

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

NOTICE IS HEREBY GIVEN that the Dental Board of California (hereinafter "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 the Department of Consumer Affairs 1st Floor Hearing Room, 2005 Evergreen Street, Sacramento, California, at 10:00 a.m., on October 11, 2010. 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 October 11, 2010 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, and to implement, interpret or make specific Section 1680 of said 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

Amend Title 16 of the California Code of Regulations, Section 1005

Business and Professions Code Section 1680(ad) requires the board to annually review and if necessary, adopt new regulations to ensure minimum standards for infection control are adequately addressing patient safety needs. The Dental Board's Infection Control Committee has reviewed the regulations for clarity of language, necessity for amendments, and consistency with other governing agencies, such as CAL-OSHA, Cal-EPA, and the Centers for Disease Control. The Dental Board of California and the Dental Hygiene Committee of California have worked together and have established a consensus on the proposed regulatory amendments to the minimum standards for infection control.

Title 16, California Code of Regulations, Section 1005, is the existing Minimum Standards for Infection Control. The Board is required by the regulation and by statute to review the standards annually. The proposed regulations revise the existing infection control regulations to conform with recent changes in the Centers for Disease Control (CDC) "Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008" and incorporates regulatory revisions made to the California Division of Occupational Safety and Health, California Code of Regulations, Title 8, Section 5193. The amendments clarify who must comply with the regulations and identify the types of items and

equipment required to be used to prevent the risk of transmitting infectious diseases. The proposed regulations also incorporate the requirement of the Board to review the regulation annually with the Dental Hygiene Committee of California to establish a consensus.

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 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.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal would not have any 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 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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not have a significant economic impact on small businesses.

The regulatory changes proposed by the Dental Board of California (Board) clarify and reorganize the precautions and processes to be followed to promote minimum standards for infection control. These regulations are applicable to all licensees governed by the Board and the Dental Hygiene Committee of California, including dentists, dental assistants, registered dental assistants, registered dental assistants in extended functions, registered dental hygienists, registered dental hygienists in extended functions, and registered dental hygienists in advanced practice. Licensees are responsible for practicing precautions to minimize the risk of transmitting bloodborne infectious microorganisms and provide better patient safety.

Licensees are required by current regulation to comply with and enforce the minimum precautions of infection control to minimize the transmission of pathogens in health care settings. Since licensees are already responsible for compliance with the minimum standards for infection control, the proposed changes to clarify and reorganize the standards would not significantly impact the licensee's businesses.

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 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 Dental Board of California at 2005 Evergreen Street, Suite 1550, 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: Sarah Wallace, Legislative and Regulatory Analyst
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: Richard DeCuir, Executive Officer
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2300
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Website Access: Materials regarding this proposal can be found at the Board's Web site: www.dbc.ca.gov.