

**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

**January 15, 2014**

**10:00 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 January 15, 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 123, 496, 1905, 1906, and 1917 of the Business and Professions Code, and to implement, interpret or make specific sections 1902, 1905, 1908, 1909, 1910, 1911, 1917, 1918 and 1922 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

The Committee currently regulates a total of 31,154 licensees; consisting of 30,636 registered dental hygienists, 480 registered dental hygienists in alternative practice and 38 registered dental hygienists with extended function. The Committee's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The Committee issues licenses to eligible applicants; investigates complaints against licensees, disciplines licensees for violation of the Business and Professions Code Sections 1900-1966.6 and monitors licensees who are on probation.

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 specify definitions for various terms used in statute, allows the Committee to delegate certain functions to its Executive Officer, and provide clarification of procedures, criteria and the appeals process relative to written and clinical examinations. The Committee is currently utilizing the Dental Board's regulations in 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 1100 of Division 11, Title 16 of the California Code of Regulations  
This proposed section defines dental hygiene terms that are used within statute in regulation so that applicants, licensees, staff and the public have clear and consistent definitions for terms currently in statute or that are used in dental hygiene practice.
- Adopt Section 1101 of Division 11, Title 16 of the California Code of Regulations  
This proposed section allows the Committee to delegate specific functions to its Executive Officer to assist the timely progress of investigative and administrative proceedings and the initiation of accusations and statements of issues. The objective of this proposal is to enhance the efficiency and timeliness of the Committee's investigations and enforcement.
- Adopt Section 1121 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies that the written Law and Ethics examination required of all applicants will be tailored to the respective license category and lists the pass point. The objective of this proposal is to inform applicants of the nature of the examination and the pass point to achieve successful completion.
- Adopt Section 1122 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies that for written examinations, applicants must be able to read and interpret instructions and examination materials, and directs applicants to Section 123 of the Code for the reasons for dismissal from an examination.
- Adopt Section 1124 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies that applicants for the Committee's clinical examination must provide patients, instruments and materials necessary for the examination, and supplies criteria for patient selection. The objective of this proposed language is to inform applicants of the procedures and requirements of the clinical examination.
- Adopt Section 1126 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies the conduct of clinical examinations to ensure that the examination will be anonymous.
- Adopt Section 1127 of Division 11, Title 16 of the California Code of Regulations  
This proposed section specifies the appeals process for the benefit of applicants who have failed the clinical examination.

- Adopt Section 1133 of Division 11, Title 16 of the California Code of Regulations  
This proposed section clarifies that licensees must adhere to the Minimum Standards for Infection Control and references the specific section of law.

#### 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 that all licensed registered dental hygienists, applicants and staff use the same current terminology relative to dental hygiene education and practice; and that applicants understand the requirements and procedures for written and clinical examinations required for licensure, and adhere to the same minimum standards for infection control as other dental professionals.

#### 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 definitions for terms used within statute. This regulation will benefit the public through timely investigation and enforcement actions being delegated to the Executive Officer. This regulation will benefit applicants for dental hygiene licensure by clarifying the requirements and process for written and clinical examinations, and specifying an appeals process.

## **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 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: Donna Kantner  
Address: 2005 Evergreen Street, Suite 1050  
Sacramento, CA 95815  
Telephone No.: (916) 263-1978  
Fax No.: (916) 263-2688  
E-Mail Address: Donna.Kantner@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  
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**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).