

**State of California  
Office of Administrative Law**

In re:  
Dental Hygiene Board of California

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 1105.4

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2024-1211-02

OAL Matter Type: Regular (S)

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This action proposes to establish a process to reinstate Dental Hygiene Board approval of a withdrawn dental hygiene educational program which has corrected the violations that resulted in the withdrawal of approval.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2025.

Date: January 27, 2025



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Ashita Mohandas  
Attorney

For: Kenneth J. Pogue  
Director

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

NOTICE PUBLICATION/REGULATIONS SUBMISSION

# REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 2024-1007-01</b>	REGULATORY ACTION NUMBER <b>2024-1211-025</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE  AGENCY WITH RULEMAKING AUTHORITY <b>Dental Hygiene Board of California</b>	REGULATIONS  OFFICE OF ADMIN. LAW 2024 DEC 11 PM 2:55
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**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**JAN 27 2025**

2:10 pm  
*[Signature]*

AGENCY WITH RULEMAKING AUTHORITY <b>Dental Hygiene Board of California</b>	AGENCY FILE NUMBER (If any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE <b>Reinstatement of Withdrawn Edu. Programs</b>	TITLE(S) <b>16</b>	FIRST SECTION AFFECTED <b>1105.4</b>	2. REQUESTED PUBLICATION DATE <b>October 18, 2024</b>
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON <b>Adina A. Pineschi-Petty DDS</b>	TELEPHONE NUMBER <b>(916) 576-5002</b>	FAX NUMBER (Optional) <b>(916) 623-4093</b>
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2024, 42-2</b>	PUBLICATION DATE <b>10/18/24</b>	

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

1a. SUBJECT OF REGULATION(S) <b>Reinstatement of Withdrawn Dental Hygiene Educational Programs</b>	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 <b>1105.4</b>
TITLE(S) <b>16</b>	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) 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 checked="" 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) <b>Kimberly Kirchmeyer, Director, Department of Consumer Affairs</b>		

7. CONTACT PERSON <b>Adina A. Pineschi-Petty DDS</b>	TELEPHONE NUMBER <b>(916) 576-5002</b>	FAX NUMBER (Optional) <b>(916) 623-4093</b>	E-MAIL ADDRESS (Optional) <b>adina.petty@dca.ca.gov</b>
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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>[Signature]</i>	DATE <b>December 4, 2024</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Anthony Lum, DHBC Executive Officer</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**JAN 27 2025**

**Office of Administrative Law**

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

**Appeals Process and Reinstatement of Withdrawn  
Dental Hygiene Educational Programs.**

**ORDER OF ADOPTION**

<b>Legend:</b> Added text is indicated with an <u>underline</u> . Deleted text is indicated with a <del>strikeout</del> .
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Amend section 1105.4 of Article 3 of Division 11 of Title 16 of the California Code of Regulations to read as follows:

**§ 1105.4. Appeals Process and Reinstatement of Withdrawn Dental Hygiene Educational Programs.**

- (a) The Dental Hygiene Board may deny or withdraw its approval of an educational program. If the Dental Hygiene Board denies or withdraws approval of a program, the reasons for withdrawal or denial will be provided in writing within ninety (90) calendar days.
- (b) Any educational program whose approval is denied or withdrawn shall be granted an informal conference before the Executive Officer or his or her designee prior to the effective date of such action. The educational program shall be given at least ten business days' notice of the time and place of such informal conference and the specific grounds for the proposed action.
- (c) The educational program may contest the denial or withdrawal of approval by either:
  - (1) Appearing at the informal conference. The Executive Officer shall notify the educational program of the final decision of the Executive Officer within ten business days of the informal conference. Based on the outcome of the informal conference, the program may then request a hearing to contest the Executive Officer's final decision. An educational program or program applicant shall request a hearing by written notice to the Dental Hygiene Board within 30 calendar days of the postmark date of the letter of the Executive Officer's final decision after the informal conference. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Or;
  - (2) Notifying the Dental Hygiene Board in writing of the program's election to forego the informal conference and to proceed with a hearing pursuant to the provisions

of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Such notification shall be made to the Dental Hygiene Board at least 5 calendar days before the date of the informal conference.

(d) Reinstatement of Dental Hygiene Board approval of a withdrawn dental hygiene educational program. Programs seeking reinstatement after a withdrawal must comply with both of the following:

(1) The withdrawn dental hygiene educational program shall correct all violation(s) which resulted in the withdrawal of Dental Hygiene Board approval. And;

(2) The withdrawn dental hygiene educational program shall furnish the Dental Hygiene Board written proof of compliance pursuant to 16 CCR section 1104 within the Board-provided deadline, as specified within the "Letter of Withdrawal" order, and shall permit a site visit by the Board's authorized representative to confirm compliance.

(A) If the withdrawn dental hygiene educational program demonstrates it has corrected the violation(s) and meets all requirements for approval set forth in 16 CCR section 1104, the Dental Hygiene Board shall, at a noticed Board meeting, grant the dental hygiene educational program reapproval.

(B) If the withdrawn dental hygiene educational program demonstrates it has corrected a substantial number of the violation(s), as specified within the "Letter of Withdrawal" order, and is actively working towards meeting the requirements for approval set forth in 16 CCR section 1104, the Dental Hygiene Board shall, at a noticed Board meeting, grant the dental hygiene educational program the status of "reapproval with conditions of probation."

(C) If the withdrawn dental hygiene educational program fails to demonstrate correction of all violation(s) and does not meet the requirements for approval set forth in 16 CCR section 1104 by the Dental Hygiene Board, the Board shall maintain the withdrawn approval of the dental hygiene educational program.

NOTE: Authority cited: Section 1905 and 1906, Business and Professions Code.  
Reference: Sections 1905, and 1941 and 1941.5, Business and Professions Code.