

**Title 16, Division 11, Article 4, Sections 1116 and 1116.5
Dental Hygiene Board of California**

**NOTICE OF PROPOSED RULEMAKING CONCERNING Mobile Dental Hygiene
Clinics; Issuance of Approval and Registered Dental Hygienist in Alternative
Practice, Physical Facility Registration.**

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 **Monday, September 28, 2026**.

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, 1906, 1908, 1918, 1925, 1926, 1926.01, 1926.05, 1926.1, 1926.2, 1926.3, 1926.4, and 1944, and to implement, interpret or make specific BPC sections 125.6, 137, 138, 142, 680, 1922, 1925, 1926, 1926.1, 1926.2, 1926.3, 1926.4, 1955, and 1962, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations (CCR) 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 (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, 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 apprised by stakeholders about 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.

This proposal amends 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.

Anticipated Benefits of the Proposed Regulation:

The proposed amendments to section 1116 and 1116.5 will enhance clarity by: (1) providing a correct definition which aligns with statutory authority; (2) providing direction to an RDHAP as to where they may open a physical facility to provide patient dental hygiene care; (3) correcting 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) clarifying when RDHAPs are required to possess emergency oxygen units during dental hygiene practice; (5) providing correct statutory references due to amendments within the text; and (6) providing 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.

Determination of Inconsistency and Incompatibility with Existing State Regulations:

During the process of amending 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.

Documents Incorporated by Reference:

- “Application for Registration of a Mobile Dental Hygiene Clinic (MDHC)” [form DHBC MDHC-01 (Amended 11/2025).]
- Registered Dental Hygienists in Alternative Practice: Registration of Physical Facilities” [form DHBC HAPR-01 (Amended 11/2025).]

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:

The regulations result in one-time workload costs of approximately \$2,000 to update and post two forms on the Board’s website. The Board does not anticipate additional ongoing workload costs related to registration or compliance.

The regulations do not result in costs or 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 DHBC has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

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 a 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.

Cost Impacts on a Representative Private Person or Businesses:

The DHBC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Amendments to this regulation will not have an economic impact on a private person or business. This initial determination is based on the following facts:

The amendments do not change any requirements for the RDHAP to run or maintain a physical facility. The amendments only clarify the Board's original intention of the regulatory requirements of owning a physical facility.

Significant Effect on Housing Costs: None.

Business Reporting Requirement:

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 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.

Results of the Economic Impact Analysis/Assessment:

Impact on Jobs/Businesses: The Board has determined this regulatory action will not create or eliminate 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.

Benefits of the Proposed Action: 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 to adhere to all laws, regulations, and standards applicable to an MDHC and physical facilities, including patient safety (HIPAA, HSC, CDC).

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

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.

Effect on Small Business: The Board determined this regulatory action may have an impact on small businesses, including businesses owned or employing licensees, will not impact the ability of these small business to compete in this state because the amended language in the regulation does 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 or a 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

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>.