

**State of California
Office of Administrative Law**

In re:
Dental Board of California

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 1020.4

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

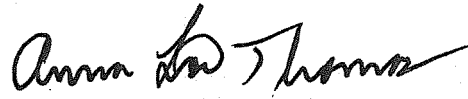
OAL Matter Number: 2021-0528-03

OAL Matter Type: Regular (S)

This action by the Dental Board of California modifies the requirements of the Diversion Evaluation Committee (DEC) membership to no longer include one licensed dental auxiliary and to increase the number of public members to two (2), and to delete the limitation for DEC members to only serve two four-year terms.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2021.

Date: July 13, 2021



Anna Thomas
Attorney

For: Kenneth J. Pogue
Director

Original: Karen Fischer, Executive Officer
Copy: Wilbert Rumbaoa



TO: Wilbert Rumbaoa
FROM: Office of Administrative Law Front Desk
DATE: July 13, 2021
RE: **Return of Rulemaking File**
OAL Matter Number 2021-0528-03S
OAL Matter Type Regular

The Office of Administrative Law (OAL) hereby returns the above-referenced rulemaking file, which was submitted to us for review. If the matter has been approved or authorized for filing and printing by OAL, attached is a copy of the Secretary of State (SOS) endorsed regulations, which are effective as indicated on the Form 400, and a Notice of Approval.

DO NOT DISCARD OR DESTROY THIS FILE ¹ Due to the legal significance of the rulemaking, you are required by law to preserve this rulemaking file.² The law requires that no item be removed, altered, destroyed or otherwise disposed of in the file and that you make it available to the public and courts for potential future review. (Gov. Code, § 11347.3(d)-(e); See also Gov. Code, §§ 14740 *et seq.*; State Admin. Manual (SAM), §§ 1600 *et seq.* (regarding other recordkeeping requirements).) You may transmit the rulemaking record to the State Archives for storage with instructions that the SOS shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. (Gov. Code, § 11347.3(f).)

If your agency submitted the rulemaking file electronically, please promptly confirm receipt of the Closed and Complete Rulemaking File. Please note that all copies of the rulemaking file will be deleted from OAL records. If there is anything missing, please contact us immediately.

Web posting requirements:

Within 15 days of the SOS's endorsement of the regulations, you must post the regulations on your website for at least six months in an easily marked and identifiable location, including the date filed with the SOS and the effective date of the regulations, which are shown on the Form 400. (Gov. Code, § 11340.85(c)(7)-(8).) Also, within five days of posting the regulations online, you must send OAL the link to OAL. (Gov. Code, § 11343(c).) Please send the link to OAL at postedregslink@oal.ca.gov.

If you have any questions, please contact us at staff@oal.ca.gov.

¹ This does not apply to withdrawn or disapproved files, but you may wish to retain a withdrawn/disapproved file for resubmission.

² Unless exempt from the APA. Exempt files are not required by law to be kept, but retention may be beneficial for other reasons.

REGULAR

Instructions
(on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2020-1106-01	REGULATORY ACTION NUMBER 2021-0528-035	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2021 MAY 28 P 4: 02

OFFICE OF
ADMINISTRATIVE LAW

NOTICE REGULATIONS

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

JUL 13 2021
3:04 PM

AGENCY WITH RULEMAKING AUTHORITY
Dental Board of California

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Diversion Evaluation Committee Membership		TITLE(S) 16	FIRST SECTION AFFECTED 1020.4	2. REQUESTED PUBLICATION DATE November 20, 2020
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Wilbert Rumbaoa	TELEPHONE NUMBER (916) 263-2215	FAX NUMBER (Optional) (916) 263-2140
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Diversion Evaluation Committee Membership	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
1020.4
TITLE(S) 16
REPEAL or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)

3. TYPE OF FILING

<input checked="" 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 type="checkbox"/> Resubmittal of disapproved	<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)

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

Effective January 1, April 1, July 1, or Effective on filing with §100 Changes Without Effective other Secretary of State Regulatory Effect (Specify)

October 1 (Gov. Code §11343.4(a))

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) **Kimberly Kirchmeyer, Director, Department of Consumer Affairs**

7. CONTACT PERSON Wilbert Rumbaoa	TELEPHONE NUMBER (916) 263-2215	FAX NUMBER (Optional) (916) 263-2140	E-MAIL ADDRESS (Optional)
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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.

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 13 2021

Office of Administrative Law

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Karen Fischer</i>	DATE Apr 16, 2021
TYPED NAME AND TITLE OF SIGNATORY Karen Fischer, Executive Officer	

**Dental Board of California
Order of Adoption**

Amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 1020.4 of Article 5.5 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations to read as follows:

Section 1020.4. Diversion Evaluation Committee Membership.

- (a) A diversion evaluation committee shall consist of six members: three licensed dentists, ~~one licensed dental auxiliary, one public member~~ two public members, and one licensed physician or psychologist.
- (b) Each committee member shall have experience or knowledge in the evaluation or management of persons who are impaired due to alcohol or drug abuse.
- (c) Each member of the committee shall be appointed by the board and shall serve at the board's pleasure. ~~Members of a committee shall be appointed for a term of four years, and each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. No person shall serve as a member of the committee for more than two terms.~~

Note: Authority cited: Sections 1614 and 1695.2, Business and Professions Code.
Reference: Section 1695.2, Business and Professions Code.