

**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  
1<sup>st</sup> Floor Hearing Room  
2005 Evergreen Street  
Sacramento, California on

**March 18, 2015**

**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 18, 2015, 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 123, 1905 and 1917 of the Business and Professions Code, and to implement, interpret or make specific sections 123, 1903, 1905, 1917, 1918 and 1922 of the Business and Professions Code and sections 11500-11528 of the Government 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 1900-1966.6.

The main purpose of this proposal is to delegate specific enforcement-related functions to the Executive Officer, inform applicants of requirements, procedures, conduct and appeals for examinations, and to clarify that minimum standards for infection control are contained in Section 1005 of the California Code of Regulations. The Committee is currently utilizing the Dental Board's regulations in some of these areas, however many of those existing regulations relative to dental hygiene no longer conform to more recent statutory law.

The Committee is proposing the following:

- Adopt Section 1101 of Division 11, Title 16 of the California Code of Regulations  
This proposed section clarifies that the Committee may delegate certain specified functions relative to the enforcement of its licensees to its Executive Officer. This delegation allows the Executive Officer (EO) to take action timely when issuing an order for a medical or mental examination under Section 820 of the Code, and in approving stipulated settlement agreements that have previously been agreed to by the Committee. The proposed regulations allow the Committee to delegate to the EO its authority to initiate, review and prosecute accusations and statements of issues.
- Adopt Section 1121 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies the content and pass rate of the written examination in law and ethics required pursuant to Business and Professions Code Section 1917(d), 1918(c) and 1922.
- Adopt Section 1122 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies that applicants must have the ability to read and interpret instructions and exam materials in order to take the written law and ethics examination, and that an applicant may be dismissed from the entire examination for engaging in conduct listed in Section 123 of the Business and Professions Code relating to subversion of licensing examinations.
- Adopt Section 1124 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies what clinical exam applicants must furnish, criteria for the patient required, whose responsibility it is to provide any interpreter needed, requirement for an identification badge, and that an applicant may be dismissed from the entire examination for engaging in conduct listed in Section 123 of the Business and Professions Code.
- Adopt Section 1126 of Division 11, Title 16 of the California Code of Regulations  
This proposed section clarifies how the Committee conducts clinical examinations, including the random assignment of identification numbers, conduct and requirements of grading examiners, and specifies allowed and prohibited communication between grading examiners and clinic supervisors or applicants.
- Adopt Section 1127 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies the necessary process and timeline for applicants to obtain areas of deficiency and appeal their clinical exam results.
- Adopt Section 1133 of Division 11, Title 16 of the California Code of Regulations  
This proposed section clarifies that the Committee's licensees must comply with the minimum standards for infection control set forth in Section 1005 of the California Code of Regulations.

**B. Policy Statement Overview/Anticipated Benefits of Proposal**

The Committee's policy is to promulgate regulations for the protection of California consumers. This proposal protects California consumers by ensuring timely enforcement action is taken by

delegation of specified functions to the Executive Officer, and by specifying content, pass rate, conduct and an appeals process for examinations required for dental hygiene licensure. These proposed regulations clarify that dental hygienists must comply with the same infection control standards as dentists, as specified in Section 1005 of the California Code of Regulations.

### C. Consistency and Compatibility with Existing State Regulations

After conducting a review of any regulations that would relate to or affect this area, the Committee has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing State regulations.

## **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 because only dental hygiene applicants and licensees would be affected by these regulations.

## **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 dental hygienist applicants and licensees have clear and consistent regulations that delegate specific actions to the Committee's Executive Officer, provide information regarding requirements and conduct of written and clinical examinations required for dental hygiene licensure, specify an appeals process for the clinical examination, and clarify that the minimum standards for infection control contained in Section 1005 of the California Code of Regulations must be used in the practice of dental hygiene.

### **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 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: Guadalupe Castillo  
Address: 2005 Evergreen Street, Suite 2050  
Sacramento, CA 95815  
Telephone No.: (916) 263-1978  
Fax No.: (916) 263-2688  
E-Mail Address: Guadalupe.Castillo@dca.ca.gov

The backup contact person is:

Name: Donna Kantner  
Address: 2005 Evergreen Street, Suite 2050  
Sacramento, CA 95815  
Telephone No.: (916) 263-1978  
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E-Mail Address: Donna.Kantner@dca.ca.gov

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.dhcc.ca.gov](http://www.dhcc.ca.gov).