

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

NOTICE OF PROPOSED CHANGES

NOTICE IS HEREBY GIVEN that the Dental Board of California (Board) 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:

**Department of Consumer Affairs
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, California 95815
Tuesday, September 22, 2015
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 Board at its office not later than 5:00 p.m. on Monday, September 21, 2015 or must be received by the Board at the hearing. The Board, 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 Section 1614 of the Business and Professions Code (Code), to implement, interpret or make specific Sections 142, 1614, and 1753.4 of the Code the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW:

The Dental Board of California (Board) currently regulates approximately 102,000 licensees, consisting of approximately 45,900 dentists (DDS), approximately 54,400 registered dental assistants (RDA), and approximately 1,700 registered dental assistants in extended functions (RDAEF). The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are issuing licenses to eligible applicants, investigating complaints against licensees, disciplining licensees for violating the Dental Practice Act (DPA), monitoring licensees whose license has been placed on probation, and managing the Diversion Program for licensees.

Pursuant to Code Section 1614, the Board is authorized to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Dental Practice Act.

The main purpose of this proposal is to amend California Code of Regulations, Title 16, Section 1004, subdivision (a), to specify that an application for RDAEF licensure shall be deemed to have been abandoned if the applicant, after failing either the clinical or practical component of the RDAEF examination, fails to take a re-examination of the failed component within two years after the date the applicant was notified of such failure. This proposed amendment is necessary because it would implement provisions of Code Section 1753.4 and clarify that an applicant who fails a component of the RDAEF examination would only need to re-exam in the failed component, rather than both components, thus relieving undue burden upon candidates who may have passed one component already. The Board also proposes technical amendments to subdivision (a) for the purpose of clarity.

Additionally, the Board proposes to add subdivision (c) to Section 1004 to specify that for any other application deficiencies not listed in subdivision (a), an applicant for any license issued by the Board who fails to complete application requirements within one year after being notified by the Board of application deficiencies will have their application deemed abandoned and will be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.

ANTICIPATED BENEFITS:

The benefit from these proposed regulations will be to clarify that an applicant who fails one component of the RDAEF examination would only need to re-exam in the failed component, rather than both components, thus relieving undue burden upon candidates who may have passed one component already.

An additional benefit would be that, in the event the Board deems an application deficient or incomplete, this proposal would provide the Board with the ability to return only a letter to the applicant outlining the deficiencies rather than returning an entire copy of the incomplete application. This would reduce the amount of money the Board would spend on mailing deficient applications back to applicants as the envelopes would be lighter and the mailing cost lower. It would also alleviate unnecessary duplication and filing expenses to ensure a copy of the application is returned to the applicant and a copy of the application is retained at the Board's office.

CONSISTENCY & COMPATIBILITY WITH EXISTING STATE REGULATIONS:

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations. The Board is the only state entity that regulates the practice of dentistry and dental assisting through a licensure process in the interest of public protection; therefore, the Board is the only entity that may regulate the abandonment of applications to practice dentistry and dental assisting in the State of California.

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 Require Reimbursement: None

Business Impact:

The Board has made the initial determination that the proposed regulation would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because this proposal would not affect businesses. This proposal would only impact applicants applying for licensure from the Dental Board of California who either fail a component of the RDAEF examination or fail to complete application deficiencies within a reasonable amount of time.

The Board has not considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit such proposals. Submissions may include the following considerations:

- (A) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (B) Consolidation or simplification of compliance and reporting requirements for businesses.
- (C) The use of performance standards rather than prescriptive standards.
- (D) Exemption or partial exemption from the regulatory requirements for businesses.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which supports this determination.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This proposal would only impact applicants applying for licensure from the Dental Board of California who either fail a component of the RDAEF examination or fail to complete application deficiencies within a reasonable amount of time.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This proposal would only impact applicants applying for licensure from the Dental Board of California who either fail a component of the RDAEF examination or fail to complete application deficiencies within a reasonable amount of time.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board 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. This determination was made because the proposed changes are not sufficient to create or eliminate jobs or businesses.

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

The benefit from these proposed regulations will be to clarify that an applicant who fails one component of the RDAEF examination would only need to re-exam in the failed component, rather than both components, thus relieving undue burden upon candidates who may have passed one component already. An additional benefit would be that, in the event the Board deems an application deficient or incomplete, this proposal would provide the Board with the ability to return only a letter to the applicant outlining the deficiencies rather than returning an entire copy of the incomplete application. This would reduce the amount of money the Board would spend on mailing deficient applications back to applicants as the envelopes would be lighter and the mailing cost lower. It would also alleviate unnecessary duplication and filing expenses to ensure a copy of the application is returned to the applicant and a copy of the application is retained at the Board's office.

This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board 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 proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law 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 Board 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 Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at <http://www.dbc.ca.gov/lawsregs/index.shtml>.

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: Sarah Wallace, Assistant Executive Officer
Dental Board of California
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2187
Fax No.: (916) 263-2140
E-Mail Address: Sarah.Wallace@dca.ca.gov

The backup contact person is:

Name: Karen M. Fischer, MPA, Executive Officer
Dental Board of California
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
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Website Access: Materials regarding this proposal can be found at the Board's Web site at: <http://www.dbc.ca.gov/lawsregs/index.shtml>