



**Title 16, Division 11, Article 4, Section 1105
Dental Hygiene Board of California**

**NOTICE OF PROPOSED RULEMAKING CONCERNING
FACULTY TO STUDENT RATIO**

NOTICE IS HEREBY GIVEN that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received **by the Board at its office on Tuesday, February 27 by 5:00 p.m.**

The Board has not scheduled a public hearing on this proposed action. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1905, and 1906, and to implement, interpret or make specific BPC sections 1905, 1906, and 1941, and section 8625 of the Government Code, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Dental Hygiene Board of California (Board) is charged with oversight of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board carries out its regulatory authority through enforcement of statutory provisions of the Dental Practice Act, Business and Professions Code (BPC) sections 1900 through 1967.4, and Title 16 of the California Code of Regulations (CCR). The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the

CCR, regulating and approving Dental Hygiene Educational Programs (DHEPs), and monitoring licensees placed on disciplinary probation by the Board.

At the March 18, 2023 Full Board Teleconference, staff advised the Board that at the open session of the February 10, 2023 meeting of the Commission on Dental Accreditation of the American Dental Association (CODA), there was discussion concerning increasing the faculty to student ratio for DHEPs. The Board discussed the faculty to student ratio information and received several comments urging the Board to develop language to maintain the current faculty to student ratio in the Board's educational regulations.

On Friday, March 24, 2023, Executive Officer Anthony Lum inquired with California DHEP directors as to their and their faculty's thoughts and opinions about this change and how it would or wouldn't affect their DHEP should the CODA Standard change. Executive Officer Lum received 13 letters from DHEP directors with six students replying between March 24, 2023 and April 7, 2023. All DHEP director letters and student letters were opposed to a change in the faculty to student ratio, citing concerns about the competence of graduating students who have not had enough clinical guidance and that a higher faculty to student ratio would negatively impact the ability to deliver safe patient care.

From June 14, 2023 until July 1, 2023, the Board received an additional 49 letters from the CDHA, program directors, faculty, students, and licensees urging the Board to address the faculty to student ratio at the next scheduled Board meeting,

This proposal amends section 1105 by establishing a faculty to student ratio in regulation which maintains the faculty to student ratio currently in place in DHEPs.

The Board approved the proposed language after review at the July 22, 2023, Full Board meeting and delegated authority to the Board's EO to make any technical, non-substantive changes, if necessary.

Anticipated Benefits of the Proposed Regulation:

The anticipated benefits of the proposed regulation of establishing the faculty to student ratio in regulation are:

- First, by maintaining the faculty to student ratio currently in place in DHEPs, it will protect the data the Board utilized in their decision to eliminate the clinical board exam in statute, thereby protecting consumer safety in newly licensed RDHs.
- Second, by maintaining the faculty to student ratio currently in place in DHEPs, it provides for adequate supervision of RDH students during preclinical and clinical sessions, thereby protecting the consumer safety during their treatment as patients at DHEPs.

- Third, as students of DHEPs are also considered consumers, it protects their right to receive adequate faculty guidance in their quest to gain foundational knowledge to be a well-educated and safe practitioner.
- Fourth, by placing the current faculty to student ratio currently in regulation, it places the faculty to student ratio under the purview of the Board, thereby ensuring adequate supervision of RDH students during preclinical and clinical practice should CODA be inclined to change the faculty to student ratio indiscriminately at a future date.

Determination of Inconsistency and Incompatibility with Existing State Regulations:

During the process of developing this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING PROPOSED ACTION

The DHBC has made the following initial determinations:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None. The proposed regulations do not result in additional workload or costs to the state or costs/savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 through 17630 Require Reimbursement: None.

Business Impact

The proposed regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

The proposed amendments to the regulation will simply maintain the current faculty to student ratio already in place at DHEPs.

Cost Impacts on a Representative Private Person or Businesses:

The Board is not aware of any cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action because the Board is simply maintaining the current faculty to student ratio already in place at DHEPs.

Significant Effect on Housing Costs: None.

Business Reporting Requirement:

This regulation does not have any business reporting requirements.

Results of the Economic Impact Analysis/Assessment:

Impact on Jobs/Businesses: The Board has determined this regulatory action will not impact job availability within the State of California because the proposed language in the regulation is simply maintaining the current faculty to student ratio already in place at DHEPs.

The Board determined this regulatory action will not create new businesses or eliminate existing businesses and will not affect the expansion of businesses currently doing business within the State of California. The proposed language in the regulation is simply maintaining the current faculty to student ratio already in place at DHEPs.

The Board has determined this regulatory action would not impact new businesses within the State of California. The proposed language in the regulation is simply maintaining the current faculty to student ratio already in place at DHEPs.

Benefits of the Proposed Action: This regulatory proposal positively impacts the health and welfare of California residents as the proposed language in the regulation ensures student supervision learning is maintained at the current standard, maintains a manageable caseload for each faculty, and optimizes student/faculty interaction, thereby ensuring proper oversight of students and maintenance of patient safety.

This regulatory proposal will not impact worker safety because this proposed regulation does not involve worker safety.

This regulatory proposal will not affect the state's environment because this proposed regulation does not involve environmental issues.

Effect on Small Business: The Board determined this regulatory action will not impact small businesses, including the ability of small business to compete in this state because the proposed language in the regulation is simply maintaining the current faculty to student ratio already in place at DHEPs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action described in this Notice or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments in writing relevant to the above determinations during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California
Attn: Adina A. Pineschi-Petty DDS
2005 Evergreen St, Ste. 1350
Sacramento, CA 95815
Phone: 916-576-5002
Email: adina.petty@dca.ca.gov

Backup Contact Person:
Attn: Anthony Lum
2005 Evergreen St, Ste. 1350
Sacramento, CA 95815
Phone: 916-576-5004
Email: anthony.lum@dca.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Dr. Pineschi-Petty at the above address. In her absence, please contact the designated back-up contact person.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi-Petty at the address above.

AVAILABILITY OF FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi-Petty at the address above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to Dr. Pineschi-Petty at the address above or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815, or by accessing the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the ISOR, and the text of the regulations can be accessed through the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.