

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

**Appeals Process and Reinstatement of Withdrawn  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

<b>Legend:</b> Added text is indicated with an <u>underline</u> .
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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 Appeals Process and Reinstatement of Withdrawn Dental Hygiene Educational Programs.**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- (b) Any educational program whose approval is denied or withdrawn shall be granted an informal conference before the Executive Officer or his or her designee prior to the effective date of such action.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(d) Reinstatement of Dental Hygiene Board approval of a withdrawn dental hygiene educational program.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 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, Business and Professions Code. Reference: Sections 1905 and 1941, Business and Professions Code.