

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 10. DENTAL BOARD OF CALIFORNIA**

FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Dental Assisting Exams

Sections Affected: Sections 1080, 1080.3, 1081 and 1081.2, adopt new Sections 1081.3 and 1081.4, and repeal Sections 1080.1, 1080.2, 1081.1, 1082, 1082.1, 1082.3, and 1083 of Article 4 of Chapter 3 of Division 10 of Title 16 of the California Code of Regulations (CCR).

Updated Information

The Initial Statement of Reasons is included in the file; the information contained therein is updated as follows:

At the November 2023 Board meeting, the Board approved proposed language for the amendment of California Code of Regulations (CCR) Title 16, Division 10, to amend sections 1080, 1080.3, 1081 and 1081.2, adopt new Sections 1081.3 and 1081.4, and repeal Sections 1080.1, 1080.2, 1081.1, 1082, 1082.1, 1082.3, and 1083. The Board further directed staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing if requested, and authorizing the Executive Officer to make any non-substantive changes to the rulemaking package and, if no adverse comments were received, to adopt the proposed text as noticed.

During the 45-day comment period, there was no request for a public hearing and the Board received no public comments. Since no adverse comments were received, the Board has adopted the proposed text as noticed on July 12, 2024.

GOOD CAUSE STATEMENT FOR EARLIER EFFECTIVE DATE

It is hereby requested that the proposed regulation at 16 CCR section 1081 become effective on filing with the Secretary of State, pursuant to Government Code section 11343.4, subdivision (b)(3). The June 2023 version of the examination outline referenced in subsection (b) of 16 CCR section 1081 was projected to be rolled out this year and used for RDA examinations administered from that point forward. Up-to-date examinations ensure entry level competence and that applicants meet

minimum standards of care and practice in the provision of dental supportive services to the public. A sooner than quarterly effective date would allow for a more immediate administration of the most current, validated content for the Registered Dental Assistant Combined Written and Law and Ethics Examination and help ensure that RDA applicants are tested on the most current standards for the profession for the protection of the public.

Local Mandate Determination

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

Small Business Impact:

The Board has made the determination that the proposed regulatory will not affect small businesses since the proposed regulatory action only adversely affects dental auxiliary examination applicants who, through their conduct, fail to meet the Board's requirements for examination. Any potential "adverse economic impact" would only occur as the result of an error on the part of an applicant for one of the examinations addressed in this proposal. Any potential "adverse economic impact" may be avoided simply by complying with the existing laws and regulations governing dental assisting examinations in California.

Anticipated Benefits

The proposed amendments make the dental assisting exam regulations consistent with current law and current examination administration, incorporate minimum standards for exam validation and exam passing score methodology and strengthen consumer protection. The Board anticipates that the updated dental assisting exam regulations will be a more useful tool for exam applicants, Board staff and the public by providing a more accurate overview of the Board's dental assisting examinations and associated procedures. These changes are intended to better protect California consumers by ensuring examinations meet minimum standards for qualifying applicants for licensure, and by ensuring consistency in the Board's examinations actions.

Consideration of Alternatives

No public comments were received during the public comment period and the Board did not identify any alternatives at its meeting, therefore, 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 the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Objections or Recommendations/Board Responses

45 Day Comment Period – No Comments Received

Incorporation by Reference -- 1 CCR 20

The following forms are incorporated by reference in this proposal:

1. "Table 14 --Registered Dental Assistant Written Examination Outline," which is published in the document entitled "Occupational Analysis of the Registered Dental Assistant Profession" by the Department of Consumer Affairs' Office of Professional Examination Services, dated June 2023.
2. "Table 16 -- Registered Dental Assistant In Extended Functions Written Examination Outline", which is published in the document entitled "Occupational Analysis of the Registered Dental Assistant In Extended Functions Profession" by the Department of Consumer Affairs' Office of Professional Examination Services, dated October 2021.
3. "Table 13 – Orthodontic Assistant Examination Outline", which is published in the document entitled "Occupational Analysis of the Orthodontic Assistant Practice" by the Department of Consumer Affairs' Office of Professional Examination Services, dated April 2021.
4. Dental Board of California's "Dental Sedation Assistant Examination Outline" issued August 2009.

The incorporation by reference method was used for these forms because it would be impractical and cumbersome to publish these forms in the California Code of Regulations (CCR). The forms are intended to assist RDA, RDAEF, OA and DSA applicants with easier understanding the requirements for examination with the Board,

including exam content and procedures. If these forms were incorporated into the CCR, it would increase the size and complexity of Division 10 and may cause confusion for the affected applicants. The aforementioned forms were made available to the public and posted on the Board's website.