

DENTAL BOARD

FINAL STATEMENT OF REASONS

Effective Date

The Board is requesting that the rulemaking be effective upon the date of filing with the Secretary of State. Good cause for this request is found in the Board's need to recapture the increased cost of investigations in today's economy which are now twice the current maximum fine.

Subject Matter of Proposed Regulations: Citations and Fines.

Section(s) Affected: Sections 1023.2 and 1023.7 of Title 16 of the California Code of Regulations (CCR).

Updated Information

The Informative Digest and Initial Statement of Reasons are included in the rulemaking file and incorporated as though set forth herein. The Board did not make any changes to the Informative Digest or the Initial Statement of Reasons.

The Board provided 45 days for public comment. No comments were received.

No hearing was requested. No hearing was held.

Economic Impact

The proposed regulations increase maximum fine amounts from \$2,500 to \$5,000, which can be assessed when the Board issues a citation against an individual found to be in violation of the Dental Practice Act. The total increase in fine amounts levied, as a result of the regulations, are estimated to be up to \$36,000 per year.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Objections or Recommendations/Responses

The Board received no comments or objections during the 45-day public comment period.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the

purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulations or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Fiscal Impact

The Board has existing authority to issue a citation and fine of up to \$2,500 per violation. The proposed regulations increase the maximum fine amount to \$5,000, and any workload and costs are anticipated to be minor and absorbable within existing resources.

The Board typically receives citation and fine revenues of \$36,000 per year. Because maximum fine amounts are doubling under this proposal, revenues are also anticipated to increase up to \$72,000 per year.

In addition to the rationale set forth in the ISR for establishing a \$5,000 maximum fine in these regulations, the Board notes that this maximum has not been adjusted for inflation since these regulations were adopted in 1993.