

**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)**

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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



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Kevin D. Hull  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Tracy Montez, Executive Officer

Copy: Lawrence Bruggeman

# NONSUBSTANTIVE

For use by Secretary of State only

STD. 400 (REV. 10/2019)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2024-0603-02N</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**JUL 16 2024**  
1:47 PM

OFFICE OF ADMIN. LAW  
2024 JUN 03 @ 4:59 PM

AGENCY WITH RULEMAKING AUTHORITY  
Dental Board of California

AGENCY FILE NUMBER (if any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b> ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Permit Reform Act	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if rules related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND
1076, 1086
REPEAL
16
1069

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(f))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§11346.3, 11346.4)	<input type="checkbox"/> Resubmission of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11345.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Lawrence Bruggeman	TELEPHONE NUMBER (916) 263-2027	FAX NUMBER (Optional) (916) 263-2140	EMAIL ADDRESS (Optional) lawrence.bruggeman@dca.ca.gov
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a. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <u>Tracy A. Montez</u>	DATE 5/31/2024
TYPED NAME AND TITLE OF SIGNATORY Tracy A. Montez, Ph.D., Executive Officer, Dental Board of California	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**JUL 16 2024**

**Office of Administrative Law**

**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.~~

<i>Name of Program</i>	<i>Maximum period of time in which the Board will notify applicant that application is complete or deficient and what specific information is required</i>	<i>Maximum period of time after the filing of a complete application in which the Board will notify applicant of a decision</i>	<i>Actual Processing Times Based On Prior Two Years</i>		
			<i>Minimum</i>	<i>Median</i>	<i>Maximum</i>
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
<i>Education Program Review and Approval</i>					
RDA Educational	120 days	150 days	64 days	219	370 days

Programs				days	
RDA Coronal Polish and/or Ultrasonic Scaler Course	90 days	120 days	67 days	102 days	191 days
RDAEF Educational Programs	90 days	120 days	60 days	90 days	150 days
RDHEF Educational Programs	90 days	120 days	60 days	90 days	150 days
Auxiliary Licensure Renewal	30 days	90 days	20 days	39 days	60 days

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;

<del>RDH</del>	45 days
RDA	-- 60 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 4069.(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, ~~4754, 4758 and 4759~~, Business and Professions Code; ~~and Section 45376, Government Code.~~

#### **§ 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;

- (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.~~