

**Dental Hygiene Board of California
California Department of Consumer Affairs**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled.

Subject Matter of Proposed Amended Regulations: Mobile Dental Hygiene Clinics; Issuance of Approval and Registered Dental Hygienist in Alternative Practice, Physical Facility Registration.

Sections Affected: Sections 1116 and 1116.5 of Title 16 of the California Code of Regulations (CCR)

Specific Purpose of Each Adoption, Amendment, or Repeal:

1. Background/Statement of the Problem

The Dental Hygiene Board of California (Board) is charged with oversight of registered dental hygienists, registered dental hygienists in alternative practice (RDHAPs), and registered dental hygienists in extended functions. 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 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, and monitoring licensees placed on disciplinary probation by the Board.

Senate Bill 1202 (Leno, Chapter 331, Statutes of 2012) (SB 1202) added BPC sections 1926.1 and 1926.2 to the Code, authorizing RDHAPs to operate mobile dental hygiene clinics (MDHCs). Additionally, SB 1202 added BPC sections 1926.3, and 1926.4, requiring RDHAPs to register their place or places of practice (physical facilities) with the executive officer and to receive permission from the Board, subject to a biennial renewal fee, to have an additional place of practice.

On January 1, 2025, California Code of Regulations (CCR), Title 16, sections 1116 and 1116.5 went into effect for the registration MDHCs and physical facilities by RDHAPs. Subsequently, the Board was informed about some confusion regarding the requirements for registration of physical facilities as a stand-alone practice versus registration of physical facilities to maintain portable equipment, as well as for requirements applicable to registration of an MDHC.

In an effort to address those concerns, Board staff prepared proposed amendments to the previously approved language and form for 16 CCR section 1116.5 and presented the amended language and form at the March 21 – 22, 2025, Legislation and Regulatory Committee and Full Board meetings. The proposed changes 1) differentiated requirements for physical facilities utilized for patient treatment versus requirements for physical facilities (e.g., removal of the requirement to have a working automatic external defibrillator or the need for public toilet facilities as there would be no patient treatment at the facility); 2) differentiated requirements for RDHAPs utilizing local anesthesia versus RDHAPs who do not utilize local anesthesia during patient treatment (e.g, if an RDHAP doesn't administer local anesthesia there wouldn't be a need for portable emergency oxygen equipment); and 3) corrected of a substantive reference in the form, along with the addition of minor, clarifying grammatical changes within the form. The full Board approved the amended language and form and directed board staff to continue the rulemaking process.

Staff continued to work on the amendments and later identified additional issues which included 1) updating the form name in the regulatory text to reflect the most current form amendments; and 2) adding the statutory reference in the regulatory text to guide the reader as to settings in which an RDHAP may provide local anesthesia. These amendments were brought back to the Board at the May 27, 2025, Full Board Teleconference. The Board reviewed and approved the amendments.

Then, while preparing the package for submission for Department review and public comment, Board staff discovered a conflicting definition in the regulatory text and the underlying statute for both 16 CCR section 1116(a)(9) and 16 CCR section 1116.5(a)(7). BPC section 1908(b)(1) states that the practice of dental hygiene does not include any of the following procedures: (1) Diagnosis and comprehensive treatment planning. In the current regulatory text, under the definition of “patient treatment records” it states that the record must include the patient’s dental history including the dental hygiene diagnosis. Staff proposed amending the language from “diagnosis(es)” to “care plan”. The Board intended to present the amended language at the July 19, 2025, meeting, however, prior to the meeting, the Board staff received additional feedback and concerns from stakeholders. The Legislation and Regulatory Committee tabled the discussion and possible action on 16 CCR Sections 1116 and 1116.5 until the November 8, 2025, meeting so staff could work with stakeholders to revise the proposed language.

The Board held a Townhall Meeting on September 12, 2025, with the goal of obtaining stakeholder input. There was a robust discussion relating to removing the term diagnosis.

During the November 8, 2025, Full Board meeting, the Board reviewed and discussed the proposed amendments and made additional amendments to the text incorporating suggestions from educators present at the meeting, as well as utilizing the “Standards for Clinical Dental Hygiene Practice (Revised 2025)” by the American Dental Hygienists’ Association. The text being submitted in this proposal was approved and incorporates the recommendations from the September 12, 2025, Townhall Meeting, as well as

amendments put forth by the Legislation and Regulatory Committee during the November 8, 2025, Legislation and Regulatory Committee meeting.

Two nonsubstantive changes are being proposed to the Board approved text:

- 1) BPC section “1926.01” was added to the “Authority cited” section in section 1116.
- 2) Deletion of “MDHC’s” and addition of “RDHAP” in “Question 12” of form “DHBC MDHC-01 (Amended 11/2025).

This proposal seeks to amend sections 1116 and 1116.5 by: (1) correcting a definition which conflicts with statutory authority; (2) clarifying the definition of a physical facility to include the statutory authority as to where an RDHAP may open a practice to provide dental hygiene care to patients; (3) clarifying the requirements applicable to registration of physical facilities as a stand-alone practice versus registration of physical facilities to maintain portable equipment; (4) clarifying requirements applicable to when emergency oxygen units are required for RDHAP practice; (5) updating statutory references due to amendments within the text; and (6) updating the associated forms incorporated by reference to align form language to text amendments, as well as correcting a regulatory reference error.

2. Anticipated Benefit(s) from this Regulatory Action:

The proposed amendments to section 1116 and 1116.5 will: (1) provide a correct definition which aligns with statutory authority; (2) provide direction to an RDHAP as to where they may open a physical facility to provide patient dental hygiene care; (3) correct inconsistent language to provide the requirements for registration of physical facilities as a stand-alone practice versus registration of physical facilities to maintain portable equipment; (4) clarify when RDHAPs are required to possess emergency oxygen units during dental hygiene practice; (5) provide correct statutory references due to amendments within the text; and (6) provide RDHAPs with updated forms which align with regulatory text and providing a correct a regulatory reference.

Additionally, the proposal will promote public safety by ensuring RDHAPs are in possession of necessary lifesaving equipment when providing dental hygiene services to their patients.

Factual Basis/Rationale **Section 1116**

Subdivision (a)(9)

The Board amended subdivision (a)(9) to: 1) add “the dental hygiene process of care which includes” before “medical history” and after “related to”; 2) delete “evaluation(s)” and add “assessments” before “dental hygiene” and after “dental hygiene”; and 3) delete “diagnosis(es)” and add “care plan” before “dental hygiene procedures” and after “dental hygiene.”

First, as the Board defines “dental hygiene process of care” in 16 CCR section 1103(k), by adding “the dental hygiene process of care which includes” the Board clarified the requirements for “patient treatment records” to ensure RDHAPs include and maintain all documentation related to the “dental hygiene process of care.”

Second, by deleting “evaluation(s)” and adding “assessments,” the Board is ensuring alignment of approved and consistent language relating to the requirements of the dental history related to the “dental hygiene process of care” as found in 16 CCR section 1103(k)(2) within the regulation.

Third, BPC section 1908(b)(1) states: (b) The practice of dental hygiene does not include any of the following procedures: (1) Diagnosis and comprehensive treatment planning. Therefore, as “diagnosis” is contrary to statute, the Board deleted “diagnosis(es)” to ensure compliance with statutory authority. The Board then added “care plan” to align with both BPC section 1908(a) and 16 CCR section 1103(k)(3), thereby capturing the intent of a “dental hygiene care plan” and the “dental hygiene process of care.”

Subdivisions (b)(1), (b)(2), (b)(3), (f)(1)(A), (f)(1)(C), (f)(2), (f)(2)(A)(ii), (h)(1), and (j)(2)

The Board amended subdivisions (b)(1), (b)(2), (b)(3), (f)(1)(A), (f)(1)(C), (f)(2), (f)(2)(A)(ii), (h)(1), and (j)(2) by deleting “New 11/2022” and adding “Amended 11/2025” after “form DHBC HAPR-01.”

This was necessary to identify when the amended form was adopted by the Board, as well as to establish consistency with the naming of the form within the regulation. Additionally, this is necessary to advise RDHAPs there is an amended form required to register physical facilities and will key the reader to review the form to identify if there are new requirements the RDHAP shall be responsible to adhere to.

Application form DHBC MDHC-01 (Amended 11/2025), Incorporated by Reference

Subdivision (b)(1) requires an RDHAP applying to register an MDHC to complete and submit an “Application for Registration of a Mobile Dental Hygiene Clinic (MDHC)” form DHBC MDHC-01 (Amended 11/2025), which the subdivision incorporates by reference.

The Board proposes to amend form DHBC MDHC-01 (Amended 11/2025) to assist an RDHAP to apply to register an MDHC and ensures pertinent information is collected from applicants in a consistent manner to enable fair and efficient processing of the request by the Board. Additionally, the application provides a convenient way for applicants to understand the regulatory requirements, including requisites for approval of registration of an MDHC by the Board. Amendments to application form DHBC MDHC-01 (Amended 11/2025) includes:

- Footer of “form DHBC MDHC-01.”

The Board modified the footer on all pages of form DHBC MDHC-01” by deleting “New

11/2022” and adding “Amended 11/2025” after “form DHBC MDHC-01.” This was necessary to identify when the amended form was adopted by the Board, as well as to establish consistency with the naming of the form within the regulation.

- “RDHAP Owner Requirements” Box Title

Deleted “MDHC” and added “RDHAP Owner.”

This is necessary to clarify and reinforce that the RDHAP owner is the person responsible for the specific requirements necessary to register an MDHC, as well as to establish consistency within the form.

- Questions 11 and 12

Deleted “MDHC” and added “RDHAP” before “owner” and after “Does the”.

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title above.

- 1) Deleted “this” after “check” and before “box”, deleted “: ☐ N/A” after “box”;
- 2) added “the N/A” before “box” and after “check”, and added “.” after “box”; and
- 3) added a column with an “☐ N/A”.

As stakeholders found the “☐ N/A” check box confusing within the question, the Board determined that adding a separate “☐ N/A” column would establish uniformity and eliminate any confusion as to the check boxes.

- Question 13

- 1) Deleted “MDHC” and added “RDHAP” before “owner have” and after “Does the”; and
- 2) added “RDHAP” before “owner or” and after “enabling the”.

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title.

Deleted “it can access” and added “can be accessed” before “twenty-four (24)” and after “MDHC that”.

This was necessary to provide a more grammatically correct sentence when referring to the RDHAP owner having access to a twenty-four (24) hour telephone service.

- Questions 14 and 17

Deleted “MDHC” and added “RDHAP” before “owner” and after “the”.

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title.

- Question 16

Added “RDHAP” before “owner” and after “the”.

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title.

- Question 18

1) Added “*If the RDHAP does not provide radiographic services, check the “N/A” box.”; and 2) added a column with an “☐ N/A”.

This amendment was necessary as not all RDHAP owners or providers practicing in an MDHC provide (or are required to provide) radiographic services to their patients. Therefore, the Board determined that only MDHCs with radiographic operatories need comply with California Radiation Control Regulations.

- Question 20

1) Deleted “MDHC” and added “RDHAP” before “owner” and after “The”; and 2) added “RDHAP owner” before “must” and after “that the”.

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title.

- Question 21

Deleted “Does the MDHC’s owner” and added “Will the RDHAP owner and providers” before “use infection control”.

The deletion of “Does” and the addition of “Will” to the beginning of the question was necessary to correct grammatical errors to refer to the future tense (once the MDHC will be in use and the requirements will be necessary) instead of the present tense. Additionally, the Board determined that all providers at an MDHC are to be held responsible for the use of infection control equipment and should follow infection control procedures established by 16 CCR section 1005 and aligns with MDHC requirements as set forth in subdivision (d)(3)(A).

- Question 22

Deleted “Does the MDHC” and added “Will the RDHAP owner and providers” before “comply with “HIPAA’s”

The deletion of “Does” and the addition of “Will” to the beginning of the question was necessary to correct grammatical errors to refer to the future tense (once the MDHC will be in use and the requirements will be necessary) instead of the present tense. Additionally, the Board determined that all providers at an MDHC are to be held

responsible for the protection of a patient's protected health information and should follow the Health Insurance Portability and Accountability Act of 1996 (HIPAA) security standards, as well as aligns with MDHC requirements as set forth in subdivision (d)(3)(B).

- Question 28

Deleted "Does" and added "If an RDHAP administers local anesthesia or performs soft tissue curettage pursuant to 16 CCR section 1118, does" before "the MDHC"; Added "*If registering or renewing an MDHC and the RDHAP does not administer local anesthesia or perform soft tissue curettage pursuant to 16 CCR section 1118, check the "N/A" box."

This is necessary as the Board's intention was only to require emergency oxygen administration equipment for MDHCs if RDHAP providers administer local anesthesia or performs soft tissue curettage during patient dental hygiene treatment. 16 CCR section 1118(c) specifically requires RDHAPs to have access to portable oxygen administration equipment to assist with administration of basic life support should an emergency arise during local anesthesia administration or performing soft tissue curettage. For example, during administration of local anesthesia, some anesthetics contain epinephrine (i.e., adrenaline) and may speed up the heart if injected directly into a blood vessel by accident or during soft tissue curettage, excessive bleeding may occur. Patients may then experience extreme stress, thereby possibly triggering a medical emergency [e.g., stroke or myocardial infarction (i.e., "heart attack")]. Oxygen administration is crucial to increase the patient's oxygen levels to deliver additional oxygen to the heart and/or brain to increase patient survival rate.

Added a column with an "☐ N/A".

As stakeholders found an "☐ N/A" check box confusing within the question, the Board determined that adding a separate "☐ N/A" column would establish uniformity and eliminate any confusion as to the check boxes.

- Question 29

Added ",", after "1116", deleted "and" before "1117", and added ", and 1118" after "1117" and before "?".

The addition of 16 CCR section 1118 is necessary because: 1) the Board clarified new subdivision (d)(4) by adding "If an RDHAP administers local anesthesia or performs soft tissue curettage pursuant to 16 CCR section 1118, an RDHAP shall have available" emergency oxygen administration equipment; and 2) ensures the RDHAP is familiar with the requirements for registration of an MDHC.

Subdivision (d)(3)(H) renumbered to new subdivision (d)(4)

First, the Board amended "subdivision (d)(3)(H)" by deleting "(d)(3)(H)" and renumbering this subdivision to "(d)(4)."

This was necessary as the Board determined that new “subdivision (d)(4)” is a separate operating requirement and only applicable to specific RDHAP providers.

Second, the Board amended new subdivision (d)(4) by deleting “Have” at the beginning of the sentence and added “If an RDHAP administers local anesthesia or performs soft tissue curettage pursuant to 16 CCR section 1118, an RDHAP shall have available” before “a self-contained,”.

The Board incorporates by reference its response to “Question 28” of “MDHC-01 (Amended 11/2025)” above.

Subdivision (d)(4) renumbered to new subdivision (d)(5) and subdivision (d)(5) renumbered to new subdivision (d)(6)

The Board renumbered “subdivision (d)(4)” to new “subdivision (d)(5)” and renumbered “subdivision (d)(5)” to new “subdivision (d)(6).”

This amendment was necessary to accommodate for the renumbering of “subdivision (d)(3)(H)” to new “subdivision (d)(4).”

Reference Section

The Board amended the “Authority cited” section by adding “1908, 1926.01,” after “1906,” and before “1926.1,”.

The Board added BPC section 1908 to the “authority cited” section as it is necessary to provide clarity to the statutory authority for deletion of “diagnosis(es)” and the addition of “care plan” to subdivision (a)(9).

The addition of BPC section 1926.01 to the “authority cited” section is necessary because the Board clarified new subdivision (d)(4) by adding “If an RDHAP administers local anesthesia or performs soft tissue curettage pursuant to 16 CCR section 1118, an RDHAP shall have available” emergency oxygen administration equipment. BPC section 1926.01 provides the statutory authority for 16 CCR section 1118 and therefore necessary due to this addition.

Factual Basis/Rationale **Section 1116.5**

Subdivision (a)(7)

The Board amended subdivision (a)(7) to: 1) add “the dental hygiene process of care which includes” before “medical history” and after “related to”; 2) delete “evaluation(s)” and add “ assessments” before “dental hygiene” and after “dental hygiene”; and 3) delete “diagnosis(es)” and add “care plan” before “dental hygiene procedures” and after “dental hygiene.”

The Board incorporates by reference its response to section 1116, subdivision (a)(9) above.

Subdivision (a)(8)

The Board amended subdivision (a)(8) to add “either” before “a fixed” and after “means”.

This was necessary to grammatically clarify the difference between the two types of “physical facilities,” one being where dental hygiene services are rendered and two, where portable equipment is maintained.

Additionally, the Board amended subdivision (a)(8) to add “A physical facility where services are rendered must be located in a dental health professional shortage area, as certified by the Department of Health Care Access and Information, pursuant to BPC sections 1926, 1926.01, and 1926.05.”

This was necessary to make clear to the reader, and provide direction, that the area in which a physical facility where services are rendered (subject to BPC sections 1926, 1926.01, and 1926.05) must be located in dental health professional shortage areas as prescribed by the legislature.

Subdivisions (b)(1)(A), (b)(2), (b)(3), (f)(1)(A), (f)(1)(C), (f)(2), (f)(2)(A)(ii), (g)(1), and (h)(2)

The Board amended subdivisions (b)(1)(A), (b)(2), (b)(3), (f)(1)(A), (f)(1)(C), (f)(2), (f)(2)(A)(ii), (g)(1), and (h)(2) by deleting “New 11/2022” and adding “Amended 11/2025” after “form DHBC HAPR-01.”

This was necessary to identify when the amended form was adopted by the Board, as well as to establish consistency with the naming of the form within the regulation. Additionally, this is necessary to advise RDHAPs there is an amended form required to register physical facilities and will key the reader to review the form to identify if there are new requirements the RDHAP shall be responsible to adhere to.

Application form DHBC HAPR-01 (Amended 11/2025), Incorporated by Reference

Subdivision (b)(1)(A) requires an RDHAP applying to register a physical facility to complete and submit an “Registered Dental Hygienists in Alternative Practice: Registration of Physical Facilities” form DHBC HAPR-01 (Amended 3/2025), which the subdivision incorporates by reference.

The Board proposes to amend form DHBC HAPR-01 (Amended 11/2025) to assist an RDHAP to apply to register a physical facility and ensures pertinent information is collected from applicants in a consistent manner to enable fair and efficient processing of the request by the Board. Additionally, the application provides a convenient way for applicants to understand the regulatory requirements, including requisites for approval

of registration of a physical facility by the Board. Amendments to application form DHBC HAPR-01 (Amended 11/2025) includes:

- Footer of “form DHBC HAPR-01.”

The Board modified the footer on all pages of form DHBC HAPR-01” by deleting “New 11/2022” and adding “Amended 11/2025” after “form DHBC HAPR-01.” This was necessary to identify when the amended form was adopted by the Board, as well as to establish consistency with the naming of the form within the regulation.

- “RDHAP Information” Section Box, Question 4

Deleted: ☐New Registration ☐Renewal - Facility #
☐Portable Equipment ☐Primary Office Facility ☐Additional Office Facility

Added: ☐New Registration: ☐Physical Facility to Maintain Portable Equipment
☐Primary Physical Facility ☐Additional Physical Facility
☐Renewal: Physical Facility Number _____

This is necessary as stakeholders provided feedback that the current check boxes were confusing, and they were unsure as to how to answer “Question 4.” Therefore, the Board restructured the check boxes to clarify the form for the type of application (new or renewal.)

Added “PLEASE NOTE: A physical facility is defined in 16 CCR section 1116.5 as a fixed structure in which dental hygiene services are rendered or where portable equipment is maintained.”

This is necessary to provide a convenient reminder to RDHAPs as to the definition of a physical facility and is necessary to ensure an RDHAP is clear on the specifics of the type of facility required to be registered with the Board and to prevent misinterpretation by the reader.

- “Address of Physical Facility” Section Box

Added “NOTE: At the time of registration, the location shall be located in a dental health professional shortage area, as certified by the Department of Health Care Access and Information, pursuant to BPC sections 1926, 1926.01, and 1926.05. Not applicable to Physical Facility to Maintain Portable Equipment Registration or Renewal.” after “days of the change.”

The Board incorporates by reference its response to subdivision (a)(8) above.

- “RDHAP Owner Requirements” Box Title

Deleted “Physical Facility” and added “RDHAP Owner.”

This is necessary to clarify and reinforce that the RDHAP owner is the person responsible for the specific requirements necessary to register a physical facility, as well as to establish consistency within the form.

- Question 11

Deleted “1116” and added “1116.5” after “16 CCR section.”

This is necessary because the form erroneously referred to the incorrect associated regulation and therefore the Board modified the form to correct the reference and to prevent misinterpretation by the reader.

Deleted “Physical Facility” and added “RDHAP” after “the” and before “owner.”

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title above.

- 1) Deleted “this” after “check” and before “box”, deleted “: ☐ N/A” after “box”;
- 2) added “the N/A” before “box” and after “check”, and added “.” after “box”; and
- 3) added a column with an “☐ N/A”.

The Board incorporates by reference its response to “Questions 11 and 12” of “MDHC-01 (Amended 11/2025)” above.

- Question 12

Deleted “Physical Facility” and added “RDHAP” after “the” and before “owner.”

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title above.

- 1) Deleted “this” after “check” and before “box”, deleted “: ☐ N/A” after “box”;
- 2) added “the N/A” before “box” and after “check”, and added “.” after “box”; and
- 3) added a column with an “☐ N/A”.

The Board incorporates by reference its response to “Questions 11 and 12” of “MDHC-01 (Amended 11/2025)” above.

- Questions 13 and 16

Deleted “Physical Facility” and added “RDHAP” after “the” and before “owner.”

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title above.

- Question 15

Added “RDHAP” after “the” and before “owner.”

The Board incorporates by reference its response to “RDHAP Owner Requirements” Box Title above.

- Question 17

- 1) Added “Physical Facility to Maintain” after “to” and before “Portable”;
- 2) added “or Renewal” after “Registration” and before “.”;
- 3) added “or renewing registration of a physical facility to maintain” after “registering” and before “portable equipment”; and
- 4) added “*If the RDHAP does not provide radiographic services, check the “N/A” box.”

This is necessary as stakeholders provided feedback that the current language was confusing. Therefore, the Board added language to clarify that physical facilities to maintain portable equipment are not required to have radiographic operatories that comply with California Radiation Control Regulations, as these types of physical facilities are not used to provide dental hygiene treatment.

- 1) Deleted “this” after “check” and before “box”, deleted “: ☐ N/A” after “box”;
- 2) added “the N/A” before “box” and after “check”, and added “.” after “box”; and
- 3) added a column with an “☐ N/A”.

The Board incorporates by reference its response to “Questions 11 and 12” of “MDHC-01 (Amended 11/2025)” above.

- Question 19

Deleted “Does the physical facility’s owner” and added “Will the RDHAP owner and providers” before “use infection control”.

The Board incorporates by reference its response to “Question 21” of “MDHC-01 (Amended 11/2025)” above.

- Question 20

Deleted “Does the physical facility” and added “Will the RDHAP owner and providers” before “comply with “HIPAA’s”

The Board incorporates by reference its response to “Question 22” of “MDHC-01 (Amended 11/2025)” above.

- Question 21

- 1) Added “Physical Facility to Maintain” after “to” and before “Portable”;
- 2) added “or Renewal” after “Registration” and before “.”; and

- 3) added “or renewing registration of a physical facility to maintain” after “registering” and before “portable equipment”.

This is necessary as stakeholders provided feedback that the current language was confusing. Therefore, the Board added language to clarify that physical facilities to maintain portable equipment are not required to be readily accessible to and usable by individuals with disabilities, as these types of physical facilities are not used to provide dental hygiene patient treatment and therefore, not open for public use.

- 1) Deleted “this” after “check” and before “box”, deleted “: ☐ N/A” after “box”;
- 2) added “the N/A” before “box” and after “check”, and added “.” after “box”; and
- 3) added a column with an “☐ N/A”.

The Board incorporates by reference its response to “Questions 11 and 12” of “MDHC-01 (Amended 11/2025)” above.

- Question 23

- 1) Added “*Not applicable to Physical Facility to Maintain Portable Equipment Registration or Renewal. If registering or renewing registration of a physical facility to maintain portable equipment check the “N/A” box”; and
- 2) added a column with an “☐ N/A”.

The Board determined “Question 23” did not accurately capture the intent of requirements applicable for RDHAPs who only use a physical facility to maintain portable equipment. The Board added “*Not applicable to Portable Equipment Registration. If registering portable equipment check this box: ☐ N/A” to clarify that RDHAPs who only use a physical facility to maintain portable equipment are not required to have public toilet facilities as the physical facility is not used for dental hygiene patient treatment and therefore, not open for public use.

- Question 25

- 1) Added “Physical Facility to Maintain” after “to” and before “Portable”;
- 2) added “or Renewal” after “Registration” and before “.”; and
- 3) added “or renewing registration of a physical facility to maintain” after “registering” and before “portable equipment”.

This is necessary as stakeholders provided feedback that the current language was confusing. Therefore, the Board added language to clarify that physical facilities to maintain portable equipment are not required to have a working Automated External Defibrillator (AED), as these types of physical facilities are not used to provide dental hygiene patient treatment and therefore, not open for public use.

- 1) Deleted “this” after “check” and before “box”, deleted “: ☐ N/A” after “box”;
- 2) added “the N/A” before “box” and after “check”, and added “.” after “box”; and

3) added a column with an “☐ N/A”.

The Board incorporates by reference its response to “Questions 11 and 12” of “MDHC-01 (Amended 11/2025)” above.

- Question 26

- 1) Deleted “Does” and added “If an RDHAP administers local anesthesia or performs soft tissue curettage pursuant to 16 CCR section 1118, does” before “the MDHC”;
- 2) added “*If registering or renewing: 1) a Physical Facility to Maintain Portable Equipment; or 2) a Physical Facility and the RDHAP **does not** administer local anesthesia or perform soft tissue curettage pursuant to 16 CCR section 1118, check the “N/A” box.”; and
- 3) added a column with an “☐ N/A”.

The Board incorporates by reference its response to “Question 28” of “MDHC-01 (Amended 11/2025)” above.

- Question 27

Added “1926, 1926.01, 1926.05,” after “BPC” and before “1926.3”.

The Board incorporates by reference its response to subdivision (a)(8) above.

- 1) Deleted “and” after “1116.5” and before “1117”; and
- 2) added “,and 1118” after “1117” and before “?”.

The Board incorporates by reference its response to “Question 29” of “MDHC-01 (Amended 11/2025)” above.

Subdivision (b)(5)

Deleted “RHDAP” and added “RDHAP” before “owner” and after “and the”.

This amendment was necessary due to the misspelling of the acronym.

Subdivision (c)(3)

Added after (c)(3)(G):

- “For RDHAPs who only utilize portable equipment and do not maintain a physical facility for patient treatment, (C), (E), and (G) of this subdivision do not apply.”

The Board determined subdivision (c)(3) did not accurately capture the intent of requirements applicable for RDHAPs who only use a physical facility to maintain portable equipment. These amendments in each section are necessary because:

1. Subdivision (c)(3)(C)

This is necessary to clarify that RDHAPs who only use a physical facility to maintain portable equipment are not required to be readily accessible to and useable by individuals with disabilities pursuant to ADA requirements as the physical facility is not used for patient treatment and not open for public use.

2. Subdivision (c)(3)(E)

This is necessary to clarify that RDHAPs who only use a physical facility to maintain portable equipment are not required to have public toilet facilities as the physical facility is not used for patient treatment and not open for public use.

3. Subdivision (c)(3)(G)

This is necessary to clarify that RDHAPs who only use a physical facility to maintain portable equipment are not required to have a working Automated External Defibrillator (AED) as the physical facility is not used for patient treatment and not open for public use. This also aligns with the current language of “Question 25” on form DHBC HAPR-01 (Amended 3/2025) which states after the question “*Not applicable to Portable Equipment Registration. If registering portable equipment check this box: ☐ N/A.”

- If an RDHAP utilizing portable equipment does not administer local anesthesia or perform soft tissue curettage pursuant to 16 CCR section 1118, (H) of this subdivision does not apply.”

16 CCR section 1118 requires RDHAPs that administer local anesthesia or perform soft tissue curettage to have access to portable emergency oxygen with administration equipment. This amendment is necessary to clarify and reinforce that RDHAPs who are registering portable equipment and do not administer local anesthesia, are not required to have access to portable emergency oxygen with administration equipment.

Subdivision (c)(3)(H) renumbered to new subdivision (c)(4)

First, the Board amended “subdivision (c)(3)(H)” by deleting “(d)(3)(H)” and renumbering this subdivision to new “subdivision (c)(4)”.

The Board incorporates by reference its response to “new subdivision (d)(4)” of section 1116 above.

Second, the Board amended new subdivision (d)(4) by deleting “Have” at the beginning of the sentence and added “If an RDHAP administers local anesthesia or performs soft tissue curettage pursuant to 16 CCR section 1118, an RDHAP shall have available” before “a self-contained,”.

The Board incorporates by reference its response to “Question 28” of “MDHC-01 (Amended 11/2025)” above.

Subdivision (c)(4) renumbered to new subdivision (c)(5)

The Board renumbered “subdivision (c)(4)” to new “subdivision (c)(5)”.

This amendment was necessary to accommodate for the renumbering of “subdivision (c)(3)(H)” to new “subdivision (c)(4).”

Reference Section

Added sections “1908, 1926, 1926.01, 1926.05,” before “1926.3,” and after “1906,” in the “Authority cited” section.

The addition of BPC section 1908 to the “authority cited” section is necessary to provide clarity to the statutory authority for deletion of “diagnosis(es)” and the addition of “care plan” to subdivision (a)(7).

The addition of BPC section 1926 to the “authority cited” section is necessary because the Board clarified section (a)(8) regarding areas where an RDHAP may lawfully practice.

The addition of BPC section 1926.01 to the “authority cited” section is necessary because the Board clarified new subdivision (d)(4) by adding “If an RDHAP administers local anesthesia or performs soft tissue curettage pursuant to 16 CCR section 1118, an RDHAP shall have available” emergency oxygen administration equipment. BPC section 1926.01 provides statutory authority for 16 CCR section 1118 and therefore necessary due to this addition.

The addition of BPC section 1926.05 to the “authority cited” section is necessary because the Board wanted to clarify the additional duties as found in BPC section 1910.5 are allowable to be performed by an RDHAP at their physical facilities where patient treatment is provided.

Added sections “1926, 1926.01, 1926.05,” before “1926.3,” and after “1925,” in the “Reference” section.

The Board incorporates by reference its response to the “Authority Cited” section above.

Underlying Data

- Minutes: Legislative & Regulatory Committee Meeting, Friday, March 21, 2025.
- Meeting Materials: Legislative & Regulatory Committee Meeting, Friday, March 21, 2025.
- Minutes: DHBC Full Board Meeting, Saturday, March 22, 2025.
- Meeting Materials: DHBC Full Board Meeting, Saturday, March 22, 2025.

- Minutes: DHBC Full Board Teleconference, Tuesday, May 27, 2025.
- Meeting Materials: DHBC Full Board Teleconference, Tuesday, May 27, 2025.
- Minutes: DHBC Townhall Meeting, Friday, September 12, 2025
- Meeting Materials: DHBC Townhall Meeting, Friday, September 12, 2025
- Minutes: Legislative & Regulatory Committee Meeting, Saturday, November 8, 2025.
- Meeting Materials: Legislative & Regulatory Committee Meeting, Saturday, November 8, 2025.
- Minutes: DHBC Full Board Meeting, Saturday, November 8, 2025.
- Meeting Materials: DHBC Full Board Meeting, Saturday, November 8, 2025.
- “Standards for Clinical Dental Hygiene Practice (Revised 2025)” by the American Dental Hygienists’ Association.

Business Impact:

Amendments to this regulation will not have an economic impact on businesses. This initial determination is based on the following facts:

The current regulation requires businesses to file a report with the Board. The amendments do not change any requirements for the RDHAP to run or maintain an MDHC or physical facility. The amendments only clarify the Board’s original intention of the regulatory requirements of owning an MDHC and/or physical facility.

Any workload related to reporting requirements related to this proposal are anticipated to be incurred within normal business operations and not anticipated to result in additional costs.

Economic Impact Assessment:

The Board determined this regulatory action will not create jobs within the State of California because the amended language in the regulation only clarifies the current requirements for MDHCs and physical facilities, as specified.

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 because the amended language in the regulation only clarifies the current requirements of MDHCs and physical facilities, as specified.

This regulatory proposal will positively impact worker safety as the amended language in the regulation clarifies and ensures MDHCs and physical facilities adhere to all laws, regulations, and standards applicable to MDHCs and physical facilities, including worker safety (OSHA).

This regulatory proposal will positively impact the health and welfare of California residents as the proposed language in the regulation clarifies and ensures MDHCs and physical facilities adhere to all laws, regulations, and standards applicable to MDHCs and physical facilities, including patient safety (HIPAA, HSC, CDC).

Additionally, this regulatory proposal will increase access to care to the public in HCAI dental health professional shortage areas, as well as those patients unable to access traditional dental care due to disabilities.

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

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

The Board has initially determined that no reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner which ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- 1) Not amend the regulation: This alternative was rejected by the Board because the amendments provide necessary clarifications to the regulation regarding the requirements for registration of MDHCs and for physical facilities as a stand-alone practice versus registration of physical facilities to maintain portable equipment.
- 2) Amend the regulation: The Board determined this alternative is the most feasible because it provides necessary clarifications to the regulation regarding the requirements for registration of MDHCs and for physical facilities as a stand-alone practice versus registration of physical facilities to maintain portable equipment.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.