



# MEMORANDUM

<b>DATE</b>	November 9, 2022
<b>TO</b>	Members of the Dental Board of California
<b>FROM</b>	David Bruggeman, Legislative and Regulatory Specialist Dental Board of California
<b>SUBJECT</b>	<b>Agenda Item 13.c.:</b> Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Adopt Text at CCR, Title 16, Section 1006 to Implement AB 107 (Temporary Licensure for Military Spouses and Partners)

Background:

AB 107 (Chapter 693, Statutes of 2021) was chaptered on October 8, 2021 and becomes operative on July 1, 2023. It amends provisions of the Business and Professions Code for all boards in the Department of Consumer Affairs relating to temporary licenses for qualified spouses or domestic partners of active-duty military personnel assigned to a duty station in California under official active-duty military orders. Effective July 1, 2023, such provisions will apply to the Dental Board, meaning the Board will be required to grant temporary licenses or registrations to dentists or dental auxiliaries who qualify.

To be eligible, spouses or domestic partners of military servicemembers who are assigned to a California duty station would be required to have a ‘current, active and unrestricted’ license from another state, district, or territory of the United States with the same scope of practice for which the applicant seeks a temporary license from the Board. They would also need to take a California law and ethics examination if otherwise required by the Board for licensure. The temporary license would last for 12 months or until the Board grants or denies a regular license. The temporary license would be nonrenewable and could be revoked if the Board finds, following notice and a hearing, that the license holder engaged in unprofessional conduct or any other action that is a cause for discipline by the Board. The temporary license could also be immediately terminated by operation of law if the Board finds that the applicant provided substantively inaccurate information that would affect the persons eligibility for temporary licensure.

At its August 25-26, 2022, meeting the Board adopted proposed regulatory text to adopt California Code of Regulations, title 16, section 1006. As staff was preparing the rulemaking package for review by the Department of Consumer Affairs it was determined that revisions to the adopted proposed regulatory text were necessary to include additional categories of licensure offered by the Dental Board and to revise the application process for temporary licensure to better match the application process for regular licensure.

As originally drafted, the proposed regulatory text would have required applicants to submit all the necessary information to demonstrate eligibility for temporary licensure at the same time, including evidence of successfully completing the law and ethics examination if required for their license type. The proposed regulatory text been revised to have the applicant submit all the information necessary prior to completing the law and ethics examination. The applicant would take the exam only after the Board had verified the application information, which is consistent with the practice for applications for standard licensure. It also prevents the possibility that an applicant takes the exam even though the information on their application does not qualify them for temporary licensure. It also specifies that the law and ethics exam will be required for temporary dentist licenses only, as the law and ethics portion of the RDA examination is not separable from the rest of the examination.

The original proposed regulatory text also focused on temporary licensure for dentists, registered dental assistants, registered dental assistants in extended functions, dental sedation assistants and orthodontic assistants. Upon review, staff determined that some of the permits that allow professional practice under the Dental Practice Act were missing from the scope of this regulatory proposal. As a result, the proposed regulatory text has been revised to include permits issued for practice as an elective facial cosmetic surgeon, oral and maxillofacial surgeon, or to administer general anesthesia or moderate sedation to an adult and/or pediatric patient, oral conscious sedation for adult patients, or pediatric minimal sedation. These permits also require an underlying dental or physician and surgeon license (temporary or otherwise), as applicable. The regulations clarify that temporary licensure is intended for any license, permit, or other authority granted by the Board for an individual to engage in a profession regulated by the Board. The revisions also clarify that temporary licensure for permits that require the possession of a dental license from the Board or physician and surgeon license from the Medical Board is conditional on the applicant applying for or obtaining that underlying license.

The specific changes to the proposed regulatory text are as summarized below. A copy of the proposed regulatory text with all the suggested revisions (Attachment 1) and a clean copy of the proposed regulatory text (Attachment 2) accompanies this memo.

1. Add a definition of 'license' to section 1006(a) to make the regulations specific to the types of licenses and permits issued by the Board for dentists and dental auxiliaries.
2. Add a definition of 'affiliated permit' to section 1006(a) to cover the surgical and sedation and anesthesia permits issued by the Board.

3. Add a definition of 'successfully complete' to section 1006(a) to ensure that applicants for temporary dentist licenses taking the California Law and Ethics Examination achieve a criterion-referenced passing score.
4. Revise section 1006(b)(6) to describe the process for submitting fingerprints to the Board for a criminal history records (background) check.
5. Revise section 1006(b)(7) to note that applicants for temporary licensure as dentists will be the only applicants for temporary licensure to take the California Law and Ethics Exam. The process for applicants to take the exam is outlined in the new language. Applicants would only take the exam once the Board has determined that their application meets preliminary requirements for temporary licensure so that dental applicants may be prescreened for eligibility for this license prior to incurring costs to take the Board's law and ethics examination. Since the law and ethics portion of the RDA examination is not severable from the Board's written examination, the prior approved text requiring RDAs to take the law and ethics examination portion of the RDA examination was dropped from this proposal.
6. Add new section 1006(c) to describe the process a dentist applicant must follow to take the California Law and Ethics examination.
7. Add new section 1006(d) to describe the process an applicant must follow to submit fingerprints to the Board.
8. Add new section 1006(e) to note the conditions required for the Board to grant the temporary license to an applicant and any possible grounds for denial.
9. Add new section 1006(f) to state that applicants seeking a temporary license to practice under an "affiliated permit" as defined in this section that requires a dentist license or a physicians and surgeon's license prior to issuance of the permit will not receive that affiliated permit until they have received a temporary dental license from the Board or have obtained a license from the Medical Board of California, as applicable.
10. Re-letter previous section 1006(c) to 1006(g) and revise the effective date of the regulations to account for the possibility that the regulations are not approved soon enough to have an effective date of July 1, 2023.

Action Requested:

The Board should review the proposed revisions to the regulatory text the Board approved in August and consider whether they should support the revisions as written or if there are suggested changes to the proposed revised text. After review, Board staff requests that the Board consider one of the following motions.

**Motion A:** (The Board has no suggested changes for the proposed revised regulatory text.)

Rescind the Board's prior August 25, 2022 motion and approve the proposed revised regulatory text for Section 1006 in Attachment 2 and submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as described in the text notice for 16 CCR section 1006.

**Motion B:** (The Board has suggested changes for the proposed revised regulatory text.)

Rescind the Board's prior August 25, 2022 motion and approve the proposed revised regulatory text for Section 1006 in Attachment 2, with the following changes. (Describe the proposed changes to the noticed proposed text). In addition, submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as described in the text notice for 16 CCR section 1006.

# ATTACHMENT 1

## TITLE 16. DENTAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

### AB 107: Temporary Licenses for Military Spouses or Partners

#### PROPOSED LANGUAGE

(Changes to the Board-approved August 25, 2022 language are highlighted, with deletions highlighted and in-strikethrough)

**Adopt Section 1006 of Article 1 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations to read as follows:**

Section 1006. Temporary Licenses for Military Spouses or Partners.

(a) Definitions: For the purposes of this section, the following definitions shall apply:

(1) "License" shall include any license or permits issued by the Board to practice dentistry, practice under an affiliated permit, or perform dental supportive procedures as a dental auxiliary.

(24) "Disciplined" means that the applicant's license has been placed on probation, revoked, suspended, reprobated, censured, reprimanded, restricted, limited, or conditioned.

(32) "Jurisdiction" shall mean a California or another state, district, or territory of the United States's licensing board or agency, any agency of the federal government or another country.

(43) "Disciplinary proceeding" shall mean any proceeding or investigation under the authority of the licensing jurisdiction pursuant to which licensee discipline may be imposed on the applicant.

(54) "Provide dental supportive services procedures" shall mean providing the servicesprocedures within the scope of practice of a registered dental assistant, registered dental assistant in extended functions, orthodontic assistant, or dental sedation assistant as defined in Sections 1752.4, 1753.5, 1753.55, 1753.6, 1750.3, and 1750.5 of the Code, as applicable, and sections 1086 and 1087 of this Division, as applicable.

(65) "Good standing" shall mean that the applicant has not been disciplined, is not the subject of an unresolved complaint or review procedure, and is not the subject of any unresolved disciplinary proceeding.

(76) "Original licensing jurisdiction" shall mean the jurisdiction agency or board that issued a license to the applicant authorizing the applicant to practice within the

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same scope of practice for which the applicant seeks a temporary license from the Board.

(8) "Affiliated permit" shall mean any permit or endorsement associated with either a dentist license or physician and surgeon license, as applicable, and issued by the Board to practice as an elective facial cosmetic surgeon, oral and maxillofacial surgeon, or to administer general anesthesia or moderate sedation to an adult and/or pediatric patient, oral conscious sedation for adult patients, or pediatric minimal sedation as specified in specified in Sections 1638, 1638.1, 1646, 1646.1, 1646.2, 1646.9, 1647.1, 1647.2, 1647.3, 1647.18, 1647.19, 1647.30 and 1647.31.

(9) "Successfully complete" shall mean that an applicant has achieved a criterion-referenced passing score as defined in Section 1031.

(b) Application and Eligibility Requirements. An applicant seeking a temporary license to practice dentistry, practice under an affiliated permit, or provide dental supportive services/procedures as a dental auxiliary pursuant to section 115.6 of the Code shall submit a completed application to the Board and meet all of the requirements of this section and section 115.6 of the Code to be eligible for a temporary license. A completed application shall include the following information:

(1) The applicant's identifying and contact information, including:

(A) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)),

(B) Other name(s) applicant has used or has been known by,

(C) Applicant's physical address,

(D) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address,

(E) Applicant's email address, if any,

(F) Applicant's telephone number,

(G) Applicant's Social Security Number or Individual Taxpayer Identification Number, and,

(H) Applicant's birthdate (month, day, and year).

(2) The applicant shall disclose whether the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. If the applicant answers in the affirmative, the applicant shall provide the following documentation with the application:

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(A) certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces, and;

(B) copy of the military orders establishing their spouse or partner's duty station in California.

(3) The applicant shall disclose whether the applicant holds a current, active and unrestricted license, or comparable authority ("license"), to practice dentistry, practice within the scope of practice of an affiliated permit or provide dental supportive services/procedures as a dental auxiliary in another state, district, or territory of the United States, and whether such license is the same type of license that the applicant is applying for with the Board. If the applicant answers in the affirmative, the applicant shall provide written verification from the applicant's original licensing jurisdiction that the applicant's license or other comparable authority ("license"), is in good standing in that jurisdiction.

The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license type and number issued to the applicant by the original licensing jurisdiction, and the relevant law(s) and regulation(s) under which the license was issued; and

(C) the name and location of the licensing agency or entity,

(D) the issuance and expiration date of the license, and,

(E) information showing that the applicant's license is currently in good standing.

(4) The applicant shall disclose whether the applicant has committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license pursuant to Sections 141, 480, or 490 of the Code, or Articles 4 (commencing with Section 1670 of the Code) or 5 (commencing with Section 1700 of the Code) of the Act.

(5) The applicant shall disclose whether the applicant has been disciplined by a licensing entity in another jurisdiction or is the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) The applicant shall furnish a full set of fingerprints upon request by to the Board for use by and accessible to the Board in conducting compliance with subsection (d) to permit the Board to conduct a criminal history information record checks through the California Department of Justice.

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(7) Successful completion of the Board's law and ethics examination for an applicant for a temporary dentist's license as set forth in section 1031, and successful completion of the examination related to the legal or ethical aspects of dentistry as set forth in section 1081 for an applicant for a temporary registered dental assistant's license. For applicants seeking a temporary license to practice as a dentist, the applicant shall furnish proof of successful completion of the California law and ethics examinations specified in subsection (c). "Proof of successful completion" shall mean a copy of the applicant's report or notice issued by the examination administrator PSI Services LLC (PSI) that lists the applicant's name and indicates that the applicant passed the examination.

(8) A statement attesting to the fact that the applicant meets all the requirements for the temporary license, and that the information submitted in the application is accurate, to the best of the applicant's knowledge.

(c) Law and Ethics Examination Requirements. Each applicant for a temporary license as a dentist shall successfully complete the California law and ethics examination administered by PSI specified in Section 1031.

(1) To take the examination, each applicant shall submit a completed request for approval to test to the Board that contains all of the following:

(A) full legal name (first, last and middle),

(B) social security number or individual taxpayer identification number,

(C) birth date,

(D) mailing address,

(E) telephone number,

(F) email address,

(G) a disclosure regarding whether the applicant is requesting a reasonable accommodation pursuant to subsection (b) of Government Code Section 12944. The applicant shall provide medical documentation consisting of a written document with the name, license number, telephone number, date and signature of a physician confirming the existence of the applicant's disability or medical condition (as defined in Government Code section 12926) and the need for the reasonable accommodation.

(H) the information required by subsections (b)(2) and (b)(3) of this section; and,

(I) a certification, under penalty of perjury, by the applicant that the information on the application is true and correct.



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(2) After receipt of a completed application for approval to test, and upon the Board's determination that the applicant has met the requirements of Sections 115.6(c)(1) and (c)(2) of the Code, the Board shall email a written and dated notice of approval to test to the applicant and PSI. The notice shall also contain the web site address, email address, telephone number and mailing address for the applicant to contact PSI to schedule the examination.

(3) Upon receipt of written notice of approval to test from the Board, an applicant is responsible for contacting PSI to schedule a test date and examination site location, and to pay PSI's nonrefundable fees to take the examination.

(d) Fingerprinting Requirements. All applicants shall have met the fingerprinting requirements of this subsection prior to issuance of a temporary license.

(1) Subject to paragraph 3, all applicants must submit fingerprints through the California Department of Justice's electronic fingerprint submission Live Scan Service ("Live Scan") by completing the California Department of Justice Form "Request for Live Scan Service," and submitting fingerprinting, through Live Scan as described in this subsection.

(2) Each applicant shall take the completed Request for Live Scan Service form to a Live Scan location to have their fingerprints taken by the operator. The applicant will be required to pay all fingerprint processing fees payable to the Live Scan operator, including the Live Scan operator's "rolling fee," if any, and fees charged by the California Department of Justice, and the Federal Bureau of Investigation. For current information about fingerprint background checks, and Live Scan locations, please visit the Attorney General's website at: <https://oag.ca.gov/fingerprints>.

(3) Applicants residing outside of California that cannot be fingerprinted electronically through Live Scan in California must have their fingerprints taken at a law enforcement agency in their state of residence, using fingerprint cards. These individuals should complete two fingerprint cards. Applicants shall mail two fingerprint cards, together with fees in the amount of \$49 (either personal check drawn on a U.S. bank, money order or certified check), payable to the "Dental Board of California," to:

Dental Board of California  
Attention: Licensing and Examination Unit  
2005 Evergreen St., Suite 1550  
Sacramento, CA 95815

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(e) Upon meeting the requirements in subsection (b) and if no grounds for denial exist pursuant to Sections 115.6 or 480 of the Code, the Board shall issue the applicant the applicable temporary license, subject to the conditions set forth in subdivision (h) of Section 115.6 of the Code.

(f) If the applicant is seeking a temporary license from the Board to practice under an affiliated permit, the applicant shall also either:

(1) Prior to or at the same time as they apply for the temporary license to practice under an affiliated permit, apply for a temporary dentist license using the application specified in subsection (b) for permits issued pursuant to Sections 1638.1, 1646.1, 1647.2, 1647.19, or 1647.31, or

(2) Have a current, active and unrestricted license as a physician and surgeon from the Medical Board of California for permits issued pursuant to Sections 1638 and 1646.9 of the Code. No temporary license for an affiliated permit shall issue until the applicant has been issued a temporary dentist license or has obtained a license as a physician and surgeon from the Medical Board of California, as applicable.

(g) This section shall become operative on [OAL: insert July 1, 2023 or the next quarterly effective date if adopted after July 1, 2023].

Note: Authority cited: Sections 23.7, 115.6, and 1614, Business and Professions Code. Reference: Sections 480, 115.6, 1611, 1632, 1638, 1638.1, 1646, 1646.1, 1646.2, 1646.9, 1647.1, 1647.2, 1647.3, 1647.18, 1647.19, 1647.30, 1647.31, 1749.1, 1750.2, 1750.4, 1752.1, and 1753, Business and Professions Code.

## ATTACHMENT 2

### TITLE 16. DENTAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

#### AB 107: Temporary Licenses for Military Spouses or Partners

#### PROPOSED LANGUAGE

**Adopt Section 1006 of Article 1 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations to read as follows:**

Section 1006. Temporary Licenses for Military Spouses or Partners.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) "License" shall include any license or permit issued by the Board to practice dentistry, practice under an affiliated permit, or provide dental supportive procedures as a dental auxiliary.

(2) "Disciplined" means that the applicant's license has been placed on probation, revoked, suspended, reprovved, censured, reprimanded, restricted, limited, or conditioned.

(3) "Jurisdiction" shall mean a state, district, or territory of the United States or another country.

(4) "Disciplinary proceeding" shall mean any proceeding or investigation under the authority of the licensing jurisdiction pursuant to which licensee discipline may be imposed on the applicant.

(5) "Provide dental supportive procedures as a dental auxiliary" shall mean providing the services within the scope of practice of a registered dental assistant, registered dental assistant in extended functions, orthodontic assistant, or dental sedation assistant as defined in Sections 1752.4, 1753.5, 1753.55, 1753.6, 1750.3, and 1750.5 of the Code, as applicable, and sections 1086 and 1087 of this Division, as applicable.

(6) "Good standing" shall mean that the applicant has not been disciplined, is not the subject of an unresolved complaint or review procedure, and is not the subject of any unresolved disciplinary proceeding.

(7) "Original licensing jurisdiction" shall mean the jurisdiction agency or board that issued a license to the applicant authorizing the applicant to practice within the same scope of practice for which the applicant seeks a temporary license from the Board.

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(8) "Affiliated permit" shall mean any permit or endorsement associated with either a dentist license or physician and surgeon license, as applicable, and issued by the Board to practice as an elective facial cosmetic surgeon, oral and maxillofacial surgeon, or to administer general anesthesia or moderate sedation to an adult and/or pediatric patient, oral conscious sedation for adult patients, or pediatric minimal sedation as specified in specified in Sections 1638, 1638.1, 1646, 1646.1, 1646.2, 1646.9, 1647.1, 1647.2, 1647.3, 1647.18, 1647.19, 1647.30 and 1647.31.

(9) "Successfully complete" shall mean that an applicant has achieved a criterion-referenced passing score as defined in Section 1031.

(b) Application and Eligibility Requirements. An applicant seeking a temporary license to practice dentistry, practice under an affiliated permit, or provide dental supportive procedures as a dental auxiliary pursuant to section 115.6 of the Code shall submit a completed application to the Board and meet all of the requirements of this section and section 115.6 of the Code to be eligible for a temporary license. A completed application shall include the following information:

(1) The applicant's identifying and contact information, including:

(A) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)),

(B) Other name(s) applicant has used or has been known by,

(C) Applicant's physical address,

(D) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address,

(E) Applicant's email address, if any,

(F) Applicant's telephone number,

(G) Applicant's Social Security Number or Individual Taxpayer Identification Number, and,

(H) Applicant's birthdate (month, day, and year).

(2) The applicant shall disclose whether the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. If the applicant answers in the affirmative, the applicant shall provide the following documentation with the application:

(A) copy of certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary

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evidence of legal union with an active-duty member of the Armed Forces, and;

(B) copy of the military orders establishing their spouse or partner's duty station in California.

(3) The applicant shall disclose whether the applicant holds a current, active and unrestricted license, or comparable authority ("license"), to practice dentistry, practice within the scope of practice of an affiliated permit or provide dental supportive procedures as a dental auxiliary in another state, district, or territory of the United States, and whether such license is the same type of license that the applicant is applying for with the Board. If the applicant answers in the affirmative, the applicant shall provide written verification from the applicant's original licensing jurisdiction that the applicant's license or other comparable authority ("license") is in good standing in that jurisdiction.

The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license type and number issued to the applicant by the original licensing jurisdiction, and the relevant law(s) and regulation(s) under which the license was issued; and

(C) the name and location of the licensing agency or entity,

(D) the issuance and expiration date of the license, and,

(E) information showing that the applicant's license is currently in good standing.

(4) The applicant shall disclose whether the applicant has committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license pursuant to Sections 141, 480, or 490 of the Code, or Articles 4 (commencing with Section 1670 of the Code) or 5 (commencing with Section 1700 of the Code) of the Act.

(5) The applicant shall disclose whether the applicant has been disciplined by a licensing entity in another jurisdiction or is the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) The applicant shall furnish fingerprints to the Board in compliance with subsection (d) to permit the Board to conduct a criminal history record check through the California Department of Justice.

(7) For applicants seeking a temporary license to practice as a dentist, the applicant shall furnish proof of successful completion of the California law and ethics examinations specified in subsection (c). "Proof of successful completion" shall mean a

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copy of the applicant's report or notice issued by the examination administrator PSI Services LLC (PSI) that lists the applicant's name and indicates that the applicant passed the examination.

(8) A statement attesting to the fact that the applicant meets all the requirements for the temporary license, and that the information submitted in the application is accurate, to the best of the applicant's knowledge.

(c) Law and Ethics Examination Requirements. Each applicant for a temporary license as a dentist shall successfully complete the California law and ethics examination administered by PSI specified in Section 1031.

(1) To take the examination, each applicant shall submit a completed request for approval to test to the Board that contains all of the following:

(A) full legal name (first, last and middle),

(B) social security number or individual taxpayer identification number,

(C) birth date,

(D) mailing address,

(E) telephone number,

(F) email address,

(G) a disclosure regarding whether the applicant is requesting a reasonable accommodation pursuant to subdivision (b) of Government Code Section 12944. The applicant shall provide medical documentation consisting of a written document with the name, license number, telephone number, date and signature of a physician confirming the existence of the applicant's disability or medical condition (as defined in Government Code section 12926) and the need for the reasonable accommodation.

(H) the information required by paragraphs (2) and (3) of subsection (b); and,

(I) a certification, under penalty of perjury, by the applicant that the information on the application is true and correct.

(2) After receipt of a completed application for approval to test, and upon the Board's determination that the applicant has met the requirements of paragraphs (1) and (2) of subdivision (c) of Section 115.6 of the Code, the Board shall mail a written and dated notice of approval to test to the applicant and PSI. The notice shall also contain the web site address, email address, telephone number and mailing address for the applicant to contact PSI to schedule the examination.

(3) Upon receipt of written notice of approval to test from the Board, an applicant is responsible for contacting PSI to schedule a test date and examination site location, and paying PSI's nonrefundable fees to take the examination.

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(d) Fingerprinting Requirements. All applicants shall have met the fingerprinting requirements of this subsection prior to issuance of a temporary license.

(1) Subject to paragraph (3), all applicants must submit fingerprints through the California Department of Justice's electronic fingerprint submission Live Scan Service ("Live Scan") by completing the California Department of Justice Form "Request for Live Scan Service," and submitting fingerprinting, through Live Scan as described in this subsection.

(2) Each applicant shall take the completed Request for Live Scan Service form to a Live Scan location to have their fingerprints taken by the operator. The applicant will be required to pay all fingerprint processing fees payable to the Live Scan operator, including the Live Scan operator's "rolling fee," if any, and fees charged by the California Department of Justice and the Federal Bureau of Investigation. For current information about fingerprint background checks, and Live Scan locations, please visit the Attorney General's website at: <https://oag.ca.gov/fingerprints>.

(3) Applicants residing outside of California who cannot be fingerprinted electronically through Live Scan in California must have their fingerprints taken at a law enforcement agency in their state of residence, using fingerprint cards. Applicants shall complete and mail two fingerprint cards, together with the California Department of Justice and the Federal Bureau of Investigation fingerprinting fees (either personal check drawn on a U.S. bank, money order or certified check), payable to the "Dental Board of California," to:

Dental Board of California  
Attention: Licensing and Examination Unit  
2005 Evergreen St., Suite 1550  
Sacramento, CA 95815

(e) Upon meeting the requirements in subsection (b) and if no grounds for denial exist pursuant to Sections 115.6 or 480 of the Code, the Board shall issue to the applicant the applicable temporary license, subject to the conditions set forth in subdivision (h) of Section 115.6 of the Code.

(f) If the applicant is seeking a temporary license from the Board to practice under an affiliated permit, the applicant also shall either:

(1) Prior to or at the same time as the applicant submits an application for the temporary license to practice under an affiliated permit, apply for a temporary dentist license using the application specified in subsection (b) for permits issued pursuant to Sections 1638.1, 1646.1, 1647.2, 1647.19, or 1647.31; or

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(2) Have a current, active, and unrestricted license as a physician and surgeon from the Medical Board of California for permits issued pursuant to Sections 1638 and 1646.9 of the Code. No temporary license for an affiliated permit shall issue until the applicant has been issued a temporary dentist license or has obtained a license as a physician and surgeon from the Medical Board of California, as applicable.

(g) This section shall become operative on [OAL: insert July 1, 2023 or the next quarterly effective date if adopted after July 1, 2023].

Note: Authority cited: Sections 23.7, 115.6 and 1614, Business and Professions Code. Reference: Sections 480, 115.6, 1611, 1632, 1638, 1638.1, 1646, 1646.1, 1646.2, 1646.9, 1647.1, 1647.2, 1647.3, 1647.18, 1647.19, 1647.30, 1647.31, 1749.1, 1750.2, 1750.4, 1752.1 and 1753, Business and Professions Code.