

AUG 25 2017

DENTAL BOARD
OF CALIFORNIA

State of California
Office of Administrative Law

In re:
Dental Board of California

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 1021, 1022

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

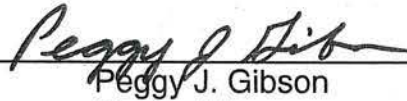
OAL Matter Number: 2017-0816-02

OAL Matter Type: Regular Resubmittal (SR)

In this rulemaking action the Dental Board of California is amending sections 1021 and 1022 of title 16 of the California Code of Regulations. These amendments increase the fees for dentists and dental assistants. This rulemaking action also removes some fees and adopts other new fees.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 8/24/2017.

Date: August 24, 2017



Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Karen Fisher
Copy: Sarah Wallace

OFFICE OF ADMINISTRATIVE LAW

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DEBRA M. CORNEZ
Director

MEMORANDUM

TO: Sarah Wallace
FROM: OAL Front Desk
DATE: August 25, 2017
RE: Return of Rulemaking Materials
OAL Matter Number 2017-0816-02
OAL Matter Type Regular Resubmittal (SR)

OAL hereby returns the rulemaking record your agency submitted for review regarding "Fee Increase."

If this is an approved matter, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5). **Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption concerning the effective date of the regulation approved in this matter applies, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the agency will include the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's web site after OAL posts the Internet Web site link to the full text of the regulation that is received from the agency. (Gov. Code, secs. 11343 and 11344.)

Please note this new requirement: Unless an exemption applies, Government Code section 11343 now requires:

1. Section 11343(c)(1): Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. Section 11343(c)(2): Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at postedregslink@oal.ca.gov.

NOTE ABOUT EXEMPTIONS. Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; or regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

DO NOT DISCARD OR DESTROY THIS FILE (the following does not apply to files that have been disapproved or withdrawn)

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq. regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

RESUBMITTAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW (See instructions on reverse)
NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-0816-02 SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

AUG 24 2017

1:37 PM

2017 AUG 16 P 4:40

OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Dental Board of California	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER: 2016-26-2 PUBLICATION DATE: 6/24/2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fee Increase	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2017-0413-02
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SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

ACTION(S) AFFECTED List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1021, 1022
TITLE(S) 16	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
 August 23, 2016 to September 10, 2016; May 16, 2017 to May 30, 2017

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) Dean R. Graffio, Director, Department of Consumer Affairs		

7. CONTACT PERSON Sarah Wallace	TELEPHONE NUMBER (916) 263-2187	FAX NUMBER (Optional) (916) 263-2140	E-MAIL ADDRESS (Optional) Sarah.Wallace@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Karen M Fischer</i>	DATE 8-16-17
TYPED NAME AND TITLE OF SIGNATORY Karen M. Fischer, MPA, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 24 2017

Office of Administrative Law

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

ORDER OF ADOPTION

Amend Section 1021 of Division 10 of Title 16 of the California Code of Regulations, to read as follows:

§ 1021. Examination, Permit and License Fees for Dentists.

The following fees are set for dentist examination and licensure by the board**:

(a) Initial application for those applicants qualifying pursuant to Section 1632(c)(2) and those applicants qualifying pursuant to Section 1634.1	\$100 <u>400</u>
(b) Initial application for restorative technique examination <u>Initial application for those applicants qualifying pursuant to Section 1634.1</u>	\$250 <u>800</u>
(c) Applications for reexamination <u>Initial application for those applicants qualifying pursuant to Section 1632(c)(1)</u>	\$ 75 <u>400</u>
(d) Restorative technique examination or reexamination	\$250
(e) Fee for application for licensure by credential <u>Initial application fee for those applicants applying pursuant to Section 1635.5</u>	\$283 <u>525</u>
(f) Initial license	\$450 <u>650</u> *
(g) Biennial license renewal fee	\$450 <u>650</u>
(h) Biennial license renewal fee for those qualifying pursuant to Section 1716.1 of the code shall be one half of the renewal fee prescribed by subsection (g(f)).	
(i) Delinquency fee-license renewal - The delinquency fee for license renewal shall be the amount prescribed by section 463.51724(f) of the code.	
(j) Substitute certificate	\$ 50
(k) Application for an additional office permit	\$400 <u>350</u>
(l) Biennial renewal of additional office permit	\$400 <u>250</u>
(m) Late change of practice registration	\$ 50
(n) Fictitious name permit The fee prescribed by Section 1724.5 of the Code	

(en) Fictitious name renewal	\$150650 <u>\$325</u>
(po) Delinquency fee-fictitious name renewal The delinquency fee for fictitious name permits shall be one-half of the fictitious name permit renewal fee.	
(ep) Continuing education registered provider fee	\$250 <u>410</u>
(rg) General anesthesia or conscious sedation permit or adult or minor oral conscious sedation certificate	\$200 <u>500</u>
(sr) Oral Conscious Sedation Certificate Renewal	\$ 75 <u>\$168</u>
(ts) General anesthesia or conscious sedation permit renewal fee	\$200 <u>325</u>
(ut) General anesthesia or conscious sedation on-site inspection and evaluation fee	\$250 <u>2,000</u>
(u) <u>Application for a Special Permit</u>	<u>\$1,000</u>
(v) <u>Special Permit Renewal</u>	<u>\$125</u>
(w) <u>Initial Application for an Elective Facial Cosmetic Surgery Permit</u>	<u>\$850</u>
(x) <u>Elective Facial Cosmetic Surgery Permit Renewal</u>	<u>\$800</u>
(y) <u>Application for an Oral and Maxillofacial Surgery Permit</u>	<u>\$500</u>
(z) <u>Oral and Maxillofacial Surgery Permit Renewal</u>	<u>\$650</u>
(aa) <u>Continuing Education Registered Provider Renewal</u>	<u>\$325</u>
(ab) <u>License Certification</u>	<u>\$50</u>
(ac) <u>Application for Law and Ethics Examination</u>	<u>\$125</u>
(ad) <u>Adult or minor oral conscious sedation certificate</u>	<u>\$368</u>

* Fee pro-rated based on applicant's birth date.

** Examination, licensure, and permit fees for dentistry may not all be included in this section, and may appear in the Business and Professions Code.

Note: Authority cited: Sections 1614, 1635.5, 1634.2(c), 1724 and 1724.5, Business and Professions Code. Reference: Sections 1632, 1634.1, 1646.6, 1647.8, 1647.12, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5, Business and Professions Code.

§ 1022. Dental Auxiliaries.

The following fees are fixed for dental auxiliaries licensed by the board:

(a) <u>Registered Dental Assistant (RDA)/Registered Dental Assistant in Extended Functions (RDAEF) Application</u>	\$20-120
(b) <u>Dental Sedation Assistant Permit Application</u>	\$120
(c) <u>Orthodontic Assistant Permit Application</u>	\$120
(b) (d) <u>Nonclinical RDA Practical Examination or Reexamination</u>	\$30 <u>\$100</u>
(c) (e) <u>Clinical examination or reexamination Registered Dental Assistant in Extended Functions Examination</u>	\$50 <u>\$500</u>
(d) (f) <u>RDA Biennial License Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	\$12 <u>\$100</u>
(e) (g) <u>RDAEF Biennial License Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	\$10- <u>\$100</u>
(f) RDH license renewal (h) <u>Dental Sedation Assistant Permit Biennial Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	\$24- <u>\$100</u>
(g) RDHEF license renewal (i) <u>Orthodontic Assistant Permit Biennial Renewal</u> The biennial renewal fee for licensing periods beginning on or after January 1, 1988 shall be \$30.	\$10- <u>\$100</u>
(h) (j) <u>RDA Delinquency Renewal fee</u> The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.	\$6- <u>\$50</u>
(i) (k) <u>RDAEF Delinquency Renewal fee</u> The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.	\$5- <u>\$50</u>
(j) RDH delinquency fee (l) <u>Dental Sedation Assistant Permit Delinquency Renewal</u> The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.	\$12- <u>\$50</u>

(k) RDHEF delinquency fee <u>(m) Orthodontic Assistant Permit Delinquency Renewal</u>	\$5-\$50
The delinquency fee for licensing periods beginning on or after January 1, 1988 shall be \$15.	
<u>(n) RDA Program Application</u>	<u>\$1400</u>
<u>(o) RDAEF Program Application</u>	<u>\$1400</u>
<u>(p) Orthodontic Assistant Permit Course Application</u>	<u>\$300</u>
<u>(q) Dental Sedation Assistant Permit Course Application</u>	<u>\$300</u>
<u>(r) Infection Control Course Application</u>	<u>\$300</u>
<u>(s) Coronal Polish Course Application</u>	<u>\$300</u>
<u>(t) Pit & Fissure Sealant Course Application</u>	<u>\$300</u>
<u>(u) Radiation Safety Course Application</u>	<u>\$300</u>
<u>(v) Ultrasonic Scaling Course Application</u>	<u>\$300</u>
<u>(w) Substitute certificate Duplicate License/Certification Fee</u>	<u>\$25-\$50</u>

Note: Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1656 and 1725, Business and Professions Code.