

**State of California  
Office of Administrative Law**

**In re:**  
**Dental Hygiene Board of California**

**Regulatory Action:**

**Title 16, California Code of Regulations**

**Amend sections: 1104.1**

**NOTICE OF APPROVAL OF CHANGES  
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,  
Section 100**

**OAL Matter Number: 2022-0428-02**

**OAL Matter Type: Nonsubstantive (N)**

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This change without regulatory effect amends section 1104.1 of title 16 of the California Code of Regulations and its incorporated document to correct the Board name and term for different types of registered dental hygienists to reflect statutory changes, change the Board address, and correct grammar.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

**Date:** June 6, 2022



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**Ashita Mohandas  
Attorney**

**For: Kenneth J. Pogue  
Director**

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

# NONSUBSTANTIVE

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2022-0428-02 N</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

**JUN 06 2022**

*Received at 2:46pm*

OFFICE OF ADMIN. LAW  
2022 APR 28 AM 11:35

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		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>		ACTION ON PROPOSED NOTICE <input 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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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) Process for Approval of a New RDH Educational Program		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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 1104.1
	REPEAL
TITLE(S) 16	

3. TYPE OF FILING			
<input 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 checked="" 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)			
<input 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 checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

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 §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Adina Pineschi-Petty	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 April 28, 2022
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**

**JUN 06 2022**

Office of Administrative Law

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

**Process for Approval of a New RDH Educational Program – Section 100**

<b>Legend:</b> Added text is indicated with an <u>underline</u> . Deleted text is indicated by <del>strikeout</del> .
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**Amend §1104.1 of Title 16 of the California Code of Regulations (CCR) to read as follows:**

§ 1104.1. Process for Approval of a New RDH Educational Program.

- (a) A college or an institution of higher education applying for approval of a new educational program for registered dental hygienists shall comply with the requirements specified in the ~~Committee's~~Dental Hygiene Board's document entitled, "Instructions for Institutions Seeking Approval of a New RDH Educational Program", (EDP-I-01 Rev 12/1503/2022), ("Instructions"), which is hereby incorporated by reference, including:
- (1) Notify the ~~Committee~~Dental Hygiene Board in writing of its intent to offer a new educational program that complies with ~~Committee~~Dental Hygiene Board requirements;
  - (2) Submit a feasibility study in accordance with the requirements specified in the "Instructions" for approval as referenced in Business and Professions Code (BPC) section 1941(b);
  - (3) The ~~Committee~~Dental Hygiene Board shall review the feasibility study and approve or deny approval of the study as specified in the "Instructions".
- (b) After approval of the feasibility study by the ~~Committee~~Dental Hygiene Board, and at least twelve (12) months prior to the proposed date for enrollment of students, the educational program shall submit CODA's, or an equivalent accrediting body's required documents to the ~~Committee~~Dental Hygiene Board in accordance with the requirements specified in the "Instructions". This includes a Self-Study Report that delineates how the proposed program plans to comply with the CODA accreditation standards contained in CODA's "Accreditation Standards for Dental Hygiene Education Programs" (As Last Revised: February 6, 2015) which is hereby incorporated by reference.
- (c) The required documents shall be reviewed by the ~~Committee~~Dental Hygiene Board and site visit shall be scheduled in accordance with the requirements specified in the "Instructions".
- (d) The ~~Committee~~Dental Hygiene Board may approve, provisionally approve, or deny approval of the educational program in accordance with the requirements specified in the "Instructions".

- (e) The educational program shall notify the ~~Committee~~Dental Hygiene Board in writing of any substantive or major change in information contained in the required approval documents within 10 days of such change. A substantive or major change is one that affects the original submission, where without the submission of the new information the request for approval for a new educational program would be false, misleading, or incomplete.

Note: Authority cited: Sections 1905 and 1906, Business and Professions Code.  
Reference: Sections 1905, 1941 and 1944, Business and Professions Code.

State of California  
**DENTAL HYGIENE COMMITTEE BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**

**Feasibility Study Instructions Form EDP-I-01 Rev 12/15/03/2022**

**INSTRUCTIONS FOR INSTITUTIONS SEEKING APPROVAL OF A NEW RDH  
EDUCATIONAL PROGRAM**

(Business and Professions Code sections 1941 and 1944(a)(9); California Code of Regulations, title 16, section 1104.1)

The Dental Hygiene ~~Committee~~Board of California (~~DHCC-DHBC~~ or ~~Committee Board~~) is the agency authorized to approve all new educational programs for Registered Dental Hygienists (RDHs). Representatives of institutions proposing the development of a new RDH educational program are required by law to submit a feasibility study demonstrating a need for a new RDH educational program (Business and Professions Code (BPC) Section 1941).

**BPC § 1941. Committee Dental Hygiene Board approval of educational programs:**

- (a) The ~~committee dental hygiene board~~ shall grant or renew approval of only those educational programs for a ~~registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions~~ RDHs that continuously maintain a high quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the ~~committee dental hygiene board~~.
- (b) A new educational program for ~~registered dental hygienists~~ RDHs shall submit a feasibility study demonstrating a need for a new educational program and shall apply for approval from the ~~committee dental hygiene board~~ prior to ~~before~~ seeking any required approval for initial accreditation from the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the ~~committee dental hygiene board~~. The ~~committee dental hygiene board~~ may approve, provisionally approve, or deny approval of ~~any such a~~ new educational program for RDHs.
- (c) For purposes of this section, a new or existing educational program for ~~registered dental hygienists~~ RDHs means a program provided by a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education and that has as its primary purpose providing college level courses leading to an associate or higher degree, that is either affiliated with or conducted by a dental school approved by the dental board, or that is accredited to offer college level or college parallel programs by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the ~~committee dental hygiene board~~.
- (d) For purposes of this section, "RDHs" means registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

**FEE REQUIRED: A check in the amount of \$2,100, pursuant to ~~Business and Professions Code~~BPC Section 1944(a)(9), made payable to the "Dental Hygiene ~~Committee~~Board of California or DHCCDHBC", must be submitted with the feasibility study. *This fee is non-refundable.* Payment of the fee does not guarantee DHCCDHBC approval.**

The process shall be completed within one year of receipt of the application for the feasibility study and payment of the required fee, unless an extension is granted by the DHCCDHBC executive officer, or his/her designee. An extension may be granted at the discretion of the executive officer or his/her designee for administrative purposes and/or requests for additional information. For example, an institution may undergo a natural disaster, or be unable to complete construction of a new facility due to extenuating circumstances out of its control. If the one-year period expires, the process ends, and a new fee shall be required for re-submission.

### **STEP 1 – Submit a Letter of Intent:**

Submit a letter of intent to the DHCCDHBC at least one year in advance of the anticipated date ~~for~~of admission of students. The letter shall include:

- Name and address of the institution seeking approval
- Contact information for the person responsible for the feasibility study
- Type of degree granted
- Length of proposed program
- Anticipated enrollment
- Proposed start date

The letter shall be addressed to:

Executive Officer  
Dental Hygiene ~~Committee~~Board of California  
2005 Evergreen Street, Suite 40501350  
Sacramento, CA 95815

The DHCCDHBC shall acknowledge receipt of the letter of intent. Upon receipt of the letter of acknowledgment from the DHCCDHBC, the institution shall have up to six (6) months to submit **Step 2 - Feasibility Study**.

### **STEP 2 – Submit Feasibility Study:**

Submit a feasibility study to the DHCCDHBC documenting the need for a new RDH educational program and the ability to develop, implement, and sustain an educational program for registered dental hygienists. The feasibility study shall include the following:

A. The feasibility study shall contain a "Table of Contents" with the following required sections addressed in detail:

- 1) **Rationale for Development of New Educational Program**
- 2) **Structure and Governance**
- 3) **Facilities and Resources**
- 4) **Cost-Revenue Projections with detailed 5-year budget**
- 5) **Students and Student Services**

B. Pages in the body of the feasibility study shall be numbered consecutively to facilitate the review.

C. Attachments and appendices shall be tabbed and numbered consecutively.

D. Required Sections:

**1) Rationale for the Development of New Educational Program**

Provide rationale for development of a new program, including statistical data and other relevant information that addresses:

- a. Regional labor statistics regarding projected need for this type of licensee
  - Provide summary comments and tables as necessary and cite original source of information from the California Employment Development Department – Labor Market Information or an equivalent State or County agency.
- b. Potential local/regional industry employment statistics regarding current open positions and projected needs for additional licensees including any workforce shortage areas.
  - Copy of source data used
  - Summary of findings
  - Tabulated results
- c. Description of the characteristics of the population in the community being served by the program including oral health needs.
- d. Impact on RDH educational programs within a 100 miles radius of the proposed program by contacting all approved existing educational programs in regard to:
  - Locale, region, or state(s) from which students are drawn.
  - Whether there is a "waiting list" or more qualified applicants than admitted annually.
  - Length of time it takes licensed graduates to obtain gainful employment (at least 3 days per week) in dental hygiene.
- e. Description of the length of the program, type of degree(s) granted, the intended start date, projected size of the first class, and enrollment projection for the first five years and method for determining the projected enrollment.

- f. Plans for promoting and marketing the proposed program.
- g. Projected timeline for planning and initiating program.

## 2) Structure and Governance

Description of the institution and the institution's experience providing dental hygiene or other health-related educational programs. The description must include:

- a. Institutional accreditation status and history such as date of initial accreditation, denials, revocations, warnings for the institution and any programs offered by the institution.
- b. History, organizational structure and programs (attach an organization chart).
- c. Geographic area (community) served by the institution and a description of the community and its population.
- d. Institution's strategic plan.
- e. Type of ~~dental hygiene~~ RDH or other health-related programs including: number of students currently enrolled and graduates by program type; passage rate on any required certification or licensing examination for the past five years (as applicable); and status of the program with any state, regional, or federal agency.
- f. If the ~~educational program~~ institution does not have a ~~dental hygiene~~ an RDH education program or other health-related programs, provide a statement related to the processes and resources it shall utilize to start and sustain a ~~registered dental hygiene~~ an RDH education program.

## 3) Facilities and Resources

Describe physical location of proposed RDH program.

- a. Describe space committed to the program and provide copies of floor plans to include faculty and staff offices, classrooms, laboratories, clinical facilities, and storage areas.
- b. Provide status report on construction or renovation of physical facilities.
- c. List educational resources, equipment, supplies purchased or to be purchased for the program.

## 4) Cost-Revenue Projections

Start-up Budget and Funding Sources

- a. Local, state, and federal support
- b. Projected student fees
- c. Grant support
- d. Support from other entities such as funding from corporate, private industry, professional associations, donations
- e. Projected clinic revenue

Include a 5-year capital and operational line item budget that includes projected



costs for proposed program which includes:

- I. Capital Expenditures
  - A. Facilities (for example):
    1. Clinic
    2. Laboratory
    3. Locker Room
    4. Reception Room
    5. Faculty & staff offices
    6. Other (specify)
  - B. Equipment (for example):
    1. Dental Units
    2. Radiography (unit.)
    3. Laboratory
    4. Instructional equipment
    5. Other (specify)
- II. Non-capital Expenditures
  - A. Instructional materials, e.g., slides, films
  - B. Clinic supplies
  - C. Laboratory supplies
  - D. Office supplies
  - E. Program library collection
    1. Institutional
    2. Departmental
  - F. Equipment maintenance and replacement
  - G. Other (specify)
- III. Faculty
  - A. Salaries
  - B. Benefits
  - C. Professional Development
  - D. Travel for Student Supervision
  - E. Other (specify)
- IV. Staff
  - A. Secretarial Support
  - B. Clinic Support Staff
  - C. Other (specify)
- V. Other Categories, if any (specify)

## 5) Students and Student Services

Admission and progression criteria:

- a. Admission criteria:
  - Institutional policies
  - Educational program selection policies
- b. Progression and graduation criteria:
  - Institutional criteria for progression and graduation
  - Educational program's criteria for progression and graduation,

including grading policies

Student policies:

- a. Provisions for student health and housing
- b. Provisions for counseling and guidance
- c. Financial aid policies, scholarship and grant opportunities
- d. Appeals Provisions

The Educational Program shall submit two hard copies and one electronic copy in pdf format to:

Executive Officer  
Dental Hygiene ~~Committee~~Board of California  
2005 Evergreen Street, Suite 40501350  
Sacramento, CA 95815

### **STEP 3 – Review of Feasibility Study**

It is the responsibility of the proposed RDH educational program to have staff or a consultant(s) who possess the requisite knowledge and expertise to complete a feasibility study that conforms to the requirements specified in these instructions. Upon submission of the feasibility study, the ~~DHCC~~DHBC staff shall review the study and, if necessary, seek clarification of any areas in question.

- If the ~~DHCC~~DHBC staff determines the feasibility study is complete and complies with requirements specified in these Instructions, the ~~DHCC~~DHBC staff shall submit the feasibility study to the ~~DHCC~~DHBC- Education Subcommittee (ES) for review and a recommendation shall be forwarded to the full ~~Committee~~Dental Hygiene Board (**Step 4**).
- If the feasibility study is incomplete, the educational program shall be notified in writing by the ~~DHCC~~DHBC staff of any deficiencies and a deadline for submission of a revised feasibility study.
- If the ~~DHCC~~DHBC staff determines the revised feasibility study is complete, it shall be forwarded to ~~it~~the ES.
- If staff deems the revised feasibility study incomplete, it shall be returned to the program with a written notice of the deficiencies, and shall not be forwarded to ~~it~~the ES.
- If the revised feasibility study is returned because it is incomplete and the prospective RDH educational program still wishes to seek approval, the educational program must restart at **Step 1**. The letter of intent must include a statement summarizing the ~~DHCC~~DHBC reason(s) for not accepting the prior revised feasibility study and subsequent corrective action the educational program has taken.

#### **STEP 4 – Education Subcommittee (ES) Recommendation on the Feasibility Study**

When the feasibility study is complete, it shall be submitted to the ES for discussion and action at a regularly scheduled meeting. The meeting is open to the public, and there are opportunities for public comment. The DHCCDHBC staff shall notify the proposed RDH educational program of the ES meeting date at which the ES shall discuss and may make a recommendation to take action on the feasibility study. A representative of the program shall be invited to the ES meeting to respond to any questions or concerns. The ES shall recommend to the CommitteeDental Hygiene Board the acceptance or non-acceptance of the feasibility study, or may defer action on the study to permit the institution time to provide additional information at a subsequent ES meeting. If the ES defers action, the proposed RDH educational program shall be notified in writing within ten (10) days of the deferred action, reason(s) for the deferral, and the date for submission of any additional information and/or documents. The ES considers the following criteria in determining its recommendation to the full CommitteeDental Hygiene Board:

- Evidence of a need for a new RDH educational program.
- Evidence of ability to initiate and maintain a RDH educational program in compliance with all applicable CommitteeDental Hygiene Board laws and regulations.
- Evidence of initial and sustainable budgetary provisions for the proposed RDH educational program.

#### **STEP 5 – DHCCDHBC Action on the Feasibility Study**

The ES recommendation on the feasibility study shall be submitted to the full CommitteeDental Hygiene Board for discussion and action at a regularly scheduled DHCCDHBC meeting. All DHCCDHBC meetings are open to the public with opportunities for public comment. The DHCCDHBC shall approve, or deny the study.

The following action shall be taken:

- Within ten (10) days after the CommitteeDental Hygiene Board's decision on the feasibility study, the DHCCDHBC staff shall notify the proposed RDH educational program in writing of its decision.
- If the feasibility study is denied, the notice shall include the basis for its decision.
- If the feasibility study is approved, the proposed RDH educational program may apply for initial accreditation from the Commission on Dental Accreditation of the American Dental Association (CODA), or an equivalent accrediting body, as determined by the CommitteeDental Hygiene Board.

## **STEP 6 – Self-Study Report and Site Visit**

Upon the ~~DHCC~~DHBC's approval of the feasibility study, the proposed RDH educational program shall prepare CODA's, or an equivalent accrediting body's, as determined by the ~~Committee~~Dental Hygiene Board, Self-Study Report for the proposed RDH program. At least twelve (12) months prior to the projected date of student enrollment, the proposed RDH educational program must submit to the ~~DHCC~~DHBC a Self-Study Report that delineates how the proposed RDH educational program plans to comply with the accreditation standards contained in CODA's "Accreditation Standards for Dental Hygiene Education Programs" (As Last Revised: February 6, 2015).

~~The DHCC~~DHBC staff shall review the Self-Study Report and verify that the Self-Study Report meets all applicable CODA standards and regulations found in CODA's "Self-Study Guide for the Evaluation of a Dental Hygiene Education Program" (As Last Revised: January 1, 2016). ~~DHCC~~DHBC staff shall notify the program director of any deficiencies, issues, or concerns with the Self-Study Report. Once ~~the DHCC~~DHBC staff ~~has verified that~~ verifies the Self-Study Report is complete, an on-site visit shall be scheduled. ~~The DHCC~~DHBC staff shall visit selected clinical sites the proposed RDH educational program plans to use as part of the on-site visit and confirm the evidence presented in the program's Self-Study Report. ~~The DHCC~~DHBC staff shall complete a written report of the findings. This report shall be submitted to the ES for action and recommendation to the full ~~Committee~~Dental Hygiene Board.

## **STEP 7 – Education Subcommittee (ES) and Full ~~Committee~~Dental Hygiene Board Actions**

The ES recommendation on the Self-Study Report and site visit shall be submitted for full ~~Committee~~Dental Hygiene Board discussion and action at a regularly scheduled ~~DHCC~~CommitteeDental Hygiene Board meeting. The full ~~Committee~~Dental Hygiene Board may approve, provisionally approve or deny the new educational program. If provisionally approved, the full ~~Committee~~Dental Hygiene Board may defer action on the proposed RDH educational program's approval with an opportunity for the proposed RDH educational program to provide additional information.

The following action shall be taken:

- Within ten (10) days after the ~~Committee~~Dental Hygiene Board's decision on the proposed RDH educational program, the ~~DHCC~~DHBC shall notify the proposed RDH educational program in writing of its decision.
- If the proposed RDH educational program is denied, the notice shall include the basis for its decision. The program may request an informal conference

as specified in 1104.2.

- If the proposed RDH educational program is provisionally approved, the notice shall specify what additional information and documents are needed from the proposed RDH educational program and a due date requested for submission of the materials. The revisions shall be considered at a regularly scheduled ES and the DHCC full Committee Dental Hygiene Board meeting after the due date for submission of materials. If the proposed RDH educational program is not granted approval, the DHCC DHBC shall notify the proposed RDH educational program in writing within ten (10) days; the notice shall include the basis for the Committee's Dental Hygiene Board's decision.
- A denied proposed RDH educational program shall restart with **Step 1** of the approval process. The Letter of Intent must include a statement summarizing the Committee's Dental Hygiene Board's reason(s) for not accepting the prior submissions and subsequent corrective action the proposed RDH educational program has taken.

A material misrepresentation of fact by a new RDH educational program in any information required to be submitted to the Committee Dental Hygiene Board is grounds for denial of approval.