

**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:** Replacement Licenses or Permits and Inactive Licenses

**Sections Affected:** Sections 1012, 1017.2, and 1021 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations.

**Specific Purpose of Each Adoption:**

**1. Background:**

The Dental Board of California (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). The Board is also responsible for setting the duties and functions of an estimated 50,000 unlicensed dental assistants.

Existing regulations (Cal. Code Regs, tit. 16 (CCR) Section 1012) permit licensees to request a substitute license if their current license is lost, destroyed, or mutilated. Applicants must submit an affidavit or declaration to the Board with evidence demonstrating the loss or destruction of the license certificate. Licensed dentists must also provide fingerprints. Existing regulations (CCR Section 1021) sets the fee for a replacement license at \$50.

The proposed changes to the regulations at Title 16, California Code of Regulations (CCR) Section 1012 would incorporate by reference an application form (Declaration and Request for Duplicate License or Certificate, Form LIC-9, New 05/23), eliminate the fingerprint requirement, and replace the requirement for submitting evidence to the Board with a certification (under penalty of perjury) that the information on the form is accurate. The proposed changes to the regulations at CCR Section 1021(i) would increase the fee for a Substitute License and wall certificate to \$111 from the current \$50.

Existing law (Business and Professions Code sections 700-704) requires that healing arts boards, including this Board, establish an inactive category of licensure. Existing regulations at CCR Section 1017.2 establish how a licensee can change their license status from active to inactive, or from inactive to active. Applicants must complete the Application to Inactivate/Activate License," LIC-6 (New 12/09), and if they are seeking to

change their license status from inactive to active, they must also submit a full set of fingerprints and evidence of having completed the required number of continuing education credits in the two years prior to application.

The proposed changes to the regulations at CCR Section 1017.2 would repeal the “Application to Inactivate/Activate License” Form LIC-6 (new 12/09) and replace it with the “Application to Activate/Inactivate License,” Form LIC-6 (New 5/23), which would be incorporated by reference. The proposed changes would require licensees applying for inactive status to not be engaged in any activity where an active license is required. Applicants for inactive status would also have to check a box and certify that they have read a notice informing them of: (1) what they cannot do as an inactive licensee pursuant to BPC section 702, (2) the requirements in BPC section 703 for an inactive licensee to renew their license and pay the renewal fee without the need to comply with any continuing education requirements, (3) that prior to reactivating a license the inactive licensee would be required to complete continuing education as specified, and (4) that per BPC section 1718.3 a license not renewed for 5 years from the license expiration date cannot be renewed, restored, reinstated, or reissued.

## **2. Problem Being Addressed:**

The Board has received complaints and inquiries from licensees and consumers concerning the requirements for requesting a replacement or duplicate wall certificate due to loss, theft, mutilation, or destruction, or a licensee’s name change. There currently is no form adopted by the Board for processing these requests and for collecting the information needed to accurately verify the identity of the applicant or for the need for a substitute or replacement pocket license or permit, or wall certificate. To address these concerns, this proposal would adopt such a form (LIC-9) at CCR Section 1012, add a new title, and specify those requirements.

CCR Section 1012 would be retitled “Replacement Licenses or Permits” to more accurately cover the total licensing population eligible to apply for replacements. The proposed changes include requiring a completed application on the form “Declaration and Request for Replacement Pocket License or Certificate” LIC-9 (New 05/2023), which would be incorporated by reference and replace the current requirement of an affidavit or declaration with satisfactory evidence. The form would require a certification under penalty of perjury. The proposed changes would also remove the fingerprint requirement for licensed dentists.

The “Declaration and Request for Replacement Pocket License Or Certificate” LIC-9 (New 05/2023) form incorporated by reference requests the following information from applicants:

- Identifying information (full legal name, mailing address, date of birth, email address (if any) and telephone number)

- License information (type, number, date original was issued, name it was originally issued under if seeking replacement with new name)
- Replacement sought (wall certificate or pocket license)
- Reason for replacement
- Certification under penalty of perjury that all provided information is accurate and that the applicant is the person named on the license or permit.

The current process for obtaining a replacement license requires dental licensees to submit fingerprints. The Board has determined that requiring licensees to submit to fingerprints every time they need a replacement wall certificate creates unnecessary barriers to licensees as well as an increased staff workload for drafting deficiency notices and responding to questions and complaints regarding the process. This is particularly true of licensees residing out-of-state who do not have access to Live Scan locations, as the process of getting hard cards approved by the Department of Justice (DOJ) can take a month or longer if the fingerprints are rejected due to readability issues. Board staff believe removing the fingerprint requirement will streamline the process for licensees and reduce workload for staff related to handling questions and complaints about the process and are not necessary since all active licensees are already required to have fingerprints on file with the Board when first licensed in accordance with Business and Professions Code section 144.

The Board proposes amending CCR Section 1021(i) to change the fee for a Substitute Certificate from \$50 to \$111. This fee change, the first for this service since 2006, would reflect the workload, postage and printing costs associated with issuing replacement certificates or wall licenses (even with the elimination of the fingerprint requirement). The Board also proposes adding the words “or Pocket License” to reflect that the request could be for a replacement wall certificate or a pocket license.

The current process for changing a license status from active to inactive, or to reactivate an inactive license, has prompted many questions from licensees about the specific requirements for obtaining and maintaining an inactive license or for reactivating an inactive license.

The Board proposes amending CCR Section 1017.2 to provide additional clarity to the procedures for changing a license status from active to inactive, and for reactivating an inactive license. The proposed changes include replacing the current “Application to Inactivate/Activate License,” LIC-6 (New 12/09) form, incorporated by reference, with a new “Application to Activate/Inactivate License,” LIC-6 (New 5/2023), which would be incorporated by reference. The new form provides additional information on the requirements for reactivating an inactive license, as well as the obligations of a licensee on inactive status.

The proposed amendments would also provide notice of, and limit applicants for inactive status to licensees who are not currently engaged in any activity for which an active license is required, which is a statutorily mandated requirement for the holder of an inactive license (BPC section 702). The amendments would require licensees seeking to reactivate their inactive license to certify under penalty of perjury that they have completed the necessary continuing education courses rather than provide evidence of completion as is currently required by the existing form LIC-6 (New 12/09).

The new “Application to Activate/Inactivate License,” LIC-6 (New 5/2023) form requests the following information from applicants:

- Identifying information (name, license type and number, email address (if any), date of birth and mailing address)
- Status sought (Active or Inactive)
- Certification that the applicant has (if seeking active status) completed at least the minimum continuing education requirements described on the form, or (if seeking inactive status) that they have read the notice outlining the obligations of an inactive licensee under Business and Professions Code sections 702 and 703, the continuing education requirements for reactivating a license, and the inability to renew, restore, reinstate or reissue a license that hasn’t been renewed for five years from its expiration date.
- Signature and Certification under penalty of perjury that all information provided on the application is true and correct and that they are they are the person named on the form.

### **3. Anticipated Benefits of the Regulations**

The proposed changes to the regulations for obtaining a replacement license or certificate (Section 1012) would clarify the requirements for licensees and eliminate an unnecessary requirement. The proposed form to be incorporated by reference, “Declaration and Request for Replacement Pocket License or Certificate” would collect all the information necessary to verify an applicant’s identity, license status, and need for a replacement pocket license or wall certificate. Including pocket licenses along with wall certificates in this replacement process addresses a need for replacement pocket licenses expressed by licensees. Eliminating the fingerprint requirement for dental licensees seeking a replacement license or certificate removes an unnecessary requirement and reduces the burden on applicants and Board staff. The proposed fee increase for a replacement pocket license or wall certificate (Section 1021) would accurately capture the workload and other costs associated with processing replacement requests under this proposal.

The proposed changes to the regulations for changing a license to inactive status or reactivating an inactive license (Section 1017.2) would clarify the requirements for those seeking either inactive or active license status and reduce the compliance burden around

continuing education requirements. The new “Application to Activate/Inactivate License,” LIC-6 (New 5/2023) outlines the obligations for inactive licensees, the continuing education requirements for activating an inactive license, and the consequences of not renewing a license. Having this information on the form is expected to reduce questions and therefore save applicant and Board staff time and resources in processing these types of applications.

The proposed changes would also require applicants seeking to reactivate their license to certify, under penalty of perjury, that they have completed the necessary continuing education credits (50 credit hours for dentist licensees and 25 credit hours for registered dental assistant and registered dental assistant in extended function licensees and for orthodontic assistant and dental sedation assistant permit holders) instead of supplying documentary evidence of completion. This eases the application workloads for both the applicant and Board staff processing it while retaining requirements for proof of maintaining continuing professional education for the protection of the public. Compliance with the continuing education requirements would be handled through audits, consistent with what is currently done for other categories of licensure.

### **Specific Purpose of, and Factual Basis/Rationale for each adoption**

The Board proposes to:

- **Amend Section 1012, and by removing the words “Lost, Destroyed or Mutilated” and adding the new title “Replacement Licenses or Permits” in Article 3 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations**

This is necessary for user comprehension and to help ensure that applicants easily find pertinent information related to this subject matter.

- **Add a new subsection (a) in Section 1012 – Application requirements.**

Existing regulation specifies that a licensee shall be issued a substitute license upon “request therefor”. Existing regulation also states that such requests shall be accompanied by an affidavit or declaration containing unspecified “satisfactory evidence” of the loss or destruction of his license certificate. However, those provisions do not specify how or in what form the affidavit or declaration must be submitted, specify the satisfactory evidence that must be submitted for a licensee’s application to be accepted, address permitholder requirements, or address all circumstances where a replacement license might need to be obtained. This has resulted in confusion and questions from licensees and staff regarding the process and “satisfactory evidence” needed to obtain a replacement pocket license or permit or wall certificate.

To resolve these ambiguities, this proposal would repeal existing text in this section and adopt new text to specify the conditions under which a pocket license or permit or wall certificate could be replaced (loss, theft, mutilation, or destruction, or a name change), the format for such a submission (a completed application LIC-9), the necessary proof (certification) needed to process such a request, and the required fee (as specified in CCR Section 1021). The proposal includes specifying the new “Declaration and Request for Replacement Pocket License or Certificate,” LIC-9 (New 05/2023) form, which is incorporated by reference, and specifying that the application must be accompanied by the nonrefundable specified fee in Section 1021. In recognition of the fact that the Board issues licenses as well as permits, the proposal would also authorize requests for replacements to be filed for both licenses and permits (e.g., Dentist licensees and permitholders for elective facial cosmetic surgery per BPC sections 1626 and 1638.1.).

To avoid fraud in the obtaining of indicia of licensure, the Board requires that an applicant provide satisfactory evidence of the need for a replacement of a pocket license or permit, or wall certificate in the form of a completed application requesting the need for a substitute, which includes a certification as to a factual basis for the need for the replacement. In the Board’s experience, such acceptable factual bases include loss, theft, mutilation, or destruction of their pocket license or wall certificate, or a name change (per CCR section 1013). To ensure all information is provided in one convenient location the Board provides a form to process the request and submit the necessary certification and fees as authorized by BPC section 1724, subdivision (i).

- **CCR Section 1012(a) Incorporates the form “Declaration and Request for Replacement Pocket License or Certificate,” LIC-9 (New 05/2023) by reference.**

To ensure that the Board can accurately process the application, the form directs users to “please type or print legibly.” The form also requests the following information from applicants:

- Identifying information (full legal name, license/permit type, name license was issued under (if seeking replacement due to name change), date original license/permit was issued (MM, DD, YR), mailing address, date of birth, email address (if any) and telephone number)
- License information (type, number, date original was issued, name it was originally issued under if seeking replacement with new name)
- Replacement sought (wall certificate or pocket license)
- Reason for replacement
- Certification under penalty of perjury that all provided information is accurate and that the applicant is the person named on the license or permit.

Form and Personally Identifying Information: Incorporating this form makes it easier for applicants to find all Board requirements, and submit the necessary information. Collecting personal identifying information is necessary to ensure accuracy in the processing of the application, to allow the Board to verify the license status in the Board’s records (whether

the license or permit is current and active and issued in the name requested on the application) and enable the Board to communicate more efficiently with the applicant.

Box for Type of Replacement Requested: To ensure that the Board receives accurate information about the types of replacements requested and that applicants are aware of the applicable fee required to process the request (\$111 in accordance with CCR section 1021), the Board requires applicants to check “Request for Replacement of: (check appropriate box)” section to this form.

Box for Reason for Replacement: To ensure that applicants provide an acceptable factual basis (as explained above) for the need for a substitute pocket license or wall certificate, and certify to the existence of that fact, the Board requires applicants to provide a statement requesting replacement of the of their wall certificate or pocket license for any of the reasons checked in this section including, lost/original not received (so that it is understood that “lost” also means “not received”), stolen, mutilated/destroyed, or “my name changed.”

This section further specifies and directs the Board to “please issue me a replacement pocket license or wall certificate, as requested above, in the name listed in Box 1 of this form. This is to ensure that applicants and staff understand that the replacement license will be issued in the new name as set forth in Box 1 of this application.

Certification: The application would require applicants to sign, date and certify under penalty of perjury that the information on the application is true and correct and that they are the person named on the license or permit stated above. The Board relies upon applicants’ self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the form are accurate, truthful and made in good faith and that a replacement pocket license or wall certificate is not fraudulently or inadvertently issued to a person not authorized to receive it.

In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. [“The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true.” *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

Information Collection and Access section: The form includes the required notices and disclosures to the applicant for the Board’s collection of personal information in compliance with Civil Code section 1798.17.

- **Add a new subsection (b) in Section 1012 – Replacement Issuance.**

This proposal would add a new subdivision (b) to specify that a licensee or permit holder shall be issued a substitute pocket license or wall certificate upon meeting the requirements of this section. These changes are necessary to accurately describe who would qualify to request a replacement license and the standards they would need to meet to be issued a replacement. This proposal would also strike an unclear reference to a licensed dentist submitting fingerprints “on forms provided by the board.” Separating this language from the previous subsection that focuses on the application process provides notice and clarity that a licensee shall be issued the requested replacement pocket license or wall certificate on meeting the requirements of this Section.

In addition, the Board has determined that requiring licensees to submit to fingerprints every time they need a replacement pocket license or wall certificate creates unnecessary barriers to licensees as well as an increased staff workload for drafting deficiency notices and responding to questions and complaints regarding the process. This is particularly true of licensees residing out-of-state who do not have access to Live Scan locations, as the process of getting hard cards approved by the Department of Justice (DOJ) can take a month or longer if the fingerprints are rejected due to readability issues. Board staff believe removing the fingerprint requirement will streamline the process for licensees and reduce workload for staff related to handling questions and complaints about the process and are not necessary since all active licensees are already required to have fingerprints on file with the Board when first licensed in accordance with BPC section 144.

- **Amend Section 1017.2 “Inactive Licenses” in Article 4 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations**

- **Amend subsection (a) - Seeking Inactive License Status**

The proposed amendments to this subsection include the requirement in BPC section 702, requiring applicants for inactive status to not be involved in any that would require an active license. This change would give notice and establish as eligibility criteria that a licensee must not be actively engaged in any practice to qualify for the issuance of an inactive license. This would also prevent probationers and others in active practice from avoiding compliance with continuing education requirements by switching to inactive status.

The proposed amendments also repeal the current form adopted “New 12/09”) and would adopt a new application form “Application to Activate/Inactivate License,” LIC-6 (New 5/2023), which is incorporated by reference.



- **Repeal of Current Form LIC-6 (New 12/09)**

The Board proposes to repeal this form as it currently does not meet the needs of applicants and has created backlogs due to various issues with clarity and the burden of proof needed to complete an application, as explained below. The current form requires an applicant to activate or inactivate a license to provide the following information:

- (a) Personally identifying information (Name, Address, Birth date and License Number). This information does not specify that a “mailing” address is preferred to ensure that applicants receive Board communications regarding this application at a location where mail delivery is accepted.
  
- (b) An applicant checks a box if they wish to inactivate and essentially certify that: “I understand that I must continue to pay the board the required biennial license renewal fee; however I need not comply with the continuing education requirement. Prior to reactivating my license, I will complete the required continuing education.” In the Board’s experience, these statements do not ensure that applicants understand their responsibilities since the required “annual license fee” and “continuing education requirement” are not specified on the current form, resulting in licensee confusion and additional staff time in responding to questions about these requirements.
  
- (c) An applicant checks a box if they wish to activate their license. The licensee is then essentially required to certify and provide the date they inactivated their license and attach “evidence” that they have completed the required number of approved continuing education courses within the last 2 years preceding the application, as required by the Dental Practice Act. These statements do not ensure that applicants understand their responsibilities since the required “evidence” and “number of approved continuing education courses” are not specified on the current form (particularly by type of licensee, e.g. dentist v. dental auxiliary which have differing CE requirements), resulting in licensee confusion and additional staff time in responding to questions from applicants about these requirements. Staff have advised of backlog issues with the Board’s current procedure for processing Inactive/Active applications (LIC-6) and questions regarding the specific requirements for evidence, with application processing delays occurring due to applicants failing to submit certificates of completion showing proof of meeting the continuing education requirements of the Act. The Board believes the foregoing issues would be addressed through adoption of a new form as specified below.

- **Adopt New Form LIC-6 (New 5/2023)—Application to Activate/Inactivate License**

The Board proposes to adopt this new form to specify, in one convenient location, the Board’s requirements for inactivating or activating a license. The Board has no requirement for payment of a fee to process this application as it is currently without authority to charge for processing this application (other than the renewal fee (as specified in CCR section 1021) as part of regular renewal requirements).

To ensure that the Board can accurately process the application, the form directs users to “please type or print legibly.” The form collects the following personally identifying information: full legal name of the licensee, license type, email address (if any making this only an option for communicating with the Board), date of birth, and mailing address. Collecting personal identifying information is necessary to ensure accuracy in the processing of the application, to allow the Board to verify the license status in the Board’s records and enable the Board to communicate more efficiently with the applicant.

The form also provides applicants additional information regarding the obligations of inactive licensees under the law (see BPC sections 702 and 703), the process for reactivating a license consistent with BPC section 704 (which requires payment of the renewal fee and completion of CE, if required by the Board, that is equivalent to that required for a single license renewal period to reactivate a license) and Board regulations and a reminder that a license that hasn’t been renewed for five years following the expiration date cannot be renewed, restored, reinstated or reissued in accordance with BPC section 1718.3.

Requirements for “activation” of license: To help ensure accuracy in processing these applications and to provide better notice of the requirements for obtaining and maintain this type of license, the Board requires applicants to check a box indicating their wish to “activate” their license and certify compliance with CE. The Board believes that requiring continuing education for restoration helps ensure continuing competency and understanding of current developments in the practice of dentistry for the protection of the public.

Current regulations at CCR sections 1016, 1017, and 1066 specify the continuing education requirements for dentists (50 total hours with some dedicated CE required) for a single renewal period while CCR sections 1016, 1016.2 and 1017 specify the continuing education requirements for dental auxiliaries regulated by this Board (RDA, RDAEF, DSA, and OA – 25 units with some dedicated CE required). This proposal would restate those requirements with the corresponding regulatory sections that mandate this CE cited by subject matter (e.g., “a Course in Infection Control (2 units)” for easier comprehension and better notice to applicants, and then require certification by the applicant to completion of those requirements as a condition of restoring the license to active status.

The proposed amendments would remove the current requirement that applicants provide physical “evidence” of completing the required continuing education requirements and replace it with a requirement to certify, under penalty of perjury, that applicants have completed those listed continuing education requirements. This change would reduce the burden on both applicants and Board staff in submitting and processing applications while enabling the Board to still use the declaration as “evidence” and deny or take appropriate enforcement action in cases where the statements are untrue or incorrect (e.g., BPC section 480(e) (grounds for denial for knowing false statement), BPC section 704(b) (requirement that applicant for reactivating license complies with CE requirements), or CCR section 1023 (citation and fine for violation of any regulation)).

Requirements for “inactivation” of license:

To help ensure accuracy in processing these applications and to provide better notice of the requirements for obtaining and maintain this type of license, the Board requires applicants to check a box indicating their wish to “inactivate” their license and state that they are not currently engaged in any activity for which an active license is required from the Board under the provisions of the Act consistent with the requirement in BPC section 702(a) and CCR section 1017.2(a). This eligibility requirement needs to be on the application since it would be impossible for the Board to ever know at any other point in time whether someone was actively practicing and therefore not eligible to receive the license. However, this proposal would make it a specific eligibility requirement in the text and replicate that notice on the form to help ensure applicants have a greater understanding of this requirement, resulting in less applications being denied on eligibility grounds.

To provide greater notice, increase compliance with the laws and regulations related to inactive licenses and the process for activating a license, and to address questions commonly directed to the Board’s staff, the Board requires applicants to check another box indicating they have read a notice containing the following:

- (1) a restatement of the law at BPC section 702 prohibiting inactive licensees from engaging in active license activity or representing they have an active license,
- (2) a restatement of the law at BPC section 703 that a holder of an active license must renew their license and pay the biennial renewal fee as set forth in CCR section 1021 but need not comply with continuing education (CE) requirements,
- (3) .a statement indicating that prior to reactivating their license they will be required to complete CE equivalent to that required for a single license renewal period as set forth in this section above for activating a license; and,

(4) that a license not renewed for 5 years from the license expiration date cannot be renewed, restored, reinstated, or reissued per BPC section 1718.3

Certification: The application would require applicants to sign, date and certify under penalty of perjury that the information on the application is true and correct and that they are the person named on the form. The Board relies upon applicants' self-reported information in evaluating applications or other forms submitted for processing by the Board. This requirement helps ensure that the representations on the form are accurate, truthful and made in good faith and that the status change is being requested by the individual named on the license, since licenses are personal and any changes must be made by the licensee and not by any other person. (The general rule is that licenses are personal and therefore may not be transferred to any other person unless expressly authorized by law (see, e.g., *Teachout v. Bogy* (1917) 175 Cal. 481, 485). California Code of Civil Procedure section 2015.5 also sets forth the requirements for a legally acceptable certification or declaration in this State. One of the requirements for a certification or declaration to be valid is that it be "subscribed by him or her."

In addition, the certification under penalty of perjury helps ensure the reliability of the statements to the Board (since certifying under penalty of perjury can have a deterrent effect on those who may be considering not providing true, accurate or complete information), and provides the Board with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete or accurate. ["The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1223 [holding modified by *Laborde v. Aronson* (2001) 92 Cal.App.4th 459.]

Information Collection and Access section: The form includes the required notices and disclosures to the applicant for the Board's collection of personal information in compliance with Civil Code section 1798.17.

- **Amend subsection (b) - Seeking Active License Status**

As explained in the previous section above, the proposed amendments to this subsection would change the required application form for activating a license to the new "Application to Activate/Inactivate License," LIC-6 (New 5/2023), which is incorporated by reference. The new form provides additional clarity about the obligations of inactive licensees who wish to reinstate their licenses to active status (referred to as "activate" a license for easier comprehension) as described above. The proposed amendments also remove the requirement that applicants provide evidence of completing the required continuing education requirements and replace it with a requirement to certify, under penalty of perjury, that applicants have completed the required continuing education requirements. This change would reduce the burden on both applicants and Board staff in submitting and processing applications. The prior requirement to report date of placement

in inactive status as a condition of restoring a license to active status was not readopted here since it is considered unnecessary; the Board currently is able to check license status in its official records.

- **Amend subsection (c) – Renewal Fee**

This proposed amendment to this subsection would specify that the required renewal fee for inactive licenses can be found in section 1021 of the regulations. This change provides additional clarity to applicants and notice to applicants of the specific fee required to be paid as a condition of maintaining an inactive license. This change also makes clear that the fee is consistent with the requirement in BPC section 703(b) that the renewal fee for active licenses also applies to inactive license status (i.e., the Board charges the same fee for both types of renewals).

- **Amend subsection (d) – Board Response**

The proposed amendment to this subsection would make a non-substantive change, replacing “his/her” with “their.” This pronoun change is consistent with the preference for gender neutral language in legislation and regulation.

- **Amend Section 1021 “Examination, Permit and License Fees for Dentists” in Article 6 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations.**

The proposed changes would add the words “or Pocket License” to the title in current subsection (i) of this section and update the fee for replacing a pocket license or wall certificate from \$50 to \$111. This increase would reflect the workload and other costs associated with processing applications for and issuing replacement licenses and certificates. See workload cost calculations showing each task associated with processing the application and generating the replacement license or wall certificate in the meeting materials in the Underlying data and below. These fees are necessary for the Board to implement its responsibilities for licensing only qualified applicants as prescribed by the Act and accompanying regulation, and to recover its actual costs of processing these applications and providing a replacement license or wall certificate.

### **Underlying Data**

1. Agenda, Relevant Meeting Materials and Draft Minutes from the Board’s May 18-19, 2023 Board Meeting
2. Application forms (LIC-6 & LIC9) workload analysis

## **Fiscal Impact Estimates**

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

The proposed regulations are anticipated to result in a fiscal impact to the state.

The Board estimates one-time workload and costs of approximately \$600 to update and post the replacement application form and the inactive/active application form on the Board's website. Any workload and costs are anticipated to be absorbed within existing resources.

The Board indicates because the replacement and inactive/active applications are currently being processed no additional workload or costs are being reported.

Under this proposal, the license/certificate replacement fee will increase by \$61 from \$50 to \$111. The Board estimates approximately 665 replacement applications are processed annually, which would result in increased revenues of \$40,565 per year and up to \$405,650 over a ten-year period.

The Board notes, fees are not assessed to process the inactive/active applications and no fee revenues are collected.

The Board further notes, this proposal eliminates the fingerprint requirement for replacement applications. The Board estimates a decrease in the Department of Justice's annual revenues of \$21,280 (\$32 per fingerprint) and up to \$212,800 over a ten-year period.

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

### **Business Impact:**

The Board has made the initial determination that the proposed regulations would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts.

The proposed regulations revise the current process and fees for licensees to obtain a replacement license/certificate and do not adversely impact licensees operating in the state.

Individuals seeking a replacement pocket license or wall certificate will no longer be required to submit a fingerprint background check with their applications. As a result, these licensees will save approximately \$75 per application.

However, the businesses providing fingerprint services will have reduced revenues. These businesses typically retain \$26 per fingerprint check. As a result, these businesses are projected to incur reduced revenues of \$17,290 per year and up to \$172,900 over a ten-year period.

### **Economic Impact Assessment:**

This proposal increases the replacement wall certificate and pocket license fees by \$61 from \$50 to \$111, which will result in increased costs for 665 individuals of \$40,565 per year and up to \$405,650 over a ten-year period.

There is no fee for the application for inactive status or to change from inactive to active status, and no fee is proposed in this rulemaking.

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

It will neither create nor eliminate jobs within the State of California because the proposed regulations would update currently existing procedures for seeking a replacement license or certificate with a nominal fee increase of \$61 and update processes for changing a license status to inactive/active.

It will neither create new business or eliminate existing businesses currently doing business within the State of California because the proposed regulations would update currently existing procedures for seeking a replacement license or certificate with a nominal fee increase of \$61 and update processes for changing a license status to inactive/active.

It will not affect the expansion of businesses currently doing business within the State of California because the proposed regulations are focused on easing the evidentiary burden of qualified applicants seeking a replacement license or certificate with a nominal fee increase of \$61 and making it easier to understand the requirements for changing a license status to inactive/active.

This regulatory proposal benefits the health and welfare of California residents because including pocket licenses along with wall certificates in this replacement process addresses a need for replacement pocket licenses expressed by licensees. Eliminating the fingerprint requirement for dental licensees seeking a replacement license or certificate removes the requirement and simplifies the application process.

The proposed changes to the regulations for changing a license to inactive/active status (Section 1017.2) would clarify the requirements for those seeking either inactive or active

license status, reduce the compliance burden around continuing education requirements, and providing evidence of completion. Having this information on the new LIC-6 form is intended to aid in the application process.

This regulatory proposal does not affect worker safety because it does not involve worker safety.

This regulatory proposal will have no impact on the state's environment because it is not relevant 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.