



**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:** Temporary Licensure (Military Spouses or Partners).

**Sections Affected:** Section 1114 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 or DHBC) is charged with oversight of registered dental hygienists (RDHs), registered dental hygienists in alternative practice (RDHAPs), and registered dental hygienists in extended functions (RDHEFs). 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 RDH educational programs, and monitoring licensees placed on disciplinary probation by the Board.

Existing law requires specific boards (not DHBC) within the Department of Consumer Affairs (DCA) to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements. These requirements include supplying evidence satisfactory to the Board the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders (military spouse/partner).

Assembly Bill 107 (Salas, Chapter 693, Statutes of 2021) (AB 107) expanded the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within DCA, and amended BPC section 115.6 of the Code to include the DHBC. BPC section 115.6 authorizes the Board to issue temporary licenses to military spouse/partner applicants within 30 days of receiving required documentation and upon passing a California law and ethics examination. Additionally, AB 107 amended BPC section 115.6 providing temporary licenses are nonrenewable and shall expire 12 months after issuance. (Bus. & Prof. Code, § 115.6, subd. (h).)

This proposal implements AB 107 by providing a means for a military spouse/partner to apply for temporary RDH licensure.

The Board approved the proposed language after review at the November 19, 2022, Board meeting and delegated authority to the Board's EO to make any technical, non-substantive changes, if necessary.

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

The anticipated benefits of the proposed regulation are:

- First, this proposal will allow an RDH licensed in another state to practice their chosen profession. This promotes safety of the public because the Board will ensure the military spouse/partner meets California licensing requirements and only issue temporary RDH licensure to those applicants meeting all Board requirements.
- Second, this proposal will allow a military spouse/partner to work and provide income for their family while the military member is assigned to a duty station in California. This promotes the welfare of the public by providing a military member who is devoted to protecting our country the means to offset the financial hardship and burden for the relocating military member, and their family.

## **Factual Basis/Rationale**

### **Section 1114**

#### **Subdivision (a)**

Subdivision (a) requires a military spouse/partner applicant to meet all of the requirements of section 1114 and BPC section 115.6 to be eligible for a temporary license from the Board to practice as an RDH.

BPC section 115.6(a)(1) requires the Board to issue a temporary license to an applicant who meets the requirements set forth in subdivisions (c) and (d) of the statute. Additionally, BPC section 115.6(i) authorizes the Board to promulgate regulations to administer temporary licensure. Subdivision (a) is necessary to establish requirements in regulation to issue a temporary license for a military spouse/partner are clear and consistent.

The Board is authorized to grant licensure to an RDH if all requirements of BPC sections 1917 or 1917.1 are met. The Board is also authorized to grant licensure to an RDHEF if all requirements of BPC section 1918 are met. Additionally, the Board is authorized to grant licensure to an RDHAP if all requirements of BPC section 1922 are met.

Proposed subdivision (a) is consistent with requirements in other Board regulations. (See e.g., Cal. Code Regs., tit. 16, § 1119, subd. (a).)

### **Subdivision (b)**

Subdivision (b) provides requirements a military spouse/partner applicant must meet to be eligible for a temporary RDH license.

This subdivision introduces the specific items of documentation an applicant must provide to the Board. This provision is necessary to establish a process for the Board to collect required documentation from a temporary licensure applicant that is clear and consistent.

Proposed subdivision (b) is consistent with requirements in other Board regulations. (See e.g., Cal. Code Regs., tit. 16, § 1119, subd. (a).)

### **Subdivision (b)(1)**

Subdivision (b)(1) requires a military spouse/partner applicant to submit a completed application to the Board on Form DHBC TEMP-01 (New 11-2022) “Application for Temporary Licensure to Practice Dental Hygiene (Military Spouses/Partners).”

BPC section 115.6(c) requires a military spouse/partner applicant for temporary RDH licensure to provide documentation to the Board they meet requirements for temporary licensure. This requirement is necessary because it ensures they meet all requirements established by BPC section 115.6, subdivisions (c) and (d), and are eligible for temporary licensure. Additionally, requiring a form allows the applicant to report requirements in a clear and consistent manner.

Proposed subdivision (b)(1) is consistent with requirements in other Board regulations. (See e.g., Cal. Code Regs., tit. 16, § 1119, subd. (a)(2).)

### **Application form DHBC TEMP-01 (New 11/2022), Incorporated by Reference**

Subdivision (b)(1) requires a military spouse/partner applicant for temporary RDH licensure to complete and submit an “Application for Temporary Licensure to Practice Dental Hygiene (Military Spouses/Partners)” form DHBC TEMP-01 (New 11/2022), which the subdivision incorporates by reference.

The Board creates Form DHBC TEMP-01 (New 11/2022) to assist the military spouse/partner applicant to apply for temporary RDH licensure and ensures pertinent information is collected from applicants in a consistent manner to enable fair and efficient processing of the request by the Board.

Form DHBC TEMP-01 (New 11/2022) includes a notice a temporary license issued by the Board is nonrenewable and shall expire 12 months after issuance, upon issuance or denial of a standard license, upon issuance or denial of a license by endorsement, or

upon issuance or denial of an expedited license pursuant to BPC section 115.5. This is necessary because it ensures the temporary license is a temporary option, and if the military spouse/partner applicant desires to continue to practice dental hygiene in California, they must pursue full licensure. Additionally, BPC section 115.6(h) provides a temporary license issued pursuant to this section is nonrenewable and shall expire 12 months after issuance, upon issuance or denial of a standard license, upon issuance or denial of a license by endorsement, or upon issuance or denial of an expedited license pursuant to BPC section 115.5, whichever occurs first.

Form DHBC TEMP-01 (New 11/2022) also provides definitions applicable to form DHBC TEMP-01 (New 11/2022). Definitions are necessary to provide clear and consistent interpretations of words utilized within the form language to prevent misinterpretation by the reader. “Discipline” is defined using generally understood language to specify the types of discipline of significance to the Board, as well as to ensure compliance with BPC section 115.6(c)(5). Additionally, the Board referenced the definition of discipline as provided by [www.lawinsider.com](http://www.lawinsider.com). “Jurisdiction” is defined to specify the geographic area within which judicial authority may be exercised to ensure compliance with BPC section 115.6, subdivisions (c)(3), (c)(4), and (c)(5). The Board referenced the definition of jurisdiction from Black’s Law Dictionary (11th ed. 2019), as provided by [www.Westlaw.com](http://www.Westlaw.com). “Disciplinary proceeding” is defined using generally understood language to specify the proceeding by which the discipline of a license may be imposed, as well as to ensure compliance with BPC section 115.6(c)(5). Additionally, the Board referenced the definition of disciplinary proceeding as provided by [www.lawinsider.com](http://www.lawinsider.com).

Form DHBC TEMP-01 (New 11/2022) collects the date, applicant information (name of applicant, other names or aliases, license application type, Social Security or Individual Taxpayer Identification Number, address(es), email address, telephone number, mobile phone number, and work number) to enable identification of the requester, allows linkage of any correspondence to the correct application, and ensures accuracy in the processing of the application.

As BPC section 1114 does not explicitly provide the minimum criteria for RDH licensure, the application provides a convenient way for applicants to understand the regulatory requirements for RDH, RDHAP, and RDHEF licensure. Application form DHBC TEMP-01 (11/22) includes the following:

- “U.S. Military Requirement (For Spouses/Domestic Partners of U.S. Military Members)” Section:
  - Whether the applicant is married to, or in a domestic partnership or other legal union, with an active-duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active-duty military orders.

This question is necessary to determine the applicant’s eligibility for temporary licensure as a military spouse/partner.

- A statement that if the above question is answered in the affirmative, the applicant shall provide the listed documentation with the application required to process a request for a temporary license.

Provision of these documents is necessary because BPC section 115.6(c)(1) requires an applicant supply evidence satisfactory to the Board the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

Additionally, there is a statement that “Failure to do so shall result in the application being deemed incomplete and the application will not be processed.” BPC section 115.6(c) requires an applicant seeking a temporary license pursuant to this section to meet all requirements as found in subdivision (c). Therefore, if an application is missing any requirements pursuant to BPC section 115.6(c), the application does not meet the requirements for licensure, and cannot be processed for licensure.

- Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces.

This is necessary because these documents evidence a marriage or recognized domestic partnership between an applicant and the active duty member of the Armed Forces and satisfy BPC section 115.6(c)(1).

- A copy of the military orders establishing the applicant’s spouse’s or partner’s duty station in California.

This document is necessary to provide proof of assignment to a duty station in California under official active duty military orders and satisfy BPC section 115.6(c)(1).

- “Professional License or Certification History” Section:
  - Whether the applicant holds a current, active, and unrestricted license, or comparable authority to practice as a dental hygienist, a dental hygienist in alternative practice, or a dental hygienist in extended functions in another state, district, or territory of the United States.

BPC section 115.6(c)(2) requires an applicant seeking a temporary license to hold a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the Board. Additionally, as the Board’s highest priority is consumer protection (Bus. & Prof. Code, § 1902.1), this is necessary because it ensures the military spouse/partner applicant is current, active, unrestricted due to consumer harm, safe, and qualified to receive a temporary RDH license from the Board.

- A statement that if the above question is answered in the affirmative, the applicant shall provide the following documentation with the application:
  - A copy of the applicant's current license type, registration, or other comparable authority to practice dental hygiene in another state, district, or territory of the United States, including the number issued to the applicant by the original licensing jurisdiction.

This is necessary because this provides proof the military spouse/partner applicant meets the minimal qualifications to practice dental hygiene in another state, district, or territory of the United States. The original licensing jurisdiction number is necessary for the Board to exercise due diligence and research the license, ensuring it is current, active, and unrestricted as required by BPC section 115.6(c)(2).

Additionally, the Board requires the submission of relevant law(s) and regulation(s) under which the license was issued. This is necessary because it allows the Board to determine the scope of the applicant's current license, ensuring comparable authority and scope of the license to practice dental hygiene in California. This is intended to satisfy BPC section 115.6(c)(2)'s requirement to demonstrate scope of practice equivalence.

- Written verification from the applicant's original licensing jurisdiction that the applicant's license, registration, or other comparable authority ("license") is in good standing in that jurisdiction. The verification shall include the following:
  - The full legal name of the applicant and any other name(s) the applicant has used or has been known by.
  - The license number issued to the applicant by the original licensing jurisdiction.

This information enables the Board to cross-reference the applicant's name and license number with their license in the other jurisdiction.

- The name and location of the licensing agency.

This information enables the Board to identify the licensing agency that issued the military spouse/partner applicant's original dental hygiene license, and allows the Board to exercise due diligence to cross-check source information provided while reviewing the application for accuracy.

- The issuance and expiration date of the license.

This information is necessary to ensure the military spouse/partner applicant's original dental hygiene license is current and valid.



- A statement Information showing the applicant’s license is currently in good standing. For the purposes of this section, “good standing” shall mean:
  - The applicant has not been disciplined.
  - The applicant is not the subject of an unresolved complaint or review procedure.
  - The applicant is not the subject of any unresolved disciplinary proceeding.

The definitions included for “good standing” are necessary because they provide clear and consistent interpretations of words utilized within the form language to prevent misinterpretation and misapplication of “good standing” by the reader. BPC section 115.6(c)(3) requires an applicant’s license be in “good standing” in their original licensing jurisdiction. Therefore, by ensuring the applicant has not been disciplined by a licensing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction, the license is therefore in “good standing.”

Additionally, BPC section 115.6(c)(3) requires the application include written verification from the applicant’s original licensing jurisdiction stating the applicant’s license is in good standing in that jurisdiction.

- “Applicant’s Background and History” Section
  - A statement that if they answer in the affirmative to any of the questions in this section, they must attach a written narrative to include the incident date, location, and outcome (with the exception of acts that would have constituted grounds for denial, suspension or revocation due to criminal history (BPC sections 480, 490, 1950).)

This is necessary to provide the Board the context regarding the discipline imposed on the applicant, and enables the Board to review the history of discipline to determine appropriateness for temporary licensure. Additionally, acts that constitute grounds for denial, suspension or revocation due to criminal history require the Board deny a temporary license pursuant to BPC section 475 and those acts are defined in BPC sections 480, 490, and 1950.

Additionally, the provision requiring the incident date and location is needed to provide the timeframe regarding discipline. BPC section 1957 allows previous licensees whose licenses has been revoked or suspended, placed on probation, or surrendered pursuant to a stipulated settlement as a condition to avoid a disciplinary administrative hearing, to petition the Board for reinstatement or modification of the penalty after a minimum period of time has elapsed from the effective date of the decision ordering disciplinary action. Therefore, it is necessary to afford the same consideration to temporary licensure applicants.

- A statement that if disciplined by another regulatory body, all certified documents must be attached with a letter of explanation, to include any disciplinary actions by another state licensing board (in or outside of California), any agency of the federal government (U.S.), the U.S. Military or another country.

This is necessary because this provides proof the military spouse/partner applicant does not have any discipline precluding them from the practice of dental hygiene by another regulatory body ( i.e., licensing entity or board in another jurisdiction.) Additionally, BPC section 115.6(c)(3) requires the application include written verification from the applicant’s original licensing jurisdiction stating the applicant’s license is in good standing in that jurisdiction. Furthermore, BPC section 1917.1(a)(5) requires proof an applicant who has not taken a clinical examination before the Board has not been subject to disciplinary action by any state in which the applicant is or has been previously issued any professional or vocational license.

- A statement that pursuant to BPC section 480, the DHBC is not authorized to require an applicant to disclose any information or documentation regarding the applicant’s criminal history.

This is necessary because pursuant to BPC section 480(f)(2), the Board cannot require an applicant for licensure to disclose any information or documentation regarding the applicant’s criminal history.

- Whether they have ever committed an act or acts in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license pursuant to Sections 141, 480, or 490 of the California Business and Professions Code (BPC), or Sections 1926.3, 1927, 1931, 1949, 1950, 1950.5, 1952, 1954, 1955, 1956, 1958.1, 1962, of the BPC.

This is necessary because BPC section 115.6(c)(5) requires the applicant to not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed. Therefore, if the temporary licensure applicant committed any violation of these sections, it would constitute unprofessional conduct, and be grounds for denial of temporary licensure. (See e.g., Cal. Code Regs., tit. 16, § 1135, subd. (a).)

- Whether they have ever been disciplined by a licensing entity in another jurisdiction.

This is necessary because BPC section 115.6(c)(5) requires the applicant to not have been disciplined by a licensing entity in another jurisdiction.

- Whether they are the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

This is necessary because BPC section 115.6(c)(5) requires the applicant to not be the



subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

- A chart to report type of licensure, state or country the license was issued, license number, dates of licensure, and current status of license.

This is necessary because the chart provides a convenient and organized way for the applicant to report license types and their status, and allows the Board a convenient way to cross reference any documentation sent along with the application. Additionally, reporting previous licensure complies with the requirements found in BPC section 115.6(c)(2).

- “California RDH Law and Ethics Examination Administered by the DHBC” Section:
  - A statement that prior to issuance of a license, an applicant for licensure as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions, must successfully take and complete a supplemental written examination in California Law and Ethics. BPC section 115.6(d) permits a California law and ethics exam if required by the Board for licensure.

This is necessary because 16 CCR section 1121 requires all applicants for RDH licensure to take and pass a law and ethics exam, and BPC section 115.6(d) provides the requirement.

- A statement that once the Board verifies an application is complete, the Board will send an approval letter with details to schedule an exam with the California RDH Law and Ethics exam provider (PSI).

This is necessary to inform the applicant a California law and ethics examination is required for licensure because BPC section 115.6(d) allows the Board to require a California law and ethics examination. Additionally, the Board requires all licensure applicants to take and pass a California law and ethics examination. (See e.g., Bus. & Prof. Code, §§ 1917, subd. (d) & 1917.1, subd. (a)(4).)

- Whether they have a disability as defined in Civil Code section 51 or a condition that requires reasonable accommodations for testing.

This is necessary because 16 CCR 1122(a) requires an applicant be able to read and interpret instructions and examination materials. Additionally, to comply with the American with Disabilities Act, the Board ensures individuals with disabilities have the opportunity to fairly complete the exam by offering the exam in a manner accessible to persons with disabilities. (See e.g., 42 U.S.C. § 12189.)

- A statement that if they answer in the affirmative, they must provide documentation of disability in an original letter on letterhead from a health care

provider, which includes the date(s), nature of the disability, any testing accommodations requested, and the health care provider's signature.

This is necessary to ensure the proper accommodations are provided to the applicant consistent with their needs to comply with the American with Disabilities Act. (See e.g., 42 U.S.C. § 12189.) The Board must ensure the exam does not provide qualified persons with disabilities with aids, benefits, or services that are not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others. (e.g., see 28 C.F.R. § 35.130(b)(1)(iii).)

- “Additional Explanations” Section:
  - A statement that if the applicant needs additional space for answers to any of the application questions, to list the question number and provide additional information as needed in this section.

This is necessary to provide a convenient way for the temporary licensure applicant to provide answers to questions on the application which call for additional information, as well as provide the information in a single space, rather than requiring extraneous documentation attached to the application.

- “Application Certification” Section:
  - A statement certifying the applicant meets all the requirements for the temporary license, and the information submitted in the application is accurate, to the best of their knowledge.

This is necessary to ensure the applicant meets all the requirements for the temporary license, and the information submitted in the application is accurate, as well as in compliance with BPC section 115.6(c)(3). (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal. App.4th 1214, 1223 [judicial explanation for the use of certifications].)

- A statement that falsification or misrepresentation of any item or response on the application or any attachment is grounds for denying the application.

This is necessary to inform the applicant all statements and documentation should be reported accurately to the Board, as falsification of fact is considered as unprofessional conduct (Bus. & Prof. Code, § 1950.5, subd. (z)) and subject to Board discipline. Additionally, this statement is in compliance with BPC section 475(a)(1) which states grounds for denial of a license may be due to “Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.”

- A statement that any temporary license issued after the application is processed will be immediately terminated upon a finding the license holder provided

substantively inaccurate information that would affect the person's eligibility for temporary licensure.

This is necessary to inform the applicant all statements and documentation should be reported accurately to the Board. Additionally, this is in compliance with the requirement of BPC section 115.6(f)(1) which states a temporary license issued pursuant to BPC section 115.6 may be immediately terminated upon a finding that the temporary license holder provided substantively inaccurate information that would affect the person's eligibility for temporary licensure.

Form DHBC TEMP-01 (New 11/22) also includes the required notices and disclosures to the applicant for the Board's collection of personal information in compliance with Civil Code section 1798.17.

Form DHBC TEMP-01 (New 11/22), referenced in subdivision (b)(1), would be cumbersome, unduly expensive and otherwise impractical to publish in the CCR, as this form will be completed by applicants. The form will be available on the Board's website and hardcopies will be available from the Board upon request.

### **Subdivision (b)(2)**

Subdivision (b)(2) requires an applicant furnish a full set of fingerprints, upon request by the Board for use by and accessible to the Board, in conducting criminal history information record checks through the California Department of Justice. As the Board's highest priority is consumer protection (Bus. & Prof. Code, § 1902.1), this is necessary because it ensures only qualified applicants receive a temporary RDH license from the Board. Additionally, BPC section 1916(a)(1) requires fingerprint submission for vetting all RDH license applicants, as well as BPC section 116.5(c)(6) requires an applicant for temporary licensure to submit a full set of fingerprints for conducting a background check.

### **Subdivision (b)(3)**

Subdivision (b)(3) requires an applicant successfully take and complete the supplemental written examination in California Law and Ethics as set forth in 16 CCR section 1121. Again, as the Board's highest priority is consumer protection (Bus. & Prof. Code, § 1902.1), this is necessary because it ensures a temporary licensure applicant possesses current knowledge on the laws and regulations applicable to the practice of dental hygiene, as well as possess requisite ethics of an RDH, pursuant to 16 CCR section 1100(k), to practice dental hygiene safely and ethically.

Additionally, 16 CCR section 1121 requiring all RDH licensure applicants to successfully take and complete a supplemental written examination in California Law and Ethics, as well as BPC section 116.5(d) requires the inclusion of subdivision (b)(3) for temporary licensure.

### **Subdivision (c)**

Subdivision (c) provides section 1114 shall become operative on July 1, 2023. This subdivision is necessary for clarity regarding when the section becomes effective.

### **Underlying Data:**

- Assembly Bill 107 (Salas, Chapter 693, Statutes of 2021).
- Minutes: DRAFT - DHBC Full Board Meeting, November 19, 2022.
- Meeting Materials: DHBC Full Board Meeting, November 19, 2022.
- Definitions for Disciplined and Disciplinary Proceeding: [www.lawinsider.com](http://www.lawinsider.com), retrieved on December 6, 2022.
- Definition for Jurisdiction: Black's Law Dictionary (11th ed. 2019), Westlaw © 2022, retrieved on December 6, 2022.

### **Business Impact:**

This regulation will have a positive impact on businesses. This initial determination is based on the following facts:

The proposed regulatory language defines parameters for the Board to issue temporary licensure to military spouses/partners and will provide additional, qualified licensees for businesses to employ. Based on historical numbers regarding expedited military license applications, the Board estimates approximately 10 applicants will apply for temporary licensure, thereby increasing the employment pool of qualified RDHs.

### **Cost Impacts on a Representative Private Person or Businesses:**

The Board has determined this regulatory action may have a minor impact on individuals applying for temporary licensure because the cost for fingerprint processing is approximately \$75. This cost consists of a fingerprint processing center fee \$26, Department of Justice processing fee \$32, and Federal Bureau of Investigation processing fee \$17, with all fees going to the respective businesses and state/federal agencies.

Additionally, a temporary licensure applicant is required to take a California Law and Ethics exam with the cost of the exam at \$29, with the fee going directly to the exam center (PSI Services.)

This regulation will have an economic impact on private businesses. This initial determination is based on the following facts: As mentioned above, private businesses providing fingerprint processing for temporary licensure applicants will collect a fee of \$26 per applicant, which would result in estimated revenues of \$260 per year.

## **Results of the Economic Impact Analysis/Assessment:**

**Impact on Jobs/Businesses:** The Board has determined this regulatory action may impact job availability slightly within the State of California because the proposed language in the regulation allows military spouses/partners licensed in other states to become employed as dental hygienists, thereby possibly decreasing the ability for currently licensed dental hygienists to gain employment in California.

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 defines parameters for the Board to issue temporary licensure to military spouses/partners.

The Board has determined this regulatory action would not impact new businesses within the State of California. The proposed language in the regulation defines parameters for the Board to issue temporary licensure to military spouses/partners.

**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 only qualified military spouses/partners become licensed as dental hygienists.

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 would have a positive impact on small businesses, including the ability of small business to compete in this state because the proposed language in the regulation defines parameters for the Board to issue temporary licensure to military spouses/partners and will provide additional, qualified licensees for small businesses to employ.

## **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:<sup>1</sup>**

Under the proposed regulations, the Board anticipates the following fiscal impact:

A typical license review takes approximately 3.2 hours (1.5 hours of review time plus 1.7 hours to receive and process application (30 minutes), cashier and data entry (20 minutes), respond to any inquiries (20 minutes), and the issuance of the license (20 minutes.) The work is conducted by a Staff Services Analyst at a cost of approximately \$241 per license application.

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<sup>1</sup> The Board places this item in the initial statement of reasons because charts may not be used in the notice based on accessibility reasons.

1114 TEMPORARY LICENSE (AB 107)			
SSA WORKLOAD			
Workload Tasks	Per App	Min/App	SSA
Receive and Process Application	1	30	30
Respond to Inquiries	1	30	30
Review and Approve Application	1	90	90
Cashiering and Data Entry	1	20	20
Issuing License	1	20	20
Minutes per Classification			190
Hours per Classification			3.2
Costs per Classification			\$241
<b>Total Costs:</b>			<b>\$241</b>

\*SSA – Staff Services Analyst (\$76 per hour)

The Board estimates receipt of 10 military spouses/partners temporary licensure applicants per year, based on historical data. The total costs to the Board to issue 10 license applications is estimated to be \$2,460 in year-one of implementation (with a 3 percent staffing costs annual growth factor) and up to \$28,128 over a ten-year period.

1114 TEMPORARY LICENSE (AB 107)												
FISCAL IMPACT												
	Amount	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
AB 107 Applicants	10	10	10	10	10	10	10	10	10	10	10	100
Licensing Workload (SSA – 3.2 hours)*	\$241	\$2,410	\$2,482	\$2,557	\$2,633	\$2,712	\$2,794	\$2,878	\$2,964	\$3,053	\$3,145	\$27,628
Materials and Postage	\$5	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$500
<b>Total Costs:</b>	<b>\$2,460</b>	<b>\$2,532</b>	<b>\$2,607</b>	<b>\$2,683</b>	<b>\$2,762</b>	<b>\$2,844</b>	<b>\$2,928</b>	<b>\$3,014</b>	<b>\$3,103</b>	<b>\$3,195</b>	<b>\$3,195</b>	<b>\$28,128</b>

\*SSA – Staff Services Analyst (\$76 per hour) with 3 percent growth factor per year

The Department of Justice will receive revenues of \$32 per applicant related to processing fingerprint background checks, which would result in estimated revenues of \$320 per year and up to \$3,200 over a ten-year period.

The regulations do not result in costs or savings in federal funding to the state.

**Specific Technologies or Equipment:**

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

**Consideration of Alternatives:**

The Board has initially determined 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 adopt the regulation: This alternative was rejected by the Board as AB 107 mandates the Board to establish regulations to issue temporary licenses to military spouses/partners by July 1, 2023.
- 2) Adopt the regulation: The Board determined this alternative is the most feasible because it establishes a regulation for the Board to establish regulations to issue temporary licenses to military spouses/partners, allowing the Board to be in compliance with the requirements mandated by AB 107.