

**State of California  
Office of Administrative Law**

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

**Regulatory Action:**

**Title 16, California Code of Regulations**

**Amend sections: 1105**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2024-0418-03**

**OAL Matter Type: Regular (S)**

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This action amends section 1105 by establishing a faculty to student ratio in regulation in order to maintain the current faculty to student ratio.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2024.

**Date:** May 29, 2024



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Ashita Mohandas  
Attorney

**For:** Kenneth J. Pogue  
Director

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

# REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATION SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 2023-1228-01</b>	REGULATORY ACTION NUMBER <b>2024-0418-03S</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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OFFICE OF ADMIN. LAW  
2024 APR 18 PM 3:21

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

MAY 29 2024  
2:05 PM

AGENCY WITH RULEMAKING AUTHORITY  
Dental Hygiene Board of California

AGENCY FILE NUMBER (If any)

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

1. SUBJECT OF NOTICE Faculty to Student Ratio		TITLE(S) 16	FIRST SECTION AFFECTED 1105	2. REQUESTED PUBLICATION DATE January 12, 2024
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Adina A. Pineschi-Petty DDS		TELEPHONE NUMBER (916) 576-5002
FAX NUMBER (Optional) (916) 263-2688		NOTICE REGISTER NUMBER 2024 2-2		PUBLICATION DATE 1/12/2024

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Faculty to Student Ratio	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.)	AMEND
16	REPEAL

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"/> 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"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> File & Print
<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)  
N/A

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

<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 checked="" type="checkbox"/> Other (Specify) <u>Kimberly Kirchmeyer, Director, Department of Consumer Affairs</u>		

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 April 16, 2024
TYPED NAME AND TITLE OF SIGNATORY Anthony Lum, DHBC Executive Officer	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

MAY 29 2024

Office of Administrative Law

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

**ORDER OF ADOPTION**

<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 section 1105 of Article 3 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

**§ 1105. Requirements for RDH Educational Programs.**

As of January 1, 2016, educational programs for registered dental hygienists shall comply with the requirements set forth below in order to secure and maintain approval by the Dental Hygiene Board.

(a) Administration and Organization. There shall be a written program mission statement that serves as a basis for curriculum structure. Such statement shall take into consideration the individual difference of students, including their cultural and ethnic background, learning styles, and support systems. It shall also take into consideration the concepts of dental hygiene, which must include the dental hygiene process of care, environment, health-illness continuum, and relevant knowledge from related disciplines.

(b) Instruction.

(1) Instruction upon all levels shall be conducted upon the premise that dental hygiene education must meet the test of a true university discipline and shall include lectures, laboratory experiments and exercises and clinical practice under supervision by the faculty.

(2) For purposes of this section, the term "university discipline" is a level of instruction at least equivalent to that level of instruction represented by college courses in the basic sciences commonly offered or accepted in approved California dental schools.

(3) The length of instruction in the educational program shall include two academic years of fulltime instruction at the postsecondary college level or its equivalent, and a minimum of 1,600 clock hours.

(4) The instructor to student ratio shall meet the following requirements:~~approved Commission on Dental Accreditation standards referenced in subsection (c) of section 1103 of this article.~~

(A) In preclinical and clinical sessions, the ratio shall not exceed five (5) students to one (1) faculty member.

(B) In radiography laboratory sessions, the ratio shall not exceed five (5) students to one (1) faculty member.

(C) In other dental sciences laboratory sessions, the ratio shall not exceed ten (10) students to one (1) faculty member.

(5) Instruction involving procedures that require direct supervision shall be supervised by a faculty dentist who possesses an active California license or special permit with no disciplinary actions in any jurisdiction to practice dentistry.

(c) Standards of Competency. Each educational program shall establish and maintain standards of competency. Such standards shall be available to each student, and shall be used to measure periodic progress or achievement in the curriculum.

(d) The policies and procedures by which the educational program is administered shall be in writing, shall reflect the mission and goals of the program, and shall be available to all students.

(e) The educational program shall have a written plan for evaluation of all aspects of the program, including admission and selection policy and procedures, attrition and retention of students, curriculum management, patient care competencies, ethics and professionalism, critical thinking, and outcomes assessment, including means of student achievement. If the program has submitted a written plan to the Commission on Dental Accreditation, which includes each of the elements listed above, a copy of such plan may be submitted to the Committee to meet this requirement.

(f) Admission.

(1) The minimum basis for admission into an educational program shall be the successful completion of all of the following:

(A) A high school diploma or the recognized equivalent, which will permit entrance to a college or university accredited by an agency recognized by the U.S. Department of Education or Council for Higher Education Accreditation; and,

(B) College-level general education courses in the topic areas of:

- (i) Oral Communication
- (ii) Written Communication \*
- (iii) Psychology
- (iv) Sociology
- (v) Mathematics \*
- (vi) Cultural Diversity \*\*
- (vii) Nutrition \*\*

\* Advanced Placement (AP) Exam Score Exemption may be accepted in lieu of this course.

\*\* This course is required prior to graduation and may be waived as an admission requirement if included within the dental hygiene program curriculum.

(C) College-level biomedical science courses, each of which must include a wet laboratory component, in:

- (i) Anatomy
- (ii) Physiology
- (iii) Inorganic Chemistry
- (iv) Biochemistry or Organic Chemistry with Biochemistry
- (v) Microbiology

(D) If a state of emergency is declared by the Governor pursuant to Government Code section 8625, an educational program may accept prerequisite biomedical science coursework completed during the period of the state of emergency in Anatomy, Physiology, Inorganic Chemistry, Biochemistry, Organic Chemistry with Biochemistry, and Microbiology utilizing alternative instruction including, but not limited to, instructional methods such as online tutorials, webinars, or hybrid combination of

online and in-person instruction with faculty, as deemed appropriate by the educational institution.

- (2) Admission of students shall be based on specific written criteria, procedures and policies. Previous academic performance and/or performance on standardized national tests of scholastic aptitude or other predictors of scholastic aptitude and ability shall be utilized as criteria in selecting students who have the potential for successfully completing the educational program. Applicants must be informed of the criteria and procedures for selection, goals of the program, curricular content, course transferability and the scope of practice of and employment opportunities for dental hygienists.
- (g) The program shall have published student grievance policies.
- (h) There shall be an organizational chart that identifies the relationships, lines of authority and channels of communication within the educational program, between the program and other administrative segments of the sponsoring institution, and between the program, the institution and extramural facilities and service learning sites.
- (i) The educational program shall have learning resources, including faculty, library, staff and support services, technology and physical space and equipment, including laboratory and clinical facilities, to support the program's stated mission and goals and in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article.
- (j) The educational program director shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program.
- (k) The number and distribution of faculty and staff shall be sufficient to meet the educational program's stated mission and goals.
- (l) When an individual not employed in the educational program participates in the instruction and supervision of students obtaining educational experience, their name and responsibilities shall be described in writing and kept on file by the dental hygiene program and they shall have twenty-four (24) months of experience providing direct patient care as a registered dental hygienist or dentist.

(m) As of January 1, 2017, in a two-year college setting, graduates of the educational program shall be awarded an associate degree, and in a four-year college or university, graduates shall be awarded an associate or baccalaureate degree.

NOTE: Authority cited: Sections 1905 and 1906, Business and Professions Code.  
Reference: Sections 1905, 1906 and 1941, Business and Professions Code; and Section 8625, Government Code.