

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

**FINAL STATEMENT OF REASONS**

**Subject Matter of Proposed Regulations:** Uniform Standards for Substance-Abusing Licensees

**Sections Affected:** California Code of Regulations, Title 16, Sections 1018.01 and 1018.02

**Updated Information**

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

At the November 2023 Board meeting, the Board approved proposed language for the amendment of California Code of Regulations (CCR) Title 16, Division 10, section 1018.01 and the adoption of section 1018.02 and directed staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing if requested, and authorizing the Executive Officer to make any non-substantive changes to the rulemaking package and, if no adverse comments were received, to adopt the proposed text as noticed.

During the 45-day comment period, there was no request for a public hearing and the Board received no public comments. Since no adverse comments were received, the Board has adopted the proposed text as noticed on May 31, 2024.

**Local Mandate Determination**

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

**Small Business Impact:**

The Board has determined that the proposed regulations would affect small businesses. The Board regulates and licenses individual dental professionals in the State of 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. However, to the extent that any dental professionals are considered a “small business”, the Board provides the following analysis of the economic impact of this proposal.

The Board began implementing the Uniform Standards in 2014. The proposed regulatory changes are intended to better align the Board's regulations with current law and existing practice. As a result, the regulations are not anticipated to increase costs to the state. Instead, the Board notes, the updated Uniform Standards provide for reduced biological testing frequency for qualifying probationers, as specified, which would result in reduced costs to these individuals of approximately \$1,780 in year-one and \$760 per year for the remaining five-year probation period as follows:

<b>Dental Board of California Biological Testing - Economic Impact (Individuals)</b>						
<b>Biological Testing*</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total</b>
<b>Standard Frequency**</b>	\$3,302	\$2,286	\$2,286	\$2,286	\$2,286	\$12,446
<b>Reduced Frequency***</b>	\$1,524	\$1,524	\$1,524	\$1,524	\$1,524	\$7,620
<b>Difference:</b>	\$1,778	\$762	\$762	\$762	\$762	\$4,826

\*Assumes 5-year probation period

\*\*Standard Frequency - \$3,302 (Yr-1: 52 tests) & \$2,286 (Yrs 2-5: 36 tests)

\*\*\*Reduced Frequency - \$1,524 (Yrs 1-5: 24 tests)

The Board averages six probationers per year. If all six probationers qualified for reduced biological testing, costs would be reduced up to approximately \$6,600 per year and up to \$66,000 over a 10-year period as follows:

<b>Dental Board of California Biological Testing - Economic Impact (Total Costs)</b>												
<b>Biological Testing</b>	<b>Costs</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Year 6</b>	<b>Year 7</b>	<b>Year 8</b>	<b>Year 9</b>	<b>Year 10</b>	<b>Total</b>
<b>Standard Frequency (6)*</b>	Various	\$15,748	\$15,748	\$15,748	\$15,748	\$15,748	\$15,748	\$15,748	\$15,748	\$15,748	\$15,748	\$157,480
<b>Reduced Frequency (6)*</b>	\$1,524	\$9,144	\$9,144	\$9,144	\$9,144	\$9,144	\$9,144	\$9,144	\$9,144	\$9,144	\$9,144	\$91,440
<b>Difference:</b>		\$6,604	\$6,604	\$6,604	\$6,604	\$6,604	\$6,604	\$6,604	\$6,604	\$6,604	\$6,604	\$66,040

\*Assumes 6 probationers per year with 2 entering/exiting program per year

Although the proposed regulation will directly affect businesses statewide, which may include small businesses, the Board does not anticipate any adverse economic impact as described above and in the Business Impact Estimates section of the Initial Statement of Reasons.

## **Anticipated Benefits**

The proposed amendments make the Board's Uniform Standards requirements consistent with current law and the current probationary environment, clarify the terms related to substance-abusing licensees and probation violations to reduce the likelihood of misinterpretation and strengthen consumer protection. The Board anticipates that the updated Uniform Standards will be a more useful tool for the Board, applicants and licensees, Administrative Law Judges (ALJs), legal counsel, and the public by providing

a more accurate overview of the Board’s disciplinary requirements for licensees that are determined to be substance abusers as specified.

The updated Uniform Standards will also serve as an educational and guidance tool for the ALJs who administer hearings for the Board to ensure compliance with the law as mandated by Business and Professions Code section 315. The regulatory proposal will benefit the public by improving the consistency of penalties for violations of the Dental Practice Act and its regulations, therefore resulting in a more fully rehabilitated licensee who can safely practice.

### **Consideration of Alternatives**

No public comments were received during the public comment period and the Board did not identify any alternatives at its meeting, therefore, no reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

### **Incorporation by Reference -- 1 CCR 20**

The incorporation by reference method was used for the form in this proposal (“Uniform Standards Related to Substance-Abusing Licensees with Standard Language for Probationary Orders,” Revised November 9, 2023 – Uniform Standards) because it would be impractical and cumbersome to publish this form in the California Code of Regulations (CCR). The form is intended to assist administrative law judges, attorneys, licensees, and others involved in the disciplinary process. The Uniform Standards were developed to establish consistency and ensure imposition of the required penalty standards developed by the Department of Consumer Affairs’ Substance Abuse Coordination Committee as required by Business and Professions Code section 315. The Uniform Standards are extensive and have been printed booklet-style for ease of reference and use by users. If the form was incorporated into the CCR, it would increase the size and complexity of Division 10 and may cause confusion for the affected licensees. The aforementioned form was made available to the public and was posted on the Board’s website.