

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

**NOTICE OF PROPOSED REGULATORY ACTION  
CONCERNING DENTAL ASSISTING EXAMS**

**NOTICE IS HEREBY GIVEN** that the Dental Board of California (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will, hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be **received by the Board at its office no later than by 5:00 p.m., Tuesday, August 27, 2024**, or must be received by the Board at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE:**

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1743, 1749.1, and 1614, to implement, interpret, or make specific BPC sections 123, 1743, 1749.1, 1750.2, 1750.4, 1752.1, and 1753, the Board is considering amending sections 1080, 1080.3, 1081 and 1081.2, adopting proposed sections 1081.3 and 1081.4, and repealing 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.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Board is responsible for licensing and regulating dental professionals in California. The Board licenses an estimated 89,000 dental professionals, including approximately 43,500 licensed dentists; 44,500 registered dental assistants (RDAs); and 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.

The Board is responsible for developing and administering dental assisting examinations for applicants for a Registered Dental Assistant (RDA) and Registered Dental Assistant in Extended Functions (RDAEF) license and applicants for Dental Sedation Assistant (DSA) or Orthodontic Assistant (OA) permits pursuant to BPC section 1743. This includes setting pass points for these 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.

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 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.

This rulemaking would update the Board's existing dental assisting exam regulations in accordance with current examination and administration requirements of the Board for dental assistant licensees or permitholders 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.

Besides technical, non-substantive changes related to the authority and reference notes, grammar, gendered pronouns and language choice, the proposed changes to the regulations include:

- **Changes to Title 16 CCR section 1080**
  - Remove references to discontinued practical and clinical examinations

- processes and procedures
  - Repeal references to “dental auxiliary” and replace it with references to the types of dental assisting professionals the Board regulates: RDA, RDAEF, OA and DSA.
  - Change references to person or he/her to “examination candidate” or “examinee”
  - 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.
  - Add new requirements for re-admission to an examination room including: 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.
  - Provide options for examinees needing an accommodation for thumb printing as specified
  - Revise and renumber the list of actions that would prompt dismissal of an examinee from the examination
  - Add engaging in any other conduct specified in BPC section 123 (exam subversion) as a grounds for dismissal from the entire examination and for which a statement of issues (denial document) may be filed against an examinee
  - Define and list the “acceptable government-issued photographic identification that would be accepted for exam admission
- **Repeal of Title 16 CCR section 1080.1**
  - Repeal existing regulation and title as it relates to requirements for the general procedures for dental auxiliary clinical examinations, which are now obsolete.
- **Repeal of Title 16 CCR section 1080.2**
  - Repeal existing regulation and title at CCR Section 1080.2 that 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 as obsolete.
- **Changes to Title 16 CCR section 1080.3**
  - Revise the section title to replace examination title references to “Dental Auxiliary Licensure” with references to “RDA, RDAEF, Orthodontic Assistant and Dental Sedation Assistant Written”
  - Remove references to practical or clinical phases of examinations

- Change the length of time permitted to appeal the examination results from sixty to fifteen days.
  - Change the party responsible for responding to examination appeals from the Board to the Board’s designee.
- **Changes to Title 16 CCR section 1081**
    - Revise section title from “RDA examination” to “Registered Dental Assistant Combined Written and Law and Ethics Examination”
    - 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).
    - Add an updated description of what the current RDA exam 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.
    - Repeal as outdated the current subjects for the RDA exam listed in existing regulation as inconsistent with the proposed exam content areas, tasks and associated knowledge statements recommended by OPES.
    - Replace those prior 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
    - Establishes the passing score for this exam as a criterion-referenced passing scored based on the modified Angoff standard setting method
    - Sets the effective date for this section as either March 1, 2024 or effective date on filing if approved by OAL after March 1, 2024
- **Repeal of Title 16 CCR section 1081.1**
    - Existing regulation prescribes the general requirements that the Board used to implement the prior RDA practical examination. 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 necessary.
- **Changes to Title 16 CCR section 1081.2**
    - Revise section title from “RDAEF Examination Requirements” to “RDAEF Written Examination Requirements”
    - Repeal subsections (a)-(c) that specify prior exam requirements as obsolete
    - Add requirements 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).

- Add a description of what the RDAEF exam encompasses
- 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.
- Establishes the passing score for this exam as a criterion-referenced passing score based on the modified Angoff standard setting method

- **Adopt Title 16 CCR section 1081.3 Orthodontic Assistant Written Examination**

- Add descriptive title “Orthodontic Assistant Written Examination” and new section covering requirements for the examination
- 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.
- Add a description of what the OA exam encompasses
- 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.
- Establishes the passing score for this exam as a criterion-referenced passing score based on the modified Angoff standard setting method.

- **Adopt Title 16 CCR section 1081.4 Dental Sedation Assistant Written Examination**

- Add descriptive title “Dental Sedation Assistant Written Examination” and new section covering requirements for the examination.
- 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.
- Add a description of what the DSA exam encompasses.
- 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.

- Define “criterion referenced passing score” to mean a passing score for the DSA exam based on the modified Angoff standard setting method.

**Repeal of Title 16 CCR section 1082**

- Repeal this section and title relating to Registered Dental Hygienists written examinations as superseded by Business and Professions Code section 1917 and Title 16 CCR section 1121 of the DHBC’s regulations.
- **Repeal of Title 16 CCR section 1082.1**
  - Repeal this section and title relating to Registered Dental Hygienist clinical examination requirements as superseded by Title 16 CCR section 1124 of the DHBC’s regulations.
- **Repeal of Title 16 CCR section 1082.3**
  - Repeal this section and title relating to Supplemental Examinations in California Law and Ethics. These regulations 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.
- **Repeal of Title 16 CCR section 1083**
  - Repeal these regulations and title that are outdated and obsolete. Material on passing scores (“pass points”) for the associated exams administered by this Board has been updated and moved to the proposed sections corresponding to the relevant exams at CCR sections 1081, 1081.2, 1081.3, and 1081.4. 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 has been repealed.

**ANTICIPATED BENEFITS OF PROPOSED REGULATIONS:**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents. 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.

This regulatory proposal does not affect worker safety or the state’s environment.

## **EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS**

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

## **INCORPORATION BY REFERENCE**

This proposal would incorporate by reference the following examination plans developed by the Department of Consumer Affairs’ Office of Professional Examination Services (OPES) for the RDA, RDAEF, Orthodontic Assistant and Dental Sedation Assistant examinations, as follows:

- A. “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.
- B. “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.
- C. “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.
- D. The Dental Board of California’s “Dental Sedation Assistant Examination Outline” issued August 2009.

## **DISCLOSURES REGARDING THIS PROPOSED ACTION**

### **FISCAL IMPACT ESTIMATES:**

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Dental Board of California  
16 CCR 1080, 1080.1,  
1080.2, 1080.3, 1081,  
1081.1, 1081.2, 1081.3,  
1081.4, 1082, 1082.1,  
1082.3, and 1083

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**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

This proposal provides a more accurate overview of the Board's processes in examination procedures and passing scores involving dental auxiliaries, which will provide greater clarity to applicants. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

However, the Board estimates one-time contract costs of approximately \$180,000 with OPES to complete the four occupational analyses.

The regulations do not result in costs or savings in federal funds to the state.

**Nondiscretionary Costs/Savings to Local Agencies:** None

**Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement:** None

**Mandate Imposed on Local Agencies or School Districts:** None

**Significant Effect on Housing Costs:** None

**Business Impact Estimates:**

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.

This proposal would only impact individuals applying to take the specified dental assisting examination.

**Cost Impact on Representative Private Person or Business:**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations update existing provisions related to dental auxiliary examinations and does not change current application or examination fees.

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" may be avoided simply by complying with the existing laws and regulations governing dental auxiliary examinations in California.



## **RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:**

### **Impact on Jobs/Businesses:**

The Board has determined that this regulatory proposal will not have a significant impact on the following:

- 1) the creation or elimination of jobs within the State of California (“state”),
- 2) the creation of new businesses or the elimination of existing businesses within the state, or,
- 3) the expansion of businesses currently doing business within the state.

The proposed regulations update existing dental auxiliary examinations regulations necessary for licensure. As a result, 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.

### **Benefits of Regulation:**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

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.

This regulatory proposal does not affect worker safety because the proposal does not relate to worker safety.

This regulatory proposal does not affect California’s environment as the proposal is not related to the environment.

## **Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board.

### **EFFECT ON SMALL BUSINESS:**

While the Board does not have, nor does it maintain, data to determine if any of its licensees (dentists or dental auxiliaries) are a “small business,” as defined in Government Code section 11342.610, the Board has made an initial determination that the proposed regulatory action 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” may be avoided simply by complying with the existing laws and regulations governing the specified dental assisting examinations in California. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

### **CONSIDERATION OF ALTERNATIVES:**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 during the written comment period or at the hearing if one is scheduled or requested.

### **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE:**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

### **TEXT OF PROPOSAL:**

Copies of the exact language of the proposed regulations, and any document

incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing (if requested) or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at [https://www.dbc.ca.gov/about\\_us/lawsregs/proposed\\_regulations.shtml](https://www.dbc.ca.gov/about_us/lawsregs/proposed_regulations.shtml).

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may, adopt the proposed regulations substantially as described in this notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

## **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	David Bruggeman, Staff Services Manager I Dental Board of California
Address:	2005 Evergreen Street, Suite 1550 Sacramento, CA 95815
Telephone No.:	(916) 263-2327
Fax No.:	(916) 263-2140
E-Mail Address	<a href="mailto:Lawrence.Bruggeman@dca.ca.gov">Lawrence.Bruggeman@dca.ca.gov</a>

The backup contact person is:

Name: Christy Bell, Staff Services Manager II  
Dental Board of California  
Address: 2005 Evergreen Street, Suite 1550  
Sacramento, CA 95815  
Telephone No.: (916) 263-2187  
Fax No.: (916) 263-2140  
E-Mail Address: Christy.Bell@dca.ca.gov

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at:

[https://www.dbc.ca.gov/about\\_us/lawsregs/proposed\\_regulations.shtml](https://www.dbc.ca.gov/about_us/lawsregs/proposed_regulations.shtml)