

**State of California
Office of Administrative Law**

In re:
Dental Hygiene Board of California

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 16, California Code of Regulations

OAL Matter Number: 2021-0610-01

Amend section: 1104

OAL Matter Type: Regular (S)

This action amends the requirement for educational programs to report certain information in advance of a site visit by an accrediting body.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2021.

Date: August 16, 2021



Eric Partington
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Anthony Lum, Executive Officer
Copy: Adina Pineschi-Petty

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

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|--|--|---|------------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- 2021-0104-01 | REGULATORY ACTION NUMBER 2021-0610-015 | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | | |
| OFFICE OF ADMINISTRATIVE LAW Electronic Submission RECEIVED DATE PUBLICATION DATE 1/4/2021 1/15/2021 | | OFFICE OF ADMIN. LAW 2021 JUN 10 AM10:51 | |
| NOTICE | | REGULATIONS | |
| AGENCY WITH RULEMAKING AUTHORITY Dental Hygiene Board of California - Department of Consumer Affairs | | | AGENCY FILE NUMBER (If any) |

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

AUG 16 2021

1:15 PM

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

| | | | | |
|--|--|---|---------------------------------------|--|
| 1. SUBJECT OF NOTICE Approval of New RDH Educational Programs... | | TITLE(S) 16 | FIRST SECTION AFFECTED 1104 | 2. REQUESTED PUBLICATION DATE 01-15-2021 |
| 3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON Adina Pineschi-Petty DDS | | TELEPHONE NUMBER (916) 576-5002 |
| OAL USE ONLY | | ACTION ON PROPOSED NOTICE | | NOTICE REGISTER NUMBER |
| | | <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

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|---|---|
| 1a. SUBJECT OF REGULATION(S) Approval of New RDH Educational Programs and Continuation of ... | 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 toxics related) | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT _____ AMEND Section 1104 REPEAL _____ |
| TITLE(S) 16 | |

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|---|---|---|---|
| 3. TYPE OF FILING | | | |
| <input checked="" 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(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Resubmittal 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, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) Kimberly Kirchmeyer, Director, California Department of Consumer Affairs

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| 7. CONTACT PERSON Adina A. Pineschi-Petty DDS | TELEPHONE NUMBER (916) 576-5002 | FAX NUMBER (Optional) (916) 263-2688 | E-MAIL ADDRESS (Optional) adina.petty@dca.ca.gov |
|---|---|--|--|

8. 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.

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|--|-----------------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>apl</i> | DATE May 10, 2021 |
| TYPED NAME AND TITLE OF SIGNATORY Anthony Lum, Executive Officer, Dental Hygiene Board of California | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 16 2021

Office of Administrative Law

**TITLE 16. DENTAL HYGIENE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
PROPOSED LANGUAGE**

(APPROVED BY BOARD MAY 29, 2020)

§ 1104. Approval of New RDH Educational Programs and Continuation of Approval for Approved RDH Educational Programs.

- (a) A new educational program shall obtain ~~Committee~~ Dental Hygiene Board approval prior to admission of students.
- (b) The ~~Committee~~ Dental Hygiene Board shall review the approval of all approved educational programs in accordance with accreditation renewal standards set by the Commission on Dental Accreditation of the American Dental Association (CODA), or an equivalent accrediting body, as determined by the ~~Committee~~ Dental Hygiene Board. In the event that an equivalent body has not been established by the ~~Committee~~ Dental Hygiene Board, the standards shall be set by CODA.
- (1) All educational programs accredited by CODA, or an equivalent accrediting body, as determined by the ~~Committee~~ Dental Hygiene Board, shall submit to the ~~Committee~~ Dental Hygiene Board after each accreditation site visit an electronic copy of the Self-Study Report prepared for in accordance with the requirements specified in CODA's "Self-Study Guide for the Evaluation of a Dental Hygiene Education Program" (As Last Revised: January 1, 2016), CODA (<https://www.ada.org/en/coda>), or the equivalent accrediting body, as determined by the Dental Hygiene Board, which is hereby incorporated by reference, and a copy of the final report of the findings within thirty (30) days of the final report issuance.
- (2) If the educational program is granted CODA's, or an equivalent accrediting body's, as determined by the ~~Committee~~ Dental Hygiene Board, status of "Approval with Reporting Requirements", the program shall submit to the ~~Committee~~ Dental Hygiene Board copies of any and all correspondence received from or submitted to CODA, or an equivalent accrediting body, as determined by the ~~Committee~~ Dental Hygiene Board, until such time as the status of "Approval without Reporting Requirements" is granted.
- (3) If the educational program is granted CODA's, or an equivalent accrediting body's, as determined by the ~~Committee~~ Dental Hygiene Board, status of "Approval with Reporting Requirements with Intent to Withdraw", the program shall notify the ~~Committee~~ Dental Hygiene Board within ten (10) days, and the

~~Committee-Dental Hygiene Board~~ shall withdraw approval until such time as the status of "Approval without Reporting Requirements" is granted. Students enrolled in a program where approval has been withdrawn will not be considered graduates of an approved program and shall be ineligible for licensure. The program shall notify the students of the withdrawal of approval and the potential for ineligibility for licensure on the basis of not having graduated from an approved program. The program shall copy the ~~Committee-Dental Hygiene Board~~ on the notification to students and any correspondence submitted to CODA, or an equivalent accrediting body, as determined by the ~~Committee-Dental Hygiene Board~~, regarding accreditation status.

- (4) If the educational program is withdrawn from accredited status by CODA, or an equivalent accrediting body, as determined by the ~~Committee-Dental Hygiene Board~~, the program shall notify the ~~Committee-Dental Hygiene Board~~ in writing of such status within 10 days and the ~~Committee-Dental Hygiene Board~~ shall withdraw approval. The program shall submit copies of any and all correspondence received from or submitted to CODA, or an equivalent accrediting body, as determined by the ~~Committee-Dental Hygiene Board~~. Students enrolled in a program where accreditation has been withdrawn will not be considered graduates of an accredited program and shall be ineligible for licensure.
 - (5) Continuation of approval of all educational programs shall be contingent upon compliance with the requirements described in this Article. Written notification of continuation of approval shall be provided.
- (c) All ~~Committee-approved-Dental Hygiene Board-approved~~ programs shall maintain current accreditation by CODA, or an equivalent accrediting body, as determined by the ~~Committee-Dental Hygiene Board~~.
 - (d) All ~~Committee-approved-Dental Hygiene Board-approved~~ sponsoring and affiliated institutions shall maintain current institutional accreditation pursuant to Business and Professions Code section 1941(c).
 - (e) A material misrepresentation of fact by a new educational program or an approved educational program in any information required to be submitted to the ~~Committee-Dental Hygiene Board~~ is grounds for denial of approval or revocation of the program's approval.

Note: Authority cited: Sections 1905 and 1906, Business and Professions Code.
Reference: Sections 1905 and 1941, Business and Professions Code.