

**TITLE 16. DENTAL HYGIENE COMMITTEE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Dental Hygiene Committee of California 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 on

March 14, 2011

10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact in this Notice, must be received by the Dental Hygiene Committee of California (hereinafter "Committee") at its office not later than 5:00 p.m. on March 14, 2011, 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: The Committee is proposing to adopt Division 11 pursuant to the authority vested by Section 1906 of the Business and Professions Code, and to implement, interpret or make specific Sections 11400.20 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/POLICY STATEMENT OVERVIEW

Adopt Title 16 of the California Code of Regulations Section 1138

Government Code Section 11400.20 allows an agency to adopt regulations to govern an adjudicative proceeding. The existing Disciplinary Guidelines in the Dental Practice Act are out dated and do not reflect current law. The existing Disciplinary Guidelines do not contain model language for probationary orders or the rationale for standard and optional conditions of probation that may be recommended revised January 2011. Section 1138 is adopted to incorporate by reference the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines as revised to include the model language, rationale and to specify the factors that may be considered by the Administrative Law Judge when determining whether a dental hygiene license should be suspended, revoked or placed on probation.

The amendments will assist the Dental Hygiene Committee of California's Enforcement Staff and the Attorney General's Office in pursuing enforcement actions against dental hygiene

licensees who are in violation of the law to better protect consumers. The amended Uniform Standards Related to Substance Abuse and Disciplinary Guidelines will assist the Administrative Law Judge in determining the penalty to be imposed by providing clear recommendations and rationale so the dental hygiene licensees are prevented from practicing and consumers are protected from dental hygiene licensees who commit serious violations of the law.

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.

AND

The following studies/relevant data were relied upon in making the above determination:

These regulations will provide direction to administrative law judges who determined penalties for dental hygienist, dental hygienist in alternative practice and dental hygienist with extended functions who have violated provisions of statutory law or regulations.

Impact on Jobs/New 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.

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 unless those small businesses were owned by dental hygienist in alternative practice who have violated the statues or regulations contained within the California Business and Professions Codes and Regulations.

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 either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

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 1050, 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: Traci Napper, Legislative Analyst
Address: 2005 Evergreen Street, Suite 1050
Sacramento, CA 95815
Telephone No.: (916) 263-2572
Fax No.: (916) 263-2688
E-Mail Address: Traci_Napper@dca.ca.gov

The backup contact person is:

Name: Lori Hubble, Executive Officer
Address: 2005 Evergreen Street, Suite 1050
Sacramento, CA 95815
Telephone No.: (916) 263-1978
Fax No.: (916) 263-2688
E-Mail Address: Lori_Hubble@dca.ca.gov
Website Access: Materials regarding this proposal can be found at the Committee's website:
www.dhcc.ca.gov.