

**State of California
Office of Administrative Law**

In re:
Dental Board of California

Regulatory Action:

Title 16, California Code of Regulations

Adopt section: 1066

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

**Government Code Sections 11349.1 and
11349.6(d)**

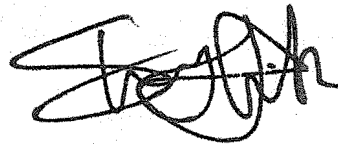
OAL Matter Number: 2022-1216-03

**OAL Matter Type: Certificate of Compliance
(C)**

Assembly Bill 526 (Stats. 2021, Ch. 653) authorized a dentist, if the dentist complies with specified requirements, to independently prescribe and administer influenza and COVID-19 vaccines approved or authorized by the United States Food and Drug Administration for persons three years of age or older, as specified. In this Certificate of Compliance for OAL Matter No. 2022-0613-01E, the Dental Board of California is making permanent regulations to implement these provisions, including requirements pertaining to training, recordkeeping, and reporting.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: January 24, 2023



**Steven J. Escobar
Senior Attorney**

**Original: Tracy Montez, Executive Officer
Copy: David Bruggeman**

**For: Kenneth J. Pogue
Director**

CERT

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2022-0822-03	REGULATORY ACTION NUMBER 2022-1216-030	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
RECEIVED DATE AUG 22 '22	PUBLICATION DATE SEP 02 '22
Office of Administrative Law	
NOTICE	REGULATIONS

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JAN 24 2023
1:52 PM

AGENCY WITH RULEMAKING AUTHORITY: **Dental Board of California**

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Dentists Initiating and Administering Vaccines	TITLE(S) 16	FIRST SECTION AFFECTED 1066	2. REQUESTED PUBLICATION DATE September 2, 2022
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Lawrence Bruggeman	TELEPHONE NUMBER 916-263-2027	FAX NUMBER (Optional) 916-263-2140
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2029352	PUBLICATION DATE 9/2/22	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S): **Dentists Initiating and Administering Vaccines**

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1066
	AMEND
TITLE(S) 16	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmission of disapproved or withdrawn non-emergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmission of disapproved or withdrawn emergency filing (Gov. Code, §11346.1(b))	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) **Kimberly Kirchmeyer, Director, Department of Consumer Affairs**

7. CONTACT PERSON: **David Bruggeman** TELEPHONE NUMBER: **9162632027** FAX NUMBER (Optional): **9162632140** E-MAIL ADDRESS (Optional): **lawrence.bruggeman@dca.ca.gov**

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE: *Tracy Montez* DATE: **Dec 1, 2022**

TYPED NAME AND TITLE OF SIGNATORY: **Tracy Montez, Executive Officer, Dental Board of California**

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 24 2023

Office of Administrative Law

Per agency request: ST, 1/23/2023

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

ORDER OF ADOPTION

Adopt Section 1066 in Article 9 of Chapter 2 of Division 10 of Title 16 of the California Code of Regulations, as follows:

1066. Dentists Initiating and Administering Vaccines.

(a) A dentist prescribing and administering any vaccine pursuant to section 1625.6 of the Code shall follow the requirements specified in subdivisions (b) through (f) of this section. Failure to comply with this section constitutes unprofessional conduct in accordance with section 1680 of the Code.

(b) Training. A dentist who prescribes and administers any vaccine shall keep documentation of completion of an immunization training program from an approved provider as set forth in subdivision (c). A dentist who prescribes and administers vaccines shall retain certificates of course completion for any approved training program on premises and according to the requirements of section 1017.i

(c) Continuing Education. A dentist must complete one hour of continuing education from an approved provider once every two years focused on immunization training that includes, at a minimum, training in vaccine administration, prevention and management of adverse reactions, and maintenance of vaccine records. For the purposes of this section, an "approved provider" means: (1) the federal Centers for Disease Control and Prevention (CDC); or, (2) a continuing education provider registered and approved by the Board pursuant to section 1016.i

(d) Notifications: A dentist shall notify each patient's primary care provider of any vaccine administered to the patient, or enter the appropriate information in a patient record system shared with the primary care provider, as permitted by the primary care provider. Primary care provider notification must take place within 14 days of the administration of any influenza or COVID-19 vaccine. If a patient does not have a primary care provider, or is unable to provide contact information for his or her primary care provider, the dentist shall advise the patient to consult an appropriate health care provider of the patient's choice. A dentist shall notify each pregnant patient's prenatal care provider, if known, of any influenza or COVID-19 vaccine administered to the patient within 14 days of their administration of any vaccine.i

(e) Immunization Registry: A dentist shall report, in accordance with section 1625.6,i subdivision (b)(2) of the Code, the information described in section 120440, subdivision (c), of the Health and Safety Code in the registry designated by the Immunization

Branch of the California Department of Public Health known as the “California Immunization Registry” or “CAIR” within 14 days of the administration of any influenza vaccine and within 24 hours of the administration of any COVID-19 vaccine. A dentist shall complete the required registration process for reporting this information in the California Immunization Registry via the online CAIR portal designated on the California Department of Public Health’s website at: <https://igs.cdph.ca.gov/cair/>. A dentist shall inform each patient or the patient’s parent or guardian of immunization record sharing preferences, detailed in section 120440, subdivision (e), of the Health and Safety Code.

(f) Documentation: For each vaccine administered by a dentist, a patient vaccine administration record shall be maintained for at least 3 years from the date of administration of the vaccine to the patient in an automated data processing or manual record mode such that the information required under section 300aa-25 of title 42 of the United States Code is readily retrievable during normal operating hours. A dentist shall provide each patient with a patient vaccine administration record or card at the time of vaccination, which fully documents the vaccines administered by the dentist, including names of vaccines administered and the dates of administration. The dentist’s provision of the CDC’s “COVID-19 Vaccination Record Card” (Form MLS-319813_r [08/17/2020]) to patients receiving the COVID-19 vaccine, or the California Department of Public Health’s Immunization Record and History Form (CDPH 8608P (06/17)) to patients receiving the influenza vaccine shall be deemed compliant with the patient vaccine administration record requirement.

(g) For the purposes of this section, the following definitions apply:

- (1) “patient vaccine administration record” shall mean the patient record that fully documents the vaccines administered by the dentist including (A) names of vaccines administered, (B) dates of administration, (C) the dates of the provision of a Vaccine Information Statement (for influenza vaccines) if applicable or a COVID-19 Vaccine Emergency Use Authorization Fact Sheet (EUA Fact Sheet) to the patient (for COVID-19 vaccines) if applicable, and (D) any other information required to be documented pursuant to section 300aa-25 of title 42 of the United States Code.
- (2) “Vaccine Information Statement” means a document produced by the CDC that informs vaccine recipients, or their parents or legal representatives, about the benefits and risks of the influenza vaccine they are receiving as required by 300aa-26 of title 42 of the United States Code.
- (3) “COVID-19 Vaccine Emergency Use Authorization Fact Sheet” or “EUA Fact Sheet” means a document, produced by the manufacturer of the particular COVID-19 vaccine and authorized by the federal Food and Drug Administration under authority of the Federal Food, Drug, and Cosmetic Act pursuant to section 360bbb–3 of title 21 of the United States Code, that informs vaccine recipients, or

COVID-19 vaccine.

Note: Authority cited: Sections 1614 and 1625.6, Business and Professions Code.
Reference: Sections 1625.6, 1645.2 and 1680, Business and Professions Code; and
Section 120440, Health and Safety Code.