

**Dental Hygiene Committee of California
Department of Consumer Affairs**

Proposed Regulations
Modified Text

Changes to the originally proposed language are indicated by double ~~strikeout~~ for deleted text and by double underline for added text and are **highlighted** for ease of location.

ARTICLE 2: ADMINISTRATION

§ 1101. Delegation to Committee’s Executive Officer.

(a) Except for those powers reserved exclusively to the “agency itself” under the Administrative Procedure Act, (Section 11500 et seq. of the Government Code), the Committee delegates and confers upon the Executive Officer, or his or her designee, all functions necessary to the dispatch of business of the Committee in connection with investigative and administrative proceedings under the jurisdiction of the Committee, including issuing an order for medical or mental examination under Section 820 of the Code, and the ability to approve stipulated settlement agreements for the revocation, surrender or interim suspension of a license.

(b) The power and discretion conferred by law upon the Committee to initiate, review and prosecute accusations and statements of issues pursuant to Sections 11500 through 11528 of the Government Code are hereby delegated to and conferred upon the Committee's Executive Officer or in the absence thereof a designee.

Note: Authority cited: Section 1905, Business and Professions Code. Reference: Sections 1905 and 1950, Business and Professions Code; and Sections 11500-11528, Government Code.

Adopt Sections 1121, 1122, 1124, 1126 and 1127 of Article 6 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

ARTICLE 6. EXAMINATIONS

§1121. Dental Hygiene Written Examinations

Prior to issuance of a license, an applicant for licensure as an RDH, RDHAP or RDHEF shall successfully take and complete a supplemental written examination in California Law and Ethics.

(a) Each examination shall be specific for the RDH, RDHAP or RDHEF license, and

(b) shall test the applicant's knowledge of California law as it relates to the specific dental hygiene practice and the applicant's ability to recognize and apply ethical principles.

(c) An applicant shall be deemed to have passed the examination with a minimum score of seventy-five percent (75%).

NOTE: Authority cited: Section 1905, Business and Professions Code. Reference: Sections 1917, 1918, and 1922, Business and Professions Code.

**§1122. General Procedures for the Dental Hygiene Committee of California
Written Examinations.**

- (a) An applicant shall be able to read and interpret instructions and examination materials.
- (b) An applicant may be dismissed from the entire examination for engaging in conduct listed in Section 123 of the Code.

Note: Authority cited: Sections 123, 496, 1905, and 1917, Business and Professions Code. Reference: Sections 123, 496, 1905, and 1917, Business and Professions Code.

**§1124. General Procedures for the Dental Hygiene Committee of California
Clinical Examination.**

- (a) Each applicant shall furnish patients, instruments, and materials needed to take and complete the clinical examination.
- (b) A patient provided by an applicant must be at least eighteen (18) years of age and shall be in a health condition acceptable for dental hygiene treatment. If conditions indicate a need to consult the patient's physician or for the patient to be pre-medicated, the applicant must obtain the necessary written medical clearance and/or evidence of premedication before the patient will be accepted. The examiners may, in their discretion, reject a patient who in the opinion of at least two examiners has a condition that interferes with evaluation or that may be hazardous to the patient, other patients, applicants or examiners. A hazardous condition includes, but is not limited to, acute symptomatic hepatitis, active herpetic lesions, acute periodontal or periapical abscesses, or necrotizing ulcerative gingivitis. Whenever a patient is rejected, the reason for such rejection shall be noted on the examination record and shall be signed by both rejecting examiners.
- (c) It is the applicant's responsibility to provide an interpreter, if necessary, to complete the medical history and consent form for non-English speaking patients. An interpreter will be allowed in the grading area only if requested by an examiner.
- (d) No person shall be admitted to an examination clinic unless he or she is wearing an identification badge.
- (e) An applicant may be dismissed from the entire examination for engaging in conduct listed in Section 123 of the Code.

Note: Authority cited: Sections 123, 1905, and 1917, Business and Professions Code. Reference: Sections 123, 1905, and 1917 Business and Professions Code.

§1126. Conduct of Dental Hygiene Committee of California Clinical Examinations.

Examinations shall be anonymous. An anonymous examination is one conducted in accordance with procedures, including but not limited to those set forth below, which ensure and preserve anonymity of applicants.

(a) The Committee shall randomly assign each applicant a number for identification purposes throughout the entire examination.

(b) Grading examiners shall not view applicants during the performance of the examination assignments. A **To be considered for appointment as a grading examiner, a licensee** shall be a California licensed RDH, RDHAP, or RDHEF **with an active license for a minimum of five years and has not been subject to discipline within the preceding five years.**

(c) There shall be no communications between grading examiners and clinic supervisors except for oral communications conducted in the presence of Committee staff. There shall be no communication between grading examiners and applicants except written communications.

NOTE: Authority cited: Sections 1905 and 1917 Business and Professions Code. Reference: Sections 1905 and 1917, Business and Professions Code.

§1127. Dental Hygiene Committee of California Clinical Examination Review Procedures; Appeals.

(a) An applicant who has failed an examination shall be provided with notice, upon written request, of those areas in which he or she is deficient.

(b) An unsuccessful applicant who has been informed of the areas of deficiency in his or her performance on the examination and who has determined that one or more of the following errors was made during the course of his or her examination and grading may appeal to the Committee within sixty (60) days following receipt of his or her examination results:

(1) Significant procedural error in the examination process;

(2) Evidence of adverse discrimination;

(3) Evidence of substantial disadvantage to the applicant.

(c) An appeal shall be made by means of a written letter specifying the grounds upon which the appeal is based. The Executive Officer shall respond to the appeal in writing and may request a personal appearance by the applicant. The Committee shall thereafter take such action as it deems appropriate.

Note: Authority cited: Sections 1905 and 1917, Business and Professions Code. Reference: Sections 1905 and 1917, Business and Professions Code.

Adopt Section 1133 of Article 8 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

ARTICLE 8. MINIMUM STANDARDS FOR INFECTION CONTROL

§1133. Minimum Standards for Infection Control

Licensees shall comply with the Minimum Standards for Infection Control as set forth in Section 1005 of the California Code of Regulations.

Note: Authority cited: Section 1905, Business and Professions Code. Reference: Section 1905, Business and Professions Code.