### State of California Office of Administrative Law

in re:

**Dental Hygiene Board of California** 

**Regulatory Action:** 

Title 16, California Code of Regulations

Adopt sections:

1118

Amend sections: Repeal sections: NOTICE OF APPROVAL OF REGULATORY **ACTION** 

**Government Code Section 11349.3** 

OAL Matter Number: 2021-1230-04

OAL Matter Type: Regular (S)

In this rulemaking action, the Board adopts a regulation to establish conditions that would allow a dental hygienist in alternative practice to perform soft tissue curettage and administer anesthesia.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2022.

Date:

February 10, 2022

Thanh Huynh Senior Attorney

For:

Kenneth J. Pogue

Director

Original: Anthony Lum, Executive Officer

Copy:

Adina Pineschi-Petty

| NAME AND ADDRESS OF TAXABLE PARTY.   | 019)  | E Frame of   |  | V III III   |   |  |
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| OAL FILE<br>NUMBERS  | <b>Z-</b> 2021-1102-  | THEODERION IN  | 1  | EMERGENCY NUMBER  |   |  |
|  | 2-2021-1102-  | For use by Office of Admini  |  |   |   |  |
|  |   |  | on the case (OAL) only   |   | ENDORSED - FILEI<br>in the office of the Secretary of State<br>of the State of California   |  |
|  |   |  |  |   | FEB 1 0 2022  |  |
|  |   |  |  | OF ADMIN, LAW<br>DEC 30 PH2:57  | 1:40 PM   |  |
|  | NOTICE  |  | R  | EGULATIONS  | P (38)  |  |
| AGENCY WITH RULEMAKING AUTHORITY Dental Hygiene Board of California  |   |  |  |   | AGENCY FILE NUMBER (If any)   |  |
|  |   |  |  |   |   |  |
| A. PUBLIC  | ATION OF NO   | TICE (Complete for pu  | iblication in Notice   | Register)   |   |  |
| Soft Curettage & Admin of Anesthesia-RDHAPs 16   |   |  | TITLE(8)   | FIRST SECTION AFFECTED  | 2. REQUESTED PUBLICATION DATE   |  |
| T. MANGAGO   |   | 4. AGENCY CONT.  |  | 1118 TELEPHONE NUMBER   | November 12, 2021   |  |
| Regulatory   | Action Othe   | Adina A. Pir   | neschi-Petty, DDS  | (916) 576-5002  | FAX NUMBER (Optional)<br>(916) 263-2688   |  |
| OAL USE .  | ACTION ON PROPOSED  Approved as Submitted   | Approved as<br>Modified  | Disapproved/<br>Withdrawn  | NOTICE RÉGISTER NUMBER  | PUBLICATION DATE  |  |
| B. SUBMIS  | SION OF REGI  | ULATIONS (Complete   | when submitting  | regulations)  |   |  |
| a. SUBJECT OF  | REGULATION(S)   |  | X : The street   |   | D OAL REGULATORY ACTION NUMBER(S)   |  |
| Soft Tissue  | Curettage & Ad  | ministration of Anesthe  | sia - RDHAPs   |   | ACTION NOMBER(3)  |  |
| SPECIFY CALIF  | ORNIA CODE OF REGUL   | ATIONS TITLE(S) AND SECTION(S)   | (Including title 26, if toxics re  | lated)  |   |  |
| SECTION(S  | ) AFFECTED  | 1118   |  |   |   |  |
|  | tion number(s)  | AMEND  |  |   | 7 15  |  |
| dditional sh   | eet if needed.)   |  |  |   |   |  |
| TLE(S)   |   | REPEAL   |  |   |   |  |
| 6  |   | +4   |  |   |   |  |
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| Regular Rule<br>Code §1134<br>Resubmittal<br>or withdrawn<br>filing (Gov. C  | emaking (Gov.<br>6)   | below certifies that this agen   | cy complied with the L<br>1346.2-11347.3 either<br>ation was adopted or  | Emergency Readopt<br>(Gov. Code, §11346.1(h))   | Regulatory Effect (Cal.<br>Code Regs., title 1, §100)   |  |
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| TYPE OF FILING  Regular Rui  Resubmittal  Resubmittal  or withdrawn filing (Gov. C 11349.4)  Emergency ( §11346.1(b))  ALL BEGINNING  EFFECTIVE DATE  Effective Jan October 1 (G CHECK IF THESE Department of CONTACT PERSO Clina A. Pine CONTACT PERSO Clina A. Pine Contact perso Contact person Contac | emaking (Gov. 6) of disapproved inconemergency code §§11349.3, Gov. Code,  E OF CHANGES (Gov. Columny 1, April 1, July 1, ov. Code §11343.4(a)) FREGULATIONS REQUIRE OF Finance (Form STD. Kimberly Kirchmey on Schi-Petty, DDS the attached copy tion(s) identified correct, and that it all e of the head of the  | Pelow certifies that this ager provisions of Gov. Code §§1 before the emergency regular within the time period required within the time period (Gov. Code and Code, §§ 11343.4, 11346.1(d); Cal. Code or Effective on filing votation of Secretary of State (Secretary of State). Secretary of State (Se | cy complied with the 1346.2-11347.3 either stron was adopted or ad by statute.  Cr withdrawn   | Gov. Code, §11346.1(h))  File & Print  Other (Specify)  ADDED TO THE RULEMAKING FILE (  Athout Effective other (Specify)  NCURRENCE BY, ANOTHER AGENCY tices Commission  FAX NUMBER (Optional) (916) 263-2688  his form  tification.  8, 2021 | Regulatory Effect (Cal. Code Regs., title 1, §100)  Print Only  Cal. Code Regs. title 1, §44 and Gov. Code §11347.1  Y OR ENTITY State Fire Marshal  E-MAIL ADDRESS (Optional) adina.petty@dca.ca.gov |  |

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

#### ORDER OF ADOPTION

| Legend:           |                       |                     |  |
|-------------------|-----------------------|---------------------|--|
| <u>Underlined</u> | Indicates proposed re | egulatory language. |  |

Adopt Section 1118 of Title 16 of the California Code of Regulations (CCR) to read as follows:

### Article 4. Licensing

# §1118. Registered Dental Hygienists in Alternative Practice, Performance of Soft Tissue Curettage and Administration of Local Anesthesia

A licensed registered dental hygienist in alternative practice (RDHAP) may perform soft tissue curettage and administer local anesthesia in accordance with the provisions of this section. The RDHAP shall:

- (a) Consult with a California licensed dentist to authorize the use of soft tissue curettage or local anesthesia for each patient to be treated by the RDHAP in local anesthesia or soft tissue curettage. The consultation shall be documented in the patient's chart and include, without limitation, the date of consultation, name of consulting dentist, and the consulting dentist's California license number.
- (b) <u>Have the physical presence on the premises of one additional individual trained in basic life support and qualified to administer cardiopulmonary resuscitation during an emergency when soft tissue curettage or local anesthesia administration will take place. For the purpose of section 1926.01(b) "immediately available" means physical presence.</u>
- (c) <u>Have access to portable oxygen administration equipment to assist with</u> administration of basic life support.

Note: Authority cited: Sections 1905 and 1906, Business and Professions Code. Reference cited: Sections 1926.01 and 1684.5, Business and Professions Code.