

**State of California
Office of Administrative Law**

In re:
Dental Hygiene Board of California

Regulatory Action:
Title 16, California Code of Regulations

Adopt sections:
Amend sections: 1103
Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

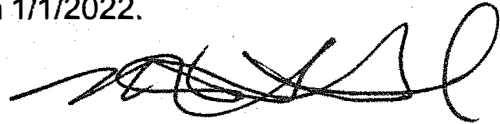
OAL Matter Number: 2021-0802-03

OAL Matter Type: Regular (S)

In this rulemaking action, the Board amends its regulation to change the definitions of "approved accreditation standards," "clinical instruction," "clinical practice," "dental hygiene process of care," "laboratory instruction," and "preclinical instruction."

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2022.

Date: November 1, 2021



**Thanh Huynh
Senior Attorney**

**For: Kenneth J. Pogue
Director**

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

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULARInstructions on
reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2021-0326-01	REGULATORY ACTION NUMBER 2021-0801-035	EMERGENCY NUMBER
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OFFICE OF ADMINISTRATIVE LAW	
Electronic Submission	
RECEIVED DATE 3/26/2021	PUBLICATION DATE 4/9/2021

OFFICE OF ADMIN. LAW
2021 AUG 2 PM 4:36**ENDORSED - FILED**
in the office of the Secretary of State
of the State of CaliforniaNOV 01 2021
received at
1:19pm

NOTICE	REGULATIONS
AGENCY WITH RULEMAKING AUTHORITY Dental Hygiene Board of California - Department of Consumer Affairs	
AGENCY FILE NUMBER (if any)	

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

1. SUBJECT OF NOTICE Definitions	TITLE(S) 16	FIRST SECTION AFFECTED 1103	2. REQUESTED PUBLICATION DATE April 9, 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	FAX NUMBER (Optional) (916) 263-2688
OAL USE ONLY <input checked="" 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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER		PUBLICATION DATE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) Definitions	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)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) 1103	AMEND Section 1103
TITLE(S) 16	REPEAL

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		
	<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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		
	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____		
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only		

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)	<input checked="" 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 type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____		
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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 §6560) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input checked="" type="checkbox"/> Other (Specify) <u>Kimberly Kirchmeyer, Director, California Department of Consumer Affairs</u>		
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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
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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.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Anthony Lum</i>	DATE June 29, 2021
TYPED NAME AND TITLE OF SIGNATORY Anthony Lum, Executive Officer, Dental Hygiene Board of California	

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ENDORSED APPROVED

NOV 01 2021

Office of Administrative Law

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

ORDER OF ADOPTION

Amend § 1103 of Title 16 of the California Code of Regulations (CCR) to read as follows:

§ 1103. Definitions.

For purposes of this division, the term:

(a) "Academic year" means a period of education consisting of a minimum of forty-five (45) quarter units, or thirty (30) semester units within a twelve-month period or three quarters or two semesters within a 12-month period, or a duration deemed equivalent thereto by the Committee Dental Hygiene Board.

(b) "Analgesia" means a state of decreased sensibility to pain, such as that produced by using nitrous oxide and oxygen with or without local anesthesia.

(c) "Approved accreditation standards" means ~~for the purposes of this section those standards contained in the issued by the Commission on Dental Accreditation's "Accreditation Standards for Dental Hygiene Education Programs (as last revised February 6, 2015)" which is hereby incorporated by reference and Accreditation in Business and Professions Code section 1941.5 and referenced throughout this article.~~

(d) "Clinical instruction" means instruction in which students receive supervised patient care experiences in performing procedures in a clinical setting to achieve safe and effective clinical outcomes. The instructor to student ratio shall meet approved accreditation standards, ~~as referenced in subsection (c) of section 1103 of this article.~~

(e) "Clinical practice" means the planned learning experiences with patients designed for students to apply dental hygiene knowledge and skills to meet course objectives in a variety of ~~Committee Dental Hygiene Board-~~ approved clinical settings. Clinical practice may include learning experiences provided in various settings, including, but not limited to, dental hygiene skills labs, ~~simulation labs, and computer labs,~~ clinics, extramural clinical facilities, as well as health care agencies.

(f) "Clinical setting" means a setting that accommodates patient care.

(g) "Clinical outcome" is the result derived from a specific intervention or treatment.

(h) "Competencies" means statements describing the abilities needed to practice dental hygiene, including skills, understanding, and professional values that are performed independently in realistic settings.

(i) "Competent" means possessing the knowledge, skills and values required in the dental hygiene process of care to practice dental hygiene or provide instruction within a dental hygiene educational program.

(j) "Curriculum" means an organized set of courses of learning which are prerequisite to the award of a degree or diploma.

(k) "Dental hygiene process of care" means the application of scientific, evidence-based knowledge in the identification and treatment of actual or potential patient health problems as related to oral health.

The dental hygiene process of care shall meet approved accreditation standards and includes:

(1) Comprehensive collection of patient data to identify the physical and oral health status;

(2) Analysis of assessment findings and use of critical thinking in order to address the patient's dental hygiene treatment needs;

(3) Establishment of a dental hygiene care plan that reflects the realistic goals and treatment strategies to facilitate optimal oral health;

(4) Provision of patient-centered treatment and evidence-based care in a manner minimizing risk and optimizing oral health;

(5) Measurement of the extent to which goals identified in the dental hygiene care plan are achieved;

(6) Complete and accurate recording of all documentation relevant to patient care.

~~These standards are located in the approved accreditation standards incorporated by as referenced in section 1103(c) of this article.~~

(l) "Didactic instruction" means instruction through lectures, seminars or demonstrations, as distinguished from clinical or laboratory instruction.

(m) "Distance education" means education to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and instructor, either synchronously or asynchronously using one or more of the following technologies:

(1) the Internet;

(2) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite or wireless communication devices;

(3) audio conferencing;

(4) video cassettes, DVDs, and CD-ROMS, if the cassettes, DVDs or CD-ROMS are used in a course in conjunction with any of the technologies listed in (1)(1-3).

(n) "Educational program" means a progressive or planned system of training, instruction or study.

(o) "Goal" means an intention or expectation that requires several tasks to produce the desired result.

(p) "Graduate" means a dental hygiene student who has completed all required studies within a dental hygiene educational program and has obtained a degree.

(q) "Homebound" means a person who is unable to receive care in a dental office or clinic due to a disabling physical or mental condition.

(r) "Laboratory instruction" means instruction designed to perform procedures using instructional materials in which students receive supervised experience performing procedures. The instructor to student ratio shall meet approved accreditation standards referenced in subsection (c) of section 1103 of this article.

(s) "Learning experience" means those activities planned for students by the faculty that are designed to meet the objectives of the required course of instruction, including the basic standards of competent performance.

(t) "Learning outcomes" are statements that clearly state the expected knowledge, skills, values and competencies that students are expected to acquire in both didactic and clinical coursework.

(u) "Local anesthesia" is the temporary loss of sensation, such as pain, in the oral cavity, produced by an injected anesthetic agent without inducing loss of consciousness.

(v) "Mission" means an institution's stated educational reasons to exist. The mission shall have all of the following characteristics:

(1) It shall include the institution's goals concerning the education which students will receive, including the acquisition of the body of knowledge presented in the educational program, the development of intellectual, analytical, and critical abilities, and the fostering of values such as a commitment to pursue lifelong learning;

(2) It shall relate to the educational expectations of the institution's students and faculty and the community which the institution serves.

(w) "Nitrous Oxide-Oxygen" is an inhalation agent used to achieve analgesia.

(x) "Outcomes assessment" means an ongoing process aimed at improving student learning that includes a profile of measures evaluating the effectiveness of the program in meeting its goals and learning outcomes.

(y) "Preclinical instruction" means instruction in which students receive supervised experience using instructional materials to prepare them for clinical experiences to achieve safe and effective clinical outcomes. Preclinical instruction may include supervised learning experiences provided in various settings, including, but not limited to, dental hygiene skills labs, simulation labs, and computer labs. The instructor to student ratio shall meet approved accreditation standards referenced in subsection (c) of section 1103 of this article.

(z) "Quarter" means at least ten (10) weeks of instruction.

(aa) "Quarter unit" means at least ten (10) hours of college or university level instruction during a quarter. Additional time outside of instruction may be required for a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects.

(ab) "Remedial education" means education designed to achieve competency required for initial, continuation, or reinstatement of licensure, and may be required for purposes of discipline. Remedial Education is the act or process of correcting a deficiency and its intent is to restore skills to competency.

(ac) "Semester" means at least fifteen (15) weeks of instruction.

(ad) "Semester unit" means at least fifteen (15) hours of college or university level instruction during a semester. Additional time outside of instruction may be required for a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects.

(ae) "Service learning" is a teaching and learning experience that combines community service with academic preparation. Students engaged in service learning learn about their roles as dental professionals through provision of patient care and related services in response to community-based problems.

(af) "Sponsoring institution" means an institution of higher education approved or who has applied for approval for a dental hygiene educational program. If the sponsoring institution has more than one campus, the campus where the physical location of the educational program exists shall be deemed the sponsoring institution.

(ag) "Staff" means professional, technical, and clerical employees of the institution to support its educational program.

(ah) "Technology" means equipment, tools, and devices that are used to facilitate and support teaching and learning.

(ai) "Wet laboratory" is a term used to distinguish classical benchtop experiments handling biological material from computer analysis or other theoretical work.

Note: Authority cited: Section 1905, Business and Professions Code. Reference: Sections 1905 and 1917, Business and Professions Code.