the Committee, including timeframes.

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. Dental hygienist programs require clinical practice of dental hygiene procedures by students in clinics and offices. This proposal protects California consumers by ensuring that RDH educational programs meet criteria and standards necessary for students to learn to perform procedures safely, and to protect Californians while students learn and practice these procedures.

Protection of the public is the Committee’s primary mission. These regulations benefit the public by specifying the process by which a RDH educational program may obtain or maintain approval, so that dental hygiene patients are protected from harm during the practice of procedures by dental hygiene students during clinical instruction, which takes place in dental offices, school clinics and public health clinics as part of the RDH educational process.

These proposed regulations benefit dental hygienist students by ensuring that new and existing RDH educational programs maintain accreditation standards, and that new programs provide sufficient information to the Committee in the required feasibility study so that students do not pay for an education that they do not receive, due to the program's failure.

The proposal benefits new RDH educational programs by specifying the required format and content of the required feasibility study, so programs know exactly what is needed to obtain and maintain Committee approval.

The proposed regulations benefit new and existing RDH educational programs by requiring the Committee conduct its reviews in accordance with their CODA accreditation renewal, so programs collect the same information, data and documentation for both their Committee review and their CODA accreditation processes.

The proposed regulations benefit the Committee by providing a mechanism for review and continuation or withdrawal of approval status of RDH educational programs that is clearly set out for all users.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations, 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.

DOCUMENT INCORPORATED BY REFERENCE:

Instructions for Institutions Seeking Approval of a New RDH Educational Program (EDP-1-01 Rev. 04/14)

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 since a small business would not have the resources to open or maintain a RDH educational program.

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 hygienist students receive education and training in safely providing dental hygiene services to Californians.

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 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 2050, 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 2050
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 2050
Sacramento, CA 95815
Telephone No.: (916) 576-5003
Fax No.: (916) 263-2688
E-Mail Address: Donna.Kantner@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Committee's website: www.dhcc.ca.gov.