## State of California Office of Administrative Law

in re:

Dental Board of California

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 1076, 1086 Repeal sections: 1069 NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,

Section 100

**OAL Matter Number: 2024-0603-02** 

OAL Matter Type: Nonsubstantive (N)

This action without regulatory affect by the Dental Board of California removes language relating to the processing times for permits based on the repeal of Government Code sections 15375 and 15376.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: July 16, 2024

Kevin D. Hull Senior Attorney

For: Kenneth J. Pogue

Director

Original: Tracy Montez, Executive Officer

Copy: Lawrence Bruggeman

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# TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

## DIVISION 10. DENTAL BOARD OF CALIFORNIA

## SECTION 100 FILING - REPEAL OF PERMIT PROCESSING TIMES

Deleted text is indicated by strikethrough.

Repeal Section 1069 and its title of Article 1, amend Section 1076 of Article 3 of Chapter 3, and amend Section 1086 of Article 5 of Chapter 3 of Division 10 of Title 16 of the California Code of Regulations to read as follows:

## § 1069. Permit Reform Act.

Permit" as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit, or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the committee's programs are set forth below. The actual processing times apply to those persons who take and pass the first available examination.

	Maximum period of time in which the Board will notify applicant that application is complete or deficient and what specific information	Maximum period of time after the filing of a complete application in which the Board will notify applicant of a permit		Processing On Prior T	g Times we Years
Name of Program	is-required	decision	Minimum	Median	Maximum
RDA Licensure	90-days	180 days	75 days	114 days	358 days
RDAEF-Licensure	75 days	120 days	28 days	35 days	55 days
RDH Licensure	90.days	120 days	32 days	113 days	270 days
RDHEF Licensure	75-days	120 days	32 days	113 days	270 days
Education Program Review and Approval	1.2 /**bit 1.00				
RDA Educational	120 days	150 days	64 days	219	370 days

Programs RDA Coronal Polish and/or Ultrasonic Scaler	99 da <del>ys</del>	120 days	<del>67 days</del>	<del>days</del> 102 <del>days</del>	<del>19</del> 1 da <del>ys</del>
Course		400 1		00.1	
RDAEF	<del>90 days</del>	12 <del>0 d</del> a <del>ys</del>	<del>60 d</del> a <del>ys</del>	90 days	<del>150 d</del> a <del>ys</del>
Educational					
<del>Programs</del>					
RDHEF	<del>90 days</del>	<del>120 days</del>	<del>60 d</del> a <del>ys</del>	<del>90 d</del> a <del>ys</del>	150 days
Educational					
<del>Programs</del>					
Auxiliary Licensure	3 <del>0 days</del>	<del>90 days</del>	20 <del>d</del> a <del>ys</del>	<del>39 days</del>	60 days
Renewal	•	•	-	•	•

NOTE: Authority cited: Section 1614, Business and Professions Code. Reference: Sections 15375 and 15376, Government Code; and Section 1614, Business and Professions Code

### § 1076. General Application Requirements.

- (a) Application for licensure as a registered dental auxiliary shall be made on a form prescribed by the board and shall be accompanied by the following:
  - (1) The fees fixed by the board;
  - (2) Two classifiable sets of fingerprints on forms provided by the board;
  - (3) Where applicable, a record of any previous dental assisting or hygiene practice and verification of license status in another jurisdiction.
- (b) Completed applications shall be filed with the board not later than the following number of days prior to the date set for the examination for which application is made;

RDA 45 days
RDAEF and RDHEF -- 45 days

An incomplete application shall be returned to the applicant together with a statement setting forth the reason for returning the application and indicating the amount of money, if any, which will be refunded.

An application shall not be deemed incomplete for failure to establish compliance with educational requirements if the application is accompanied by a certification from an

approved program that the applicant is expected to meet all educational requirements established for the license for which application has been made and if the approved program certifies not less than 30 days prior to examination that the applicant has in fact met such educational requirements.

The processing times for dental auxiliary licensure are set forth in Section 1069.(e)
Permission to take an examination shall be granted to those applicants who have paid the necessary fees and whose credentials have been approved by the executive officer. Nothing contained herein shall be construed to limit the board's authority to seek from an applicant such other information as may be deemed necessary to evaluate the applicant's qualifications.

NOTE: Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1614, and 1753, <del>1754, 1758 and 1759, Business and Professions Code; and Section 15376, Government Code.</del>

#### § 1086. RDA Duties and Settings.

- (a) Unless specifically so provided by regulation, the prohibitions contained in section 1085 of these regulations apply to registered dental assistants.
- (b) A registered dental assistant may perform all functions which may be performed by a dental assistant.
- (c) Under general supervision, a registered dental assistant may perform the following duties:
  - (1) Mouth-mirror inspection of the oral cavity, to include charting of obvious lesions, existing restorations and missing teeth;
  - (2) Placement and removal of temporary sedative dressings.
- (d) A registered dental assistant may perform the following procedures under the direct supervision of a licensed dentist when done so pursuant to the order, control and full professional responsibility of the supervising dentist. Such procedures shall be checked and approved by the supervising dentist prior to dismissal of the patient from the office of said dentist.
  - (1) Obtain endodontic cultures;
  - (2) Dry canals, previously opened by the supervising dentist, with absorbent points;
  - (3) Test pulp vitality;

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- (4) Place bases and liners on sound dentin;
- (5) Remove excess cement from supragingival surfaces of teeth with a hand instrument or floss;
- (6) Size stainless steel crowns, temporary crowns and bands;
- (7) Fabrication of temporary crowns intra-orally;
- (8) Temporary cementation and removal of temporary crowns and removal of orthodontic bands:
- (9) Placement of orthodontic separators;
- (10) Placement and ligation of arch wires;
- (11) Placement of post-extraction and periodontal dressings;
- (12) Apply bleaching agents;
- (13) Activate bleaching agents with non-laser light-curing device;
- (14) Take bite registrations for diagnostic models for case study only;
- (15) Coronal polishing (Evidence of satisfactory completion of a board-approved course of instruction in this function must be submitted to the board prior to any performance thereof). The processing times for coronal polishing course approval are set forth in section 1069.

This procedure shall not be intended or interpreted as a complete oral prophylaxis (a procedure which can be performed only by a licensed dentist or registered dental hygienist). A licensed dentist or registered dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material prior to coronal polishing.

- (16) Removal of excess cement from coronal surfaces of teeth under orthodontic treatment by means of an ultrasonic scaler. (Evidence of satisfactory completion of a board-approved course of instruction or equivalent instruction in an approved RDA program in this function must be submitted to the board prior to any performance thereof.) The processing times for ultrasonic scaler course approval are set forth-in section 1069.
- (e) Settings. Registered dental assistants may undertake the duties authorized by this section in a treatment facility under the jurisdiction and control of the supervising licensed dentist, or in an equivalent facility approved by the board.

NOTE: Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1614 and 17542.4, Business and Professions Code; and Section 15376, Government Code.