



**Dental Hygiene Board of California  
California Department of Consumer Affairs**

**INITIAL STATEMENT OF REASONS**

**Hearing Date:** No hearing has been scheduled.

**Subject Matter of Proposed Regulations:** Requirements for RDH Educational Programs

**Sections Affected:** Section 1105 of Title 16 California Code of Regulations (CCR)

**Introduction/Background:**

The Dental Hygiene Board of California (Board) is charged with oversight of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board carries out its regulatory authority through enforcement of statutory provisions of the Dental Practice Act, Business and Professions Code (BPC) sections 1900 through 1967.4, and Title 16 of the CCR.

**Specific Purpose of Each Adoption, Amendment, or Repeal:**

**1. Problem Being Addressed:**

This proposal has four purposes:

- First, the Board has been apprised by stakeholders that the current regulatory language regarding requirements for RDH educational programs should be updated to reflect current educational terminology as well as to reflect prerequisite courses currently available to an applicant for admission to an RDH educational program as well.
- Second, effective January 1, 2019, Senate Bill 1482 (Hill, Chapter 858, Statutes of 2018) (SB 1482) changed the Dental Hygiene Committee of California (DHCC) to the Dental Hygiene Board of California (DHBC). As a result of this statutory change from a "Committee," to a "Board," amendments are needed to section 1107 to update the language in the regulation from "Committee" to "Dental Hygiene Board."
- Third, adding explanations to references and renumbering the regulation to include amendments within the regulation is necessary to enhance readability of

the regulation.

- Fourth, the Board determined that if a state of emergency is declared by the Governor, the Board proposes to amend the regulation to allow an educational program to accept prerequisite biomedical science coursework utilizing educational institution-approved alternative coursework completed during the period of the state of emergency.

At the Board's November 23, 2019 meeting, the first three aspects of the proposal were presented to the Board for its review and was approved. However, in response to challenges encountered by Dental Hygiene (DH) educational programs during the Coronavirus pandemic (COVID-19), the Board held a full Board WebEx teleconference meeting on August 29, 2020, approving the additional language (as described in the fourth bullet) and delegated authority to the Board's executive officer to make any technical, non-substantive changes, if necessary.

## **2. Anticipated Benefit(s) from this Regulatory Action:**

The anticipated benefits of the proposed amendments to section 1105 would accomplish the following:

- First, by clarifying the prerequisite course requirements for admission to an RDH educational program, the reader is advised of current acceptable courses for acceptance into an RDH educational program.
- Second, by updating the regulation to be consistent with current educational terminology, the amendments will enhance clarity for the reader who may not be aware of the amended, outdated terms.
- Third, by clarifying the requirements for supervising dentists within RDH educational programs, it will enhance public safety by directing that only qualified dentists are hired as faculty for RDH educational programs.
- Fourth, adding explanations to references within the regulation will enhance clarity for the reader.
- Fifth, by allowing approved alternative coursework for prerequisite biomedical science coursework necessary for acceptance into DH educational programs, the Board will eliminate an unnecessary barrier to education and licensure.
- Sixth, by replacing the term "Committee" with "Board" will clarify that the Board is now the Dental Hygiene Board of California as a result of SB 1482.

### **Factual Basis and Rationale:**

#### **Section 1105**

The Board proposes to replace "Committee" with "Dental Hygiene Board" to clarify the reference to the Board for consistency with SB 1482.

## **Subdivision (b)(5)**

The proposed amendment to subdivision (b)(5) adds “in any jurisdiction to practice dentistry.” This amendment will require that instruction involving procedures involving direct supervision must be supervised by a faculty dentist who possesses a California license or a special permit in any jurisdiction to practice dentistry with no disciplinary actions. The Board determined this addition was necessary because an educator of future dental hygiene professionals should be held to a higher standard than the general profession population. Discipline in any jurisdiction is relevant to faculty qualifications.

## **Newly re-numbered subdivisions (f)(1)(B)(i) and (ii)**

First, the Board proposes to separate the prerequisite course requirements for “Oral and Written Communication” into two separate course requirements of “Oral Communication” in subdivision (f)(1)(B)(i) and “Written Communication” in subdivision (f)(1)(B)(ii) for clarity. A prerequisite course teaching both oral and written communication is typically not available as a combined course but as two separate and distinct courses. Therefore, the Board proposes to separate the requirement into two distinct requirements to be consistent with typically available college courses. This will necessitate the re-numbering of the subdivision and re-number Psychology as (iii) and Sociology as (iv).

Second, Assembly Bill (AB) 705 (Irwin, Seymour-Campbell, Chapter 745, Statutes of 2017) requires community college districts or colleges to maximize the probability that the student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe, and use the ability to use AP exam score exemptions in the placement of students into English and mathematics courses in order to achieve this goal. Therefore, the Board proposes to add an asterisk (\*) to “Written Communication” and state at the asterisk that “Advanced (AP) Exam Score exemption may be accepted in lieu of this course,” as educational stakeholders advised the Board that many colleges now accept an “Advanced Placement (AP) Exam Score Exemption” in lieu of a course in written communication. If the Board does not recognize this exemption, students applying for entrance to an RDH educational program would have to unnecessarily repeat their coursework in written communication. This proposed amendment is necessary to avoid placing a barrier to education by having a student repeat unnecessary coursework.

## **Newly re-numbered subdivision (f)(1)(B)(v)**

The Board adds an asterisk in front of newly re-numbered (f)(1)(B)(v). AB 705 requires community college districts or colleges to maximize the probability that the student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe, and use the ability to use AP exam score exemptions in the placement of students into English and mathematics courses in order to achieve this goal. Therefore, the Board proposes to add an asterisk (\*) to “Mathematics” because educational stakeholders advised the Board that many colleges now accept an

“Advanced Placement (AP) Exam Score Exemption” in lieu of a course in mathematics. If the Board does not recognize this exemption, students applying for entrance to an RDH educational program would have to unnecessarily repeat their coursework in mathematics. This proposed amendment is necessary to avoid placing a barrier to education by having a student repeat unnecessary coursework.

### **Newly re-numbered subdivision (f)(1)(B)(vi) and (f)(1)(B)(vii)**

The Board proposes to change the designation for the course requirements of Cultural Diversity and Nutrition from a single asterisk (\*) to a double asterisk (\*\*), as well as repositioning and adding the additional asterisk (\*\*) to the description notation “This course is required prior to graduation and may be waived as an admission requirement if included within the dental hygiene program curriculum.” Due to the renumbering described above, the addition of a second asterisk is necessary for continuity and ease of reading to distinguish requirements as designated by the asterisks and description notations.

### **Subdivision (f)(1)(C)(iii)**

The Board proposes to add “Inorganic” before “Chemistry” because educational stakeholders have advised that most colleges delineate undergraduate chemistry courses into “Organic Chemistry” and “Inorganic Chemistry”. Therefore, the Board proposes to clarify their intention for the prerequisite course in “Chemistry” to be an “Inorganic Chemistry” course.

### **Subdivision (f)(1)(C)(iv)**

The Board proposes to add “or Organic Chemistry with Biochemistry” after “Biochemistry” to clarify that the required course may be a “Biochemistry” course or an “Organic Chemistry with Biochemistry” course. Educational stakeholders advised the Board that most colleges offer organic chemistry courses with a biochemistry component that is designed for pre-healthcare students, and that a sole “Biochemistry” course is not generally available as an undergraduate or community college course. Therefore, the Board proposes to clarify its intention to permit a course in “Biochemistry” or an “Organic Chemistry with Biochemistry” course as the intention of this subdivision. This change will allow students increased access to acceptable prerequisite courses.

### **Subdivision (f)(1)(D)**

The Board proposes to add that if a state of emergency is declared by the Governor, the regulation will allow an educational program to accept prerequisite biomedical science coursework utilizing educational institution-approved alternative instruction methods utilized during the period of the state of emergency. Alternative coursework methods would include online tutorials, webinars, or hybrid combination of online and in-person instruction with faculty to provide an appropriate substitution for traditional “wet lab” instruction. Due to the coronavirus (COVID-19) pandemic, educational opportunities for

prerequisite “wet lab” coursework were limited and, due to the lack of in-person education during COVID-19, this stagnated many students’ educational progression. The Board determined that it was necessary to add this provision in response to challenges experienced by dental hygiene educational programs (DHEPs) encountered during COVID-19 and approved this subdivision at the Board’s August 29, 2020, meeting<sup>1</sup>.

California secondary educational institutions are regulated by the Accrediting Commission for Community and Junior Colleges, the Accrediting Commission for Schools Western Association of Schools and Colleges (recognized by the Council for Higher Education Accreditation and the United States Department of Education), and the California Bureau for Private Postsecondary Education. These agencies assure that colleges and their approved coursework have clearly defined objectives appropriate to higher education and oversee established conditions under which achievement of the required goals of the coursework can reasonably be expected. Based on these agencies’ stringent oversight, the Board determined that these agencies will ensure educational institutions provide comparable and acceptable coursework during a state of emergency.

### **Subdivision (I)**

The Board proposes to delete “his or her” and add “their”, as well as “name and” to this subdivision to require that RDH programs maintain the names of individuals on file who are not employed by the RDH program but instructs or supervises students. The deletion of “his and her” and addition of “their” is necessary to be inclusive and utilize gender neutral language. The amendment of “name and” is necessary to have a complete record of individuals supervising students and interacting with patients to ensure public safety.

The Board also proposes to require that the individual who is not employed by the RDH program and instructs or teaches students “and they shall have twenty-four (24) months of experience providing direct patient care as a registered dental hygienist or dentist.” This amendment is necessary because 16 CCR section 1105.1(b)(1) requires clinical teaching faculty to have direct patient care experience within the previous five (5) years which can be met by two (2) years’ experience providing direct patient care as an RDH or dentist. Therefore, by extension, any person instructing or supervising in an RDH program shall have a minimum of twenty-four months of clinical practice experience. The Board determined this addition was necessary as an educator of future dental hygiene professionals should be held to a higher standard than the general profession population.

### **Underlying Data:**

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<sup>1</sup> In March of 2020, Governor Gavin Newsom issued Executive Order N-39-20, dated March 30, 2020 finding that under the provisions of Government Code section 8571 that “...strict compliance with various statutes and regulations would prevent, hinder, or delay appropriate actions to prevent or mitigate the effects of the COVID-19 pandemic.”

Technical, theoretical or empirical studies, reports, or documents relied upon (if any):

- Assembly Bill (AB) 705 (Irwin, Seymour-Campbell, Chapter 745, Statutes of 2017).
- Minutes: DHBC Education Subcommittee meeting, November 22, 2019.
- Minutes: DHBC Full Board meeting, November 23, 2019.
- Minutes: DHBC Full Board WebEx Teleconference Meeting, August 29, 2020.

**Business Impact:**

This regulation will not have any economic impact on businesses. The proposed amendments only clarify language in the regulations.

**Economic Impact Assessment:**

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the regulations are aimed at clarifying the prerequisite course requirements for admission to an RDH educational program, updating the regulation to be consistent with current educational terminology, clarifying the requirements and required experience for faculty within RDH educational programs, add clarifying explanations and agencies referenced within the regulation, and to renumber amendments for clarity within the regulation.
- It will not create new businesses or eliminate existing business within the State of California because the regulations are aimed clarifying the prerequisite course requirements for admission to an RDH educational program, updating the regulation to be consistent with current educational terminology, clarifying the requirements and required experience for faculty within RDH educational programs, add clarifying explanations and agencies referenced within the regulation, and to renumber amendments for clarity within the regulation.
- It will not affect the expansion of businesses currently doing business within the State of California because the regulations are aimed at clarifying the prerequisite course requirements for admission to an RDH educational program, updating the regulation to be consistent with current educational terminology, clarifying the requirements and required experience for faculty within RDH educational programs, add clarifying explanations and agencies referenced within the regulation, and to renumber amendments for clarity within the regulation.
- This regulatory proposal benefits the health and welfare of California residents because it would clarify the requirements and required experience for faculty overseeing student RDHs in RDH educational programs within the regulation, thereby ensuring that RDH educational programs provide appropriate supervision of students and adhere to educational standards.

- This regulatory proposal affects worker safety because it clarifies the requirements and required experience for faculty overseeing student RDHs in RDH educational programs within the regulation. By ensuring that RDH educational programs provide appropriate supervision of students and program processes (e.g. infection control processes, proper handling of needles, etc.) by experienced, licensed faculty over the novice RDH student within the RDH program, it will increase the safety for the RDH student as well as for other faculty and staff working with the RDH students.
- This regulatory proposal does not affect the state's environment because it does not involve environmental issues.

### **Specific Technologies or Equipment:**

This regulation does not mandate the use of specific technologies or equipment.

### **Consideration of Alternatives:**

The Board has initially determined that 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.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Do not amend the regulation: This option is not reasonable because as it stands, educators have come forward to request clarity within the regulation with regard to requirements for RDH educational programs. The Board is not aware of any opposition to the proposed amendments with regard to RDH educational program definitions.
2. Amend the regulation: The Board determined that this alternative is the most feasible because the regulation would clarify requirements for RDH educational programs within the regulation.