



Title 16, Dental Board of California
DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS

Hearing Date: No Hearing Has Been Scheduled

Subject Matter of the Proposed Regulations: Dental Assisting Exams

Sections Affected: 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 of Article 4 of Chapter 3 of Division 10 of Title 16 of the California Code of Regulations (CCR).

1. Background:

The Dental Board of California (Board) is responsible for licensing and regulating dental professionals in California pursuant to the provisions of the Dental Practice Act (“Act” – Business and Professions Code (BPC) sections 1600 and following). The Board licenses an estimated 89,000 dental professionals, including approximately 43,500 licensed dentists; 44,500 registered dental assistants (RDAs); 1,700 registered dental assistants in extended functions (RDAEFs); 47 dental sedation assistants (DSAs); and 1,600 orthodontic assistants (OAs). The Board is also responsible for setting the duties and functions of an estimated 50,000 unlicensed dental assistants. Protection of the public is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions as specified in BPC section 1601.2.

BPC section 1614 authorizes the Board, in accordance with the Administrative Procedure Act (APA) (Government Code section 11400 et seq.), to adopt, amend, or repeal rules and regulations concerning the administration and enforcement of the Act. BPC section 1743 gives the Board authority to develop (either on its own or through a third party) and administer dental assisting examinations and to establish the passing points for those examinations.

Existing regulations in Article 4 of Chapter 3 of Division 10 of the Board’s regulations (CCR sections 1080 et seq.) set minimum standards for dental auxiliary written and practical examinations, general procedures for clinical examinations, examination review procedures and appeals, and, the RDA, RDAEF, Registered Dental Hygienist (RDH), Registered Dental Hygienist in Extended Functions (RDHEF) written and practical examinations, RDH supplemental examinations in law and ethics, and passing grades for the RDH, RDA, RDAEF, and RDHEF examinations.

Existing regulations were adopted largely during the 1980's and 1990's when practical and clinical examinations were given (that have since been superseded by law), and when the Board still regulated hygienists (oversight was transferred to the Dental Hygiene Board of California effective January 1, 2019, Senate Bill 1482 (Hill, Chapter 858, Statutes of 2018) (SB 1482)). Existing regulations also do not cover examination requirements for DSA and OA permit holders.

The Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES) provides professional consulting services in examination validation and development to this Board and other DCA boards, bureaus, and committees, and provides recommendations based on regulations, professional guidelines, and technical standards related to licensure examinations. OPES guidance helps the Board implement department-wide examination validation policies in accordance with legislative requirements for examination validation set forth in BPC section 139.

OPES has completed occupational analyses of the dental assisting professions regulated by this Board and developed examination plan outlines to specify content to ensure entry level competence in the specified dental assisting licensing classifications in California (see reports in Underlying Data). Based on the findings of these analyses, the Board seeks to ensure its dental assisting examination regulations are up to date and in compliance with BPC section 139. The OPES has also recommended that the Board not specify a particular passing score in regulations for its dental assisting exams, and instead utilize a criterion-referenced passing score as specified in this proposal.

This rulemaking would update the dental assisting exam regulations in accordance with current examination requirements of the Board for dental assistant licensees regulated by this Board, establish a criterion-referenced passing score for dental assisting exams for RDAs, RDAEFs, OAs and DSAs, remove references to examinations that have been discontinued and/or superseded by changes in laws and regulations, link the examinations to the examination outlines prepared by the OPES, and repeal regulations related to dental hygienist examinations that have been superseded by regulations established by the Dental Hygiene Board of California (DHBC). 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.

2. Problem Being Addressed:

The current dental assisting examination regulations do not address all the examinations that the Board administers for dental assisting (RDA, RDAEF, Orthodontic Assistant and Dental Sedation Assistant). They do not reflect the current laws and

procedures for examination application and administration, nor do they reflect minimum standards for passing scores as recommended by OPES. The current regulations also do not reflect the development of regulations by the DHBC that would supersede Board regulations related to dental hygienist examinations. The proposed rules would be a wholesale updating of the Board's regulations for dental assisting examinations to address these issues.

The Board is proposing changes to CCR sections 1080, and 1080.3 to update the titles and procedures for the dental assisting examinations administered by the Board (RDA, RDAEF, OA, and DSA), add new general requirements for written dental assisting examinations covered by the regulations, eliminate references to discontinued practical and clinical examinations, revise the processes for identifying an examination applicant, specify what actions would be grounds for dismissal of an examination applicant, and amend the processes for how an examination applicant can appeal their results.

The Board is proposing changes to CCR sections 1081 and 1081.2 to repeal outdated references to exam content that is no longer relevant to the current exam plan for these professions and make the sections more specific to the Board's current Registered Dental Assistant Combined Written and Law and Ethics Examination and the Registered Dental Assistant in Extended Functions Examination, respectively. The changes in each section would generally specify the latest content areas, tasks, and associated knowledge statements for these exams by incorporating by reference the examination outline most recently developed by OPES and establish a criterion-referenced passing score based on the modified Angoff standard-setting method as specified. The proposal would include an earlier effective date for adoption of CCR section 1081 to align as closely as possible with planned implementation of the new exam plan outline for the RDA Combined Law and Ethics Examination in March 2024.

The Board is also proposing new titles and sections as follows: "CCR section 1081.3 – Orthodontic Assistant Written Examination – and CCR section 1081.4 – Dental Sedation Assistant Written Examination" consistent with the Board's current examinations and administration of such exams on these subjects. These new sections describe the Board's examinations, and would generally specify the content areas, tasks, and associated knowledge statements for these exams by incorporating by reference the examination outlines most recently developed by OPES and that are named in these sections. These sections would also establish a criterion-referenced passing score for these examinations based on the modified Angoff standard-setting method as specified.

The Board is also proposing repeal of CCR sections 1080.1, 1080.2 and 1081.1 because clinical and practical examinations for dental auxiliaries (a title that generally covers dental assistants regulated by the Act) licensed by the Board have been

discontinued and new examination requirements have rendered these sections moot. The Board proposes repeal of sections 1082, 1082.1 and 1082.3 because the DHBC has established its own regulations concerning dental hygienist examinations, which supersede Board regulations in these sections.

Finally, the Board proposes repeal of CCR section 1083 because language setting a criterion-referenced passing score has been relocated to the applicable examination-specific sections in this proposal (see sections 1081 (RDAs), 1081.2 (RDAEFs), 1081.3 (OA), and 1081.4 (DSA)) in line with the new passing score methodology recommended by OPES. The passing score criteria for RDH and RDHEF exams is being repealed as no longer authorized to be set by this Board in accordance with SB 1482. Therefore, CCR Section 1083 is being repealed as no longer relevant or necessary to set the Board's pass points (i.e., "passing score methodology") for the exams it administers.

The specific changes to the regulations and the reasons therefor are provided in further detail below.

3. Anticipated Benefits of the Regulations

The proposed amendments make the dental assisting examination requirements consistent with current law and the current dental assisting examination administration, incorporate minimum standards for exam validation and exam passing score methodology, and strengthen consumer protection. The Board anticipates that the updated regulations will be a more useful tool for the Board, examination applicants and licensees, 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.

Specific Purpose of, and Factual Basis/Rationale for each amendment, adoption or repeal:

The Board proposes to:

- **Amend section 1080 and its title, General Procedures for Dental Auxiliary Written and Practical Examinations**

Amend Title, Introductory Paragraph and Note

Purpose: The existing title would be revised to delete references to "Dental Auxiliary" and "Practical" exams and replace it with references to the dental assistants that this Board

regulates and the written exams it administers, so that the title would read “General Procedures for RDA, RDAEF, Orthodontic Assistant and Dental Sedation Assistant Written Examinations.” The introductory paragraph would be amended to remove references to “dental auxiliary” and “and practical” before the word “examinations.” The Note would repeal outdated references to statutes formerly within the Act that have since been repealed, including statutes related to procedures authorized for dental hygienists while under supervision by a licensed dentist.

Rationale: The term “dental auxiliaries” refers to persons qualified by training and experience to perform dental work under the direction and supervision of a dentist (see definition in CCR 1067). However, this term broadly refers to all types of persons working under the supervision of a dentist and includes dental assistants and all other auxiliaries licensed by the Board or the DHBC in the practice acts governing both boards (see e.g., Business and Professions Code section 1684.5). The proposed modifications would avoid confusion from the public by specifying that this proposal is applicable only to specified categories of individuals under the jurisdiction of the Dental Board and provides the corresponding legal citations that refer to those specific types of dental auxiliaries, including: RDAEFs (leaves existing reference to BPC section 1753), RDAs (adds BPC section 1752.1), OAs (adds BPC section 1750.2), and DSAs (adds BPC section 1750.4).

Specifying the exact type of examinations covered in this section provides clarity about the focus of the regulations and the types of examinations that are currently required as part of licensure for the dental assisting professions regulated by the Board. Eliminating the reference to Practical Examinations reflects that the Board has replaced dental assisting practical examinations for RDAs and RDAEFs with the Registered Dental Assistant Combined Written and Law and Ethics Examination (as authorized by law at BPC section 1749.1 and 1752.1) and the Registered Dental Assistant in Extended Functions Written Examination (as required by BPC section 1753(a)(4)). These changes are necessary to conform current examination plans, subject matter, and requirements to the examinations administered by the Board for these license classifications as recommended by OPES (see Background Statement referenced in this document and Underlying Data). These modifications are also made to avoid confusion in the regulated community regarding the meaning and applicability of these provisions.

Amend subsection (a)

Purpose: This proposal would change references to “person” or “he/she” to “examination candidate” and create a short form reference for “examinee” to be used throughout this section.

Rationale: This change is necessary for ease-of-use, to make the terms gender neutral in

line with current state policy and to conform the terminology to the type of applicant to whom the requirements would apply (i.e., examination candidate). More consistent references to examination candidate or examinee in the section also increases clarity for the applicant, the Board's staff and test administrators about which people are subject to the regulations.

Amend existing subsection (b)

Purpose: Existing regulation prescribes the general procedures that the Board has used to ensure exam security and consistent and reliable administration of its examinations to help ensure applicants for licensure demonstrate minimum competency for entry level into the various dental assisting professions regulated by the Board. This proposal would update these examination procedures by repealing outdated references to the Board's prior practical exams including references to a "laboratory" and "wearing the appropriate badge." This subsection would also be revised to add new requirements for admission to an examination room for the Board's written examinations including requiring the examinee to:

- (A) Allow a test center proctor at the examination site to photograph the examinee,
- (B) Provide a government-issued photographic identification (as defined in subsection (d)), and,
- (C) Present their thumb for electronic scanning.

Rationale: Practical exams test a candidate's ability and skill in performing critical and frequently performed job duties in a particular profession; the candidate is then evaluated by subject matter experts in the field. Existing law no longer refers to any authority to administer a practical exam for the dental assisting professions the Board regulates. Rather, BPC sections 1750.2, 1750.4, 1752.1 and 1753 all refer to passage of "written" examinations as qualifying criteria for the RDA, RDAEF, OA, and DSA professions. As a result, any references to past practical exam requirements such as these are proposed to be removed to make consistent the Board's current exam authority in its regulations and to avoid user confusion.

This proposed language also makes specific what actions are to be taken to confirm that the examinee is the individual who has applied to take the examination in accordance with current examination administration procedures developed by the Board's examination administrator. These procedures are necessary to confirm the identity of the examinee and to help reduce the possibility of an applicant (or another person on their behalf) fraudulently completing the examination. In the Board's experience, these measures help avoid attempts to inaccurately represent the competency of an applicant by using an impersonator to take the exam on their behalf. Specifying the actions taken to confirm

identity in regulation also provides notice to examinees and the public of the required actions for admission to a dental assisting exam and may discourage such attempts to subvert the exam process.

Adopt new subsection (b)(1)

Purpose: This proposal would add language requiring that whenever an examinee leaves and returns to the examination site that their thumb print will be scanned again and matched to the initial thumb print. Examinees needing an accommodation for thumb printing may meet the examination entry requirements in paragraph (2) of this section (as specified below), as applicable, to qualify for admission to the exam.

Rationale: Re-scanning the thumb print helps to protect the integrity of the examination process by ensuring the accuracy of the identity of examinees prior to admission to the examination. In the Board’s experience, these measures help avoid attempts to inaccurately represent the competency of an applicant by using an impersonator to take the exam on their behalf. Re-scanning the thumb print provides additional examination security against fraud as the requirement that the print “match” upon re-entry helps ensure the individual who was admitted is the same person returning to complete the exam.

This proposal also includes a cross-reference to an accommodation or exception to this requirement in paragraph (2) of this subsection to help provide notice that those who may have a disability that prevents them from having a thumb scanned may nonetheless be accommodated in compliance with Government Code section 12944(b), which provides that for examination or other qualifications for licensure: “It shall be unlawful for a licensing board to fail or refuse to make reasonable accommodation to an individual’s mental or physical disability or medical condition.”

Adopt new subsection (b)(2)

Purpose: Describe the process that takes place if an examinee does not have a thumb or their thumbprint cannot be captured. The examination proctor will scan the pointer finger, and if the examinee lacks thumbs or fingers, the test center proctor will contact their manager to obtain verbal or written permission to use the photo taken of the examinee to be used to confirm their identity when leaving and re-entering the examination room.

Rationale: To meet Government Code section 12944’s requirement to accommodate test takers and protect the integrity of the examination process, the Board proposes to set forth this accommodation process. This would allow the Board to address the possible need for accommodation under specified scenarios. This language addresses scenarios in which the thumb scan would not be able to provide proof of identity for an examinee, while

meeting the Board’s obligations to provide reasonable accommodations (as discussed in the rationale section above) to examinees with disabilities. Describing this contingency plan for examinees who lack thumbs or whose thumbs cannot be effectively scanned provides notice and reasonable assurances that accommodations will be granted to examination applicants with these types of disabilities. This process is the minimum the Board believes is necessary, in its experience with administering examinations, to provide reasonable accommodations for these types of disabilities (as defined in Section 12926 of the Government Code) without compromising exam security. Centralizing the permissions for accommodation within a single individual (exam site manager) who is trained to evaluate exam identification issues and tasked with the responsibility for supervising exam staff at the test site is necessary to ensure that the Board exercises its discretion fairly (since staff decisions would be subject to verification and approval by their manager) and without any undue burden to prospective examinees (since the decision could be made quickly on site).

Amend subsection (c)

Purpose: This proposal would revise and renumber the existing list of acts by an examinee that may prompt dismissal from the examination and a statement of issues to be filed against the examinee beginning at existing subparagraph (5). These revisions would include repeal of outdated practical exam provisions regarding use of equipment, instruments, or materials belonging to another examinee (subparagraph (5)), bringing a previously prepared procedure or any portion thereof into a laboratory examination (subparagraph 7), and adding a provisions that would prohibit engaging in any other conduct that would be in violation of BPC section 123 (a provision that makes it a crime to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination and provides a list of examples) at newly proposed subparagraph (8).

In addition, this proposal would delete a reference to “administrator” in existing subparagraph (8), which would be renumbered to subparagraph (6), and replace it with the terms “test center proctor.”

Rationale: This proposal is necessary to remove obsolete references to scenarios that no longer occur with written examinations. Because the current dental assisting examinations are purely written and therefore do not require examinees to use their own equipment, instruments or materials, interfering with another examinee’s equipment, instruments or materials is no longer possible. Similarly, there is no longer a laboratory component to the dental assisting examinations, so a prohibited act related to a laboratory examination is no longer possible.

Existing regulations at this subsection specify those acts the Board has determined undermine the integrity of the exam process and would subject an applicant to denial of their application if proven. Those acts are similar in nature (as being dishonest) to those listed in BPC section 123, but BPC section 123 includes a more expansive list of “other” exam subversion scenarios that the Board believes is necessary to address this type of conduct as a possible ground for dismissal or the filing of a Statement of Issues (requesting denial of the licensing application).

BPC section 123 addresses “other” conduct listed in that section which subverts or attempts to subvert any licensing examination or the administration of any licensing examination. The specified conduct in that section would constitute a misdemeanor, and it would be contrary to the intent of making such conduct a misdemeanor to permit an examinee to continue taking the examination after such conduct was demonstrated. The Board believes these additional acts demonstrate a candidate cannot meet the minimum standards to qualify for licensure (due to failure to fairly take and pass the eligibility exam) and shows a tendency towards deception and ethical lapses, which presents an unacceptable risk of harm to the public.

The change in terminology to “test center proctor” at renumbered subparagraph (6) is necessary to align this terminology with practice as the “administrator” usually refers to the examination provider and responsibility for overseeing examinees at the test site is typically assigned to a test center proctor. This would clarify oversight for the examination at the Board’s examination site.

Adopt new subsection (d)

Purpose: The language would define what the term “acceptable government-issued photographic identification” means for the purposes of this section. This is the identification an examinee must provide for identification purposes at the examination. specifically (all of these would be unexpired) driver’s license or identification card issued by a U.S. state or territory, a military identification card, including active duty, retiree or reservist; a passport from any country, a U.S. issued passport card, U.S. issued Permanent Resident Card, Mexican Consulate identification card, or U.S. issued Employment Authorization Card.

Rationale: Confirming the identity of an examinee is required to protect the integrity of the examination since identification helps avoid fraud in the examination process and helps the Board investigate attempts to subvert the examination through identification of the participants in the examination process. Providing a complete list of what would be acceptable forms of identification avoids confusion for examinees, the Board and test administration personnel. To provide notice of and give as much opportunity as possible

to meet this requirement, the Board lists 8 different types of commonly accepted government-issued documents that establish proof of identity with photographic identification. This list has been widely used by the Board’s examination vendor as a method of accurately identifying examinees and its adoption in regulation assures that the Board retains consistency in implementation across all dental assisting exams.

- **Repeal title and section 1080.1 General Procedures for Dental Auxiliary Clinical Examinations**

Purpose: Existing regulation at CCR Section 1080.1 specifies the general procedures for dental auxiliary examinations. The Board proposes to repeal this regulation’s title and section in its entirety.

Rationale: There is no longer a clinical examination requirement for any of the dental auxiliaries the Board is responsible for. BPC sections 1750.2, 1750.4, 1752.1 and 1753 all refer to passage of “written” examinations as qualifying criteria for the RDA, RDAEF, OA, and DSA professions. Prior statutory authority for clinical exams at BPC sections 1753, 1756, 1758, and 1761 have also been repealed. As a result, any references to past clinical exam requirements such as these are proposed to be removed to make consistent the Board’s current exam authority in its regulations and to avoid user confusion. Repealing this section would eliminate regulations that are no longer necessary.

- **Repeal section 1080.2 Conduct of Dental Auxiliary Examinations**

Purpose: Existing regulation at CCR Section 1080.2 specifies procedures for the conduct of dental auxiliary examinations that were adopted to address practical exam and grading processes for those exams. The Board proposes to repeal this regulation’s title and section in its entirety.

Rationale: As previously noted, prior statutory authority for practical exams at BPC sections 1753, 1756, 1758, and 1761 have been repealed. The administration of dental auxiliary examinations has changed so that the specified communications and conduct between parties described in this section no longer would occur. All Board examinations are provided in writing only through computer-based testing at test sites through a testing vendor who develops and administers the exams based upon the Board’s examination outlines and collects fees directly from applicants. “Grading examiners” are not on-site, and no performance-based testing is required to be done at exam sites. Since the procedures in this section were developed to mirror testing processes for prior practical exams and are no longer relevant, the Board proposes to repeal this section and its title as no longer necessary.

- **Amend section 1080.3 and title Dental Auxiliary Licensure Examination Review Procedures; Appeals**

Title Changes

Purpose: Change the title to better reflect the subjects covered in this section by deleting references to “Dental Auxiliary Licensure” and adding references to RDA, RDAEF, OA and DSA and adding the word “Written” before “Examination”.

This proposal would also make non-substantive changes to remove gendered pronouns his/her and replace them in this section with “their” or “they were” consistent with current state policy in this area.

Rationale: The term “dental auxiliaries” refers to persons qualified by training and experience to perform dental work under the direction and supervision of a dentist (see definition in CCR 1067). However, this term broadly refers to all types of persons working under the supervision of a dentist and includes dental assistants and all other auxiliaries licensed by the Board or the DHBC in the practice acts governing both boards (see e.g., Business and Professions Code section 1684.5).

The proposed modifications would avoid confusion from the public by specifying that this proposal is applicable only to specified categories of individuals under the jurisdiction of the Dental Board and provides the corresponding legal citations that refer to those specific types of dental auxiliaries, including: RDAEFs (leaves existing reference to BPC section 1753), RDAs (adds BPC section 1752.1), OAs (adds BPC section 1750.2), and DSAs (adds BPC section 1750.4).

The other proposed revisions to this section’s title specify which examinations are covered and the type of examinations (written) that are currently required as part of licensure for the dental assisting professions regulated by the Board. Revising the section title to provide that specificity avoids confusion for examination applicants and the public.

Amend subsection (a)

Purpose: This proposal would remove language referring to “in the practical or clinical phases of such examinations”.

Rationale: As noted above, removing language referencing examinations no longer administered by the Board avoids confusion for examination applicants and the public and makes the Board’s regulations consistent with changes to the Board’s examination authority made pursuant to changes in the Act for examinations for applicants for RDA,

RDAEF, OA and DSA licensure.

Amend subsection (b)

Purpose: The Board proposes to strike the current 60-day time frame for unsuccessful candidates to appeal based on specified errors (e.g., significant procedural error) to 15 days following the receipt of their examination results.

Rationale: In the Board’s experience with processing existing appeals made under this section for a computer-based examination, complaints alleging such errors are usually made relatively quickly after results are received. This occurs since, unlike prior exams upon which this regulation is based, results are usually provided nearly instantaneously to the candidate and candidates usually file their appeals within a shorter time frame (15 days). Evidence also tends to be much easier to document and analyze than when this regulation was first adopted as most of the errors relate to computer malfunction issues and the evidence is easier to review and validate closer in time to when events occurred. As a result, the Board has determined that 15 days is a sufficient time frame for the preparation and filing of such requests for appeal.

Amend subsection (b)(3)

Purpose: Add the word “designee” after “Board” (made possessive here so it reads “Board’s designee”) to specify that such appeals will be decided by a designee of the Board rather than the full Board.

Rationale: This word “designee” is being added to delegate the Board’s authority to the staff of the Board who would be responsible for exam administration oversight on behalf of the Board and would be able to most quickly implement the policy of the Board to make these decisions to enable candidates to make informed decisions about whether to further appeal the decision or re-take the exam. This is necessary to avoid unnecessary delay in the appeal review process while still retaining the Board’s and examinee’s ability to have an informal review option for resolving disputes. Reducing the window of opportunity to file an appeal reduces the total time for the appeals process and makes it easier for the Board to resolve the matter in a timely fashion.

**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM
CONTENT REVISIONS AND ADOPTION OF NEW EXAMS
(proposed amendments to CCR sections 1081 (RDA Combined Written Law and
Ethics Exam) and 1081.2 (RDAEF Written Exam), and adoption of CCR sections
1081.3 (OA Written Exam) and 1081.4 (DSA Written Exam))**

General Purpose: To implement the recommendations for exam validation and implementation recommended by OPES. The Board has contracted with OPES to complete occupational analyses of the dental assisting professions it regulates in California. Based on the findings of these analyses, the Board worked with OPES to ensure its dental assisting examinations are up-to-date and in compliance with BPC section 139. To that end, the Board approved this proposal at its November 2023 Board meeting to implement the recommendations to the Board by OPES as to exam content, tasks and associated knowledge statements, and passing score methodology for the RDA, RDAEF, OA and DSA written exams it administers.

Generally, OPES worked with the Board to create an occupational analysis for each dental assisting profession (RDA, RDAEF, OA and DSA) to validate the exam plan and outlines, which are proposed to be incorporated by reference in this proposal, for amendments to CCR sections 1081 (RDA Combined Written Law and Ethics Exam) and 1081.2 (RDAEF Written Exam), and adoption of new CCR sections 1081.3 (OA Written Exam) and 1081.4 (DSA Written Exam).

Additionally, OPES recommended the Board not specify a particular passing score in regulations. Alternatively, OPES recommended the Board implement a criterion-referenced passing score, which applies standards for competent practice to all candidates regardless of the form of the examination administered. According to OPES, a criterion-referenced passing score increases the likelihood that candidates who pass the licensure examination have sufficient knowledge and experience to practice safely and competently.

OPES follows a criterion-referenced methodology called the modified Angoff method to determine licensure examination passing scores. Standard-setting is a group process. A test specialist facilitates a workshop comprised of licensed practitioners, also known as subject matter experts (SMEs), who represent all aspects of practice. The input of newly licensed SMEs is especially important because examinations are designed to assess competence at entry level.

Criterion-referenced standard-setting begins with establishing a minimally acceptable level of competence for safe practice that candidates must possess to pass the licensure examination. SMEs develop a common profile of the minimally competent candidate using critical job tasks and knowledge. SMEs also develop a common profile of the highly competent and the incompetent candidate for comparison.

Because licensing examinations are known to vary in difficulty from one examination form to another, a fixed passing score or percentage such as 75% does not represent the minimally acceptable competence for all administrations of an examination. Therefore, arbitrary passing scores are not considered legally defensible according to

OPES.

By applying a criterion-referenced methodology, a passing score is set lower for an examination that contains many difficult items (questions) and set higher for an examination containing a small number of difficult items. Candidates who take a more difficult form (version) of the examination may be at a disadvantage unless a criterion-referenced passing score is established. Thus, using the criterion-referenced passing score provides safeguards for both the candidate and the consumer affected by the particular profession.

According to OPES, by using criterion-referenced methodology, a candidate's passing score is also made independent of the performance of other candidates who take the examination at the same time. The passing score is not based on performance with respect to the group. Rather, the passing score is based on the difficulty of the items within the form of the examination. (Source: "OPES Informational Series No. 4 Criterion-Referenced Passing Score," dated 02/24.)

For these reasons, the Board approved this regulatory proposal to amend and adopt new content areas, tasks and associate knowledge statements as set forth in the documents incorporated by reference and prepared by OPES (see Underlying Data), and to delete the passing score requirements in regulations to allow for OPES to use a criterion-referenced passing score to make the Board's dental assisting examinations more legally defensible.

General Rationale: The Board is tasked at BPC section 1743 with the duty of developing (either on its own or through a third party) and administering dental assisting examinations and to establish the passing points for those examinations. As a qualification for licensure in the various dental assisting professions, the Board must require each applicant to successfully pass a written examination administered by the Board. (BPC sections 1750.2, 1750.4, 1752.1 and 1753.)

The Legislature has recognized that occupational analyses and examination validation studies are fundamental components of licensure programs. (BPC section 139, subd. (a).) The DCA is required to develop a policy regarding examination development and validation, and occupational analysis in consultation with the Board. (BPC section 139, subd. (b).) This policy is required to address the following issues:

- A. An appropriate schedule for examination validation and occupational analyses, and circumstances under which more frequent reviews are appropriate.
- B. Minimum requirements for psychometrically sound examination validation, examination development, and occupational analyses, including standards for sufficient number of test items.

- C. Standards for review of state and national examinations.
- D. Setting of passing standards.
- E. Appropriate funding sources for examination validations and occupational analyses.
- F. Conditions under which boards, programs, and bureaus should use internal and external entities to conduct these reviews.
- G. Standards for determining appropriate costs of reviews of different types of examinations, measured in terms of hours required.
- H. Conditions under which it is appropriate to fund permanent and limited term positions within a board, program, or bureau to manage these reviews.

Exam Validation Policy in Accordance with BPC Section 139

Pursuant to the DCA Departmental Licensure Examination Validation Policy (OPES 22-01), occupational analyses and examination development studies are fundamental components of licensure programs. Licensure examinations with substantial validity evidence are essential in preventing unqualified individuals from obtaining professional licenses. To that end, licensure examinations must be:

- Developed according to an examination outline that is based on a current occupational analysis.
- Regularly evaluated.
- Updated when tasks performed or prerequisite knowledge in a profession change, or to prevent overexposure of test questions.
- Reported annually, in terms of validation activities, to the Legislature.

Exam Validation Process for Developing Exam Outlines

In accordance with Policy OPES 22-01, OPES has developed the following exam validation process, which was used to develop the Board’s written RDA, RDAEF, OA and DSA exams referenced in this proposal. As a result, the Board provides the following explanation for the process and justification for incorporating the exam outlines referenced in this proposal.

The process for exam development begins when the Board requests that OPES conduct an occupational analysis (OA) of the specified dental assisting profession in California (RDA, RDAEF, OA or DSA). The purpose of the OA is to define practice in terms of critical tasks that the applicant must be able to perform safely and competently at the time they are licensed. The results of this OA provide a description of practice for the specified profession and provide the basis for constructing a valid and legally defensible written examination.

OPES test specialists began by researching the profession extensively and meeting with licensees in the RDA, RDAEF, OA, or DSA professions (Subject Matter Experts or “SMEs”), as applicable, working throughout California. The purpose of these meetings is to identify the tasks performed by those licensees and to specify the knowledge required to perform those tasks safely and competently. Using the information gathered from the research and meetings, OPES test specialists develop a preliminary list of tasks performed by the SMEs in their practice, along with a list of the knowledge needed to perform those tasks.

OPES convenes a series of workshops with SMEs to review and refine the preliminary lists of tasks and knowledge statements describing the various licensee practices in California. The SMEs are from diverse backgrounds in the profession (e.g., location of practice, years licensed). After collecting data from the SMEs, OPES convenes a final workshop to review and finalize the preliminary lists of tasks and knowledge statements describing the applicable licensee practice in California. The SMEs also link each task with the knowledge required to perform that task and review demographic questions to be used on a two-part OA questionnaire to be completed by a sample of licensees statewide.

After sufficient information is obtained from workshops, OPES test specialists develop the OA questionnaire and provide it to a sampling of actively practicing licensees via completion of an online questionnaire. In the first part of the OA questionnaire, licensees are asked to provide demographic information related to their work settings and practice. In the second part, licensees are asked to rate specific tasks by frequency (i.e., how often the licensee performs the task in their current practice) and importance (i.e., how important the task is to effective performance in their current practice). They are also asked to rate each knowledge statement by importance (i.e., how important the knowledge is to effective performance of their current practice).

The final number of respondents and the response rate is included in the Occupational Analysis for each profession in the OA reports to the Board. After responses are received, OPES test specialists then perform data analyses of the task ratings obtained from the OA questionnaire respondents. The task frequency and importance ratings are combined to derive an overall criticality index for each task statement.

Once the data is analyzed, OPES conducts a final workshop with SMEs to evaluate the criticality indices and determine whether any task statements should be excluded from the examination outline. They also review the list of knowledge statements to verify that all knowledge statements were critical for safe and competent entry level performance in the specified profession in California. The SMEs establish the final linkage between tasks and knowledge statements, organize the tasks and knowledge statements into content areas,

and write descriptions of those content areas. The SMEs then evaluate the preliminary content area weights and determine the final weights for each written examination.

The examination outline is structured into four content areas weighted relative to the other content areas. The new outline identifies the tasks and knowledge critical to safe and competent RDA, RDAEF, DSA or OA practice in California at the time of license issuance.

The examination outline developed as a result of this OA provides a basis for developing the Board's written examinations (Source: see OA reports in Underlying Data).

Passing Score and Defensibility of the Exam

Pursuant to the DCA Departmental Licensure Examination Validation Policy (OPES 22-01), a criterion-referenced passing score is a specified point in a distribution of scores at or above which candidates are considered successful in the selection process. By definition, the criterion referenced passing score is related to a minimally acceptable competence criterion and is the same for all applicant groups.

Pursuant to the DCA Departmental Licensure Examination Validation Policy (OPES 22-01) passing score standards for licensure examinations must:

- Follow a process that adheres to accepted technical and professional standards.
- Adhere to a criterion-referenced passing score methodology that uses minimum competence at an entry-level to the profession.

The Board is authorized to establish requirements for administration of the dental assisting exams in this proposal and to establish the definition of a passing score (i.e., "pass points") for these examinations by regulation. This proposal is necessary to ensure the legal defensibility of the Board's RDA, RDAEF, OA and DSA licensing examinations in accordance with OPES recommendations.

- **Amend section 1081 and title RDA Examination**

Amend Title

Purpose: Revise the section title to delete "RDA" and add "Registered Dental Assistant Combined Written and Law and Ethics Examination" consistent with the title conferred by statute at BPC section 1749.1.

Rationale: Including the examination title in the section name avoids confusion and adds

further specificity for examination applicants seeking guidance on the location of the requirements for the Registered Dental Assistant Combined Written and Law and Ethics Examination in the Board's regulations.

Revise subsection (a)

Purpose: Add the words "prior to issuance of a license" to the beginning of this subsection. The proposed changes would also add requirements for an applicant to "achieve a criterion-referenced passing score" on the Board's statutorily required RDA exam entitled "Registered Dental Assistant Combined Law and Ethics Examination" and short form term "examination" for ease of reference throughout this section (referred to "RDA exam" hereinafter). Finally, this section would be amended to more accurately describe what the current RDA examination encompasses by adding knowledge of California and federal laws and the ability to recognize and apply ethical principles as they relate to the duties of the RDA.

Rationale: Adding "prior to issuance of a license" provides notice to applicants that completing and achieving a criterion-referenced passing score on the Board's RDA exam must occur prior to issuance of an RDA license in compliance with eligibility requirements at BPC section 1752.1(e). Adding new references to the formal title of the RDA exam avoids confusion for applicants and provides specificity to the type of examination the RDA applicant will be required to complete (written, and law and ethics), consistent with the requirements in BPC section 1752.1.

As more fully described above under the section entitled "**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS,**" this proposal is necessary to implement the requirement for setting and achieving a criterion-referenced passing score in place of the existing passing grade referenced in CCR section 1083(b) (proposed to be repealed in this rulemaking). Implementing this requirement makes the Board's Registered Dental Assistant Combined Written and Law and Ethics Examination more legally defensible and adopts recommendations by its SMEs at the OPES regarding updating content to accurately reflect what the examination covers, and consistent with the Occupational Analysis of this profession (see Underlying Data, "Occupational Analysis of the Registered Dental Assistant Profession" by the Department of Consumer Affairs' Office of Professional Examination Services, dated June 2023).

Amend subsection (b)

Purpose: To repeal the words "may", "also include" and "the following subjects" to avoid confusion and resolve any ambiguity as to the specific content of the current RDA exam.

The Board would also repeal as outdated the current subjects for the RDA exam listed here as inconsistent with the proposed exam content areas, tasks and associated knowledge statements recommended by OPES. The proposal would instead replace those subjects with the revised exam content areas, tasks and associated knowledge statements listed in Table 14- Registered Dental Assistant Written Examination Outline”, which is proposed to be incorporated by reference and published in the document entitled “Occupational Analysis of the Registered Dental Assistant Profession” by the DCA’s Office of Professional Examination Services, dated June 2023 (OA for the RDA profession). Under the Executive Officer’s authority to make non-substantive changes to the rulemaking, a duplicative “which is hereby incorporated by reference” was removed from the text at this subsection after Board approval in November 2023, since the intent, as communicated to the Board and provided in the meeting materials, was to incorporate the outlines and not the entire Occupational Analysis prepared by OPES.

Rationale: This proposal is necessary to repeal outdated exam subjects and content no longer used by the Board and consistent with the newly revised RDA exam in accordance with OPES recommendations as noted above and in the section of this document entitled “**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS**”. This proposal would incorporate by reference the exam outlines listed in the Occupational Analysis published by OPES for the RDA profession for the duties authorized to be performed in accordance with BPC section 1752.4 (see p. 2-3, Underlying Data for the OA for the RDA profession). The proposed incorporated document accurately reflects the newly revised RDA exam’s content areas, tasks and associated knowledge statements that applicants will be tested on. Further, its validity is based upon the OA conducted by OPES to support the legal defensibility of the Board’s RDA exam.

Table 14’s RDA exam outline generally includes the following content (more fully discussed in document for the Underlying Data at pgs. 25-35 for the OA for the RDA profession), which the Board believes is the most accurate reflection of areas necessary to demonstrate entry-level competence into the profession:

1. Assessment and Diagnostic Procedures. This area assesses the candidate’s knowledge of reviewing information about a patient’s history and oral conditions as they relate to dental treatment. This area also assesses the candidate’s knowledge of assisting with diagnostic records and chart information related to dental treatment. These activities are performed under the supervision of a dentist.
2. Dental Procedures. This area assesses the candidate’s knowledge of providing registered dental assistant services related to patient treatment. This includes services

related to placing direct and indirect provisional restorations, implementing preventative procedures, and performing tasks associated with specialty procedures. This area also assesses the candidate's knowledge of educating the patient about oral health and maintenance. These activities are performed under the supervision of a dentist.

3. Infection Control and Health and Safety. This area assesses the candidate's knowledge of maintaining a safe and sanitary work environment and to adhere to infection control protocols and standard precautions.

4. Laws and Regulations. This area assesses the candidate's knowledge of laws and regulations regarding licensing requirements, scope of practice, professional conduct, and professional responsibilities.

Exam outlines are also typically distributed to the public on the Board's website to provide notice of what the Board's RDA exam will cover. Consequently, the exam content would be provided in a format that is most familiar to applicants and those educational institutions who prepare applicants to take the Board's dental assisting examinations. Providing this additional detail on the examination in an outline form also resolves any ambiguity as to the subjects and the content of the current RDA exam for applicants.

Finally, this proposal is necessary to link the regulations to a more thorough description of the exam than what could be practically included in narrative form in the CCR. The length of the examination outline justifies incorporation by reference, as adding this detail in narrative form in the CCR would make the regulation unduly cumbersome and difficult to understand.

Adopt new subsection (c)

Purpose: Define "criterion referenced passing score" to mean a passing score for the RDA exam based on the modified Angoff standard setting method. This method includes the use of RDA licensees and a test development specialist and determines through evaluation and rating of each exam question that the passing score represents entry level competence to practice in the profession as specified in subsection (b).

Rationale: As noted above and in the section of this document entitled "**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS**", this proposal would update the passing score for the RDA exam to one determined by criteria recommended by OPES. The criterion-referenced

passing score, obtained through a modified Angoff standard-setting method, is better suited to examinations seeking to test entry-level competency than a simple percentage score. This method requires several practitioners, along with a test administration specialist, to work on determining what score on the exam would best reflect knowledge of tasks sufficient enough for entry-level competence in the relevant occupation. Referencing this definition, standard, and method in regulation provides advance notice to, and avoids confusion for, examination applicants regarding the use of this method and is necessary to make the RDA exam more legally defensible.

Adopt new subsection (d)

Purpose: Sets the effective date for this section as either March 1, 2024 or the effective date on filing if filed with the Secretary of State after March 1, 2024 to more closely align the regulation with the newest version of the examination outline and associated plan set to be released by the Board in March.

Rationale: The June 2023 version of the examination outline referenced in subsection (b) is projected to be rolled out in March 2024 and used for RDA examinations administered from that point forward. Should this package be ready for final filing with the Office of Administrative Law soon enough that it would be approved with an effective date March 1, 2024, or the soonest effective date thereafter (and not quarterly) to allow for implementation as soon as possible thereafter. Early implementation of the proposed changes to this section would be necessary for continued smooth administration of Registered Dental Assistant Combined Written and Law and Ethics Examinations and help ensure that RDA applicants are tested on the most current standards for the profession for the protection of the public.

- **Repeal section 1081.1 RDA Practical Examination – Requirements**

Purpose: Existing regulation prescribes the general requirements that the Board used to implement the prior RDA practical examination authorized by the Board. These requirements currently cover the following: a list of the types of procedures assigned, the process for assignment by an RDA examination committee, typodont requirements, grading procedures by examiners, and materials requirements for completing the listed procedures. The Board proposes to repeal this section and its title as the practical exam is no longer authorized and therefore these regulations are no longer required.

Rationale: Existing law no longer refers to any authority to administer a practical exam for the RDA license. Rather, BPC sections 1749.1 and 1752.1(e) refer to passage of a “written” examination as qualifying criteria for the RDA license. As a result, any references to past practical exam requirements such as these are proposed to be removed to make

consistent the Board’s current exam authority in its regulations and to avoid user confusion.

- **Amend section 1081.2 RDAEF Examination Requirements and Title**

Amend Title

Purpose: Change title to add “written” to the title to more accurately describe the type and the name of the examination covered in the section.

Rationale: Including the examination title in the section name provides clarity and specificity to examination applicants seeking guidance on the Registered Dental Assistant in Extended Functions Written Examination requirements in the Board’s regulations.

Repeal subsections (a)-(c)

Purpose: Existing regulations at subsections (a)-(c) prescribe the general requirements that the Board used to implement the prior RDAEF practical examination authorized by the Board. These requirements currently cover the following: requirements for an applicant to successfully complete an examination on a patient, including the procedures, total examination period (2.5 hours), requirement that the applicant supply the patient and the criteria and process by which an examiner may find a patient acceptable or unacceptable, and specifies that the procedures shall be graded by examiners appointed by the Board and the location where procedures may be tested in the Board’s discretion.

Rationale: This proposal would repeal subsections (a)-(c) as obsolete and replace those subsections with new requirements for completing and achieving a criterion-referenced passing score on the Board’s current RDAEF Written Examination as described more specifically in the sections below. Existing law no longer refers to any authority to administer a practical exam for the RDAEF license. Rather, BPC section 1753(a)(4) refers to passage of a “written” examination as qualifying criteria for the RDAEF license. As a result, any references to past practical exam requirements such as these are proposed to be removed to make consistent the Board’s current exam authority in its regulations and to avoid user confusion.

Adopt new subsection (a)

Purpose: Add a new subsection to require that “prior to issuance of a license” an applicant shall complete and “achieve a criterion-referenced passing score” on the Board’s Registered Dental Assistant in Extended Functions Written Examination as specified and add short form term “examination” for ease of reference throughout this section (referred to

“RDAEF exam” hereinafter). Finally, this section would be amended to more accurately describe the current RDAEF examination by adding a description of what the RDAEF exam encompasses: a written, task-oriented examination encompassing duties assignable to an RDAEF and the settings in which they may be performed, knowledge of California and federal laws as they relate to the duties of RDAEFs, and the ability to recognize and apply ethical principles as they relate to the duties of an RDAEF.

Rationale: Adding “prior to issuance of a license” provides notice to applicants that completing and achieving a criterion-referenced passing score on the Board’s RDAEF exam must occur prior to issuance of an RDAEF license in compliance with eligibility requirements at BPC section 1753. Adding new references to the content and formal title of the RDAEF exam avoids confusion for applicants and provides specificity to the type of examination the RDAEF applicant will be required to complete (written), consistent with the requirements in BPC section 1753(a)(4).

As more fully described above under the section entitled “**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS**,” this proposal is necessary to implement the requirement for administering a Board-developed examination in consultation with OPES and setting and achieving a criterion-referenced passing score in place of the existing passing grade referenced in CCR section 1083(c) (proposed to be repealed in this rulemaking). Implementing these requirements makes the Board’s RDAEF Examination more legally defensible and adopts recommendations by its SMEs at the OPES regarding updating content to accurately reflect what the examination covers, and consistent with the Occupational Analysis of this profession (see Underlying Data, “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).

Adopt new subsection (b)

Purpose: To specify the content areas, tasks, and associated knowledge statements for upon which RDAEF applicants will be tested for the RDAEF exam by incorporating by reference those items in “Table 16 – Registered Dental Assistant in Extended Functions Written Examination Outline” as published in the OPES’ 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.

Rationale: This proposal is necessary to update the Board’s examination content consistent with the revised RDAEF exam in accordance with OPES recommendations as noted above and in the section of this document entitled “**BACKGROUND, PURPOSE**

AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS”. This proposal would incorporate by reference the exam outlines listed in the Occupational Analysis published by OPES for the RDAEF profession. This proposal would incorporate by reference the exam outlines listed in the Occupational Analysis published by OPES for the RDAEF profession for the duties authorized to be performed in accordance with BPC section 1753.5 (see p. 2, Underlying Data for the OA for the RDAEF profession). The proposed incorporated document accurately reflects the RDAEF exam’s content areas, tasks and associated knowledge statements that applicants will be tested on. Further, its validity is based upon the OA conducted by OPES to support the legal defensibility of the Board’s RDAEF exam.

Table 16’s RDAEF exam outline generally includes the following content (more fully discussed in OA document for the Underlying Data at pgs. 24-30 for the OA for the RDAEF profession), which the Board believes is the most accurate reflection of areas necessary to demonstrate entry-level competence into the profession:

1. Preliminary Patient Evaluations. This area assesses the candidate’s knowledge of evaluating patients’ medical and dental history and identifying conditions that may impact treatment. This area also assesses the candidate’s knowledge of preparing diagnostic records and charting conditions or oral abnormalities related to treatment. These functions are performed under the supervision of a licensed dentist.
2. Treatment Procedures. This area assesses the candidate’s knowledge of preparing for and providing treatment services. These services include preparing for and taking final impressions and activities related to placing and finishing direct and indirect restorations. These services are performed under the supervision of a licensed dentist.
3. Health and Safety. This area assesses the candidate’s knowledge of maintaining a safe and sanitary work environment and adhering to infection control protocols and standard precautions.
4. Laws and Regulations. This area assesses the candidate’s knowledge of laws and regulations regarding licensing requirements, scope of practice, professional conduct, and professional responsibilities.

Exam outlines are also typically distributed to the public on the Board’s website to provide notice of what the Board’s RDAEF exam will cover. Consequently, the exam content would

be provided in a format that is most familiar to applicants and those educational institutions who prepare applicants to take the Board’s dental assisting examinations. Providing this additional detail on the examination in an outline form also resolves any ambiguity as to the subjects and the content of the current RDAEF exam for applicants.

Finally, this proposal is necessary to link the regulations to a more thorough description of the exam than what could be practically included in narrative form in the CCR. The length of the examination outline justifies incorporation by reference, as adding this detail in narrative form in the CCR would make the regulation unduly cumbersome and difficult to understand.

Adopt new subsection (c)

Purpose: Define “criterion referenced passing score” to mean a passing score for the RDAEF exam based on the modified Angoff standard setting method. This method includes the use of RDAEF licensees and a test development specialist and determines through evaluation and rating of each exam question that the passing score represents entry level competence to practice in the profession as specified in subsection (b). Under the Executive Officer’s authority to make non-substantive changes to the rulemaking, the word “RDA” was corrected to state “RDAEF” consistent with the changes to this section related to RDAEFs and the underlying data provided to the Board in the meeting materials that describes the process of using RDAEFs to develop the RDAEF exam plan.

Rationale: As noted above and in the section of this document entitled “**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS**”, this proposal would update the passing score for the RDAEF exam to one determined by criteria recommended by OPES. The criterion-referenced passing score, obtained through a modified Angoff standard-setting method, is better suited to examinations seeking to test entry-level competency than a simple percentage score. This method requires several practitioners, along with a test administration specialist, to work on determining what score on the exam would best reflect knowledge of tasks sufficient enough for entry-level competence in the relevant occupation. Referencing this definition, standard, and method in regulation provides advance notice to, and avoids confusion for, examination applicants regarding the use of this method and is necessary to make the RDAEF exam more legally defensible.

• **Adopt section 1081.3 Orthodontic Assistant Written Examination and Title**

Adopt Title

Purpose: To add descriptive title “Orthodontic Assistant Written Examination” and new

section covering requirements for the examination.

Rationale: For ease of reference for those OA applicants seeking information on the requirements for the Orthodontic Assistant Written Examination (hereinafter “OA exam”).

Adopt new subsection (a)

Purpose: Add a new subsection to require that “prior to issuance of a license” an applicant shall complete and “achieve a criterion-referenced passing score” on the Board’s Orthodontic Assistant Examination as specified and add short form term “examination” for ease of reference throughout this section. Finally, this section would be amended to more accurately describe the current OA exam by adding a description of what the OA exam encompasses: a written, task-oriented examination encompassing the knowledge, skills and abilities necessary to competently perform the duties of an OA specified in Section 1750.3 of the Code including, recognition of the duties assignable to an OA, knowledge of California and federal laws as they relate to the duties of OAs, and the ability to recognize and apply ethical principles as they relate to the duties of OAs.

Rationale: Adding “prior to issuance of a license” provides notice to applicants that completing and achieving a criterion-referenced passing score on the Board’s OA exam must occur prior to issuance of an OA permit in compliance with eligibility requirements at BPC section 1750.2. Adding new references to the content and formal title of the OA exam avoids confusion for applicants and provides specificity to the type of examination the OA applicant will be required to complete (written exam administered by the Board), consistent with the requirements in BPC section 1750.2(a)(5).

As more fully described above under the section entitled “**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS,**” this proposal is necessary to implement the requirement for administering a Board-developed examination in consultation with OPES and setting and achieving a criterion-referenced passing score as recommended by OPES. Implementing these requirements makes the Board’s OA exam more legally defensible and adopts recommendations by its SMEs at the OPES regarding updating content to accurately reflect what the examination covers, and consistent with the Occupational Analysis of this profession (see Underlying Data, “Occupational Analysis of the Orthodontic Assistant Practice” by the Department of Consumer Affairs’ Office of Professional Examination Services, dated April 2021).

Adopt new subsection (b)

Purpose: To specify the content areas, tasks, and associated knowledge statements for

upon which OA applicants will be tested for the OA exam by incorporating by reference those items in “Table 13 – Orthodontic Assistant Examination Outline”, which is hereby incorporated by reference and 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.

Rationale: This proposal is necessary to update the Board’s examination content consistent with the revised OA exam in accordance with OPES recommendations as noted above and in the section of this document entitled “**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS**”. This proposal would incorporate by reference the exam outlines listed in the Occupational Analysis published by OPES for the OA profession.

This proposal would incorporate by reference the exam outlines listed in the Occupational Analysis published by OPES for the OA profession for the duties authorized to be performed in accordance with BPC section 1750.3 (see p. 2, Underlying Data for the OA of the OA profession). The proposed incorporated document accurately reflects the OA exam’s content areas, tasks and associated knowledge statements that applicants will be tested on. Further, its validity is based upon the OA conducted by OPES to support the legal defensibility of the Board’s OA exam.

Table 13’s OA exam outline generally includes the following content (more fully discussed in OA document for the Underlying Data at pgs. 20-25 for the OA for the OA profession), which the Board believes is the most accurate reflection of areas necessary to demonstrate entry-level competence into the profession:

1. Patient Information and Diagnostic Records. This area assesses the candidate’s ability to review information about a patient’s history and oral conditions as they relate to orthodontic treatment. This area also assesses the candidate’s ability to assist with diagnostic records and to chart information related to orthodontic treatment. These activities are performed under the supervision of a dentist or orthodontist.
2. Orthodontic Procedures. This area assesses the candidate’s ability to prepare for and to provide orthodontic assistant services. This includes services related to bonding, the placement and removal of orthodontic components, and use of auxiliaries. This area also assesses the candidate’s ability to educate the patient about oral health and orthodontic maintenance. These activities are performed under the supervision of an orthodontist.

3. Infection Control and Health and Safety. This area assesses the candidate's ability to maintain a safe and sanitary work environment and to adhere to infection control protocols and standard precautions.
4. Laws and Regulations. This area assesses the candidate's knowledge of laws and regulations regarding permit requirements, scope of practice, professional conduct, and professional responsibilities.

Exam outlines are also typically distributed to the public on the Board's website to provide notice of what the Board's OA exam will cover. Consequently, the exam content would be provided in a format that is most familiar to applicants and those educational institutions who prepare applicants to take the Board's dental assisting examinations. Providing this additional detail on the examination in an outline form also resolves any ambiguity as to the subjects and the content of the current OA exam for applicants.

Finally, this proposal is necessary to link the regulations to a more thorough description of the exam than what could be practically included in narrative form in the CCR. The length of the examination outline justifies incorporation by reference, as adding this detail in narrative form in the CCR would make the regulation unduly cumbersome and difficult to understand.

Adopt new subsection (c)

Purpose: Define "criterion referenced passing score" to mean a passing score for the OA exam based on the modified Angoff standard setting method. This method includes the use of OA permitholders and a test development specialist and determines through evaluation and rating of each exam question that the passing score represents entry level competence to practice in the profession as specified in subsection (b).

Rationale: As noted above and in the section of this document entitled "**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS**", this proposal would update the passing score for the OA exam to one determined by criteria recommended by OPES. The criterion-referenced passing score, obtained through a modified Angoff standard-setting method, is better suited to examinations seeking to test entry-level competency than a simple percentage score. This method requires several practitioners, along with a test administration specialist, to work on determining what score on the exam would best reflect knowledge of tasks sufficient enough for entry-level competence in the relevant occupation. Referencing this definition, standard, and method in regulation provides advance notice to, and avoids

confusion for, examination applicants regarding the use of this method and is necessary to make the OA exam more legally defensible.

- **Adopt section 1081.4 Dental Sedation Assistant Written Examination and Title**

Adopt Title

Purpose: To add descriptive title “Dental Sedation Assistant Written Examination” and new section covering requirements for the examination.

Rationale: For ease of reference for those DSA applicants seeking information on the requirements for the Dental Sedation Assistant Written Examination (hereinafter “DSA exam”).

Adopt new subsection (a)

Purpose: Add a new subsection to require that “prior to issuance of a license” an applicant shall complete and “achieve a criterion-referenced passing score” on the Board’s DSA exam as specified and add the short form term “examination” for ease of reference throughout this section. Finally, this section would be amended to more accurately describe the current DSA exam by adding a description of what the DSA exam encompasses: a written, task-oriented examination encompassing the knowledge, skills and abilities necessary to competently perform the duties of a DSA specified in Section 1750.5 of the Code, including recognition of the duties assignable to a DSA and the settings in which they may be performed, knowledge of California and federal laws as they relate to the duties of DSAs, and the ability to recognize and apply ethical principles as they relate to the duties of DSAs.

Rationale: Adding “prior to issuance of a license” provides notice to applicants that completing and achieving a criterion-referenced passing score on the Board’s DSA exam must occur prior to issuance of DSA permit in compliance with eligibility requirements at BPC section 1750.4. Adding new references to the content and formal title of the DSA exam avoids confusion for applicants and provides specificity to the type of examination the DSA applicant will be required to complete (written exam administered by the Board), consistent with the requirements in BPC section 1750.4(a)(5).

As more fully described above under the section entitled “**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS,**” this proposal is necessary to implement the requirement for administering a Board-developed examination in consultation with OPES and setting and achieving a criterion-referenced passing score as recommended by OPES.

Implementing these requirements makes the Board's DSA exam more legally defensible and adopts recommendations by its SMEs at the OPES regarding updating content to accurately reflect what the examination covers as provided in the Board's Dental Sedation Assistant Examination Outline" issued August 2009 in accordance with duties performable by a DSA as prescribed by BPC section 1750.5.

Adopt new subsection (b)

Purpose: To specify the content areas, tasks, and associated knowledge statements for upon which DSA applicants will be tested for the DSA exam by incorporating by reference those items in the Board's "Dental Sedation Assistant Examination Outline" issued August 2009.

Rationale: This proposal is necessary to update the Board's examination content consistent with the current DSA exam and duties of an DSA in accordance with BPC section 1750.5 and OPES recommendations as noted above and in the section of this document entitled "**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS**". This proposal would incorporate by reference the exam outlines prepared by OPES for the DSA profession.

The proposed incorporated document accurately reflects the DSA exam's content areas, tasks, and associated knowledge statements that applicants will be tested on. Further, its validity is based upon the recommendations made by OPES to support the legal defensibility of the Board's DSA exam. The August 2009 DSA exam outline generally includes the following content (more fully discussed in the incorporated document), which the Board believes is the most accurate reflection of areas necessary to demonstrate entry-level competence into the profession:

1. Patient Monitoring – This area assesses the candidate's ability to monitor patients undergoing conscious sedation or general anesthesia utilizing data from noninvasive instrumentation (i.e., pulse oximeteres, electrocardiograms, capnography, blood pressure, pulse, and respiration rate monitoring devices) and visual signs and symptoms of patient's physiological functioning.
2. Drug Identification and Draw – This area assesses the candidate's ability to identify and draw drugs, limited to identification of appropriate medications, ampule and vial handling in preparation for drug and medication draw, and withdrawing drugs of correct amount as verified by the supervising licensed dentist.

3. Adding Drugs, Medications and Fluids to Intravenous Lines – This area assesses the candidate’s ability to add drugs, medications, and fluids to intravenous lines using a syringe, provided that a supervising licensed dentist is present at the patient's chairside, limited to determining patency of intravenous line, selection of injection port, syringe insertion into injection port, occlusion of intravenous line and blood aspiration, line release and injection of drugs for appropriate time interval.
4. Removal of intravenous lines – This area assesses the candidate’s ability to remove intravenous lines.

Exam outlines are also typically distributed to the public on the Board’s website to provide notice of what the Board’s DSA exam will cover. Consequently, the exam content would be provided in a format that is most familiar to applicants and those educational institutions who prepare applicants to take the Board’s dental assisting examinations. Providing this additional detail on the examination in an outline form also resolves any ambiguity as to the subjects and the content of the current DSA exam for applicants.

Finally, this proposal is necessary to link the regulations to a more thorough description of the exam than what could be practically included in narrative form in the CCR. The length of the examination outline justifies incorporation by reference, as adding this detail in narrative form in the CCR would make the regulation unduly cumbersome and difficult to understand.

Adopt new subsection (c)

Purpose: Define “criterion referenced passing score” to mean a passing score for the DSA exam based on the modified Angoff standard setting method. This method includes the use of DSA permitholders and a test development specialist and determines through evaluation and rating of each exam question that the passing score represents entry level competence to practice in the profession as specified in subsection (b).

Rationale: As noted above and in the section of this document entitled “**BACKGROUND, PURPOSE AND GENERAL RATIONALE FOR COMMON EXAM CONTENT REVISIONS AND ADOPTION OF NEW EXAMS**”, this proposal would update the passing score for the DSA exam to one determined by criteria recommended by OPES. The criterion-referenced passing score, obtained through a modified Angoff standard-setting method, is better suited to examinations seeking to test entry-level competency than a simple percentage score. This method requires several practitioners, along with a test administration specialist, to work on determining what score on the exam would best reflect knowledge of tasks

sufficient enough for entry-level competence in the relevant occupation. Referencing this definition, standard, and method in regulation provides advance notice to, and avoids confusion for, examination applicants regarding the use of this method and is necessary to make the DSA exam more legally defensible.

- **Repeal section 1082, RDH Written Examination**

Purpose: Existing regulations were adopted when this Board still regulated hygienists (oversight was transferred to the Dental Hygiene Board of California effective January 1, 2019, Senate Bill 1482 (Hill, Chapter 858, Statutes of 2018) (SB 1482)). This proposal would repeal regulations regarding the Registered Dental Hygienist Written Examination that have been superseded by Dental Hygiene Board regulations and statutory amendments that have repealed the Board's authority at BPC section 1758 to implement this regulation.

Rationale: The Dental Hygiene Board has authority over Registered Dental Hygienists (RDH) and the associated examinations. Per section 1906 of the Code, Board regulations covering RDH will continue to apply until the Hygiene Board establishes its own regulations for the relevant subjects. CCR Section 1121 has been promulgated, which covers in part RDH written examinations. This makes section 1082 and associated title no longer necessary and no longer authorized, and the Board therefore proposes to repeal it as obsolete.

- **Repeal section 1082.1 RDH Clinical Examination Requirements**

Purpose: Existing regulations were adopted when this Board still regulated hygienists (oversight was transferred to the Dental Hygiene Board of California effective January 1, 2019, Senate Bill 1482 (Hill, Chapter 858, Statutes of 2018) (SB 1482)). This proposal would repeal regulations relating to clinical examination requirements for registered dental hygienists that have been superseded and are no longer authorized.

Rationale: The Dental Hygiene Board has authority over Registered Dental Hygienists (RDH) and the associated examinations. Per section 1906 of the Code, Board regulations covering RDH will continue to apply until the Hygiene Board establishes its own regulations for the relevant subjects. CCR Section 1124 has been promulgated, which covers in part RDH clinical examinations. This makes CCR section 1082 no longer necessary. Further, BPC section 1758, the section of the Act that previously authorized the Board to implement this regulation, has been repealed.

- **Repeal section 1082.3 Supplemental Examinations in Law and Ethics**

Purpose: Existing regulations were adopted when this Board still regulated hygienists (oversight was transferred to the Dental Hygiene Board of California effective January 1, 2019, Senate Bill 1482 (Hill, Chapter 858, Statutes of 2018) (SB 1482)). This proposal would repeal regulations relating to supplemental examinations in law and ethics that were adopted to implement RDA ethics exam requirements (which were combined at BPC section 1749.1 under the new RDA exam proposed to be implemented in this rulemaking under CCR section 1081) and ethics exams for dental hygienists authorized by prior BPC section 1766 (which has since been repealed). This proposal would repeal these regulations that have been superseded and are no longer needed or authorized.

Rationale: The Dental Hygiene Board has authority over Registered Dental Hygienists (RDH) and the associated examinations. Per section 1906 of the Code, Board regulations covering RDH will continue to apply until the Hygiene Board establishes its own regulations for the relevant subjects. CCR Section 1121 has been promulgated, which covers in part RDH supplemental examinations in law and ethics. This makes section 1082 no longer necessary. Further, BPC section 1766, the section of the Act that previously authorized the Board to implement this regulation for hygienists, has been repealed.

Finally, as noted above under the purpose and rationale for adopting new amendments to CCR section 1081, the Board no longer gives a separate supplemental law and ethics exam for RDA applicants or needs to set the passing score at 75%, but rather a combined written and law and ethics RDA exam using a criterion-referenced passing score. As a result, the references to this outdated exam and passing score need to be repealed to avoid confusion over what exams are required for licensure as an RDA.

- **Repeal section 1083 Passing Grades and title**

Purpose: Repeal regulations and title that are outdated and obsolete. The passing score concepts would be covered under other sections of the Board's regulations as noted under the sections relating to proposed amendments and adoptions for CCR sections 1081, 1081.2, 1081.3, and 1081.4.

Rationale: As noted above, language addressing the requirements for achieving passing scores for the RDA and RDAEF exams administered by the Board can be found in the sections for each of the exams. This makes having a separate regulations section on passing grades unnecessary and must be repealed at subsections (b) and (c) to avoid confusion over what grading methodology the Board uses for its RDA and RDAEF exams.

In addition, the Board proposes to repeal references to passing grades for registered dental

hygienists and registered dental hygienists in extended functions at subsections (a) and (d) since the Board’s authority to set the passing score for these professions at prior BPC sections 1758 and 1759 have been repealed. The Dental Hygiene Board has since adopted regulations to set the passing grades for these professional exams at CCR section 1121. Consequently, these regulations need to be repealed as no longer necessary or authorized for the Board to implement or enforce.

Underlying Data

- A. Agenda, Relevant Meeting Materials, and Minutes from the Board’s November 8-9, 2023 Board meeting
- B. DCA Departmental Licensure Examination Validation Policy (OPES 22-01), issue date November 23, 2022
- C. OPES Informational Series No. 4 Criterion-Referenced Passing Score, dated 02/24
- D. “Occupational Analysis of the Registered Dental Assistant Profession” by the Department of Consumer Affairs’ Office of Professional Examination Services, dated June 2023
- E. “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
- F. “Occupational Analysis of the Orthodontic Assistant Practice” by the Department of Consumer Affairs’ Office of Professional Examination Services, dated April 2021.

Business Impact

The Board has made the 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. This initial determination is based upon the following facts.

The Board indicates this regulation will not have a significant adverse economic impact on businesses. This proposal would only impact candidates applying to take the specified dental assisting examinations. The proposed regulatory action only potentially adversely affects examination applicants that would not be in compliance with Board examination requirements. Any “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.

Economic Impact Assessment:

This Board has determined that this regulatory proposal will have the following effects:

These regulations 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 currently doing business in the State of California because the proposal updates the existing regulations related to dental auxiliary examinations but does not change application or examination fees. The proposed regulation only impacts candidates applying to take the specified dental assisting examinations. The proposed regulatory action only potentially adversely affects examination applicants that would not be in compliance with Board examination requirements. Any potential “adverse economic impact” may be avoided simply by complying with the existing laws and regulations governing dental assisting examinations in California.

This regulatory proposal affects the health and welfare of California residents because the proposed regulation will make the dental assisting examination requirements consistent with current law and the Board’s current dental assisting examination administration, incorporate minimum standards for exam validation and exam passing score methodology, and strengthen consumer protection.

The Board anticipates that the updated regulations will be a more useful tool for the Board, examination applicants and licensees, 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.

This regulatory proposal does not affect worker safety because the proposal does not address worker safety.

This regulatory proposal does not affect the state’s environment because the proposed regulations are not related to the state’s environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.